

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 15

**REBUTTAL EVIDENCE OF AMY NARLEE BOWBYES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

VISITOR ACCOMMODATION: TEXT

22 August 2018



Simpson Grierson
Barristers & Solicitors

S J Scott / M G Wakefield
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SCOPE.....	1
3. SEAN DENT FOR MOUNT CRYSTAL (2450).....	2
4. NICHOLAS GRALA FOR COHERENT HOTELS LIMITED (2542).....	6
5. JOHN KYLE FOR QAC (2618, FS2759).....	7
6. KIM REILLY FOR FEDERATED FARMERS (2540)	9
7. AINSLEY MCLEOD FOR AIRBNB (2390, FS2768).....	10
8. MARK CHRISP FOR BOOKABACH (BAB) (2302) & BACHCARE (BC) (2620) .	14
9. BENJAMIN FARRELL FOR MAJORDOMO (2592), TOUCH OF SPICE (2600), NZSIR LUXURY RENTAL HOMES LIMITED (2598)	16
10. CHRIS FERGUSON FOR DARBY PLANNING ET AL. (2376, 2381, 2383, 2382, 2379, 2384, 2373)	18
11. TEECE IRREVOCABLE TRUST No. 3 (2599) (Teece).....	22

Appendix A: Revised VA Proposal

Appendix B: Section 32AA Evaluation

1. INTRODUCTION

- 1.1 My full name is Amy Narlee Bowbyes. I am a Senior Planner and have been employed by Queenstown Lakes District Council (**QLDC**) since 2014.
- 1.2 My qualifications and experience are set out in my section 42A report dated 23 July 2018 (**s42A report**).
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Council, as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

- 2.1 I have read all of the relevant submitter evidence and my rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Mr Dent for Mount Crystal (2450);
 - (b) Mr Grala for Coherent Hotels Limited (2524);
 - (c) Mr Kyle for Queenstown Airport Corporation (**QAC**) (2618, FS2759);
 - (d) Ms Reilly for Federated Farmers (2540);
 - (e) Ms McLeod for Airbnb (2390; FS2768);
 - (f) Mr Chrisp for Bookabach and BachCare (2302 & 2620);
 - (g) Mr Farrell for MajorDomo (2592), Touch of Spice (2600), NZSIR Luxury Rental Homes Limited (2598); and
 - (h) Mr Ferguson for Darby Planning et al. (2376, 2381, 2383, 2382, 2379, 2384, 2373).

2.2 I also confirm that I have read the following statements of evidence and consider that no response is needed:

- (a) Ms Holden for SJE Shotover Limited et al. (2617, 2611, 2612, 2613, 2614, 2616);
- (b) Ms Allen for Greenwood Group Limited (2552);
- (c) Mr Brown for Broadview Villas Limited (2222), T Rovin (2228), The Escarpment Limited (2230);
- (d) Mr MacColl for NZ Transport Agency (2538);
- (e) Mr Geddes for M & M Hansen (60);
- (f) Mr Brian Reeve (2443);
- (g) Mr Thomas for Airbnb (2390; FS2768);
- (h) Ms Hayden for Touch of Spice and MajorDomo (2600; 2592);
- (i) Mr Harris for NZSIR Luxury Rental Homes Limited (2598);
and
- (j) Mr Edmonds for Millbrook Country Club Limited (2295).

2.3 My evidence has the following attachments:

- (a) **Appendix A:** Revised Proposal which shows the notified provisions with the amendments recommended in my s42A report and also as recommended in this rebuttal statement;
and
- (b) **Appendix B:** Section 32AA Evaluation.

3. SEAN DENT FOR MOUNT CRYSTAL (2450)

3.1 Mr Dent has filed evidence that addresses the provisions relating to VA activities in the Visitor Accommodation Sub-Zone (**VASZ**). Specifically, Mr Dent states at paragraph 28 that where a site is subject to the VASZ it would be appropriate for both VA and RVA exceeding 42 nights per year by paying guests to be addressed by rule 8.4.30.

3.2 As notified, and as per the provisions recommended in my s42 Report, rule 8.4.30 applies to VA only. As a result, restricted discretionary activity consent would be required for VA activities in the Medium Density VASZ and the Wanaka Town Centre Transition Overlay. RVA activities located within the VASZ would be subject to activity rule

8.4.29, which lists RVA as a permitted activity, and the standards in rule 8.5.15. The status of RVA activities that breach rule 8.5.15 would be non-complying.

3.3 Mr Dent outlines his reasons for the requested amendment in the context of a requested VASZ in the MDRZ. I note that Ms Devlin addresses the application of the VASZ to Mt Crystal at section 4 of her rebuttal evidence. The views I express in relation to the changes to provisions do not rely on the VASZ request being accepted as, irrespective of the application of the VASZ to the Mt Crystal land, Mr Dent has requested that they apply to all land zoned VASZ within the MDRZ.

3.4 Given that the VASZ provides a more enabling approach to VA activities, which are generally of a greater intensity than RVA activities, in my view it would be appropriate to provide for RVA activities located in the VASZ that breach the recommended 42 night permitted threshold (recommended s42A rule 8.5.15) as a restricted discretionary activity, rather than requiring a non-complying consent. I therefore agree with Mr Dent that a more enabling approach to RVA within the VASZ is appropriate.

3.5 In addition, in my view this change should apply to all VASZs to achieve consistency between the treatment of RVA in VASZs in all relevant zones (namely the LDSRZ, MDRZ, ARHMZ and LLRZ). The relevant rules that apply to the VASZ (as per the notified and recommended s42A provisions) are as follows:

- (a) LDSRZ rule 7.4.17;
- (b) MDRZ rule 8.4.30;
- (c) ARHMZ rule 10.4.8; and
- (d) LLR rule 11.4.6.

3.6 Rather than inserting the RVA rule within the above rules which apply to VA activities, in my view it would be more appropriate to incorporate it into the relevant standards for RVA activities¹. RVA activities are

¹ Rules 7.5.17, 8.5.x, 10.5.8 and 11.5.12, as shown in **Appendix A**.

separately defined from VA and have different effects. The matters of discretion listed in the above rules would not all be relevant to RVA. In my view the matters of discretion in the s42A version of rule 9.5.12 (which lists the recommended matters of discretion for RVA activities exceeding the 42 night threshold in the HDRZ) would be more appropriate. These matters are as follows:

- (a) The location, nature and scale of activities; and
- (b) The location, provision and screening of parking and access.

3.7 At the policy level, this change is recommended to be articulated through a minor change to the s42A version of the following policies:

- (a) LDSRZ policies 7.2.8.1 and 7.2.8.2;
- (b) MDRZ policies 8.2.14.1 and 8.2.14.2;
- (c) ARHMZ policies 10.2.7.1 and 10.2.7.2²; and
- (d) LLRZ policies 11.2.3.1 and 11.2.3.2.

3.8 In my view it would be appropriate for these changes to also apply to RVA in the Wanaka and Arrowtown Town Centre Transition Overlays (**TCTO**). In my view this change is appropriate, given the enabling nature of activities provided for within the TCTO framework, and to achieve greater consistency with the treatment of VA in the TCTOs.

3.9 In terms of scope, I note that Mr Dent has only requested that the changes apply to the MDRZ VASZ, and I have recommended that the amendments are applied to all zones containing a VASZ. I have used the general relief by submitters seeking relaxation of the notified RVA provisions³ to provide scope for this recommended change.

3.10 I have shown the amendments to the above provisions in the recommended Revised Proposal at **Appendix A**.

3.11 At paragraphs 30 to 32 of his evidence, Mr Dent requests, again within the context of the VASZ request for Mt Crystal that is responded to in

² I note that these recommended changes also further incorporate the relief sought by F&AL (2372) accepted in my evidence in chief at paragraphs 12.7 and 12.8.

³ Including 2325.

Ms Devlin's rebuttal, that *infrastructure, servicing and capacity* should be included in the matters of discretion for rule 8.4.30 for VA and RVA activities within the VASZ. The amendments sought by Mr Dent would apply to all land within the MDRZ VASZ, not just the sites he is seeking the VASZ applies to.

3.12 I have discussed this matter with Ms Devlin and note that she is of the view that it would be appropriate for these matters to be able to be considered, as VA activities may result in a greater demand on servicing than the residential density provided for by the underlying MDRZ. I concur, and note further that in my view the amendment should apply to all the relevant VASZ rules (listed at paragraph 3.5 above), however Mr Dent has only requested that this change applies to the MDRZ VASZ⁴, and therefore in my view there is no scope to make this specific change to the other zones.

3.13 I have shown the amendments to rule 8.4.30 in the Revised Proposal at **Appendix A**.

3.14 The final text change that Mr Dent seeks (at his paragraphs 34 and 36) relates to the rules for non-notification of applications, and in particular those for VA and RVA within the MDRZ VASZ (rule 8.6.2.3), and VA and RVA in the HDRZ (9.6.2.2).

3.15 I agree with Mr Dent that in conjunction with the recommended changes to provide a more enabling regime for RVA within the VASZ, that it should also be subject to a non-notification rule. In my view if this change is to be accepted for the MDRZ, then it would be appropriate that it is also applied to the other zones containing VASZs as well as the TCTOs. I have used the general relief by submitters seeking relaxation of the notified RVA provisions to provide scope for this recommended change⁵. I therefore recommend this change applies to the following rules:

(a) LDSRZ rule 7.6.2.2;

⁴ I note that this is constrained by the scope of the relief sought in original submission (2540), whereby the relief sought would apply only to the HDRZ and the MDRZ.

⁵ Including 2325.

- (b) MDRZ rule 8.6.2.3;
- (c) ARHMZ rule 10.6.1.1⁶; and
- (d) LLRZ rule 11.6.1.1.

3.16 I have shown the amendments to the above provisions in the Revised Proposal at **Appendix A**.

4. NICHOLAS GRALA FOR COHERENT HOTELS LIMITED (2542)

4.1 Mr Grala has filed evidence for Coherent Hotels Limited in relation to the VASZ (which Ms Devlin responds to at section 6 of her rebuttal) and in relation to requested amendments to the provisions regarding the importance of VA to the District. I will address the latter component of Mr Grala's evidence.

4.2 At paragraph 32 of his evidence Mr Grala lists the recommendations made in my s42A report that he supports. At paragraph 38, Mr Grala points out the only remaining area of disagreement, which relates to the zone purpose statements for the LDSRZ and MDRZ. Specifically, Mr Grala seeks that the following sentence is added to the zone purpose statements for both the LDSRZ (provision 7.1) and MDRZ (provision 8.1):

"Well designed and appropriately located visitor accommodation has an important role in the district, providing socioeconomic benefits and contributing to a prosperous, resilient and equitable economy. [...]"

4.3 At paragraph 35, Mr Grala notes I responded to this matter in my s42A report. I remain of the view outlined in paragraphs 11.38 to 11.41 of my s42A report, that the s42A version of the respective purpose statements provides sufficient acknowledgement of VA activities in the LDSRZ and MDRZ. In my view it is important not to overstate the significance of VA activities in these zones because the zones have the principal purpose of providing for residential activities. I therefore do not agree with the requested amendments sought by Mr Grala⁷.

