

5. HIGH DENSITY NON-FAMILY GROUP ACCOMMODATION

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At the 1 April 2004 Regulatory and Consents Committee meeting the Committee raised a number of queries regarding student accommodation. This report addresses the questions raised at that meeting with a view to enabling the Committee to better determine whether or not a section 32 analysis relating to student accommodation is necessary.

THE ISSUES

Committee members will recall that the report considered at the April Regulatory and Consents Committee meeting brought to members' attention an increase in the number of student accommodation developments that have resulted in a higher population density and associated effects than that which might generally be anticipated in a Living Zone environment. The increase in these developments noted by Planning Administration staff has been mirrored by a number of complaints that have been received from the public relating to various proposed and actual developments to create higher density student accommodation. The Committee resolved that before it could determine whether or not a section 32 analysis relating to student accommodation was necessary it would need to consider the response to a number of queries. These queries included the current status of student accommodation in terms of the City Plan, the scope of works requiring Building Consent, carparking requirements, and a number of more general queries around the issue of student accommodation. These queries, as recorded in the meeting minutes, will now be addressed in turn:

1. Current definitions, policies or objectives in the proposed City Plan relating to student accommodation, size of household units or family units, boarding houses, hostels and parking requirements in Living Zones and in particular the Living 1 Zone:

The proposed City Plan does not currently define 'student accommodation', 'student hostel', or 'boarding house', and does not set a minimum or maximum size for household or family units. Parking requirements in Living Zones are discussed further in this report. The Plan contains the following relevant definitions, objectives, and policies:

“Residential Activity: Means the use of land and/or buildings for the purpose of living accommodation; and includes the use of land and/or buildings for:

- The provision of accommodation to a maximum of four travellers at a tariff where at least one permanent resident resides on the site;
- Emergency and refuge accommodation; and
- The use of land and/or buildings for supervised living accommodation and any associated caregivers where the residents are not detained on the site;

but does not include:

- Travellers' accommodation activities (other than those specified above); and
- The use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site.

“Residential Unit: Means a self-contained building (or group of buildings including accessory buildings) used for a residential activity by one or more persons who form a single household unit. For the purposes of this definition:

- A building used for emergency or refuge shall be deemed to be used by a single household;
- Where there is more than one kitchen on a site (other than a kitchen in a family flat) there shall be deemed to be more than one residential unit; and
- A residential unit may include no more than one family flat as part of that residential unit.

Travellers' Accommodation Activity: Means the use of land and buildings for transient residential accommodation offered for a daily tariff, which may involve the sale of liquor to in-house guests and the sale of food, and liquor in conjunction with food to both the public and in-house guests. Travellers' accommodation includes motels, holiday flats, motor and tourist lodges and hostels.

Objective 11.2 Housing Needs: Opportunities for housing that meets the needs of all socio-economic groups, tangata whenua and groups requiring a specialised housing accommodation.

Policy 11.2.1 Permanent Living Accommodation: To provide for a range of housing types which offer permanent living accommodation throughout the living environment of the city.

Policy 11.2.2 Elderly Persons Housing: To recognise the particular characteristics of elderly persons living accommodation and provide for elderly persons living accommodation throughout the living environment.

Policy 11.2.4 Emergency Housing: To provide for emergency housing and refuges throughout the living environment in the same manner and as part of permanent living accommodation.

Objective 11.4 Adverse Environmental Effects: A living environment that is pleasant and within which adverse environmental effects on amenity values are avoided, remedies, or mitigated, while still providing the opportunity for individual and community expression.

Policy 11.4.8 Parking: To require on-site parking in association with development in living areas, to ensure the amenity of streets is maintained.”

2. Current requirements in the proposed City Plan, if any, in relation to numbers of and ratio of bedrooms to kitchen or living area:

There are no standards in the proposed City Plan that control the number of bedrooms in a residential unit or set a minimum amount of indoor living space or a ratio of indoor living space to the number of bedrooms. The costs, benefits, and alternatives of such standards are matters that could be considered as part of a section 32 analysis.

