CHRISTCHURCH DISTRICT PLAN

PLAN CHANGE 4

SHORT-TERM ACCOMMODATION

PLANNING OFFICER'S REPORT UNDER SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991

21 April 2021

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LIST OF ABBREVIATIONS

CCRP	Christchurch Central Recovery Plan
CRPS	Canterbury Regional Policy Statement
GCRA / GCR Act	Greater Christchurch Regeneration Act 2016
IMP	Maahanui Iwi Management Plan
LPRP	Lyttelton Port Recovery Plan
LURP	Land Use Recovery Plan
MBIE	Ministry of Business, Innovation and Employment
MfE	Ministry for the Environment
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement
OARP	Ōtākaro Avon River Corridor Regeneration Plan
PC4	See 'the Plan Change'
RMA / the Act	Resource Management Act 1991
the Council	Christchurch City Council
the Plan	Christchurch District Plan
the Plan Change/ Plan Change 4	Proposed Plan Change 4

1 INTRODUCTION

1.1 REPORTING OFFICER

1.1.1 My full name is Alison McLaughlin. I am employed as a Senior Policy Planner in the District Planning Team of the Christchurch City Council (**the Council**). I have been employed as a planner by the Council since January 2013.

1.1.2 I hold a Masters of Planning Practice degree from the University of Auckland with first class honours as well as an MA in English Literature and a BA in Classics from Rutgers University. I am an intermediate member of the New Zealand Planning Institute.

1.1.3 I have nine years' experience in planning and resource management in New Zealand, having worked as a Graduate Planner for Auckland Council for one year before coming to Christchurch City Council. I have worked on a variety of projects, the most relevant of which is the Christchurch District Plan Review where I was the chapter leader for Chapter 6 General Rules and Procedures and led the review of the provisions for (among other topics) temporary activities, late-night licensed premises/sale of alcohol and scheduled activities. I also assisted with the provisions for temporary earthquake recovery activities, particularly rebuild workers' temporary accommodation.

1.1.4 I worked on the feasibility assessments for vacant commercial and industrial land for the Council's Business Capacity Development Assessment required under the NPS-UDC 2016. I am also the chapter leader for Chapter 11 Utilities.

1.1.5 I am the author of Proposed Plan Change 4 and the accompanying s32 report having led the review of the District Plan provisions for short-term accommodation for the past three years.

1.2 THE PURPOSE AND SCOPE OF THIS REPORT

1.2.1 This report has been prepared in accordance with Section 42A of the Resource Management Act 1991 (**the Act/RMA**). It makes recommendations on Council initiated Plan Change 4 (**the Plan Change / PC4**) to the Christchurch District Plan (**the Plan**) and submissions and further submissions received on it. A copy of the notified Plan Change is contained in Appendix 1.

1.2.2 The Plan Change was notified on 22 September 2020, with submissions and further submissions closing on 24 October 2020 and 10 December 2020 respectively. The Council received 133 submissions requesting 518 separate decisions. These attracted further submissions from 18 submitters[1], opposing or supporting the decisions requested in the first round of submissions. A copy of the submissions and further submissions received as well as a summary of the decisions

[1] Noting that it is at the Panel's discretion whether or not to accept FS17 and FS18 as further submissions. These submissions were received during the further submission period but did not include specific references to decisions requested in the original submissions.

requested can be found on the Council's website at: ***https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/planchange4/***

1.2.3 The purpose of this report is to assist the Hearings Panel by highlighting relevant information and issues regarding Plan Change 4, including statutory requirements, and make recommendations on the submissions and further submissions received. Recommendations as to acceptance, acceptance in part or rejection of the submissions and further submissions received can be found in Appendix 4 – Recommendations on Decisions Requested in Submissions and Further Submissions.

1.2.4 The scope of this report includes:

i. Summary of Plan Change 4;

ii. Background and summary of matters relevant to the Plan Change;

iii. An overview of submissions and further submissions received;

iv. Statutory requirements and alignment with other Acts, regulations and non-statutory considerations;

v. Discussion of matters relevant to the Plan Change;

vi. Analysis and evaluation of submissions, and recommendations;

vii. Summary of the Section 32 assessment and the 32AA assessments for amendments sought in submissions that are recommended to be accepted (c.f. Appendix 3);

viii. Consideration of the Plan Change in terms of Part 2 of the Act;

ix. Conclusion and recommendations.

1.2.5 I confirm that the opinions expressed in this report are within my area of expertise, except where I am relying on facts and information provided to me by another person. I have indicated where I have done so below in the discussion of the issues.

1.2.6 As required by Section 32AA, further evaluation of recommended changes to amendments proposed in Plan Change 4 has been undertaken and is attached in Appendix 3.

1.2.7 I have considered and stated, where applicable, all material facts known to me which might alter or qualify the opinions I express. It must be emphasised that any conclusion and recommendations made in this report are my own and are not binding upon the Hearings Panel or the Christchurch City Council in any way. It should not be assumed that the Hearings Panel will reach the same conclusions as I have when they have heard and considered all of the evidence presented.

2 PLAN CHANGE 4 OVERVIEW

2.1 SUMMARY OF THE PROPOSAL

2.1.1 Plan Change 4 seeks to more specifically recognise and manage the demand for a range of short-term accommodation options including visitor accommodation in residential dwellings but also home exchanges, house-sitting and serviced apartments. This affects zones that generally enable residential activities at present (including residential, rural and commercial zones and the Papakāinga/Kāinga Nohoanga Zone).

2.1.2 Plan Change 4 proposes, in summary, the following changes to the Christchurch District Plan:

a. combine the definitions for "guest accommodation", "farm stay" and "bed and breakfast" in to one definition ("visitor accommodation" - relying on the National Planning Standards definition) and use activity specific standards in the rules to differentiate between these activities;

i. amend the definitions of "residential activity" and "residential unit" to better differentiate these activities from visitor accommodation and to clarify the status of other types of short-term accommodation which may not be captured as "living accommodation" in the current definition including serviced apartments, house-sitting and home-exchanges;

ii. include amendments to the rules resulting from the broader scope of the "visitor accommodation" definition (which includes farm stays and bed and breakfasts whereas "guest accommodation" specifically excluded them). Replacing the term means that definitions such as "sensitive activities" that rely on the "guest accommodation" definition previously did not apply to farm stays and bed and breakfasts but now do, as do some of the transport standards;

iii. make amendments resulting from the replacement of the "guest accommodation" definition, which specified which ancillary activities (such as conference or fitness facilities) were included while the new "visitor accommodation" definition does not. Some changes have been made to the rules in zones or areas including the Accommodation and Community Facility (ACF) Overlay to continue to provide for ancillary activities where these are not already permitted in the zone or overlay. In the ACF Overlay, limits on the scale of ancillary activities have been introduced consistent with the limits in the Residential Visitor Accommodation Zone;

iv. introduces a new objective and several new policies in the residential chapter which are specific to visitor accommodation. These differentiate between small-scale and/or hosted visitor accommodation activities that retain a residential character and are appropriate to locate in residential zones and larger scale activities with a commercial character that are primarily directed to commercial centres;

v. amends a policy in the commercial chapter to clarify that the intention is not to primarily direct visitor accommodation within the Four Avenues into the Entertainment and Hospitality Precincts;

vi. introduces new standards for hosted visitor accommodation in a residential unit (formerly "bed and breakfasts") including limits on late night arrivals and departures and sizes of functions;

vii. changes the activity status for unhosted visitor accommodation in a residential unit in most residential zones from Discretionary to Controlled for 1-60 nights per year, Discretionary for 61-180 nights per year and Non-Complying for more than 180 nights per year;

viii. changes the activity status for unhosted visitor accommodation in a residential unit in most rural zones from Discretionary to Permitted for 1-180 nights per year (subject to requirements to keep records and provide information to the Council) and Discretionary for more than 180 nights per year;

ix. supports the ongoing use of heritage items by enabling them to be used for visitor accommodation in residential zones for a larger number of guests and a greater number of nights per year than residential units. A Controlled activity status resource consent is required if a manager or supervisor does not live on site so that amenity impacts on neighbours can be managed; and

x. differentiates between several types of activities that currently sit under the "farm stay" definitions and applies different standards to them (e.g. visitor accommodation accessory to farming as opposed to visitor accommodation accessory to a conservation activity or walking or cycling track.)

2.1.3 In addition to the changes above, the Council proposes in parallel with PC4 to implement the National Planning Standard definition for "visitor accommodation" to replace the current District Plan definition to "guest accommodation" (and related definitions) and to make consequential amendments to the objectives, policies and rules. Under s58(I) of the RMA the Council must amend its District Plan to ensure consistency with a National Planning Standard and make any consequential amendments to avoid duplication or conflict with a National Planning Standard without using a Schedule 1 consultation process. The first set of National Planning Standards gives the Council discretion when it implements the Standards but this must be within seven years of gazettal (i.e. by May 2026).

2.2 BACKGROUND TO THE PLAN CHANGE

2.2.1 Monitoring of the effectiveness and efficiency of the current District Plan provisions found a significant increase in offerings of visitor accommodation in residential dwellings (home-share accommodation) since the District Plan provisions were last reviewed. This has given rise to concerns about the effects of the activity on neighbours and the surrounding area. The issue also came up in the context of concerns expressed by residents over urban design outcomes in multi-unit residential developments in areas where development is intensifying; and resource consents planners and compliance officers who noted ambiguities with some of the definitions and rules.

2.2.2 ChristchurchNZ estimates that between June 2016 and June 2019 the percentage of accommodation guest nights taken up by Airbnb and HomeAway/Bookabach guests rose from

less than one per cent to approximately 27 per cent. In the twelve months up to September 2019, on those two websites alone, there were approximately 4,230 listings for home-share accommodation in the Christchurch district of which 2,135 (50 per cent) were for whole residential units[2].

2.2.3 These numbers have decreased as a result of the Covid-19 international travel restrictions but are likely to return to a comparable level once international travel resumes.

2.2.4 The District Plan currently distinguishes between "bed and breakfast" activities where a permanent resident is required to be present for the stay and "guest accommodation" activities, which do not have that requirement.

2.2.5 The current District Plan rules generally require a Discretionary resource consent for "guest accommodation" activities in residential and rural zones (with some exceptions). This requirement applies from the first day that the unit is let.

2.2.6 Data collected from AirDNA suggests there were an estimated 1,600 listings in residential zones in 2019 that required a resource consent although it is difficult to determine from the listings which sites may still have a permanent resident in another unit on the site. There are likely to be more listings in rural zones that are not part of a farm stay or rural tourism activity and also require a resource consent.

2.2.7 Despite this, only a handful of resource consent applications have been lodged with the Council to date.

2.2.8 In addition, there have been issues identified with the objectives, policies and rules that apply to home-share accommodation through decisions on resource consents by Council and the Environment Court.

2.2.9 Council decisions on two of those applications were to decline the application despite the environmental effects being found to be less than minor. The Council's commissioner considered that the applications were inconsistent with the objective and policy framework for non-residential activities which seeks to "restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant."[3]

2.2.10 The Commissioners on those two decisions noted that they were "troubled" by the outcome but felt that the existing policy framework for non-residential activities did not give scope to approve the applications. One of those decisions was recently successfully appealed in the Environment Court which noted that "the plan provisions may not adequately respond to the demand for this activity."[4]

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[2] Information on the number of listings comes from AirDNA, an independent market research firm which compiles webscraped data on Airbnb and HomeAway/Bookabach, the two largest operators in Christchurch District. There are a number of other platforms where home-share accommodation can be listed, so the AirDNA statistics will generally be conservative estimates of the size of the market rather than exact figures. This data does not distinguish between "whole unit" listings where the owner may live in a different residential unit on the same site and units where the host is not in residence.

[3] Policy 14.2.6.4

[4] *Archibald v CCC* [2019] NZEnvC 207 at [51]

2.2.11 Thirdly, a review is appropriate because there is a lack of evidence to justify the current policy framework and rules in the District Plan. Through research that Council has undertaken, there has not been found to be significant negative impacts of home-share accommodation in a Christchurch context on housing supply and affordability, rural character and amenity nor the regeneration of the Central City that would otherwise provide a basis for such a restrictive approach to small-scale, part-time listings by permanent residents of the unit or rural holiday homes listed when not in use by the owner(s)

2.2.12 Plan Change 4 was developed by the Council to address these issues, taking into account a range of specialist reports and advice. The key considerations relevant to the plan change, including the actual and potential effects of the proposal, and the proposed mitigation measures, have been discussed in the Section 32 and technical reports accompanying the Plan Change. Where relevant to issues raised in submissions these matters will be discussed in more detail in section 7 of this report.

3 OVERVIEW OF SUBMISSIONS AND FURTHER SUBMISSIONS

3.1.1 The Council received 133 submissions requesting 518 separate decisions. These attracted further submissions from 18 submitters[5], opposing or supporting the decisions requested in the first round of submissions. For the summary of submissions and further submissions refer to Appendix 4. Copies of the submissions and further submissions received can be found on the Council's website at: *https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/planchange4/*

3.1.2 The submissions and further submissions can be grouped according to the issues raised, as set out in the table below, and they will be considered in that order in section 7 of this report. A number of submissions expressed general support or opposition to the Plan Change (noted in Issue 1 below). These submission points have not also been included as supporting or opposing specific parts of the proposal listed as separate issues in the other rows of the table.

3.1.3 A number of decisions requested have been supported or opposed by further submissions. These are noted in the table in Appendix 4.

Table 1 – Issues raised in submissions that are considered in scope

ISSUE	CONCERN / REQUEST
1. General support or opposition	a. General support for the proposed plan change as notified in whole or in part, in some cases also suggesting some additional amendments to specific provisions. (S3.1; S5.1; S10.1; S11.1; S16.1; S21.1; S30.1; S32.1; S36.1; S47.1; S68.1-2; S75.7, S75.10; S82.1; S82.5-8; S106.1; S118.1-2; S120.3; S121.1; S123.1; S128.1; S131.1; S132.4; S133.1) b. General opposition to the proposed plan change as a whole (e.g. requests for less regulation or fewer costs). A number of these submissions also sought in general terms a different set of provisions

[5] Noting again that it is in the Panel's discretion whether or not to accept FS17 and FS18.

ISSUE	CONCERN / REQUEST
	with greater recognition of the economic and community benefits of visitor accommodation in residential units. (S7.1; S8.1; S15.1; S25.1; S31.1; S34.1; S35.2; S37.1; S38.1; S42.1; S44.1; S48.2; S49.1; S50.2; S51.1-2; S53.1; S54.1; S58.1; S64.1; S67.1; S72.1; S73.1; S74.7; S76.1; S76.4; S77.2; S96.1; S100.6-7; S101.3-4; S114.1-2; S115.1; S127.1) c. Some submissions sought less regulation of visitor accommodation in a residential unit in general terms (S61.4; S83.1; S95.1; S100.1-2; S112.1-2, 7; S119.9)
2. Timing of the plan change/relationship to potential national direction	a. Council continue to engage with LGNZ and/or Central Government on creation of a registration system and alignment with potential national direction (S1.4; S28.3; S57.6; S60.3; S67.7; S69.2; S74.3; S78.3-4; S83.7; S84.6; S87.4; S118.11; S119.2; S121.6, 10; S123.10) b. Delay the Plan Change to await the outcomes of a national working group organised by central government and/or to align with future national direction (S22.1-2; S48.3; S55.2; S57.3; 58.2; S67.3; S83.3; S84.2; S107.3; S119.1-2) c. Delay the Plan Change until the impacts of the Covid-19 pandemic on the industry are better understood (S83.2a; S119.1)
3. Relationship of the proposed provisions with the broader regulatory framework/ Potential to use other methods instead of District Plan provisions	a. Use of a registration system, platform-based review system, code of conduct and/or rates to manage the effects instead of a resource consent requirement (S1.3; S22.1, S22.3; S25.3; S29.3; , S50.3; S51.3; S57.7-8; S67.6, S67.8-9; S69.3-4; S83.6, S83.8-9; S84.5; S84.7-8; S97.1; S107.6; S119.5, S119.10) b. Provisions in the District Plan requiring compliance with health and safety provisions such as fire alarms (S13.3; S18.2; S36.12; S85.3; S87.3; S90.16; S124.1; S131.5) Alternately, cross-referencing in the District Plan referring users to the need to comply with the Building Act, Building Code, fire safety and/or other relevant national regulations (S106.9; S123.3-4)
4. Distinction between hosted and unhosted visitor accommodation in a residential unit	a. Remove the distinction between hosted and unhosted visitor accommodation in a residential unit in the notified proposal and operative Plan (S1.1; S57.5; S67.5; S83.5; S84.4; S100.4; S101.3; S107.5; S112.8-9; S119.3) b. It is too difficult to distinguish between hosted and unhosted visitor accommodation in a residential unit when a host may reside in a different residential unit on the same site or be supervising the activity in some other way (S78.1; S118.3) c. Other submitters wished to see the distinction retained (S36.2; S87.1; S90.12; S102.1; S124.1)
5. Proposed changes to objectives and	a. Support for the proposed changes to Objective 14.2.6 and Policies 14.2.6.3 and 14.2.6.4 to the extent that they distinguish visitor

ISSUE	CONCERN / REQUEST
policies distinguishing visitor accommodation from the suite of objectives and policies that apply to non-residential activities Objective 14.2.6 Policy 14.2.6.3 Policy 14.2.6.4 Policy 14.2.6.7	accommodation in residential units from the objectives and policies that apply to non-residential activities in residential zones. (S112.19-21)
6. Proposed new objective and policies for visitor accommodation in residential zones Objective 14.2.9 Policy 14.2.9.1 Policy 14.2.9.2 Policy 14.2.9.3 Policy 14.2.9.4	*Directions regarding maintenance of residential character and amenity* a. Retain the notified objective and policy directions to maintain the residential character and amenity of residential zones. (S36.3; S90.14; S101.23-24; S102.5; S124.1; S131.2) b. Amend proposed Objective 14.2.9 to reflect the listing platforms' and their supporters' view that visitor accommodation in a residential unit is a form of residential activity. Airbnb's submissions sought to: o remove the reference to retaining the primary use of a residential unit as a residential activity (clause (a)(ii)); o specify that the restrictions in clause (b) limiting the establishment of visitor accommodation in residential zones only applies to the formal sector; and o add a clause supporting enabling home sharing in residential zones and recognising the contribution that it makes to the economic and social wellbeing of the District. (S112.22) c. HospitalityNZ expressed the view that visitor accommodation in a residential unit is a visitor accommodation activity rather than a residential activity (S123.2) d. Airbnb sought to replace Policy 14.2.9.1 with wording that is more enabling of home sharing including: o recognising it as a valid use of a residential unit; o not imposing any additional requirements beyond the standards for residential use; and o only restricting it locating in areas that could give rise to reverse sensitivity effects on strategic infrastructure. (S112.23) e. HospitalityNZ also sought amendments to Objective 14.2.9 to include more directive language to "avoid" visitor accommodation in residential zones and to require that applications demonstrate consistency with residential amenity levels and no impact on housing

ISSUE	CONCERN / REQUEST
	supply. (S123.5, S123.7) Another submitter sought a requirement for applicants to demonstrate that there was no compliant formal accommodation available in the immediate neighbourhood. (S126.2) f. HospitalityNZ (S123.6-7, 9) also sought changes to Policy 14.2.9.1 to: o limit unhosted visitor accommodation in a residential unit to 60 nights a year, require that residential use remain the dominant use of the site and apply the "avoid" direction in Policy 14.2.9.1(c) to any unhosted visitor accommodation in a residential unit that exceeds 60 nights per year; o clarify for hosted visitor accommodation in a residential unit that the host must occupy the same residential unit g. Some submitters sought stronger wording that would make it clear that consent would not be granted for unhosted visitor accommodation in a residential unit that exceeded the night limits in the Residential Central City Zone (S88.4-5; S90.8, S90.11, S90.15; S124.1) *Larger-scale and/or commercial-type visitor accommodation directed to commercial centres* h. Support the proposed changes to the objective and policies for visitor accommodation in residential zones to reinforce the centres-based strategy. (S36.3; S75.4, S75.8; S90.4; S91.1; S102.3; S110.1; S124.1) i. Provide more definition around what is meant by "commercial-type visitor accommodation" and suggest this apply only to large capacity venues and not hosted residential dwellings. (S70.5) j. Amend the objectives and policies to also require commercial-type visitor accommodation in residential zones to comply with commercial accommodations requirements. (S85.2; S126.1) k. HospitalityNZ sought that Objective 14.2.9.1(b)(iii) be reframed to address the effects of visitor accommodation in residential zones deterring the use of visitor accommodation facilities within the Central City and commercial centres. (S123.5) l. One submitter acknowledged there were likely to be amenity impacts on neighbours but did not consider that the effects justified non-complying activity status after 180 days or that the other considerations in Policy 14.2.9.1(c) (i.e. impacts on commercial centres or strategic infrastructure) should be included (S118.4). In particular, this submitter considered that having an "avoid" policy for impacts on commercial centres in combination with non-complying activity status for activities over 180 days a year, effectively prohibited the activity in residential zones. (S118.6-7)
7. Definitions distinguishing between kinds of	*All definitions*

ISSUE	CONCERN / REQUEST
residential and visitor accommodation activities	a. General support for the proposed changes to the definitions (S75.5; S82.4) b. One submission sought consistent use of formatting with defined terms (S82.2) *"hosted visitor accommodation in a residential unit" and "unhosted visitor accommodation in a residential unit"* c. A simpler defined term (e.g. for "home sharing") instead of the multiple activities proposed. (S57.2; S67.2; S83.2B; S84.1; S101.11; S107.2; S112.10, 12) *"residential activity" "residential unit"* d. Include either all visitor accommodation in residential units or some versions (e.g. low capacity hosted units) in the definition of a "residential activity" (see Issue 6b above) e. Clarify how the phrase "visitor accommodation accessory to a residential activity" in the proposed definition of "residential unit" relates to the new proposed definitions for "hosted visitor accommodation in a residential unit" and "unhosted visitor accommodation in a residential unit" (S101.14) f. Individual stays longer than 21 days (rather than the proposed 28 days) are included in the definition of a residential activity. (S112.10) There was also support for the proposed classification of individual bookings over 28 days as a residential activity (S101.13). Another submitter sought a more explicit threshold in the Plan for when a residential unit is no longer considered a residential unit by virtue of the principal activity being visitor accommodation. (S106.5) *"visitor accommodation"* g. Support implementation of the National Planning Standards definition (S101.16) and consequential amendments to the District Plan provisions (S101.19-20, S101.33). • Other issues raised with definitions related to permitted activity status for visitor accommodation in a residential unit (through inclusion in the residential activity definition); sensitive activities; ancillary activities; references to health and safety requirements; and inclusion of the Specific Purpose (Golf Resort) Zone provisions. Those issues have been analysed with the relevant topic groups below.
8. Planning issues managed by the proposed plan change	More permissive provisions that focus on "planning issues" rather than "behavioural issues", which some submitters considered were addressed by other parts of the regulatory framework (S1.5; S57.9; S67.10; S69.5; S73.1; S83.10; S84.9)

9. Visitor accommodation in residential units in residential zones (and specific purpose and industrial zones that enable residential activities) Policy 14.2.9.1 and rules setting up a three-tiered consenting regime of Controlled activity status for 0-60 nights, Discretionary activity status for 61-180 nights and Non-complying activity status after 180 nights	a. Support the proposal (S16.2; S102.4; S131.3-4, 6) b. Consider visitor accommodation in a residential unit a form of residential activity and permit it subject to the same standards as other residential activities. Some submitters suggested tying permitted activity status to the capacity of the unit and only requiring a resource consent for larger scale activities. Airbnb's submission (which was supported by a number of other submitters) sought Permitted activity status for "home sharing" subject to a single activity specific standard requiring keeping records of the number of nights booked per year. If this standard was not complied with, they seek Controlled activity status. (S112.24). They also sought to replace the proposed provisions in the Specific Purpose (Flat Land Recovery) Zone (S112.18) and the Industrial General (Waterloo Park) Zone (S112.27) in the same way. (S1.2; S4.1; S9.1; S12.1; S20.1; S24.3; S25.1-4; S26.1, S26.3-6; S27.1; S28.1-2; S29.1-2; S31.3; S34.1-2; S35.3; S38.2; S40.2; S41.1-3; S42.2, S42.5; S45.1; S46.1-3; S48.1; S50.1; S52.1, S52.3; S53.2-4; S55.1; S56.1; S57.1; S61.1-2; S62.1; S65.1-3; S66.1; S71.1; S73.2; S77.1; S83.11; S99.1; S101.9, S101.13, S101.25; S107.1; S112.3-5, S112.11, S112.14, S112.24; S116.1; S117.1; S119.5-6) c. Other suggested alternatives that are more permissive than the proposal include: o Unhosted visitor accommodation in a residential unit should be a Controlled activity year-round without night limits. (S109.2) o Permitted activity status for the first 60 nights and then Controlled or Discretionary activity status beyond that (S108.1; S118.8-9) o Controlled activity status for the first 180 days and Discretionary activity status beyond that (S130.1). d. A more restrictive regime than the proposal. Variants suggested include: o Keeping the current District Plan provisions which require a Discretionary activity resource consent for all unhosted visitor accommodation in a residential unit (S17.1; S18.1-2; S80.1; S81.1) o Controlled activity status for the first 30, 45 or 60 nights and Non-complying or Prohibited activity status for more than that. In some submissions, this proposed approach was specific to the Residential Central City Zone. (S85.1; S87.2; S88.1-3; S90.2, S90.5-7, S90.13; S105.1-2; S120.1; S123.8; S124.1; S126.1) o Controlled activity status for the first 60 nights, Discretionary activity status from 61-120 nights and Non-complying activity status for more than 120 nights. (S132.2-3) o Restricted Discretionary rather than Controlled activity status for the first 60 nights. (S106.2, S106.6; S121.8)

	o Discretionary activity status for 1-180 nights and a more restrictive activity status beyond that. (S98.1) o Not allowing visitor accommodation in residential zones (S91.2) e. Support the proposal for night limit thresholds (S75.1; S82.7; S95.2; S102.4; S125.1) f. Remove the limits on the number of nights per year unhosted visitor accommodation in residential unit can be offered from the notified proposal. This includes removing references to controls on the duration and frequency of the activity in Policy 14.2.9.1(b)(i) and 14.2.9.1(c). (S1.6; S22.1; S26.1; S31.5; S34.3; S39.1; S40.1; S42.3; S45.2; S52.2, S52.4; S57.4, S57.10; S59.1; S60.1; S62.2; S67.4; S69.1; S74.1; S77.1; S78.2; S79.1; S83.4; S84.3; S93.1; S96.3; S100.8; S107.4; S109.1; S111.3; S117.1; S118.5; S119.4) g. Other submitters considered that the threshold should either be increased or lowered. Variants proposed included: *Less restrictive than the proposal:* o In residential zones, Permitted activity status for the first 60, 90 or 180 days (S23.1; S74.2; S86.1; S108.1; S118.8-9) *More restrictive than the proposal:* o In residential zones, fewer nights per year provided for as a Controlled activity. Some suggestions included 30 or 45 nights per year. (S36.6; S87.2; S120.2) h. Alternative criteria o Tie the night limits to the number of nights per year a property is listed as available instead of the number of nights per year the property is booked. (S2.1) o Night limits only apply to unhosted properties with a visitor capacity exceeding 10 people or 5 rooms. (S70.1, S70.9) Other submitters suggested these requirements should not apply where there are only a small number of guests (e.g. 2). (S74.6) o Limits on the frequency of bookings (S92.1-2)

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10. Activity specific standards for hosted visitor accommodation in a residential unit in the proposal	a. Support additional activity specific standards for hosted visitor accommodation in a residential unit including restrictions on check-in and check-out times after 10pm or before 6am and functions or events on the property with more guests than paying overnight visitors. Supporting limits on check-in/check-out times: S10.3; S36.5; S75.2; S102.2; S110.2 Supporting limits on size of functions: S75.2; S102.2; S110.2 b. Remove additional activity specific standards for hosted visitor accommodation in a residential unit proposed in the notified plan change Opposing limits on check-in/check-out times: S26.2; S27.3; S31.2; S39.2; S42.4; S45.3; S61.3; S70.3; S70.6, S74.4; S76.2; S90.3; S96.2; S111.2; S117.2; S124.1 Opposing limits on size of functions: S27.3; S39.2; S61.3; S70.3; S70.6, S74.5
11. Other activity specific standards and assessment matters not in the proposal	a. Require a log book be kept by hosts including the number of days rented, details of occupants and the number of days the property was available to rent (S2.2). b. Additional restrictions on unhosted visitor accommodation located on a private laneway. (S36.9) c. Provisions that would limit the transfer of the resource consent when the property is sold to a new owner (S36.10) d. Provisions limiting the length of resource consents for unhosted visitor accommodation in residential zones to three years (S36.11) e. Bookabach sought more information on what would guide consideration of the proposed matters of control and how they would be implemented, monitored and enforced. (S119.7)
12. Rural zone and Papakāinga/Kāinga Nohoanga Zone provisions	a. Support for the proposed provisions for rural zones (S70.2; S102.6; S103.1) b. Support for splitting the activities that formerly sat under the “farm stay” definition and considering their provisions separately. (S70.7) c. Rural zones should not have different provisions for unhosted visitor accommodation to what was proposed for residential zones (S13.1) d. In Rural and Papakāinga/Kāinga Nohoanga Zones, replace the proposed provisions with a “home sharing” activity that would be Permitted subject to a single activity specific standard to keep records and Controlled for activities that did not comply with that standard. (S112.16-17, 29-30) e. Opposed to night limits in rural zones (S27.2; S39.3) Issues 9(b) and 9(f) also include submissions that opposed night limits in general terms without specifying rural zones.