⁶ I note that these recommended changes also further incorporate the relief sought by F&AL (2372) accepted in my evidence in chief at paragraphs 12.7 and 12.8.

5. JOHN KYLE FOR QAC (2618, FS2759)

- 5.1** Mr Kyle has filed evidence in relation to the two submission points made by QAC, one of which was accidentally omitted from the notified summary of submissions.
- 5.2** The omitted submission point, which relates to changes sought to the PDP definition of Activities Sensitive to Aircraft Noise (**ASAN**), has now been formally notified and is still in the notification period. In the event that further submissions are received on this point, I will address those in my right of reply.
- 5.3** At section 5 of his evidence Mr Kyle discusses the relief sought by QAC which seeks to amend the PDP definition of ASAN so that it includes RVA and Homestay activities. I agree with the analysis and reasoning provided by Mr Kyle. This amendment is required as a result of the exclusion of RVA and Homestays from the PDP definition of Residential Activity. The definition of ASAN is intended to capture noise-sensitive activities, including those that occur in residential units. As RVA and Homestay activities (as defined), occur within residential units, in my view it is appropriate that RVA and Homestays should be captured by the definition of ASAN.
- 5.4** I note that the PDP definition of ASAN, which was considered as part of Stage 1, is subject to appeal by QAC (ENV-2018-CHC-093). As I understand it the appeal relates to the reference to education activities within that definition, which is not directly relevant to the VA provisions.
- 5.5** I therefore recommend that the amendments sought by QAC to the PDP definition of ASAN are accepted, as shown in the Revised Proposal at **Appendix A**.
- 5.6** The second matter that Mr Kyle raises in respect of the VA provisions relates to LDSRZ rule 7.4.17, and is discussed at paragraphs 5.6 to 5.10 of his evidence. Mr Kyle seeks that the rule is amended to add two additional matters of discretion addressing the effects of aircraft noise exposure.

5.7 At paragraphs 5.8 and 5.9, Mr Kyle notes that the amendments recommended in my s42A report, which simplify one of the notified matters of discretion from “Noise generation and methods of mitigation” to “noise”, create uncertainty as to whether noise from sources other than the VA activity are intended to be captured by the matter of discretion.

5.8 While this amendment was intended to simplify the matter of discretion, I accept that the change has created a degree of uncertainty. Noise from other sources are not intended to be captured and considered, and I therefore recommend that the matter of discretion is reworded to remove the uncertainty highlighted by Mr Kyle. This change is shown in the Revised Proposal at **Appendix A**.

5.9 Mr Kyle, at paragraphs 5.6 to 5.10 (and as sought in the QAC⁸ submission), seeks that two additional matters of discretion are added to rule 7.4.17:

“Reverse sensitivity effects on Queenstown Airport arising from the location of the visitor accommodation within the Outer Control Boundary.

The level of aircraft noise exposure, the provision of outdoor space and the associated effects on guest amenity.”

5.10 In my view the recommended amendment to the definition of ASAN will sufficiently address this issue. The decisions version of LDSRZ rule 7.5.4 will apply to VA, RVA and Homestay activities by virtue of their inclusion in the definition of ASAN. Rule 7.5.4 requires that buildings, and alterations to existing buildings, within the Queenstown Airport Outer Control Boundary and Air Noise Boundary that contain an ASAN shall meet prescribed acoustic insulation standards. It is my understating that rule 7.5.4 is not subject to appeal.

5.11 I therefore recommend that the relief sought by QAC (and supported by Mr Kyle) to introduce additional matters of discretion to rule 7.4.17 is rejected.

6. KIM REILLY FOR FEDERATED FARMERS (2540)

- 6.1** Ms Reilly filed evidence in relation to the VA provisions dated 6 August 2018. Ms Reilly records the amendments recommended in my s42A Report that she accepts, as well as two matters that remain in dispute, which I respond to below.
- 6.2** At paragraphs 12 to 16, Ms Reilly reiterates the relief sought in the Federated Farmers' submission that a residential flat should be able to be used as a homestay while it is unoccupied. Ms Reilly does not expand further on the reasons for the relief sought. I remain of the view set out in paragraph 11.21 of my s42A report, that the relief sought should be rejected. The relief sought would result in the ability for two Homestays to be established on the same site as a permitted activity (one within the dwelling and one within the residential flat associated with the dwelling). This would result in enabling up to ten guests per night for an unlimited number of nights per annum as a permitted activity on any site containing a dwelling and residential flat in any of the rural zones.
- 6.3** In my view the potential scale of the Homestay activities permitted by the amendments sought by Ms Reilly would be significant, with a resulting risk of potential adverse effects on the relevant rural zones. In my view, in such circumstances, it is appropriate that the use of a residential flat in this manner falls within the definition of RVA, and the permitted thresholds for RVA, as well as the discretionary activity resource consent requirement for breaches to the RVA rules, are applied.
- 6.4** At paragraphs 26 to 28, Ms Reilly recommends that rule 21.5.54.1 should be amended to provide for RVA or Homestay activities within an occupied residential dwelling or an unoccupied residential flat adjacent to the primary dwelling, removing the prohibition of both residential activity and homestay activity on a site.
- 6.5** In my view the relief sought is unclear. If Ms Reilly is concerned with the prohibition of RVA and homestay activities occurring on the same

site (by definition “Homestay” activities can only occur in conjunction with residential activities occurring on the same site), I note that no such ‘prohibition’ would apply, rather rule 21.5.54 limits the establishment of multiple Homestays on the same site as a permitted activity. Notwithstanding this, I remain of the view provided in my s42A report at paragraph 11.2 and recommend that the requested relief is rejected.

7. AINSLEY MCLEOD FOR AIRBNB (2390, FS2768)

7.1 Ms McLeod has filed evidence addressing the primary submission by Airbnb. In her concluding statements at paragraph 29, Ms McLeod seeks that RVA and Homestays are included in the PDP definition of Residential Activity, that all provisions that direct the management of RVA and Homestays are deleted and that rules applying to ‘residential units’ are amended to include an advice note stating that additional rates and development contributions may apply to RVA and Homestays.

7.2 In section 6 of her evidence Ms McLeod discusses visitor accommodation in the context of the NPS-UDC. At paragraphs 6.9, 6.10 and 6.11, Ms McLeod states that the Council’s Housing Development Capacity Assessment (**HDCA**) contemplates demand for activities that would fall within the proposed definition of RVA. I have discussed Ms McLeod’s comments with the authors of the HDCA⁹, who have confirmed that the HDCA does contemplate activities that would fall within the definition of RVA, however it does not include allowance for growth in RVA. Therefore the HDCA does not allow for demand for additional dwellings which might arise from the revenue opportunity from short-term visitors and it does not allow for additional zoned land or capacity for dwellings to service such demand.

7.3 Acknowledging the above matters as confirmed by the authors of the HDCA, I disagree with Ms McLeod’s conclusions regarding the degree to which RVA is considered in the HDCA.

9 Natalie Hampson and Doug Fairgray of Market Economics Ltd.

- 7.4** At paragraph 6.11 Ms McLeod states that the proposed restrictions on RVA are not appropriate or necessary to give effect to Policy PA1 of the NPS-UDC, and states various reasons for her views.
- 7.5** In my view the VA provisions are one component of many plan provisions that aim to assist (either directly or indirectly) with implementing the NPS-UDC. Limiting non-residential activities in residential zones is a method that has already been introduced to the various PDP zones which assists with ensuring that the zones purposes and objectives are able to be effectively implemented. In the same vein, the PDP residential zone provisions provide for a narrow range of activities to occur in the LDSRZ, MDRZ LLRZ and ARHMZ zones as a permitted activity, reflecting that the zones have a narrow purpose as the key providers of residential capacity.
- 7.6** In section 7 of her evidence Ms McLeod provides her view in relation to the potential adverse effects of RVA and Homestay activities and contends that RVA and Homestay activities are residential activities (at paragraph 9.21). Ms McLeod concludes that RVA and Homestays should be bundled into the PDP definition of *Residential Activity* and only be subject to the provisions that apply to residential activities. Consistent with the views expressed in my s42A report, I disagree with that conclusion.
- 7.7** In my view RVA and Homestays are a non-residential use of a residential unit and should be separately defined and, furthermore, it is my view that it is appropriate to include a specific regime that manages adverse effects associated with these activities. In my view, RVA and Homestays generate effects that are different to those generated by residential activities, including effects that adversely affect amenity and residential cohesion.
- 7.8** With respect to this matter I note that other planning experts have addressed the issue of residential amenity in their evidence. For example, Mr Chrisp, at paragraph 6.2 to 6.15 of his evidence, acknowledges that plan provisions are required to address the impact of RVA on residential amenity. At paragraph 6.7 of his evidence he acknowledges that catering and laundry services differentiate short-

term letting from residential activities. The provisions sought by Mr Chrisp generally seek to place limits of RVA activities to limit their effects so that they are similar to those that result from residential activities.

7.9 Furthermore Mr Farrell's evidence, at paragraph 18(b) is that:

"It is appropriate that the effects of RVA on amenity values, parking and traffic safety issues are managed." Mr Grala, at paragraphs 14 and 39 of his evidence supports the approach of... "...separating the treatment of VA activities from Homestay activities and RVA on the basis that they all have a different character, operation and have the potential to generate different environmental effects."

7.10 In my view, it is appropriate that the PDP implements a regulatory framework to manage the scale and frequency of RVA and Homestay activities, to assist with ensuring that the activities are compatible with the levels of amenity and cohesion desired within the various zones that are subject to this plan change.

7.11 At paragraph 8.2 of her evidence Ms McLeod states that it is not clear how the recommended s42A provisions would be enforced. I accept that the enforcement of rules that relate to permitted non-residential activities occurring within residential units may pose a challenge for the Council. Nonetheless, the PDP includes provisions that seek to limit this type of non-residential activity, for the reasons already outlined in my section 42A report and this rebuttal statement.

7.12 The notified version of the permitted standards for RVA activities (which, broadly speaking permit up to 28 nights' occupation by paying guests in up to three individual lets per annum) may be easier to enforce than the more enabling standards recommended in my s42A report due to the restriction on the number of lets permitted per annum. Also of relevance is that the ODP rules will require continued monitoring and enforcement, as they will continue to apply to Registered Holiday Homes and Registered Homestays that have existing use rights.

7.13 There are two obvious options that may assist Council with compliance and enforcement. I note that I have not included either of these options in the Revised Proposal attached as Appendix A as I would like to

reflect further on the appropriateness of these options through the hearing. The two options are as follows:

- (a) A resource consent trigger for all RVA and Homestay activities would provide the opportunity for monitoring through resource consent compliance and monitoring processes¹⁰, however this approach has not been recommended, as it is accepted¹¹ that RVA and Homestay activities meeting certain thresholds should be provided for as a permitted activity in the PDP; and
- (b) A permitted activity standard requiring that all RVA and Homestay activities are registered with the Council at the time of establishment is another option for the Council. In conjunction with this, the standard could also require that the date and duration of guests' stays are recorded by the RVA or Homestay operator. The inclusion of such a standard would provide the Council with a database of addresses that it could then use to inform a targeted monitoring regime, to ensure compliance with the proposed 42 night threshold (and any other RVA and Homestay related permitted standards¹²). In my view, such a standard would assist with the efficient and effective management of adverse effects created by RVA and Homestay, by ensuring compliance with the permitted standards.

