

QUEENSTOWN LAKES DISTRICT COUNCIL

Decision on Plan Change 22

Title: Decision on Plan Change 22 – Definition of Visitor Accommodation

Issued by: Queenstown Lakes District Council as recommended by Hearings Commissioners Lyall Cocks and Cath Gilmour

Dated: 28 November 2008

Contents

- 1 Executive Summary
- 2 Background
- 3 The Hearing
- 4 Reasoning and Recommendations
 - Attachment 1: Amendments to the District Plan
 - Attachment 2: Decisions on Submission Points
 - Attachment 3: Registration Brochure and Application

1 Executive Summary

The purpose of this report is to address the issues surrounding the current definition of “Visitor Accommodation” in the Queenstown Lakes Partially Operative District Plan (“the Plan”) specifically in regard to the letting of individually owned residential units for a limited number of days per year while the owners are away on holiday.

Under the current provisions of the District Plan resource consent is required for any person(s) who wishes to let their residential unit on a short term basis, even if just for a couple of days per year. This is problematic for a variety of reasons which are discussed in this report. It is not considered that the current system represents sustainable resource management and given the importance of the visitor sector to the district, it is believed that the issue requires attention.

This report sets out the considerations of the Hearings Commissioners on submissions lodged to Plan Change 22 (Visitor Accommodation) to the Partially Operative District Plan.

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

This report evaluates a number of options to resolve this “consenting dilemma” and arrives at the conclusion that the most appropriate option is to amend the visitor accommodation definition to allow for residential units to be let for a limited number of days per year as a permitted activity (with certain limitations). The key to obtaining this permitted activity status is for the landowner to apply for and be approved for registration by the Council to ensure minimum standards are met.

This Plan Change has considered the framework and legislation behind making a change to a District Plan, and applied the provisions of section 32 in the preceding analysis. It is considered that this Plan Change has met the requirements set out in section 32 and in doing so also achieves the purpose of the Act and therefore can be adopted.

2. Background

Visitor accommodation is a topical issue in the district as it is a key part of the local economy. Council has earmarked this issue as a priority project to address in terms of the District Plan.

Residential Issues Study (2004)

The Residential Issues Study undertaken by Queenstown Lakes District Council (“QLDC”) in November 2004 identified the need for a review of the definition of visitor accommodation in the Queenstown Lakes Partially Operative District Plan (hereafter referred to as “the District Plan”). One of the key issues arising from this study was that, as it is currently defined, visitor accommodation includes individual private homes, with no dispensation for those homeowners who let out their homes for a limited number of days annually whilst on holiday. Under the current definition, such homeowners are required to apply for resource consent to do so. The Issues and Options Paper produced by Vivian+Espie Limited in 2007 termed this problem the “consenting dilemma.”

The aim for this aspect of the wider visitor accommodation debate (as set out in QLDC Strategy Committee Meeting Report 11 October 2006) is:

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

The relevant provision in the Partially Operative Queenstown Lakes District Plan (referred to as the Plan) which is affected by this plan change and recommendations is the operative definition of visitor accommodation (quoted below).

The detailed background information to this plan change is contained within the Section 32 evaluation prepared by Vivian + Espie Limited at the time this Plan Change was notified.

The need to review the definition of Visitor Accommodation

The need for a review of the definition for visitor accommodation in the District Plan was identified following the Residential Issues Study undertaken in November 2004. While this study focused primarily on residential issues, including the relationship between the effects of visitor accommodation activities in low density residential zones, subsequent discussions on this subject have identified a number of administrative issues with visitor accommodation activities in the District. These issues are summarised as follows:

1. The existence of “mixed use” establishments (incorporating both residential and visitor accommodation activities) which provide visitor accommodation services but do not have the necessary resource consent/s.
2. The existence of “mixed use” establishments which provide visitor accommodation services that are not classified in accordance with the appropriate rating categorisation.

3. The Building Act 1991 imposes different building standards for visitor accommodation compared with residential activities, and many mixed use establishments initially constructed for residential purposes do not comply with these standards.
4. Development contributions for visitor accommodation activities are higher as a result of the increased pressure visitor accommodation activities place on existing infrastructure. Mixed use establishments which have been constructed primarily as residential developments have not been levied the appropriate level of contribution in accordance with the actual visitor accommodation services provided.
5. The current definition of visitor accommodation expressly includes individually owned residential units without providing any relief for homeowners who let out their homes for a limited number of days per year while away on holiday.

Subsequently, a substantial amount of consultation was entered into by Council with industry professionals (real estate / property management companies) and individual homeowners to raise public awareness of these issues and to clarify the implications of using residential properties for visitor accommodation without the necessary consents.

Since March 2005, district plan enforcement on this issue has effectively been suspended pending the initiation of a plan change to consider these issues in more detail. This plan change relates specifically to issue number 5 identified above, however it is acknowledged that the new definition may have flow-on effects to issues 1 – 4.

It is emphasised that the scope of this plan change is intentionally limited to the issue of enabling residential homes to be let for a limited period each year while the owner is away on holiday without being “caught” by the wider issues relating to visitor accommodation and the consequential issues relating to compliance and enforcement which are discussed further below.

It is acknowledged that both Hill Young Cooper Ltd and David Collins were asked to comment on the issue of the definition of visitor accommodation as part of their respective reviews of the Residential Issues Study. Both of these reviews noted problems with the current definition and suggested that there was a strong case to consider changes to this definition:

- David Collins identified that the housing stock in the district is a significant resource and thus there would have to be good reasons to prevent owners making the best use of that resource in accordance with sections 5 - the overall enabling purpose of the RMA, and section 7(b) - the efficient use and development of resources.
- Hill Young Cooper Ltd noted that on the face of it, it is unreasonable to require consent from all home owners to rent out their normal home for a few weeks each year. Such rentals provide a source of income for households, while also helping the local economy by providing for additional accommodation options. Such an activity could be described as a temporary activity, and provided it is intermittent over a year, could not be said to be undermining residential cohesion. Just as the definition of visitor accommodation excludes homestays, the definition could exclude short term rental of permanent residences, for example allowing rental of up to a total of 6 weeks per year for the purposes of visitor accommodation.

For completeness, we note the following related projects currently underway by Council:

1. Plan Changes 23 and (to a lesser extent) 24 in relation to visitor accommodation and affordable housing.
2. The issue of collecting information and ensuring compliance with the visitor accommodation rules.

