

QUEENSTOWN LAKES DISTRICT COUNCIL

PLAN CHANGE 22 – VISITOR ACCOMMODATION DEFINITION

REPORT ON SUBMISSIONS AND FURTHER SUBMISSIONS RECEIVED

22 MAY 2008

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Vivian + Espie

Queenstown Lakes District Council Plan Change 22 – Visitor Accommodation Definition

Introduction

This report discusses and makes recommendations on submissions received on the Queenstown Lakes District Council proposed Plan Change 22: Visitor Accommodation Definition.

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Part 1: Executive Summary

This Report has been commissioned by the Queenstown Lakes District Council in accordance with section 42A of the Resource Management Act 1991 ("RMA") to consider all submissions received following the public notification of PC:22 and to make recommendations on those submissions. This report was prepared by Carey Vivian, Vivian +Espie Ltd, and reviewed by Scott Figenshow-Senior Policy Analyst for the Council.

The background information to this plan change is contained within the Section 32 evaluation prepared by Vivian and Espie Limited at the time this plan change was notified and will not be repeated in this report. The purpose of this plan change is:

To resolve the consenting dilemma currently existing whereby a homeowner cannot advertise and rent their house on a short-term basis for even just a few days per year, while away on holiday, without having resource consent for visitor accommodation.

This report will: outline the statutory provisions relevant to the plan change process; discuss both the original and further submissions received following the public notification of this plan change; make recommendations as to whether or not those submissions should be accepted or rejected; and finally, this report will conclude with an overall recommendation based on the preceding discussions.

A total of 74 original submissions and 55 further submissions were received in relation to this plan change. The majority of submissions received express opposition to the plan change for a variety of reasons. A small number of submissions express support for the plan change. Various changes to the wording of the proposed definition have been sought.

As a general comment, I note that a significant number of the submissions have misinterpreted the intention and effect of PC22 in relation to resource consenting requirements that apply to the visitor accommodation use of residential units. The proposition that PC22 is seeking to impose a new requirement for such activities to obtain resource consent is a common misconception. It is hoped that in reading this report, it will become clear to many of the submitters that there is in fact common ground in terms of what both Council and many of the submitters are seeking to achieve via PC22.

In conclusion, this report recommends that the definition of visitor accommodation be amended as follows:

VISITOR ACCOMMODATION

1. Means the use of land/or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months.
2. Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, and lodges.
3. Includes the letting of individually-owned residential units but excludes homestay accommodation for up to four guests and excludes the single let of a residential unit for a period of three months or less in any 12 month period.
4. Includes some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with visitor accommodation activities set out in within the sense of (1)-(3) above.

For the purposes of the exclusion in clause (3) where a site contains both a residential unit and a residential flat the exclusion shall apply to either the letting of the residential unit or the residential flat but not to both.

The issue of how any definition is monitored over time is a matter of considerable importance. While it is not an element required to be addressed by this report, it is a matter for the Council to consider for further development. Attached to this report as 'A' is Part 4.11 Monitoring, Review and Enforcement of the District Plan. This section of the district plan specifies how the Council is to monitor and enforce the regulations of the District Plan. It is my opinion that this definition can be monitored within the scope of this section of the District Plan and no further amendments are necessary.

Part 2: Statutory Considerations

Section 74 sets out the matters that must be considered in preparing a change to the District Plan. Section 74 states:

- “(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, its duty under section 32, and any regulations.
- (2) In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—
 - (a) Any—
 - (i) Proposed regional policy statement; or
 - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and]
 - (b) Any –
 - (i) Management plans and strategies prepared under other Acts; and
 - (ii) Repealed
 - (iii) Relevant entry in the Historic Places Register; and
 - (iv) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—]to the extent that their content has a bearing on resource management issues of the district; and
- (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must –
 - (a) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and
 - (b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.”

Among other things, section 74 requires a local authority to comply with its functions under sections 31, 32, 75(2) and Part 2 of the Act in preparing a change to a district plan.

Section 31 of the Act sets out the functions of territorial authorities in giving effect to the purpose of the RMA and provides as follows:

- “(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
 - (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 land and associated natural and physical resources of the district:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

- i) the avoidance or mitigation of natural hazards; and
 - ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
 - iii) the maintenance of indigenous biological diversity:
- (c) Repealed
 - (d) The control of the emission of noise and the mitigation of the effects of noise:
 - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
 - (f) Any other functions specified in this Act
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision."

The provisions of Part 2 of the Act include: the purpose of the Act as contained in Section 5; Section 6 - Matters of National Importance; and Section 7 Other Matters that require particular regard in achieving the purpose of the Act; and Section 8 Treaty of Waitangi.

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources.

"Natural and physical resources" are defined in Section 2 of the Act as including "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures."

Under Section 5(2) "sustainable management" is interpreted to mean:

- "... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while:
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

Section 6 Matters of National Importance identifies the following matters of national importance in achieving the purpose of the Act:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- f) the protection of historic heritage from inappropriate subdivision, use, and development.
- g) the protection of recognised customary activities."

Section 7 Other Matters identifies the following items that shall be had particular regard to in achieving the purpose of the Act (emphasis added):

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga;
- (aa) The ethic of stewardship
- (b) The efficient use and development of natural and physical resources
- (ba) the efficiency of the end use of energy
- (c) The maintenance and enhancement of amenity values
- (d) Intrinsic values of ecosystems
- (e) Repealed
- (f) Maintenance and enhancement of the quality of the environment
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon
- (i) the effects of climate change
- (j) the benefits to be derived from the use and development of renewable energy."

Section 8 Treaty of Waitangi states:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

In accordance with Section 32 of the Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. Section 32 states:

- (1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—
 - (a) the Minister, for a national policy statement or regulations made under section 43; or
 - (b) the Minister of Conservation, for the New Zealand coastal policy statement; or
 - (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or
 - (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.
- (2) A further evaluation must also be made by—
 - (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and
 - (b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.
- (3) An evaluation must examine—
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
- (4) For the purposes of this examination, an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made."

In addition, Section 75(2) also requires the District Plan not to be inconsistent with the Regional Policy Statement or Regional Plan.

The section 32 evaluation in relation to this plan change has considered the function of the Council in accordance with section 31 of the RMA and has taken into account the matters which must be considered in preparing a plan change in accordance with sections 74, 75(2) and Part II of the RMA. This report has also been prepared with these statutory requirements in mind.

For completeness, it is noted that in making a decision on the plan change, the Council is guided by Clause 10 of the First Schedule to the RMA, which provides as follows:

"10. Decision of local authority

- (1) Subject to clause 9, whether or not a hearing is held on a proposed policy statement or plan, the local authority shall give its decisions, which shall include the reasons for accepting or rejecting any submissions (grouped by subject-matter or individually).
- (2) The decisions of the local authority may include any consequential alterations arising out of submissions and any other relevant matters it considered relating to matters raised in submissions.
- (3) If a local authority publicly notifies a proposed policy statement or plan under clause 5, it must, not later than 2 years after giving that notice, make its decisions under subclause (1) and publicly notify that fact.
- (4) On and from the date of the public notice given under subclause (3), the proposed plan is amended in accordance with the decisions of the local authority given under subclause (1)."

Part 3: Submission Discussion

Part 3 of this report is divided as follows:

- (a) Procedural Issues;
- (b) The principal issues raised in submissions;
- (c) Make recommendations on whether submissions should be accepted or rejected on a case-by-case basis and outline the reasons for these recommendations.

(a) Procedural Issues

A late submission was received from the Motel Association of New Zealand. I do not consider that the lateness of this submission will result in prejudice to the Council or any other Submitter. Accordingly, I recommend that the submission be formally received.

A late submission was also received from Remarkables Park Limited. That submission attached an application for acceptance of the submission after the formal closing period. That application was considered by the Council's CEO and accepted.

(b) Principal Issues Raised In Submissions

The following principal issues have been raised in submissions:

1. Retention of the "status quo";
2. Enabling individually owned residential units to be used for visitor accommodation purposes as a permitted activity;
3. Amendments to the length of stay in paragraph 1 of the definition;
4. Rating implications and revenue gathering;
5. Occupied vs. unoccupied residential units;
6. The 28 consecutive day exemption period and single annual let restriction;
7. Associated costs and economic efficiencies;
8. Importance of availability of residential units as a visitor accommodation facility;
9. Relationship with Plan Change 23;
10. Limitation in relation to 4 persons or less;
11. Trade competition;

12. Alternative wording of the definition;
13. Amendments to Part 4.9 Objective 5.

Issue 1 - Retention of the "Status Quo"

A number of submissions seek no change to the current regime on the basis that the letting of individually owned residential units as a permitted activity without the need for resource consent should continue. Unfortunately these submissions are fundamentally misconceived. The pre-plan change definition specifically included the letting of individually owned residential units thereby requiring such activities to obtain resource consent. It is noted that this definition was confirmed by the Environment Court in April 2003 in *The Queenstown Branch of the Motel Association of New Zealand v QLDC C45/2003*. The letting of individually owned residential units for visitor accommodation purposes has been in contravention of that definition and associated rules. Thus those submissions that seek to retain the "status quo" are in fact seeking to retain a consenting regime that requires resource consent for any letting of individually owned residential units to be obtained.

I note that Council has experienced a number of difficulties in relation to the enforcement of the pre-plan change visitor accommodation regime. Furthermore, it has been generally accepted that the requirement to obtain resource consent for the letting of individually owned residential units for visitor accommodation purposes is not reasonable in all circumstances – resulting in a "consenting dilemma" in relation to such activities. This has led to a perception that such activities are permitted – this is simply not the case.