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	f. CIAL also raised concerns about potential overlaps between the definitions of “hosted” or “unhosted” “visitor accommodation in a residential unit” and terms replacing “farm stay” (e.g. visitor accommodation accessory to farming”) (S101.35) g. In the 50 dB L_{dn} Air Noise Contour or 50 dB L_{dn} Engine Testing Contour, for the three categories of visitor accommodation replacing the “farm stay” definition, require guests to be accommodated in an existing residential unit (if accessory to farming) or an existing residential building (excluding any vehicle, trailer, tent, etc.) if accessory to a conservation activity or rural tourism activity (S101.35; S101.37)
13. Proposed changes to the objectives and policies for the Commercial chapter Objective 15.2.5 Policy 15.2.6.1	a. Additional recognition of home sharing as a subset of residential activities recognised in Objective 15.2.5 as activities that should be supported in the Central City. (S112.25)
14. Commercial zone provisions	a. If visitor accommodation in a residential unit is singled out as a separate activity from residential activities and visitor accommodation in other zones, it should also be specifically provided for in commercial zones for avoidance of doubt. (S112.26) b. Support for not inserting provisions for “visitor accommodation in a residential unit” activities in commercial zones. The submitter sought that if such activities were inserted, a standard should apply that the activity should not be located within the 50 dB L_{dn} Air Noise Contour. (S101.30)
15. Ancillary activities to visitor accommodation	a. Support for the proposed changes for ancillary activities in the Accommodation and Community Facilities Overlay including limits on their scale and consideration of impacts on commercial centres. (S75.6; S82.7) b. Ensure that replacement of the “guest accommodation” definition with the National Planning Standards definition of “visitor accommodation” does not reduce the scope of activities that could be undertaken, either through amendments to the National Planning Standards definition or changes to the rules to recognise ancillary activities cited in the previous definition explicitly (S82.3).
16. Transport/parking provisions	a. Support for the proposed changes to the parking and other transport standards (S75.3). One submitter noted that a lack of minimum car parking requirements is consistent with the NPS-UD. (S118.12) b. Remove any remaining requirements for visitor accommodation in a residential unit to comply with parking standards beyond what would

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	be required for the residential dwelling. (S59.2; S60.2; S70.4; S76.3; S79.2; S96.4; S101.18; S112.15) c. The same parking standards that apply to commercial visitor accommodation should also apply to visitor accommodation in a residential unit. (S13.2; S126.1)
17. Notification requirements	a. Requirements in the District Plan that neighbours be notified and/or have to give permission before unhosted visitor accommodation can be undertaken in a residential unit (S18.1; S126.3; S133.1) b. If resource consent requirements for visitor accommodation in residential units in the notified proposal are retained in the Plan, they should be subject to non-notification clauses with the only exception being where limited notification is required with respect to reverse sensitivity rules for strategic infrastructure. (S112.6)
18. Management of density/cumulative effects	a. Some submitters sought additional standards or other mechanisms to enable consideration of the cumulative effects of visitor accommodation in residential units or to manage clustering of units in desirable areas. These included: i. limiting the number of properties that can be used for unhosted visitor accommodation within the same area or on the same site; ii. limiting unhosted visitor accommodation in multi-unit residential dwellings with three or more units; or iii. additional assessment matters for unhosted visitor accommodation in residential units including cumulative effects on residential amenity and social cohesion and cumulative effects on housing supply. (S36.4; S121.2-3; S106.3, S126.5) b. Existing visitor accommodation in residential units in the Central City Residential Zone must comply with the new provisions. (S90.17; S124.1)
19. Area-specific provisions requested	*Banks Peninsula* a. More permissive provisions for specific areas including Akaroa, Diamond Harbour and/or the small settlements on Banks Peninsula where there are a large percentage of holiday homes. Te Pātaka o Rākaihautū/ Banks Peninsula Community Board proposed that on Banks Peninsula, unhosted visitor accommodation in a residential unit should be a permitted activity for the first 180 days in both rural and residential zones. (S6.1; S14.1; S16.3; S19.1; S33.1; S63.1; S100.5; S103.2; S122.1) *Central City* b. No resource consent requirement within the Central City/Four Avenue (S14.2; S24.1).

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	c. A more restrictive regime for unhosted visitor accommodation in residential units in the Central City – only allowing it in business and mixed-use zones (S90.1; S124.1). *Outside the Central City* d. A more permissive regime outside of the Central City (permitted for over 180 nights per year) (S95.3)
20. Site-specific provisions requested	a. Site-specific recognition for visitor accommodation activities that have been undertaken on the sites in the past. These were: o 6 Whitewash Head Road. Permit continued operation of retreat house. (S113.1) o 602 Yaldhurst Road. Permit up to 15 guests at a time. (S89.1)
21. Specific Purpose (Golf Resort) Zone	a. Inclusion of the Specific Purpose (Golf Resort) Zone in the changes proposed by the notified version including: i. amendments to the definition of "residential activities" to include resort hotels; ii. reduction of the maximum period of owner occupancy of resort hotel bedrooms in the SP(GR)Z from three months to 28 days to align with proposed changes to the residential activity definition; iii. addition of rules for "hosted visitor accommodation in a residential unit" and "unhosted visitor accommodation in a residential unit" into the SP(GR)Z consistent with the rules proposed for residential units in other zones within the noise contours. (S101.13, S101.21)
22. Sensitive activities near infrastructure	a. Supporting the proposal with respect to the provisions for sensitive activities near important infrastructure in whole or in part (S36.7; S101.2, S101.5-8, S101.10, S101.27, S101.31-32, S101.36, S101.38) b. Support for the references to protection of strategic infrastructure in Objective 14.2.9(b)(iv) and Policy 14.2.9.1(c). (S101.22) c. Seeking clarification that the definitions and the provisions that "hosted visitor accommodation in a residential unit" and "unhosted visitor accommodation in a residential unit" both clearly fall under the definition of "sensitive activities" (S94.1-2; S101.11-12) d. Airbnb did not oppose inclusion of visitor accommodation in a residential unit with the definition of "sensitive activities" but suggested incorporating those activities into the "residential activities" definition instead. (S112.13) e. Alternative wording for the "sensitive activities" definition to avoid having an exception within an exception (S101.15) f. Any potential reverse sensitivity effects from visitor accommodation in a residential unit should continue to be managed as sensitive activities. CIAL does not oppose visitor accommodation in existing residential units as long as this does not increase residential density

ISSUE	CONCERN / REQUEST
	within the noise contours. CIAL was particularly concerned with managing the risk of residential activities associated with commercial film or video production activities establishing within the noise contours. (S101.10) g. Support for the requirement for noise attenuation for sensitive activities within the airport noise contours. CIAL sought that the acoustic attenuation standards for other habitable areas in residential units be extended to also apply to visitor accommodation in Rule 6.1.7.2.2 and Appendix 14.16.4. (S101.17, S101.29) h. Halswell/Hornby/Riccarton Community Board sought that consideration be given to enabling very short term accommodation in caravans and campervans in association with events at Ruapuna or elsewhere within the airport noise contours. (S102.10) i. Amendments to the rules for the Residential Suburban Zone, Residential Suburban Density Transition Zone and Residential New Neighbourhood Zone (14.4.1.3 and 14.12.1.3) requiring within the 50 dB L_{dn} Air Noise Contour, a restricted discretionary resource consent for hosted visitor accommodation in a residential unit, unhosted visitor accommodation in a residential unit or visitor accommodation in a heritage item that are not provided for as a permitted or controlled activity so that reverse sensitive risks can be assessed and mitigated. (S101.28) j. Amendments to Appendix 14.16.4 to clarify the standards for indoor design and sound levels that would apply to hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit. (S101.29) k. No changes to the provisions in the Rural Urban Fringe or Rural Waimakariri zones that might enable additional development or establishment of residential units within the airport noise contours in excess of what is permitted in the Plan. (S101.34, S101.39) l. Alternative wording for Rules 17.5.1.1 P20 and P21 to use more consistent terminology for the airport noise contours. CIAL noted that they are not concerned with buildings such as tents and caravan being used a residential units (subject to compliance with District Plan standards) but that establishment of visitor accommodation that is not within a residential unit in such structures should be avoided within the airport noise contours. (S101.34, S101.39) m. In the Rural Urban Fringe and Rural Waimakariri zones, an alternative drafting of the activity specific standards grouping the standards that apply within the 50 dB L_{dn} Air Noise Contour and 50 dB L_{dn} Engine Testing Contour and restricting accommodation of guests to an existing residential unit. (S101.35, S101.37, S101.39)

ISSUE	CONCERN / REQUEST
23. Visitor accommodation in heritage buildings	a. Support for the proposed provisions for visitor accommodation in heritage buildings. (S70.8; S102.7; S132.1) b. CIAL noted that heritage buildings within the noise contours would still need to comply with the acoustic attenuation standards for sensitive activities. (S101.26)
24. Emergency temporary accommodation provisions	a. Temporary Accommodation Services at MBIE submitted seeking greater recognition in the District Plan of the need to enable the establishment of temporary accommodation in response to an emergency. This included: i. exemptions or flexibility around setback provisions, site coverage/density rules, provision of services and permitted activities enabling the streamlined placement of temporary accommodation (S129.2-3; S129.5; S129.7) ii. identification and recognition in the District Plan of sites suitable for temporary accommodation villages (S129.3; S129.6) iii. a temporary accommodation policy similar to the Canterbury Earthquake Order (S129.4)
25. Monitoring & Enforcement	a. More information be included in the Plan on how compliance with the provisions would be monitored. (S30.2; S32.2) or enforced (S30.1; S119.7; S126.4) b. Specification in the District Plan of fines or other penalties for breaches of the resource consent requirements. (S2.3; S87.6) c. Consents are allowed unless specific complaints are made about the activity. (S95.3) d. Effectiveness of the proposed provisions be reviewed in two years' time. Ongoing monitoring and reporting on the impacts of the changes on issues including housing affordability. (S36.14; S87.9)
26. Additional work required	a. Additional engagement with stakeholders and/or ChristchurchNZ. (S1.7; S67.6; S83.6; S84.5; S107.6) b. Additional assessment of the impact on centre vitality and amenity from the loss of formal visitor accommodation in or near commercial centres. (S106.8)

3.1.4 I have identified the following submission points that I consider cannot be addressed in decision making on PC4. I have collated a list of these decisions requested below with a reason for each point being, in my view, outside the scope of matters that can be addressed in the Plan Change. I have provided the list below so that submitters are aware of the concern regarding the submission points. Submitters may wish to respond to this list either through the presentation of their submission and evidence at the hearings; or in writing beforehand. This is also intended to assist the Panel if it wishes to make a recommendation regarding whether the submission can be addressed through, or is outside the scope of, the Plan Change.

Table 2 – Issues raised in submissions that may be out of scope

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
S8.2	Graham Paul	Oppose	"They should pay tax on their rental income like every other landlord, but otherwise they should not be unfairly disadvantaged as the current proposals would do."	These decisions requested are out of scope to the extent that they relate to taxes or rates charged for visitor accommodation in a residential dwelling. The District Plan provisions do not relate to taxes or rates so it is beyond the Panel's remit to make a recommendation on those matters.
S9.1	Catherine Webber	Oppose	"Remove any and all regulations / fees surrounding private homeowners becoming accommodation providers."	
S10.2	Inner City East Neighbourhood Group (c/o Monica Reedy)	Support in part	"Ensure the suggested higher standard of consent is applied and any subsequently permitted properties pay commercial rates to the Council."	
S18.2	Mount Pleasant Neighbourhood Watch Group (c/o Brent McConnochie)	Oppose	"[*Apply*] rules fairly - same rates, same compliance and same resource consents for all accommodation providers."	
S31.4	Denise Wedlake	Oppose	"Don't feel that small – unique operators… should be penalized with business rates."	
S35.1	Debbie Rehu	Oppose	"The residential rates here in Rapaki are very high, over $4k	

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
			per year, so if the council decided to charge commercial rates instead of residential rates for Air BnB hosts… it would be unaffordable.”	
S87.3	Inner City West Neighbourhood Association (ICON) (c/o Jill Nuthall)	Support in part	“Consent should be followed by an increase in rates and commercial conditions such as those imposed on motels.”	
S21.2	Waipapa/Papanui-Innes Community Board (c/o Emma Norrish)	Support in part	“The Board would however, recommend that the enforcement of the changes be consistent. In implementing the proposed District Plan changes, the Board requests that the Council assign appropriate resources to carry out the enforcement of the changes.”	The strategy, resourcing and methods for compliance efforts are a matter for the Council to consider through the Long Term Plan process rather than the District Plan. The Panel is not able to make a recommendation on these matters.
S75.9	Inner City East Revitalisation Project Working Group (c/o Jane Higgins)	Support in part	“Would like to stress how vital it is that these new regulations are policed well and that the consequences for breaches are substantial enough to deter owners from breaking the rules.”	
S87.5	Inner City West Neighbourhood Association (ICON) (c/o Jill Nuthall)	Support in part	“Once a register is in place use technology across many platforms to monitor compliance as with New York, Barcelona etc. This can work eg when a potential visitor checks the website and if after the 60th day, they cannot place a booking… Set up monitoring systems eg using multiple social media platforms… Monitor and research the effects of registration and new	

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
			regulations and report findings to CCC and the public”	
S87.8		Support in part	“Appoint specialised staff to monitor and enforce the regulations.”	
S118.10	Jacob Turnbull	Oppose in part	“More work should be done by the Council to manage the activity through education.”	
S121.4	Ricki Jones	Support in part	“Improved education leading to awareness of the Rules and regulations of STRA within the CCC and General Public.”	
S121.5		Support in part	“Changes made to the CCC website with respect to Visitor Accommodation that is informative, clear & user friendly eg Kaikoura and Queenstown.”	
S121.9		Oppose in part	“That the council enforcement and compliance teams are adequately staffed and supported. That they keep up to date with the various methods used in an attempt to manipulate and avoid compliance, especially with respect to website and platforms. Harsher fines are introduced. Reverse the general perception that the CCC ‘s likelihood of enforcing rules for Visitor Accommodation is low.”	
S123.12	Canterbury Branch of	Support in part	“CCC effectively enforces PC4”	

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
	Hospitality New Zealand			
S131.7	Commodore Airport Hotel Limited (c/o Jamie Robinson)	Support in part	“Ensure that the rules, when introduced, are subject to rigorous compliance enforcement (both to ensure that appropriate resource consents are being obtained, and that the conditions on consents are being complied with so that adverse effects on neighbours are minimised).”	
S36.13	Waimāero/ Fendalton-Waimairi-Harewood Community Board (c/o David Cartwright)	Support in part	“Noting that there are certain requirements regarding the time for processing consents the Board would like to see that the Council process any resource consents applications within a timely manner.”	Statutory timeframes for processing resource consents and processes for setting fees are set out in the RMA. The Council endeavours to process applications as quickly as possible and limits fees to those necessary for the processing of the application. Controlled activity resource consents can be fast-tracked applications under s87AAC. However, the Panel is not able to make a recommendation through the plan change process related to either the processing time of consent applications or the fees charged.
S47.2	Mary Crowe	Support in part	“Support the proposed Plan Change in full, however in regard to consent fees for 60 nights or less… suggest the consent application should be waived or the fee be only a minimal amount, eg $100 as many people renting out all or part of their home presently to not apply for a resource consent anyway.”	
S119.8	Bookabach (c/o Eacham Curry)	Oppose in part	“Council has not indicated how long it believes the processing time for Resource Consent applications will be or how it will resource the thousands of applications likely to be made if the propose Plan Change is implemented… seek further information from Council on these points.”	

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
S36.8	Waimāero/ Fendalton-Waimairi-Harewood Community Board (c/o David Cartwright)	Amend	"While outside the scope of this consultation would recommend that [*improved noise protection for visitor accommodation located within the airport noise contour*] be a requirement for all new residential projects within the noise contour."	As the submitter notes, to the extent that this decision requested relates to activities other than short-term accommodation it is outside the scope of PC4. Under Rule 6.1.7.2.2 of the operative Plan all new buildings and additions to existing buildings within the 55 dB L_{dn} air noise contour which is intended for a residential unit or visitor accommodation are required to meet noise attenuation standards.
S101.13	Christchurch International Airport Ltd	Oppose	"Resort hotels in the Specific Purpose (Golf Resort) Zone are presently occupied for up to three months at a time by the same owner / occupier. They should therefore be included in the definition of residential activities."	See discussion under Issue 21 below
S101.21		Amend	[*Specific Purpose (Golf Resort) Zone - Rules 13.9.4 and 13.9.4.1*] "CIAL strongly opposes the omission of the Specific Purpose (Golf Resort) Zone from plan change 4…	

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<tr><th>ID</th><th>Submitter</th><th>Support/ Oppose</th><th>Summary of Decision Requested</th><th>S42A Comment</th></tr>
<tr><td></td><td></td><td></td><td>The total number of days' occupancy threshold determined by the Council should apply equally to this zone…

Amend the provisions in the Specific Purpose (Golf Resort) Zone to align with the regulations proposed for visitor accommodation in the rest of the district. Including the following:

Amend the Specific Purpose (Golf Resort) Zone as follows:
<table>
<tr><td>P9</td><td>Resort hotel bedrooms and associated activities.</td><td>a. Up to 350 bedrooms in total within the Clearwater Golf Resort, with up to 255 bedrooms within the 55 dB L_{dn} airport noise contour, including associated ancillary buildings.
b. The maximum period of owner occupancy of resort hotel bedrooms</td></tr>
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ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
			shall be ~~three months~~ 28 days in total per calendar year. And Insert rules related to “hosted visitor accommodation in a residential unit” and “unhosted visitor accommodation in a residential unit” into these zone rules. Insert rules which are consistent with the rules proposed for accommodation activities which occur in residential units in other zones and which appropriately manage those sensitive activities within the Noise Contours.”	
S101.17	Christchurch International Airport Ltd	Support in part	[*Noise provisions - Rule 6.1.7.2.2 Activities near Christchurch Airport*] “CIAL supports the amendments which confirm that the relevant acoustic insulation standards for residential units apply to any new buildings or additions to existing buildings that will be used for visitor accommodation in a residential unit. In addition, CIAL seeks that a standard for other habitable spaces is inserted for other	To the extent that the relief sought would apply to activities other than short-term accommodation (e.g. hospitals and health care facilities) it is outside the scope of the plan change.

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
			forms of visitor accommodation to align with the standards for residential activity. Retain proposed amendments to rule 6.1.7.2.2 and amend further. 6.1.7.2.2 Activities near Christchurch Airport a. The following activity standards apply to new buildings and additions to existing buildings located within the 55 dB L_{dn} air noise contour or the 55 dB L_{dn} engine testing contour shown on the planning maps: i. Any new buildings and/or additions to existing buildings shall be insulated from aircraft noise and designed to comply with the following indoor design sound levels: A. Residential units, including hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit: I. Sleeping areas – 65 dB L_{AE}/40 dB L_{dn} II. Other habitable areas – 75 dB L_{AE} /50 dB L_{dn} B. ~~Guest~~ Visitor accommodation, resort hotels, hospitals and health care facilities: I. Relaxing or sleeping - 65 dB L_{AE} /40 dB L_{dn}	

ID	Submitter	Support/ Oppose	Summary of Decision Requested	S42A Comment
			II. Conference meeting rooms - 65 dB L_{AE} / 40 dB L_{dn} III. Service activities – 75 dB L_{AE} /60 dB L_{dn} IV. Other habitable areas – 75 dB L_{AE} /50 dB L_{dn}"	

4 STATUTORY CONSIDERATIONS UNDER SECTIONS 74 AND 75

4.1 INTRODUCTION

4.1.1 The s32 report in section 2.1 and Appendix 1 provides a comprehensive overview of the statutory and non-statutory documents that were considered in the preparation of PPC4. That discussion remains relevant to my analysis of the issues and submissions here and, for the sake of brevity, I will adopt it for the purposes of this report and not repeat it. The discussion below includes additional points which I consider are useful to emphasise in the context of my recommendations on the decisions requested in the submissions particularly where I have recommended changes to the proposal.

4.2 THE RESOURCE MANAGEMENT ACT 1991

4.2.1 Section 74 of the Resource Management Act (**RMA**) sets out the matters that must be considered in preparing a change to a district plan.

4.2.2 Among other things, RMA Section 74 requires that a local authority change its district plan in accordance with its functions under section 31, its duties under Section 32 and 32AA, the required contents of district plans under Section 75 and the overall purpose of the Act under Part 2. Part 2 includes matters of national importance (Section 6), other matters that require particular regard in achieving the purpose of the Act (Section 7) and the Treaty of Waitangi (Section 8).

4.2.3 Plan Change 4 aligns with the Council's functions under Section 31 which include:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of the land and associated natural and physical resources of the district

(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district

(d) the control of the emission of noise and the mitigation of the effects of noise

4.2.4 Relevant directions in national and regional policy statements, national environmental standards and national planning standards are discussed in sections 5.1, 5.2 and 5.3 below. Their relevance to the Plan Change and to the submissions received is discussed in section 7 below.

4.3 GREATER CHRISTCHURCH REGENERATION ACT 2016

4.3.1 The Greater Christchurch Regeneration Act 2016 (**GCRA**) supports the regeneration of Greater Christchurch. Its purposes (section 3) include:

a. *enabling a focused and expedited regeneration process*
b. *facilitating the ongoing planning and regeneration of greater Christchurch*
c. *enabling community input into the development of Regeneration Plans*
d. *recognising the local leadership of Christchurch City Council (et al) and providing them with a role in decision making under this Act*

4.3.2 Section 60 of the GCR Act provides that Recovery Plans prepared under the now repealed Canterbury Earthquake Recovery Act 2011 or Regeneration Plans prepared under the GCR Act must be considered in the preparation of a change to an RMA document under Schedule 1. The following Recovery/Regeneration Plans are relevant to this plan change:

a. Christchurch Central Recovery Plan (**CCRP**);

b. Land Use Recovery Plan (**LURP**);

c. Lyttelton Port Recovery Plan (**LPRP**);

d. Ōtākaro Avon River Corridor Regeneration Plan (**OARCRP**).

4.3.3 Any recommendation or decision on Plan Change 4, including decisions in relation to submissions, must not be inconsistent with the Recovery Plans identified above[6]. However, this direction expires with the partial repeal of the Greater Christchurch Regeneration Act 2016 which takes effect from 30 June 2021[7].

5 STATUTORY INSTRUMENTS

5.1 NATIONAL POLICY STATEMENTS / NATIONAL ENVIRONMENTAL STANDARDS / NATIONAL PLANNING STANDARDS

National Policy Statement on Urban Development (**NPS-UD**)

5.1.1 The National Policy Statement on Urban Development Policy 11 requires District Plans to remove minimum carparking standards other than for mobility carparks. The Council is planning to implement this by removing its minimum carparking standards in parallel with Proposed Plan Change 5G which makes minor consequential changes to other District Plan chapters reflecting the removal of the minimum carparking requirements from Chapter 7. A hearing date on PC5 is anticipated in the second half of 2021.

National Planning Standards

5.1.2 As discussed in the s32 report, the Council is proposing to implement the National Planning Standards definition for "visitor accommodation" in parallel with this Plan Change. Pursuant to s58I(3) changes to a District Plan to implement mandatory directions in a National Planning

[6] Greater Christchurch Regeneration Act 2016 s60(2)
[7] Greater Christchurch Regeneration Act 2016 s151(1)

Standard and any consequential amendments necessary to avoid duplication or conflict with the amendments must be made without using a Schedule 1 consultation process.

5.1.3 The first set of National Planning Standards includes mandatory directions to use the definitions in the definitions list in Standard 14 if a term or a synonym for that term are used in the Plan. They must be used as defined in the Planning Standard, however, the Plan can include sub-definitions of the defined term as long as it the sub-definition is consistent with the higher level definition.

5.1.4 Mandatory direction 5 enables councils to consider whether or not to include instructions on how definitions relate to one another, giving the example of nesting tables or Venn diagrams to show, for example, that the definition of "hosted visitor accommodation in a residential unit" is a sub-category of the broader defined term "visitor accommodation".

5.1.5 While the format of the current Christchurch District Plan does not use nesting tables for definitions, direction 5, in my view, gives scope to amend Planning Standards definitions to indicate their relationship to other defined terms in a comparable way to how a nesting table would by adding a list of related sub-definitions under the Planning Standards definition.

5.2 REGIONAL POLICY STATEMENT

5.2.1 The Canterbury Regional Policy Statement (**CRPS**) provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. These methods include directions for provisions in district plans.

5.2.2 The s32 report summarises the objectives and policies relevant to a consideration of the issues raised in submissions below and I adopt it here but note some directions that are particularly relevant but discussed in less detail in the s32 report.

5.2.3 There are a number of directions in the CRPS seeking to support commercial centres by primarily directing commercial activities there and avoiding development that undermines the viability of commercial centres[8]. This is relevant to the Plan Change to the extent that visitor accommodation in a residential unit that is not primarily also used for a residential activity meets the definition of a commercial activity under the CRPS and consideration needs to be given to whether or not (or which types) of this activity need to be primarily directed to commercial centres rather than being enabled in residential zones.

5.2.4 Other relevant objectives and policies relate to maintaining urban form by managing the types of activities that establish in rural areas to maintain a contrast between rural and urban areas[9]. For example, Policy 5.3.12 seeks to maintain and enhance resources in the rural environment contributing to Canterbury's overall rural productive capacity. It seeks to enable tourism, employment and recreational development in rural areas provided it:

a. is consistent and compatible with rural character, activities and an open rural environment;

b. has a direct relationship with or is dependent on rural activities;

[8] Objective 6.2.5; Objective 6.2.6(3); Policy 6.3.1(8); Policy 6.3.6(4)

[9] Objective 6.2.1; Policy 6.3.1(4)

c. is not likely to result in a proliferation of employment that is not linked to the rural environment; and

d. is of a scale that does not compromise objectives for a consolidated growth pattern.

5.3 CHRISTCHURCH DISTRICT PLAN

5.3.1 The section 32 report attached to Plan Change 4 contains a summary of the relevant objectives, policies and rules in the operative Christchurch District Plan (section 2.4 and Appendix 2) and an evaluation of the proposal against the relevant District Plan objectives and policies (section 5). I agree with the assessment carried out and adopt it here except where I have noted I am recommending changes in the analysis of issues (Section 7) and S32AA assessment (Appendix 3) below.

6 MATTERS RELEVANT TO THE PLAN CHANGE PROPOSAL

6.1.1 The issues have been considered in section 2.2 of the s32 evaluation attached to the Plan Change. The overview of the issues is, in my view, comprehensive and I adopt it for the purposes of this report. Where amendments to the provisions proposed by the Plan Change are recommended, I have specifically considered the obligations arising under s32AA (refer to section 8 below and Appendix 3).

7 ANALYSIS AND EVALUATION OF SUBMISSIONS

a. The following analysis addresses both the effects on the environment of the plan change and the appropriateness of the plan change request in terms of the relevant national, regional and district plan objectives, policies and standards. All of the provisions proposed in the plan change have already been considered in terms of section 32 of the Act. Where amendments to the plan change are recommended, I have specifically considered the obligations arising under s32AA (refer to section 8 and Appendix 3).

b. For ease of reference, all submissions considered under a particular subject, as outlined in paragraph 3.1.3, Table 1, are listed in the heading of the relevant discussion. I have summarized my recommendations to the Panel in bold text at the end of each relevant section or subsection. My recommendation on each submission and a summary of reasons are also shown in a table format in Appendix 4 – Table of Submissions with Recommendations and Reasons, attached to this report.

c. As a result of consideration of submissions, I recommend some amendments to the notified version of the District Plan provisions. In this report, the operative District Plan text is shown as normal text. Terms which rely on the District Plan definition are shown in green underlined text. Amendments proposed by the notified Plan Change as notified are shown as **black bold underlined** or ~~**black bold strikethrough**~~ text. Any text recommended to be added by this report will be shown as **red bold underlined** text and that to be deleted as ~~**red bold strikethrough**~~ text. Defined terms within text recommended to be added are

shown in **green underlined text**. Appendix 2 shows all of the proposed Plan Change 4 amendments in one place.

7.1 ISSUE 1: GENERAL SUPPORT OR OPPOSITION

ISSUE	CONCERN / REQUEST
1. General support or opposition	a. General support for the proposed plan change as notified in whole or in part, in some cases also suggesting some additional amendments to specific provisions. (**S3.1; S5.1; S10.1; S11.1; S16.1; S21.1; S30.1; S32.1; S36.1; S47.1; S68.1-2; S75.7, S75.10; S82.1; S82.5-8; S106.1; S118.1-2; S120.3; S121.1; S123.1; S128.1; S131.1; S132.4; S133.1**) b. General opposition to the proposed plan change as a whole (e.g. requests for less regulation or fewer costs). A number of these submissions also sought in general terms a different set of provisions with greater recognition of the economic and community benefits of visitor accommodation in residential units. (**S7.1; S8.1; S15.1; S25.1; S31.1; S34.1; S35.2; S37.1; S38.1; S42.1; S44.1; S48.2; S49.1; S50.2; S51.1-2; S53.1; S54.1; S58.1; S64.1; S67.1; S72.1; S73.1; S74.7; S76.1; S76.4; S77.2; S96.1; S100.6-7; S101.3-4; S114.1-2; S115.1; S127.1**) c. Some submissions sought less regulation of visitor accommodation in a residential unit in general terms (**S61.4; S83.1; S95.1; S100.1-2; S112.1-2, 7; S119.9)**

7.1.1 A number of submissions expressed general support for or opposition to the proposal as noted above. In the discussion below on specific issues, for the sake of brevity I have not repeated the submission points expressing general support or opposition but note that these submissions were also received and are relevant to those issues.

7.1.2 Having considered the submissions, I am recommending some amendments to the proposal as discussed with the analysis of the relevant issues below and summarised in Appendices 3 and 4. In general, the changes proposed reduce some of the requirements for resource consents for visitor accommodation in residential units (e.g. removing maintenance of the exterior of the property as a matter of control; changing the scale of the accommodation where non-residential parking and transport standards apply; more permissive rules for Banks Peninsula residential zones).

7.1.3 However, I consider the general approach taken in the notified Plan Change remains the most appropriate.

7.1.4 **Therefore, I recommend that the submission points for Issue 1:**

a. expressing general support for the notified proposal (1a) be accepted in part.

b. expressing general opposition to the notified proposal (1b) be rejected

c. seeking less restrictive provisions for visitor accommodation in a residential unit in general terms (1c) be accepted in part.

7.2 ISSUE 2: TIMING OF THE PLAN CHANGE/RELATIONSHIP TO POTENTIAL NATIONAL DIRECTION

ISSUE	CONCERN / REQUEST
2. Timing of the plan change/relationship to potential national direction	a. Council continue to engage with LGNZ and/or Central Government on creation of a registration system and alignment with potential national direction (**S1.4; S28.3; S57.6; S60.3; S67.7; S69.2; S74.3; S78.3-4; S83.7; S84.6; S87.4; S118.11; S119.2; S121.6, 10; S123.10**) b. Delay the Plan Change to await the outcomes of a national working group organised by central government and/or to align with future national direction (**S22.1-2; S48.3; S55.2; S57.3; 58.2; S67.3; S83.3; S84.2; S107.3; S119.1-2**) c. Delay the Plan Change until the impacts of the Covid-19 pandemic on the industry are better understood (**S83.2a; S119.1**)

7.2.1 A number of submissions noted that there is a central government working group organised by MBIE which is considering issues and responses for short-term accommodation. The Council is willing to continue to engage and assist with this work (which is in part a response to the Council's remit in June 2019 to LGNZ seeking national direction on a registration system) as required.

7.2.2 I am not aware of what the terms of reference or the scope of that working group are. When I wrote to policy advisors at MBIE leading this group requesting the details (see Appendix 6), they did not respond on that point. To date, from my understanding the focus of the discussion has been on information-sharing between the platforms and government bodies, such as StatsNZ, or some other method of registering listings to assist with compliance efforts. I understand that there has also been discussion of an industry-standardised code of conduct for hosts.