The District Plan groups activities together according to their common characteristics based on the premise that there is no need to distinguish between activities which result in similar environmental effects (Page 1 – 3 of the Plan). Thus, we can assume that the definitions provided in the plan have been formulated in accordance with the environmental effects that are considered to arise from those activities. The following will consider the relevant definitions in the plan and the effects based rationale which underlies those definitions.

The Plan provides the following definition of “Visitor Accommodation”:

- “1. Means the use of land/or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months at any time. This definition does not exclude the letting of individually owned residential units.*
- 2. Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers’ accommodation, bunkhouses, tourist houses and lodges.*
- 3. Includes the letting of individually-owned residential units, in particular homestays for more than four guests but does not include homestay accommodation for up to four guests.*
- 4. Includes some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with visitor accommodation within the sense of (1)-(3) above.”*

In general, the Commissioners found that this definition operates as follows:

1. The use of land or buildings for living accommodation in exchange for a rental / fee for as few as one visitor night (to a maximum of three months) will trigger the need for visitor accommodation resource consent.
2. The only exception to this definition is homestay activities for four guests or less. (NB: Homestay activities are slightly different in nature to visitor accommodation. Such activities relate to the situation where both the occupants of a residential unit and paying guests reside within a residential unit at the same time.)
3. The definition specifically **includes** the letting of individually owned residential units.
4. The definition also includes a number of specified services / facilities that are generally associated with visitor accommodation activities.

4. The definition specifies a number of visitor accommodation type operations which are specifically included in the definition.
5. In general, the definition is inclusive and not exhaustive, thus there may be other visitor accommodation activities and services that are not specifically identified in the definition but come within the purview of “visitor accommodation” as defined.

The Plan provides the following definition of “homestay”:

Means a residential activity where an occupied residential unit is also used by paying guests.

The Plan provides the following definition of “residential activity”:

Means the use of land and buildings by people for the purpose of permanent living accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation.

In light of these definitions, the following general conclusions can be drawn in relation to the nature of visitor accommodation activities anticipated by the Plan:

1. As visitor accommodation is defined as involving the use of land and buildings for “fee paying” accommodation, visitor accommodation activities are by definition commercial activities (although it is noted that such activities are specifically excluded from the definition of commercial activities in the Plan). This is supported by the definition of “residential activity” which defines the non-commercial use of holiday homes as a “residential activity”. On that basis, the District Plan suggests that there is a distinction or difference in effects between visitor accommodation and residential activities where the payment of a fee is involved.
2. It is noted that both residential activities and visitor accommodation activities involve the use of land and buildings for “living accommodation”. The primary difference being that residential activities relate to “permanent living accommodation” while visitor accommodation is “short term” living accommodation - short term being a period of three months or less.
3. Primarily, these definitions indicate that both residential activities and visitor accommodation activities are consistent to the extent that they both involve the provision of living accommodation however, they differ in relation to the duration and commercial nature of that living accommodation.
4. Homestay accommodation is defined separately and comes within the definition of visitor accommodation only when the number of guests exceeds four persons. Homestay and visitor accommodation activities are similar in that both involve a commercial element – the payment of a fee. However, in the case of a homestay, the occupier of the residential unit (presumably the permanent occupier) must remain in residence in conjunction with the fee paying guests thus homestay type

visitor accommodation effectively involves only part of the property being used for visitor accommodation and part remaining residential. When the four person threshold is exceeded, the definition suggests that the scale and nature of the homestay activity moves beyond what is primarily the residential use of a site to the use of the site being primarily visitor accommodation.

Rules

The definition of visitor accommodation provided in the Plan is only relevant to the extent that the activity is controlled via other plan provisions either as an activity in itself requiring resource consent or where the physical nature of a visitor accommodation development requires certain design standards – for example the provision of a bus park.

The District Plan currently provides for specific rules relating to visitor accommodation activities in all zones. Thus there are no zones or areas in the District where visitor accommodation can be carried out as a permitted activity without the need for resource consent.

Objectives and Policies

For the purposes of this discussion, only the District Wide objectives and policies have been considered to give an overall view of visitor accommodation activities as opposed to zone specific provisions. This is considered more useful and appropriate in this context where a change to a definition is being considered which will have district wide application.

In considering Urban Growth issues the Plan identifies a specific objective and associated policy for visitor accommodation. It provides as follows:

Objective 5 – Visitor Accommodation Activities

To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

Policy:

5.1 To manage visitor accommodation to avoid any adverse effects on the environment.

Implementation Methods

Objective 5 and the associated policy will be implemented through a number of methods:

(i) District Plan

- (a) Provision for visitor accommodation sub-zones.*
- (b) Provisions controlling visitor accommodation activity.*

Explanation and Principal Reasons for Adoption

The value of the visitor industry to the District is recognised and is a major factor in generating urban growth in terms of the demand it places on infrastructure, the need for housing and the extent of retail expenditure.

The Act requires the Council to ensure that the adverse effects of any such increase in visitor accommodation are avoided, remedied or mitigated.

This objective and policy clearly indicates the fundamental considerations which are to be taken into account when considering the management of visitor accommodation activities within the District – specifically that the provision of visitor accommodation is an integral part of the visitor industry and urban growth within the District; and this must be weighed against the demand that visitor accommodation activities place on infrastructure and services.

Financial Contributions

Part 15 of the District Plan includes rules, policies and objectives relating to Financial Contributions. Until this part of the Plan is made operative, Council is able to impose financial contributions pursuant to the Local Government Act 1974 under sections 407 and 409 of the RMA. These provisions are designed to consider the full impacts of the effects of development through the RMA / District Plan process. Financial contributions can be imposed on developments to mitigate any adverse effects of the activity on the environment. In the case of visitor accommodation developments, such contributions could be imposed to mitigate against any adverse effect of the development on existing infrastructure.

Compliance

In terms of compliance and enforcement mechanisms, the use of residential units for visitor accommodation is problematic. The visitor accommodation activity relates to the use of an existing residential building - no physical change to the building itself is required to accommodate the activity. As discussed above, the distinction between residential and visitor use as defined in the Plan relates to the length of stay of the occupants and the payment of a fee, these elements of the activity are not outwardly obvious and most easily monitored through review of records of the business activity, which is not a usual method of monitoring district plan compliance.