7.14 I understand that the latter approach (ie. the permitted activity standard) would be legally appropriate, as an information requirement associated with a permitted activity rule. In my view scope for such a rule would be provided by the submitters seeking that the ODP rules apply, whereby the ODP rules include a registration rule embedded within the ODP definition of visitor accommodation¹³. Irrespective of whether a registration rule can be incorporated into the permitted activity standards for RVA, a strategy for enforcement will be required.

10 Scope for such an approach would be provided by submission 2143.

11 Accepted pursuant to the notified provisions and the provisions recommended in my s42A provisions which provide for RVA and Homestays as a permitted activity, subject to prescribed standards.

12 Including, for example, compliance with the maximum permitted number of guests per night in a Homestay.

13 The ODP rules are briefly explained in footnote 25 on page 26 of my s42A report.

7.15 Finally, in a number of paragraphs of her evidence¹⁴ Ms McLeod comments on Mr Heyes' evidence. I wish to note, however, that Ms McLeod's views are not supported by evidence prepared by an expert economist.

8. MARK CHRISP FOR BOOKABACH (BAB) (2302) & BACHCARE (BC) (2620)

8.1 Mr Chrisp has filed evidence in relation to the approach sought by BAB and BC in relation to the regulation of RVA and Homestay activities. Mr Chrisp generally supports the relief sought by the original submissions by BAB and BC, which I addressed in section 8 of my s42A report.

8.2 At paragraph 6.2 of his evidence, Mr Chrisp accepts that visitor accommodation activities have the potential to create environmental effects. I accept and agree with this view. Mr Chrisp seeks that the definitions of RVA and Homestay are amended to ensure that provision is made for 'low intensity' RVA (paragraph 6.5) with an associated requirement that RVA and Homestays are occupied by *a single household* rather than multiple parties. In response, I remain of the view provided in my s42A report (paragraphs 8.6 to 8.11), and I note that the relief sought in the original submissions by BAB and BC was that the definitions were amended to apply to "*...the use of a residential unit... by paying guests which function as one household...*" (my emphasis added). It is not clear to me how a "single / one household" requirement would be implemented by RVA and Homestay operators or monitored / enforced by the Council.

8.3 At paragraph 6.7, Mr Chrisp recommends that the definitions of RVA and Homestay should be amended to exclude the provision of external catering or laundry services, as a means of ensuring that occupants are self-sufficient. In my view this amendment would again result in significant regulatory issues for the Council. RVA and Homestay operators wishing to provide such services would not fall within the definitions of RVA and Homestay, which would mean that they would need to apply for consent for a different type of activity (potentially under the definition and rules applying to VA activities). If not otherwise

14 Including at paragraphs 6.11 & 6.18.

defined the activity may have to be considered under the default activity rule applying to the particular zone.

8.4 In summary, I consider that the amendments sought to the definitions to RVA and Homestay would introduce additional parameters that would create uncertainty. For example, if a group staying in a residential unit does not function as a “single household”, or has external catering delivered to the unit, then it would not fall within the re-defined definition of RVA. There would then be a question as to what type of activity would it be? Adopting these new parameters could result in different definitions applying to the activity at certain times, depending on the nature of the activity occurring (ie. a self-contained group of guests that decides to arrange catering for one night would no longer be “RVA” as re-defined”). I fail to see how this is not uncertain. Definitions are not rules that trigger a need for resource consent when the definition is not satisfied, rather if an activity does not fit within a definition, the definition simply does not apply. In my view the insertion of rules or standards within definitions has the potential to cause plan interpretation and administration issues, creating uncertainty.

8.5 At paragraph 6.14 and 7.1 to 7.3 of his evidence, Mr Chrisp refers to the residential sub-zone proposal set out in the BAB and BC original submissions, and he reiterates that the areas within these proposed sub-zones will have an emphasis on the provision of accommodation for permanent occupancy. I remain of the view that the location of the sub-zones (and the rationale for their location and the corresponding extent of land located outside the sub-zones) does not sufficiently take into account the planning framework provided by the PDP, including the purpose and objectives of the respective PDP zones. For example, I fail to see how it is appropriate for a residential sub-zone to apply to land within the Rural Lifestyle and Rural Residential Zones¹⁵, and emphasise the provision of accommodation for permanent occupancy, and not apply to LDSRZ land, which is a key provider of housing supply for the District.

15 2302 page 53, Map 18, which applies the residential sub-zone to the rural Hawea Flat settlement.

8.6 I also note that the residential sub-zone framework recommended by Mr Chrisp would apply to land that is not yet included in the PDP (by virtue of the staging of the plan review). As a result, scope issues arise. For example, the proposed residential sub-zone would apply to land on PDP Maps 18 and 30 that have not yet been included in the PDP. There is no scope to add any sub-zone into the ODP, and so this relief is not available to BAB/BC.

9. BENJAMIN FARRELL FOR MAJORDOMO (2592), TOUCH OF SPICE (2600), NZSIR LUXURY RENTAL HOMES LIMITED (2598)

9.1 Mr Farrell has filed evidence in relation to various aspects of the VA plan change provisions, which I respond to below.

9.2 At paragraph 8¹⁶ of his evidence, Mr Farrell states that the NPS-UDC does not seek to give primacy to residential activities over business activities. I agree with this comment. The method for this is provided through the district plan via a framework of zones for various activities. In my view, in giving effect to the NPS, it is an appropriate method to give primacy to residential activities occurring in residential zones in order to assist with the provision of housing supply. Limiting non-residential activities in residential areas is an established planning tool that in my view (and in the context of this plan change) assists with the supply of housing and assists with achieving residential cohesion.

9.3 At paragraphs 11 to 13 of his evidence, Mr Farrell discusses the issue of housing supply and the impacts that the plan change may or may not have on the supply of housing. Mr Heyes responds to this issue in his rebuttal evidence. At paragraphs 13(e) and (f), Mr Farrell accepts that a significant proportion of the District's housing stock is used as holiday homes (i.e. they are occupied on an intermittent basis) and that the resident population is growing. Population growth is creating pressure on the demand for housing in the District, and this plan change seeks to implement provisions that respond to the growing demand for housing.

16 Also reiterated at paragraphs 13(i) & 21 of Mr Farrell's evidence.

- 9.4** At paragraph 13(m), Mr Farrell states that an increase in long term rental accommodation availability will contribute benefits to the District's housing affordability issues, however Mr Farrell refers to the *conversion* of existing RVA stock to long term rental accommodation. I note that the plan change does not aim to convert existing RVA activities to residential activities and it is accepted that existing use rights apply to existing RVA activities that comply with the ODP provisions. Instead, it is expected that the provisions will influence the establishment of new RVA activities, most notably in terms of extent of short-term rental (number of nights per annum) and the location of RVA.
- 9.5** At paragraph 14 of his evidence, Mr Farrell states that there is no justification for restricting RVA in rural areas. I respond to this matter in paragraphs 10.14 to 10.16 below when addressing a related component of the evidence filed by Mr Ferguson. Despite this assertion from Mr Farrell, I note that he concludes (at paragraph 27(b)) that a regulatory regime should apply to RVA located in rural areas.
- 9.6** At paragraphs 15, 16 and 18, Mr Farrell discusses the issue of RVA impacting on residential cohesion. I have read Mr Farrell's views and I remain of the view that residential cohesion remains a valid concern in the context of the VA provisions, and in the context of residential areas generally where an activity that is secondary to the residential activities is being contemplated. The views outlined in my S42A report regarding the role of this plan change in maintaining residential cohesion remain unchanged.
- 9.7** At paragraph 27 of his evidence, Mr Farrell provides his concluding statements, including recommending that RVA should be provided for as a controlled activity up to 120 nights per annum in 'urban zones' (at paragraph 27(c)). This differs from the relief sought in the original submissions¹⁷, and I have inferred that he means that RVA should be provided for as a *permitted* activity up to 120 nights per annum and as a controlled activity thereafter. This inference is consistent with the provisions in the original submissions. Whilst Mr Farrell agrees that it

17 2592 page 10; 2600 page 10; 2598 page 10 (and at various other points within these submissions)

is appropriate to regulate RVA activities through the District Plan, I am not persuaded that the thresholds recommended by Mr Farrell would appropriately address the issues of housing supply, amenity effects and residential cohesion, and I remain of the view that the increased thresholds and more permissive regime sought by Mr Farrell should be rejected.

9.8 As with Ms McLeod, Mr Farrell has critiqued Mr Heyes' economic evidence, without supporting evidence from an expert economist.

10. CHRIS FERGUSON FOR DARBY PLANNING ET AL. (2376, 2381, 2383, 2382, 2379, 2384, 2373)

10.1 Mr Ferguson has filed evidence in relation to the definition of RVA and Homestays; the treatment of RVA activities in the Jacks Point Zone; and the treatment of RVA and Homestay activities in various rural zones. I address these issues in turn below.

10.2 Regarding the definitions, Mr Ferguson recommends (at paragraphs 83 and 84) that the definition of VA should be amended to remove the exclusions of a residential unit and residential flat, and to include RVA and Homestays that fail to comply¹⁸ with any relevant activity standards.

10.3 Mr Ferguson has not requested any amendments to the definitions of RVA and Homestay, so these definitions would remain unchanged. Notwithstanding any further amendments that may be required to effectively implement Mr Ferguson's requested relief (to definitions and, potentially, standards), in my view the definition of an activity should not be determined or altered by compliance with any standards in the District Plan. In my view it is appropriate that RVA and Homestay activities are separately defined from VA. The relief sought by Mr Ferguson would add unnecessary complexity for plan users by altering the way an activity is defined based on compliance with any standards,

¹⁸ I note that at other points in his evidence (including paragraphs 81, 83 and 103) Mr Ferguson states that RVA and Homestays that are *compliant* with standards should be included within the definition of VA. I have inferred that he means *non-compliant*, as this is the specific text shown in his recommended changes at paragraph 84.

rather than by definition alone. I therefore remain of the view that the relief sought should be rejected.

10.4 Regarding the Jacks Point Zone provisions, Mr Ferguson states at paragraph 83 of his evidence that changes are necessary to more appropriately implement the objectives of the Jacks Point Zone and to create a coherent set of provisions. Mr Ferguson seeks the following changes:

- (a) Provide for RVA and Homestays as permitted activities within the Lodge and Village Activity Areas V(JP) and V(HB) without any further standards; and
- (b) Provide for RVA and Homestays as permitted activities within the Residential Activity Areas subject to achieving the standards recommended in the s42A report.