7.2.3 I have not seen any central government indication that the scope of this work is likely to include a National Policy Statement, National Environmental Standards or a new set of National Planning Standards specific to short-term accommodation. In the absence of direction from a national or regional instrument under the RMA, s31 states that the responsibility to establish, implement and review objectives, policies and method/rules to regulate land use to achieve the sustainable management purpose of the Act continues to fall on the Council.

7.2.4 A registration system or other form of information-sharing agreement would assist with administration of the District Plan provisions but are not a substitute for them if there are identified environmental effects that cannot be effectively managed through non-District Plan methods.

7.2.5 Given the recent announcements about RMA reform and the ambitious priority work programme at the Ministry for the Environment to develop three new Acts to replace the RMA, it seems unlikely that new NPSs, NESs or National Planning Standards would emerge on this topic in the foreseeable future ahead of the development of those new Acts and the possible significant changes to the Local Government Act being discussed as well. There is also no certainty about the extent of detail that such direction would ultimately take (i.e. whether it would consist of broad

objectives or policies with discretion retained by local authorities as to the methods or if it would include specific standardized provisions).

7.2.6 This work is being led by central government and it is ultimately up to them how and when they want to proceed with it.

7.2.7 While the Covid-19 pandemic has had an undeniably significant impact on the hospitality industry across the board, in my view, uncertainty about the exact extent of those impacts is not a reason to delay the proposed Plan Change. If anything, it is an argument to address the uncertainty around the current provisions in a timely manner so that once international travel resumes and the industry picks up again, hosts can make informed decisions about which path they want to pursue.

7.2.8 If the Plan Change is delayed, the current District Plan provisions require a Discretionary resource consent for any unhosted visitor accommodation in a residential unit in almost all residential and rural zones. The Council has an obligation to enforce its District Plan where it is aware that provisions are not being complied with. For the reasons discussed in the s32 report, delaying the Plan Change and continuing to enforce the current provisions would impose unjustified costs on applicants and ratepayers.

7.2.9 The Council reviews its District Plan every ten years (subject to any changing requirements that may result from RMA reform). The next scheduled review would likely commence around 2024/2025 and be notified around 2026. If new national direction on short-term accommodation does emerge in the next five years, there will be an opportunity to implement it in the next District Plan Review (or earlier if that national direction requires it).

7.2.10 In the meantime, my recommendation is to proceed with a Plan Change to address the issues identified in the s32 report with the clarity, effectiveness and efficiency of the current objectives, policies and rules.

7.2.11 I recommend that the Panel:

a. **accept in part submissions listed in 2a above seeking that the Council continue to engage on a potential national approach to regulating short-term accommodation**

b. **reject the decisions requested in 2b and 2c above seeking to delay the proposed Plan Change to await the outcomes of the national working group or further research on the impacts of the Covid-19 pandemic.**

7.3 ISSUE 3: RELATIONSHIP OF THE PROPOSED PROVISIONS WITH THE BROADER REGULATORY FRAMEWORK/POTENTIAL TO USE OTHER METHODS

	ISSUE		CONCERN / REQUEST
3.	Relationship of the proposed	a.	Use of a registration system, platform-based review system, code of conduct and/or rates to manage the effects instead of a resource

provisions with the broader regulatory framework/ Potential to use other methods instead of District Plan provisions	consent requirement (**S1.3; S22.1, S22.3; S25.3; S29.3; , S50.3; S51.3; S57.7-8; S67.6, S67.8-9; S69.3-4; S83.6, S83.8-9; S84.5; S84.7-8; S97.1; S107.6; S119.5, S119.10**) b. Provisions in the District Plan requiring compliance with health and safety provisions such as fire alarms (**S13.3; S18.2; S36.12; S85.3; S87.3; S90.16; S124.1; S131.5**) Alternately, cross-referencing in the District Plan referring users to the need to comply with the Building Act, Building Code, fire safety and/or other relevant national regulations (**S106.9; S123.3-4**)

7.3.1 Several of the platforms have been involved in drafting a code of conduct for hosts and a number of submissions suggested or implied that a registration system and code of conduct should be relied on instead of District Plan provisions (or in combination with very permissive District Plan provisions) to manage impacts on neighbours.

7.3.2 A version of this proposal was described in some of the submissions from Christchurch Holiday Homes and Bookabach hosts[10] as:

- a compulsory and simple registration system for all properties listed on a short-term rental accommodation platform;
- create a mandatory short-term rental code of conduct for owners, managers and guests which may include an enforceable 3 Strikes Rule for those who do not meet the standards;
- the establishment of a new largely industry-funded and administered body to address problems and adjudicate questions about amenity, noise and overcrowding at short-term rental accommodation properties.

7.3.3 As discussed in the s32 report (pp. 85-87), while a registration system and code of conduct would be useful, I do not consider that this approach would be an adequate substitute for District Plan provisions because:

a. an industry-administered complaint system would essentially duplicate the functions of local authorities (e.g. noise control) while lacking transparency and accountability from the perspective of neighbours and creating the perception of a conflict of interest for the decision makers;

b. there are limited opportunities for communities to provide feedback on the code of conduct compared with District Plan provisions which go through a robust consultation process;

c. it is unclear by what mechanisms new listing platforms could be compelled to sign on to the code of conduct. There is a risk that new operators who did not participate in the scheme would undercut more responsible operators that did;

[10] S1.3; S57.7-8; S67.6, 8-9; S69.3-4; S83.6, S83.8-9; S84.5; S84.7-8; S97.1; S107.6; S119.5; S119.10

d. this approach would not be able to manage impacts on residential coherence or the cumulative effects of a large proportion of potentially full-time visitor accommodation activities locating in residential neighbourhoods.

7.3.4 As discussed above, the Council continues to support work being undertaken at a national level to standardise some form of registration process or other information sharing to assist with monitoring and compliance. However, for the reasons discussed above I do not consider that using strictly non-District Plan methods would be an effective way to manage the impacts of visitor accommodation in residential units on residential amenity and coherence, nor would setting up a new independent administrative system to manage complaints related to one industry be an efficient way to manage the effects. This would not achieve Objective 14.2.4 of the District Plan, high quality residential neighbourhoods with a high level of amenity or Objective 6.2.3 of the RPS to provide for quality living environments.

7.3.5 My recommendation is to reject the submission points listed above to the extent that they seek reliance on non-District Plan methods in lieu of District Plan provisions. To the extent that some of these submissions acknowledge a need for "light touch" District Plan controls, there is further discussion of that option below in the section considering Issue 9.

7.3.6 Some submissions sought either requirements in the District Plan that applicants comply with health and safety requirements under other Acts or regulations (particularly fire safety requirements) or that those Acts and regulations be cross-referenced as advice notes to bring them to the attention of plan users.

7.3.7 In my view, these amendments are not required because:

a. all activities in the District Plan are already required to also comply with the Building Act and other relevant acts and regulations. Specifying this requirement for visitor accommodation but not for other activities could raise confusion as to why that activity was singled out;
b. other Acts and regulations may be updated and amended. Duplicating those requirements in the District Plan increases the risk of conflicting or outdated rules or references which may require another plan change to amend or may cause confusion for plan users;
c. the Council maintains pages on its website to assist people considering offering visitor accommodation as well as employing duty resource consent planners and building officers to answer queries. The Council's page on visitor accommodation includes information on the Building Act and other requirements (https://ccc.govt.nz/consents-and-licences/resource-consents/residential-and-housing/providing-guest-accommodation). This is the "plain English" summary of the rules which is more likely to be used by general public rather than direct reference to the District Plan. The website is also easier to keep updated if there are any changes to the non-District Plan requirements.

7.3.8 I recommend that the decisions requested for Issue 3:

a. **seeking that the issues be managed primarily using non-District Plan methods (3a) be rejected.**

b. **seeking requirements in the District Plan to comply with health and safety regulations or cross-referencing to other regulatory instruments (3b) be rejected.**

7.4 ISSUE 4: DISTINCTION BETWEEN HOSTED AND UNHOSTED VISITOR ACCOMMODATION IN A RESIDENTIAL UNIT

4. Distinction between hosted and unhosted visitor accommodation in a residential unit	a. Remove the distinction between hosted and unhosted visitor accommodation in a residential unit in the notified proposal and operative Plan (**S1.1; S57.5; S67.5; S83.5; S84.4; S100.4; S101.3; S107.5; S112.8-9; S119.3**) b. It is too difficult to distinguish between hosted and unhosted visitor accommodation in a residential unit when a host may reside in a different residential unit on the same site or be supervising the activity in some other way (**S78.1; S118.3**) c. Other submitters wished to see the distinction retained (**S36.2; S87.1; S90.12; S102.1; S124.1**)

7.4.1 A number of submissions opposed the proposal to the extent that it included different provisions for hosted visitor accommodation in a residential unit compared with unhosted visitor accommodation in a residential unit. This was based on the view that:

a. the impacts of the activities are comparable; and/or
b. it is too difficult for enforcement officers to distinguish between the two activities particularly where the host resides in a different residential unit on the same site.

7.4.2 As discussed in the s32 report at 2.2.71 the effects of hosted and unhosted visitor accommodation in a residential unit are different because:

a. a host on the site can provide supervision of the activity and can address any issues expeditiously. Neighbours know who they can talk to if there are issues;
b. guests in a supervised situation are more likely to constrain their behaviour reducing noise and other amenity impacts on neighbours;
c. hosted visitor accommodation is still providing a residence for the host so the impacts on residential coherence are reduced; and
d. there are additional social and cultural benefits of hosted visitor accommodation in a residential unit (e.g. reduced loneliness in rural areas; opportunities for cultural exchange between hosts and guests) which are significantly lessened when the host is not present.

7.4.3 In my view, those reasons justify providing more permissive standards for hosted visitor accommodation in a residential unit compared with unhosted visitor accommodation in a residential unit because the impacts on residential amenity and coherence are less significant and there are additional benefits that support an enabling approach to the activity.

7.4.4 The platforms and some hosts have noted the difficulty in distinguishing between hosted and unhosted visitor accommodation particularly where there are multiple residential units on the same site and the host may be in residence in a different unit during the stay.

7.4.5 The definition of “residential unit” in the operative District Plan states that: “where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit.”

7.4.6 The notified proposal removed the exception for kitchenettes for bed and breakfasts and farm stays because those terms were proposed to be replaced by the visitor accommodation definition and the exception could cause confusion about the number of self-contained bed and breakfast or farm-stay units that could be associated with the principal residential unit particularly in multi-unit residential complexes.

7.4.7 As a result, in the notified version of PC4 if a guest was staying on a part of the site that was self-contained with its own kitchen it would be considered unhosted visitor accommodation in a residential unit because the guest would be staying in a different residential unit to the host.

7.4.8 I acknowledge, having regard to the types of effects cited above justifying differentiating between hosted and unhosted visitor accommodation activities, that the effects of a guest staying in an accessory building that has a kitchen on the same site where the host is staying in the principal building for the duration of the stay or a guest staying in a self-contained converted garage with its own kitchen are likely to be same as hosted visitor accommodation where the guest is staying in the principal building with the host.

7.4.9 There is a need, however, to avoid creating a loophole for multi-unit residential complexes where people owning flats in strata titles can purchase multiple other units in the same complex and run them full time as visitor accommodation on the basis that this is still hosted visitor accommodation because they are in residence on the same site. The definition of 'site' in the District Plan specifies in clause (f) that in the case of strata titles (where one residential unit is built on top of another one), "site" means the underlying certificate of title of the entire land containing the strata titles prior to subdivision. If multiple owners in an apartment building were hosting other whole units as visitor accommodation in an uncoordinated fashion, there is a risk that some unit occupants may no longer have a residential neighbour and may experience more significant amenity impacts.

7.4.10 On further reflection, and having regard to the submissions, I think a better outcome could be achieved by retaining the exception in the operative Plan to the "one kitchen" rule for hosted visitor accommodation in a residential unit on the same site as a principal building that is providing a residence but excluding units in strata titles from that exception.

7.4.11 I support amending the proposal as follows:

Hosted visitor accommodation in a residential unit

means a residential unit that is also used for visitor accommodation where:
~~**a. at least one permanent resident of that residential unit is in residence in the residential unit for the duration of the stay**~~
~~**b**~~**.a individual bookings by visitors are for less than 28 days each; and**
~~**c**~~**.b any family flat is not used for visitor accommodation~~.~~; and**
c. at least one permanent resident of that residential unit is in residence in the residential unit for the duration of the stay; or
d. there are two residential units on the same site and:
- **i. the residential units are in the same ownership and are not in strata titles;**
- **ii. the permanent resident of one unit is in residence on the site for the duration of the stay and is engaged in a supervisory capacity by the visitor accommodation activity.**

Hosted visitor accommodation in a residential unit includes a bed and breakfast but excludes hotels, resorts, motels, motor and tourist lodges, backpackers, hostels, farmstays and camping grounds.

7.4.12 This amendment would remove the inconsistency of requiring a resource consent for hosted visitor accommodation where the guest is staying in an accessory building with a kitchen instead of the principal building on the site but would not enable residents in a larger apartment complexes to list units in the same building as full-time visitor accommodation in a way that would remove residential neighbours from some units.

7.4.13 This would better achieve Objective 14.2.9 to enable a broad choice of visitor accommodation types and locations while maintaining a high level of amenity in residential neighbourhoods. It is more consistent with Policy 14.2.9.1 to permit visitor accommodation in a residential unit where at least one permanent resident of the site is in residence for the durations of the stay while managing impacts to minimise adverse effects on the residential coherence of the site and its immediate surroundings.

7.4.14 **I recommend that the decisions requested listed in Issue 4:**

a. opposing the distinction between hosted and unhosted visitor accommodation in a residential unit on the basis that the effects are the same (4a) be rejected;

b. opposing the distinction between hosted and unhosted visitor accommodation in a residential unit on the basis that the activities are too difficult to distinguish in the rules (4b) be accepted in part.

c. supporting the distinction between hosted and unhosted visitor accommodation in a residential unit (4c) be accepted;

7.5 ISSUE 5: PROPOSED CHANGES TO OBJECTIVES AND POLICIES DISTINGUISHING VISITOR ACCOMMODATION FROM THE SUITE OF OBJECTIVES AND POLICIES THAT APPLY TO NON-RESIDENTIAL ACTIVITIES

5. Proposed changes to objectives and policies distinguishing visitor accommodation from the suite of objectives and policies that apply to non-residential activities Objective 14.2.6 Policy 14.2.6.3 Policy 14.2.6.4 Policy 14.2.6.7	a. Support for the proposed changes to Objective 14.2.6 and Policies 14.2.6.3 and 14.2.6.4 to the extent that they distinguish visitor accommodation in residential units from the objectives and policies that apply to non-residential activities in residential zones. (**S112.19-21**)

7.5.1 There were no submissions received that specifically opposed the proposed changes to the current Residential chapter objectives and policies to differentiate visitor accommodation in residential units from the policy framework that applies to other non-residential activities and to create a new suite of objectives and policies specific to that activity. Airbnb's submission supported this approach (while seeking changes to the new objectives and policies as discussed at Issue 6 below).

7.5.2 **Therefore, I recommend accepting the decisions requested for Issue 5.**

7.6 ISSUE 6: PROPOSED NEW OBJECTIVES AND POLICIES FOR VISITOR ACCOMMODATION IN RESIDENTIAL ZONES

6. Proposed new objective and policies for visitor accommodation in residential zones Objective 14.2.9 Policy 14.2.9.1 Policy 14.2.9.2 Policy 14.2.9.3 Policy 14.2.9.4	*Directions regarding maintenance of residential character and amenity* a. Retain the notified objective and policy directions to maintain the residential character and amenity of residential zones. (**S36.3; S90.14; S101.23-24; S102.5; S124.1; S131.2**) b. Amend proposed Objective 14.2.9 to reflect the listing platforms' and their supporters' view that visitor accommodation in a residential unit is a form of residential activity. Airbnb's submissions sought to: o remove the reference to retaining the primary use of a residential unit as a residential activity (clause (a)(ii)) o specify that the restrictions in clause (b) limiting the establishment of visitor accommodation in residential zones only applies to the formal sector; and o add a clause supporting enabling home sharing in residential zones and recognising the contribution that it makes to the economic and social wellbeing of the District. (**S112.22**) c. HospitalityNZ expressed the view that visitor accommodation in a residential unit is a visitor accommodation activity rather than a residential activity (**S123.2**) d. Airbnb sought to replace Policy 14.2.9.1 with wording that is more enabling of home sharing including: o recognising it as a valid use of a residential unit; o not imposing any additional requirements beyond the standards for residential use; and o only restricting it locating in areas that could give rise to reverse sensitivity effects on strategic infrastructure. (**S112.23**) e. HospitalityNZ also sought amendments to Objective 14.2.9 to include more directive language to "avoid" visitor accommodation in residential zones and to require that applications demonstrate consistency with residential amenity levels and no impact on housing supply. (**S123.5, S123.7**) Another submitter sought a requirement for

	applicants to demonstrate that there was no compliant formal accommodation available in the immediate neighbourhood. (**S126.2**) f. HospitalityNZ (**S123.6-7, 9**) also sought changes to Policy 14.2.9.1 to: o limit unhosted visitor accommodation in a residential unit to 60 nights a year, require that residential use remain the dominant use of the site and apply the "avoid" direction in Policy 14.2.9.1(c) to any unhosted visitor accommodation in a residential unit that exceeds 60 nights per year; o clarify for hosted visitor accommodation in a residential unit that the host must occupy the same residential unit g. Some submitters sought stronger wording that would make it clear that consent would not be granted for unhosted visitor accommodation in a residential unit that exceeded the night limits in the Residential Central City Zone (**S88.4-5; S90.8, S90.11, S90.15; S124.1**) *Larger-scale and/or commercial-type visitor accommodation directed to commercial centres* h. Support the proposed changes to the objective and policies for visitor accommodation in residential zones to reinforce the centres-based strategy. (**S36.3; S75.4, S75.8; S90.4; S91.1; S102.3; S110.1; S124.1**) i. Provide more definition around what is meant by "commercial-type visitor accommodation" and suggest this apply only to large capacity venues and not hosted residential dwellings. (**S70.5**) j. Amend the objectives and policies to also require commercial-type visitor accommodation in residential zones to comply with commercial accommodations requirements. (**S85.2; S126.1**) k. HospitalityNZ sought that Objective 14.2.9.1(b)(iii) be reframed to address the effects of visitor accommodation in residential zones deterring the use of visitor accommodation facilities within the Central City and commercial centres. (**S123.5**) l. One submitter acknowledged there were likely to be amenity impacts on neighbours but did not consider that the effects justified non-complying activity status after 180 days or that the other considerations in Policy 14.2.9.1(c) (i.e. impacts on commercial centres or strategic infrastructure) should be included (**S118.4**). In particular, this submitter considered that having an "avoid" policy for impacts on commercial centres in combination with non-complying activity status for activities over 180 days a year, effectively prohibited the activity in residential zones. (**S118.6-7**)

Residential character and amenity

7.6.1 I note that there was support in some submissions for the proposed objective and policy framework in whole or in part and that the proposed Objective 14.2.9 enables consideration of the cumulative effects of a number of units in the same location being used for visitor accommodation (i.e. "Visitor accommodation is only established in residential zones... where it is of a scale and character that is consistent with meeting objectives for (i) a sufficient supply of housing... with a choice of locations... (v) high quality residential neighbourhoods with a high level of amenity.")

7.6.2 **I recommend that the Panel accept the decisions requested in Issue 6(a) supporting the notified proposal.**

7.6.3 As discussed in the s32 report in the consideration of Option 3 for the Objectives (pp70-71) and Option 4 for the Provisions (pp85-87), visitor accommodation in a residential unit is distinct from a residential activity and has different effects which become more pronounced when the activity is unhosted and is undertaken more frequently. This is because:

a. a high degree of transience reduces the incentive to build connections between neighbours. Those connections regulate impacts on residential amenity for neighbours because longer term residents are less likely to act in a way that upsets their neighbours and difficulties are easier to resolve when there is a pre-existing relationship. Connections between residential neighbours are also important for building social capital and neighbourhood resilience.
b. guests are less familiar with the site than a longer term resident and can inadvertently cause issues that reduce residential amenity for neighbours such as parking in restricted or turn-around areas or door knocking late at night trying to find the correct unit.

7.6.4 The Airbnb submission (S112.22-23) seeks to remove wording from the proposed Objective 14.2.9 directing that the "use of any residential unit is still predominantly a residential activity" and to limit directions to only establish visitor accommodation in residential zones to activities of a scale and character consistent with other District Plan objectives and policies to apply only to formal accommodation types (e.g. hotels, motels, etc.) The Airbnb submission also proposes changes to Policy 14.2.9.1 to "provide for home sharing as a valid and appropriate use of a residential unit" and not to impose any additional restrictions on the activity beyond what would apply to the residential use of the property.

7.6.5 The amendments proposed to Objective 14.2.9 in the Airbnb submission would not be the most appropriate way to achieve the higher order directions and the purpose of the Act in particular s7(c) to maintain and enhance amenity values and Objective 6.2.3 of the CRPS to provide for good quality living environments. Strategic Directions Objective 3.3.7 is for a high quality urban environment. In residential zones, the District Plan objectives and policies, particularly Objective 14.2.6 envisages this as “residential activities remain the dominant activity in residential zones” and Policy 14.2.6.2 is to “ensure that non-residential activities do not have significant adverse effects on residential coherence, character and amenity.”

7.6.6 It is important that the proposed clauses remain in Objective 14.2.9 and continue to apply to visitor accommodation in a residential unit to ensure that the higher order directions for residential amenity and coherence are achieved. Removing those elements of the objective would enable full-time visitor accommodation activities to establish in residential zones with residents in some high demand areas such as the Residential Central City Zone potentially losing multiple residential neighbours.

7.6.7 The Airbnb submission (S112.22-23) also seeks amendments to Objective 14.2.9 and Policy 14.2.9.1 to recognise the significant contribution of home-sharing to the economic and social wellbeing of the district. While I agree that visitor accommodation in a residential unit, particularly where it is hosted and/or accessory to the long-term residential use of the property, does have positive economic and social effects I do not consider that the amendments proposed are necessary or would be the best way to achieve the higher order directions or the purpose of the Act.

7.6.8 The first part of the proposed Objective 14.2.9 “Visitors and other persons requiring short-term lodging have a broad choice of types and locations to meet their needs...” already recognises the importance of visitor accommodation activities to the District’s economy and the desirability of providing a broad range of choices for visitors where this can be balanced with other District Plan objectives.

7.6.9 Having regard to the definition of “homesharing” proposed in the Airbnb submission which would include any use of a residential unit for visitor accommodation where the individual bookings were for less than 21 consecutive days, in my view a clause added to the objective to enable all forms of homesharing in residential zones would not adequately manage impacts on residential amenity and coherence to ensure good quality living environments for other residents or a high quality urban environment overall.

7.6.10 **I recommend that the Panel reject the decisions requested in Issues 6(b) and 6(d) and accept in part the decisions requested in 6(c).**

7.6.11 HospitalityNZ's submission also sought amendments to Objective 14.2.9 and Policy 14.2.9.1 to provide more directive language for visitor accommodation in residential zones including replacing the proposed wording in the objective that visitor accommodation is "only established in residential zones... where it is of a scale and character that is consistent with meeting [*specified other plan outcomes*]" with wording to "avoid" visitor accommodation in residential zones except where it can "demonstrate" compliance with those objectives. One submitter also sought a requirement for applicants to demonstrate that there was not compliant formal accommodation available in the immediate neighbourhood. (**S126.2**)

7.6.12 In my view, "only establish where a proposal is consistent with [outcomes]" and "avoid where a proposal does not demonstrate consistency with [outcomes]" have a similar meaning. As a matter of drafting style, I think it is more appropriate where possible to frame the objective as a positive outcome rather than avoidance of a negative outcome.

7.6.13 The need to demonstrate consistency with the outcomes in the objective is implicit in the proposed wording (i.e. when an application for a Discretionary of Non-complying activity is prepared, it will need to include analysis demonstrating its consistency with the outcomes in the objective). The outcome sought by the objective is consistency with the specified outcomes rather than demonstration of that consistency.

7.6.14 For those reasons, I recommend retaining the wording in the proposal ("only establish where...").

7.6.15 HospitalityNZ also sought that rather than requiring applications to "be of a scale and character that is consistent with a sufficient supply of housing", the application must "demonstrate that the use will not adversely affect the supply of housing."

7.6.16 The HospitalityNZ wording would be significantly more restrictive than the proposal. As discussed in the s32 report ("Issue 6: Housing Supply and Affordability" pp.34-38), while studies overseas suggest that demand for visitor accommodation in residential units can reduce the overall supply of housing stock available for owner-occupiers and renters in the short term and put upward pressure on house prices and rents, it is unlikely that demand for visitor accommodation in residential units in Christchurch is having a significant impact at a city-wide level. Generally, where demand in a specific location may be having a more significant impact there is capacity for new development to meet that demand.

7.6.17 This is having regard to the overall comparative affordability of housing in Christchurch, the rate of new residential building, the number of vacant sites and enabled capacity for new residential development and pre-Covid19 demand for visitor accommodation in residential dwellings.

7.6.18 The evidence on impacts of visitor accommodation in a residential unit on housing supply and affordability in a Christchurch context do not justify wording in the objective that would require any application that had any impact on overall housing supply to be declined.

7.6.19 The wording in the notified PC4 proposal "be of a scale and character that is consistent with a sufficient supply of housing" recognises that the factors informing the view above may change over time (i.e. if the housing supply in parts of Christchurch became more constrained, limits on new enabled development were close to being met and there was significant new demand for visitor accommodation in that area). Potential examples would be if there was significant demand for visitor accommodation in residential units near the multi-use arena after it was built and there were limited opportunities at that time for new development to meet the demand; or if there was increased demand post-Covid for people to reside in small settlements on Banks Peninsula because more employers are encouraging flexible working arrangements and the additional demand could not be met because of infrastructure constraints or objectives and policies to prevent coastal sprawl and impacts on natural values.

7.6.20 The proposed wording enables the consideration on an area specific basis of the appropriateness of the proposed activity in light of the impact on housing supply and affordability at the time of development but recognises that overall the outcome sought in Strategic Directions Objective 3.3.4(b) is to provide for a range of housing opportunities including a choice of locations and types rather than to restrict any non-residential activity in a residential zone that might impact on the housing supply.

7.6.21 The District Plan recognises that some non-residential activities, such as home occupations, are appropriate to occur in residential zones particularly where the residential activity is still the primary activity on the site. The notified wording in PC4 recognises that some visitor accommodation will be of a scale and character that means that impacts on housing supply will not be significant because the primary use of the site is still residential.

7.6.22 HospitalityNZ recommended changes to Policy 14.2.9.1 (**S123.6**) along similar lines to the above seeking that the policy specify that a visitor accommodation activity must be subservient to the residential use of the site and be for no greater than 60 nights per year (proposing an "avoid" policy for unhosted visitor accommodation in a residential unit more than 60 nights per year).

7.6.23 Combining clauses (a) and (b) collapses the distinction between hosted (clause a) and unhosted (clause b) visitor accommodation in a residential unit which I do not support for the reasons set out in the discussion of Issue 4 above and in the s32 report (p.75). Restricting hosted visitor accommodation to 60 night per year, which the changes proposed to the policy by HospitalityNZ would potentially do, is not supported by the evidence of the effects comparable to what would be experienced if a residential household was in the unit.

7.6.24 It would also be difficult to interpret the proposed additional requirement that "the residential use remains the dominant use of the site" in the context of hosted visitor accommodation in a residential unit. For example, would this mean that the number of guests could not exceed the number of family members residing on the site permanently? There are a number of traditional bed and breakfasts set up where one or two hosts may have three or four rooms available. In my view, this does not create issues as long as the unit is still providing a permanent residence to at least one person and the overall number of people staying in the unit is comparable to what might be expected from a residential household.

7.6.25 I do not support an “avoid” policy for unhosted visitor accommodation for more than 60 nights per year (and the consequent non-complying or prohibited activity status) for the reasons discussed below in the consideration of Issue 9.

7.6.26 With respect to the request to change the enabling clause (a) for hosted visitor accommodation in a residential unit to only apply to permanent residents living in the same residential unit as the visitor accommodation activity, as discussed with Issue 4 above, some sites will have multiple residential units on them with the host staying in one unit and the guest in another. In terms of effects on neighbours, in most circumstances (excluding larger multi-unit residential complexes where multiple owners may be offering visitor accommodation in an uncoordinated fashion) this is more comparable to the permitted “hosted” activity than to unhosted visitor accommodation. On that basis, it is more appropriate to enable, rather than to constrain, hosted accommodation where the host is in residence on the same site.

7.6.27 **I recommend that the decisions requested in Issue 6(e), (f) and (g) be rejected.**

Impacts on commercial centres

7.6.28 I note that a number of submissions supported objectives and policy directions to reinforce the centres-based strategy for commercial activities to continue to direct larger-scale and/or commercial-type visitor accommodation to commercial centres.

7.6.29 **As I have recommended a change to Policy 14.2.9.1 below with respect to impacts on commercial centres, I recommend that the Panel accept in part the decisions requested for Issue 6(h).**

7.6.30 One submitter (**S70.5**) supported the objective if “commercial-type accommodation” was defined as only larger capacity venues and not hosted residential venues. While the proposed policies do not define “commercial-type accommodation” this is implicit in Policy 14.2.9.1 which enables hosted visitor accommodation in a residential unit where the number of guests is comparable to a residential household, seeks to manage unhosted visitor accommodation to ensure that the predominant use of site remains residential and then seeks to avoid larger scale, longer duration or more frequent use of the unit for visitor accommodation. Policy 14.2.9.4 also reinforces the direction not to locate other types of visitor accommodation (i.e. accommodation that is not in a residential unit or in one of the zones or overlays specifically enabling it) in residential zones.

7.6.31 **I recommend that the decision requested for Issue 6(i) be rejected.**

7.6.32 Two submitters (**S85.2; S126.1**) sought amendments to the objectives and policies to also require commercial-type visitor accommodation to comply with the other requirements for commercial accommodation. To the extent that the activity at larger scales is directed to zones that enable commercial accommodation (e.g. commercial or mixed-use zones), the activity would then need to comply with the standards for commercial accommodation in those zones. If the activity was still proposed in a residential zone, it would require a Discretionary or Non-Complying resource consent which would enable a broad range of potential effects on the environment to be assessed.

7.6.33 **I recommend that the decisions requested for Issue 6(j) be rejected.**

7.6.34 HospitalityNZ (**S123.5-7**) also sought to amend the outcome in Objective 14.2.9 from "be of a scale and character that is consistent with a revitalised Central City with a wide diversity and concentration of activities that enhance its role and enabling the revitalising of commercial centres" with "be of a scale and character that does not impact the vitality or deter the use of visitor accommodation facilities within the Central City and commercial centres". Another submitter (**S126.2**) similarly sought amendments to the policies to require applicants to demonstrate that there is no compliant (formal) accommodation available in the immediate neighbourhood.