Monitoring / compliance issues are endemic in the current visitor accommodation regime and not limited to the issue that is being discussed here in relation to the “consenting dilemma” for the letting of individually owned residential units on a short term basis. However, it is noted that if an exemption is created where the letting of individually owned residential units can occur as a permitted activity for a limited number of days per year, compliance issues may become even more complicated as in order to establish non-compliance with the visitor accommodation regime, Council officers will have to establish firstly that the visitor accommodation activity is occurring and secondly, that it is occurring for more than permitted number of days per year. Conversely, it can also be said that the proposed change to the definition would allow the monitoring effort to focus on visitor accommodation activities that do not fall within a permitted activity exemption being those activities which are of more concern in terms of compliance in any case. It

is this latter view that has shaped the development of a definition with a robust compliance method of a registration programme.

Regime Summary

In summary, the visitor accommodation regime promulgated by the current definition of visitor accommodation in the Plan has the following characteristics:

- The current regime specifically includes the letting of individually owned residential units used for visitor accommodation purposes.
- As defined, visitor accommodation and residential activities differ primarily on the basis that visitor accommodation requires the payment of a fee and people only partake in visitor accommodation activities for limited or short periods of time.
- Visitor accommodation is by definition a commercial activity. No distinction is made between visitor accommodation activities which primarily operate as a business or small scale visitor accommodation activities which are not part of a larger business or commercial operation.
- The Plan recognises that visitor accommodation activities and residential activities can occur simultaneously where the visitor accommodation component of the activity remains small in scale (in the case of homestay activities for four people or less), however, where visitor accommodation activities exceed this scale, resource consent for visitor accommodation is required.
- Visitor accommodation activities are an integral part of the visitor industry and accordingly the District's economy.
- Visitor accommodation activities place increased demands on infrastructure and services within the District.
- Visitor accommodation developments may cause adverse effects on infrastructure which (in theory) can be mitigated through the imposition of financial contributions on such developments. (NB: Whilst Council does not impose such contributions through the District Plan, it does impose development contributions, collected under the Local Government Act).
- The current regime gives rise to compliance issues.

Ancillary Matters (outside the District Plan / RMA)

In addition to the resource management considerations for visitor accommodation activities, the use of land for visitor accommodation purposes is also relevant to rating requirements and development contributions imposed under the Local Government Act 2002. As a preliminary point, it is noted that rating and development contribution issues technically fall outside of the resource management process and therefore carry little if any weight in considering this potential plan change. These matters are discussed here to ensure that this report addresses all relevant issues and provides an overall analysis of the implications of any potential changes to the existing visitor accommodation regime.

The rating categorisations provided in the Council's Long Term Community Plan differentiate rating levies on the basis of land use. The three relevant rating categorisations to this discussion are "Residential", "Accommodation" and "Mixed Use Apportioned". The respective definitions of these categories are as follows:

Residential – All rating units which are used exclusively for residential purposes, but excluding properties categorised as Primary Industry or Country Dwelling.

Accommodation – All rating units used exclusively or principally for the accommodation of paying guests on a short term basis including hotels, motels, houses and flats used for such purposes, commercial time share units, managed apartments, bed and breakfast properties, motor camps and home stay properties; but excluding properties categorised pursuant to clause 11 (mixed use apportioned) or clause 5 (CBD Accommodation).

Mixed Use Apportioned – All rating units which are used in part, but not exclusively, for residential purposes, and in part, but not principally for commercial or accommodation purposes.

The use of residential units for visitor accommodation purposes will fall within the “Mixed Use Apportioned” or “Accommodation” categories defined above depending on the extent of the visitor accommodation use of those premises. It is understood that the rates for “Mixed Use Apportioned” and “Accommodation” rated properties are higher than for “Residential” properties.

The use of land for the purposes of rating categorisations is determined by the resource consents relating to that land. Thus where visitor accommodation consent has not been obtained by an existing residential (or other) development, the appropriate rating levy will not be applied. Clearly this results in other ratepayers bearing the cost of the additional demands placed on the District’s infrastructure and services as a result of that activity.

The corollary to the relationship between – rating categorisations and resource consents is that the consequent change in rates – being higher for visitor accommodation activities than residential activities, acts as a disincentive for individual homeowners and mixed use accommodation complexes to apply for resource consent for visitor accommodation activities.

Similar issues arise in relation to development contributions levied under the Local Government Act 2002. As development contributions are generally triggered by the granting of resource consent, any potential changes to the definition of visitor accommodation, particularly changes which affect the need for resource consent for visitor accommodation activities, will have a consequential effect on the Council’s ability to levy such contributions for visitor accommodation activities. The result being that the cost arising from any additional demands placed on infrastructure by those activities will be recovered from other sources. It is noted however, that this matter falls outside of the RMA and therefore is not relevant to any potential plan change relating to the definition of visitor accommodation.

Reasons for the Plan Change

As already mentioned, under the current provisions of the District Plan resource consent is required for any person(s) who wishes to let their residential unit (which includes houses or holiday homes) on a short term basis, even if just for a couple of days per year. This is problematic for a variety of reasons which are discussed in this report. It is considered that the current system does not represent sustainable resource

management and given the importance of the visitor sector to the district, it is believed that the issue requires attention.

The current District Plan objective and policy supporting this issue are provided below.

4.9.3 Objectives and Policies

Objective 5 - Visitor Accommodation Activities

To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

Policy:

5.1 To manage visitor accommodation to avoid any adverse effects on the environment.

(PODP June 2007, p 4-55)

The Council has initiated this process to investigate whether the perceived “consenting dilemma” could be addressed via a change to the District Plan. The aforementioned Issues and Options Paper recommended that the most appropriate method for doing so would be to alter the current definition of “Visitor Accommodation”. The Council has accepted this recommendation in so far as the definition is to be amended, however the proposed amendments themselves have been further reworked from the version in the Issues and Options Paper and the Section 32 evaluation released at the time of notification.

This Plan Change seeks to outline these amendments in detail, with this report building on the Issues and Options Paper and section 32 evaluation and providing the basis for analysis and discussion with respect to the various avenues for undertaking such a Plan Change.

In making recommendations the Commission has:

- a been assisted by a report prepared by a consultant planner. This report was circulated to all submitters prior to the Hearing taking place; and
- b been assisted by legal advice where necessary; and
- c had regard to the matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing;
- d had regard to the provisions of the Resource Management Act 1991, in particular section 32.

Appendix 1 provides the revised version of the relevant provisions of the Plan, updated to have regard to the Commissions recommendations within this report. If there is any inconsistency between the provisions contained in Appendix 1 and the text contained in the body of this report, then the provisions of Appendix 1 shall take precedence.