10.5 These changes are further described in paragraph 84 of Mr Ferguson's evidence and considered in paragraphs 9.128 to 9.133 of my s42A report.

10.6 Mr Ferguson has highlighted that the numbering contained within the decisions version of the Jacks Point Zone provisions differs from that which was used in previous iterations of the chapter, and this will necessitate changes to the numbering of the VA provisions. This will mean that the activity status of RVA and Homestay activities would be placed in Table 1 ('Activities Located in the Jacks Point Zone') as a subset of decisions version rule 41.4.1, which lists the status of activities in the Residential (R) Activity areas and the Rural Living Activity Area. The standards applying to RVA and Homestays in the Residential Activity Areas (which I understand also apply to the Rural Living Activity Areas) will fit within Table 6 of the decisions version of the provisions and will be renumbered accordingly.

10.7 I understand from his evidence that Mr Ferguson does not seek further changes to the recommended rules in my s42A report that would apply to the Residential Activity Areas (shown as rules 41.5.20 and 41.5.21 in Appendix 1 to my s42A report). I recommend that these changes to

numbering are accepted as shown in the Revised Proposal at **Appendix A.**

- 10.8** Mr Ferguson seeks that the permitted activity standards for RVA and Homestays within the Lodge and Village Activity Areas V(JP) and V(HB) are deleted. At paragraph 82 of his evidence Mr Ferguson states that:

... "It makes sense that the visitor accommodation variation does not apply within the Town Centre Zones, which act in a similar fashion to the Village. In my view, a more appropriate response for Jacks Point would be to exempt Jacks Point Village from the activity standards relating to RVA and Homestays."

- 10.9** I have reflected on the recommendations in my s42A report regarding RVA and Homestay activities in the Lodge and Village areas, and have considered the evidence provided by Mr Ferguson regarding the treatment of these activities, compared to other comparable mixed-use zones. While I accept in part Mr Ferguson's views that an enabling framework for RVA and Homestay activities should be applied to the Village Areas in the Jacks Point Zone, I disagree that a direct comparison can be made with the Town Centre zones. The provisions for the Queenstown, Wanaka and Arrowtown Town Centres are very enabling, providing for a range of activities to occur. For instance, the default status of activities not listed in the activities tables for these chapters is 'permitted', and commercial activities are permitted, with the focus being more on building design and opportunities for building integration.

- 10.10** Pursuant to rule 41.4.2.1 of the Jacks Point Zone, commercial, residential and visitor accommodation activities are controlled activities, and subject to a comprehensive set of matters of control. I note, however, that an appeal has been lodged seeking that this rule is deleted (Homestead Bay Trustees Limited ENV-2018-CHC-109). There is therefore uncertainty regarding the activity status of the key activities provided for in the Village (V) and V(HB) Areas at the present time.

- 10.11** Having considered the evidence of Mr Ferguson, and further considering the context of the consenting regime of the decisions version of rule 41.4.2.1, it remains my view that the permitted activity standards for RVA and Homestay activities recommended in my s42A

report for the Village (V) and V(HB) Areas are appropriate. I do, however recommend that the non-compliance status is shifted to controlled activity status.

10.12 Regarding RVA and Homestay activities in the Lodge (L) Activity Area, I note that in accordance with Activity Table 3 and decisions version rule 41.4.3.1, visitor accommodation activities are a discretionary activity. I note that this rule is subject to an appeal (Wild Grass Investments No 1. Limited & Others ENV-2018-CHC-074) seeking that the rule is amended to provide for visitor accommodation as a permitted activity. Residential activities are not provided for in Table 3 and therefore are not anticipated in the Lodge (L) Area. As RVA and Homestay activities, by definition, occur within residential units, in my view there is no need to provide rules for RVA and Homestay activities in this activity area. I therefore recommend that the reference to the Lodge (L) Activity Area is removed from the plan change provisions for the Jacks Point Zone.

10.13 These recommended amendments, as well as amendments to numbering are shown in the Revised Proposal at Appendix A.

10.14 In addition to the changes sought to the Jack's Point Zone, at paragraph 86 of his evidence Mr Ferguson also seeks that the following changes are made to the plan change provisions for the various rural zones:

- (a) Delete all rules for RVA and Homestay for the Rural Zone;
- (b) Delete rule 22.5.15 for the Rural Residential and Rural Lifestyle Zones (this rule details permitted activity standards for Homestays); and
- (c) Delete rule 24.5.15 for the Wakatipu Basin Rural Amenity Zone (this rule details permitted activity standards for RVA).

10.15 In addition to the above changes, at paragraph 104 of his evidence Mr Ferguson seeks the following:

- (a) That the proposed additions to policy 22.2.2.5 are deleted;
- (b) That new policy 22.2.2.6 is deleted; and

(c) Permitted activity standards 22.5.14 and 22.5.15 are deleted.

10.16 At paragraph 85 of his evidence Mr Ferguson reiterates that the effects of short-term letting within the rural and rural living areas do not justify the proposed restrictions on RVA and Homestay activities. At paragraphs 89 to 103 of his evidence Mr Ferguson further elaborates on these views. I understand that it is Mr Ferguson's view that RVA and Homestay activities should generally be permitted in the rural and rural living zones and should not be subject to any permitted activity standards. I agree with Mr Ferguson that RVA and Homestays should be afforded permitted activity status, but remain of the view that these activities should be subject to the standards recommended in my s42A report at paragraphs 10.1 to 10.10, and 10.11 to 10.24, and as shown in the recommended provisions for the Rural Zone, Rural Lifestyle and Rural Residential Zones, and the Gibbston Character Zone shown in Appendix 1 to my s42 report.

11. TEECE IRREVOCABLE TRUST No. 3 (2599) (Teece)

11.1 I note that Ms Devlin addressed the submission by Teece in her supplementary statement of evidence dated 10 August 2018, recommending that the rezoning request be rejected.¹⁹

11.2 I understand that Ms Devlin will be conflicted in terms of this submission from early September onwards, as her husband will be working for the submitters planning consultants.

11.3 I confirm that I agree with and adopt Ms Devlin's evidence in relation to the Teece submission and will be available to address any questions from the Panel.



Amy Narlee Bowbyes
22 August 2018

¹⁹ At paragraphs 3.1 to 3.17.

APPENDIX A
REVISED VA PROPOSAL

Appendix A

Variation to Stage 1 PDP Chapter 2 - Definitions:

Key:

S42A Report dated 23 July 2018: Recommended changes to the notified provisions are shown in red underlined text for additions and ~~red strike-through text~~ for deletions.

Rebuttal dated 21 August 2018: Recommended changes to notified chapter are shown in blue underlined text for additions and ~~strike-through text~~ for deletions.

Any black underlined or ~~strike-through~~ text, reflects the notified variation.

<p><u>Residential Visitor Accommodation</u></p>	<p>Means the use of a residential unit including a residential flat by paying guests where the length of stay by any guest is less than 90 days <u>nights</u>.</p> <p><u>Excludes:</u> Visitor Accommodation and Homestays.</p> <p><u>Note:</u></p> <p><u>Additional requirements of the Building Act 2004 may apply.</u></p>
<p><u>Homestay</u></p>	<p>Means a residential activity where an occupied <u>the use of a</u> residential unit or <u>including a residential flat is also used</u> by paying guests <u>at the same time that the residential unit or residential flat is occupied by residents for use as a Residential Activity.</u> Includes bed & breakfasts and farm-stays.</p> <p><u>Excludes Residential Visitor Accommodation and Visitor Accommodation.</u></p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> <u>1. Homestays can be registered with the Council through a registration process that is separate to the district plan.</u> <u>2. Extra rates levies may apply.</u> <u>3. Additional requirements of the Building Act 2004 may apply.</u>

Commented [AB1]: Minor amendment to increase consistency with the rule framework, which refers to *nights* rather than *days* (cl 16(2)).

Commented [AB2]: 2556 Hospitality NZ

Commented [AB3]: 2524 Coherent Hotel Ltd

Commented [AB4]: 2556 Hospitality NZ

<p>Registered Holiday Home</p>	<p>Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; <input type="checkbox"/> A duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; <input type="checkbox"/> Where the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <input type="checkbox"/> Excludes the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge).
<p>Registered Homestay</p>	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p>Advice Note:</p> <p>(i) A formal application must be made to the Council for a property to become a Registered Homestay.</p>

<p>Visitor Accommodation</p>	<p>Means the use of land or buildings (excluding the use of a residential unit or residential flat) for short-term, fee-paying, living accommodation to provide accommodation for paying guests where the length of stay for any visitor/guest is less than 3 months<u>90 days nights</u>; and</p> <p>a. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, timeshares, and managed apartments homestays, and the commercial letting of a residential unit; and</p> <p>b. May Includes some centralised services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.</p> <p>iii. <u>Includes onsite staff accommodation.</u></p> <p>iv. <u>Excludes Residential Visitor Accommodation and Homestays.</u></p> <p>For the purpose of this definition:</p> <p>a. The commercial letting of a residential unit in (i) excludes:</p> <ul style="list-style-type: none"> * A single annual let for one or two nights. * Homestay accommodation for up to 5 guests in a Registered Homestay. * Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home. <p>(Refer to respective definitions).</p> <p>b. "Commercial letting" means fee-paying letting and includes the advertising for that purpose of any land or buildings.</p> <p>c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.</p>
-------------------------------------	---

Commented [AB5]: Minor amendment to increase consistency with the rule framework, which refers to *nights* rather than *days* (cl 16(2)).

Commented [AB6]: 2524 Coherent Hotel Ltd

Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation, residential visitor accommodation and homestays.
Commercial Activity	Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment and services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes residential visitor accommodation and registered homestays homestays.
Activity Sensitive to Aircraft Noise (ASAN) Activity Sensitive to Road Noise	Means any residential activity, visitor accommodation activity, residential visitor accommodation activity, homestay activity, community activity and day care facility activity as defined in the District Plan including any outdoor spaces associated with any education activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

Commented [AB7]: 2357 Christine Byrch

Commented [AB8]: 2618 QAC

LOWER DENSITY SUBURBAN RESIDENTIAL 7

New Stage 2 PDP provisions, added to Stage 1 Chapter 7 Lower Density Suburban Residential chapter

7 Lower Density Suburban Residential

Commented [AB9]: Minor amendment to update to the zone name for the Stage 1 decisions version cl 16(2).

7.1 Zone Purpose

[Note: The following is new text at end of 7.1 Zone Purpose:]

Visitor accommodation is anticipated in the Lower Density Suburban Residential Visitor Accommodation Sub-Zones shown on planning maps. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation located outside of the Visitor Accommodation Sub-Zones is restricted, except within density residential visitor accommodation sub-zones. The commercial letting of residential properties as visitor accommodation on a year-round or permanent basis, is restricted, particularly where it would result in a loss of housing supply. Low intensity residential visitor accommodation is enabled, where the environment is retained as predominantly residential and the amenity of nearby residents is maintained.

Visitor Accommodation is separately defined in the District Plan from accommodation activities occurring in residential units, which are defined as Residential Visitor Accommodation and Homestay activities.