Allowing visitor accommodation use of residential units to continue in contravention of the District Plan without pursuing enforcement proceedings (i.e. maintaining the "status quo") was considered in the section 32 evaluation and it was determined that this was not a viable option. The Council must administer the District Plan fairly and consistently and cannot decide which provisions do or do not need to be complied with. PC22 seeks to provide a solution to this issue by providing a permitted activity exemption for the use of individually owned residential units for visitor accommodation activities in certain circumstances.

Accordingly, I recommend that submissions seeking to retain the existing regime or "status quo" be rejected.

Issue 2 - Enabling individually owned residential units to be used for visitor accommodation purposes as a permitted activity

A number of submissions seek changes to the wording of the definition to enable the visitor accommodation use of residential units to be carried out as a permitted activity. Many of these submissions also question the effects based justification for the requirement to obtain resource consent for the use of residential units for visitor accommodation activities.

It has already been determined that there is an effects based justification requiring all visitor accommodation activities (including the letting of residential units) to obtain resource consent – this is reflected in the pre-plan change definition of visitor accommodation. While the merits of this justification are not at issue here, I note that it is generally accepted that visitor accommodation activities result in adverse effects in terms of costs relating to the provision of infrastructure and services. Where possible and appropriate, these costs are passed on to visitor accommodation providers and users. Significant costs also arise from compliance obligations under the Building Act. Thus it makes sense that all visitor accommodation providers should be treated equally - the failure to do so threatens the economic viability of the visitor accommodation sector. District Plan provisions are integral to the equal treatment of visitor accommodation providers on the basis that the resource consenting regime acts as a trigger in terms of both compliance obligations and regulatory cost recovery mechanisms.

This enquiry is limited to the formulation of a visitor accommodation exemption for residential unit owners on the basis that the requirement to obtain resource consent for the letting of individually owned residential units is not justified where the scale of the visitor accommodation activity is such that the adverse effects are no more than minor. The appropriate consenting threshold in relation to small scale visitor accommodation activities has been carefully considered and there is a sound resource management basis for imposing certain limitations in terms of the nature and extent of the residential unit exemption (NB: This aspect of the proposed definition is discussed in further detail below).

For these reasons, I recommend that submissions that seek unrestricted permitted activity status for the visitor accommodation use of individually owned residential units be rejected.

Issue 3 - Amendments to the Length of Stay in Paragraph 1 of the Definition

A number of submissions seek an amendment to paragraph 1 of the definition that alters the primary definition of visitor accommodation where the length of stay "*for any visitor is on a daily basis*".

This element of the definition provides a useful distinction between visitor accommodation activities and residential rental activities. The pre-plan change definition limited this period at 3 months i.e. the use of land by any visitor for more than three months in return for a fee does not fall within the definition of visitor accommodation – it is more appropriately defined as a residential activity. Altering this aspect of the definition as suggested would result in a significant change to the definition. The resulting interpretation would mean that the letting of any premise for more than one day or on a weekly basis would not qualify as visitor accommodation.

This change constitutes a significant alteration to the visitor accommodation regime generally and has no effects based justification, accordingly I recommend that this relief be rejected.

On this same point, I note that other submissions oppose the proposed change to this part of the definition from "*three months*" to "*28 consecutive days*".

The main grounds for opposition to this change are:

- Accommodation rented for longer than 28 consecutive days is no longer classified as visitor accommodation – this has implications for other visitor accommodation complexes such as hotels and motels.
- This change in definition creates a grey area in terms of visitor accommodation activity classifications which will result in difficulties with the application of the rule.
- A reduction in the number of days that visitor accommodation may be rented is not necessary to provide an exemption for individually owned residential units.
- There is a need for temporary or visitor accommodation that exceeds a 28 day time period (particularly in relation to educational and worker accommodation activities). The definition should allow for such activities.

I agree that this aspect of the proposed change has implications for all accommodation providers and significantly alters the scope and effect of the plan change. This change means that visitor accommodation providers located in zones where residential activities are not permitted, or alternatively purpose built visitor accommodation providers within residential zones that do not also have residential activity land use

consent, would require resource consent for residential activities if they wish to provide visitor accommodation for periods between 28 days and three months. I also agree that an adequate exemption for residential unit owners could be achieved without implementing such a change.

For these reasons, I recommend that the grounds for relief sought in this regard be accepted and the length of stay provided in the primary definition of visitor accommodation be reinstated to 3 months.

Issue 4 - Rating Implications and Revenue Gathering

A number of the submissions express opposition to the plan change due to rating implications. Rating requirements are not within the jurisdiction of the RMA and accordingly fall beyond the scope of this plan change. It is accepted however that visitor accommodation consents are used by Council as a trigger for land use based rating requirements and that this plan change will have implications in this regard. Thus I will comment briefly on this issue.

Submissions on this point express opposition on the basis that the plan change will increase rates payable on residential properties (presumably by alerting Council to the visitor accommodation activities that are occurring there). This issue arises from a misconception that the use of residential units for visitor accommodation activities can currently be carried out without the need for resource consent. As discussed above, this plan change is not imposing any new consenting requirements, it is seeking to provide a consenting exemption for the use of residential units for limited or small scale visitor accommodation activities. Thus the practical consequence of the plan change will enable limited visitor accommodation use of residential units to be undertaken without triggering the need for resource consent or higher rating thresholds thereby reducing potential rates increases.

In terms of the broader notion of “revenue gathering”, similar reasoning applies. PC22 seeks to alleviate consenting requirements in relation to some small scale visitor accommodation activities. Thus revenue that would otherwise be derived from mixed use rating requirements will not be collected. Accordingly, PC22 will have the effect of reducing the potential revenue gathered from visitor accommodation activities, not increasing it.

For these reasons, I recommend that submissions (or parts thereof) that oppose PC22 due to rating implications and revenue gathering be rejected.

Issue 5 - Occupied vs. Unoccupied Residential Units and Holiday Accommodation Restriction

Note 4 to the definition seeks to clarify the application of the residential unit exemption stating that it applies only to “occupied” residential units let temporarily while the occupier is away on holiday. The primary grounds put forward in opposition to this aspect of PC22 are:

- An unoccupied residential unit that is made available for short term visitor stay is likely to result in less demand on Council services (compared with the residential use of that premise) on the basis that it is likely to sit unoccupied for various periods of time during the year.
- Absentee owners pay full rates but are unable to realise the full benefit of the Council services that are paid for – the income derived from short stay rental return enables absentee owners to recover some of these costs.

These matters relate to the effects arising from the residential use (or lack thereof), not the visitor accommodation use of residential units and accordingly I do not consider these matters to be relevant to PC22. Nor do I consider the financial viability of maintaining a residence or holiday house by an absentee

owner to be a cogent factor in terms of the economic merits of a consenting regime concerning the visitor accommodation use of residential units. While such use may provide some absentee owners with an avenue to recover the costs of maintaining that property – the need to do so is dictated entirely by the financial needs of the particular owner and accordingly could not be quantified in a normative sense and provided for via District Plan provisions.

I agree that the occupied / unoccupied aspect of the definition is problematic. What constitutes an “occupied” dwelling is a grey area – for example is a residential unit that is occupied by the owner for 6 months of the year sufficiently “occupied”?

I also agree that the reason for the absence of the occupier – i.e. “ . . . while the occupier is away on holiday”, is problematic. The requirement that the residential unit can only be available for short stay rental while the owner / occupier is away on holiday is very subtle distinction and unlikely to lead to any real difference in terms of the effects of the short term visitor accommodation use that falls within the exemption.

For these reasons, I recommend that those submissions that oppose the limitations in the exemption relating to occupied residential units available for visitor accommodation use while the occupier is away on holiday be accepted.

Issue 6 - The 28 Consecutive Day Exemption Period and Single Annual Let Restriction

A number of submissions oppose the imposition of the “28 consecutive day” time period and “single annual let” restriction relating to the exemption contained in Note 1 of the definition.

In general, the grounds for opposition to the “28 consecutive day” and “single annual let” requirements contained in submissions are:

- Annual leave entitlements are not necessarily taken in one block per year;
- The 28 day limit fails to take into account public holidays and the fact that increased annual leave entitlements (such as 6 weeks per annum) are not unusual;
- There is a need for accommodation facilities that provide for short term, temporary accommodation in excess of 28 days – more flexibility is required in this regard.

As a general comment, I note that the reference to “28 consecutive days” is superfluous in the context of a “single annual let” restriction. Clearly a “single annual let” relates to a period of time that inherently covers a number of consecutive days. Thus the reference to “consecutive” can be removed.

The “single annual let” restriction limits the frequency of visitor accommodation activities that can be carried out as a permitted activity. I agree that annual leave entitlements are not always taken as a single block in any one year. However, the question of frequency is important from an effects based perspective. In my opinion, enabling residential units to be used for visitor accommodation purposes more than once per year as a permitted activity would have the potential to lead to more than minor adverse effects on the district’s visitor accommodation industry as a whole. As discussed above, District Plan provisions are integral to the equal treatment of visitor accommodation providers. This is evident in the pre-plan change definition which required resource consent for the use of residential units for visitor accommodation activities without exception. Allowing for the single annual let of a residential unit as an exemption from the definition of VA provides residential unit owners with a reasonable opportunity to use their home for visitor accommodation purposes. None of the submissions on this point have raised a relevant effects based justification as to why the visitor accommodation use of residential units that exceeds that threshold should be treated differently to

other visitor accommodation providers from a regulatory perspective. Accordingly, in my opinion, the single annual let restriction is appropriate.

I accept that there is merit in the arguments opposing the 28 day limit. I note that to some extent, the question of where to limit the exemption period is arbitrary as leave entitlements and the reasons for the absence of homeowners will vary on a case by case basis. That is not to say that a rational limit cannot be drawn. I suggest that a sensible and logical exemption period for the use of residential units is a maximum of 3 months – consistent with the definition of “short term” contained in part 1 of the primary definition of visitor accommodation. This exemption period increase, in conjunction with the retention of the single annual let requirement gives more flexibility to the exemption in terms of the length of visitor stay while avoiding any adverse effects by limiting the frequency of permitted visitor accommodation use of residential units to one per year.