3. The Hearing

The hearing to consider submissions and further submissions to Plan Change 22 (Definition of Visitor Accommodation) commenced on Wednesday 11 June 2008 at the Crowne Plaza, Queenstown. The hearing moved to the Lake Wanaka Centre for Thursday 12 June and returned to the Crown Plaza, Queenstown for Friday 13 June.

The Hearings Commissioners were Commissioner Lyal Cocks and Commissioner Cath Gilmour. In attendance at the hearing were Mr Carey Vivian (Consultant Planner) and Mr Scott Figenshow (QLDC Planner).

The following provides a summary of the verbal and written evidence presented to the Commissioners during the proceedings of the hearing.

Wednesday 11 June – Queenstown

Mr Allan Huntington

Mr Allan Huntington made verbal submissions and provided a sample registration form to the Commissioners. Mr Huntington is concerned with how residential dwellings are being “bundled in” with hotels and motels. This concern is acknowledged and validated by the Planners Report.

Mr Huntington states that residential property (as in a house on a section) used as visitor accommodation does not have the same effect as motels and hotels and is very desirable to visiting families while not having any greater effect on infrastructure or services than if used for standard residential use, especially if utilised for less than 90 days per year. Yet at present it is falling into Visitor Accommodation Use, not because of its effects but due to a definition as to the number of days that are let. He recommends a change for this reason and requests that the definition of Visitor Accommodation allow for stays of up to 90 consecutive days exempt from resource consent requirements.

Mr Huntington suggests that individual residences could be registered for visitor accommodation use and provides a mock form as an example. He wishes them to be excluded from the consent process. He acknowledges that more difficulties may arise with multi-unit residencies and different conditions may need to be applied.

Ben O’Malley – Millbrook

Mr O’Malley made verbal submissions to the Commission as a representative for Millbrook and as a residential owner of property in the estate. Mr O’Malley does not believe that all visitor accommodation results in negative effects and therefore he opposed PC22 on two points: one, on the basis that it will result in additional rating costs being levied against Millbrook homeowners; and second that treating private homes the same way as high density apartment blocks is fatally flawed.

Mr O’Malley agrees with Mr Huntington about how residential properties being used as visitor accommodation should be excluded from the consent process and concedes to

Mr Huntington's idea of a registration process. He further supports the idea of multi-unit residencies requiring different conditions i.e. consent. Furthermore, Mr O'Malley believes that empty houses do not create any community cohesion and that resort zones should remain being monitored and enforced by the Council.

Simon Stammers-Smith

Mr Stammers-Smith made a verbal submission on his and his wife's behalf essentially criticising the current drafting of "Visitor Accommodation". He believes there should be more definition between houses used as businesses and houses rented out occasionally. He further believes that the new plan is flawed in that it implies that if you let a house for less than three months it is then defined as visitor accommodation. Mr Stammers-Smith then continues to discuss the arbitrary definition of visitor accommodation.

Mr Stammers-Smith further believes that holiday homes should fall under the same exemptions as full-time residences in terms of the consent process allowing multi and single lettings. However, if they are used for commercial use they should be dealt with accordingly through rates and the consent process. As it is hard to recognise "commercial" use, the council could look at the investors on a property and work further on the definition of "visitor accommodation", which currently excludes visitor accommodation and homestays. He suggested that the Homestay threshold be made consistent with rules for liquor licensing, which allow up to 5 guests before a license is required.

Warwick Goldsmith – Peninsula Road Limited

Mr Goldsmith made a verbal submission to the Commission. He is in full support of the proposed plan change and its associated definition for the following reasons:

- 1 Visitor accommodation is critically important to the District;
- 2 It's important that visitor accommodation meets building and safety standards;
- 3 There should be a level playing field for all visitor accommodation providers; and
- 4 Provides a balance between resource consent requirements and fairness.

Mr Goldsmith understands that the plan change reduces consent conditions and fixes a current problem of low enforcement. He believes that resource consent costs are not too high and should be a one-off cost. Furthermore, a consent condition will help provide a definition for visitor accommodation. It will also aide in monitoring, for instance, once the rule is finalised, the Council can write to all agencies and identify their legal obligation associated with visitor accommodation and the liability and consequence of the agents assisting a vendor with no resource consent. This will force agents to enforce compliance. This could be further supported by a random search every six months by the Council using the Internet. This monitoring will govern the line on the number of lets that is being accepted – with or without enforcement.

Mr Goldsmith suggests that if the single let restriction is removed then the 28 day limit (rather than 90 days) should remain in order to protect Building Act requirements and (depending on the degree of activity) impacts on other residents.

Mr Goldsmith believes that the plan change should apply to all residential units, irrespective of whether they are "individually owned" (as defined in the Environment

Court decision) or otherwise. The Commissioners concede that the original decision needs to be re-examined.

Bryan Reeve

Mr Reeve presented a verbal submission to the Commission. He opposes PC22 for the reason that the Council treats dwellings the same as large scale accommodation providers. The issue arose in 2004 following a letter issued by CivicCorp that was sent first to large corporations and later to individual home owners saying that recipients were undermining the District Plan. It attracted media coverage; however, the recipients' views and concerns were totally ignored. PC22 does nothing to rectify the situation.

Mr Reeve is concerned that the proposed plan change which is changing the definition of "everything" does not correspond with the Environment Court decision specifically regarding the poor wording of Homestays. He pointed out that the Environment Court may make decisions that are different from what the Council intended.

In reference to the number of days of exemption, Mr Reeve believes the issue is a factor of scale, which is defined through not the number of nights utilised but by the number of units and people. He states that the cut-off point for a Homestay is arbitrary; however, when motels are huge they cannot be compared with a residential dwelling. Mr Reeve supports the exclusion of all residential properties from visitor accommodation and is happy for his use of resources to be measured and rates to be charged equivalent to a similar sized motel. However, he believes that if the change goes ahead it will increase the number of properties being rented out and decrease rates overall.

Grant Bissett – on behalf of Peter Marshall

Mr Bissett made a verbal submission representing Peter Marshall from Excalibur. Mr Marshall is opposed to PC22, however, he accepts that he should pay higher rates for properties that he gathers a profit from; yet, he doesn't see that this plan change will be easy to enforce and administer. Therefore, he believes the Council should go back to the drawing board and design a monitoring programme that may offer a way to register for a certain level of activity.

Thursday 12 June – Wanaka

Malcolm Papworth

Mr Papworth made a verbal submission to the Commission opposing PC22 on the basis that Wanaka visitor accommodation providers cannot adequately cater for the ski season visitor market without residential units being available. He requests that the current definition of visitor accommodation be retained for the Wanaka Lakes District only.