3. A review of the previous, transitional plan in relation to accommodation requirements in Living Zones, and reasons and decisions if these have been changed:

Neither the Waimairi or City Transitional Plans contained specific reference or controls relating to student accommodation within Living Zones. The City Plan did, however, include a definition for ‘Boarding House’ that included hostels where lodging was provided for five or more lodgers for a single night or longer. Hostels were provided for in the higher density Residential Zones subject to certain standards controlling building size and carparking. The Waimairi Plan contained a definition for ‘Hostel’ where accommodation was provided with shared service facilities (rather than self-contained units). Hostels were a conditional use in the Residential G Zone, subject to compliance with a number of bulk and location and carparking standards. The Waimairi Plan also provided for student accommodation within the land designated for the University of Canterbury and Teachers College. Both Transitional Plans contained specific standards for accessory buildings such as sleepouts.

No specific policies, definitions, or standards relating to student accommodation in Living Zones were included within the Proposed City Plan as publicly notified in 1995. Student accommodation within the Cultural 4 (tertiary education) Zone was provided for in the Plan subject to certain standards, with these provisions not having been materially amended through the hearings process. No amendments addressing student accommodation resulted from submissions as part of the City Plan hearings process.

4. A review of planning policies and approaches undertaken by other local authorities in relation to student accommodation such as Dunedin and Auckland City Councils:

Dunedin City Council is close to finalising a variation to their proposed Plan to address the potential effects of student accommodation near the campus area. The residential area surrounding the campus has its own zone (Residential 3), with the variation introducing a density control based on the number of habitable rooms per site, as opposed to a minimum site area per unit. Standards controlling the amount of carparking and outdoor amenity space are related to the number of habitable rooms on the site. The Dunedin situation is not directly comparable to Christchurch in that the residential area around the Dunedin campus is almost exclusively occupied by students, making it much easier to apply a discrete zoning and standards to deal specifically with amenity issues concerning student accommodation. In Christchurch the L1 and L2 Zones cover a wide area of the City and therefore any change to the L1 and L2 Zone density standards from minimum site area to maximum habitable rooms would have city-wide implications, the costs and benefits of which would need to be very carefully considered as part of a section 32 analysis.

The Auckland City Plan contains separate definitions for 'residential unit', 'household unit', and 'non-permanent accommodation'. A household unit is described as being a separate housekeeping unit consisting of either a single person, two or more related people, or a group of not more than eight unrelated persons. Any building designed to be used by more than eight non-related persons would not meet the definition of a residential unit and would therefore require resource consent. In addition to residential units, the Auckland Plan also includes a category of 'non-permanent accommodation' that includes buildings used for residential accommodation by five or more people and where the accommodation may involve lodging, board and lodging, or lodging and the provision of communal food preparation and sanitary facilities. Such developments are discretionary activities and are subject to carparking, access, traffic generation, noise, and design and appearance standards.

The issue of accommodation for large groups of non-related occupants is one that a number of urban Councils have struggled to address over recent years. An initial scoping of other Council responses has revealed a number of possible techniques to address the problem, however, none of these are perfect or directly applicable to the Christchurch environment. The section 32 process will enable a more thorough examination of these alternative approaches to be undertaken.

5. A description of current areas (including planning maps) around Siska Place and Clonburn Place in relation to resource consents and appropriate building consents:

It is not possible to determine from the building and resource consent database those consents that are specifically related to the provision of student accommodation as opposed to general residential development. It is likewise not possible to determine from either the consents database or census data those specific properties rented to students. The 2001 census results can, however, be combined to generate a composite map that shows at meshblock level the average for residents who studied for more than 20 hours per week, lived in rented accommodation, lived in a multi-person dwelling, received a student allowance, and were aged between 15 and 24. The maps are included as Appendix 1 and show a concentration of likely student residences immediately surrounding the university, in the higher density L2 and L3 Zones between Riccarton and Blenheim Roads, and in the L2-L4 Zones east of the inner city and in St Albans.

With reference to concerns raised by a delegation of residents at the April 2004 meeting, it is confirmed that building consents have been issued for additions and alterations at 6 Siska Place and internal walls at 8A and 10 Clonburn place. Resource consents were not required because the alterations complied with the proposed City Plan.