Further flexibility to the definition in this regard can be provided by removing Note 3 in relation to the clarification of the term “annual let” (being the year commencing 1st July and ending 30 June) and allowing a single let “in any 12 month period”. This avoids the situation where a homeowner who wants to let out their home for a period over the June – July threshold being precluded from a further let period commencing in June the following year.

For these reasons, I recommend that those submissions (or parts thereof) that oppose the single annual let restriction be rejected, but recommend that those submissions (or parts thereof) that seek to have the 28 consecutive day exemption period increased be accepted. The revised definition in this regard is provided below.

With respect to monitoring the effectiveness of this definition I refer submitters to Part 4.11 Monitoring, Review and Enforcement of the District Plan (copy attached to this report). The Council has responsibilities under the Act to monitor the effectiveness of the District Plan as a means of achieving its objectives and policies and act on complaints received by the community (which may include neighbours or other competing visitor accommodation activities). The principal monitoring technique in this instance will be complaints received by the community which will require investigation by the Council's enforcement department.

Alongside the adoption of this Plan Change I recommend the Council prepare a guideline that clearly details what is permitted and what requires resource consent.

Issue 7- Associated Costs and Development Contributions

A number of submissions oppose the plan change on the basis that the costs associated with the requirement to obtain resource consent will make home ownership unaffordable. Again, I note that PC22 is seeking to provide an exemption for individual unit owners in relation to consenting requirements. The pre-plan change definition of visitor accommodation required residential unit owners to obtain resource consent for the visitor accommodation use of those premises without exception. As PC22 is seeking to provide an exemption for such activities - PC22 will in fact result in reduced costs to residential unit owners that wish to utilise their home for visitor accommodation purposes. For this reason I recommend that these submissions be rejected.

Notwithstanding, I accept that cost is relevant to this plan change to the extent that some submissions are seeking permitted activity status for the use of residential units for visitor accommodation activities on the basis of cost. Most of the submissions on this point fail to quantify or provide any clear or useful information in relation to the origin of such “costs”.

The only relevant cost that directly arises from resource consent requirements is the actual cost incurred in obtaining resource consent. It has been accepted in principle that the cost associated with obtaining resource consent for the use of residential units for small scale visitor accommodation activities is not necessarily commensurate with the financial benefit that flows from that use – thus to some extent the requirement to obtain resource consent for small scale visitor accommodation use of residential units is unreasonable. I see no need to quantify exact figures in this regard – suffice to say that visitor accommodation use that exceeds the threshold in the proposed exemption has the potential to result in a financial return that would not be outweighed by the cost of obtaining resource consent for that activity.

Rating implications have been addressed above – I reiterate that the quantum of rating costs is not relevant to this plan change, they are administered by Council under the Local Government Act 2002 and are not imposed under the RMA. Similarly, the quantum of development contributions are calculated and imposed under the Local Government Act 2002 and accordingly the quantum of such costs is not directly associated with the resource consent process.

Notwithstanding, I accept that resource consent requirements in relation to the use of residential units for visitor accommodation purposes act as a trigger for rating categorisations – the same can be said for development contribution triggers. In this regard, I reiterate the comments above that the visitor accommodation sector imposes significant costs on the community in terms of infrastructure and services and these costs are passed on to visitor accommodation providers where possible. Thus it makes sense that all visitor accommodation providers should be treated equally - the failure to do so threatens the economic viability of the visitor accommodation sector.

District Plan provisions are integral to the equal treatment of visitor accommodation providers on the basis that the resource consenting regime acts as a trigger in terms of regulatory cost recovery mechanisms. Owners / occupiers that are choosing to use their residential unit for visitor accommodation purposes effectively become a visitor accommodation provider and should be treated as such. It may be arguable that the nature and scale of that visitor accommodation activity justify remissions in terms of both rating and development contribution requirements, however that is a separate consideration to the question of whether or not all visitor accommodation providers should be treated equally from a regulatory perspective.

For these reasons, I recommend that submissions that oppose PC22 on the basis of unreasonable costs, be rejected.

Issue 8 - Importance of Availability of Residential Units to the Visitor Accommodation Market

A number of submissions raise the issue that the use of residential units for visitor accommodation activities is a valuable and necessary part of the visitor accommodation sector in the district – particularly in terms of the need to provide adequate holiday accommodation for larger groups and families – and that the need to obtain resource consent will mean that fewer residential units will be available for this purpose thereby adversely affecting the ability of the visitor accommodation sector to cater for all visitor groups.

In response, I reiterate that this plan change is not seeking to impose any new consenting requirements in terms of the use of residential units for visitor accommodation purposes – it seeks to provide an exemption for residential unit owners. Thus the plan change is in fact increasing the number of residential units that are available for visitor accommodation use.

As a general comment I note that I find this ground for opposition problematic and contradictory to other grounds for opposition put forward that the need for resource consent will make the use of residential units for visitor accommodation purposes uneconomic – i.e. that the costs associated with obtaining resource consent outweigh the prospective financial return. Indeed if the use of residential units for visitor accommodation purposes is such a fundamental part of the region's visitor accommodation sector then such premises would be in significant demand and I doubt that the cost associated with obtaining resource consent would necessarily outweigh the potential financial reward.

None of the submissions on this point have produced any evidence or data that supports this notion. I recommend that further evidence in this regard be put forward at a hearing to provide a better understanding of the nature and extent of such effects.

In the absence of further information on this point, I recommend that submissions that oppose PC22 on this basis be rejected.

Issue 9 - Relationship with Plan Change 23

A broader inquiry in relation to the relationship between visitor accommodation activities in residential neighbourhoods is being undertaken as part of potential Plan Change 23. This inquiry is of peripheral relevance to this plan change in terms of the location of visitor accommodation activities in the district. As noted above however, PC22 is looking specifically at the use of individually owned residential units for visitor accommodation purposes and the reasonableness of the existing consenting requirements. The purpose of PC22 is specific and can be isolated from the broader enquiry that is being considered under proposed Plan Change 23. Moreover, PC22 is seeking to resolve an existing consenting dilemma in relation to the use of residential units for visitor accommodation activities – both Council and the community have an interest in reaching a fast and effective solution to this issue. Incorporating the substance of PC22 into a plan change which is considering broader issues is likely to result in significant and undesirable delay in terms of resolving this consenting dilemma.

For these reasons, I recommend that submissions that seek to have PC22 withdrawn and the relevant issues considered as part of PC23, be rejected.

Issue 10- Limitation in Relation to 4 Persons or Less

Some submissions have opposed the plan change on the basis of an imposed limitation regarding 4 visitors / guests. PC22 does not seek to alter the definition of visitor accommodation in relation to a cap on visitor numbers. It is noted that there is a four person cap on homestay activities, however homestay activities are not at issue here and in my view fall beyond the scope of this plan change. If the Commission is of the view that relief in relation to homestay activities is within scope then I note that 4 person cap was considered appropriate by the Environment Court in *Queenstown Branch of the Motel Association of New Zealand v QLDC* C100/00, C107/01 and C45/03.

It is noted that Council intends to prepare a comparative summary of requirements across the various regulations affecting Homestay and Visitor Accommodation activities, in conjunction with the release of a decision on the Definition of Visitor Accommodation-Plan Change 22. Requirements under the Building Act, Council's policy on Rates as published in the LTCCP, as well as District Plan definitions under the Resource Management Act may lead to differing thresholds in the number of guests. It was not considered appropriate to propose such changes, if any, as part of the purpose of PC22.

I therefore recommend that submissions that oppose PC22 in relation to a four person limit be rejected.

Issue 11- Trade Competition

A number of further submissions raise the issue of trade competition as the reason for expressed support for the plan change. I accept that some submitters may have a commercial interest in ensuring that all visitor accommodation providers are treated equally, this does not derogate from the legitimate resource management basis for those submissions in support of PC22. For this reason, I reject submissions that oppose PC22 on the grounds of trade competition.

Issue 12 - Alternative Wording of the Definition

A number of submissions seek to change the proposed wording of the definition. The basis for requested changes in relation to permitted activity status, the length of visitor stay, "occupied" residential units, holiday accommodation restrictions and the appropriate exemption period have been specifically addressed above. Other submissions seek to simplify the definition by minor changes and the removal of notes 1 – 5.

I agree that the proposed wording of the definition is unnecessarily complicated. I also recommend that the definition be amended in response to the points of opposition discussed above.

The following revised definition is recommended:

VISITOR ACCOMMODATION

1. Means the use of land/or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months. ~~is less than 28 consecutive days at any time. This definition does not exclude the letting of individually owned residential units except where stated below.~~
2. Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, and lodges.
3. Includes the letting of individually-owned residential units but excludes ~~in particular homestays for more than four guests but does not include~~ homestay accommodation for up to four guests and excludes the single let of a residential unit for a period of three months or less in any 12 month period. ~~for holiday accommodation purposes.~~
4. Includes some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with visitor accommodation activities set out in within the sense of (1)-(3) above.
5. ~~Excludes the single annual let of a residential unit to guests for a period less than 28 consecutive days for holiday accommodation purposes.~~

Notes:

- ~~(1) The letting of a residential unit where the length of stay for any visitor is greater than 28 days at any time is exempt from the definition of visitor accommodation under clause (1) and therefore not applicable to clause (3) or (5).~~
- ~~(2) For the purposes of the exclusion in clause (5) (3) where a site contains both a residential unit and a residential flat the exclusion shall apply to either the letting of the residential unit or the residential flat but not to both.~~

~~(3) For the purposes of the exclusion in clause (5) the term “annual let” shall mean the year starting 1st of July to the 31st of June the following year.~~

~~(4) For the purpose of the exclusion in clause (5) the term “holiday accommodation” shall mean a residential activity where an occupied residential unit is temporarily let to visitors while the occupier is away on holiday.~~

Note: Insertions are shown in bold underlined, and deletions are shown as bold strikethrough.