7.6.35 In my view, the notified wording in PC4 is more appropriate because, as discussed in the s32 report at 2.2.122-125 the District Plan can consider impacts on the vitality and amenity of commercial centres of the loss of formal accommodation offerings but cannot consider direct trade competition effects. There are also higher order directions (e.g. Strategic Directions Objective 3.3.5) to enable a range of business opportunities in the District which would not be consistent with an essentially protectionist clause for one type of visitor accommodation.

7.6.36 There is not sufficient certainty at the present time that a likely outcome of the proposals in PC4 would be the loss of a significant number of formal accommodation offerings or that that loss would have an impact on the vitality and amenity of commercial centres to an extent that would justify accepting the amendments to the objective sought by HospitalityNZ.

7.6.37 **I recommend that the decisions requested for Issue 6(k) be rejected.**

7.6.38 One submitter (**S118.4, 6-7**) did not consider that the effects justified non-complying activity status for unhosted visitor accommodation in a residential dwelling over 180 nights per year. He submitted that including consideration of impacts on commercial centres combined with an "avoid" policy would effectively prohibit the activity in residential zones in light of the King Salmon decision of the Court of Appeal.

7.6.39 I agree with the submitter that the use of "avoid" combined with the direction to "minimise" effects creates a very high bar for applications for unhosted visitor accommodation in a residential unit over 180 nights a year. In my view, this wording is necessary, at least in the case of impacts on residential amenity and coherence because using less restrictive wording will not manage the cumulative effects or achieve Objective 14.2.6 that residential activities remain the dominant activity in residential zones with respect to some parts of the District.

7.6.40 As discussed in the s32 report (pp24-25), PC4 is responding in part to several recent Environment Court and resource consent decisions which have grappled with how to interpret the wording of Policy 14.2.6.4 in the Operative District Plan to: "restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effect of such activities on the character and amenity of residential zones are insignificant."

7.6.41 In *Fright v Christchurch City Council*[11] and *Archibald v Christchurch City Council*[12] the Environment Court found that "restrict" in Policy 14.2.6.4 meant "limit" rather than "avoid" and, in the absence of more directive wording in the District Plan concerning the circumstances to which establishment of non-residential activities with a commercial nature should be limited, this could be read as allowing the activity subject to conditions on its management. The application in *Archibald v Christchurch City Council*[13] was for a six-bedroom house on a 3,931m^2 site to be used for visitor accommodation for up to twelve guests six months of the year and for residential-type activities for the remainder of the time. The Court's view was that visitor accommodation in those circumstances was "residential in nature"[14] and therefore not of a type that Policy 14.2.6.4 is particularly concerned to restrict and on that basis granted the consent.

7.6.42 If the District Plan is not amended to include more directive wording concerning the circumstances to which visitor accommodation should be limited, then my concern would be that the *Archibald* decision would be used in support for future applications enabling non-residential activities even where a long-term residence for at least one person was not being provided.

7.6.43 The provisions for non-residential activities in residential zones exist within the context of a centres-based strategy for commercial activities to locate primarily in commercial centres. This includes objectives in the Canterbury Regional Policy Statement including Objective 6.2.5 to support and maintain the existing network of centres as focal points for commercial activities including the Central City, Key Activity Centres and Neighbourhood centres and Objective 6.2.6(3) to provide for the growth of business activities in a manner that supports the settlement pattern recognising that new commercial activities are primarily directed to the Central City, Key Activity Centres, and neighbourhood centres.

7.6.44 These are given effect to in the District Plan by Strategic Directions Objective 3.3.7(a)(v) to "maintain and enhance the Central City, Key Activity Centres and Neighbourhood Centres as community focal points"[15] and Strategic Directions Objective 3.3.10 to "expedite recovery and long-term economic and employment growth through enabling rebuilding of existing business areas, and revitalising of centres." Objective 15.2.2 is that "commercial activity is focussed within a network of centres... in a way and at a rate that... supports intensification within centres [and] enables the efficient use and continued viability of the physical resources of commercial centres and promotes their success and vitality reflecting their critical importance to the local economy."

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[11] *Fright v Christchurch City Council* [2018] NZEnvC 111
[12] *Archibald v Christchurch City Council* [2019] NZEnvC 207
[13] Ibid.
[14] *Archibald v Christchurch City Council* [2019] NZEnvC 207 at [44]
[15] Noting that Proposed Plan Change 5A is seeking to amend this objective to more specifically refer to commercial activities: "Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community **and commercial** focal points"

7.6.45 Unhosted visitor accommodation in a residential unit that exceeds 180 nights per year is a commercial activity in most instances because the unit is no longer being used for a residential activity the majority of the time. Given the strategic directions to support commercial centres by focusing commercial activities within them to support centre vitality and vibrancy, in my view it is appropriate to have non-complying activity status after 180 nights and to allow consideration in those circumstances of the cumulative effects on commercial centres of allowing that activity (including in combination with other non-residential activities seeking to establish in residential zones that may use visitor accommodation as a permitted baseline).

7.6.46 However, I agree with the submitter that the proposed wording of Policy 14.2.9.1 (by combining "avoid" with directions to minimising effects on commercial centres that are not specified in the policy) would make it potentially costly and difficult to ever establish that any activity had essentially minimal impact on commercial centres.

7.6.47 Therefore I recommend amending proposed Policy 14.2.9.1 to cross reference the objectives and policies in the commercial chapter for the centre-based approach to commercial activities to provide additional certainty to plan users.

14.2.9.1 Policy – Visitor Accommodation in a Residential Unit

c. Avoid visitor accommodation in a residential unit at a scale, duration and/or frequency that:

i. cannot be managed in a way that minimises adverse effects ~~on commercial centres or~~ the residential character, coherence and amenity of the site and its immediate surroundings; or

ii. **having regard to the cumulative effects of visitor accommodation and other non-residential activities offered in the same commercial centre catchment, would be inconsistent with the centre-based framework for commercial activities in Objective 15.2.2; or**

iii. ~~that~~ would be likely to give rise to reverse sensitivity effects on strategic infrastructure.

7.6.48 In my view, the amended Policy would still give effect to the objectives and policies in the Regional Policy Statement but would make it clearer to plan users which effects on commercial centres need to be considered.

7.6.49 **I recommend that the decisions requested for Issue 6(L) be accepted in part.**

7.7 ISSUE 7: DEFINITIONS

ISSUE	CONCERN / REQUEST
7. Definitions distinguishing between kinds of residential and visitor	*All definitions* a. General support for the proposed changes to the definitions (**S75.5; S82.4**) b. One submission sought consistent use of formatting with defined terms (**S82.2**)

accommodation activities	*"hosted visitor accommodation in a residential unit"* and *"unhosted visitor accommodation in a residential unit"* c. A simpler defined term (e.g. for "home sharing") instead of the multiple activities proposed. (**S57.2; S67.2; S83.2B; S84.1; S101.11; S107.2; S112.10, 12)** *"residential activity" "residential unit"* d. Include either all visitor accommodation in residential units or some versions (e.g. low capacity hosted units) in the definition of a "residential activity" **(see Issue 6b above)** e. Clarify how the phrase "visitor accommodation accessory to a residential activity" in the proposed definition of "residential unit" relates to the new proposed definitions for "hosted visitor accommodation in a residential unit" and "unhosted visitor accommodation in a residential unit" (**S101.14**) f. Individual stays longer than 21 days (rather than the proposed 28 days) are included in the definition of a residential activity. (**S112.10**) There was also support for the proposed classification of individual bookings over 28 days as a residential activity (**S101.13**). Another submitter sought a more explicit threshold in the Plan for when a residential unit is no longer considered a residential unit by virtue of the principal activity being visitor accommodation. (**S106.5**) *"visitor accommodation"* g. Support implementation of the National Planning Standards definition (**S101.16**) and consequential amendments to the District Plan provisions (**S101.19-20, S101.33**). Other issues raised with definitions related to permitted activity status for visitor accommodation in a residential unit (through inclusion in the residential activity definition); sensitive activities; ancillary activities; references to health and safety requirements; and inclusion of the Specific Purpose (Golf Resort) Zone provisions. Those issues have been analysed with the relevant topic groups below.

7.7.1 Several submitters expressed general support for the changes to the definitions. I have accepted changes to some of the defined terms as discussed below.

7.7.2 On that basis, **I recommend that the decisions requested for Issue 7(a) be accepted in part.**

Identification in the Plan of the replacement of "guest accommodation" with "visitor accommodation"

7.7.3 Submission point **S82.2** seeks that both the words “visitor” and “accommodation” in “visitor accommodation” be shown in bold and solid underlined green text. However, defined terms in the operative plan are shown in normal green text, not in bold, and are only underlined when a change to the operative District Plan is proposed.

7.7.4 **I recommend that the changes sought in this submission point be rejected as the notified version shows the changes with sufficient clarity.**

“Home sharing” or “hosted and unhosted visitor accommodation in a residential unit”

7.7.5 The submissions seeking a simpler defined term such as ‘home sharing’, or removal of the distinction between hosted and unhosted visitor accommodation in a residential unit, do not provide for the differences in effects between hosted and unhosted visitor accommodation and the different management approaches that are therefore appropriate. Those differences are discussed under Issue 4 above and include different effects on residential character and amenity. Having a permanent resident in residence is an important factor influencing those effects and in achieving the unchanged objective for residential zones that residential activities remain the dominant activity (Objective 14.2.6).

7.7.6 **I recommend that the decisions requested for Issue 7(c) be rejected.**

“*Residential activity*” and “*Residential unit*”

As discussed in Issue 6 above, a number of submissions sought the inclusion of either all visitor accommodation in residential units or some versions (e.g. low capacity hosted units) in the definition of a “residential activity”. In my view, visitor accommodation in residential units is a subtype of visitor accommodation activity rather than a subtype of residential activity and the definitions need to keep the activities distinct because the objectives and policies for non-residential activities (e.g. Policy 14.2.6.1 to ensure that non-residential activities do not have significant adverse effects on residential coherence, character and amenity) should still apply to visitor accommodation in a residential unit except where visitor accommodation has been distinguished from other types of non-residential activity in the other objectives and policies.

7.7.7 Submission point S101.14 seeks clarification of how the phrase “visitor accommodation accessory to a residential activity” in the proposed definition of “residential unit” relates to the new proposed definitions for “hosted visitor accommodation in a residential unit” and “unhosted visitor accommodation in a residential unit”.

7.7.8 I agree with the submitter that it is potentially confusing to introduce an “accessory to a residential activity” phrase here when different terms are used in other parts of the Plan. The proposed new definitions were “hosted visitor accommodation in a residential unit” and “unhosted visitor accommodation in a residential unit” reference the “residential unit” definition. Because a “residential unit” is defined in the operative Plan as being used for a “residential activity” and the “residential activity” definition specifically excludes “visitor accommodation” I was trying to avoid creating circular definitions that contradicted each other.

7.7.9 I considered using a different term to “residential unit” (e.g. “residential dwelling”) but rejected this option because it would have required a definition for “residential dwelling” to clarify some points (e.g. that a group of buildings could be used) and that new definition would essentially duplicate the “residential unit” definition[16]. Alternately, the “un/hosted visitor accommodation in a residential unit” definitions could be amended in some other way to specify that they do not rely on the “residential unit” definition but I think this would cause confusion between whether or not the new term was the same as a residential unit.

7.7.10 For example, the Plan could specify that “hosted visitor accommodation in a residential unit” and “unhosted visitor accommodation in a residential unit” function as stand-alone defined terms that do not necessarily rely on the “residential unit” definition. The “home occupation” definition is standalone and does not rely on the “residential unit” definition. However, I think it would cause confusion to have defined and undefined versions of “residential unit” particularly where it is embedded in a defined term and would still be appearing in the Plan as defined.

7.7.11 The simplest solution would be to:

a. retain the exclusion in the notified proposal of all forms of visitor accommodation including visitor accommodation in a residential unit in the “residential activity” definition;

b. amend the “residential unit” definition back to specify that it is a unit used for residential activities (remove clause (ii) in the notified proposal);

c. change the reference in clause (d) from “visitor accommodation that is accessory to a residential activity” to “hosted visitor accommodation in a residential unit” and “unhosted visitor accommodation in a residential unit”.

Residential activity

means the use of land and/or buildings for the purpose of living accommodation. It includes:

a. a residential unit, boarding house, student hostel or a family flat (including accessory buildings);

b. emergency and refuge accommodation;

[16] I also considered replacing “un/hosted visitor accommodation in a residential unit” with “homestay”/“bed and breakfast” for hosted and “residential visitor accommodation” for unhosted similar to the Queenstown Lakes District Plan but did not recommend this approach because the Christchurch District Plan has a Residential Visitor Accommodation Zone which has objectives and policies to enable existing formal accommodation so this would potentially cause confusion.

c. use of a residential unit as a holiday home where a payment in money, goods or services is not exchanged;
d. house-sitting and direct home exchanges where a tariff is not charged;
e. rented accommodation and serviced apartments not covered by clause (g) and where individual bookings are for a minimum of 28 consecutive days (except in the Specific Purpose (Golf Resort) Zone); and
cf. sheltered housing; but

excludes:
dg. guest visitor accommodation including hotels, resorts, motels, motor and tourist lodges, backpackers, hostels, farmstays, camping grounds, hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit;
eh. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
fi. accommodation associated with a fire station.

Residential unit

means a self-contained building or unit (or group of buildings, including accessory buildings) used for:
i. a residential activity by one or more persons who form a single household; or
ii. visitor accommodation accessory to a residential activity.

For the purposes of this definition:
a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
b. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit;
c. a residential unit may include no more than one family flat as part of that residential unit;
d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
e. a residential unit may be used as a bed and breakfast or farm stay.
d. a residential unit may be used for hosted visitor accommodation in a residential unit or unhosted visitor accommodation in a residential unit visitor accommodation that is accessory to a residential activity.

7.7.12 This approach avoids the circular argument where a residential unit cannot be used for visitor accommodation because the residential activity definition excludes visitor accommodation. I think clause (d) does need to be included however (even though other activities such as "home occupations" that can occur in residential units are not listed) because of the reliance on "residential unit" in the two "un/hosted visitor accommodation in a residential unit" sub-definitions and the specific exclusion of those terms in the "residential activity" definition.

7.7.13 **I recommend that the Panel accept the decision requested for Issue 7(e).**

7.7.14 Airbnb (**S112.10**) sought amendments to the "residential activity" definition to reduce the proposed minimum length of consecutive booking nights by the same guest before the stay counts as a residential rather than a visitor accommodation activity from 28 to 21. The basis for the 28 night threshold in the notified proposal was an estimate of the number of nights for a stay before there is a greater incentive for guests to moderate their behaviour out of consideration for neighbours. This recognises that guests staying for longer time periods (e.g. contract workers or people on extended working holidays) are more likely to develop community ties over the course of their stay, would have greater accountability, and would therefore behave in a way less likely to result in adverse amenity effects on neighbours.

7.7.15 The minimum number of nights per stay required to do this is not an exact science, however, I think 28 nights is an appropriate threshold because it aligns with the Residential Tenancies Act 1986 which, in section 5(1)(k), excludes "premises intended to provide temporary or transient accommodation (such as that provided by hotels and motels), being accommodation that is ordinarily provided for periods of less than 28 days at a time".

7.7.16 **On that basis, I recommend that the Panel reject the decision requested for S112.10 and accept in part the decision requested for S101.13.**

7.7.17 Submission point S106.5 seeks a more explicit threshold in the Plan for when a residential unit is no longer considered a residential unit by virtue of the principal activity being visitor accommodation. As discussed above for Issue 6 and Issue 9, this needs to be assessed along the range of activities (i.e. 0-60 nights a year will generally be predominantly a residential unit; 61-180 nights a year will depend on the circumstances; 180+ nights a year will be primarily a commercial activity but with some potential exceptions). This is reflected in the proposed activity statuses (Permitted/Discretionary/Non-Complying) and in the objective and policy wording (e.g. Objective 14.2.9(a)(ii) "the use of any residential unit is still predominantly a residential activity"). A more prescriptive threshold in the definition would constrain the ability to assess proposals, particularly in the Discretionary band, on a site by site basis.

7.7.18 **For that reason, I recommend that the Panel reject the decision requested S106.5**.

7.8 ISSUE 8: PLANNING ISSUES MANAGED BY THE PROPOSED PLAN CHANGE

8. Planning issues managed by the proposed plan change	More permissive provisions that focus on "planning issues" rather than "behavioural issues", which some submitters considered were addressed by other parts of the regulatory framework (**S1.5; S57.9; S67.10; S69.5; S73.1; S83.10; S84.9**)

7.8.1 A number of submissions sought provisions that focused more on "planning issues" rather than "behavioural issues" which they considered were managed by other aspects of the regulatory framework.

7.8.2 I would note that control of the emission of noise and the mitigation of the effects of noise are specifically listed as a function and responsibility of territorial authorities under s31(1)(d) of the Act. As discussed in the s32 report, noise effects from visitor accommodation in a residential unit differ from the noise generated by the expected residential use of the site to the extent that very short term residents have less incentive to modulate their noise or to work with neighbours to resolve issues. These effects are not otherwise managed by the District Plan noise rules to the extent that they exclude "spontaneous social activities"[17].

7.8.3 Likewise s7(c) requires particular regard be given to the effects of activities on the maintenance and enhancement of amenity values.

7.8.4 To the extent that behaviour generates noise or has other adverse impacts on the amenity values of neighbours (e.g. littering, leaving bins out), that behaviour becomes a planning issue which is regulated under the RMA. Other provisions in the District Plan also regulate anti-social behaviour to the extent that an activity may be likely to attract it. For example, the matters of discretion for late-night licensed premises near residential zones allow consideration of on- and off-site noise generation and anti-social behaviour.

7.8.5 The table below summarises the standards and assessment matters proposed in PC4, notes the environmental effects that are being managed by those standards and includes my recommendation on whether to retain, amend or delete those standards following consideration of the submission.

Table 3: Environmental effects managed by the notified activity specific standards and assessment matters for PC4

Standard or assessment matter proposed		**Environmental effect(s) managed**	**Recommendation and discussion**
Activity specific standards			
a.	Cap on the number of nights per year for unhosted accommodation	Residential amenity; residential coherence	See discussion on Issue 9 below

[17] Rule 6.1.4.2(a)(vii)

b.	Cap on the number of guests in hosted and unhosted accommodation	Residential amenity; residential coherence; parking availability; noise	Retain. These standards are managing environmental effects that are clearly identified as territorial authority functions in the RMA.
c.	Restrictions on late night check-in and check-out times	Residential amenity; noise	See discussion on Issue 10 below
d.	Restrictions on size of functions and events	Residential amenity; residential coherence; noise; traffic and parking	Retain. These standards are managing environmental effects that are clearly identified as territorial authority functions in the RMA. There may be some interpretation difficulties around whether something is a function or event rather than an informal gathering. Alternatively, the Panel could consider a maximum number of additional visitors over and above those staying on the site (e.g.10). The advantage of the notified version is that it can scale up or down depending on the number of guests but a cap on additional visitors for the site would provide more certainty.
Assessment matters (noting that some of these are activity specific standards in rural zones)			
e.	Provision of information for neighbours and guests	Residential amenity; noise; management of risk from natural hazards	Retain. Consent conditions to this effect would enable neighbours to address amenity and noise effects with the owners of property in the first instance and where possible; would improve safety by reducing the risk of guests unwittingly parking in unsafe locations and providing information, where relevant, about tsunami evacuation routes or mitigation requirements for flooding risk.
f.	Record keeping and provision of information to the Council	Residential coherence	Retain. Consent conditions requiring record keeping will assist with monitoring and compliance efforts to ensure that the predominant use of the residential unit remains a residential activity.
g.	Management of outdoor entertainment and recreation facilities	Noise; lighting; privacy	Retain. These standards are managing environmental effects that are clearly identified as territorial authority functions in the RMA.
h.	Management of solid waste disposal	Residential amenity	Retain. Issues cited in the pre-notification engagement included bins not being taken out, bins not being brought in, dumping in neighbours' bins and litter resulting from bins being knocked over. As discussed above, reduced residential amenity that results from behaviours of people attracted by certain activities is an environmental effect.

i.	Maintenance of the exterior of the property	Residential amenity	Remove assessment matter. On consideration of the submissions[18], I agree that hosts generally have a strong incentive to maintain the exterior of the property to keep it marketable so the risk is low that a poorly maintained property would reduce amenity values. In addition, there is no similar requirement for residential neighbours to maintain the exterior of the property other than the general duty under s17 to avoid, remedy or mitigate adverse effects on the environment (which would also apply to visitor accommodation in a residential unit and further reduces the risk).
j.	Number and size of vehicles used by guests including large vehicles	Residential amenity	Retain. This assessment matter manages risk of damage to other properties from larger vehicles trying to manoeuvre on sites where there is not sufficient space for them
k.	Building access arrangements and wayfinding	Residential amenity	Retain. This manages risk of neighbour disturbance from door knocking from lost guests and potential security concerns for multi-unit residential complexes.

7.8.6 In summary, I recommend retaining the majority of the proposed activity specific standards and assessment matters other than the one relating to maintenance of the exterior of the property and potentially amending the standard for functions and events. These standards are managing planning issues rather than behavioural issues and are necessary to meet the objectives in the Plan including Objective 14.2.4 for a high level of amenity in residential neighbourhoods and Policy 14.2.6.1 to ensure that non-residential activities do not have significant adverse effects on residential amenity.

7.8.7 **Therefore, I recommend that the Panel accept in part the decisions requested for Issue 8, removing assessment matters relating to the maintenance of the exterior of the property but retaining the other standards and assessment matters.**

7.9 ISSUE 9: NIGHT LIMITS AND CONSENTING REQUIREMENTS IN RESIDENTIAL ZONES (AND SPECIFIC PURPOSE AND INDUSTRIAL ZONES THAT ENABLE RESIDENTIAL ACTIVITIES)

[18] Submission 25 para 9; Submission 50; Additional similar comments in pre-notification engagement

9. Visitor accommodation in residential units in residential zones (and specific purpose and industrial zones that enable residential activities) Policy 14.2.9.1 and rules setting up a three-tiered consenting regime of Controlled activity status for 0-60 nights, Discretionary activity status for 61-180 nights and Non-complying activity status after 180 nights	a. Support the proposal (**S16.2; S102.4; S131.3-4, 6**) b. Consider visitor accommodation in a residential unit a form of residential activity and permit it subject to the same standards as other residential activities. Some submitters suggested tying permitted activity status to the capacity of the unit and only requiring a resource consent for larger scale activities. Airbnb's submission (which was supported by a number of other submitters) sought Permitted activity status for "home sharing" subject to a single activity specific standard requiring keeping records of the number of nights booked per year. If this standard was not complied with, they seek Controlled activity status. (**S112.24**) They also sought to replace the proposed provisions in the Specific Purpose (Flat Land Recovery) Zone (**S112.18**) and the Industrial General (Waterloo Park) Zone (**S112.27**) in the same way. (**S1.2; S4.1; S9.1; S12.1; S20.1; S24.3; S25.1-4; S26.1, S26.3-6; S27.1; S28.1-2; S29.1-2; S31.3; S34.1-2; S35.3; S38.2; S40.2; S41.1-3; S42.2, S42.5; S45.1; S46.1-3; S48.1; S50.1; S52.1, S52.3; S53.2-4; S55.1; S56.1; S57.1; S61.1-2; S62.1; S65.1-3; S66.1; S71.1; S73.2; S77.1; S83.11; S99.1; S101.9, S101.13, S101.25; S107.1; S112.3-5, S112.11, S112.14, S112.24; S116.1; S117.1; S119.5-6**) c. Other suggested alternatives that are more permissive than the proposal include: o Unhosted visitor accommodation in a residential unit should be a Controlled activity year-round without night limits. (**S109.2**) o Permitted activity status for the first 60 nights and then Controlled or Discretionary activity status beyond that (**S108.1; S118.8-9**) o Controlled activity status for the first 180 days and Discretionary activity status beyond that (**S130.1**). d. A more restrictive regime than the proposal. Variants suggested include: o Keeping the current District Plan provisions which require a Discretionary activity resource consent for all unhosted visitor accommodation in a residential unit (**S17.1; S18.1-2; S80.1; S81.1**) o Controlled activity status for the first 30, 45 or 60 nights and Non-complying or Prohibited activity status for more than that. In some submissions, this proposed approach was specific to the Residential Central City Zone. (**S85.1; S87.2; S88.1-3; S90.2, S90.5-7, S90.13; S105.1-2; S120.1; S123.8; S124.1; S126.1**) o Controlled activity status for the first 60 nights, Discretionary activity status from 61-120 nights and Non-complying activity status for more than 120 nights. (**S132.2-3**) o Restricted Discretionary rather than Controlled activity status for the first 60 nights. (**S106.2, S106.6; S121.8**)

	○ Discretionary activity status for 1-180 nights and a more restrictive activity status beyond that. (**S98.1**) ○ Not allowing visitor accommodation in residential zones (**S91.2**) e. Support the proposal for night limit thresholds (**S75.1; S82.7; S95.2; S102.4; S125.1**) f. Remove the limits on the number of nights per year unhosted visitor accommodation in residential unit can be offered from the notified proposal. This includes removing references to controls on the duration and frequency of the activity in Policy 14.2.9.1(b)(i) and 14.2.9.1(c). (**S1.6; S22.1; S26.1; S31.5; S34.3; S39.1; S40.1; S42.3; S45.2; S52.2, S52.4; S57.4, S57.10; S59.1; S60.1; S62.2; S67.4; S69.1; S74.1; S77.1; S78.2; S79.1; S83.4; S84.3; S93.1; S96.3; S100.8; S107.4; S109.1; S111.3; S117.1; S118.5; S119.4**) g. Other submitters considered that the threshold should either be increased or lowered. Variants proposed included: *Less restrictive than the proposal:* ○ In residential zones, Permitted activity status for the first 60, 90 or 180 days (**S23.1; S74.2; S86.1; S108.1; S118.8-9**) *More restrictive than the proposal* ○ In residential zones, fewer nights per year provided for as a Controlled activity. Some suggestions included 30 or 45 nights per year. (**S36.6; S87.2; S120.2**) h. Alternative criteria ○ Tie the night limits to the number of nights per year a property is listed as available instead of the number of nights per year the property is booked. (**S2.1**) ○ Night limits only apply to unhosted properties with a visitor capacity exceeding 10 people or 5 rooms. (**S70.1, S70.9**) Other submitters suggested these requirements should not apply where there are only a small number of guests (e.g. 2). (**S74.6**) ○ Limits on the frequency of bookings (**S92.1-2**)

7.9.1 In addition to the general support for the proposal noted in Issue 1, several submitters specifically supported the consenting regime and night limits in the notified version of the Plan.

7.9.2 **I recommend that the Panel accept the decisions requested for Issue 9(a)** noting that I have recommended changes to the activity status and night limits for the Residential Large Lot Zone and residential zones in some settlements on Banks Peninsula in Issue 19.

Less restrictive activity status for unhosted visitor accommodation in a residential unit

7.9.3 For the reasons discussed above for Issue 6 and in the s32 report, in my view visitor accommodation in a residential unit is a distinct activity with different effects to a residential activity. Those effects vary in significance based on how frequently the activity is undertaken.

7.9.4 At 0-60 nights a year, the predominant activity on the site is still residential. The more frequently the activity is undertaken, the less likely it is that the unit is also being used to provide a residence and this reduces residential coherence for neighbours.

7.9.5 Permitted activity status would not be appropriate because activity specific standards that managed the effects being addressed by the proposed matters of control would reduce flexibility to address how the effects could be managed. For example:

a. different units will have different outdoor entertainment and recreation facilities (speaker systems, pools, tennis courts) and how to manage the effects on neighbours will differ depending on site layout, separation distances, etc.
b. how different units can successfully distinguish themselves to make it easier for guests to find them will differ on different sites. Requiring signage as a permitted activity standard may not result in the best outcome in neighbourhoods where the houses are already distinctive and signage may impact the special character of the neighbourhood.
c. the type of information that needs to be provided to guests will differ depending on the parking or other restrictions applying on the site and any natural hazards risks.

7.9.6 Permitting unhosted visitor accommodation in a residential unit on a year round basis, which is essentially a commercial activity, sets up a permitted baseline argument for other non-residential activities seeking to establish in residential zones. The cumulative effects of this would have even more significant impacts on residential coherence and amenity.

7.9.7 While acknowledging that it is an additional cost for hosts to get a Controlled activity resource consent and this requirement reduces the spontaneity of the activity, in my view the costs are necessary to provide assurance to the wider community that the effects on residential amenity are being managed. The costs are not unreasonable given the additional revenue generated by the activity.

7.9.8 Being able to spontaneously undertake a business activity in a residential area when it has the potential to generate adverse effects on neighbours is not an outcome anticipated by the District Plan and is not consistent with high quality residential neighbourhoods with a high level of amenity anticipated by Objective 14.2.4 or with s7(c) of the RMA – the maintenance and enhancement of amenity values.

7.9.9 Controlled activity status or similar more permissive standards for year-round unhosted visitor accommodation in a residential unit would not achieve Objective 14.2.6 that residential activities remain the dominant activity in residential zones or proposed Policy 14.2.9.1(b) that the predominant use of residential units remains a residential activity. As Controlled activity resource consents cannot be declined, this would enable clusters of full-time visitor accommodation units which, in areas of high demand, could have a significant adverse effect on residential coherence and amenity.

7.9.10 **In summary, I recommend that the Panel reject the decisions requested seeking a less restrictive activity status for unhosted visitor accommodation in a residential unit (Issues 9(b) and 9(c)).**

More restrictive activity status for unhosted visitor accommodation in a residential unit

7.9.11 In my view Discretionary (or more restrictive) activity status for unhosted visitor accommodation in a residential unit starting from the first night (the status quo) is unduly onerous and not supported by the evidence of effects on neighbours. As long as the predominant use of the site is still residential and there are appropriate conditions on the management of the site to protect residential amenity, a reasonable number of nights per year to enable the more efficient use of housing while the ordinary resident(s) are away strikes an appropriate balance between enabling homeowners to supplement their income, a choice of locations and types of accommodation for visitors; and maintenance of residential coherence and amenity.

7.9.12 The proposal seeks to manage a range of activities with a continuum of effects from those which maintain residential character and have manageable effects on residential amenity to those which have a commercial character and/or effects on amenity that are more difficult to manage. It does this by gradually increasing the activity status based on the number of nights per year that the activity is undertaken from Controlled to Discretionary to Non-Complying.

7.9.13 Jumping from Controlled to Non-Complying or Prohibited activity status after 60 nights is not supported by the evidence. It would require an assessment that the effects on the 61st night would be so much significantly greater that the activity would suddenly be inappropriate in most (or all) circumstances. There may be circumstances where the effects of 60-180 nights per year could still be managed through consent conditions. For example, a unit might be used for visitor accommodation during summer holidays and student accommodation for the rest of the year. Or an owner taking an extended overseas trip for several months one year might accept a condition that the unit only be used for that purpose for a few months over a five year period. In both circumstances, the predominant use of the site would still be residential and potentially a site-by-site assessment could find that the amenity effects could also be successfully managed through conditions.

