

### 3. STUDENT ACCOMMODATION IN LIVING ZONES

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#### PURPOSE OF REPORT

The purpose of this report is to update the Committee on issues that have emerged recently concerning the development of student accommodation in Living Zones and to seek direction on the most appropriate way to proceed from this point.

#### THE ISSUES

In recent months the Council's Planning Administration team has noted an increase in the number of general enquiries and applications for Project Information Memorandums for student accommodation developments. This trend has been mirrored by a number of complaints that have been received from the public relating to various proposals to create student accommodation, particularly within Living 1 and 2 Zones. It would appear from the complaints and from officer comments that the plan standards currently permit a scale and type of student accommodation development that is inconsistent with the objectives and policies for Living Zones.

The nature of development proposals varies greatly from large hostels and multi-unit flat developments to the addition of several sleepouts to the rear of a typical residential dwelling. Hostels generally contain individual locked rooms and communal dining and laundry facilities, with recent examples including University Hall on the corner of Maidstone and Ilam Road and the College of Education Hostel. Purpose built flat developments contain a number of units with each unit resembling a 'flat' in that they have a number of unlocked bedrooms with shared living areas, bathroom, kitchen and laundry facilities. A recent example is the Ilam flats development off Homestead Lane.

The above examples of high density student developments are expressly provided for in the Cultural 4 Zone around the University of Canterbury, however, there have been several recent proposals for large student accommodation developments in Living Zones. These recent proposals currently meet the Plan definition of a residential activity and are therefore in principle permitted as of right in Living Zones. In most cases they do not, however, meet the Plan definition for a residential unit as the occupants cannot generally be said to be living together as a single, interdependent household and as such they are not subject to a number of the current density and amenity standards which cover residential units. This has led to concerns that the current Plan standards are not adequate in ensuring that the potential adverse effects of such developments are able to be fully controlled.

At the other end of the spectrum are relatively small ad hoc developments aimed primarily at maximising the number of bedrooms in residential dwellings that are subsequently able to be rented to students. These developments are generally occurring in the Living 1 and 2 Zones in the north west of Christchurch and take a number of forms including:

- The conversion of living rooms and accessory buildings such as garages into bedrooms;
- Substantial extensions to existing dwellings to create large numbers of additional bedrooms;
- The erection of new accessory buildings on the site to be used as sleepouts, including in one case the use of portacombs;
- The erection of new dwellings with only one kitchen but a significant number of bedrooms, for example a recent proposal for four, 12-bed units on a large site at 109 Yaldhurst Road;
- The erection of new dwellings or the conversion of existing dwellings into a number of small self-contained units. Only one kitchen is shown on the building consent plans and therefore it is accepted that they represent a single residential unit, however, it is suspected that at a later date either additional kitchens are installed to create smaller 'flats' or that mini kitchenettes are provided in each room. This later work occurs without building consent and is often difficult to detect unless complaints are received from adjoining neighbours.

In general the concerns over these smaller 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. These relatively small scale developments are proving difficult to control or enforce under the current city plan policies and rules as they currently meet both the definition of a residential activity and the general bulk and location rules that govern the development of residential units.

## THE OPTIONS

There are a number of City Plan objectives and policies that support the provision of a range of housing forms and tenure in order to meet the diverse housing requirements of the city's population. The provision of a variety of accommodation is, however, qualified by the need to ensure that such accommodation is generally compatible with the character and amenity of the surrounding environment. The most relevant Plan provisions are:

### *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.*

Any future amendments to the Plan aimed at controlling the potential adverse effects arising from the development of student accommodation therefore need to be focussed not on unduly restricting the provision of student accommodation in Living Zones but rather on ensuring that such development does not give rise to densities and effects that are out of keeping with that which might reasonably be anticipated in a Living one environment.

There are several possible options to deal with the above issues from a planning perspective. The first option is to create a new policy to specifically address student accommodation in Living Zones. In order for such a policy to achieve the existing Plan objectives it would need to acknowledge that student accommodation is appropriate in Living Zones, provided that its effects on the character and amenity of the surrounding area are able to be adequately mitigated. Such a policy would be similar to current specific policies that address such matters as elderly persons housing (*policy 11.2.2*), family flats (*policy 11.2.3*) and traveller's accommodation (*policy 11.2.4*) in Living Zones.

The definitions of 'residential activity' could be reviewed to specifically exclude student accommodation above a certain density eg five residents, thereby making it an 'other activity' and subject to the resource consent process. A new definition for 'student accommodation' could be created to address proposals over the five student threshold, with such proposals being subject to additional standards to ensure any adverse effects are able to be mitigated. This approach would be useful in ensuring that applications for large scale student developments are able to be thoroughly assessed through the resource consent process.

The residential activity definition could be amended so that it permits accommodation to be offered as of right to not more than for example five students. Such an exception would be similar in principle to the exception that is currently made for allowing accommodation to be provided to not more than four travellers and could be justified on the basis that the potential effects of providing accommodation to up to five students would be no more than those arising from a 'normal' residential activity. The exception would also mean that large numbers of landlords who currently rent out normal residential dwellings to students would not be required to apply for resource consent. In the majority of such cases a four or five bedroom dwelling rented to students will have no more affect on neighbours than a family with several teenage children. Having to obtain a resource consent in such situations is therefore an unjustifiable imposition.

Amending the current definition for residential activity and adding a new definition for student accommodation would need an associated review of the rules and assessment matters under which applications for student accommodation could then be assessed. These additional standards could function in much the same way as the current standards for travellers accommodation or elderly persons housing in Living Zones, ie proposals would be subject to the general zone rules, as well as additional standards specifically targeted at controlling potential adverse effects arising from group accommodation.

An alternative is to keep the current definitions unchanged (and therefore in principle permit all forms of student accommodation in Living Zones), but amend the general Living Zone standards to address any development that increases density and reduces amenity in Living Zones. Examples of such development could include such things as sleepouts and large numbers of bedrooms in the one dwelling. Amendments to general zone rules could be justified on the basis that the effects of increased density on neighbouring properties are the same whether the development is occupied by students or any other group of society.

It is important to note that the above options are examples of some of the planning tools available and that a thorough section 32 analysis and associated public consultation is necessary before any amendments to the Plan are contemplated. It should also be noted that some of the perceived adverse effects arising from student accommodation, for example noise and rubbish, are currently able to be controlled through existing Plan rules and Council bylaws. There are also certain controls available under the Building Act and Health and Safety legislation to deal with such matters as a number of non-permitted kitchenettes in the one dwelling.

### **NEED FOR A COMPREHENSIVE SECTION 32 ANALYSIS**

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 detailed section 32 analysis including consultation with potentially affected parties such as education establishments, and landlord and residents associations. 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 analyses 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, drafting of appropriate 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 soon 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 student 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:** For discussion.