Issue 13 - Amendments to Visitor Accommodation Policies in Part 4

One submission seeks that the following policy be added to **Part 4.9 Objective 5 Visitor Accommodation Activities**:

- 5.1 To manage visitor accommodation activities to avoid or mitigate any adverse effects on the environment.
- 5.2 To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.

The reasons submitted for this alteration relate to the policy justification for the definition and to ensure that visitor accommodation providers bear the infrastructure and compliance costs of visitor accommodation activities.

I agree that such policy justification is desirable and accordingly recommend that this submission (or part thereof) be **accepted**.

(c) Recommendation on Individual Submissions

This section of the report discusses submissions on a case-by-case basis. Please refer to index in the introductory section of this report for cross referencing submissions.

22/1/1 Alpine Parklands Holdings Limited

Submission: Alpine Parklands Holdings Limited opposes PC22. Reasons for this opposition are not provided however, the submission advises that a formal submission will be lodged in due course - this submission has not been received by Council.

Decision Requested: Alpine Parklands Holdings Limited has not requested any decision from Council.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited opposes this submission on the basis that it is inconsistent with matters outlined in its submission and that no formal submission has been lodged as suggested.

Recommendation: I recommend that the submission by Alpine Parklands Holdings Limited be **rejected** on the basis that no reasons for its opposition have been provided and no specific decision is requested.

For these same reasons, I recommend that the further submission by Remarkables Park Limited in opposition to this submission be **accepted**.

22/2/1 Janet Anderson

Submission: Janet Anderson opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Janet Anderson requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Don and Robyn Church – Support;
- b. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Janet Anderson and further submissions in support by Don and Robyn Church and Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/3/1 Peter Barrow

Submission: Peter Barrow opposes PC22 on the basis that there is no difference in renting a home for a period of more or less than 3 months, the adverse effects of this use are not more than minor and therefore resource consent for such activities should not be required.

Decision Requested: Peter Barrow requests the following decision from Council:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".

2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Don and Robyn Church – Support;
- b. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Peter Barrow and further submissions in support by Don and Robyn Church and Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/4/1 Bayview Motel and Aspiring Campervan Park

Submission: Bayview Motel and Aspiring Campervan Park do not express either support or opposition to PC22. The submission content supports control and regulation of the use of residential units for visitor accommodation purposes and also expresses opposition to the location of commercial activities in low density residential areas.

Decision Requested: Bayview Motel and Aspiring Campervan Park do not request a specific decision from Council.

Further Submission: The following further submissions have been lodged in opposition to this submission:

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the real Estate Institute of New Zealand Incorporated - Oppose;
- c. Southern Planning Group Limited – Oppose.
- d. Richard Hutchinson – Support.

These further submissions listed (a) to (c) oppose the submission by Bayview Motel and Aspiring Caravan Park for the following reasons:

- The relief sought in the original submission is inconsistent with the purpose and principles of the Act;

- The relief sought in the original submissions is inconsistent with the statutory matters relevant to District Plan provisions;
- The notified proposal requires amendment as requested and for the reasons specified in the original submission by the Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated.
- There is no information provided by the Submitter that identifies any safety issue with properties not built for visitor accommodation purposes.
- This submission is about trade competition and should be disregarded.

Recommendation: I recommend that the submission by Bayview Motel and Aspiring Campervan Park and further submission of Richard Hutchinson be **accepted in part** to the extent that the submission supports the regulation and control of the visitor accommodation use of residential units.

I recommend that the further submissions in opposition by the Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbers 2, 5 and 6 above;
- While some submitters may have a commercial interest in ensuring that all visitor accommodation providers are treated equally, this does not derogate from the legitimate resource management basis for those submissions in support of PC22 – see principal issue number 11 above.

22/5/1 Don Byars

Submission: Don Byars opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Don Byars requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Don Byars be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/6/1 Robbie Caldwell

Submission: Robbie Caldwell opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Robbie Caldwell requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words ~~“is not greater than 3 months is less than 28 consecutive days”~~ and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Robbie Caldwell be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/7/1 Chris Carrell

Submission: Chris Carrell opposes PC22 on the basis that it discriminates against crib owners by capturing the casual letting of private cribs and is therefore detrimental to crib owners and the Lakes District, in particular:

- Crib rental does not increase demands on rated services;
- Guest use of cribs benefits the local economy;
- Lack of consultation with crib owners and the impossibility of monitoring.

Decision Requested: Chris Carrell requests the following decision from Council:

1. That the plan change be deleted and points 1 – 4 be written much more clearly to avoid confusion;
2. That crib owners be exempt from the definition of visitor accommodation;
3. That crib owners be allowed 12 lets over a year within the visitor accommodation definition.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Chris Carrell be **rejected** for the following reasons:

- If a crib falls within the definition of “residential unit” then it is appropriately caught by this plan change.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The issues relating to absentee owners are considered above under principal issue 6 – these issues relate to the residential use (or lack thereof) of residential units and are not relevant to the effects of visitor accommodation use of residential units being considered here.
- PC22 has followed the appropriate process in terms of consultation.
- Monitoring issues are beyond the scope of this plan change, although I understand that Council intends to be vigilant in relation to monitoring the visitor accommodation use of residential units.

22/8/1 Tony Carrell

Submission: Tony Carrell opposes PC22 on the basis that it treats crib owners as commercial entities and creates the possibility of a detrimental and negative impact on the wider community.

Decision Requested: Tony Carrell requests the following decision from Council:

1. That the wording “28 consecutive days” in the definition be replaced with “That visitor accommodation be allowed for a total of 28 days in any 12 month period”.

Further Submission: A further submission by Southern Planning group has been lodged in partial support of this submission.

Recommendation: I recommend that the submission by Tony Carrell and further submission by Southern Planning group be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities to a single annual let per year – see principal issues numbered 2, 5 and 6 above.
- The issues relating to absentee owners and rating requirements are considered above under principal issue 6 – these issues relate to the residential use (or lack thereof) of residential units and are not relevant to considerations relating to the effects of visitor accommodation use of residential units being considered here.

22/9/1 D Carroll

Submission: D Carroll opposes PC22 for the following reasons:

- Submissions made during consultation are not adequately reflected in PC22;
- Non-residential owners are excluded from exemptions despite placing a minimal load on rate based resources;
- A non-residential rate payer who rents out their home on occasion places less demand on resources than a full time occupant;
- The failure of PC22 to meet the majority of submissions in opposition means inadequate consultation has taken place.

Decision Requested: D Carroll does not request any specific decision from Council.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited – Opposition;
- b. Southern Planning Group Limited – Support in part.

Recommendation: I recommend that the submission by D Carroll and further submission by Southern Planning Group Limited be **rejected** and the further submission in opposition by Remarkables Park Limited be **accepted** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The issues relating to absentee owners are considered above under principal issue 6 above – these issues relate to the residential use (or lack thereof) of residential units and are not relevant to considerations relating to the effects of visitor accommodation use of residential units being considered here.
- PC22 has followed the appropriate course in terms of consultation.
- No relief can be granted by Council in this instance as specific relief has not been sought.

22/10/1 Bryan Carter

Submission: Bryan Carter opposes PC22 on the basis that PC22 will lead to a rates increase despite the fact that his residential unit is only occupied for 4 – 6 weeks per year.

Decision Requested: Bryan Carter requests an exemption allowing for visitor accommodation use of a cumulative total of up to 90 days per year.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited – Opposition;
- b. Southern Planning Group Limited – Support in part.

Recommendation: I recommend that the submission by Bryan Carter and further submission by Southern Planning Group Limited be **rejected** and the further submission in opposition by Remarkables Park Limited be **accepted** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities to a single annual let per year – see principal issues numbered 2, 5 and 6 above.
- The issues relating to absentee owners and rating requirements are considered above under principal issue 6 – these issues relate to the residential use (or lack thereof) of residential units and are not relevant to considerations relating to the effects of visitor accommodation use of residential units being considered here.
- Rating increases are considered under principal issue 4 above – the practical consequence of PC22 will enable limited visitor accommodation use of residential units to be undertaken without triggering the need for resource consent or higher rating thresholds thereby reducing potential rates increases arising from that use.

22/11/1 Vicky Cavanagh-Hodge

Submission: Vicky Cavanagh-Hodge opposes PC22.

Decision Requested: Vicki Cavanagh-Hodge requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Vicki Cavanagh-Hodge and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/12/1 Murray Chandler

Submission: Murray Chandler opposes PC22 on the basis that the requirement for holiday homes to obtain resource consent is unreasonable.

Decision Requested: Murray Chandler requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Murray Chandler and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of

proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/13/1 Don and Robyn Church

Submission: Don and Robyn Church oppose PC22 on the basis that the plan change is laudable in terms of what it proposes but doesn't go far enough.

Decision Requested: Don and Robyn Church request that the definition include an "integrity threshold" in the Low Density Residential Zone and that holiday home owners should be allowed to rent out their homes for short casual stays to the extent that it remains compatible with residential coherence and amenity.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.
- b. Remarkables Park Limited – Support in that PC22 does not go far enough and should be considered alongside matters addressed in proposed PC23.

Recommendation: I recommend that the submission by Don and Robyn Church and further submissions by Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** for the following reasons:

- PC22 specifically addresses the use of individually owned residential units for visitor accommodation purposes and the reasonableness of the existing consenting requirements - the purpose of PC22 is specific and can be isolated from the broader enquiry that is being considered under proposed Plan Change 23 – see discussion under principal issue 9 above. A "intensity threshold" is achieved by permitting a single annual let.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities and the exemption proposed is appropriate in terms of ensuring that residential coherence and amenity is maintained – see principal issues numbered 2, 5 and 6 above.