7.9.14 An intermediate step is necessary to recognise the variety of different types of visitor accommodation in residential units and the variety of different types of sites. As the number of nights increases, there in a range where the appropriateness of the activity needs to be assessed on a case-by-case basis. After 180 nights, I think it becomes difficult to argue that the predominant use of the site is still residential or that the cumulative effects of a number of those activities locating in the same neighbourhood would not have a noticeable adverse effect on residential amenity and character. Non-complying activity status recognises the increasing unlikelihood that the activity will meet the outcomes sought by the Plan.

7.9.15 Some submitters sought Restricted Discretionary rather than Controlled activity status for the first 60 nights to enable the Council to continue to decline applications. In my view, Controlled activity status as proposed in the notified version is more appropriate because:

a. at under 60 nights a year, the residential unit will still be providing a residence for most of the year so there would be negligible impacts on residential coherence;
b. while there may still be isolated incidents of noise or other behaviour disturbing neighbours, the odds of this occurring decrease as the unit is used for visitor accommodation less frequently and can be managed through consent conditions.

7.9.16 On the basis of the types of effects being managed and the evidence of the general level of disturbance that could be attributed to visitor accommodation in residential units before Covid-19, I think it would be unlikely that the Council would decline an application for unhosted visitor accommodation in a residential unit for less than 60 nights a year. Controlled activity status gives more certainty to applicants (they know that the application will not be declined but that some conditions may be required) and generally results in a less costly and complex consenting process than a restricted discretionary resource consent. As the matters of control and matters of discretion would likely be similar, the additional cost of a Restricted Discretionary resource consent would not be proportional to the benefits of requiring it.

7.9.17 In summary, **I recommend that the decisions requested under Issue 9(d) be rejected.**

Less restrictive or more restrictive night limits

7.9.18 Some submissions supported the 60 night threshold for Controlled activity status and the 180 nights threshold for Non-Complying activity status.

7.9.19 **I recommend that the Panel accept the decisions requested under Issue 9(e)** except with respect to the changes I have recommended for the Residential Large Lot Zone and residential zones in some settlements on Banks Peninsula inn Issue 19.

7.9.20 A number of submissions sought either less restrictive or more restrictive night limits for unhosted visitor accommodation in a residential unit in residential zones. In my view 60 nights is the appropriate cut-off point for Controlled activity status because:

a. it enables people to make efficient use of their own usual place of residence while they are away on holidays. Most working adults have 4-5 weeks of annual leave (36-45 days a year with associated weekends on either side) plus statutory holidays (11-12 days a year) which add up to approximately 60 nights a year. Enabling more nights per year than this reduces the number of scenarios where the dwelling is also being used as a long-term residence.

b. having regard to the average annual revenue for unhosted visitor accommodation in a residential dwelling in 2019 (shown on p.80 of the s32 report), 60 nights per year strikes a good balance between consenting fees that will not exceed annual revenue for the first year and not creating a financial incentive for owners of long term rentals to flip them to short term accommodation while leaving the house empty for the remainder of the year.

c. at 60 nights per year, neighbours would be less likely to be experiencing noise or other amenity impacts “all weekend every weekend” or “all summer every summer” whereas the more nights that are enabled the more risk there is of disturbance of neighbours. 60 nights per year provides more assurance to neighbours that there will be rest periods from the activity even if they do occasionally experience effects before compliance officers can intervene.

7.9.21 On that basis, **I recommend that the Panel reject the decisions requested under Issues 9(f) and 9(g) seeking a different night limit for unhosted visitor accommodation in a residential unit.**

Alternative criteria for applying night limits

7.9.22 One submitter (**S2.1**) sought that the criteria for night limits apply to the number of nights a unit is shown as available rather than the number of nights per year that it is used for accommodation. Section 9 of the RMA enables councils to place restrictions on uses of land. Advertising a site as being available for a use is not, in and of itself, a use of land that the District Plan can control. It is not until the site is actually booked and the visitors arrive that a land use could be said to occur. Therefore in my view, the provisions for visitor accommodation should relate to the number of nights that the site is actually used for that purpose rather than that number of nights that the site is shown as available.

7.9.23 Some hosts may also have multiple dates that would be suitable and narrow this down as they take bookings so restricting the number of nights they can list would result in unnecessary complications for them that would not more effectively manage impacts on neighbours than the proposed version of the rules.

7.9.24 Two submitters (**S70.1, S74.6**) sought that the night limits only apply to unhosted visitor accommodation in a residential unit that exceeded a certain number of guests and that small operations should be permitted. The impacts on residential coherence from loss of a neighbour and potential for amenity impacts on neighbours apply to small units as well as to large ones so it is still appropriate to apply to night limits even to studio and one-bedroom units with a limited number of guests.

7.9.25 One submitter (**S92.1-2**) suggested limits on the frequency of bookings – for example Controlled activity status for 1 booking per week and up to 3 per month, Discretionary for 2 bookings per week up to 5 per month and Non-Complying for activities in excess. While I can understand the rationale for trying to space out the time between bookings and reduce the risk of any impacts from units being used for 60 nights in a row, because of the different lengths of individual bookings the system proposed in this submission would be very difficult to administer and enforce and would impose significant logistical constraints on hosts. There is some risk that hosts may choose to use all of their days during the same time period (e.g. during the summer) but the effects from this are mitigated to some extent by the neighbours knowing that the unit cannot then be used for that purpose for the remainder of the year and there is also a greater chance that the neighbours may be taking holidays during the same time period. In my view, on the whole, the additional costs and challenges that this would impose on hosts and compliance officers are not justified by the increased risk of amenity impacts on neighbours of all of the nights being taken during the same part of the year.

7.9.26 In summary, **I recommend that the decisions requested under Issue 9(h) are rejected.**

7.10 ISSUE 10: ACTIVITY SPECIFIC STANDARDS FOR HOSTED VISITOR ACCOMMODATION IN A RESIDENTIAL UNIT IN THE PROPOSAL

10. Activity specific standards for hosted visitor accommodation in a	a. Support additional activity specific standards for hosted visitor accommodation in a residential unit including restrictions on check-in and check-out times after 10pm or before 6am and functions or

residential unit in the proposal	events on the property with more guests than paying overnight visitors. **Supporting limits on check-in/check-out times: S10.3; S36.5; S75.2; S102.2; S110.2** **Supporting limits on size of functions: S75.2; S102.2; S110.2** b. Remove additional activity specific standards for hosted visitor accommodation in a residential unit proposed in the notified plan change **Opposing limits on check-in/check-out times: S26.2; S27.3; S31.2; S39.2; S42.4; S45.3; S61.3; S70.3; S70.6, S74.4; S76.2; S90.3; S96.2; S111.2; S117.2; S124.1** **Opposing limits on size of functions: S27.3; S39.2; S61.3; S70.3; S70.6, S74.5**

7.10.1 There was a mix of responses to the proposed new activity standards for hosted visitor accommodation in a residential unit with some submitters supporting and some opposed. Generally the reasons cited for opposing the provisions were the additional costs or other inconveniences for hosts, a lack of evidence supporting the level of effects to justify the rules, and the difficulties with enforcing them.

7.10.2 While acknowledging that limiting arrival and departure times and sizes of functions does potentially reduce the total number of guests who can stay in visitor accommodation in a residential units in the District, this is not likely to be by a significant amount. Guests who need to arrive after 10pm will still have a number of options for where they can stay (i.e. visitor accommodation options in commercial-zoned areas which are better able to absorb the effects of late-night arrivals and departures and larger events).

7.10.3 The rules restrict the ability of hosts to take a booking knowing that it will result in a late night arrival or departure. This would not restrict the occasional circumstance where someone’s flight was delayed and they needed to arrive later than originally planned and they did not generate noise or disturbance to neighbours to a level that would generate a complaint. Those situations that do result in a complaint can be dealt with on a case by case basis with the enforcement team who are able to take extenuating circumstances into account.

7.10.4 The s32 report (p.27) notes that the Council receives relatively few complaints related to visitor accommodation in a residential unit (about 50 over the last two years) but that this is not necessarily indicative of the level of impact on residential amenity. For example, more than 40 Central City respondents to the Life in Christchurch survey considered that home-share accommodation was having a negative impact on residential amenity in their neighbourhood. I received a number of phone calls during the informal feedback period in early 2020 from neighbours wanting additional standards or restrictions on hosted visitor accommodation particularly with respect to late night arrivals and departures. The issue was also raised a number of times at the drop-in sessions and in the feedback received (see Summary of Feedback p.7).

7.10.5 It is also worth noting that other forms of non-residential activities in residential zones (e.g. home occupations) generally have standards in the District Plan limiting their hours of operation. For example:

Table 4: Summary of restrictions on hours of operation for selected non-residential activities in residential zones

Zone	Activity	Restrictions on hours of operation
Residential Suburban and Residential Suburban Density Transition; Residential Medium Density	Home occupation	07:00 - 21:00 Monday to Friday; and 08:00 - 19:00 Saturday, Sunday and public holidays.
	Education activity	07:00 - 21:00 Monday to Saturday; and Closed Sunday and public holidays.
	Pre-school	07:00 - 21:00 Monday to Friday, and 07:00 - 13:00 Saturday, Sunday and public holidays.
	Health-care facility; veterinarian; place of assembly	07:00 - 21:00
	Spiritual activities	07:00-22:00
Residential Central City	Any non-residential activity up to 40m^2 gross floor area that is not an education facility, spiritual activity, health care facility, preschool or guest accommodation	07:00 – 21:00 Monday to Friday, and 08:00 – 19:00 Saturday, Sunday, and public holidays.
	Any education facility, spiritual activity, health care facility, preschool up to 40m^2 gross floor area	07:00 – 21:00 Monday to Friday, and 08:00 – 19:00 Saturday, Sunday, and public holidays.

7.10.6 These standards recognise that the primary activity in these zones is residential, that restful sleep at night is a key aspect of residential amenity, and that late-night activity for non-residential activities including strangers arriving in the neighbourhood and more frequent vehicle movements can disturb sleep.

7.10.7 Visitor accommodation is different to other forms of non-residential activities because it generally occurs overnight so restrictions on hours of operation could not work in the same way. The greatest risk of disturbance to the wider community is when people are arriving who are not familiar with the neighbourhood and request assistance from neighbouring houses or units. Disturbance can also occur when guests are departing and loading up bags into cars or taxis in the

middle of the night. It is appropriate to limit when those arrivals and departures occur to hours that are consistent with community expectations for non-residential activities occurring in residential areas. While residents may also arrive and depart late at night, this is likely to be less frequent than with a visitor accommodation activity.

7.10.8 Comments were received in the feedback and drop-in sessions both from hosts wanting to be able to expand the accommodation activity to include functions such as wedding receptions and corporate retreats and from neighbours concerned about this prospect. There is a risk that these types of activities would generate noise and traffic/parking impacts that would need to be assessed on a case by case basis and that therefore it is appropriate to retain a resource consent requirement tied to the size of gatherings ancillary to the visitor accommodation activity to enable this assessment to occur.

7.10.9 In summary, **I recommend that the submissions on Issue 10:**

a. supporting the new proposed standards for hosted visitor accommodation in a residential unit (Issue 10(a)) be accepted; and

b. opposing the new proposed standards for hosted visitor accommodation in a residential unit (Issue 10(b)) be rejected.

7.10.10 One submitter (**S104.1**) sought clarification of the time limits for hosted visitor accommodation in a residential unit in in residential zones. Night limits on hosted visitor accommodation do not exist in the operative Plan and were not proposed in Plan Change 4.

7.11 ISSUE 11: OTHER ACTIVITY SPECIFIC STANDARDS AND ASSESSMENT MATTERS NOT IN THE PROPOSAL

11. Other activity specific standards and assessment matters not in the proposal	a. Require a log book be kept by hosts including the number of days rented, details of occupants and the number of days the property was available to rent (**S2.2**). b. Additional restrictions on unhosted visitor accommodation located on a private laneway. (**S36.9**) c. Provisions that would limit the transfer of the resource consent when the property is sold to a new owner (**S36.10**) d. Provisions limiting the length of resource consents for unhosted visitor accommodation in residential zones to three years (**S36.11**) e. Bookabach sought more information on what would guide consideration of the proposed matters of control and how they would be implemented, monitored and enforced. (**S119.7**)

7.11.1 Several submitters sought additional activity specific standards or assessment matters for visitor accommodation in a residential unit or sought additional information on how the proposed standards would be administered and enforced.

Requirements for record keeping

7.11.2 In the proposed rules, in residential zones unhosted visitor accommodation in a residential unit would require a resource consent (Controlled for 0-60 nights, Discretionary for 61-180 nights and Non-Complying for more than 180 nights). The matters of control for the Controlled activity include “record keeping and provision of information to the Council”. This means that a condition could be put on the resource consent requiring a log book including the number of days that the property was used for visitor accommodation.

7.11.3 In rural zones, unhosted visitor accommodation in a residential unit is proposed to be Permitted for the first 180 nights but one of the activity specific standards requires hosts to provide the Council with records of the number of nights booked per year.

7.11.4 As hosted visitor accommodation in a residential unit is not proposed to be restricted by the number of nights per year it is offered, it would not be efficient to require hosts to keep records or for the Council to collect them.

Restrictions on residential units on private laneways

7.11.5 Unhosted visitor accommodation in a residential unit in residential zones is proposed to be a Discretionary or Non-complying activity for more than 60 nights per year. This would mean in situations where issues around a shared driveway or access would be likely to arise and be significant, the processing consents planner would have discretion to decline the application or to put conditions on the consent to manage any effects.

7.11.6 For applications for less than 60 nights per year, the proposed matters of control allow conditions to be placed on the consent on matters including provision of information for guests including parking restrictions and building access arrangements (for example, in a multi-unit complex with multiple entrances). This should address issues with guests inadvertently blocking shared driveways or disturbing neighbours by using accessways that are closer to their property when there are multiple options.

7.11.7 Private laneways and accessways come in a number of styles and types. For example, there are a number of properties in Fendalton and Merivale with shared driveways that also have large lot sizes, significant separation distances between houses and turnaround or passing areas built into the drive. The issues there would be unlikely to be the same as for a cluster of attached townhouses with a shared driveway and limited options for manoeuvring.

7.11.8 In most circumstances a unit that is only being used for 60 nights per year and that had a condition on the consent requiring parking information be given to guests should not cause adverse effects to a degree that would justify either a more restrictive activity status or for the consent to be declined. Applications for more than 60 nights per year can be assessed on a case by case basis and managed through consent conditions if appropriate.

Limit the transfer of a resource consent to a new owner

7.11.9 Under the RMA s134, a resource consent allows a specific use on a specific site and transfers to the next landowner and/or occupiers (who must also operate under the same conditions of the resource consent) unless the consent expressly provides otherwise.

7.11.10 If the new landowner wanted to change the way the activity operates in a way that was not consistent with the resource consent conditions (and that would otherwise require a resource consent), they would need to apply for a new consent or to vary the conditions of the existing consent.

7.11.11 A District Plan standard that limited the resource consent to only apply to the applicant as long as they own the land would be ultra vires and should not be necessary if the consent conditions are adequately managing the effects in the first instance. The Council can also, under s128, review the conditions of the consent if there is a review condition in the consent and if there are adverse effects arising at a later date and/or monitoring suggests that the conditions are not adequately managing the effects.

Limit the length of resource consents to three years

7.11.12 For applications for Discretionary and Non-Complying resource consents the decision-maker has discretion to put conditions on the consent including limiting the duration of the consent. Where it would be appropriate to do this would need to be assessed on a case-by-case basis rather than as a standard District Plan rule.

7.11.13 For applications for Controlled resource consents, potentially the matters of control could be expanded to include the duration of the consent but I do not support this approach because as a Controlled activity if the applicant applied again, the application could not be declined. If there were issues with the effectiveness of the consent conditions, there is already a separate mechanism to review them in the RMA as discussed above.

What would guide consideration of the matters of control and how would they be implemented and enforced?

7.11.14 Matters of control and the related consent conditions would be considered in light of their effectiveness at achieving the objectives and policies of the Plan. In this case that would include outcomes such as a "high quality residential neighbourhoods with a high level of amenity"[19] and "minimising adverse effects on the residential character, coherence and amenity of the site and its immediate surrounding including through management of operations to minimise disturbance of neighbours."[20]

7.11.15 With the proposed range of matters of control, conditions could include (subject to the situation at the individual site) requirements such as:

a. providing contact information to neighbours so that they can raise any issues directly with the site owner or person managing the property while they are away;

[19] Objective 14.2.4
[20] Policy 14.2.9.1(b)

b. providing information to guests so that they know where to park and any restrictions on use of parts of the property (e.g. shared drives or restricted turn-around areas) or hazards information such as tsunami evacuation plans;
c. keeping records available of the number of nights booked per year and providing them when requested or on a periodic basis;
d. limits on the hours of operation for outdoor recreation facilities such as tennis court lights or outdoor speaker systems;
e. evidence that arrangements have been made for someone to take bins in and out;
f. restrictions on guests bringing larger campervans or buses on sites that do not have adequate parking or manoeuvring room for them and where there are narrow roads and limited opportunities for on-street parking;
g. in a multi-unit development where units look similar having clear signage, unit numbering, door colouring or decoration, or some other distinctive way of identifying the property so that neighbours are not accidentally disturbed;
h. in a multi-unit development with shared areas or facilities, evidence of a system of access to the unit that ensures that security arrangements for other units are not compromised.

7.11.16 Implementation of a number of these types of conditions can be confirmed by the compliance team by (for example) asking to see a copy of the information given to guests or records of bookings or any management plan for the site. Generally resource consents also have a condition related to monitoring and enforcement which can include a follow-up inspection by the compliance team to ensure that the conditions have been implemented.

7.11.17 The conditions can also be enforced when complaints are received.

7.11.18 Having considered the decisions requested for Issue 11, **my recommendation is to reject the requests for additional activity specific standards or assessment matters beyond what were included in the notified plan change.**

7.12 ISSUE 12: RURAL ZONE AND PAPAKĀINGA/KĀINGA NOHOANGA ZONE PROVISIONS

12. Rural zone and Papakāinga/Kāinga Nohoanga Zone provisions	a. Support for the proposed provisions for rural zones (**S70.2; S102.6; S103.1)** b. Support for splitting the activities that formerly sat under the “farm stay” definition and considering their provisions separately. (**S70.7**) c. Rural zones should not have different provisions for unhosted visitor accommodation to what was proposed for residential zones (**S13.1**) d. In Rural and Papakāinga/Kāinga Nohoanga Zones, replace the proposed provisions with a “home sharing” activity that would be Permitted subject to a single activity specific standard to keep records and Controlled for activities that did not comply with that standard. (**S112.16-17, 29-30**)

	e. Opposed to night limits in rural zones (**S27.2; S39.3**) Issues 9(b) and 9(f) also include submissions that opposed night limits in general terms without specifying rural zones. f. CIAL also raised concerns about potential overlaps between the definitions of "hosted" or "unhosted" "visitor accommodation in a residential unit" and terms replacing "farm stay" (e.g. visitor accommodation accessory to farming") (**S101.35**) g. In the 50 dB L_{dn} Air Noise Contour or 50 dB L_{dn} Engine Testing Contour, for the three categories of visitor accommodation replacing the "farm stay" definition, require guests to be accommodated in an existing residential unit (if accessory to farming) or an existing residential building (excluding any vehicle, trailer, tent, etc.) if accessory to a conservation activity or rural tourism activity (**S101.35; S101.37**)

7.12.1 Several submissions specifically supported the proposed provisions for rural zones and/or the replacement of the "farm stay" definition with more specific activities (e.g. "visitor accommodation accessory to farming").

7.12.2 **I recommend that the decisions requested for Issue 12(a) and (b) be accepted.**

7.12.3 Submission point **S13.1** opposes that unhosted visitor accommodation in a residential unit is a permitted activity in Rural zones for 180 nights a year, and seeks instead that the provisions should provide the same protection as elsewhere. In residential zones, for example, PC4 proposes that unhosted visitor accommodation in a residential unit is generally not a permitted activity[21] and requires a resource consent as a controlled activity for a maximum of 60 nights.

7.12.4 The proposed provision for unhosted visitor accommodation across the District Plan varies according to the function of the zone and the environment anticipated in that zone or area. At one extreme unhosted visitor accommodation is permitted without night limits where a more commercial environment and lower levels of residential amenity is anticipated (commercial and mixed use zones). Where high levels of residential amenity is an intended outcome, such as in most residential zones, greater restrictions have been proposed to protect residential amenity and coherence.

7.12.5 In those rural zones where visitor accommodation is currently provided for as "farm stay", there are no limits on the number of nights, but such accommodation must, by definition, be in association with a residential unit on the site. So in essence the operative District Plan provisions only provide for what is proposed to be hosted visitor accommodation under this plan change. There is an exception to this in that provision is included for tramping huts, both for "farm stay" activities and for "rural tourism activity", which are not required to be hosted.

7.12.6 In terms of the function of the rural zones and the environment anticipated, high levels of residential amenity are not a priority outcome, in contrast to most residential zones (e.g.

[21] Exceptions include in the Residential Visitor Accommodation Zone, in the Accommodation and Community Facilities Overlay, in heritage buildings, or on sites on specified streets

Objective 14.2.4 and Policy 14.2.4.1). Instead Objective 17.2.1.1 seeks that the use and development of rural land support and maintain "in particular, the potential contribution of rural productive activities to the economy and wellbeing of the Christchurch District". Those rural productive activities may adversely impact, to some degree, on the amenities of people residing in rural areas. The rural character and amenity that is sought to be recognized in the policies is a landscape dominated by openness, vegetation and natural character and the "noise, dust and traffic consistent with a rural working environment … that may be noticeable to residents and visitors in a rural areas"[22].

7.12.7 That is not to say that adverse amenity effects on rural residents are to be ignored completely. Rural residents are essential or desirable for undertaking many rural production activities. Policies and rules in the Plan do seek to mitigate such effects, but in the context that rural zones are intended to be working environments. The issue is whether, in that context, it would be more appropriate to require a resource consent for all unhosted visitor accommodation in rural zones, similar to residential zones, or that at least some forms of unhosted visitor accommodation be permitted activities, a management approach more towards that adopted for commercial zones, but not going as far as permitting unlimited nights.

7.12.8 The Plan Change already proposes that permitted unhosted visitor accommodation in a residential unit be subject to specific standards, including a limit to 180 nights a year, a limit of 6 guests at any one time, limits on functions, a requirement for neighbours to be provided with owner/manager contact details, and a requirement for bookings details to be provided to the Council. In addition, built form standards will apply, such as building setbacks (which are greater than those applying in residential zones) and relevant general rules will apply, including noise limits.

7.12.9 As the submission is only in respect of unhosted visitor accommodation, the effects that seem relevant are those that arise from the activity not being hosted. Earlier, under Issue 6, I assessed the effects of unhosted visitor accommodation in residential zones in respect of residential character and amenity. These included reduced connections between neighbours, consideration of impacts on neighbours, and ease with which issues are resolved. Reduced connections between neighbours are also less likely to build social capital and neighbourhood resilience. Guests who are not familiar with the site can inadvertently cause issues for neighbours, such as through inconsiderate parking or door knocking to find the correct unit.

7.12.10 However, in rural areas greater distances between dwellings reduce the risk of noise impacts. There is also usually ample space for parking on site.

7.12.11 The proposed requirement for contact details to be provided to neighbours will assist in resolving any issues with visitors that do arise and is similar to the way issues may need to be resolved in respect of other visitors to the site related to farming operation, such as contractors. The rural zones also permit a range of activities that could result in moderate numbers of visitors, such as rural produce retail activities, rural produce manufacturing activities, rural tourism activities, veterinary care facilities and recreation activities. Although these activities are generally likely to be under some sort of management control, that may not always be the case and visitors would be less likely to be arriving after dark compared with visitor accommodation activities.

[22] Policy 17.2.2.3

7.12.12 Objective 17.2.1.1 also seeks to manage reverse sensitivity risks for rural productive activities – i.e. the risk that guests unfamiliar with the rural environment may complain about noise, odours or other effects in a way that might later constrain those activities. The proposal is primarily enabling visitor accommodation in association with activities that are either already residential (and therefore have already mitigated this risk) or where the guests have deliberately chose to stay in visitor accommodation associated with a farming activity. On that basis, I think the risk of reverse sensitivity impacts on rural productive activities is not great.

7.12.13 When viewed in this context and considering the limit to only 6 guests at any one time and on the number of nights per year, I conclude that retaining the proposed provisions for unhosted visitor accommodation in rural zones provides an appropriate balance between protecting the amenities of residents, the operation of rural productive activities, and enabling visitor accommodation in the rural environment.

7.12.14 Airbnb's submission points **S112.28 and 112.29** seeks that in the rural zones the proposed hosted and unhosted visitor accommodation provisions be replaced with a single "home sharing" activity that would be a permitted activity, subject to a single activity specific standard to provide records to the Council, and that it becomes a controlled activity if that standard is not met. Home sharing is defined in the submission as meaning a residential unit for visitor accommodation where individual bookings are for less than 21 consecutive days in length each.

7.12.15 I do not support this approach for the same reasons discussed above for the residential zones.

7.12.16 CIAL also raised concerns about potential overlaps between the definitions of "hosted" and "unhosted" "visitor accommodation in a residential unit" and terms replacing "farm stay" (e.g. "visitor accommodation accessory to farming", "visitor accommodation accessory to a conservation activity" and "visitor accommodation accessory to a rural tourism activity") (**S101.35**).

7.12.17 The notified Plan Change provides for unhosted visitor accommodation in a residential unit in rural zones as a permitted activity, subject certain requirements. The limitations proposed are a 180 nights a year, 6 guests at any one time, limits on functions, a requirement for neighbours to be provided with owner/manager contact details, and a requirement for bookings details to be provided to the Council. PC4 provides for hosted accommodation in a residential unit in those rural zones subject to a limit of 6 guests at any one time and limits on functions.

7.12.18 The existing provisions for visitor accommodation for "farm stay" activities, which are being replaced, is limited to a maximum number of guests (6 or 10 depending on the zone) and to existing residential units or, in Rural Banks Peninsula Zone (RuBP), in tramping huts or new buildings up to 100m^2. Accommodation is also permitted in RuBP as part of a "Rural tourism activity" in tramping huts or tenting in association with walking or cycling tracks with buildings limited to 100m^2 and a limit to the number of visitors of 100 persons. The existing provisions do not provide for hosted accommodation in a residential unit that is not accessory to farming, a conservation activity or a rural tourism activity and not in association with a residential unit. As such the plan change extends provision for visitor accommodation to new residential units, rather than just existing, and to situations where, for example, the principal use of the site is residential.

7.12.19 The effect of the submission would be to remove the limits on the number of guests being accommodated and on the number of other people who can attend functions or events on the

site. It would also remove the standards applying to unhosted accommodation in respect of the limit to 180 nights a year and a requirement for neighbours to be provided with owner/manager contact details.

7.12.20 The changes sought in the submission have potential implications in terms of the scale of the visitor accommodation that could occur and the potential effects on neighbours. The scale of the visitor accommodation could have implications as to whether the visitor accommodation sought by the submission could be such that it should be considered to be an urban activity, which both the RPS and the District Plan Strategic Objectives direct to be limited to existing urban areas or greenfield priority areas. Likewise there are objectives and policies relating to commercial activities in Rural zones.

7.12.21 However, those directions are not absolute and the District Plan provides for some activities in rural zones that are associated with the rural use of the land, but could be considered to be an urban activity, e.g. processing of farm produce. Likewise, some commercial activity associated with the rural use of the land is provided for, e.g. retailing rural produce grown or produced on the site. Those examples have an association with the rural use of the land and are essentially secondary to that rural use. Hosted visitor accommodation can be viewed in the same light. However, full-time unhosted visitor accommodation that was not otherwise reliant on the rural resource in some way (Policy 17.2.2.5) could potentially be the principal use of a site, particularly on smaller rural sites, and would essentially be a commercial activity on a rural site.

7.12.22 The Rural zone policies provide for the possibility of some forms of commercial activities, specifically Policy 17.2.2.1 which enables a range of activities that "have a direct relationship with, or are dependent on, the rural resource", and recreation activities and rural tourism activities are specifically provided for. Visitor accommodation, whether hosted or unhosted, that provides the experience of a rural environment would not seem to be inconsistent with such provisions. However, the scale of buildings used as part of recreation activities and rural tourism activities are limited, in line with the objectives to maintain the rural environment, open space, natural features and landscapes, maintaining a contrast to the urban environment and managing reverse sensitivity risks for rural productive activities (Objective 17.2.1.1).

7.12.23 In terms of the potential scale of visitor accommodation, the plan change proposes to have "un/hosted visitor accommodation in a residential unit" continue to relate to the definition of "residential unit". The number of residential units possible on a site is limited by minimum site area requirements, e.g. 4ha. in the Rural Urban Fringe Zone. This limits the scale of visitor accommodation in the rural environment to make use of existing residential units which also function as holiday homes.

7.12.24 I agree with the submitters that streamlining the number of activities would reduce the complexity of the Plan and the provisions but, as discussed above with the residential provisions, my view is that a single "home-sharing" activity does not sufficiently distinguish between hosted and unhosted visitor accommodation in a residential unit. In a rural context, hosted accommodation is more likely to be related to a rural activity (whether that activity is farming or not) so has greater support under Policy 17.2.2.1 because it provides a supplemental revenue stream for landowners engaged in a range of rural productive activities and therefore provides for the economic development potential of the land without resulting in a proliferation of visitor

accommodation activities that might increase demand for development and reduce the rural character and amenity of the zones.

7.12.25 Because of the structure of land ownership in a rural environment, I think it is still necessary to have a separate "visitor accommodation accessory to farming" activity which is distinct from "hosted visitor accommodation in a residential unit". Some farms will have been subdivided so that the main residential unit/farmhouse sits on a different title to the bulk of the land owned by the host. In some cases, it would be more efficient and/or result in a better outcome to set visitor accommodation associated with farmstays on a different part of the property, for example, closer to the farm activities, where there is a more attractive view, or where better screening can be provided from the road or neighbouring properties.

7.12.26 However, if the visitor accommodation units are not on the same site as the residential unit, this will trigger a resource consent requirement if the only available activity were "hosted visitor accommodation in a residential unit"/"home-sharing".

7.12.27 Likewise, I think visitor accommodation accessory to a conservation activity or rural tourism activity (e.g. tramping huts or camping in tents along walking or cycling tracks) are distinct activities from hosted or unhosted visitor accommodation in residential unit in that they are generally not hosted, are spread over a greater geographical distance and are more likely to be informal, small scale and/or temporary in terms of their built form.