Commented [AB10]: 2524 Coherent Hotel Ltd

7.2 Objectives and Policies

7.2.8 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.

Policies

7.2.8.1 Provide for accommodation options for visitors visitor accommodation and residential visitor accommodation in the Lower Density Suburban Residential Visitor Accommodation Sub-Zones that is appropriate for the low density residential environment, ensuring that adverse effects on residential amenity are avoided, remedied or mitigated.

Commented [AB11]: 2450 Mount Crystal 2325 David Crawford

7.2.8.2 Restrict the establishment of visitor accommodation and residential visitor accommodation in locations outside the Lower Density Suburban Residential Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character and the supply of residential housing is achieved.

Commented [AB12]: Minor amendment to update to the zone name for the Stage 1 decisions version cl 16(2).

Commented [AB13]: 2524 Coherent Hotel Ltd

Commented [AB14]: 2450 Mount Crystal 2325 David Crawford

7.2.9 Objective - Manage the establishment of residential visitor accommodation and homestays to ensure that residential units and residential flats are predominantly used for residential activities, and the residential character of the zone is maintained.

Commented [AB15]: Minor amendment to update to the zone name for the Stage 1 decisions version cl 16(2).

Policies

7.2.9.1 Ensure that residential visitor accommodation and homestays are of a scale and character that is compatible with the surrounding residential context, and maintains residential activities as the predominant use of the site.

7.2.9.2 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing, while maintaining residential activities as the

LOWER DENSITY SUBURBAN RESIDENTIAL 7

predominant use of the site.

7.2.9.3 Restrict the establishment of residential visitor accommodation and homestays that would result in a loss of housing supply and residential character of the zone.

LOWER DENSITY SUBURBAN RESIDENTIAL 7

7.4 Rules - Activities

	Activities located in the Lower Density Suburban Residential Zone	Activity status
7.4.16	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>
7.4.17	<p><u>Visitor Accommodation in the Low Density Visitor Accommodation Sub-Zone</u></p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities;</u> • <u>The location, provision, and screening of parking and access;</u> • <u>Landscaping;</u> • <u>Noise generation and methods of mitigation (through design and management controls);</u> • <u>Hours of operation, including in respect of ancillary activities;</u> • <u>The external appearance of buildings, including design, materials and external lighting, and design measures to limit the impact on adjoining residential activities;</u> 	<u>RD*</u>
7.4.18	<u>Visitor Accommodation</u> not otherwise identified	<u>NC</u>

Commented [AB16]: Minor amendment to update to the zone name for the Stage 1 decisions version cl 16(2).

Commented [AB17]: 2618 QAC

Commented [AB18]: 2524 Coherent Hotel Ltd

LOWER DENSITY SUBURBAN RESIDENTIAL 7

7.5 Rules - Standards

	Standards for activities in the Low Density Residential Zone	Non-compliance status
7.5.17	Residential Visitor Accommodation	
7.5.17.1	Must be limited to the commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.	<u>Sites within the VASZ:</u> <u>RD</u>
7.5.17.2	Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site. The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be: a. Heavy vehicles, coaches or buses: none. b. Other vehicles: 8 vehicle trips per day.	<u>All other sites:</u> <u>NC</u>
	<u>Discretion is reserved to:</u> <ul style="list-style-type: none"> <u>The location, nature and scale of activities; and</u> <u>The location, provision and screening of parking and other access.</u> 	
7.5.18	Homestay	<u>NC</u>
7.5.18.1	May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.	
7.5.18.2	Shall Must not exceed 5 3 paying guests per night.	
7.5.18.3	Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.	
7.5.18.4	Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site. The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be: a. Heavy vehicles, coaches or buses: none. b. Other vehicles: 8 vehicle trips per day.	

Commented [AB19]: 2285 TradeMe and others

Commented [AB20]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB23]: 2450 Mount Crystal
2325 David Crawford

Commented [AB21]: 2285 TradeMe and others

Commented [AB22]: 2450 Mount Crystal
2325 David Crawford

Commented [AB24]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB25]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB26]: 2521 Campbell Bevan

Commented [AB27]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB28]: 2285 TradeMe and others

7.6 Rules - Non-Notification of Applications

7.6.2.2 Visitor Accommodation and residential visitor accommodation in the Low Density Visitor Accommodation Sub-Zones.

Commented [AB29]: 2450 Mount Crystal
2325 David Crawford

MEDIUM DENSITY RESIDENTIAL 8

New Stage 2 PDP provisions, added to Stage 1 Chapter 8 Medium Density Residential chapter

8 Medium Density Residential

8.1 Zone Purpose

[Note: The following is new text at end of 8.1 Zone Purpose:]

~~Visitor accommodation is restricted, except within Medium Density Residential Visitor Accommodation Sub-zones and the Wanaka Town Centre Transition Overlay. The commercial letting of residential properties as visitor accommodation on a year-round or permanent basis, is restricted, particularly where it would result in a loss of housing supply. Low intensity residential visitor accommodation is enabled, where the environment is retained as predominantly residential and the amenity of nearby residents is maintained.~~

Commented [AB30]: Minor grammatical amendment to increase consistency of drafting – cl16

~~Visitor accommodation is anticipated in the Medium Density Residential Visitor Accommodation Sub-Zones shown on planning maps. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.~~

~~Visitor accommodation is separately defined in the District Plan from accommodation activities occurring in residential units, which are defined as Residential Visitor Accommodation and Homestay activities.~~

Commented [AB31]: 2524 Coherent Hotel Ltd

8.2 Objectives and Policies

~~8.2.14 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.~~

Policies

~~8.2.14.1 Provide for accommodation options for visitors visitor accommodation and residential visitor accommodation in the Medium Density Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay Sub-Zones that is appropriate for the medium density residential environment, ensuring that adverse effects on residential amenity are avoided, remedied or mitigated.~~

Commented [AB32]: 2450 Mount Crystal

Commented [AB33]: 2524 Coherent Hotel Ltd

~~8.2.14.2 Restrict the establishment of visitor accommodation and residential visitor accommodation in locations outside the Medium Density Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay to ensure that the zone maintains a residential character and the supply of residential housing is achieved.~~

Commented [AB34]: 2450 Mount Crystal

~~8.2.15 Objective - Manage the establishment of residential visitor accommodation and homestays to ensure that residential units and residential flats are predominantly used for residential activities, and the residential character of the zone is maintained.~~

Policies

~~8.2.15.1 Ensure that residential visitor accommodation and homestays are of a scale and character that is compatible with the surrounding residential context, and maintains residential activities as the predominant use of the site.~~

~~8.2.15.2 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing, while maintaining residential activities as the~~

MEDIUM DENSITY RESIDENTIAL 8

predominant use of the site.

8.2.15.3 Restrict the establishment of residential visitor accommodation and homestays that would result in a loss of housing supply and residential character of the zone.

MEDIUM DENSITY RESIDENTIAL 8

8.4 Rules - Activities

	Activities located in the Medium Density Residential Zone	Activity status
8.4.29	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>
8.4.30	<p><u>Visitor Accommodation in the Medium Density Visitor Accommodation Sub-Zone and Wanaka Town Centre Transition Overlay</u></p> <p><u>*Discretion is restricted to consideration of all of the following:</u></p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities;</u> • The location, provision, and screening of pParking and access; • <u>Landscaping;</u> • Noise generation and methods of mitigation (through design and management controls); • <u>Hours of operation, including in respect of ancillary activities;</u> • The external appearance of buildings, including design, materials and external lighting, and design measures to limit the impact on adjoining residential activities; • <u>Infrastructure, servicing and capacity.</u> 	<u>RD*</u>
8.4.31	<u>Visitor Accommodation</u> not otherwise identified	<u>NC</u>

Commented [AB35]: 2524 Coherent Hotel Ltd

Commented [AB36]: 2450 Mount Crystal

MEDIUM DENSITY RESIDENTIAL 8

8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.15	<p>Residential Visitor Accommodation (excluding the Medium Density Residential Zone shown on Planning Map 21)</p> <p>8.5.15.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>8.5.15.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	NC
8.5.X	<p>Residential Visitor Accommodation in the Medium Density Visitor Accommodation Sub-Zone and all areas of the Medium Density Residential Zone shown on Planning Map 21</p> <p>8.5.x.x Must be limited to one residential unit or residential flat per site not exceeding a cumulative total of 42 nights occupation by paying guests per 12 month period.</p> <p>8.5.x.x Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>*Discretion is reserved to:</p> <ul style="list-style-type: none"> The location, nature and scale of activities; and The location, provision, and screening of parking and access. 	RD*
8.5.16	<p>Homestay</p> <p>8.5.16.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>8.5.16.2 Shall Must not exceed 5 3 paying guests per night.</p> <p>8.5.16.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>8.5.16.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	NC

Commented [AB37]: 2216 Wanaka Selection Limited

Commented [AB38]: 2285 TradeMe and others

Commented [AB39]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB40]: 2285 TradeMe and others

Commented [AB42]: 2216 Wanaka Selection Limited

Commented [AB41]: 2450 Mount Crystal

Commented [AB43]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB44]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB45]: 2521 Campbell Bevan

Commented [AB46]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB47]: 2285 TradeMe and others

MEDIUM DENSITY RESIDENTIAL 8

8.6 Rules - Non-Notification of Applications

8.6.2.3 Visitor Accommodation and residential visitor accommodation within the Medium Density Visitor Accommodation Sub-Zone and Wanaka Town Centre Transition Overlay.

Commented [AB48]: 2450 Mount Crystal

HIGH DENSITY RESIDENTIAL 9

New Stage 2 PDP provisions, added to Stage 1 Chapter 9 High Density Residential chapter

9 High Density Residential

9.1 Zone Purpose

[Note: The following is new text at end of 9.1 Zone Purpose:]

Visitor accommodation, residential visitor accommodation and homestays near the town centres that respond to projected growth in visitor numbers is anticipated and enabled, where effects on the amenity of nearby residents is maintained.

9.2 Objectives and Policies

9.2.7 Objective – Visitor accommodation, residential visitor accommodation and homestays are provided for in urban areas close to town centres to respond to strong projected growth in visitor numbers, whilst ensuring that adverse effects on residential amenity and traffic safety are avoided, remedied or mitigated.

Policies

9.2.7.1 Provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.

9.2.7.2 Enable a range of accommodation options which positively contribute to residential amenity by ensuring that adverse effects on residential amenity are avoided, remedied or mitigated.

9.2.7.3 Ensure that visitor accommodation development utilises existing infrastructure and minimise impacts on infrastructure and roading networks.

9.2.7.4 Ensure that the design of buildings for visitor accommodation contributes positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.