22/14/1 Alan Collie

Submission: Alan Collie opposes PC22 on the basis that the plan change treats all residential units as being residential houses and fails to take into account that absentee owners pay full rates but are occupied for less than 50% of the year.

Decision Requested: Allan Collie requests no change to the current system relating to the use of residential units for visitor accommodation activities and that the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"

3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Allan Collie and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The retention of the “status quo” in fact seeks to retain a consenting regime that requires resource consent for any letting of individually owned residential units to be obtained (see discussion under principal issue 1 above) – this is contradictory to the specific amendments to the definition sought by the Submitter.
- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/15/1 Frances Copland

Submission: Frances Copland opposes PC22 on the basis that the 28 day limit is too restrictive in relation to families that go away for more than 28 days per year and further that the 28 day restriction will mean that residential units will not be available for use by film crews and educational exchanges without obtaining resource consent.

Decision Requested: Frances Copland requests that the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Frances Copland and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/16/1 Megan Cowie

Submission: Megan Cowie opposes PC22 on the basis that PC22 will impose a new rule that would prevent the average kiwi family from holidaying in Queenstown due to increased costs.

Decision Requested: Megan Cowie requests that the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “is not greater than 3 months is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Megan Cowie and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- PC 22 does not seek to impose any new rules in relation to the use of residential units for visitor accommodation activities, it seeks to provide an exemption in relation to the use of residential units for visitor accommodation use - see discussion under principal issue 1 above.
- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/17/1 Kath Cruickshank

Submission: Kath Cruickshank opposes PC22. No reasons for this opposition are provided.

Decision Requested: Kath Cruickshank requests that the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Kath Cruickshank and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/18/1 John and Marie Curran

Submission: John and Marie Curran oppose PC22 on the basis that crib owners that rent out their cribs privately during the year for short periods and PC22 should be liberalized in this regard.

Decision Requested: John and Marie Curran request that the exemption in clause 5 be reworded as follows:

5. Excludes the letting of a residential unit on no more than four occasions and for a total period of no more than 28 days.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.
- b. Remarkables Park Limited – Support.

Recommendation: I recommend that the submission by J and M Curran and further submissions by Southern Planning Group Limited and Remarkables Park Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities to a single annual let per year – see principal issues numbered 2, 5 and 6 above.

22/19/1 John and Lesley Davies

Submission: John and Lesley Davies oppose PC22 on the basis of accommodation rate changes.

Decision Requested: John and Lesley Davies request an amendment that rating applies to either the number of guest rooms or annual occupancy or a mixture of both.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by J and L Davies and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The quantum and calculation of rating requirements fall outside of the RMA and are beyond the scope of this plan change – see discussion under principal issue 4 above.

22/20/1 T and P Dixon

Submission: T and P Dixon oppose PC22 on the basis that the proposed definition allows for residential unit owners to rent out their property a number of days per year for no less than 28 days at any one time. The 28 day period restriction is unduly restrictive for the following reasons:

- Residents are likely to want to vacate their property for more than 28 days at any one time.
- There is no evidence to suggest that a one or two week rental period is not sustainable or reasonable;
- Restricting rental terms to no less than 28 days is restrictive, punitive and administratively unsustainable.
- The use of a rental property by friends and relatives on a regular basis will have no significant effects.

Decision Requested: The submitter requests that the permitted activity rental period be reduced to 7 days or more.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.
- b. The Real Estate Institute of New Zealand Incorporated – Oppose.

- c. The Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated – Oppose.
- d. Remarkables Park Limited – Oppose – Remarkables Park opposes this submission to the extent that it is inconsistent with its original submission and further opposes the imposition of a 7 day rental period as a permitted activity.

Recommendation: I recommend that the submission by T and P Dixon and further submission by Southern Planning Group Limited be **rejected**; and that further submissions by the Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Remarkables Park Limited in opposition be **accepted** for the following reasons:

- The effect of the proposed definition does not allow residential unit owners to rent out their property a number of days per year for no less than 28 days at any one time – the Submitter has misinterpreted the effect of the plan change.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities to a single annual let per year – see principal issues numbered 2, 5 and 6 above.

22/21/1 John and Margaret Dugdale

Submission: John and Margaret Dugdale oppose PC22 on the basis that the 28 consecutive day limitation for the exemption creates the following issues:

- Unaffordable home ownership;
- Annual costs – specifically rates;
- Compliance issues in regard to monitoring and costs;
- Reduces choice for holidaying families;
- Reduces holiday homes available at peak times if owners decide not to rent;
- Results in additional demands in infrastructure;
- Ambiguity around resulting rating requirements.

Decision Requested: No specific decision is requested by the Submitter.

Further Submission: The following further submission has been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by J and M Dugdale and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities to a single annual let per year – see principal issues numbered 2, 5 and 6 above.

- Rating implications are considered under principal issue 4 above – the practical consequence of PC22 will enable limited visitor accommodation use of residential units to be undertaken without triggering the need for resource consent or higher rating thresholds thereby reducing potential rates increases arising from that use.
- PC22 is not seeking to impose any new consenting requirements in terms of the use of residential units for visitor accommodation purposes – it seeks to provide an exemption for residential unit owners. Thus the plan change is in fact increasing the number of residential units that are available for visitor accommodation use without the need for resource consent.
- The submission does not provide any evidence or data to substantiate the contention that the need to obtain resource consent will mean that fewer residential units will be available for visitor accommodation purposes thereby adversely affecting the ability of the visitor accommodation sector to cater for all visitor groups – see principal issue 9 above.
- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issue 7 above.

22/22/1 E Earnshaw

Submission: E Earnshaw opposes PC22 on the basis that the imposition of the change will mean that Queenstown’s baches and holidays homes will cease to exist.

Decision Requested: E Earnshaw requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submission has been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by E Earnshaw and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.

- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/23/1 Executive Accommodation

Submission: Executive Accommodation opposes PC22 on the basis that the average occupancy of a residential unit is 20% per year and accordingly the visitor accommodation use of these properties does not result in increased demand on infrastructure. Further the peak demand for residential units for holiday accommodation is when all other accommodation is booked.

Decision Requested: Executive Accommodation requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submission has been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.
- b. Remarkables Park Limited – Oppose – the relief sought will enable residential units and or homestays to be let on an unrestricted basis.

Recommendation: I recommend that the submission by Executive Accommodation and further submission by Southern Planning Group Limited be **rejected**, and that the further submission by Remarkables Park Limited be **accepted** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/24/1 Five Mile Holdings Limited

Submission: Five Mile Holdings Limited opposes that part of PC22 that seeks to redefine the meaning of visitor accommodation such that the length of stay for any visitor is less than 28 consecutive days at any time. The following reasons are given:

- The section 32 report accompanying PC22 fails to give sufficient weight to alternatives;
- The plan change in its current form is not the most effective way to achieve the purpose of the Act;
- That the proposed changes may place unreasonable constraint upon the commercial activities of Five Mile Holdings Limited and many other hotel and motel operators;
- In changing the definition by reducing the time period accommodation may be classified as Visitor Accommodation the result is that accommodation rented for longer is no longer classified as Visitor Accommodation;
- This change will capture purpose built visitor accommodation such as motels and hotels;
- The changing definition creates a grey area within the plan where the classification of an activity may be uncertain and lead to difficulties in application;
- It is not necessary to decrease the number of days visitor accommodation can be rented in order to provide an exemption for the let of an individual unit;
- The plan change is inconsistent with the purpose set out in the section 32 report;
- The classification of visitor accommodation on the basis that any stay in excess of 28 days is permanent is patently wrong.

Decision Requested: Five Mile Holdings requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. That paragraph 1 of the definition of visitor accommodation read as follows:

Visitor Accommodation:

Means the use of land/or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months at any time. This definition does not exclude the letting of individually owned residential units except where stated below.

2. Delete Note (1) as proposed in its entirety.
3. All remaining aspects of the Plan Change remain as notified; or
4. That the plan change is withdrawn in its entirety;
5. In addition that all other appropriate, necessary or consequential amendments be made.

Further Submission: The following further submission has been lodged in relation to this submission:

- a. Remarkables Park Limited – Support and Oppose.
- b. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Five Mile Holdings and further submission by Southern Planning Group Limited be **accepted** and the relief sought in para 5.1 of the submission be granted; and the further submission by Remarkables Park Limited be **rejected** for the following reason:

- This aspect of the proposed change has implications for all accommodation providers and significantly alters the scope and effect of the plan change. An adequate exemption for residential unit owners could be achieved without implementing such a change – refer principle issue 3 above.

22/25/1 Scott Ford

Submission: Scott Ford opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Scott Ford requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Scott Ford be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/26/1 Sonya Ford

Submission: Sonya Ford opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Sonya Ford requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Sonya Ford be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/27/1 Michael Franklin

Submission: Michael Franklin opposes PC22 in part on the basis that: it is unclear whether the term "let" includes allowing family and friends to use your holiday home in return for reimbursement for power and phone costs; and PC22 does not justify the restriction to one single consecutive let of 28 days.

Decision Requested: The Submitter seeks clarification of the term "let" in the definition; and that the 28 day consecutive let be changed to a 6 week period of any number of lets.

Further Submission: the following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited – Support – RPL supports the removal of the 28 consecutive period being a single annual let.
- b. Southern Planning Group Limited – Support in Part.

Recommendation: I recommend that the submission by Michael Franklin and further submissions by Remarkables Park Limited and Southern Planning Group Limited be **rejected** for the following reasons:

- The plain meaning of the term "let" means the use or occupancy of land or buildings in return for payment. This definition is clear and unambiguous, further clarification is not required in the definition.

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities for a single annual let – see principal issues numbered 2, 5 and 6 above.