7.12.28 In my view, the distinctions between these activities are reasonably clear, however, if the Panel considered that there is the potential for overlap between, for example, "hosted visitor accommodation in a residential unit" and "visitor accommodation accessory to farming" this could be addressed by excluding the activities in the description of each activity rather than combining them and collapsing the distinction between the activity specific standards applying to each. For example, 17.4.1.1 P22 (and similar rules in other zones) could be "hosted visitor accommodation in a residential unit which is not associated with farming".

7.12.29 In summary, **I recommend that the Panel reject decisions requested under Issues 12(c), 12(d), 12(e) and 12(f) seeking to remove or amend night limits on unhosted visitor accommodation in a residential unit in rural and papakāinga zones or combine the different kinds of visitor accommodation provided for in those zones.**

7.12.30 CIAL also sought that in the 50 dB L_{dn} Air Noise Contour or 50 dB L_{dn} Engine Testing Contour, for the three categories of visitor accommodation replacing the "farm stay" definition, guests should be required to be accommodated in an existing residential unit (if accessory to farming) or an existing residential building (excluding any vehicle, trailer, tent, etc.) if accessory to a conservation activity or rural tourism activity (**S101.35; S101.37**)

7.12.31 "Existing residential unit/buildings" could be interpreted either as "existing at the date of the Plan rules becoming operative" or "existing before the visitor accommodation activity is proposed". It is not clear in the submission which is being sought. The effects of visitor accommodation accessory to farming do not really vary based on when the structure was built and, if anything, more modern buildings are more likely to have acoustic attenuation given the other District Plan requirements for new buildings and extensions to existing buildings within the airport noise contours. The second interpretation would not really be effective because it does not specify how long before the proposal the building needs to be built to be "existing".

7.12.32 I support the reordering of the wording sought in these decisions requested to group the standards relevant in the airport noise contours together in Rules 17.5.1.1 P20, P21, P22 and P23 and Rule 17.6.1.1 P18, P19, P20 and P21, but do not recommend that the standard limit visitor accommodation to "existing" buildings. I agree with CIAL that the risk of intensification or establishment of new sensitive activities within the airport noise contours needs to be managed, however the restrictions on the number of total guests combined with the zone rules limiting density of residential units on sites do this more effectively than trying to manage which buildings they are able to stay in. That could reduce flexibility for hosts in a way that might lead to perverse outcomes – encouraging them to accommodate guests in older buildings that do not have acoustic attenuation.

7.12.33 Airbnb's submission points **S112.28** and **S112.29** also sought that there be no limit on the number of guests for "home-sharing" if the residential unit is located within the airport noise contours relating to Christchurch International Airport in the Rural Urban Fringe and Rural Waimakariri Zones, rather than the limit to 4 guests as proposed in the Plan Change.

7.12.34 The CRPS and the District Plan include a number of objectives and policies to restrict intensification of sensitive activities within the airport noise contours to manage reverse sensitivity effects on the airport. As discussed above, objectives and policies for rural zones more generally seek to maintain contrast to the urban form and rural character and amenity values including predominantly open landscapes.

7.12.35 The Plan does this by limiting the density of residential development to, for example, one residential unit per 4 hectares in the Rural Waimakariri Zone and making formal visitor accommodation a Discretionary activity in rural zones. For types of visitor accommodation that are not necessarily associated with a residential unit (e.g. visitor accommodation accessory to farming, conservation activities or rural tourism activities) caps on the number of guests are necessary to manage the scale and intensity of the development

7.12.36 Increasing the number of guests that can stay in visitor accommodation in rural zones within the 50 dB L_{dn} Air Noise Contours would not be consistent with Strategic Directions Objective 3.3.12(b)(iii) to avoid new noise sensitive activities within the 50 dB L_{dn} Air Noise Contour except within an existing residentially-zoned area or greenfield priority area.

7.12.37 The operative Plan enables four guests for bed and breakfasts and farmstays in the Rural Urban Fringe Zone and Rural Waimakariri Zone within the 50 dB L_{dn} Air Noise Contour. Increasing this number would, in my view, constitute an expansion of a sensitive activity which would also not be consistent with Policy 6.3.5 of the CRPS to "avoid noise sensitive activities within the 50 dB L_{dn} Air Noise Contour".

7.12.38 In summary, **I recommend that the Panel accept in part the decisions requested for Issue 12(g).**

7.12.39 As I was completing this report, I noted two additional issues I wanted to bring to the Panel's attention.

7.12.40 The first was that the operative District Plan also included some provisions for visitor accommodation activities in Open Space zones. This includes:

a. 18.4.1.1 P8 Guest accommodation

b. 18.4.1.1 P14 Guest accommodation in a building listed as a heritage item

c. 18.5.1.1 P14 Guest accommodation

d. 18.5.1.1 P20 Guest accommodation in a building listed as a heritage item

e. 18.7.1.1 P10 Guest accommodation

f. 18.7.1.1 P11 Farm stay

g. 18.8.1.1 P17 Guest accommodation in a building listed as a heritage item

7.12.41 While updates to these activities to change to the "visitor accommodation" definition were not included in the notified Plan Change document, they can be amended as consequential amendments to implementing the National Planning Standards which does not require a decision from the Panel. I have included these changes in Appendix 2 for information purposes.

7.12.42 The second issue relates to the standards for tramping huts and camping in tents resulting from replacing the "farm stay" definition in the Rural Banks Peninsula Zone with "visitor accommodation accessory to a rural tourism activity" and "visitor accommodation accessory to a conservation activity".

7.12.43 The operative Plan includes two activities in the Rural Banks Peninsula Zone[23]:

P12 "farm stay" for up to 10 guests which must be accommodated in existing buildings or new buildings of up to $100m^2$ and camping grounds restricted to tents. The definition of "farm stay" includes "transient accommodation offered at a tariff that is accessory to rural tourism activity and in association with a residential unit on the site"

P13 "rural tourism activity" for up to 100 visitors a day where the GFA of any building is limited to $100m^2$ and may include tramping huts and camping in tents in association with walking and cycling tracks.

7.12.44 The notified Plan sought to clarify whether or not "rural tourism activity" was inclusive of visitor accommodation because one of the standards (d) related to tramping huts and camping in tents in association with walking and cycling tracks but the definition of "rural tourism activity" did not specifically include accommodation ancillary to that activity.

7.12.45 To simplify this, I proposed deleting the reference to tramping huts and camping from the activity specific standards for 17.4.1.1 P13 rural tourism activity and adding a separate "visitor accommodation accessory to a rural tourism" activity P25 which permits up to three cabins or tramping huts with a maximum of $100m^2$ each per site and ten cabin or huts along the length of the rural tourism activity.

7.12.46 However, the "visitor accommodation" definition only covers tramping huts and campgrounds where a tariff is charged, whereas the intent of the operative version of 17.4.1.1 P13 may have

[23] Similar activities also exist in the Rural Urban Fringe, Rural Waimakariri and Rural Port Hills Zone with slightly different standards (e.g. only 60 visitors associated with a rural tourism activity permitted in the Rural Port Hills Zone compared with 100 visitors for Rural Banks Peninsula)

been to enable tramping huts and camping associated with walking and cycling tracks where a fee is not charged (and therefore the activity is not "visitor accommodation" as defined by the District Plan).

7.12.47 There is still a need to enable tramping huts and camping where a tariff is not charged but the changes proposed in the notified version no longer do this as effectively as the operative version did. I do not see a submission on PC4 that would give scope to address this issue but consider that the Panel has the option to revert to the operative version of Rule 17.4.1.1 P13(d) recognising that rural tourism activity can include tramping huts and camping where a fee is not charged. This could be further clarified in the "rural tourism activity" definition – that it does not include visitor accommodation but does include types of informal overnight accommodation like tramping huts where a fee is not charged.

7.13 ISSUE 13: PROPOSED CHANGES TO THE OBJECTIVES AND POLICIES FOR THE COMMERCIAL CHAPTER

13. Proposed changes to the objectives and policies for the Commercial chapter Objective 15.2.5 Policy 15.2.6.1	a. Additional recognition of home sharing as a subset of residential activities recognised in Objective 15.2.5 as activities that should be supported in the Central City. (**S112.25**)

7.13.1 Airbnb sought amendments to Objective 15.2.5 to specifically recognise home sharing as an activity which should be supported in the Central City as a subcategory of residential activities.

7.13.2 As both residential activities and visitor accommodation activities are already included in the operative version of Objective 15.2.5, in my view there is little benefit in also specifying home-sharing/visitor accommodation in a residential unit in the objective. I note that the other activities listed in that objective (commercial activities, community activities, and cultural activities) cover very broad categories of activities without specifying each type of commercial activity, etc. If listing types of residential or visitor accommodation activity it would seem strange to be specifically mentioning home-sharing in the objective but not boarding houses or student accommodation or hotels, etc.

7.13.3 **On that basis, I recommend that the Panel reject the decision requested (S112.25).**

7.13.4 If the Panel decides that a specific mention of home-sharing/visitor accommodation in a residential unit is necessary in Objective 15.2.5, as discussed above in Issue 6, the approach I am supporting in the proposal groups hosted and unhosted visitor accommodation in a residential unit as a type of visitor accommodation activity rather than a type of residential activity. In that case, I recommend that the reference to home-sharing/visitor accommodation in a residential unit be grouped with visitor accommodation activities rather than residential activities.

7.14 ISSUE 14: COMMERCIAL ZONE PROVISIONS

14. Commercial zone provisions	a. If visitor accommodation in a residential unit is singled out as a separate activity from residential activities and visitor accommodation in other zones, it should also be specifically provided for in commercial zones for avoidance of doubt. (**S112.26**) b. Support for not inserting provisions for "visitor accommodation in a residential unit" activities in commercial zones. The submitter sought that if such activities were inserted, a standard should apply that the activity should not be located within the 50 dB L_{dn} Air Noise Contour. (**S101.30**)

7.14.1 Airbnb (**S112.26**) sought that provisions for visitor accommodation in a residential unit are specifically included in commercial zones for avoidance of doubt.

7.14.2 I support amending the National Planning Standards definition to note that hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit are both sub-categories of the visitor accommodation definition.

7.14.3 If the Panel support this approach, it would then be unnecessary to amend the commercial zone activity tables to provide specifically for those activities because those zones already provide for visitor accommodation as a permitted activity. I would also not support adding an activity specific standard requiring record keeping of nights booked in zones that do not have provisions with night limits as the primary purpose of the record keeping is to assist with monitoring efforts with respect to the night limits.

7.14.4 CIAL (**S101.30**) supported not including specific provisions for visitor accommodation in a residential unit in commercial zones but sought that if any provisions were included for commercial land within the 50 dB L_{dn} Air Noise Contour then an additional standard should be added restricting its location within the 50 dB L_{dn} Air Noise Contour.

7.14.5 As the proposal considers visitor accommodation in a residential unit to be a subcategory of visitor accommodation, specific rules were not included in commercial zones in the proposed Plan Change because visitor accommodation was already a permitted activity in the commercial zones in the operative Plan that provide for a range of activities (noting it is not permitted in the Commercial Retail Park Zone and Commercial Office Zone). In that sense, visitor accommodation in a residential unit is enabled in commercial zones with the same standards applying to them as to other visitor accommodation activities.

7.14.6 This includes standards such as:

Zone	Rule	Standard
Commercial Core Zone	Rule 15.4.1.1 P11	Any bedroom shall be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB $D_{tr,2m,nT,w+}Ctr$.
	Rule 15.4.1.5 NC2	Sensitive activities within the 50 dB L_{dn} Air Noise Contour as defined on the planning maps.
Commercial Local Zone	Rule 15.5.1.1 P11	Outside the Central City, any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB $D_{tr,2m,nT,w}+C_{tr}$.
	Rule 15.5.1.5 NC2	Sensitive activity within the 50 dB L_{dn} Air Noise Contour as defined on the planning maps

7.14.7 This means that guest accommodation that was not designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants would already be a non-complying activity in the two types of commercial zones that are within the 50 dB L_{dn} Air Noise Contour and which enable visitor accommodation activities. Visitor accommodation in those areas are also required to meet the same standards for noise attenuation as residential activities in the same zones.

7.14.8 I do not see a basis for taking a different approach to commercial visitor accommodation and visitor accommodation in a residential unit in commercial zones and consider that the current standards for visitor accommodation in commercial zones are adequate to mitigate the risk of reverse sensitivity for the airport.

7.14.9 **Therefore I recommend that the decisions requested for Issue 14(a) and (b) be rejected.**

7.15 ISSUE 15: ANCILLARY ACTIVITIES TO VISITOR ACCOMMODATION

15. Ancillary activities to visitor accommodation	a. Support for the proposed changes for ancillary activities in the Accommodation and Community Facilities Overlay including limits on their scale and consideration of impacts on commercial centres. (**S75.6; S82.7**) b. Ensure that replacement of the "guest accommodation" definition with the National Planning Standards definition of "visitor accommodation" does not reduce the scope of activities that could be undertaken, either through amendments to the National Planning Standards definition or changes to the rules to recognise ancillary activities cited in the previous definition explicitly (**S82.3**).

7.15.1 Several submissions were supportive of the proposed changes relating to the scale of ancillary activities in the Accommodation and Community Facilities Overlay.

7.15.2 The Carter Group's submission sought that the changes implementing the National Planning Standards definition of "visitor accommodation" did not reduce the scope of ancillary activities that could be undertaken either through adding reference to ancillary activities to the definition of "visitor accommodation" or ensuring that the provisions in the relevant zones continued to provide for those activities.

7.15.3 In implementing the Planning Standards definition, the District Plan would not be able to amend the definition (other than, as discussed above, adding some text explaining the relationship of the term to other defined terms).

7.15.4 The definition of "visitor accommodation" in the Planning Standards includes "any ancillary activities" which is in some ways broader than what is provided for in the "guest accommodation" definition. For avoidance of doubt though, it may be useful to also specify these activities in the Plan rules.

7.15.5 Most of the ancillary activities listed in the "guest accommodation" definition are also already permitted activities in their own right in most commercial, open space and similar zones that enable guest accommodation. I've summarised these in Appendix 7. Where an activity is not already listed as a Permitted activity, I have tried to list it with the activity description for visitor accommodation.

7.15.6 In reviewing the activities for the table in Appendix 7, I have noted some additional gaps and have amended them in Appendix 2. These are:

	Zone/Overlay	Rule	Amendment
a.	Specific Purpose (Airport) Zone	13.3.4.1.1 P6	Visitor accommodation **including ancillary offices and fitness facilities, and the provision of goods and services primarily for the convenience of guests**
b.	Residential Guest Accommodation Zone	14.11.1.1 P1	Visitor accommodation **including ancillary:** **i. offices;** **ii. meeting and conference facilities;** **iii. fitness facilities; and** **iv. the provision of goods and services primarily for the convenience of guests**
c.	Commercial Mixed Use Zone	15.9.1.1 P26	Visitor accommodation **including ancillary meeting and conference facilities, and the provision of goods and services primarily for the convenience of guests**
d.	Open Space Community Parks Zone	18.4.1.1 P8	Visitor accommodation **including ancillary fitness facilities, and provision of goods and services primarily for the convenience of guests**
e.		18.4.1.1 P14	The following additional activities within a building listed as a heritage item:

			c. visitor accommodation including ancillary provision of goods and services primarily for the convenience of guests
f.	Open Space Metropolitan Facilities Zone	18.5.1.1 P14	Visitor accommodation including ancillary provision of goods and services primarily for the convenience of guests
		18.5.1.1 P20	The following additional activities within a building listed as a heritage item: a. visitor accommodation including ancillary provision of goods and services primarily for the convenience of guests
g.	Open Space Natural Zone	18.7.1.1 P10	Visitor accommodation including use of existing buildings on the site for ancillary: i. offices, ii. meeting and conference facilities, iii. fitness facilities, and iv. the provision of goods and services primarily for the convenience of guests
h.		18.7.1.1 P11	~~Farm stay~~ Visitor accommodation accessory to farming or to a conservation activity or rural tourism activity
i.	Open Space Water and Margins Zone	18.8.1.1 P17	The following additional activities within a building listed as a heritage item: c. visitor accommodation including ancillary: i. offices, ii. meeting and conference facilities, iii. fitness facilities, and iv. the provision of goods and services primarily for the convenience of guests

7.15.7 These are consequential amendments to implementing the Planning Standards which the Council can make under s58I(3)(d) outside of the Schedule 1 consultation process and do not require a decision from the Panel. They are ensuring that ancillary activities that were specifically recognised through the guest accommodation definition are still recognised to the same degree when replaced by the visitor accommodation definition. I have noted these changes for information and to assist with understanding the proposed Plan Change.

7.15.8 However, if the Panel disagrees that these are "consequential amendments to avoid duplication or conflict" with the new Planning Standards definition, then the Carter Group's submission gives scope to consider these amendments through the Plan Change.

7.15.9 The Carter Group also sought specific recognition of the ability to sell alcohol on the premises. This covered by the definition of "food and beverage outlet" ("the use of land and/or buildings primarily for the sale of food and/or beverages prepared for immediate consumption on or off the site to the general public. It includes restaurants, taverns, cafés, fast food outlets, takeaway bars and any ancillary services.") "Beverage" does not specifically exclude alcoholic beverages and several of the activities that are listed for inclusion as food and beverage outlets (taverns, restaurants) specifically include licensed premises in their definitions.

7.15.10 Licencing for sale of alcohol is primarily managed under the Sale and Supply of Alcohol Act 2012. In my view, the District Plan does not need to specifically enable licensed premises in activities such as food and beverage outlets where they are not distinguished from businesses selling other kinds of beverages. Any additional effects specific to the sale of alcohol are generally managed through the conditions on the sale of alcohol license. The District Plan does manage the location of late-night licensed premises relative to residential zones in section 6.9 but otherwise does not generally manage activities related to the sale of alcohol.

7.15.11 In summary, **I recommend that the Panel:**

a. **accept the submissions supporting the proposal in Issue 15(a);**
b. **accept in part the submission from the Carter Group (S82.3) in Issue 15(b) seeking that the Plan more specifically identify the ancillary activities permitted with visitor accommodation other than provision of alcohol; and**
c. **note that some additional consequential amendments resulting from the implementation of the Planning Standards definition of visitor accommodation have been included for information purposes in Appendix 2**.

7.16 ISSUE 16: TRANSPORT/PARKING PROVISIONS

16. Transport/parking provisions	a. Support for the proposed changes to the parking and other transport standards (**S75.3**) One submitter noted that a lack of minimum car parking requirements is consistent with the NPS-UD. (**S118.12**) b. Remove any remaining requirements for visitor accommodation in a residential unit to comply with parking standards beyond what would be required for the residential dwelling. (**S59.2; S60.2; S70.4; S76.3; S79.2; S96.4; S101.18; S112.15)**

	c. The same parking standards that apply to commercial visitor accommodation should also apply to visitor accommodation in a residential unit. (**S13.2; S126.1**)

7.16.1 **I recommend that the Panel accept in part the decisions requested under Issue 16(a) above supporting changes to the parking and transport provisions noting that some changes are recommended below. I recommend that the Panel accept submissions noting the consistency of the lack of minimum carparking requirements with the NPS-UD**.

7.16.2 A number of submitters sought removal of any additional parking standards for visitor accommodation in a residential unit beyond what would apply to a residential dwelling.

7.16.3 In summary, the parking requirements proposed in the notified version of PC4 are:

Table 5: Summary of notified transport and parking standards for visitor accommodation in a residential unit

<table>
<tr><th>Standard</th><th>Doesn’t apply/require a resource consent (except where already required for a residential activity)</th><th>Requires a resource consent</th></tr>
<tr><td>Minimum car parking spaces required</td><td>All. The NPS-UD requires these standards to be removed from the District Plan (other than requirements for mobility carparks)</td><td>n/a</td></tr>
<tr><td>Mobility car parking spaces required (Rule 7.4.3.1) if carparking spaces are provided</td><td rowspan="2">a. Hosted visitor accommodation for six or fewer guests
b. Unhosted visitor accommodation in a residential unit 60 or fewer nights a year in a residential zone
c. Visitor accommodation for fewer than ten guests in a rural zone</td><td rowspan="2">a. Hosted visitor accommodation over 6 guests
b. Unhosted visitor accommodation in a residential unit for more than 60 nights per year in a residential zone
c. Visitor accommodation for more than ten guests in a rural zone</td></tr>
<tr><td>Maximum gradient of parking areas and loading areas (Rule 7.4.3.5)</td></tr>
<tr><td>Requirements to illuminate parking and loading areas during hours of operation (Rule 7.4.3.6(a))</td><td>Visitor accommodation in a residential unit</td><td>Visitor accommodation not in a residential unit</td></tr>
<tr><td>Requirements to seal, form, drain and mark carparking and access areas (Rule 7.4.3.6(b))</td><td>Visitor accommodation in a residential unit with less than three carparking spaces</td><td>Visitor accommodation not in a residential unit
Visitor accommodation in a residential unit with three or more carparking spaces</td></tr>
</table>

Standard	Doesn't apply/require a resource consent (except where already required for a residential activity)	Requires a resource consent
Minimum number of cycle parks (generally 1 space/20 bedrooms for visitors and 1 space/5 FTE staff) (Appendix 7.5.2.1)	Visitor accommodation in a residential unit	Visitor accommodation not in a residential unit
Minimum number of loading spaces for heavy vehicles or 99 percentile vehicles (Appendix 7.5.3.1)	Visitor accommodation with fewer than 25 bedrooms	Generally only applies to visitor accommodation with more than 25 bedrooms
Access design and gradient (Appendix 7.5.7) – minimum width of accessways	Hosted visitor accommodation in a residential unit for up to six guests; or unhosted visitor accommodation in a residential unit for up to 60 days per year in a residential zone; or visitor accommodation up to ten guests in a rural zone use the required widths for residential activities	Other visitor accommodation uses the required widths for "all other activities"

7.16.4 Having considered the submissions, in my view visitor accommodation in a residential unit of a certain scale takes on a more commercial character and should still need to provide access for people with disabilities.

7.16.5 However, this needs to be balanced with the cost and practicality of retrofitting smaller residential units or units on small sites to provide for dedicated mobility carparks particularly when the visitor accommodation use is part time and the site only has space for one carpark.

7.16.6 Section 118 of the Building Act sets out the requirement when buildings that are accessible to members of the public are constructed or altered, reasonable and adequate provision by way of access, parking provisions and sanitary facilities must be made for persons with disabilities.

7.16.7 Generally a mobility car park may be required when the main use of a site changes from residential to visitor accommodation (i.e. defined in the Building Act as when members of the public are provided with accommodation) however the Building Act and its associated regulations do not give guidance on whether the "main use" of the site relates to the time period, the proportion of the site, the number of units in a multi-unit residential complex, the ratio of guests to permanent residents, etc.

7.16.8 There is an opportunity through the District Plan provisions to provide additional guidance on this point given that the operative District Plan has requirements for mobility carparks to manage areas where there may be a shortfall. The NPS-UD allows provisions for mobility carparks to be retained in the Plan.

7.16.9 I agree with the submitters that the effects related to mobility access are connected more to the number of guests than the number of nights that the activity is undertaken and the standard should only apply to units accepting a larger number of guests which are more likely to be larger sites that have the space to provide more than one car-park. This strikes a balance between providing options for places for people with disabilities to stay, including in residential units, while still enabling flexible use of smaller residential units.

7.16.10 I recommend amending the standards to:

7.4.3.1 Minimum and maximum number and dimensions of car parking spaces required

a. Outside of the Central City:

	Applicable to	**Standard**	**The Council's discretion shall be limited to the following matters:**
iii.	Any activity:	At least the minimum number of mobility parking	Rule 7.4.4.3 - Mobility parking spaces.

	Applicable to	Standard	The Council's discretion shall be limited to the following matters:
	A. where standard car parking spaces are provided (except **a.** residential developments with less than 3 residential units, **or b.** ~~hosted visitor accommodation in a residential unit for up to six guests or c. unhosted visitor accommodation in a residential unit for up to 60 days per year in a residential zone, or d.~~ **visitor accommodation for up to ten guests** ~~in a rural zone~~); or B. containing buildings with a GFA of more than 2,500m².	spaces in accordance with Table 7.5.1.2 in Appendix 7.5.1 shall be provided on the same site as the activity.	

b. Within the Central City:

	Applicable to	Standard	The Council's discretion shall be limited to the following matters:
iii.	Any activity (other than in respect of): **a.** residential activities**, or** **b.** ~~hosted~~ **visitor accommodation** ~~in a residential unit~~ **for up to** ~~six~~ **ten guests; or** ~~**c. unhosted visitor accommodation in a residential unit for up to 60 days per year):**~~ A. where car parking spaces are provided, or B. containing buildings with GFA of more than 2,500m².	The minimum number of mobility parking spaces in accordance with Appendix 7.5.1 shall be provided on the same site as the activity.	Rule 7.4.4.3 – Mobility parking spaces

Advice note:

1. For the avoidance of doubt there is no on-site carparking required within the Central City. There is also no requirement to provide mobility parking spaces for residential activities **or for the visitor accommodation activities specified in 7.4.3.1(b)(iii) above** within the Central City.

7.16.11 Likewise, in my view, the requirements for maximum gradients of parking and loading areas for non-residential activities are more appropriate for commercial-scale activities and should apply at the same threshold as requirements for mobility carparks. I therefore recommend the following change to the proposed Rule 7.4.3.5:

7.4.3.5 Gradient of parking areas and loading areas

Applicable to:		**Standard**	**The Council's discretion shall be limited to the following matters:**
a. All non-residential activities with vehicle access **(except** ~~**hosted**~~ **visitor accommodation** ~~**in a residential unit for up to six guests; or unhosted visitor accommodation in a residential unit for up to 60 days per year in a residential zone; or visitor accommodation**~~ **for up to ten guests** ~~**in a rural zone**~~**)**.	i. Gradient of surfaces at 90 degrees to the angle of parking (i.e. parking stall width).	Gradient shall be ≤ 1:16 (6.26%).	Rule 7.4.4.7 - Gradient of parking areas and loading areas
	ii. Gradient of surfaces parallel to the angle of parking (i.e. parking stall length).	Gradient shall be ≤ 1:20 (5%).	
	iii. Gradient of mobility parking spaces.	Gradient shall be ≤ 1:50 (2%).	

7.16.12 In terms of the requirements to illuminate parking and loading areas during hours of operations, my view is that it is appropriate to retain the distinction made in the notified proposal between visitor accommodation in a residential unit and formal visitor accommodation. The former is likely to have a smaller carparking area in a residential area where keeping lights on during the hours of operation (technically all night) would disturb residential neighbours.

7.16.13 Smaller scale visitor accommodation in a residential unit will already be subject to standards to seal, form and drain parking areas and accessways and to provide appropriate levels of cycle parking for the residential activity.

7.16.14 In my view the appropriate threshold to require acccessways to be widened from the residential standard to the non-residential standard should be the same as the threshold for requiring mobility carparks and standard gradient of parking areas as above. The rule should therefore be amended to:

Appendix 7.5.7 – Access design and gradient

All vehicle access to and within a site shall be in accordance with the standards set out in Table 7.5.7.1 below. **For the purposes of Table 7.5.7.1** ~~**hosted visitor accommodation in a residential unit for up to six guests; or unhosted visitor accommodation in a residential unit for up to 60 days per year in a residential zone; or**~~ **visitor accommodation for up to ten guests** ~~**in a rural zone**~~ **shall comply with the standards for residential activities.**

7.16.15 This would keep the rules simpler for applicants because there would be a consistent distinction between residential scale and commercial scale visitor accommodation parking and transport rules.

7.16.16 This better achieves the objectives and policies for the Transport chapter, particularly Policy 7.2.1.5 to require that car parking areas are designed to be accessible for people whose mobility is restricted balanced with Objective 7.2.1 for a transport system that enables economic development. There would still be accommodation options provided for people with disabilities while still providing for the flexible use of sites that are primarily used as residences.

7.16.17 **Therefore I recommend that the decisions requested on Issues 16(b) and (c):**

a. seeking to remove requirements for visitor accommodation in a residential unit to comply with more stringent standards than residential activities (16(b)) be accepted in part;

b. seeking requirements for visitor accommodation in a residential unit to comply with the same parking and transport standards as commercial visitor accommodation (16(c)) be accepted in part.

7.17 ISSUE 17: NOTIFICATION REQUIREMENTS

17. Notification requirements	a. Requirements in the District Plan that neighbours be notified and/or have to give permission before unhosted visitor accommodation can be undertaken in a residential unit **(S18.1; S126.3; S133.1)**

	b. If resource consent requirements for visitor accommodation in residential units in the notified proposal are retained in the Plan, they should be subject to non-notification clauses with the only exception being where limited notification is required with respect to reverse sensitivity rules for strategic infrastructure. (**S112.6**)

7.17.1 The RMA does not have a mechanism to decline consents on the basis of not being able to get permission from neighbours. Applications are assessed on the basis of the likely effects and then a recommendation is made by the processing planner whether and to whom to notify the application.

7.17.2 Airbnb (**S112.6**) sought that notification should be precluded on any resource consent application except with respect to rules related to strategic infrastructure.

7.17.3 Sections 95A-B of the RMA sets out the steps for determining whether a resource consent should be publicly notified, limited notified or non-notified. For Controlled activities that do not trigger a resource consent requirement for other reasons, the application cannot be publicly or limited notified except if special circumstances are identified.

7.17.4 For applications for more than 60 nights per year, I think the range of potential circumstances and effects will be more varied and that notification in some circumstances will still be appropriate. However, I think the effects in residential and other urban zones are generally localised so would support a clause restricting public notification but still enabling limited notification of affected parties[24]. In rural zones, proposals could affect parties spread over a wider area or could impact a wider group of stakeholders (e.g. users of rural tourism activities) so there may be some circumstances where public notification could be appropriate.

7.17.5 For the reasons discussed above, **I recommend that the Panel:**

a. accept in part decisions requested supporting notification requirements (S126.3; S133.1);

b. reject decisions requested seeking consent be contingent on neighbour approval (S18.1);

c. accept in part decisions seeking non-notification requirements (S112.6).

