

**Before the Hearings Panel
For the Queenstown Lakes Proposed District Plan**

Under The Resource Management Act 1991 ('RMA')

In the matter of District Wide Hearing Stream 15 – Visitor Accommodation

**Summary Statement of evidence of Ainsley Jean McLeod for Airbnb –
Planning (submitter 2390 and further submission 2768)**

Dated 25 September 2018

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May it please the Commissioners

- 1 My name is Ainsley Jean McLeod and I am a planner. This statement provides a summary of my evidence in chief and responds to matters raised in Council's rebuttal and Memorandum of Counsel dated 14 September 2018.
- 2 I understand that the proposed visitor accommodation provisions are "*tailored to more effectively managing [sic] the adverse effects of visitor accommodation occurring in residential units*" when compared to the operative District Plan provisions.¹ Council's evidence is that these effects are the adverse impact on the availability of housing for long-term residential accommodation; adverse effects on residential amenity; and adverse effects on residential cohesion and character.
- 3 It is my opinion that the evidence does not support a conclusion that the use of residential units for RVA and homestay activities has an adverse impact on the availability of housing for long-term residential accommodation including because:
 - a the extent to which such residential units would these residential units would be available for long-term accommodation (rather than being left vacant) has not been considered; and
 - b the Council's Housing Development Capacity Report (completed after notification of the proposed provisions) concludes that housing capacity exceeds demand such that there is sufficient capacity for long-term accommodation in any case.²
- 4 It also is my evidence that it cannot be concluded that regulation is necessary to manage the potential adverse effect of the use of residential units for RVA on residential cohesion and character because:
 - a the ability to rely on the Plan Change 23 Discussion Paper is limited by the Discussion Paper's age and scope (that is, not distinguishing between types of visitor accommodation and only relating to High Density Residential Zones in the Operative District Plan); and

¹ Section 42A Report

² Ms Bowbyes rebuttal evidence (paragraphs 7.2 and 7.3) misunderstands my conclusion in this regard goes on to contemplate growth in residential visitor accommodation and demand for additional zoned land and additional dwellings for that use. For clarity I rely on the Housing Development Capacity Report (page 94) that acknowledges that 'housing capacity' includes "*both demand for resident households, and demand from absentee owners of holiday dwellings/investment properties*". That said, I consider that additional dwellings or land zoned for specifically for the purpose of residential visitor accommodation would have no impact on existing capacity for long-term accommodation.

b this conclusion relies on an unsafe assumption that dwellings used for RVA will instead be used as long-term accommodation as opposed to being left vacant.³

5 I consider it is equally as likely that the proposed provisions themselves would have an adverse effect on residential cohesion and character by applying a more stringent approach to the number of nights a property may be occupied that would result in a higher number of empty, dark houses at night.

6 In terms of possible adverse effects on residential amenity, including noise and traffic and parking impacts, I have concluded that there is no evidence to support the proposition that the envelope of adverse effects of RVA and homestay activities is able to be distinguished to that of other residential activities.⁴ The character, intensity and scale of this 'envelope' of effects is maintained in a manner that is consistent with the amenity outcomes sought for any given zone by the range of District Plan standards that apply to all residential activities.

7 Council's 14 September memorandum at paragraph 1.7 concludes that a regulated response is required because, amongst other matters, " ... *the potential effects of RVA, as compared with the use of residential dwellings/units for residential purposes, include and exceed the quantifiable and enforceable metrics for noise and parking*". I do not agree with this conclusion. In my opinion, even if RVA were to exceed these 'metrics' (such as District Plan noise standards), this is not rationale for the proposed provisions because the District Plan 'metrics' apply to RVA and homestay activities in any case and new activity specific provisions are not necessary to manage such effects.

8 It is my observation that it is proving challenging to develop appropriate, effective and easily enforceable rules for RVA and homestay activities and I consider that the reason for this is because it is difficult to distinguish where and how any adverse effects differ to those of a residential activity.

9 In terms of higher order planning documents, I have concluded that the proposed provisions are not necessary to give effect, once operative, to the proposed Otago Regional Policy Statement 2015, nor the National Policy Statement on Urban Development Capacity 2016. I have also considered other provisions of the Proposed District Plan, including the 'Strategic Objectives', and do not consider that the proposed provisions are necessary to achieve these Objectives.

³ For instance, at paragraph 1.7 of Council's 14 September memorandum there is a clear comparison between "*knowing your neighbours, or seeing the same people*" and "*a regular turnover of strangers*" rather than an intermittently occupied property.

⁴ In Council's 14 September Memorandum it is suggested that "*all planning experts, with the exception of Ms McLeod, agree that RVA and residential activities have different characteristics*" (paragraph 1.7). I am of the view that this statement misunderstands, or overly simplifies, my position in respect to the 'envelope of effects' that I describe and, having reviewed the evidence of Mr Chrisp and Mr Farrell, I am of the view that the opinion of the various planning witnesses is somewhat more fine-grained.

In this regard, I have identified provisions of the Regional Policy Statement and Proposed District Plan that may be frustrated by the proposed provisions to the extent that socio-economic benefits of the provisions may be realised.

- 10 In my opinion, and with reference to section 32, the proposed provisions are not necessary nor the most appropriate way to achieve the purpose of the RMA. I have concluded that assumptions made in the identification of 'issues' results in flawed section 32 evaluation and that the evaluation undertaken by the Council does not consider all costs; the rationale for non-complying activity status; nor the alternative approach I support in my evidence.
- 11 It is my conclusion that the inclusion of RVA and homestay activities in the definition of 'residential activities' ensures that any potential adverse effects of such activities are appropriately managed to achieve the amenity outcomes for any particular zone and is the most appropriate way to enable people and communities to provide for their economic wellbeing and therefore achieve the purpose of the RMA.

Ainsley Jean McLeod
25 September 2018