22/28/1 Tim and Erica Fry

Submission: Tim and Erica Fry oppose PC22 on the basis that the proposed change will result in costs that will prevent the use of their house for holiday accommodation.

Decision Requested: Tim and Erica Fry request the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Tim and Erica Fry and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issue 7.
- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities for a single annual let – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/29/1 Ian Horrax

Submission: Ian Horrax opposes PC22 on the basis that there is no justification for imposing such a rule.

Decision Requested: Ian Horrax requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Ian Horrax and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/30/1 Allan Huntingdon

Submission: Allan Huntingdon opposes PC22 on the basis that the 28 consecutive day requirement is too restrictive and fails to enable a single annual let for short term work purposes.

Decision Requested: Allan Huntingdon requests the following decision from Council:

That the definition of Visitor Accommodation allow for visitor accommodation of up to 90 consecutive days.

Further Submissions: The following further submissions have been lodged in relation to this submission:

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the real Estate Institute of New Zealand Incorporated - Oppose;
- c. Southern Planning Group Limited – Support in part.

Recommendation: I recommend that the submission by Allan Huntingdon be **accepted**, the further submission by Southern Planning Group Limited be **accepted in part** (to the extent that it expresses partial support for the submission by Allan Huntingdon) and the further submissions by the Real Estate Institute of New Zealand Incorporated and the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated be **rejected** for the following reason:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 4, 5 and 6 above.

22/31/1 Julie Johnston

Submission: Julie Johnston opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Julie Johnston requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Julie Johnston be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/32/1 Don and Joan Kindley

Submission: Don and Joan Kindley oppose PC22 on the basis that the proposed exemption is so limited it is worthless; and adverse effects justifying the imposition of this rule have not been identified.

Decision Requested: Don and Joan Kindley request the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".

2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Don and Joan Kindley and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/33/1 Keith Kirby

Submission: Keith Kirby opposes PC22 on the basis that the plan change will result in increased costs.

Decision Requested: Keith Kirby requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Keith Kirby and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/34/1 Paul and Chris Le Blond

Submission: Paul and Chris Le Blond oppose PC22.

Decision Requested: The Submitter requests that the time limit for maximum stays should be extended to either 6 months or 3 months.

Further Submission: The following further submissions have been lodged in relation to this submission:

- Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Paul and Chris Le Blond and further submission by Southern Planning Group Limited be **accepted in part** in that the period of maximum stay be extended to 3 months – refer to principle issue 6 for a discussion on this point.

22/35/1 Terrence Maguire

Submission: Terrence Maguire opposes the plan change on the basis that costs associated with resource consent and rating requirements will make the use of residential units for visitor accommodation purposes uneconomic and the visitor accommodation stock available will be reduced accordingly.

Decision Requested: No specific decision is requested by the Submitter.

Further Submission: The following further submissions have been lodged in relation to this submission:

- Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Terrence Maguire and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issues 4 and 7.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.

22/36/1 Kim Marshall

Submission: Kim Marshall expresses neither support nor opposition to PC22 and further states that the specific provision that the submission relates to is the issues and options report in relation to PC23.

Decision Requested: No specific decision is requested.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Kim Marshall and further submission by Southern Planning Group Limited be **rejected** on the basis that it relates to an issues and options paper produced in relation to a separate plan change – PC23 and accordingly is beyond the scope of this plan change.

22/37/1 Peter Marshall

Submission: Peter Marshall expresses opposition to the plan change for the following reasons:

- PC22 is fundamentally flawed;
- The 28 day restriction is unworkable and unfair to legitimate accommodation providers;
- There are no guidelines for resource consent applications;
- There is an open book of costs to the applicants;
- Comments in relation to the effects of temporary accommodation are unsubstantiated.

Decision Requested: That the plan change be rejected.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Peter Marshall and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- Guidelines in relation to applications for resource consent are not relevant to this plan change.
- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issues 4 and 7.

22/38/1 D McAlister and M Shanahan

Submission: D McAlister and M Shanahan oppose PC22. Reasons for this opposition are not provided.

Decision Requested: D McAlister and M Shanahan request the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by D McAlister and M Shanahan and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/39/1 Christine McDonald

Submission: Christine McDonald opposes PC22 on the basis that the plan change will penalise crib owners; some visitors will no longer come to Queenstown due to the unaffordability of commercial rates; workers will have nowhere to stay.

Decision Requested: Christine McDonald requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Christine McDonald and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/40/1 Robert McDonald

Submission: Robert McDonald opposes PC22 on the basis that the “stat quo” or pre-plan change regime be retained.

Decision Requested: Robert McDonald requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Robert McDonald and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The retention of the “status quo” in fact seeks to retain a consenting regime that requires resource consent for any letting of individually owned residential units to be obtained (see discussion under principal issue 1 above) – this is contradictory to the specific amendments to the definition sought by the Submitter.
- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/41/1 Brian McMillan

Submission: Brian McMillan opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Brian McMillan requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words ~~“is not greater than 3 months”~~ “is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Brian McMillan be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/42/2 Nancy McMillan

Submission: Nancy McMillan opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Nancy McMillan requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Nancy McMillan be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/43/1 David McNaughton

Submission: David McNaughton opposes PC22 on the basis that the letting period should be limited to an annual 28 days but this should be split throughout the year.

Decision Requested: The Submitter does not request a specific decision from Council.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited – Support – RPL supports the removal of the single annual let requirement.

Recommendation: I recommend that the submission by David McNaughton and further submission by Remarkables Park Limited be **rejected** for the following reason:

- There is a sound resource management basis for imposing the single annual let restriction on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.

22/44/1 P and W Meffan

Submission: P and W Meffan oppose PC22 on the basis that its justification is flawed and the consequent rating burdens are unfair.

Decision Requested: The Submitter does not request a specific decision from Council.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by P and W Meffan and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- Rating increases are considered under principal issue 4 above – the practical consequence of PC22 will enable limited visitor accommodation use of residential units to be undertaken without triggering the need for resource consent or higher rating thresholds thereby reducing potential rates increases arising from that use.

22/45/1 Shane Melton

Submission: Shane Melton supports PC22 in part to the extent that he supports pursuing option 2 as proposed in the section 3 analysis however, he opposes the proposed amendment on the basis that is unduly restrictive. He holds this view for the following reasons:

- A place of residence offered for short term stay saves on Council resources, so why impose such restrictions;
-
- The “28 consecutive day” rule is not reflective of an owners comings and goings from the region – a 42 days at any time would be more appropriate;
- Visitor accommodation providers do not want to cater for families;
- Lesser restrictions should apply to areas away from Queenstown as these facilities reduce the strain on Queenstown’s services.

Decision Requested: Shane Melton requests the following decision from Council:

That the definition of Visitor Accommodation should be amended as follows:

5. Excludes any number of annual lets, anytime within any given year, for the letting of a residential unit to guests for a period of less than 42 days cumulative for holiday accommodation purposes.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited – Oppose – on the basis that the relief sought would enable a residential unit to be let all your round providing no one stay was longer than 42 days.
- b. Southern Planning Group Limited – Support in part.

Recommendation: I recommend that the submission by Shane Melton be **accepted in part** to the extent that the 28 day period be increased to 3 months. However, I recommend that the remainder of his

submission and further submission by Southern Planning Group Limited be **rejected**, and that the further submission by Remarkables Park Limited be **accepted** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/46/1 Millbrook Country Club Limited

Submission: Millbrook Country Club Limited opposes PC22 on the basis that it will result in additional rating costs being levied against Millbrook homeowners; and that treating private homes the same way as high density apartment blocks is flawed and unfair.

Decision Requested: Millbrook Country Club Limited does not request any specific decision from Council.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Millbrook Country Club Limited and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- Rating increases are considered under principal issue 4 above – the practical consequence of PC22 will enable limited visitor accommodation use of residential units to be undertaken without triggering the need for resource consent or higher rating thresholds thereby reducing potential rates increases arising from that use.

22/47/1 J Morgan

Submission: J Morgan opposes PC22. Reasons for this opposition are not provided.

Decision Requested: J Morgan requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by J Morgan be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/48/1 Paul Lyon Mortlock

Submission: Paul Lyon Mortlock opposes PC22.

Decision Requested: Paul Lyon Mortlock requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Paul Lyon Mortlock and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/49/1 Motel Association of New Zealand

Submission: The Motel Association of New Zealand supports PC22 on the basis that it is important not to compromise the safety and experience of visitors to New Zealand and Queenstown in particular by allowing properties not built for this purpose to provide visitor accommodation services; or make the requisite contribution to the community.

Decision Requested: The Submitter does not request a particular decision from the Council.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated - Oppose;
- c. Southern Planning Group Limited – Oppose, the Submitter has failed to identify any safety issue with the use of properties not built for accommodation purposes.
- d. Queenstown Branch Motel Association of New Zealand; Alpine Motels; Carl Kennedy; Sarah Clinton; Alistair Luke; Peter and Dianne Smith; Sarah Clinton; Rachel Ruffell; Joy Luke; Trevor Mollard; Jennifer Mollard; Lyon Stevens; Alan Wilson; Allistar Cowan; Dave Champion; Queenstown Gateway Apartments; C and H Boucher; Kiri Mains; Ann Aitken; Peter Aitken; Marama Mains; Sue Ewen; Neil Ernst; Vivian Goh; Lisa Monti; Duncan and Vicki Harvey; Ian and Lisa Quartermaine; Paul Flay; R Iacono; Grant Kinsbury; R and D Ferguson; Judith Andrew; Aki Shimizu; Hughes Fodie; John Direen; Clare Lamberg; Lynley Jones; Phillip Jones; Bruce Longman; Ruth Longman; Gerry Temperton; Paul Parker; Michael Clark; Graeme Simpson; Bridgit Parker; Blair Chalmers; Robert Farrell; Jenny Mason and Gateway Property Holdings all expressed support for the Motel Associations submission.