7.18 ISSUE 18: MANAGEMENT OF DENSITY/CUMULATIVE EFFECTS

18. Management of density/cumulative effects	a. Some submitters sought additional standards or other mechanisms to enable consideration of the cumulative effects of visitor accommodation in residential units or to manage clustering of units in desirable areas. These included:

[24] This affects Rules 12.4.1.4 D4, 13.11.4.1.4 D9, D10, 13.11.4.1.5 NC4, 14.4.1.4 D7, D8, D9, 14.4.1.5 NC8, 14.5.1.4 D7, D8, D9, 14.5.1.5 NC4, 14.6.1.4 D5, D6, D7, 14.6.1.5 NC8, 14.7.1.4 D6, D7, D8, 14.7.1.5 NC3, 14.8.1.4 D9, D10, D11, 14.8.1.5 NC3, 14.8.3.1.4 D1, D2, d3, 14.8.3.1.5 NC6, 14.9.1.4 D6, D7, D8, 14.9.1.5 NC3, 14.10.1.4 D4, D5, D6, 14.10.1.5 NC3, 14.12.1.4 D5, D6, D7, 14.12.1.5 NC5, 16.4.6.1.4 D2, D3, 16.4.6.1.5 NC3

	i. limiting the number of properties that can be used for unhosted visitor accommodation within the same area or on the same site; ii. limiting unhosted visitor accommodation in multi-unit residential dwellings with three or more units; or iii. additional assessment matters for unhosted visitor accommodation in residential units including cumulative effects on residential amenity and social cohesion and cumulative effects on housing supply. (**S36.4; S121.2-3; S106.3, S126.5**) b. Existing visitor accommodation in residential units in the Central City Residential Zone must comply with the new provisions. (**S90.17; S124.1**)

7.18.1 A number of submissions sought additional standards or other mechanisms in the Plan to manage the risk of unhosted visitor accommodation in a residential neighbourhood clustering in specific areas or in particular buildings.

7.18.2 The option of capping the number of properties that could be used in the same area or on the same site was considered in the s32 report on pp75-76. I concluded that this approach would not be practical to try to implement given the transient nature of the activity and the difficulty in determining how many sites are actually being used for this purpose at any point in time.

7.18.3 Limiting unhosted visitor accommodation in multi-unit residential dwellings is not justified by the potential effects and would not effectively manage the issue of cumulative effects. The effects of small scale, part-time unhosted visitor accommodation in a residential dwelling can be managed in multi-unit residential as well as detached dwellings.

7.18.4 For activities that would be Discretionary (61-180 nights per year) or Non-complying (180+ nights per year), the application would be assessed against the objectives and policies in the Plan.

7.18.5 Proposed Objective 14.2.9 and Policy 14.2.9.1 provide scope to consider the cumulative effects of other visitor accommodation activities in the same development or neighbourhood. Objective 14.2.9(b) enables planners processing resource consents to consider whether or not the number of residential units being used for visitor accommodation in a specific area is no longer meeting objectives for housing affordability and choice, support for commercial centres or a high level of amenity in residential neighbourhoods. Potentially applications could be declined on the basis that those objectives were no longer being met.

7.18.6 Likewise Policy 14.2.9.1 seeks to avoid visitor accommodation in a residential unit that is at a scale, duration and/or frequency that cannot be managed in a way that minimises adverse effects on the residential amenity of the site and its immediate surroundings.

7.18.7 As a Controlled activity resource consent cannot be declined, I do not think it would be beneficial to add a matter of control related to consideration of the cumulative effects of unhosted visitor accommodation in a residential unit that is for less than 60 nights per year. The limit on the scale of the activity means that the unit will still have a permanent resident so the impacts on residential coherence are managed that way and there are other matters of control that consider impacts on residential amenity. Discretionary or Non-Complying activities would consider the objectives and policies which, as discussed above, give scope to consider cumulative effects.

7.18.8 As discussed above for Issue 9, I do not support the relief sought by the Coalition for Safe Accommodation in Christchurch to make 1-60 nights a Restricted Discretionary activity rather than a Controlled one. If the Panel disagrees and supports this relief, in my view an additional matter of discretion related to the cumulative effects of the activity for less than 60 nights a year would not be warranted as this would add significantly to the cost of the consent and it is unlikely that the activity at this scale even in more popular areas would have impacts on residential coherence, amenity or housing supply that would justify that additional cost.

7.18.9 Two submissions sought that existing visitor accommodation in residential units operating in the Central City Residential Zone not be enabled (**S90.17; S124.1**). Section 10 of the RMA provides that there are existing use rights (meaning no resource consent is required) for activities that breach a new District Plan rule but that were lawfully established before a rule became operative or a proposed plan is notified that would otherwise require a resource consent for that activity. This applies as long at the effects of the activity remain similar in character, intensity and scale and the activity has not been discontinued for longer than 12 months since it breached the new rule. The District Plan could not, therefore, remove existing use rights for visitor accommodation activity that was being operated legally before the new provisions become operative.

7.18.10 **For the reasons discussed above, I recommend that the decisions requested for Issues 18(a) and 18(b) be rejected.**

7.19 ISSUE 19: AREA-SPECIFIC PROVISIONS REQUESTED

19. Area-specific provisions requested	*Banks Peninsula* a. More permissive provisions for specific areas including Akaroa, Diamond Harbour and/or the small settlements on Banks Peninsula where there are a large percentage of holiday homes. Te Pātaka o Rākaihautū/ Banks Peninsula Community Board proposed that on Banks Peninsula, unhosted visitor accommodation in a residential unit should be a permitted activity for the first 180 days in both rural and residential zones. (**S6.1; S14.1; S16.3; S19.1; S33.1; S63.1; S100.5; S103.2; S122.1**) *Central City* b. No resource consent requirement within the Central City/Four Avenue (**S14.2; S24.1**). c. A more restrictive regime for unhosted visitor accommodation in residential units in the Central City – only allowing it in business and mixed-use zones (**S90.1; S124.1**). *Outside the Central City* d. A more permissive regime outside of the Central City (permitted for over 180 nights per year) (**S95.3**)

Banks Peninsula

7.19.1 A number of submissions sought more permissive provisions for unhosted visitor accommodation in residential units in residential zones on Banks Peninsula. The primary reasons given were that:

a. the majority of homes in settlements on Banks Peninsula are already holiday homes giving them a different residential character to neighbourhoods that are suburbs of Christchurch; and

b. commercial centres on Banks Peninsula and in particular Akaroa rely heavily on the visitor economy and enabling flexible use of holiday homes for visitor accommodation during peak times helps to meet the demand.

7.19.2 In response to these submissions I have undertaken further analysis of the composition of permanent residents and likely holiday homes, the comparative density of dwellings in different rural and residential zones and assessments of character for the various settlements on Banks Peninsula. This additional work is summarised in Appendix 5. I also undertook site visits to all of the Residential Small Settlement (RSS) zoned areas on Banks Peninsula in December 2020 and February 2021 to assess if there were any substantial changes to their character and level of development since the assessments done for the District Plan review in 2014-2015.

7.19.3 The key conclusions I reached as a result of this additional work are:

a. the density of dwellings in the Residential Large Lot zone are more similar to rural than residential zones and the separation distances between houses and availability for parking mean that amenity impacts in those zones would be less significant that for suburban residential areas. Therefore, I consider it would be more appropriate to apply the rural provisions for visitor accommodation in a residential dwelling in those zones instead of the residential provisions[25].

b. settlements around the Akaroa Harbour Basin and the Eastern Bays have an existing very high proportion of holiday homes which creates a different residential character to suburban neighbourhoods in the District. Because of the heavy reliance on the visitor economy for commercial centres in that area and the different residential character there, in my view the rural provisions (Permitted for 180 nights, Discretionary for 180+ nights for unhosted visitor accommodation in a residential unit) are more appropriate[26].

c. settlements around Lyttelton Harbour from Lyttelton through to Diamond Harbour and Purau and Birdlings Flat have a higher proportion of permanent residents reflecting the easy commuting distances to Christchurch and have less reliance on the visitor economy in terms of the diversity of businesses in their commercial centres. Because these settlements have a similar density of housing to comparable suburban residential zones and a similar residential character and risk of impacts on residential amenity, in my view the proposed provisions for other residential zones in Christchurch (Controlled for 60 nights, Discretionary for 61-180 nights and Non-Complying for 180+ nights) should still apply to those settlements[27].

[25] c.f Rules 14.9.1.1 P24, 14.9.1.4 D7 and 14.9.1.5 NC3 in Appendix 2

[26] c.f. Rules 14.8.1.1 P23, 14.8.1.2 C2, 14.8.1.4 D10, 14.8.1.5 NC3,14.10.1.1 P21, 14.10.1.2 C2, 14.10.1.4 D5, 14.10.2.5 NC3

[27] Ibid

7.19.4 The changes above strike an appropriate balance between enabling the efficient use of holiday homes that might otherwise be sitting empty[28] and enabling long-term economic and employment opportunities in commercial centres on Banks Peninsula[29]. Because the majority of homes in these identified Banks Peninsula settlements are existing holiday homes, in my view the part time use of family holiday homes for visitor accommodation is not inconsistent with the expected residential character in those settlements and a level of amenity consistent with what is anticipated in Policy 14.2.1.1 can still be achieved.

7.19.5 For example, the zone description for the Banks Peninsula Residential zone recognises that "Akaroa is a focal point for visitors to the region". It seeks that the built form character for the settlement be retained and that non-residential activities that are not compatible with the character of the zone are controlled in order to mitigate adverse effects on the character and amenity of the area. In my view, the part time use of existing holiday houses would not impact the built form character of Akaroa and is consistent in terms of amenity effects with use of the home by the owner and friends on holiday, noting that there is a different expectation of amenity levels that comes with the majority of occupants being on holiday or neighbouring homes being more likely to be unoccupied.

7.19.6 Likewise the zone descriptions for the Residential Large Lot zone and Residential Small Settlement zone note their comparatively lower densities and semi-rural character.

7.19.7 Given that, I think it is still possible to achieve District Plan Objective 14.2.4 (high quality residential neighbourhoods with a high level of amenity) and CRPS Objective 6.2.1 (maintaining the character and amenity of rural areas and settlements) within the context of the anticipated level of amenity in Banks Peninsula settlements even where a more permissive approach is taken to part-time unhosted visitor accommodation in a residential unit provided that the primary use of the site is still a holiday home.

7.19.8 However, in my view, a resource consent should still be required for more than 180 nights per year because at that point the majority use of the site is visitor accommodation, the activity takes on a more commercial character and it would no longer be consistent with CRPS Policy 6.3.6 to ensure the recovery and rebuilding of business land in a way that promotes the utilisation and redevelopment of existing business land and recognises that new commercial activities are primarily to be directed to commercial centres where those activities reflect and support the function and role of those centres.

7.19.9 While visitor accommodation in a residential unit in Christchurch District is not a significant driver of housing unaffordability at a District-wide level, I do note that concerns have been raised about housing affordability in Akaroa specifically and the difficulty in providing accommodation for service-industry workers during peak seasons. I think, however, the proposed changes are still consistent with providing for a choice of affordable housing[30] given that there are alternative more effective means to achieve that objective for Akaroa. But I also think there is a risk in creating an incentive to convert residential units in Akaroa to visitor accommodation full time because this could create additional demand for new development in Akaroa.

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[28] RMA s7(b)

[29] Strategic Directions Objective 3.3.10

7.19.10 Policy 14.2.1.1 notes that opportunities for residential expansion around Akaroa are constrained by the availability of reticulated services and land availability. Policy 6 of the NZCPS is also relevant here to the extent that it encourages consolidation of existing coastal settlements where this will avoid sprawling settlement or growth along the coast. Also relevant to consider is the aspiration expressed in the IMP that small communities on Banks Peninsula remain small (Policy WH6.1). Greater demand for expansion of existing settlements in some parts of Banks Peninsula could also put additional pressure on natural values and rural amenity landscapes in those areas.

7.19.11 Potentially the proposed provisions could make holiday home ownership more affordable which could also create more demand for development in Akaroa and other settlements on Banks Peninsula but in my view this risk is reduced if there is still a requirement that the primary use of the residential unit remain a holiday home and may be off-set by the more efficient use of existing homes. Holiday home owners do build connections with other residents by coming back to the same area regularly so retaining this requirement also lessens the potential impact on residential character.

7.19.12 There is also a risk that if the provisions are significantly more restrictive in Banks Peninsula settlements than they are in Banks Peninsula Rural zones this could create an incentive for more development in rural areas with poorer infrastructure servicing and longer drive times to access amenities in commercial centres.

7.19.13 In summary, on balance I think that enabling the more flexible use of existing holiday homes on Banks Peninsula supports the efficient use of those homes while supporting the visitor economy. The impacts on residential character and amenity in those communities is still consistent with the District Plan objectives and policies and higher order directions keeping in mind the character created and level of amenity anticipated by a high proportion of holiday homes.

7.19.14 Retaining a requirement for the primary use of the unit to be residential is important, however, to mitigate impacts on commercial centres and the risk of creating additional demand for units that could drive growth in settlements where expansion is not anticipated or cannot be easily accommodated.

7.19.15 **I recommend that the decisions requested for Issue 19(a) regarding the provisions for unhosted visitor accommodation in a residential unit on Banks Peninsula be accepted in part (but rejected for S122.1 which was specific to Diamond Harbour).**

Central City

7.19.16 Two submitters (**S14.2; S24.1**) sought no resource consent requirement for unhosted visitor accommodation in a residential unit in the Central City. Their rationale was that Christchurch should seek more visitors to the Central City and offering a wider variety of accommodation options would accomplish this.

7.19.17 I would not support this approach because:

a. as shown in Figure 1 below, the majority of the Central City is zoned Commercial Central City Business Zone (CB), Commercial Central City Mixed Use Zone (CCMU), or Commercial

[30] Strategic Directions Objective 3.3.4(b)

Central City Mixed Use (South Frame) Zone (CSF). Visitor accommodation (including visitor accommodation in a residential unit) is already a permitted activity in these zones providing ample choices for visitors to stay in a variety of environment close to amenities.

b. the higher density of dwellings in the Residential Central City zone mean that amenity effects on neighbours are likely to be more pronounced and to affect more people than in other parts of the District. The high demand for visitor accommodation in residential units in the Central City also means that the risks to residential coherence would be more significant there.

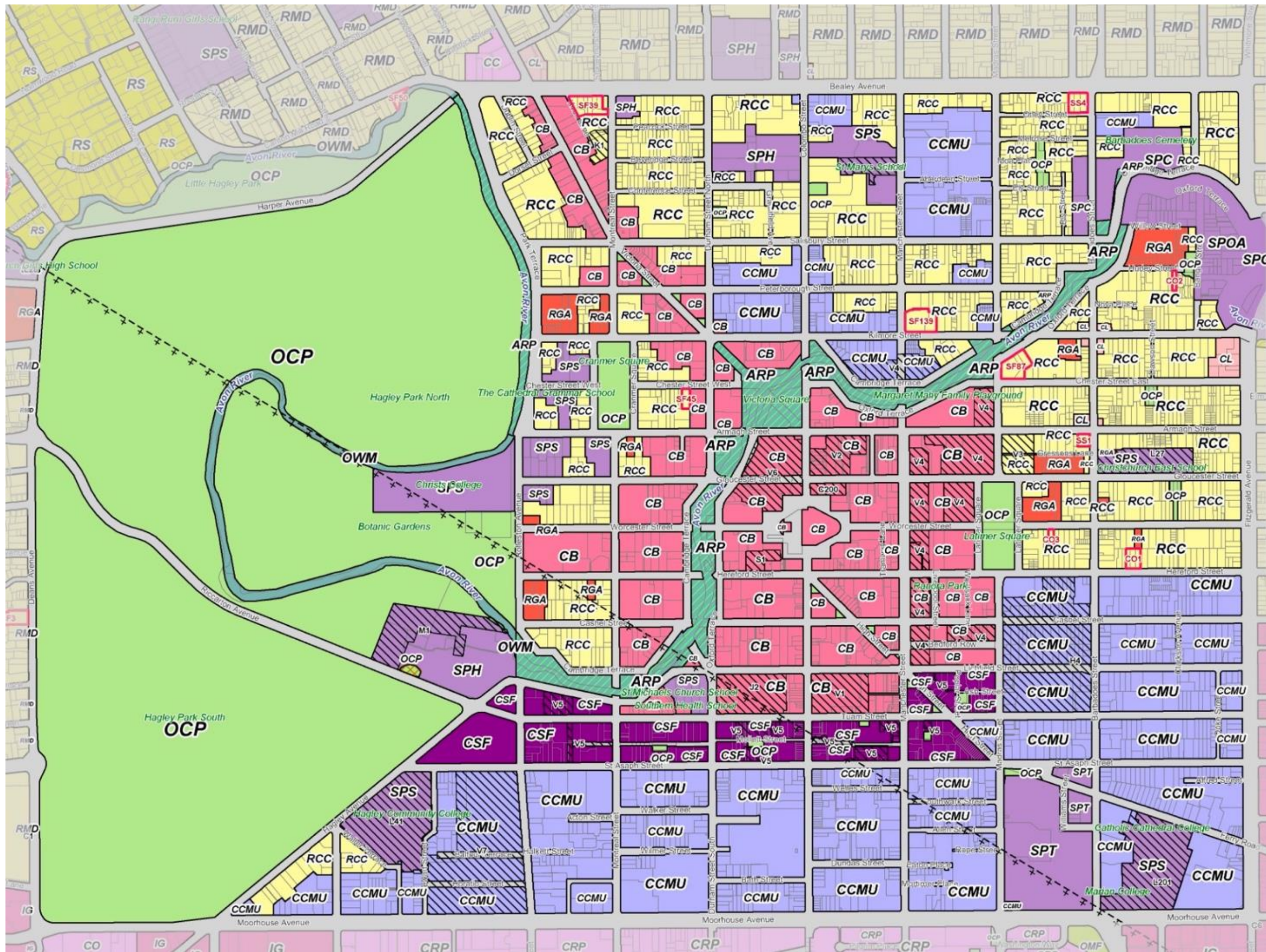

Figure 1 Christchurch Central City District Plan zones

7.19.18 Permitting full time unhosted visitor accommodation in residential units in the Residential Central City zone would not be consistent with Policy 14.2.1.1 to manage the character, scale and intensity of non-residential activities in the RCC zone to mitigate their effects on the character and amenity of inner city residential areas or Policy 14.2.1.3 to restore and enhance residential activity in the Central City by assisting in the creation of new inner city residential neighborhoods and the protection of amenity of inner city residential neighbourhoods.

7.19.19 Two submitters (**S90.1; S124.1**) sought a more restrictive activity status for the Residential Central City zone, effectively only allowing unhosted visitor accommodation in a residential unit in non-residential zones in the Central City.

7.19.20 I do not support this approach for the reasons discussed above in Issue 9 regarded Non-Complying or Prohibited activity status for unhosted visitor accommodation in a residential unit across the District.

7.19.21 **I recommend that the decisions requested for Issues 19(b) and 19(c) regarding the provisions for unhosted visitor accommodation in a residential unit in the Central City be rejected.**

Outside the Central City

7.19.22 One submitter supported the proposal within the Central City but sought a more permissive approach outside of the Central City (permitted for over 180 nights per year) (**S95.3**).

7.19.23 I do not support this approach for the reasons discuss above in Issue 9 regarding permitted activity status as a baseline and a more permissive number of nights per year across the District.

7.19.24 **I recommend that the decisions requested for Issue 19(d) regarding the provisions for unhosted visitor accommodation in a residential unit outside the Central City only be rejected.**

7.20 ISSUE 20: SITE-SPECIFIC PROVISIONS REQUESTED

20. Site-specific provisions requested	a. Site-specific recognition for visitor accommodation activities that have been undertaken on the sites in the past. These were: o 6 Whitewash Head Road. Permit continued operation of retreat house (**S113.1**) o 602 Yaldhurst Road. Permit up to 15 guests at a time (**S89.1**)

6 Whitewash Head Road

7.20.1 The submission from Church Property Trustees and the Sister Eveleen Retreat Board (**S113.1**) sought in the first instance recognition of existing use rights for the Sister Eveleen Retreat House which has been used to host spiritual retreats from 1929 with a period between 2011-2019 when the site was closed due to earthquake damage and repairs. If the Council does not recognise existing use rights for the site then site-specific recognition for a spiritual retreat house to continue operating as a permitted activity at 6 Whitewash Head Road in Sumner is sought.

7.20.2 Section 10 of the RMA provides for existing use rights for activities that were lawfully established before an operative rule or proposed plan required a resource consent for that activity and where the effects of the use are the same or similar in character, intensity and scale to those when the rule became operative or the proposed plan was notified, and if the activity has not been discontinued for longer than twelve months since the activity breached a rule.

7.20.3 It is not the purpose of this report to establish whether or not the Sister Eveleen Retreat House has existing use rights or not. This would require more information about the scale of the activity, the planning framework in place at the time, and the continuity of the activity. If the submitters wish to document whether or not existing use rights pertain, they have the option of applying for an existing use certificate.

7.20.4 From the submission, it sounds as if the Retreat House is planning to expand by increasing the number of booking nights. This would potentially increase the effects of the character, scale and intensity of the activity beyond what may be covered by existing use rights in either event.

7.20.5 Potentially the activity described falls under the definition of a "spiritual activity" which is defined in the District Plan as:

"the use of land and/or buildings primarily for worship and spiritual meditation and deliberation purposes. It includes:

a. ancillary social and community support services associated with the spiritual activity; and
b. ancillary hire/use of church buildings for community groups and activities."

7.20.6 More information on the nature of the retreats and their content/programme could assist in determining the extent to which they involve spiritual meditation and/or deliberation but in general I am inclined to think that because the definition does not relate to a particular time of day that rest and retreat to a specific meditative location in pursuit of spiritual fulfilment would qualify as a spiritual activity, that overnight rest is included in the "spiritual retreat" activity and that this activity could potentially meet the definition of a spiritual activity even where a fee is charged for the experience.

7.20.7 Spiritual activities in residential zones established before 3 September 2010 are scheduled activities in the District Plan (Rule 6.5.6). They are permitted in residential zones subject to the built form standards in section 6.5.

7.20.8 I do not have enough information in the submission to determine the scale of the activity before September 2010 or whether or not the activity complies with the built form standards for scheduled spiritual facilities but suggest that one option for the site would be to add it to the schedule of specifically identified spiritual facilities (perhaps noting that that scheduling includes accommodation ancillary to the meditative retreat purpose of the site) rather than to give it site specific recognition as a visitor accommodation activity in the zone where it could, at some later date, be sold to another owner and used as commercial visitor accommodation instead.

7.20.9 If the scale of the activity needed to be increased then the Retreat House would potentially need a resource consent subject to the build form standards for scheduled spiritual facilities. This approach does create a risk because the standards for scheduled spiritual facilities do not cap visitor numbers but potentially this is something the submitter might consider in their evidence in light of the objectives and policies for scheduled activities, particularly Policy 6.5.2.1 to enable the operation, rebuilding, redevelopment and expansion on existing sites in a way that maintain or enhances the amenity values, character and natural values of adjoining residential, rural or open space environments.

7.20.10 **I recommend that, subject to further information provided by the submitter, the decision requested be accepted in part but that the site should be scheduled as a spiritual activity with ancillary accommodation (potentially with caps on visitor numbers) rather than given site-specific zone rules as a visitor accommodation activity.**

602 Yaldhurst Road

7.20.11 Spires Development Ltd (**S89.1**) sought site-specific recognition at 602 Yaldhurst Road for hosted visitor accommodation for up to 15 people (the proposal permits this for only four guests at a time in this zone and within the 55 dB L_{dn} Air Noise Contours). They note that they have an existing guest house on the site which has been used for temporary earthquake recovery workers accommodation (the resource consent for this expires on 31 December 2022) and that the site has good access to attractions including the airport and Yaldhurst Football Centre and Riccarton Racecourse.

7.20.12 CIAL put in a further submission (FS8.1) opposing this decision requested on the basis that it would enable an increased density of sensitive activities within the 50dB L_{dn} Air Noise Contours.

7.20.13 I agree with the further submission that the relief sought by Spires would not be consistent with Strategic Directions Objective 3.3.12 and CRPS Objective 6.5.6 to avoid new noise sensitive activities in rural zones within the 50 dB L_{dn} Air Noise Contour.

7.20.14 I would also be concerned about the precedent set by enabling this level of visitor accommodation development on an ad hoc basis for one site which does not seem to have unique features other than the existence of workers temporary accommodation. This was established to respond to a specific need for housing earthquake response workers and while there is a need to consider the efficient use of the physical resource in this structure, I do not think the Plan should be setting a precedent that buildings established on what was meant to be a temporary basis to respond to a specific issue can then be converted to a permanent structure that undermines Plan objectives to manage sensitive activities within the airport noise contours.

7.20.15 **I recommend that the relief sought by Spires Development Ltd (S89.1) be rejected.**

7.21 ISSUE 21: SPECIFIC PURPOSE (GOLF RESORT) ZONE

21. Specific Purpose (Golf Resort) Zone	a. Inclusion of the Specific Purpose (Golf Resort) Zone in the changes proposed by the notified version including: i. amendments to the definition of “residential activities” to include resort hotels; ii. reduction of the maximum period of owner occupancy of resort hotel bedrooms in the SP(GR)Z from three months to 28 days to align with proposed changes to the residential activity definition. iii. addition of rules for “hosted visitor accommodation in a residential unit” and “unhosted visitor accommodation in a residential unit” into the SP(GR)Z consistent with the rules proposed for residential units in other zones within the noise contours. (**S101.13, S101.21**)

7.21.1 I recommend in the first instance that decisions requested in the submission by Christchurch International Airport Ltd (CIAL) seeking the inclusion of provisions for the Specific Purpose (Golf Resort) Zone are found to be **out of scope**, as they seek to extend the amendments proposed in the Plan Change to a zone which was not covered in the Plan Change.

7.21.2 The second paragraph of the Plan Change document notes that: "This Plan Change does not address the standards for visitor accommodation activities in the Specific Purpose (Golf Resort) Zone." This exclusion is also noted on page 2 of the s32 report which explains that the reason for excluding the zone is that the proportion of visitor accommodation and residential uses in the zone is linked to restrictions imposed by the airport noise contours. It would be more appropriate to review those provisions in light of a remodelling of the airport noise contours. The purpose of restricting the establishment of new residential activities at Clearwater Golf Resort is to manage reverse sensitivity risks to the airport. Those risks need to be understood within the context of the most up-to-date airport noise modelling possible and as that modelling has not been updated since the last District Plan Review, in my view it would be premature to revisit the provisions for this zone.

7.21.3 However, should the Panel consider that these decisions requested are within scope, I recommend that no change is made to the provisions of the Specific Purpose (Golf Resort) zone, i.e. that **S101.13 and S101.21 be rejected**, for the following reasons.

7.21.4 The District Plan provisions for the Specific Purpose (Golf Resort) zone cover two locations, Clearwater and a potential Whisper Creek Golf Resort near Spencerville. The zone was reviewed relatively recently through the District Plan Review, and no evidence has been provided that there is a need to introduce further provisions for short term accommodation at Clearwater. The operative resort hotel provisions for Clearwater already provide for hotel bedrooms to have a maximum period of owner occupancy of three months in any year, (Rule 13.9.4.1.1. P9 activity standard b.), as it is understood that during the rest of the year, owners lease the hotel bedrooms or group of bedrooms back to the resort for use by the hotel for guest accommodation via a "key" system. This means that for the remaining nine months of the year the bedrooms revert to being part of the hotel "pool" of rooms.

7.21.5 Even if there was evidence of a need for further restrictions on short term accommodation at Clearwater, any change to the Clearwater Golf Resort provisions would more appropriately be made across all of the "quota" and Development Plan provisions of the zone in an integrated manner which looks at the wider planning context, and in a separate plan change, rather than through Plan Change 4. Plan Change 4 is directed primarily at responding to and better managing demand for visitor accommodation in residential units in zones that generally enable residential activities.

7.21.6 PC4 proposes the 28 day threshold to the residential activity definition to manage amenity effects on neighbours, with the 28 days representing a point at which people begin to develop community ties that would moderate their behaviour, whereas the SP(GR)Z standards are for quite different purposes, e.g. Policy 13.9.2.1.2 states in part:

a. Limit urban development detached from the remainder of the Christchurch urban area, and for the Clearwater Golf Resort, within the 50 dB L_{dn} noise contour for Christchurch International Airport, by:

….

iii. Ensuring that noise sensitive activities within the 55 dB L_{dn} airport noise contour are acoustically insulated, and that the scale and location of further development within the 50 dB L_{dn} contour is limited to that provided for in the previous City Plan, or authorised by resource consent on or before 6 December 2013.

7.21.7 A golf resort environment, for reasons similar to Banks Peninsula, is different to a residential suburban zone in terms of expectations of residential amenity and coherence because the majority of occupants are on holiday rather than permanent residents and because the sites are managed by the resort. So applying the same thresholds to manage residential amenity in the SP(GR)Z that are applied to residential zones in the suburbs and Central City would not be appropriate.

7.21.8 Submissions 101.13 and 101.21 are directed not at the nine months of the year when bedrooms revert to being hotel bedrooms, but at the maximum period of owner occupancy of three months per year for hotel bedrooms or groups of bedrooms.

7.21.9 The outcome sought includes shortening the owner occupancy period to one month per year, which could mean that the planning provisions in the District Plan could be in conflict with some of the lease agreements. At the same time CIAL seek to classify the hotel bedrooms as residential units where visitor accommodation can be provided for. These two amendments sought appear to be somewhat contradictory. If the period of occupation by owners was reduced, the units would become less residential in nature rather than more residential, and there would arguably be no need to amend the definition of residential activity. I do not agree that resort hotel bedrooms should be considered residential activity when that is not their primary function. The longstanding concerns of CIAL about how the "hotel bedrooms" in the RC7 end of the resort should be dealt with, goes to the heart of the planning provisions for the SP Golf Resort zone and if there is to be any resolution, it should be outside of the PC4 process.

7.21.10 As well as this, it is unclear whether the recent remodelling of the airport noise contours will lead to any change in their location, as the remodelling results have not yet been disclosed. It would be inappropriate for Council to recommend amendments to the numbers or proportions of residential units or hotel bedrooms at Clearwater without knowing the results of this remodelling. Any new "hotel bedrooms" in RC7 are required to be noise insulated, so there is no issue with internal noise from airport sources if windows are closed. I have not seen evidence in CIAL's submission that establishes that restricting residential use at Clearwater to one month a year instead of three is likely to reduce complaints about airport noise to an extent that justifies the additional constraint on land use. It is also worth noting that Clearwater occupants are less likely to complain, as all new owners of residential units are required to be members of the Resort Society and to sign a no complaints covenant in favour of the airport.