HIGH DENSITY RESIDENTIAL 9

9.4 Rules - Activities

	Activities located in the High Density Residential Zone	Activity status
9.4.8	<u>Residential Visitor Accommodation and Homestays</u>	P
9.4.9	<p><u>Visitor Accommodation</u> including licensed premises within a visitor accommodation development</p> <p><u>*Discretion is restricted to consideration of all of the following:</u></p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities;</u> • <u>The location, provision, and screening of pParking and access;</u> • <u>Landscaping;</u> • <u>Noise generation and methods of mitigation (through design and management controls);</u> • <u>Hours of operation, including in respect of ancillary activities;</u> • <u>The external appearance of buildings, including design, materials and external lighting, and design measures to limit the impact on adjoining residential activities.</u> 	RD*

Commented [AB49]: 2524 Coherent Hotel Ltd

HIGH DENSITY RESIDENTIAL 9

9.5 Rules - Standards

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.12	<p>Residential Visitor Accommodation</p> <p>9.5.12.1 Shall be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>9.5.12.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p> <p>*Discretion is reserved to:</p> <ul style="list-style-type: none"> The location, nature and scale of activities; and The location, provision, and screening of parking and access. 	RD*
9.5.13	<p>Homestay</p> <p>9.5.13.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>9.5.13.2 Shall Must not exceed 5 paying guests per night.</p> <p>9.5.13.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>9.5.13.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p> <p>*Discretion is reserved to:</p> <p>10 The location, nature and scale of activities; and</p> <p>11 The location, provision, and screening of parking and access.</p>	RD*

Commented [AB50]: 2285 TradeMe and others

Commented [AB51]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB52]: 2285 TradeMe and others

Commented [AB53]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB54]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB55]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB56]: 2285 TradeMe and others

9.6 Rules - Non-Notification of Applications

9.6.2.2 Visitor accommodation.

ARROWTOWN RHMZ 10

New Stage 2 PDP provisions, added to Stage 1 Chapter 10 Arrowtown Residential Historic Management chapter

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE

10.1 Zone Purpose

[Note: The following is new text at end of 10.1 Zone Purpose:]

Visitor accommodation is restricted, except within the Arrowtown Town Centre Transition Overlay and the Arrowtown Residential Historic Management Visitor Accommodation Sub-Zone. The commercial letting of residential properties as visitor accommodation on a year-round or permanent basis, is restricted, particularly where it would result in a loss of housing supply. Low intensity residential visitor accommodation is enabled, where the environment is retained as predominantly residential and the amenity of nearby residents is maintained.

Visitor accommodation is anticipated in the Arrowtown Residential Historic Management Visitor Accommodation Sub-Zones and the Arrowtown Town Centre Transition Overlay shown on planning maps. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation is separately defined in the District Plan from accommodation activities occurring in residential units, which are defined as Residential Visitor Accommodation and Homestay activities.

Commented [AB57]: 2372 F&AL

Commented [AB58]: 2524 Coherent Hotel Ltd

10.2 Objectives and Policies

10.2.7 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.

Policies

10.2.7.1 Provide for accommodation options for visitors in the Arrowtown Town Centre Transition Overlay and the Arrowtown Residential Historic Management Visitor Accommodation Sub-Zone that is appropriate for the low density residential environment.

10.2.7.2 Restrict the establishment of visitor accommodation and residential visitor accommodation in locations outside the Arrowtown Town Centre Transition Overlay and the Arrowtown Residential Historic Management Visitor Accommodation Sub-Zone to ensure that the zone maintains a residential character and the supply of residential housing is achieved.

10.2.8 Objective - Manage the establishment of residential visitor accommodation and homestays to ensure that residential units and residential flats are predominantly used for residential activities, and the residential character of the zone is maintained.

Policies

10.2.8.1 Ensure that residential visitor accommodation and homestays are of a scale and character that is compatible with the surrounding residential context, and maintains

Commented [AB59]: 2450 Mount Crystal
2372 F&AL

Commented [AB60]: 2450 Mount Crystal
2372 F&AL

Commented [AB61]: 2450 Mount Crystal
2325 David Crawford

Commented [AB62]: 2450 Mount Crystal
2372 F&AL

ARROWTOWN RHMZ 10

residential activities as the predominant use of the site.

10.2.8.2 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing, while maintaining residential activities as the predominant use of the site.

10.2.8.3 Restrict the establishment of residential visitor accommodation and homestays that would result in a loss of housing supply and residential character of the zone.

ARROWTOWN RHMZ 10

10.4 Rules - Activities

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity status
10.4.7	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>
10.4.8	<p><u>Visitor Accommodation in the Arrowtown Town Centre Transition Overlay and the Arrowtown Residential Historic Management Visitor Accommodation Sub-Zone</u></p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities;</u> • The location, provision, and screening of pParking and access; • <u>Landscaping;</u> • Noise generation and methods of mitigation (through design and management controls); • <u>Hours of operation, including in respect of ancillary activities;</u> • The external appearance of buildings, including design, materials and external lighting, and design measures to limit the impact on adjoining residential activities. 	<u>RD*</u>
10.4.9	<u>Visitor Accommodation</u> not otherwise identified	<u>NC</u>

Commented [AB63]: 2372 F&AL

Commented [AB64]: 2524 Coherent Hotel Ltd

ARROWTOWN RHMZ 10

10.5 Rules - Standards

Table 2	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance status
10.5.8	<p>Residential Visitor Accommodation</p> <p>10.5.8.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>10.5.8.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p> <p>Discretion is reserved to:</p> <ul style="list-style-type: none"> The location, nature and scale of activities; and The location, provision and screening of parking and other access. 	<p>Sites within the VASZ and/or ICTO:</p> <p>RD</p> <p>All other sites:</p> <p>NC</p>
10.5.9	<p>Homestay</p> <p>10.5.9.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>10.5.9.2 Shall Must not exceed 5 3 paying guests per night.</p> <p>10.5.9.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>10.5.9.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	<p>NC</p>

Commented [AB65]: 2285 TradeMe and others

Commented [AB66]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB69]: 2450 Mount Crystal
2325 David Crawford

Commented [AB67]: 2285 TradeMe and others

Commented [AB68]: 2450 Mount Crystal
2325 David Crawford

Commented [AB70]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB71]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB72]: 2521 Campbell Bevan

Commented [AB73]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB74]: 2285 TradeMe and others

10.6 Rules - Non-Notification of Applications

10.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

10.6.1.1 Visitor Accommodation and residential visitor accommodation in the Arrowtown Town Centre Transition Overlay and the Arrowtown Residential Historic Management Visitor Accommodation Sub-Zone.

Commented [AB75]: 2450 Mount Crystal
2325 David Crawford
2372 F&AL

LARGE LOT RESIDENTIAL 11

New Stage 2 PDP provisions, added to Stage 1 Chapter 11 Large Lot Residential chapter

11 Large Lot Residential

11.1 Zone Purpose

[Note: The following is new text at end of 11.1 Zone Purpose:]

Visitor accommodation is restricted, except within large lot residential visitor accommodation sub-zones. The commercial letting of residential properties as visitor accommodation on a year-round or permanent basis, is restricted, particularly where it would result in a loss of housing supply. Low intensity residential visitor accommodation is enabled, where the environment is retained as predominantly residential and the amenity of nearby residents is maintained.

Visitor accommodation is anticipated in the Large Lot Residential Visitor Accommodation Sub-Zones and shown on planning maps. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation is separately defined in the District Plan from accommodation activities occurring in residential units, which are defined as Residential Visitor Accommodation and Homestay activities.

Commented [AB76]: 2524 Coherent Hotel Ltd

11.2 Objectives and Policies

11.2.3 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.

Policies

11.2.3.1 Provide for ~~accommodation options for visitors~~ visitor accommodation and residential visitor accommodation in the Large Lot Residential Visitor Accommodation Sub-Zones that is appropriate for the low density residential environment, ensuring that adverse effects on residential amenity are avoided, remedied or mitigated.

Commented [AB77]: 2450 Mount Crystal
2325 David Crawford

Commented [AB78]: 2524 Coherent Hotel Ltd

11.2.3.2 Restrict the establishment of visitor accommodation and residential visitor accommodation in locations outside the Large Lot Residential Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character and the supply of residential housing is achieved

Commented [AB79]: 2450 Mount Crystal
2325 David Crawford

11.2.4 Objective - Manage the establishment of residential visitor accommodation and homestays to ensure that residential units and residential flats are predominantly used for residential activities, and the residential character of the zone is maintained.

Policies

11.2.4.1 Ensure that residential visitor accommodation and homestays are of a scale and character that is compatible with the surrounding residential context, and maintains residential activities as the predominant use of the site.

11.2.4.2 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to

LARGE LOT RESIDENTIAL 11

provide for social and economic wellbeing, while maintaining residential activities as the predominant use of the site.

11.2.4.3 Restrict the establishment of residential visitor accommodation and homestays that would result in a loss of housing supply and residential character of the zone.

11.4 Rules – Activities

LARGE LOT RESIDENTIAL 11

Table 1	Activities located in the Large Lot Residential Zone	Activity status
11.4.5	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>
11.4.6	<p><u>Visitor Accommodation in the Large Lot Residential Visitor Accommodation Sub-Zone</u></p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities;</u> • <u>The location, provision, and screening of pParking and access;</u> • <u>Landscaping;</u> • <u>Noise generation and methods of mitigation (through design and management controls);</u> • <u>Hours of operation, including in respect of ancillary activities;</u> • <u>The external appearance of buildings, including design, materials and external lighting, and design measures to limit the impact on adjoining residential activities;</u> 	<u>RD*</u>
11.4.7	<u>Visitor Accommodation</u> not otherwise identified	<u>NC</u>

Commented [AB80]: 2524 Coherent Hotel Ltd

LARGE LOT RESIDENTIAL 11

11.5 Rules - Standards

Table 2	Standards for activities in the Large Lot Residential Zone	Non-compliance status
<p>11.5.12</p>	<p>Residential Visitor Accommodation</p> <p>11.5.12.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>11.5.12.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p> <p>Discretion is reserved to:</p> <ul style="list-style-type: none"> The location, nature and scale of activities; and The location, provision and screening of parking and access. 	<p>Sites within the VASZ:</p> <p>RD</p> <p>All other sites:</p> <p>NC</p>
<p>11.5.13</p>	<p>Homestay</p> <p>11.5.13.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>11.5.13.2 Shall Must not exceed 5 3 paying guests per night.</p> <p>11.5.13.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>11.5.13.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	<p>NC</p>

Commented [AB81]: 2285 TradeMe and others

Commented [AB82]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB85]: 2450 Mount Crystal
2325 David Crawford

Commented [AB83]: 2285 TradeMe and others

Commented [AB84]: 2450 Mount Crystal
2325 David Crawford

Commented [AB86]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c16

Commented [AB87]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c16

Commented [AB88]: 2521 Campbell Bevan

Commented [AB89]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c16

Commented [AB90]: 2285 TradeMe and others

Commented [AB91]: 2450 Mount Crystal
2325 David Crawford

11.6 Rules - Non-Notification of Applications

11.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

11.6.1.1 Visitor Accommodation and residential visitor accommodation in the Large Lot Residential Visitor Accommodation Sub-Zone.