On a more general note, a building consent is required to convert a garage into a habitable room and likewise is required for the construction of accessory buildings such as sleepouts. Building consents are also required for the removal or installation of internal walls and the installation of additional kitchens (resource consent may also be required if the subsequent internal layout could result in an additional residential unit being created). A fire safety report may be required for units with a substantial number of bedrooms. There is no requirement or ratio in the Building Act for the provision of a certain amount of living area to bedrooms. Resource consent will only be required if the additions or alterations breach the general zone bulk and location requirements such as site coverage, recession planes, setback from boundaries, or provision of on-site carparking.

6. An evaluation of student residences and accommodation in relation to a legal opinion on the issue by Pru Stevens on a proposal in Yaldhurst Road:

In response to a recent resource consent application to erect four 12-bedroom units at a site at 109 Yaldhurst Road, Council officers obtained a legal opinion from Pru Stevens, solicitor at Goodman Steven Tavendale. Ms Stevens was asked to give an opinion on the status of the proposed development and in particular whether or not the proposed units fell within the Plan definition of a 'residential unit'. It is not in doubt that the proposal constituted a 'residential activity'. As noted above, the Plan definition of a residential unit means 'a self-contained building (or group of buildings) used for a residential activity by one or more persons who form a single household unit', with the definition going on to state that 'where there is more than one kitchen on a site (other than a kitchen in a family flat) there shall be deemed to be more than one residential unit'.

The proposed 12 bedroom units each had a single kitchen for the shared use of the occupants of each unit. They therefore met one element of the definition of a residential unit (not more than one kitchen) and each bedroom could not be said to be a separate, self-contained unit due to the lack of kitchen facilities. The legal opinion emphasised that the definition of a residential unit also includes the key element that the occupants need to form a 'single household unit'. Ms Stevens questioned whether 12 independent people living in the same building could be said to form a single household and the communal, interdependent living arrangements that this implies.

The proposal was for a residential activity and was therefore in principle appropriate in Living Zones. The lack of separate kitchen facilities meant that the proposal was assessed as four units rather than 48 (4 x 12 bedrooms). There was some question as to whether the four proposed buildings were 'residential' units given that it was arguable that the occupants would not function as a single, interdependent household. Given the debatable nature of this aspect of the definition, this specific proposal was considered by officers to meet the definition of residential units and was assessed accordingly. It is important to note that had the view been taken that they were not residential units they would still have been allowed to locate in the Living Zone (as a residential activity), however, would no longer have been subject to the standards controlling the bulk and location of residential units, that is they would have been subject to less rather than more controls. The lack of a separate policy, definition, and set of standards for large group accommodation that does not represent a single, interdependent household, is one of the key factors that needs to be examined as part of a section 32 analysis.

7. Other types of groups or home accommodation that are currently permitted by the proposed City Plan, that could be impacted upon by any changes, eg women's refuges or elderly persons housing:

Women's refuges, emergency housing, and supervised living accommodation are expressly provided for in the Plan definition of a 'residential activity' and a 'residential unit' and are recognised in Policy 11.2.4 as being appropriate in a Living Zone environment. 'Elderly person' and 'elderly person's housing unit' are defined in the Plan, are recognised through Policy 11.2.2, and have their own set of standards to ensure such development is in keeping with a Living Zone environment. It is not anticipated that these existing Plan provisions would be affected by an analysis of student and high density non-family group accommodation.

The purpose of a section 32 analysis is to investigate whether like emergency or elderly persons housing, the provision of this type of accommodation and the management of its effects would benefit from a specific policy, definition, and if appropriate, standards, to address community and officer concerns about such developments.

8. Issues around how a 'student' would be defined, noting the officer recommendation of a section 32 analysis on 'student accommodation':

It is high density, non-family group accommodation that is causing both community and officer concerns, with this type of accommodation generally being rented to tertiary students. As noted in the report to the April 2004 meeting, the concerns do not relate to the housing of students per se, but rather to an increase in the residential density and associated effects on some sites over and above that which would normally be anticipated in a Living Zone environment. While it is possible that some of these higher density developments are not let exclusively to tertiary students, the vast majority that are raising concerns are. The issue has therefore been described as one relating to student accommodation. It is anticipated that the scope of the proposed section 32 analysis would examine current and potential Plan provisions relating to both large scale hostel type developments and large non-family group accommodation in residential areas.