7.21.11 CIAL's proposed amendments to the District Plan for the SP Golf Zone are unnecessary at this time and in this context, and I recommend that if these submission points are not found to be out of scope that **S101.13 and S101.21 be declined.**

7.22 ISSUE 22: SENSITIVE ACTIVITIES NEAR INFRASTRUCTURE

22. Sensitive activities near infrastructure	a. Supporting the proposal with respect to the provisions for sensitive activities near important infrastructure in whole or in part (**S36.7; S101.2, S101.5-8, S101.10, S101.27, S101.31-32, S101.36, S101.38**) b. Support for the references to protection of strategic infrastructure in Objective 14.2.9(b)(iv) and Policy 14.2.9.1(c). (**S101.22**) c. Seeking clarification that the definitions and the provisions that "hosted visitor accommodation in a residential unit" and "unhosted visitor accommodation in a residential unit" both clearly fall under the definition of "sensitive activities" (**S94.1-2; S101.11-12**) d. Airbnb did not oppose inclusion of visitor accommodation in a residential unit with the definition of "sensitive activities" but suggested incorporating those activities into the "residential activities" definition instead. (**S112.13**) e. Alternative wording for the "sensitive activities" definition to avoid having an exception within an exception (**S101.15**) f. Any potential reverse sensitivity effects from visitor accommodation in a residential unit should continue to be managed as sensitive activities. CIAL does not oppose visitor accommodation in existing residential units as long as this does not increase residential density within the noise contours. CIAL was particularly concerned with managing the risk of residential activities associated with commercial film or video production activities establishing within the noise contours. (**S101.10**) g. Support for the requirement for noise attenuation for sensitive activities within the airport noise contours. CIAL sought that the acoustic attenuation standards for other habitable areas in residential units be extended to also apply to visitor accommodation in Rule 6.1.7.2.2 and Appendix 14.16.4. (**S101.17, S101.29**) h. Halswell/Hornby/Riccarton Community Board sought that consideration be given to enabling very short term accommodation in caravans and campervans in association with events at Ruapuna or elsewhere within the airport noise contours. (**S102.10**) i. Amendments to the rules for the Residential Suburban Zone, Residential Suburban Density Transition Zone and Residential New Neighbourhood Zone (14.4.1.3 and 14.12.1.3) requiring within the 50 dB L_{dn} Air Noise Contour, a restricted discretionary resource consent for hosted visitor accommodation in a residential unit, unhosted visitor accommodation in a residential unit or visitor accommodation in a heritage item that are not provided for as a permitted or

	controlled activity so that reverse sensitive risks can be assessed and mitigated. (**S101.28**) j. Amendments to Appendix 14.16.4 to clarify the standards for indoor design and sound levels that would apply to hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit. (**S101.29**) k. No changes to the provisions in the Rural Urban Fringe or Rural Waimakariri zones that might enable additional development or establishment of residential units within the airport noise contours in excess of what is permitted in the Plan. (**S101.34, S101.39**) l. Alternative wording for Rules 17.5.1.1 P20 and P21 to use more consistent terminology for the airport noise contours. CIAL noted that they are not concerned with buildings such as tents and caravan being used a residential units (subject to compliance with District Plan standards) but that establishment of visitor accommodation that is not within a residential unit in such structures should be avoided within the airport noise contours. (**S101.34, S101.39**) m. In the Rural Urban Fringe and Rural Waimakariri zones, an alternative drafting of the activity specific standards grouping the standards that apply within the 50 dB L_{dn} Air Noise Contour and 50 dB L_{dn} Engine Testing Contour and restricting accommodation of guests to an existing residential unit. (**S101.35, S101.37, S101.39**)

7.22.1 Submission **94** from Orion and submission **101** from Christchurch International Airport Limited (CIAL) generally supported the approach taken in PC4 to managing the risk of reverse sensitivity constraining the operations of strategic infrastructure. Some amendments were sought by CIAL.

7.22.2 PC4 includes the new subtypes of visitor accommodation (e.g. *hosted visitor accommodation in a residential unit*, *unhosted visitor accommodation in a residential unit*, *visitor accommodation accessory to farming*, etc.) within the definition of visitor accommodation and these are in turn included within the definition of sensitive activities. As noted in the s32 report, the "guest accommodation" definition in the operative District Plan excluded "bed and breakfasts" and "farmstays" and while the definition of "residential unit" clearly includes use of a residential unit for a bed and breakfast or farmstay, those activities are not clearly included in the definition of residential activity or guest accommodation.

7.22.3 The proposal includes them within the new definition of "visitor accommodation" which means that they are now captured by the "sensitive activities" definition along with "residential activities".

7.22.4 Orion's submission (**S94.1-2**) sought confirmation that the new defined terms related to visitor accommodation are included in the definition of "sensitive activities". In my view they are, so I recommend accepting this submission. As discussed above, I recommend amending the definition of visitor accommodation to specify the definition that are included in it.

7.22.5 **I recommend that the Panel accept the decisions requested for Issue 22 (a), (b) and (c).**

7.22.6 Airbnb did not oppose inclusion of visitor accommodation in a residential unit with the definition of "sensitive activities" but suggested incorporating those activities into the "residential activities" definition instead. (**S112.13**). For the reasons discussed above in Issue 6, visitor accommodation in a residential unit should be grouped with other visitor accommodation activities rather than residential activities. I do not consider that the change sought in S112.13 would be in accord with the District Plan's residential objectives and policies or higher order directions and the purpose of the Act, so I recommend that **S112.13 be rejected**.

7.22.7 The operative District Plan includes both residential activities and guest accommodation (with some exceptions) in the definition of "sensitive activities". Sensitive activities are those where there is a risk that either airport noise that is not mitigated by the construction of the building could result in complaints that result in constraints on airport operations or, in the case of transmission lines, where proximity of some types of buildings to the lines creates a safety risk.

7.22.8 There are a number of noise contours around Christchurch International Airport with different policy directions and rules applying to them. The policy directions of the "lower" noise level contours also apply within the "higher" noise level contours of the same type (i.e. the directions for the 50 dB L_{dn} airport noise contour also apply within the 55 dB L_{dn} airport noise contour).

7.22.9 The most relevant objectives and policies in the Plan are Strategic Directions Objective 3.3.12(b)(iii) to avoid new noise sensitive activities within the 50 dB L_{dn} Air Noise Contour and the 50 dB L_{dn} Engine Testing Contour except within an existing residentially zoned urban area or a Residential Greenfield Priority Area" (with some exceptions) and Policy 6.1.2.1.5(b) to "require noise mitigation for new noise sensitive activities within the 55 dB L_{dn} air noise contour and within the 55 dB L_{dn} engine testing contour".

7.22.10 CIAL (**S101.15**) suggests amendments to the "sensitive activities" definition to avoid having an exception sitting within an exception. I agree that the proposed wording is confusing and could be clearer. I recommend **accepting this decision requested in part** and including hosted and unhosted visitor accommodation in a residential unit in the same clause as other visitor accommodation activities instead of in its own clause or grouped with residential activities. The clause would therefore read as follows:

Sensitive activities

means:

a. residential activities, unless specified below;

b. care facilities;

c. education activities and preschools, unless specified below;

d. ~~guest~~ **visitor** accommodation, unless specified below;

e. health care facilities which include accommodation for overnight care;

f. hospitals; and

g. custodial and/or supervised living accommodation where the residents are detained on the site;

but excludes in relation to airport noise:

h. any residential activities, in conjunction with rural activities that comply with the rules in the

relevant district plans as at 23 August 2008;
i. flight training or other trade and industry training activities located on land zoned or legally used for commercial activities or industrial activities, including the Specific Purpose (Airport) Zone; and
j. ~~**guest**~~ **visitor** accommodation ~~**(except hosted visitor accommodation in a residential unit or unhosted visitor accommodation in a residential unit)**~~ which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants.

7.22.11 In **S101.10** CIAL is concerned about managing the risk of residential activities associated with commercial film or video production activities establishing within the airport noise contours. Section 71 of the Greater Christchurch Regeneration Act was recently used to amend the District Plan to better provide for commercial film or video production facilities in Christchurch. As CIAL notes, the definition of commercial film or video production excludes any residential activity and PC4 does not propose to change this. I do not see a need to amend PC4 as a result of this submission but accept the premise of not enabling sensitive activities to establish within the airport noise contours where this would be contrary to the objectives and policies related to reverse sensitivity risks for strategic infrastructure. On that basis, I recommend this decision requested is **accepted.**

7.22.12 CIAL seek inclusion of acoustic attenuation standards in Rule 6.1.7.2.2 for new buildings or additions to existing buildings for "other habitable areas" in residential units used for visitor accommodation within the 55dB L_{dn} airport noise contours, on the basis of a similar provision for standard residential units. **(S101.17)**.

7.22.13 As discussed above, I do not support the submission to the extent that it seeks to group visitor accommodation in a residential unit with residential activities. However, given that visitor accommodation in a residential unit occurs in a residential unit, I think the acoustic attenuation standards that apply to residential units are more appropriate (using comparable terminology for different types of rooms) than the visitor accommodation standards.

7.22.14 I recommend amending the notified version of the provisions to apply the residential standards for acoustic attenuation to new building or additions for visitor accommodation in a residential accommodation but not to add the suggested word "including" which implies that those activities are subcategories of residential rather than visitor accommodation activities. **I recommend that S101.17 be accepted in part.**

7.22.15 With respect to adding a requirement for "other habitable areas" to also apply to clause B, in my view this is out of scope for PC4 with respect to hospitals and health care facilities and I do not have enough information about the types of rooms that this requirement is intended to capture in formal accommodation facilities, the extent of overlap with the existing requirements for "service activities" in particular, and the risks of reverse sensitivity effects from not requiring acoustic attenuation for those spaces to recommend accepting this submission point with respect to visitor accommodation and/or resort hotels.

7.22.16 I note that there is a defined term for "habitable space" and suggest that if the Panel does decide to grant the relief sought in **S101.17**, it consider the appropriateness of using the defined term rather than the undefined "habitable areas".

7.22.17 CIAL also sought amendments to Appendix 14.16.4 of the residential chapter which includes the indoor design and sound levels that must be met for new buildings and additions to existing buildings within the 50db L_{dn} Air Noise Contour. CIAL sought that these provisions also apply to hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit **(S101.29).**

7.22.18 There's a need to be careful in the drafting of these provisions not to inadvertently require acoustic attenuation simply when the use is changed from residential activity to visitor accommodation activity without any other building or structural works being undertaken as this would potentially impose significant costs and reduce the flexible use of the residential dwelling.

7.22.19 While 14.4.1.3 RD34 applies to the activity and facilities "residential activities which are not provided for as a permitted or controlled activity", Appendix 14.16.4 specifies that the acoustic attentuation standards only apply to new buildings and additions to existing buildings within the 50 dB L_{dn} Air Noise Contour.

7.22.20 While the residential component of visitor accommodation in a residential unit will already meet these standards if the building was constructed or if there were any additions since the rules came into effect, I think it is still useful to clarify that visitor accommodation in a residential unit should meet the same standards as the residential unit rather than the slightly different visitor accommodation standards which apply to different types of spaces and may be harder to apply in a residential context. For the same reasons as above, however, I do not consider that enough evidence has been presented to support adding standards for "other habitable areas" to the standards for formal visitor accommodation. **Therefore, I recommend that S101.29 be accepted in part.**

7.22.21 Halswell/Hornby/Riccarton Community Board sought in **S102.10** that consideration be given to enabling very short term accommodation in caravans and campervans in association with events at Ruapuna or elsewhere within the airport contours. Very short term accommodation in caravans or campervans would not be noise insulated. However short term it might be, provision for accommodation in this manner is not consistent with the policies and rules on airport noise (the Specific Purpose (Ruapuna Motorsport) Zone is within the 55 dB L_{dn} Airport Noise Contour, and Ruapuna has its own noise provisions which make new residential activities "noise sensitive activities". (A building can include a caravan or campervan and hence these could be considered a noise sensitive activity).

7.22.22 Objective 13.10.2.1 is to ensure that the adverse noise effects of activities at the Park on the surrounding community and environment are effectively managed to not increase and, if practicable, are reduced. Policy 13.10.2.1.1 is to manage noise sensitive activities where they would be affected by noise from motorsport activities. As visitor accommodation, including in tents and caravans, would be a noise sensitive activity, the relief sought in **S102.10** would not be consistent with these objectives and policies, or the objectives and policies for airport noise (Objective 6.1.2.1, Policy 6.1.2.1.1 and Policy 6.1.2.1.5).

7.22.23 I do not have sufficient evidence provided in the submission to recommend whether or not it is necessary to provide accommodation on site or near the motorsport zone or to make special provision to enable overnight accommodation in campers or campervans for motorsports events compared with the normal level of provision for visitor accommodation in the surrounding zones. The zone was recently comprehensively reviewed starting with notification of PC52 in 2012 but was not made operative until after an Environment Court decision in 2016. I do not believe the zone provisions should be amended in an ad hoc manner, and recommend that **S102.10 be rejected.**

7.22.24 CIAL submissions **S101.28** seeks to apply Rule 14.4.1.3 RD34 and 14.12.1.3 RD26 to hosted visitor accommodation in a residential unit and unhosted visitor accommodation in a residential unit and visitor accommodation in a heritage item. This would require consideration of the need for acoustic attenuation for new buildings and extensions to existing buildings for those activities within the 50 dB L_{dn} Airport Noise Contour in the RS, RSDT and RNN zones.

7.22.25 My concern would be that most residential activities in residential zones are Permitted or Controlled activities and are not captured by Rule 14.4.1.3 RD34 and 14.12.1.3 RD26. Generally these requirements are only triggered for larger-scale residential developments in the 50 dB L_{dn} Airport Noise Contour. I do not have sufficient evidence in the submission to recommend that extensions to buildings for visitor accommodation in a residential unit for more than 60 nights a year should trigger a requirement for acoustic attenuation when the underlying residential activity otherwise would not. The NZ Standard on Airport Noise Management and Land Use Planning does not require noise insulation at these noise levels (50 dB L_{dn}), and current thermal insulation standards for new residential buildings may be such that this insulation is not necessary in this case.

7.22.26 On that basis, **I recommend that the decision requested for S101.28 be rejected**.

7.22.27 In submission points **S101.35, S101.37** and **S101.39** CIAL seeks to reorder the activity specific standards for the Rural Urban Fringe and Rural Waimakariri zones to group the ones relevant within the 50 dB L_{dn} Air Noise Contour together. I agree that this improves the clarity of the provisions and **recommend that the Panel accept these submission points in part**. The discussion in CIAL's submission point **S101.35** related to the potential for confusion between the activities for visitor accommodation in a residential unit and the activities replacing the farmstay definition (e.g. visitor accommodation accessory to farming) are considered above in the discussion of issues related to the Rural and Papakāinga Zone provisions (Issue 12 above). As discussed above, I do not support restricting visitor accommodation to existing buildings.

7.22.28 Finally, CIAL seeks alternative wording for Rules 17.5.1.1. P20 and P21 in the Rural Urban Fringe Zone and Rural Waimakariri zones to use terminology for the airport noise contours that is more consistent with that used elsewhere in the District Plan, eg deletion of the words "or any more restrictive air noise or engine testing contours". I agree with the need to be consistent in wording for the names of the noise contours across the District Plan and recommend acceptance of this aspect of submissions **S101.34 and S101.39.**

7.23 ISSUE 23: VISITOR ACCOMMODATION IN HERITAGE BUILDINGS

23. Visitor accommodation in heritage buildings	a. Support for the proposed provisions for visitor accommodation in heritage buildings. (**S70.8; S102.7; S132.1**) b. CIAL noted that heritage buildings within the noise contours would still need to comply with the acoustic attenuation standards for sensitive activities. (**S101.26**)

7.23.1 The submissions specifically regarding the provisions for visitor accommodation in heritage buildings supported the approach proposed (noting that Airbnb and other submitters sought that the provisions be simplified into a single "home-sharing" activities as discussed above).

7.23.2 Therefore **I recommend that the Panel accept these decisions requested for Issue 23 and retain the provisions as notified**.

7.24 ISSUE 24: EMERGENCY TEMPORARY ACCOMMODATION PROVISIONS

24. Emergency temporary accommodation provisions	a. Temporary Accommodation Services at MBIE submitted seeking greater recognition in the District Plan of the need to enable the establishment of temporary accommodation in response to an emergency. This included: i. exemptions or flexibility around setback provisions, site coverage/density rules, provision of services and permitted activities enabling the streamlined placement of temporary accommodation (**S129.2-3; S129.5; S129.7**) ii. identification and recognition in the District Plan of sites suitable for temporary accommodation villages (**S129.3; S129.6**) iii. a temporary accommodation policy similar to the Canterbury Earthquake Order (**S129.4**)

7.24.1 In its submission Temporary Accommodation Services (TAS) notes that one of its functions is to arrange temporary living accommodation for people displaced by emergencies typically for up to 12 months but sometimes longer. This is different to the type of shelters enabled under the Civil Defence Emergency Act 2002 (CDEM) which are generally limited to the time period during which an emergency is declared. However, housing shortages can persist after the immediate emergency response period. For example, the temporary accommodation villages set up in Linwood Park and Rawhiti Domain following the Canterbury earthquakes were in place for several years.

7.24.2 Section 330B of the RMA enables emergency works under the Civil Defence Emergency Act 2002 however developments which would have required a resource consent are still required to apply for it. In effect, S330B allows a 60 day working grace period for applying for resource consents.

7.24.3 After the Christchurch earthquakes, this type of emergency housing including extra units on sites and temporary villages were facilitated by an emergency Order in Council[31] which deemed temporary accommodation for persons displaced by the earthquakes to be a permitted activity subject to requirements in a subsequently issued public notice to manage these activities to control noise and "any adverse effects of the activity on the environment."

7.24.4 During the District Plan Review, the conditions in the public notice were integrated into the District Plan itself in section 6.4 Temporary Earthquake Recovery Activities. However, these provisions (and the related Strategic Directions Objective 3.3.15) are specific to activities displaced by the 2010-2011 Canterbury earthquake sequence and would not apply to future emergencies.

7.24.5 The Canterbury Earthquake Recovery Act 2011 (CER Act) and the subsequent Greater Christchurch Regeneration Act 2016 (GCRA) gave the Minister for Earthquake Recovery broad powers to, despite any other enactment, erect temporary buildings on any public reserve, private land, road or street and to provide for their removal without a building or resource consent (s44 of the CER Act). The Minister could also by means of a public notice "suspend, amend, or revoke the whole or parts of RMA documents, resource consents, and other instruments applying in greater Christchurch" (s8(f) of the CER Act).

7.24.6 It is likely in the event of a future emergency at a scale that would overwhelm the ability of the District to accommodate people in existing facilities (e.g. visitor accommodation facilities, conversion of houses with encumbrances such as family flats, elderly persons housing, student accommodation etc.), a similar emergency Act and/or Order in Council would be in place which would also grant the relevant Minister broad powers to provide for emergency housing in response.

7.24.7 To facilitate the response to future emergencies, TAS requests:

a. a temporary accommodation policy similar to the Canterbury Earthquake Order;
b. exemptions or flexibility around setback provisions, site coverage/density rules, provision of services and permitted activities enabling the streamlined placement of temporary accommodation; and
c. identification and recognition in the District Plan of sites suitable for temporary accommodation villages.

[31] The Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011

7.24.8 I acknowledge the desirability of the District Plan recognising the need to provide flexibility in standards for temporary accommodation responding to an emergency however it is difficult without knowing the specifics of the crisis or its likely duration to draft standards that would respond adequately to the need and specific examples of what TAS is seeking are not provided in the submission.

7.24.9 The Council is willing to continue working with TAS to identify Council-owned vacant land that might be available for temporary accommodation villages for a reliable window of time where this is consistent with the original purpose for purchasing the land and the timeframes for its development and, if appropriate, to enter into an agreement with TAS about facilitating the use of that land for that purpose. However, in terms of including specific provisions in the District Plan that would enable sites to be used for temporary accommodation villages, because TAS's submission does not identify specific sites that would be used, neighbours of those sites have not had an opportunity to identify themselves as affected and put in further submissions on that proposal.

7.24.10 As the availability of land is also likely to be regularly changing, having an understanding between the Council and TAS identifying suitable sites which could then be activated by an emergency response Order in Council when necessary would be more flexible and adaptable than having these sites identified in the District Plan which would require future plan changes to keep updated.

7.24.11 I also note that the temporary earthquake recovery activities section of the District Plan relates to a wide range of activities beyond housing including displaced businesses, schools, health care facilities, spiritual facilities, construction and storage depots, etc. I see merit in the District Plan anticipating and facilitating a more flexible approach to displaced activities in the event of a significant emergency such as another earthquake sequence or major storm event. However, I think those provisions would benefit from being reviewed comprehensively and a consistent approach taken to them. Looking at activities other than short-term living accommodation would be beyond the scope of Proposed Plan Change 4 but could be the subject of future work.

7.24.12 So while I agree that the submission is in scope, in my view there is not enough detail in the submission about the proposed changes to built form standards for additional emergency housing units or temporary villages to enable the community to engage with and participate in the development of new District Plan provisions that could affect them. If those changes were accepted, the Plan Change would need to be re-notified. As temporary emergency accommodation is in scope but somewhat peripheral to the purpose of the Plan Change and the Council is willing to explore alternative methods of relief with the submitter, I recommend that the decisions requested for more permissive built form standards for temporary emergency units and identification of suitable sites for temporary villages be rejected.

7.24.13 There are already objectives and policies in the Plan relating to temporary emergency recovery activities (Strategic Directions Objective 3.3.15 and the objectives and policies in section 6.4) and the TAS submission specifically points to the example in the Canterbury Earthquake Order in Council of the type of policy that they think would be beneficial.

7.24.14 While I agree that it would be helpful to amend the existing objectives and policies for temporary earthquake recovery activities to facilitate future responses, I think the best approach would be to carry out this review comprehensively with the District Plan rules that would sit under objective and any new policies.

7.24.15 **Therefore, I recommend that TAS's submission to amend the District Plan to recognise and facilitate temporary emergency housing be rejected.**

7.25 ISSUE 25: MONITORING AND ENFORCEMENT

25. Monitoring & Enforcement	a. More information be included in the Plan on how compliance with the provisions would be monitored. (**S30.2; S32.2**) or enforced (**S30.1; S119.7; S126.4**) b. Specification in the District Plan of fines or other penalties for breaches of the resource consent requirements. (**S2.3; S87.6**) c. Consents are allowed unless specific complaints are made about the activity. (**S95.3**) d. Effectiveness of the proposed provisions be reviewed in two years time. Ongoing monitoring and reporting on the impacts of the changes on issues including housing affordability. (**S36.14; S87.9**)

7.25.1 Section 3 of this report lists decisions requested in submissions that I consider cannot be addressed in decisions on PC4. This includes submissions seeking that administration of the plan be carried out or budgeted in a specific way. These decisions requested are out of scope of the Plan Change because they relate to processes that are either already prescribed in the RMA or which are outside the jurisdiction of the hearings panel because they relate to LGA budgeting processes.

7.25.2 However, the submissions above could be read as seeking that text be added to the District Plan specifying how the provisions will be monitored and enforced. To the extent that they are potentially seeking amendments to the District Plan to include reference to monitoring and enforcement mechanisms, I address them below.

7.25.3 Resourcing for enforcement is an issue for the Council to consider through its Long Term Plan and Annual Plans. Generally the District Plan does not include reference to this with respect to other Plan provisions and in my view, it would not be appropriate to single out short-term accommodation.

7.25.4 I agree with the submissions of the platforms that it would be most appropriate to have a nationally consistent approach to registration. As progress on this would sit primarily with Central government, I do not think it would be appropriate to have, for example, a policy directing development of a registration system sitting in the Christchurch District Plan.

7.25.5 Generally I support education and communication initiatives to increase awareness of the new requirements once they are made operative. The Council currently has a webpage explaining the District Plan rules for prospective visitor accommodation operators. In my view, it is not necessary to include a requirement for this in the District Plan where, again, this is generally not included for other activities.

7.25.6 Penalties for breaches of resource consent requirements are set out in s338 and s339 of the RMA. District Plan provisions would not be able to override these.

7.25.7 Methods used for enforcing District Plan provisions are at the discretion of the Council's compliance team but are likely to be similar to the methods used for enforcing other District Plan provisions. These methods are not specified in the District Plan for other activities so would not be appropriate to include for only short-term accommodation.

7.25.8 The process for reviewing consent conditions, if there is a condition of consent that enables the review, is set out in s128 of the RMA. Reasons for initiating a review of the consent conditions can include: "to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage." In my view, this would be a more appropriate process to address unanticipated adverse effects that may generate complaints at a later date than including something in the District Plan provisions about cancelling resource consents if complaints are received. The latter risks inviting vexatious complaints.

7.25.9 Section 35 of the RMA requires the Council to monitor the effectiveness and efficiency of its District Plan provisions. The NPS-UD also requires the Council to monitor and report on housing affordability in the District. Because of the proposed RMA reform and the uncertainty about when the next District Plan review will be required and what form that might take, in my view it is more appropriate to allow flexibility about when and how the Council undertakes its monitoring responsibilities regarding the impact of PC4 so that the data or other indicators are up-to-date at the time of the next Plan review rather than locking in timeframes or methods for that monitoring into the District Plan.

7.25.10 **For the reasons discussed above, I recommend that the decisions requested for Issue 25 be rejected.**

7.26 ISSUE 26: ADDITIONAL WORK REQUIRED

26. Additional work required	a. Additional engagement with stakeholders and/or ChristchurchNZ. (**S1.7; S67.6; S83.6; S84.5; S107.6**) b. Additional assessment of the impact on centre vitality and amenity from the loss of formal visitor accommodation in or near commercial centres. (**S106.8**)

7.26.1 There has been significant engagement undertaken on this Plan Change to date as noted in the s32 report Appendix 6. This included individual meetings with a number of stakeholder groups, an informal feedback period from January to March 2020 with almost 570 responses received and considered, two surveys, seven drop-in sessions, and an opportunity to put in submissions and further submissions on the proposal. Staff met with ChristchurchNZ twice and ChristchurchNZ's economist reviewed and provided additional comments on the economic advice which informed the plan change (s32 report Appendix 5).

7.26.2 In my view, relatively few of the decisions requested in the submissions and further submission were novel. Most issues raised in the submissions were also raised in the pre-notification engagement feedback and drop-in sessions and the reasons for accepting or not accepting various positions are explained in the s32 report. This suggests to me that adequate consultation was undertaken on the Plan Change and it is unlikely that the costs associated with delaying a decision on the Plan Change would be outweighed by the likelihood of new evidence or arguments emerging through further engagement.

7.26.3 The Coalition for Safe Accommodation in Christchurch sought additional assessment on the impact on centre vitality and amenity from the loss of formal visitor accommodation in or near commercial centres. This is difficult for the Council to assess because the information required to determine the likelihood of formal accommodation going out of business is commercially sensitive.

7.26.4 As noted in the s32 report, the advice I've had from the Council's economic experts is that formal visitor accommodation does play a role in supporting the vitality and vibrancy of commercial centres but I am not able on the basis of the information before me to recommend further restriction of visitor accommodation in a residential unit on the basis of a likelihood of significant adverse effects to commercial centres from the loss of formal accommodation options.

7.26.5 **Therefore my recommendations on the decisions requested for Issue 26 are:**

- **a. reject submissions seeking that the Plan Change be delayed to allow for further engagement with stakeholder and/or ChristchurchNZ (Issue 26(a)).**
- **b. reject submissions seeking to delay the Plan Change to allow for further assessment of the impact of the provisions on centre vitality and amenity from the loss of formal visitor accommodation in or near commercial centres (Issue 26(b)).**

8 SECTION 32 AND 32AA EVALUATION

8.1.1 Section 32 of the Act requires the Council to carry out an evaluation of the Plan Change to examine the extent to which relevant objectives are the most appropriate way to achieve the purpose of the Act, and whether, having regard to their efficiency and effectiveness, the related policies, rules, or other methods are the most appropriate for achieving the objectives.

8.1.2 Having regard to the discussion of the matters raised in submissions, and evaluation of the notified Plan amendments against the relevant District Plan objectives and policies and higher

order directions, in my view Plan Change 4 as notified is not as effective or efficient as it could be in balancing the efficient use of housing and the ability of hosts to earn supplemental income from their properties with the need to maintain residential amenity and coherence, keep the contrast between rural and urban areas, and support commercial centres. Although the overall objectives, policies, and methods package is generally appropriate, it could be improved in some areas. I have collated and assessed the amendments to the proposal that I recommend arising from consideration of the submissions to better address the relevant issue/s. These are outlined and assessed in accordance with s32AA in **Appendix 3**.

8.1.3 This further evaluation shows that the changes I have recommended to the Plan amendments proposed in Plan Change 4 do affect the conclusions of the original s32 evaluation in some specific areas however with the amendments proposed the version of the Plan Change in Appendix 2 is the most appropriate way to achieve the purpose of the RMA and the proposed policies and rules amended as a result of submissions are the most appropriate way to achieve the objectives of the Plan.

8.2 PART 2 OF THE ACT

8.2.1 Section 5 of Part 2, the purpose of the RMA, seeks to promote the sustainable management of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while, among other considerations, avoiding, remedying or mitigating any adverse effects of activities on the environment.

8.2.2 Section 6 of the Act lists matters of national importance which need to be recognised and provided for in achieving the purpose of the Act. These include protection of the natural character of the coastal environment, outstanding natural features and landscapes, areas of significant indigenous vegetation, the relationship of Maori with their ancestral lands, the protection of historic heritage and the management of significant risk from natural hazards.

8.2.3 The proposed Plan Change including the amendments recommended in this report recognise and provide for these matters by:

a. retaining night limits on visitor accommodation in residential units in rural zones and settlements on Banks Peninsula to manage the risk of additional demand for development on the natural values of surrounding areas;

b. providing more enabling options for offering visitor accommodation in the Papakāinga/Kāinga Nohoanga Zone. These no longer need to be in associate with thee marae;

c. including assessment matters for unhosted visitor accommodation in residential units which can include conditions requiring information provided to guests on natural hazard risks.

8.2.4 In considering the possible methods of achieving the purpose of the Act, particular regard needs to be had to 'other matters' listed in section 7. These include:

7(b) the efficient use and development of natural and physical resources

7(c) the maintenance and enhancement of amenity values

7(f) maintenance and enhancement of the quality of the environment

8.2.5 The provisions in Plan Change 4, seek to balance enabling hosts to provide for their economic, social and cultural wellbeing and to use existing physical resources (housing stock) efficiently while maintaining amenity values and residential coherence for neighbours. It does this by enabling part-time use of residential units for visitor accommodation where the unit is still predominantly being used as a residence and directing larger-scale activities, where the unit is no longer primarily also being used as a residence, to zones like commercial and mixed-use zones that are better able to absorb the amenity impacts and where larger scale visitor accommodation can support the vibrancy and vitality of commercial centres. This also, to some degree, supports the sustainable management purpose of the Act by increasing the number of guests staying in centres which may reduce car dependence and travel times to attractions.

8.2.6 Overall, I am of the opinion that with the recommended amendments, Plan Change 4 provides an efficient and effective, as well as the most appropriate way of achieving the relevant planning objectives, higher order directions, and the purpose of the Act. It will facilitate additional economic and employment opportunities, while managing impacts on residential amenity and coherence and the vitality and vibrancy of commercial centres.

9 CONCLUSIONS AND RECOMMENDATIONS

9.1.1 In summary, I am satisfied that Plan Change 4, with the amendments I am suggesting to the policies and rules, will more appropriately achieve the District Plan objectives and better meet the purpose of the Act than the current Plan provisions.

9.1.2 I recommend therefore that**:**

a. Plan Change 4 be approved with modifications as set out in the attached Appendix 2; and

b. submissions on the Plan Change be accepted or rejected as set out in Appendix 4 to this report.