New Stage 2 PDP provisions, added to Stage 1 Chapter 16 Business Mixed Use

16 Business Mixed Use Zone

16.4 Rules - Activities

	Activities located in the Business Mixed Use Zone	Activity status
16.4.16	Residential Visitor Accommodation and Homestays	<u>P</u>

16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
16.5.10	<p>Residential Visitor Accommodation</p> <p>.5.10.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>.5.10.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none;</p> <p>b. Other vehicles: 8 vehicle trips per day;</p> <p>*Control is reserved to:</p> <ul style="list-style-type: none"> The location, nature and scale of activities; and The location, provision, and screening of parking and access. 	<u>C*</u>

Commented [AB92]: 2285 TradeMe and others

Commented [AB93]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB94]: 2285 TradeMe and others

New Stage 2 PDP provisions, added to Stage 1 Chapter 16

<p>16.5.11</p>	<p>Homestay</p> <p>16.5.11.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</u></p> <p>16.5.11.2 Shall Must not exceed 5 paying guests per night.</p> <p>16.5.11.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>16.5.11.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p> <p>*Control is reserved to:</p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities; and</u> • <u>The location, provision, and screening of parking and access.</u> 	<p>C*</p>
-----------------------	--	-----------

Commented [AB95]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB96]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB97]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB98]: See submitter list at Rule 7.5.17.2.

New Stage 2 PDP provisions, added to Stage 1 Chapter 21 Rural

21 Rural

21.4 Rules - Activities

Table 1	Activities – Rural Zone	Activity status
21.4.37	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

21.5 Rules - Standards

Table 11	Standards for Residential Visitor Accommodation and Homestays	Non-compliance status
21.5.53	<u>Residential Visitor Accommodation</u> <u>Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</u>	<u>D</u>
21.5.54	<u>Homestay</u> 21.5.54.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</u> 21.5.54.2 <u>Shall Must not exceed 5 paying guests per night.</u>	<u>D</u>

Commented [AB99]: 2285 TradeMe and others

Commented [AB100]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB101]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB102]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

New Stage 2 PDP provisions, added to Stage 1 Chapter 22 Rural Residential & Rural Lifestyle

Underlined text for additions and ~~strike-through~~ text for deletions.

22 Rural Residential & Rural Lifestyle

22.2 Objectives and Policies

22.2.2.5 The bulk, scale and intensity of buildings used for visitor accommodation, residential visitor accommodation and homestay activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

22.2.2.6 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale and intensity of these activities.

22.4 Rules - Activities

Table 1	Activities – Rural Residential and Rural Lifestyle Zones	Activity status
<u>22.4.18</u>	<u>Residential Visitor Accommodation and Homestays</u>	P

22.5 Rules - Standards

Table 2	Standards - Rural Residential and rural Lifestyle Zones	Non-compliance status
<u>22.5.14</u>	<u>Residential Visitor Accommodation</u> <u>22.5.14.1</u> Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 <u>42</u> nights occupation by paying guests per 12 month period.	<u>NG D</u>
<u>22.5.15</u>	<u>Homestay</u> <u>22.5.15.1</u> May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site. <u>22.5.15.2</u> Shall Must not exceed 5 paying guests per night.	<u>NG D</u>

Commented [AB105]: 2383 Mt Christina Ltd

Commented [AB103]: 2285 TradeMe and others

Commented [AB104]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB108]: 2383 Mt Christina Ltd

Commented [AB106]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

Commented [AB107]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – c116

New Stage 2 PDP provisions, added to Stage 1 Chapter 23 Gibbston Character Zone

23 Gibbston Character Zone

23.4 Rules - Activities

Table 1	Activities	Activity status
<u>23.4.21</u>	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

23.5 Rules - Standards

Table 4	Standards for Residential Visitor Accommodation and Homestays	Non-compliance status
<u>23.5.12</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>23.5.12.1</u> Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p>	<u>D</u>
<u>23.5.13</u>	<p><u>Homestay</u></p> <p><u>23.5.13.1</u> May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p><u>23.5.13.2</u> Shall Must not exceed 5 paying guests per night.</p>	<u>D</u>

Commented [AB109]: 2285 TradeMe and others

Commented [AB110]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB111]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB112]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

New Stage 2 PDP provisions, added to Stage 1 Chapter 41 Jacks Point

41 Jacks Point

41.4 Rules - Activities

Table 1	Activities Located within the Jacks Point Zone	Activity status
41.4.18	Residential Visitor Accommodation and Homestays	<u>P</u>
41.4.1.9	41.4.18.1 Residential Visitor Accommodation and Homestays located within the Residential Activities Area R(JP), R(JP-SH), R(HD), and R(HD-SH), Village Area (V), and Home Site Activity Area (HS);	

Commented [AB114]: 2376 Darby Planning LP et al

Commented [AB113]: 2376 Darby Planning LP et al

Commented [AB115]: 2381

Table 2	Activities located in the Jacks Point Zone – Village and Education Activity Areas	Activity Status
41.4.2.3	Residential Visitor Accommodation and Homestays in the Jack's Point Village Activity Area (V(JP), Homestead Bay Village Activity Area (V(HB), and the Lodge (L) Activity Area	<u>P</u>

Commented [AB116]: 2376 Darby Planning LP et al (Renumbering)

Commented [AB117]: 2376 Darby Planning LP et al (Renumbering)

Commented [AB118]: 2376 Darby Planning LP et al

41.5 Rules – Activity Standards

Table 26	Standards for activities located in the Jacks Point Zone – Residential Activity Areas	Non-compliance status
41.5.20	Residential Visitor Accommodation, excluding the areas specified in 41.5.x	<u>NC</u>
41.5.1.12	<p>41.5.20.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>41.5.20.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	

Commented [AB119]: Minor amendment to update to the section heading to make it consistent with the Stage 1 decisions version of Chapter 41 - cl 16(2).

Commented [AB120]: 2376 Darby Planning LP et al

Commented [AB121]: Minor amendment to update to the heading to make it consistent with the Stage 1 decisions version of Chapter 41 - cl 16(2).

Commented [AB123]: 2381

Commented [AB124]: 2376 Darby Planning LP et al (Recommended as a consequence of renumbering)

Commented [AB122]: 2376 Darby Planning LP et al

Commented [AB125]: 2285 TradeMe and others

Commented [AB126]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB127]: 2285 TradeMe and others

New Stage 2 PDP provisions, added to Stage 1 Chapter 42

41.5.x	<p><u>Residential Visitor Accommodation in the Jack's Point Village Activity Area (V(JP), Homestead Bay Village Activity Area (V(HB) and the Lodge (L) Activity Area</u></p> <p><u>41.5.x.x Must be limited to a cumulative total of 42 nights occupation by paying guests per 12 month period, per site</u></p> <p><u>41.5.x.y Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>*Discretion is restricted to consideration of the following:</u></p> <ul style="list-style-type: none"> • <u>The location, nature and scale of activities; and</u> • <u>The location, provision, and screening of parking and access.</u> 	RD*
41.5.21 41.5.1.13	<p>Homestay</p> <p><u>41.5.21.1</u></p> <p>41.5.1.13.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</u></p> <p><u>41.5.21.2</u></p> <p>41.5.1.13.2 <u>Shall Must</u> not exceed <u>5 3</u> paying guests per night.</p> <p><u>41.5.21.3</u></p> <p>41.5.1.13.3 <u>Must</u> comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p><u>41.5.21.4</u></p> <p>41.5.1.13.4 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</u></p> <p>a. <u>Heavy vehicles, coaches or buses: none.</u></p> <p>b. <u>Other vehicles: 8 vehicle trips per day.</u></p>	NC

Commented [AB128]: 2381

Commented [AB129]: 2376 Darby Planning LP et al (Renumbered to sit within Activity Tables 2, and 7 to be consistent with the structure and numbering of the Decisions Version of Chapter 41)

Commented [AB130]: 2376 Darby Planning LP et al

Commented [AB131]: 2376 Darby Planning LP et al

Commented [AB132]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB133]: 2376 Darby Planning LP et al

Commented [AB134]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB135]: 2521 Campbell Bevan

Commented [AB136]: 2376 Darby Planning LP et al

Commented [AB137]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB138]: 2376 Darby Planning LP et al

Commented [AB139]: 2285 TradeMe and others

Table 7	Activities located in the Jacks Point Zone – Village and Education Activity Areas	Activity Status
41.5.x 41.5.2.6	<p><u>Residential Visitor Accommodation in the Jack's Point Village Activity Area (V(JP), Homestead Bay Village Activity Area (V(HB) and the Lodge (L) Activity Area</u></p> <p><u>41.5.x.x</u></p> <p>41.5.2.6.1 <u>Must be limited to a cumulative total of 42 nights occupation by paying guests per 12 month period, per site</u></p> <p><u>41.5.x.y</u></p> <p>41.5.2.6.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>*Control is reserved to:</u></p>	RD C*

Commented [AB140]: 2376 Darby Planning LP et al (Renumbering)

Commented [AB144]: 2381

Commented [AB145]: 2376 Darby Planning LP et al

Commented [AB141]: 2376 Darby Planning LP et al

Commented [AB142]: 2376 Darby Planning LP et al (Renumbering)

Commented [AB143]: 2376 Darby Planning LP et al (Renumbering)

New Stage 2 PDP provisions, added to Stage 1 Chapter 43

	<ul style="list-style-type: none"> •The location, nature and scale of activities; and •The location, provision, and screening of parking and access. 	
41.5.2.7	<p>Homestays in the Jack's Point Village Activity Area (V(JP) and the Homestead Bay Village Activity Area (V(HB) and the Lodge (L) Activity Area</p> <p>41.5.2.1.1</p> <p>41.5.2.7.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>41.5.2.1.2</p> <p>41.5.2.7.2 Shall Must not exceed 5 3 paying guests per night.</p> <p>41.5.2.1.3</p> <p>41.5.2.7.3 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>41.5.2.1.4</p> <p>41.5.3.7.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>c. Heavy vehicles, coaches or buses: none.</p> <p>d. Other vehicles: 8 vehicle trips per day.</p> <p>*Control is reserved to:</p> <ul style="list-style-type: none"> •The location, nature and scale of activities; and •The location, provision, and screening of parking and access. 	C*

Commented [AB146]: 2376 Darby Planning LP et al (Renumbering)

Commented [AB147]: 2376 Darby Planning LP et al

Commented [AB148]: 2376 Darby Planning LP et al

Commented [AB149]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB150]: 2376 Darby Planning LP et al

Commented [AB151]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB152]: 2521 Campbell Bevan

Commented [AB153]: 2376 Darby Planning LP et al

Commented [AB154]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB155]: 2376 Darby Planning LP et al

Commented [AB156]: 2285 TradeMe and others

New Stage 2 PDP provisions, added to Stage 1 Chapter 42 Waterfall Park

42 Waterfall Park

42.4 Rules - Activities

	Activities Located within the Waterfall Park Zone	Activity status
42.4.13	<u>In the Residences Area (R) of the Structure Plan</u> <u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