9. Issues around parking space requirements for private residences and internal subdivision of garages to provide additional living space:

Within the Living Zones (except the high density Living 4 Zones), a minimum of two on-site vehicle parks are to be provided for each new residential unit, one of which must be large enough to accommodate a garage. In multi-unit developments one visitor park is also required for every five units. It is important to note that the required spaces are based on the number of units rather than bedrooms. Existing units are not required to retrospectively provide parking spaces. If, however, an existing unit's garage was lost, for example through its conversion into a habitable room, and that loss would result in less than two on-site vehicle parks being provided, then a resource consent would be required so that the proposal's potential effects on parking could be assessed.

The Transport section of the Plan also includes parking standards for 'student hostel accommodation' and 'student residential units', although as noted above the Plan does not contain any definitions for these terms. The relevant standards require student hostels to provide one space for every five beds plus one staff space for every twenty beds. The parking standards for student residential units are the same as for general residential activities.

CONCLUSION

In recent months concerns have been raised by both Council officers and members of the community regarding a number of high density student accommodation proposals in the Living Zones. These proposals range in scale from private hostel type complexes to the ad hoc conversion of garages and the addition of extra bedrooms and sleepouts to suburban dwellings. The concerns over these developments do not relate to the housing of students per se, but rather to an increase in the density ie the number of residents on the site, and poor standards of design and amenity. The increase in density creates related problems such as increased carparking, vehicle movements, general noise, disturbance, and levels of activity.

The vast majority of properties used to accommodate students or large groups do not give rise to unacceptable effects on adjoining properties. Any potential amendments to the Plan to control the adverse effects of what is a relatively small number of inappropriate developments needs to be carefully assessed to ensure that the benefits of such amendments outweigh the costs and that any changes are both pragmatic and enforceable. In particular, it is important to consider whether there is a need for a separate policy that addresses student and non-family group accommodation, a separate definition or amendments to existing Plan definitions, and the need for new standards to control the potential adverse effects of such development.

NEED FOR A COMPREHENSIVE SECTION 32 ANALYSIS

The above discussion shows that the development of higher density student and other non-family group accommodation is a complex issue for which there are no quick and easy answers. It is therefore recommended that the most appropriate way of carefully considering the issue and the various community viewpoints is through a detailed section 32 analysis including consultation with potentially affected parties such as education establishments, and landlord and resident associations. The Committee will be aware that neither Council officers or the Council itself can commit to a variation or plan change making specific changes to the Plan until it has considered a section 32 analysis. To do so would be an unlawful fetter of the Council's discretion to make a decision once submissions have been received and the section 32 analysis is at hand. The recommendations of this report therefore set out the matters to be considered as a part of a section 32 assessment rather than the content of a draft plan change.

PLAN CHANGE VERSUS VARIATION

The Committee will be aware of the Council's desire to make substantial parts of the Proposed City Plan, including the Living zones, operative later this year. The Environment Court has also indicated that it wishes to see the Plan made operative. The preparation of a section 32 analysis, and if appropriate the drafting of amendments to the Plan and the subsequent hearing and potential appeal processes are likely to take a considerable amount of time. Undertaking a variation to the Plan at this stage is therefore unlikely to fit with the Council's desire to make substantial parts of the Proposed City Plan operative.

WHERE TO FROM HERE?

The Committee is requested to consider the following:

- That undertaking a comprehensive section 32 analysis is the most appropriate way to address the relevant issues outlined above; and
- Depending on the outcome of the section 32 analysis, a Plan Change should be prepared with a view to such a change being publicly notified after the Plan is made operative.

Staff

Recommendation: That the Regulatory and Consents Committee accept this report for information; and under delegated authority, resolve:

That the Council shall carry out an analysis of those definitions and Living Zone provisions of the Proposed Plan relating to residential activity and the provision of high density non-family group accommodation in terms of section 32 of the Resource Management Act. The Council shall consider any proposed plan change that may arise from the section 32 analysis after the Proposed Plan becoming operative.

Chairman's

Recommendation: That the above recommendation be adopted.