Recommendation: I recommend that the submission by Motel Association of New Zealand and supporting further submissions be **accepted**, the further submissions by Southern Planning Group Limited, The Real Estate Institute of New Zealand Incorporated and the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated be **rejected** for the following reason:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 4, 5 and 6 above.

22/50/1 Richard Newman

Submission: Richard Newman opposes PC22 on the basis that there is no evidence from Council that the short term letting of houses results in significant adverse effects; residential unit owners should be able to rent out their home without restriction; PC22 will result in a shortage of visitor accommodation resources and this will disadvantage the region.

Decision Requested: Richard Newman requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Richard Newman and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/51/1 New Zealand Guardian Trust Co. Limited

Submission: New Zealand Guardian Trust Co. Limited opposes PC22. Reasons for this opposition are not provided.

Decision Requested: New Zealand Guardian Trust Co. Limited requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Remarkables Park Limited – Oppose as the relief sought will enable residential units to be let on an unrestricted basis.

- b. Southern Planning Group Limited – Support in part.

Recommendation: I recommend that the submission by New Zealand Guardian Trust Co. Limited and the further submission by Southern Planning Group Limited be **rejected** and the further submission in opposition by Remarkables Park Limited be **accepted** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/52/1 Martin O'Neill

Submission: Martin O'Neill opposes PC22 on the basis that the plan change is about revenue raising and not about adverse effects.

Decision Requested: Martin O'Neill requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Martin O'Neill and further submission by Southern Planning group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of

proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/53/1 Nan Ottrey

Submission: Nan Ottrey opposes PC22.

Decision Requested: Nan Ottrey requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Nan Ottrey and the further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/54/1 Malcolm Papworth

Submission: Malcolm Papworth opposes PC22 on the basis that Wanaka visitor accommodation providers cannot adequately cater for the ski season visitor market without residential units being available.

Decision Requested: Malcolm Papworth requests that the current definition of visitor accommodation be retained for the Wanaka Lakes District only.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Malcolm Papworth and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- PC22 will not necessarily prevent or stop residential units being available for visitor accommodation use.
- The submitter has not produced comprehensive evidence to suggest that residential units in Wanaka should be treated any differently to residential units in Queenstown.

22/55/1 Colleen Parker

Submission: Colleen Parker opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Colleen Parker requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words ~~“is not greater than 3 months is less than 28 consecutive days”~~ and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Colleen Parker be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/56/1 Peninsula Road Limited

Submission: Peninsula Road Limited supports PC22 for the following reasons:

- Visitor accommodation activities result in significant costs being imposed on the community, it is appropriate that these costs are shared equally among visitor accommodation providers;
- It is appropriate that all visitor accommodation providers meet the Building Act requirements in relation to such activities;
- In order to ensure the economic viability of the visitor accommodation industry, all commercial visitor accommodation providers must meet costs and compliance obligations;
- The proposed definition strikes an appropriate balance between unnecessary consent obligations and appropriate consent and compliance obligations;
- Subject to the amendments sought – PC22 will achieve the purpose and principles of the RMA.

Decision Requested: That PC22 be confirmed subject to the following amendments being made:

1. The second sentence in paragraph 1 (commencing "This definition does not exclude ...") be deleted.
2. Paragraph 3 be reworded as follows:

Includes homestay and the letting of individually owned residential units but excludes homestays for up to 4 guests and excludes the single annual let of a residential unit for a period less than 28 consecutive days for holiday accommodation purposes.
3. Delete paragraph 5.
4. The District Plan Policies in Section 4.9.3 under "*Objective 5- Visitor Accommodation Activities*" be amended to better align the relevant policies with the proposed amended definition and to provide appropriate policy support for the proposed amended definition, as follows:
 - Amend Policy 5.1 by adding "*or mitigate*" so that the resulting policy reads as follows: "to manage visitor accommodation to avoid or mitigate any adverse effects on the environment".
 - Add a new Policy 5.2: "*To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers*".

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the real Estate Institute of New Zealand Incorporated - Oppose;
- c. Southern Planning Group Limited – Oppose - the submitter fails to provide any safety issue with the use of properties not built for visitor accommodation purposes; compliance with Building Act

requirements and the payment of rates are separate matters to PC22; and this submission is about trade competition which is forbidden under the RMA.

- d. Remarkables Park Limited – Support and Oppose in so far as it is consistent with and inconsistent with the matters outlined in the original submission by Remarkables Park Limited.

Recommendation: I recommend that the submission by Peninsula Road Limited be **accepted**, the further submissions by the Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Southern Planning Group Limited be **rejected**, and the further submission by Remarkables Park Limited be **accepted in part** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition is appropriate, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principle issue 12 above.
- The amendments sought to section 4.9.3 are appropriate and within the scope of the plan change – see discussion under principal issue 13 above.
- While some submitters may have a commercial interest in ensuring that all visitor accommodation providers are treated equally, this does not derogate from the legitimate resource management basis for those submissions in support of PC22 – see principal issue number 11 above in relation to trade competition.

22/57/1 Melina Pinto

Submission: Melina Pinto opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Melina Pinto requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Melina Pinto be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the effect of the definition – see principal issue 12 above.

22/58/1 Robert Pride

Submission: Robert Pride opposes the plan change on the basis that PC22 will make it uneconomic for him to maintain his residence in Queenstown as a second home.

Decision Requested: Robert Pride requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “~~is not greater than 3 months~~ is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Robert Pride and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issues 4 and 7.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.

22/59/1 Brian Reeve

Submission: Brian Reeve opposes PC22 for the following reasons:

- The number of days exemption is unfair, clumsy and unenforceable;

- It is inappropriate to target small scale homestays and not single dwellings;
- It is not logical or sustainable to treat dwellings the same as large scale accommodation providers.

Decision Requested: Brian Reeve requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Brian Reeve and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- PC22 does not target homestays at the expense of individual dwellings.
- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/60/1 Remarkables Park Limited

Submission: Remarkables Park Limited opposes PC22 for the following reasons:

- The proposed definition does not achieve the intent stated in the section 32 report;
- PC22 has flow on effects that go well beyond the use of individually owned residential units for visitor accommodation purposes;
- PC22 should not be advanced in isolation of the broader issues that are being considered as part of PC23;
- It is not clear whether items 1 – 5 are to be read disjunctively or conjunctively;

- The definition is difficult to interpret because it uses double negatives and the terms “does not exclude”, “includes”, “not include” and “excludes” interchangeably;
- An individual unit owner can avoid the definition by letting a residential unit out for 29 days or while they are away for a purpose other than holiday;
- Item 3 suggests that a residential unit could be used for both visitor accommodation and residential activities;
- The phrase “set out in” is included in item 4 but is not identified as an amendment;
- Item 4 is vague and difficult to interpret;
- RPL sees no resource management reason why a person who takes two 14 day holidays can only recover one of those periods yet another person who takes 4 weeks holiday consecutively can recover 4 weeks rent;
- Notes 1, 2 and 4 are unnecessary;
- Note 3 would be better dealt with via an “any 12 month period” provision;
- PC22 is contrary to the purpose and principles of the RMA;
- PC22 is contrary to the objectives and policies of the PODP;
- PC22 is an inefficient use of the time and resources of Council and Submitter's.

Decision Requested: RPL seeks the following decision from the consent authority:

1. That PC22 be withdrawn; or
2. That PC22 be deferred until PC23 has been publicly notified and submissions received; or
3. That the definition be amended to read:

Means the use of land/or building for short-term, fee paying, living accommodation where the length of stay for any visitor allows letting for less than 28 consecutive days at any time. This definition includes the letting of individually owned residential units except where stated below.

This definition:

i) Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, serviced apartments, timeshares and lodges.

ii) Excludes homestay accommodation for up to four guests.

iii) Excludes the letting of a residential unit where the length of stay for any tenant or visitor is greater than 28 days at any time.

iv) Excludes the letting of a residential unit in any 12 month period to guests for a period less than 28 consecutive days for holiday accommodation purposes."

Further Submissions: The following further submissions have been lodged in relation to this submission:

a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by RPL and further submission by Southern Planning Group Limited be **accepted in part** to the extent that the definition of visitor accommodation be amended as follows:

- That notes 1, 2 and 4 be removed;
- That the requirement in note 3 relating to a calendar year be change to "*in any 12 month period*".

I recommend that all other relief requested by RPL and further submission by Southern Planning Group Limited be **rejected** in accordance with the principle issues discussed above.

22/61/1 Resort Rentals Limited

Submission: Resort Rentals Limited oppose PC22 for the following reasons:

- PC22 will take away the typical kiwi holiday on the basis that residential unit owners will not pay the cost for resource consent and other associated costs to rent their home out for 12 – 14 weeks;
- The use of residential units for visitor accommodation place far less strain on infrastructure than long term rental properties;
- Affordable accommodation in Queenstown needs to be retained;
- The 28 day exemption will not apply to many residential units used for visitor accommodation as they are not the principle place of residence for many of the owners.

Decision Requested: Resort Rentals Limited request the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Resort Rentals Limited and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.
- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issues 4 and 7.

22/62/1 Alex Schafer

Submission: Alex Schafer expresses neither support nor opposition to PC22.

Decision Requested: Alec Schafer requests that the definition of homestay be amended to allow a minimum of 6 guests as a permitted activity as opposed to 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Alex Schafer and further submission by Southern Planning Group Limited be **rejected** on the basis that homestay activities are not the subject of PC22 and fall beyond the scope of this plan change – see principal issue 10 above.

22/63/1 Sebastian Smith

Submission: Sebastian Smith opposes PC22. Reasons for this opposition are not provided.