42.5 Rules - Standards

	Standards for activities located in the Waterfall Park Zone	Non-compliance status
42.5.9	<p><u>Residential Visitor Accommodation</u></p> <p>42.5.9.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>42.5.9.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	<u>NC</u>
42.5.10	<p><u>Homestay</u></p> <p>42.5.10.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>42.5.10.2 Shall Must not exceed 5 3 paying guests per night.</p> <p>42.5.10.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>42.5.10.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	<u>NC</u>

Commented [AB157]: 2285 TradeMe and others

Commented [AB158]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB159]: 2285 TradeMe and others

Commented [AB160]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB161]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB162]: 2521 Campbell Bevan

Commented [AB163]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB164]: 2285 TradeMe and others

New Stage 2 PDP provisions, added to Stage 1 Chapter 43 Millbrook

43 Millbrook

43.4 Rules - Activities

	Activities – Millbrook	Activity status
43.4.24	Residential Visitor Accommodation and Homestays in the Residential Activity Area	P

43.5 Rules - Standards

	Activities – Millbrook	Activity status
43.5.14	<p>Residential Visitor Accommodation</p> <p>43.5.14.1 Must be limited to The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 42 nights occupation by paying guests per 12 month period.</p> <p>43.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p> <p>*Discretion is restricted to consideration of the following:</p> <ul style="list-style-type: none"> • The location, nature and scale of activities; and • The location, provision, and screening of parking and access. 	NC RD
43.5.15	<p>Homestay</p> <p>43.5.15.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site.</p> <p>43.5.15.2 Shall Must not exceed 5 paying guests per night.</p> <p>43.5.15.3 Shall Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</p> <p>43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</p> <p>The maximum number of vehicle trips (whereby a vehicle trip is two movements, generally to and from a site) shall be:</p> <p>a. Heavy vehicles, coaches or buses: none.</p> <p>b. Other vehicles: 8 vehicle trips per day.</p>	NC

Commented [AB169]: 2295 Millbrook Country Club

Commented [AB165]: 2285 TradeMe and others

Commented [AB166]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB167]: 2285 TradeMe and others

Commented [AB168]: 2295 Millbrook Country Club

Commented [AB170]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB171]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB172]: Minor grammatical amendment to increase consistency with the drafting of rules in the decisions version of the chapter – cl16

Commented [AB173]: 2285 TradeMe and others

APPENDIX B
S32AA EVALUATION

S32AA evaluations

This evaluation assesses the costs, benefits, efficiency, and effectiveness of the various new (and, where of substance, amended) policies and rules that are being amended in this rebuttal.

The revised provisions are described below, followed by the section 32AA assessment.

RESIDENTIAL VISITOR ACCOMMODATION IN THE VASZs

Rules	Proposed amendments
a) 7.5.17, 8.5.x, 10.5.8, 11.5.12. b) 7.2.8.1, 7.2.8.2, 8.2.14.1, 8.2.14.2, 10.2.7.1, 10.2.7.2, 11.2.3.1, 11.2.3.2. c) 8.4.30. d) 7.6.2.2, 8.6.2.3, 10.6.1.1, 11.6.1.1.	a) <i>Provide for RVA located in a VASZ breaching the permitted standards as a restricted discretionary activity with discretion is reserved to consideration of:</i> <ul style="list-style-type: none">• <i>The location, nature and scale of activities; and</i>• <i>The location, provision, and screening of parking and access</i> b) <i>Minor amendments to policy to incorporate the changes in a) above</i> c) <i>Add an additional matter of discretion to rule 8.4.30 to enable consideration of infrastructure, servicing and capacity</i> d) <i>Amend the non-notification rules to provide for RVA within the VASZ non-notified.</i>

Costs	Benefits	Effectiveness and Efficiency
<ul style="list-style-type: none"> • The recommended provisions would introduce a more enabling framework for RVA activities located within VASZs. This may result in a reduction of residential accommodation capacity. • Existing VASZs do contain residential dwellings that accommodate residential owners and/or occupiers. In the event that the more enabling provision, as recommended, results in a high proportion of these existing dwellings being used for more intensive RVA activities, these residential owners and/or occupiers may experience adverse effects in terms of residential amenity, character and coherence, however restricted discretionary activity resource consent will provide the opportunity for the location and scale of the operation, and associated parking, to be considered. 	<ul style="list-style-type: none"> • The recommended provisions would enable existing owners and/or occupiers of dwellings in VASZs to apply for a more straightforward resource consent to operate an RVA activity. This would enable these owners and/or occupiers to earn additional supplementary income from their dwelling than might have been possible under the s42 provision, thereby contributing to their economic wellbeing. • The activity status coupled with the well-defined matters of discretion offer a greater degree of certainty in terms of the likely outcome of any resource consent decision-making process for RVA non-compliances located within VASZs. • The more enabling approach, as recommended, may introduce additional visitor accommodation capacity thereby alleviating some pressure on the existing accommodation market. 	<p>The recommended provisions would be more effective and efficient as they more accurately reflect the nature of short-term accommodation activities anticipated within VASZs. In particular, it would not be effective, in the context of an effects based assessment, nor efficient, in terms of plan administration, to require a non-complying activity resource consent for a non-compliant RVA or Homestay activity based out of a standalone dwelling when a commercial scale VA activity capable of accommodating a much greater number of guests could establish as a restricted discretionary activity within a VASZ.</p> <p>Further, it is recognised that VASZs are not relied on in the same way as that of the underlying zoning to provide residential accommodation supply. Therefore, a restrictive approach within these locations would not be effective or efficient in achieving the intent of the VA variation.</p> <p>The proposed matters of discretion would promote consistency and efficiency in terms of plan administration as the recommended matters of discretion would be same as those that recommended for RVA located in the HDRZ (rule 9.5.12).</p> <p>The proposed matters of discretion would be effective in managing those worst possible</p>

		<p>adverse effects that are likely to be associated with non-compliant RVA activities.</p> <p>The recommended additional matter of discretion to be included for MDRZ VASZs relating to infrastructure, servicing and capacity would enable the Council to assess proposed developments in terms of their potential impact on Council services and/or their potential self-sufficiency. It is acknowledged in regard to this recommendation that it may be more effective and efficient to apply this recommendation more broadly, across all VASZs, however, the scope of the relevant submission provides limits in this instance.</p>
--	--	--

DEFINITION OF ASAN

Provision	Proposed amendments
<p>a) Definition: Activity Sensitive to Aircraft Noise (ASAN)/ Activity Sensitive to Road Noise</p> <p>b) 7.4.17</p>	<p><i>a) Amend the ASAN definition to include RVA and Homestays</i></p> <p><i>b) Amend rule 7.4.17 to amend the relevant matter of discretion to “Noise generation and methods of mitigation”, instead of “Noise” as recommended in the s42A version</i></p>

Costs	Benefits	Effectiveness and Efficiency
<ul style="list-style-type: none"> The recommended amendment would introduce additional requirements and costs for RVA and Homestay activities that are located within the defined Air Noise Boundary and Outer Control Boundary, however it is acknowledged that the requirements already apply to visitor accommodation and residential activities. 	<ul style="list-style-type: none"> The recommended revised definition of ASAN would ensure that the District Plan contains the level of specificity necessary to appropriately assess reverse sensitivity associated with noise effects from external sources such as from aircraft noise. 	<p>The recommended amendment to the definition of ASAN would be more effective and efficient as it appropriately recognises that the VA provisions have introduced a different approach to classifying and defining short-term accommodation activities located in residential units. The recommended amendment would ensure that this new approach is reflected in the definition of ASAN and therefore, would more effectively ensure that the full range of ASANs that might occur in association with a residential units are anticipated by the District Plan.</p> <p>The recommended revised matter of discretion relating to noise at 7.4.17 would more effectively illustrate that noise from sources other than the VA activity are not intended to be captured by the matter of discretion.</p>

JACKS POINT ZONE

Rules	Proposed amendments
<ul style="list-style-type: none"> a) Various – renumbering to make consistent with the decisions version of Chapter 41 	<ul style="list-style-type: none"> a) Changes to numbering to make consistent with the decisions version of the provisions. b) Amend the non-compliance status for RVA and Homestays in the Village Activity Areas V(JP) and V(HB) to C, rather than NC (as notified). Matters of control:

<p>b) Applying the recommended revised numbering: 41.4.2.3, 41.5.2.6</p> <p>c) Applying the recommended revised numbering: 41.5.2.6, 41.5.2.7</p>	<ul style="list-style-type: none"> • The location, nature and scale of activities; and • The location, provision and screening of parking and access <p>c) Remove reference to the Lodge (L) activity Area</p>
---	--

Costs	Benefits	Effectiveness and Efficiency
<ul style="list-style-type: none"> • The recommended provisions would introduce a more enabling framework for RVA and Homestay activities within the V(JP) and V(HB) activity areas. In the event that this more enabling framework promotes the establishment of a large proportion of RVA activities, the intended purpose of these areas to provide a mixed-use hub for the wider Jacks Point Zone may be compromised. 	<ul style="list-style-type: none"> • The recommended provisions would enable owners and/or occupiers of land within the V(JP) and V(HB) activity areas to apply for a more straightforward resource consent to operate RVA or Homestay activities. In particular, it is noted that any controlled activity resource consent must be approved, albeit subject to conditions. This may enable these owners and/or occupiers to earn additional supplementary income than would likely have been possible under the s42a provisions. • The controlled activity status coupled with the well-defined matters of control offer a greater degree of certainty in terms of the likely outcome of any resource consent decision making process. 	<p>The recommended amendments to plan numbering would ensure that the VA provisions are consistent with the decisions version of the PDP. This would facilitate more effective and effective plan administration and ensure the provisions are more legible for laypeople who may be interested in undertaking RVA or Homestay activities.</p> <p>The recommended amendment to the activity status for RVA and Homestay activities within the V(JP) and V(HB) activity areas would be more effective and efficient in that it more accurately reflects the nature of land use activities provided for within these locations which are anticipated to be developed as a vibrant mixed use hub for the wider Jacks Point Zone.¹ A controlled activity status would more effectively enable the establishment of RVA and Homestay activities</p>

1 Policy 41.2.1.17(a) and (b) of Decisions Version Chapter 41 (Jacks Point).

		<p>within these locations and may assist in realising the District Plan's aspiration for these areas.</p> <p>Further, it is not considered effective in the context of an effects based assessment, nor efficient, in terms of plan administration, to require a non-complying activity resource consent for a non-compliant RVA or Homestay activity when a commercial scale VA activity capable of accommodating a much greater number of guests could establish as a controlled activity within the V(JP) and V(HB) activity areas.</p> <p>Additionally, it is not considered that these activity areas are relied on in the same way as the residential activity areas of the Jacks Point Zone to provide residential accommodation capacity. Therefore, it would not be effective or efficient to apply a more restrictive VA planning regime in these locations.</p> <p>The proposed matters of control would be effective in managing adverse effects that are likely to be associated with non-compliant RVA and Homestay activities in the activity areas.</p> <p>In regard to the recommended amendment to the Lodge (L) activity area, is not considered effective or efficient to include a rule to manage RVA and Homestay activities where residential activities are not provided for, as, by definition, RVA and Homestay activities occur within residential units.</p>
--	--	--