Mr Papworth believes that this plan change is a good opportunity to take resource consent requirements away from residential properties as he believes that currently they are over-regulated. He believes that a simple registration process would work more effectively than enforcing resource consent for visitor accommodation. This is associated with his concept of over-regulation.

Mr Papworth recommends a separate four month limit for Wanaka, necessary because of the lack of hotel infrastructure in the area. He states that community controls and

Building Act associations in relation to Visitor Accommodation need to be addressed effectively through the District Plan.

Peter Barrow – Wanaka Reservations

Mr Barrow made a verbal submission to the Commission with supporting notes which raised concerns with the definition of Visitor Accommodation as it pertains to individually owned residential units and is concerned that the definition does not take into consideration the unique nature of letting holiday homes.

Mr Barrow considered the adverse effects of visitor accommodation on a residential property in terms of traffic, privacy, noise and infrastructure, and found them to be minimal. Mr Barrow identifies the fact that there is no formal evidence to suggest otherwise.

Mr Barrow identifies a loophole in the Tenancy Act 1996. Under the Act the definition excludes the letting of properties for periods of three months or less but many properties are let long term and a tenant can cancel the agreement under three months, meaning that the lessee may fall liable to the rules regarding visitor accommodation in the District Plan and require a retrospective resource consent. The Council didn't agree with this, claiming they would not pursue the matter further in those circumstances.

Mr Barrow also discusses contributions, both in terms of developer contributions (which would be very high and unfeasible for many home owners) and contributions to Lake Wanaka tourism through rates.. Mr Barrow would support the latter if there was a threshold.

Mr Barrow also has no problem with a register for individually owned residential properties who offer visitor accommodation. He believes increasing the certainty for property owners in terms of costs, compliance and monitoring would be advantageous.

Sandy Appel – Wanaka Accommodation

Ms Appel gave a verbal submission to the Commission on behalf of Don Church. The latter opposed the plan change on the basis that the plan change is laudable in terms of what it proposes but that it doesn't go far enough. He requests that the definition include an "integrity threshold" in the Low Density Residential Zone and that holiday home owners should be allowed to rent out their homes for short casual stays to the extent that it remains compatible with residential coherence and amenity.

Ms Appel expressed concerns over the creation of a level playing field with regards to residential visitor accommodation and contributions comparing those that utilised an agency and those that advertised over the Internet. She supports the use of a mixed-use category for rates for residential properties being used for visitor accommodation, and suggests that any accommodation type registered under a body corporate should be charged at a higher rate. Ms Appel is strongly against commercial rates for residential properties.

Ms Appel believes that if holiday homes are properly managed there shouldn't be problems. She also sees how a resource consent would have value if selling to an investor but not to someone who wanted to live in the property full-time.

Bridgit and Paul Parker – Wanaka Motel Association

Ms Parker and Mr Parker gave verbal submissions to the Commission in support of PC22. They support the proposition of a single let 28 days believing that 90 days equates more with seasonal accommodation or other type of accommodation. They believe the current situation creates an un-level playing field for hotels and motels. They suggest that a change in the definition of Visitor Accommodation will allow room for another means of control, such as a registration, to create a more level playing field between the different types of accommodation.

Mr and Ms Parker also raised concerns with the 90 day limit in that it may create a potential situation where people sign up for a long-term tenancy and then sub-let to short term tourist visitors. They specify the importance of protecting business for motels, although accept there is a demand for both residential properties and motels. They do support the use of residential properties for visitor accommodation as long as they maintain quality standards which consist of codes of cleanliness, tidiness, deposits, contracts, terms and conditions etc.

Janet Anderson and Frances Copland – Lake Wanaka Holiday Services

Ms Anderson and Ms Copland gave a verbal submission to the Commission opposing PC22. The pair prefer the idea of registration as opposed to a capped-fee resource consent for residential properties due to the unknown element associated with resource consents.

It was agreed to that paying mixed-use rates would be the fairest for residential accommodation providers. They do not believe residential property owners should have to contribute any more to Lake Wanaka Tourism etc as they believe this is covered through rates. However, they concede that people who rent individually may have to pay a further contribution. Overall, they would prefer that all residential units be excluded from having to make extra contributions.

Friday 13 June – Queenstown

Malcolm McLean – Real Estate Institute of New Zealand for Don and Joan Kindley. John Morgan and Nan Ottrey

Mr McLean presented a verbal submission to the Commission on behalf of members of the Real Estate Institute of New Zealand and distributed supporting notes amongst those present at the Hearing. Mr McLean opposed PC22 and requested an amendment to the definition of Visitor Accommodation. He is concerned that ‘consenting dilemma’ has been coined as a euphemism for ‘defective definition’ in relation to visitor accommodation.

He notes that the Environment Court decision did not substantially adjudicate on the merits of the inclusion of residential units in the definition of visitor accommodation, and thus that the definition remains inconclusive. He also notes that the District Plan suggests the effects are different “where the payment of a fee is involved”, but again no factual basis for this is provided, and thus remains inconclusive. Finally, Mr McLean questions how effects of visitor accommodation in residential properties can be seen as negative if these effects are not outwardly obvious.

Mr McLean believes that the issue of rate collection is relevant to the decision and seems to be the underlying basis for the plan change. He states that it is inappropriate

and illegal to use the RMA resource consent process to trigger rate levels or development contributions.

Mr McLean believes there is a level playing field in terms of economic sustainability and visitor accommodation, sustaining little evidence for disadvantaged commercial visitor accommodation in the face of residential property accommodation.

Mr McLean thinks that problems such as intensity need to be addressed in the District Plan (ie with noise control) rather than through the consent process. He believes that non-compliance with rules and regulations should be dealt with as an enforcement issue, not through the resource consent process, which he thinks to be an inappropriate use of the RMA.

Mr McLean thinks that the key to identifying the difference between single dwellings and multi-unit apartment blocks is in tightening up the definition of visitor accommodation, rather than requiring everyone to get resource consent. Mr McLean sees validity in distinguishing between multi-units and single units, with the former perhaps being included in the visitor accommodation definition. He also believes that a revised definition would be superior to using body corporate ownership to trigger resource consent.

He is concerned that under the current definition of single let, a real estate agent may let out a property that has been let out twice in one year and is committing an offence without knowing it.