Decision Requested: Sebastian Smith requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by Sebastian Smith be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/64/1 Southern Planning Group Limited

Submission: Southern Planning Group Limited opposes PC22 for the following reasons:

- PC22 should have addressed the planning merits of the letting of individual unoccupied holiday homes for more than 28 consecutive days per year;
- Occupancy rates of the use of residential unit for visitor accommodation purposes is low, accordingly the income derived from this activity is low and such activities are not fully visitor accommodation operations;
- The District Plan should allow for residential units to be used for visitor accommodation purposes for 25% - 30% of the year as a permitted activity;
- The letting of individual unoccupied holiday homes should be addressed as part of PC22;
- The 28 consecutive day time period is arbitrary;
- There is no justification as to what the residential unit needs to be “occupied” to qualify for the exemption;
- There is little difference in terms of effects between the residential use of a residential unit and the short term visitor accommodation use of that same unit.
- The potential quantum of development contributions that could be levied in relation to such activities is not justified.
- To the extent that PC22 inhibits the ability to provide visitor accommodation in a cost effective manner, it is contrary to Part 2 of the RMA and contrary to the provisions in the District Plan which anticipate the continued of visitor accommodation and economic growth.

Decision Requested: Southern Planning Group Limited requests that the plan change be withdrawn or in the alternative that the consent authority make such additions, amendments or consequential changes as necessary to address the issues and concerns raised in this submission.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: In terms of the primary relief sought seeking the withdrawal of the plan change, I recommend that the submission by Southern Planning Group Limited be **rejected** for the following reason:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.

In terms of the alternative relief, I recommend that it be **accepted in part** in that the requirement that residential units must be “occupied” in order to qualify for the exemption be removed (see discussion of principle issue 5).

I recommend that relief in relation to other issues identified in the submission be **rejected** for the reasons addressed in the discussion on the principle issues above.

22/65/1 Jacqui Spice

Submission: Jacqui Spice opposes PC22 on the basis that it limits the use of residentially owned residential units to four persons.

Decision Requested: That the plan change be disallowed.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Jacqui Spice and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- PC22 does not seek to impose a 4 person cap in relation to the use of individually owned residential units – the submitter has misunderstood the plan change.
- Homestay activities that are subject to a four person cap in terms of permitted activity status are not the subject of PC22 and fall beyond the scope of the plan change – see principal issue 10 above.

22/66/1 Simon and Mary Stammers-Smith

Submission: Simon and Mary Stammers-Smith oppose PC22 for the following reasons:

- The section 32 report is deficient in terms of the adverse effects of letting holiday homes;
- More environmental effects arise as a result of permanent occupancy than letting holiday homes;
- QLDC should follow the Liquor Act in relation to homestays;
- The pressure for the plan change has resulted from short term visitor accommodation use of multi unit residential complexes – not residential units;
- Council has been deficient in allowing residential structures to be used for visitor accommodation purposes;

- QLDC should differentiate between multi unit residential buildings and single dwellings.

Decision Requested: Mary and Simon Stammers-Smith request the following decision from Council:

1. That PC22 be withdrawn

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Simon and Mary Stammers-Smith and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The Section 32 process is iterative and applies throughout plan preparation, from issue identification to decision release. Thus the section 32 process has not ended and continues as part of this planning report and decision making process.
- Provisions in the Sale of Liquor Act are not relevant or useful in terms of visitor accommodation requirements under the RMA.
- There is no valid resource management justification for differentiating between single dwellings and multi unit residential developments in relation to visitor accommodation activities.

22/6/1 Hayley Stevenson

Submission: Hayley Stevenson opposes PC22 for the following reasons:

- PC22 will wipe out the use of baches or cribs for visitor accommodation purposes as owners will not pay the cost of resource consents and other associated costs to let their home for 12 – 15 weeks per year;
- The use of residential units for visitor accommodation place far less strain on infrastructure than long term rental properties;
- Affordable accommodation in Queenstown needs to be retained;
- The 28 day exemption will not apply to many residential units used for visitor accommodation as they are not the principle place of residence for many of the owners.

Decision Requested: Hayley Stevenson requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".

2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Hayley Stevenson and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/68/1 Real Estate Institute of New Zealand

Submission: REINZ opposes PC22 for the following reasons:

- The proposal is inconsistent with the purpose and principles of the Act;
- The notified proposal requires amendment as specified below;
- The section 32 Report is insufficient and inadequate;
- The reasons for the plan change stated in the section 32 report are inadequate and inappropriate;
- It is inappropriate that PC22 is being advanced from separately from the PC23;
- The proposal is insufficient to give effect to the stated issues and or give effect to the relevant district plan policies;
- Neither the proposal or the definition of visitor accommodation is consistent with the statutory purpose of sustainable management of natural and physical resources.

Decision Requested: REINZ requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".

2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by REINZ and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/69/1 Real Estate Institute of New Zealand – Central Otago Committee

Submission: REINZ COC opposes PC22 for the following reasons:

- The proposal is inconsistent with the purpose and principles of the Act;
- The notified proposal requires amendment as specified below;
- The section 32 Report is insufficient and inadequate;
- The reasons for the plan change stated in the section 32 report are inadequate and inappropriate;
- It is inappropriate that PC22 is being advanced from separately from the PC23;
- The proposal is insufficient to give effect to the stated issues and or give effect to the relevant district plan policies;
- Neither the proposal or the definition of visitor accommodation is consistent with the statutory purpose of sustainable management of natural and physical resources.

Decision Requested: REINZ COC requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".

2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by REINZ COC and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/70/1 Karen Thomson

Submission: Karen Thomson opposes PC22.

Decision Requested: Karen Thomson requests the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Karen Thomson and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.

- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/71/1 Colleen Topping

Submission: Colleen Topping opposes PC22 on the basis that it will limit affordable accommodation in Wanaka, the cost of obtaining resource consent will be high, there is little demand on infrastructure associated with the use of residences for visitor accommodation purposes and that PC22 is primarily a money making exercise by Council.

Decision Requested: Colleen Topping requests that the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words “is not greater than 3 months is less than 28 consecutive days” and replacing them with “is on a daily basis”.
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read “Excludes both homestays and the letting of any residential unit”
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Colleen Topping and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.
- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issues 4 and 7.
- Revenue gathering is considered under principal issues 4 and 7 above – the practical consequence of PC22 will enable limited visitor accommodation use of residential units to be undertaken without

triggering the need for resource consent or higher rating thresholds and development contributions thereby reducing potential revenue arising from that use.

22/72/1 Andrae Van Beers

Submission: Andrae Van Beers opposes PC22 on the basis that families cannot afford expensive motel rooms and apartments and accordingly there is a need and demand for holiday homes.

Decision Requested: Andrae Van Beers requests that the definition of Visitor Accommodation as notified be amended as follows:

4. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
5. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
6. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- b. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Andrae Van Beers and further submission in partial support by Southern Planning Group be **rejected** for the following reasons:

- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

22/73/1 Wanaka Bed and Breakfast Association

Submission: The Wanaka Bed and Breakfast Association expresses neither support nor opposition to PC22.

Decision Requested: The Wanaka Bed and Breakfast Association request that definition of homestay be amended to a minimum of 6 guests as opposed to 4.

Further Submission: No further submissions have been lodged in relation to this submission.

Recommendation: I recommend that the submission by the Wanaka Bed and Breakfast Association be rejected on the basis that homestay activities are not at issue in relation to PC22 and fall beyond the scope of this plan change – see principal issue 10 above.

22/74/1 Graeme and Paula Watson

Submission: Graeme and Paula Watson oppose PC22 on the basis that the requirement to obtain resource consent will prevent them from renting out their holiday home in Queenstown, particularly due to development contribution requirements.

Decision Requested: Graeme and Paula Watson request the following decision from Council:

That the definition of Visitor Accommodation as notified be amended as follows:

1. Paragraph 1 of the proposed Visitor Accommodation definition is amended by deleting all of the words "~~is not greater than 3 months~~ is less than 28 consecutive days" and replacing them with "is on a daily basis".
2. Paragraph 5 of the proposed Visitor Accommodation definition to read definition to read "Excludes both homestays and the letting of any residential unit"
3. The deletion of proposed notes 1 – 4.

Further Submission: The following further submissions have been lodged in relation to this submission:

- a. Southern Planning Group – Support in part.

Recommendation: I recommend that the submission by Graeme and Paula Watson and further submission by Southern Planning Group Limited be **rejected** for the following reasons:

- The requirement to obtain resource consent for the visitor accommodation use of residential units outside of the limited exemption will not result in unreasonable costs – see discussion under principal issue 7.
- The relief requested under point 1 constitutes a significant change to the visitor accommodation regime generally and has no effects based justification – see principal issue number 3 above.
- There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities – see principal issues numbered 2, 5 and 6 above.
- The deletion of proposed notes 1, 3 and 4 is appropriate in light of other amendments to the definition and in order to reduce the complexity of the proposed definition, however the retention of proposed note 2 is necessary in order to lend clarity to the definition – see principal issue 12 above.

Part 4: Overall Recommendation

Following the consideration of submissions and subsequent recommendations outlined above, I recommend that the definition of "Visitor Accommodation" be amended to read:

VISITOR ACCOMMODATION

1. Means the use of land/or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months.
2. Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, and lodges.
3. Includes the letting of individually-owned residential units but excludes homestay accommodation for up to four guests and excludes the single let of a residential unit for a period of three months or less in any 12 month period.
4. Includes some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with visitor accommodation activities set out in within the sense of (1)-(3) above.

For the purposes of the exclusion in clause (3) where a site contains both a residential unit and a residential flat the exclusion shall apply to either the letting of the residential unit or the residential flat but not to both.

That Part 4.9, Objective 5 be amended as follows:

- 5.1 To manage visitor accommodation activities to avoid or mitigate any adverse effects on the environment.
- 5.2 To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.

Report Prepared by Carey Vivian
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