

**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 of Legal Submissions for Airbnb (submitter 2390 and
further submission 2768)**

Dated 25 September 2018

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May it please the Commissioners

- 1 Airbnb opposes the residential visitor accommodation and homestay ('RVA') provisions as there is no compelling evidence that:
 - a There are existing adverse amenity, parking, traffic or residential cohesion effects associated with RVAs that need to be addressed;
 - b There is a shortfall of long term housing capacity in the District;
 - c The provisions proposed will be effective in addressing any housing affordability or long term rental availability; and
 - d Holiday homes currently used for RVA will convert to long term rentals rather than remaining empty when not being used by their owners.
- 2 Airbnb submits that the plan provisions should be amended so that the definition of 'residential activity' includes RVA, holiday homes and homestays. As a result, any adverse amenity effects will be managed in accordance with the zone rules applying to other residential activities. This approach will ensure the maintenance of a consistent level of residential amenity throughout the zones and provide a greater opportunity for the establishment of 'residential coherence' when compared to the potential for a large number of empty houses.
- 3 Bookabach and Bachcare have requested an alternative solution that is more closely aligned to the operative provisions. Luxury Rental Homes also suggested amendments to the provisions. Although their proposed provisions are less restrictive than Council's, Airbnb submits there is no evidence to justify the imposition of the restrictions they propose.
- 4 The requirement to obtain resource consents where RVAs cannot comply with the relevant permitted activity standards will impose a significant burden on hosts in the District. Existing hosts will also have difficulties proving that they have existing use rights and the Council is likely to face significant challenges in enforcing and monitoring the RVA provisions. In addition, the impact of the RVA provisions on the availability of tourist accommodation and the impacts on tourism within the District has not been adequately assessed.
- 5 Putting aside the potentially significant costs of the RVA provisions to the community, the RVA provisions are a blunt tool that will not assist the Council in addressing what is a highly complex economic issue. Further work is required to determine the most effective method for addressing this issue.
- 6 For these reasons it is submitted that the Hearing Panel should reject the proposed RVA provisions and should implement the relief sought by Airbnb.

Christina Sheard, Counsel for Airbnb
25 September 2018