Mr McLean believes the Council has no business to get into the area of social control associated with visitor accommodation, and certainly not under the RMA.

Finally, Mr McLean is happy with a 3 day minimum letting time, essentially he just wishes to exclude residential property from having to apply for resource consent.

Scott Freeman- Southern Planning Group

Mr Freeman presented a verbal submission to the Commission on behalf of the Southern Planning Group Ltd, Resort Property Rentals and the Queenstown Accommodation Centre. He also distributed supporting notes to the panel. Southern Planning Group Ltd is opposed to PC22 for a number of reasons and requests that the plan change be withdrawn or alternatively that the consent authority make such additions, amendments or consequential changes as necessary to address the issues and concerns raised in their submission, which are discussed below.

Mr Freeman pointed out that a holiday home is rented out to cover costs and that owners want the flexibility of use that is not possible with long-term letting and therefore he does not agree with the single let restriction.

He states the unfairness of comparing a holiday home with motel/hotel style accommodation and suggests that if a homestay is acceptable then so should visitor accommodation in a residential property.

Mr Freeman believes the resource consent process is plagued with high costs and uncertainties which lead to a fear of the process for residential property owners. Such costs include development contributions on the order of \$20,000 when a house is

granted resource consent for visitor accommodation. Under his suggestion residential units used for visitor accommodation would not require resource consent or have to pay development contributions but rates would be mixed-use and this would provide for a tourism development contribution. If units are used as visitor accommodation for 70% of the time they should require resource consent otherwise a registration process alone is considered a good idea.

For monitoring purposes a building inspector from Lakes Environmental could go and check the properties, while the database will act as a means of monitoring whether properties are being let for a greater period than 90 days. Controls need to be put in place to ensure that properties do not end up developing into a back-packer type scenario.

Doug MacGillivray – Resort Property Rentals Ltd MREINZ

Mr MacGillivray presented a verbal submission to the Commissioners representing Resort Property Rentals Ltd and in conjunction with Hayley Stevenson (Queenstown Accommodation) and Scott Freeman (Southern Planning). He ascertains that there is no problem with residential properties he manages for accommodation purposes in terms of quality levels and in turn he opposes PC22.

Hayley Stevenson – Queenstown Accommodation Centre

Ms Stevenson presented a verbal submission to the Commission opposing PC22 while representing Queenstown Accommodation Centre. She also distributed supporting notes to the panel.

Following the enforcement of mixed-use rates the number of residential property owners utilising Ms Stevenson's services has dropped 30%. For property owners classed as visitor accommodation, rates have nearly doubled and thus Ms Stevenson is concerned that costs associated with letting properties are too high.

Ms Stevenson would ensure that a registration system was successful and believes that it, combined with unlimited use for up to 90 days, would cover the majority of people that let out their homes. She believes there should be a clear differentiation between single dwellings and multi-units and perhaps that would be a way of defining when resource consent is necessary.

Graham Watson

Mr Watson presented a verbal submission to the Commission in general opposition of PC22 on the basis that the requirement to obtain resource consent will prevent them from renting out their holiday home in Queenstown, particularly due to development contribution requirements. He does not believe their home poses any threat to motels or hotels as his guests are family groups and return visitors who do not want to stay in motel/hotel type accommodation and who, if no alternatives were provided, would not visit the area. He intones the social costs of this occurring.

Mr Watson would accept a registration system as long as it is simple, the results are positive, and there are no annual costs associated with the process.

John Young – Remarkables Park Limited

Mr Young presented a verbal submission to the Commission on behalf of Remarkables Park Limited. He distributed notes to the panel in general opposition of PC22 and acknowledged that following an understanding of the plan change's recommendations it has little to do with RPL; however, they feel they can make some positive contributions.

Mr Young identified practical application concerns such as reporting and monitoring. He also questions the possibility of leaving the visitor accommodation definition alone but allowing the activity through the plan under different zones. With regards to determining the appropriate period of letting, a greater understanding of effects would make this easier. Mr Young also states that he would not be comfortable with serviced apartments being lumped in with hotels, he believes that they need a separate definition, however, acknowledges that it is beyond the scope of this plan change.

Mr Young believes that fee-paying is the key to legally defining lodging and letting. If someone is running a commercial operation it should be classed as visitor accommodation and therefore, part of the definition of visitor accommodation should provide exclusion for residential home owners.

Peter Smith – Motel Association

Mr Smith presented a verbal submission to the Commission in partial support of PC22. He states that the Council must administer rules fairly and evenly and that once a property is advertised it becomes a commercial operation and must be treated as such. A separate holiday home definition worries him as all available accommodation is advertised on the Internet.

Mr Smith believes that residential letting on a more long term basis would provide more accommodation for seasonal workers, which would not be a bad thing for the region.

Mr Smith pointed out Council liability if a fire occurred on a property and the visitors believed that the property was covered by proper safety standards in order to operate. He believes that the lack of distinction recognised by the Building Act between visitor accommodation and residential use means that the Council should enforce some form of compliance to remove their liability. However, he thinks that a simple registration process would create loopholes that wouldn't occur if property owners had to undergo a consent process. He also is concerned that a registration process does not create a level playing field and requires a consent process to ascertain whether it is a commercial activity.

Finally, Mr Smith does not believe there should be a threshold at which the definition applies as it makes it harder to monitor and leaves the definition open to abuse. He is further concerned that the current rule is not being enforced. Mr Smith is not supportive of a minimum night limit being enforced as he sees it as a loophole and difficult to monitor with the potential for exploitation.

Patrick Meffen

Mr Meffen's submission was presented in an email distributed to the Commission at the hearing by Mr Vivian. He is in opposition of PC22 on the basis that its justification is flawed and the consequent rating burdens unfair.

Workshop

On the afternoon of Friday 13th June, following the submissions of Peter Smith, no other submitters were scheduled to speak. The chair asked the Council planners to prepare brief summary of the suggestions made by the submitters and place it on a white board for discussion, and called for an afternoon tea break. All submitters remaining at the hearing were invited to return after the break and make comment on the summary of suggestions. The chair clarified following the break, the discussion would be in the form of a workshop, and that what was discussed in the workshop does not form part of the submissions – instead it was an open forum discussion.

The summary of suggestions was as follows:

Residential unit remains in definition

There are three types of exclusions:

- 1 *Holiday home owner (not usually resident)*
 - *Standalone unit on a section (not apartments);*
 - *Where owner does not permanently reside on the property;*
 - *Not available to general public for more than three months in a year
1 July to 31 June;*
 - *Let for not less than three nights; and*
 - *Managed in a professional manner (needs defining).*

There may be a change of use from residential activity to visitor accommodation activity without triggering a requirement for resource consent or development contribution.

- 2 *Usually resident in the district – allowed one short-term let per year.*
- 3 *Homestay.*

Every person who falls under the visitor accommodation definition and is seeking to use any exclusion must register with the Council. This registration form could go out with the first rates bill.

At the first time of registration an inspection takes place that checks for:

- *Compliance with building regulations;*
- *Compliance with resource consent as built;*
- *Compliance with appropriate rates (rating review would set those rates);*
and
- *Quality measures regarding deposits, code of conduct, refund policy etc (Peter Smith offered to help with those).*

If these standards are all met then no resource consent would be required, but if not, the accommodation provider has to go through the resort consent process.

The following verbal comments were received on the above suggestions:

- Mr Freeman states that effects could be monitored through the tracking of the complaints register. By signing this register owners are giving an undertaking that they will rent out for less than three months per year.
- Mr McLean sees this process as very constructive. He suggests that a form is drafted and circulated to all submitters to avoid a breach of jurisdiction and then a

meeting reconvened, in turn removing any issues with natural justice and avoiding any unintentional consequences. He reiterates that in defining a permitted activity extra care must be taken with how it is structured and how carefully the overall definition must be specified.

- Mr McLean recommended that the commissioners put out a proposal for further feedback so as to give everyone a chance to think about the matter and give the Council an opportunity to get legal advice. They are further recommended to invite written comment on the matter of monitoring by a certain date and then to reconvene the Hearing.
- Mr McLean also states that the RMA does not provide the power to require registration so further discussion is required to examine a monitoring report. As the term 'resource consent' appears to frighten people, a registration process seems more acceptable. A registration process will also supply more information on the current situation in terms of residential visitor accommodation.
- Additionally, the idea of Wanaka having a four month letting period was generally opposed as it widens the gap even further. The importance of ensuring that multi-unit accommodation cannot operate under an exclusion in the definition of visitor accommodation was defined with an option of strengthening paragraph 2 to modify the hotel definition as a solution. And finally, it was questioned whether a definition around body corporate needs to be added, and it was acknowledged that it needs looking into.

On that basis the chair adjourned the hearing and made the following procedural directions:

1. That Council officers prepare a report that examines the suggestions and makes recommendations on the relevant changes to the currently proposed Definition of Visitor Accommodation that would enable a monitoring/registration process.
2. The officers report be circulated to all submitters to avoid a breach of jurisdiction.
3. The officers set down a date to reconvene the hearing.

It is the view of the commissioners that such an approach will remove any issues with natural justice and avoid unintended consequences. Submitters at the time expressed support for this approach, and suggested it may limit the risk of appeals to the decision.

The procedural directions were reflected in a minute (dated 13 June 2008) by the Commissioners. The minute, noted that the Commission had heard from several submitters during the course of the hearing that some form of monitoring process may be acceptable that could govern some level of holiday home use.

Preparation of the Registration Programme & Officers Report

During July and August, Council officers held a series of meetings with Lakes Environmental staff and the commissioners to review the submissions in support of a registration programme for holiday homes and homestays, and used as a starting point the application form submitted by Alan Huntington.

As requested by the commissioners minute, an officers report dated 22 August 2008 was sent to all submitters, suggesting amendments to the definitions and outlining a registration programme. The dates of 10 - 12 September 2008 to resume the hearing.

All submitters were invited to comment on the officers report. Comments were invited to be presented at the hearing or provided by writing. The recommended amendments to the provisions, as detailed in the officers report, included:

1. Amend the definition of Visitor Accommodation as follows:

“Visitor Accommodation

Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months; and

- (i) *Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers’ accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of residential units; and*
- (ii) *May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity.*

For the purpose of this definition:

- (a) *The letting of residential unit in (i) excludes:*
 - *a single annual let for one or two nights.*
 - *Homestay accommodation for up to 5 guests in a Registered Homestay.*
 - *the short-term commercial letting of a Registered Holiday Home.**(Refer to respective definitions).*
- (b) *“commercial letting” shall include the advertising for letting of any building, residence, house, unit, flat or dwelling for accommodation purposes.*

2. Insert new definitions for Registered Holiday Homes and Registered Homestay as follows:

“Registered Holiday Home

Means the commercial letting of a stand-alone or duplex residential unit to one household of guests per residential unit for a minimum stay of 3 consecutive nights to a maximum of 90 nights per year which has been certified by the Council pursuant to Part 2.1.13 of the Plan.

Notes:

- (i) *To qualify as a Registered Holiday Home the owner of the property must make an application for certification in accordance with Part 2.1.13 of the District Plan. Any application that complies with the Definitions of Registered Holiday Home and Visitor Accommodation shall be certified as a Registered Holiday Home.*
- (ii) *Where the site contains both a residential unit and a residential flat, the Registration as a Holiday Home shall only apply to either the letting of the residential unit or the residential flat, but not to both.*
- (iii) *There is no requirement for the non-commercial letting of a residential unit (for example making a home available to family or friends at no charge) to be registered.*

- (iv) *“Household of guests” shall mean a family or group of friends where there is a close association between the occupants.*
- (v) *For the purpose of this definition, a stand-alone residential unit shall mean a residential unit contained wholly within a site and not be connected to any other building on any other site. A duplex residential unit shall mean a residential unit which is attached to another residential unit byway of a common or party wall, provided the total number of buildings attached in the group of buildings does not exceed two residential units.*

“Registered Homestay

Means a homestay used by up to 5 paying guests which has been certified by the Council pursuant to Part 2.1.13 of the Plan.

Notes:

- (i) *To qualify as a Registered Homestay the owner of the property must make an application for certification in accordance with Part 2.1.13 of the District Plan. Any application that complies with the Definitions of Homestay, Registered Homestay and Visitor Accommodation shall be certified as a Registered Homestay.*

3. Insertion of a new provision as follows:

“2.1.13 Process for Certification as a Registered Holiday Home or Registered Homestay

The District Plan provides for an exemption to the Visitor Accommodation rules for the short-term commercial letting of residential units when they are certified as a Registered Holiday Home, and for Homestay accommodation for up to five paying guests when they are certified as a Registered Homestay .

A registered holiday home is defined in the Plan to mean the certified commercial letting of a stand-alone or duplex residential unit for guest use where the minimum night stay for any guest(s) is 3 consecutive nights and the total number of nights available for commercial letting does not exceed 90 nights per year. Either a residential unit or residential flat can be registered as a Holiday Home.

A registered homestay is defined in the Plan to mean the approved use of an occupied residential unit when also used by up to 5 paying guests.

To apply for certification as a Registered Holiday Home or Registered Homestay a landowner must complete an application form agreeing to a set of quality standards. On receiving the application the Council will certify the residential unit as a Registered Holiday Home or Registered Homestay.

4. Amend the “homestays” column of Table 1 of rule 14.2.2.3 Discretionary Activities (i) Car parking for Non-Identified Activities as follows:

ACTIVITY	RESIDENTS/VISITOR	STAFF
Homestays <u>and</u> <u>Registered</u> <u>Homestays</u>	1 per bedroom used for homestay.	

...

Hearing Resumed

The Hearing reconvened Thursday 11 September in Wanaka, and on Friday 12 September 2008 in Queenstown. All submitters were invited to attend the reconvened hearing. The following further submissions were received:

Thursday 11 September- Wanaka

Malcolm Papworth

Mr Papworth made further verbal submissions. He stressed to the Commission that Wanaka was still a country area and there was a need to keep it simple. Mr Papworth agreed with the thrust of the recommended amendments but offered several suggestions as to how they could be improved.

Mr Papworth suggested that Wanaka should be treated differently to Queenstown in that 120 nights should be permitted. The reason for this is the proximity of Wanaka to the lakes, ski fields and a current shortage of commercial accommodation during peak season.

Mr Papworth wanted 28 days without need to be registered to be retained in the definition.

Peter Marshall

Mr Marshall made verbal submissions. He congratulated the Commission on the recommended amendments, saying they were well thought out. Mr Marshall added that on average he let his properties for 145 nights per year. Reverting back to 90 nights per year would therefore have a detrimental affect on his business. Mr Marshall pleaded that the eventual rules did not throttle the opportunity of growth for Wanaka. He confirmed that he is paying commercial rates, and would continue to do so, and given his level of letting, may still desire to pursue resource consent if his use exceeded what the registration programme allowed. He reminded the commissioners that he had made application for resource consent, and enquired if the decision would provide certainty for that application to proceed in a straightforward, limited cost manner.

Richard Hutchinson

Mr Hutchinson presented further verbal submissions. Mr Hutchison stressed the financial implications of the plan change. He considered that no matter what rules were made, it will be very difficult to police. He noted last year his camping ground was not full during peak season as other people had let out their paddocks. Mt Hutchison argued as a commercial operator they have to meet all manner of regulations to stay in business. Letting of residential units do not. That gives them a market advantage over his business.

Janet Anderson

Ms Anderson presented further verbal submissions. Ms Anderson stressed that it has always been simple and questioned the need to change it now. Ms Anderson considered the registration process still would not make everyone comply.

Jo Harper

Ms Harper presented further verbal submissions. Ms Harper advised that she was happy with the changes with respect to registered homestays. Ms Harper thought a registration system would make homestays more professional.

Bridget Parker

Ms Parker presented further verbal submissions. Ms Parker requested the rules be reverted back to 28 days. Ms Parker submitted that motels were losing business to holiday homes. Ms Parker advised that motels often are not full year round – a trend of the past two years. She asked the commissioners to consider their role in making decisions that may shape the success of the tourism sector for the district well into the future.

Friday 12 September - Queenstown**Warwick Goldsmith**

Mr Goldsmith presented further verbal submissions and tabled some documents showing possible amendments to the recommended changes. Mr Goldsmith submitted the standards contained in the application form should in fact be within the district plan and provided several useful changes to the documents. Mr Goldsmith considered a standard should be included relating to the adequacy of fire places in holiday homes.

Simon Stammers-Smith

Mr Stammers-Smith questioned the need to register. He maintained his original submission point of view that the letting of a residential unit should be a permitted activity. He considered registration to be an imposition on his rights as an owner to do as he liked.

Peter Barrow

Mr Barrow cancelled and did not present any further submissions.

Malcolm McLean

Mr McLean presented further submission in support of his clients. Mr McLean supported increasing the number of nights to 120. He did not see any difference in effects. He stressed that resource management doesn't have anything to do with social management.

Scott Freeman, Hayley Stevenson and Doug McGillivray

Mr Freeman, Ms Stevenson and Mr McGillivray presented further verbal submissions. They were encouraged by the recommended changes, however stressed the need to go to 120 nights.

Peter Smith

Mr Smith presented further verbal submissions. His concerns were consistent with his original submissions. He had concerns with respect to enforcement, and was opposed to any extension of nights beyond 90.

Michael Clark

Mr Clark presented further verbal submissions. He opposed an increase to 5 people for homestay accommodation. He preferred it be two bedrooms. With respect to the 90 days for holiday homes he considered this would encourage black market to exist in the tourism industry. He considered it should be keep at 28 days.

4. Reasoning and Recommendation

The following principal issues have been raised in submissions:

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

Following consideration of these issues the Commission details the reasoning for their overall recommendation.

1. Retention of the “Status Quo”

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

The Commission notes that Council has experienced a number of difficulties in relation to the enforcement of the pre-plan change visitor accommodation regime. Furthermore,

it has been generally accepted that the requirement to obtain resource consent for the letting of individually owned residential units for visitor accommodation purposes is not reasonable in all circumstances – resulting in a “consenting dilemma” in relation to such activities.

The Commission also notes that allowing visitor accommodation use of residential units to continue in contravention of the District Plan without pursuing enforcement proceedings (i.e. maintaining the “status quo” and a moratorium on enforcement since 2006) was considered in the section 32 evaluation and it was determined that this was not a viable option. The Commission believes the Council must administer the District Plan fairly and consistently and cannot decide which provisions do or do not need to be complied with. PC22 seeks to provide a solution to this issue by providing a permitted activity exemption for the use of individually owned residential units for visitor accommodation activities in certain circumstances. The submissions seeking to retain the existing regime or “status quo” can be **accepted in part** to the extent no resource consent is required for the letting of a residential unit provided its registration is certified by the Council.

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

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

The Commission find that there is a effects based justification for a degree of control on the letting of residential units for visitor accommodation purposes. The principal effect considered by the Commission was the effect ancillary activities of commercial letting on residential amenity and coherence. Such ancillary activities include regular servicing by commercial cleaners and laundry companies – activities not normally associated with everyday residential activity. The Commission considered such ancillary activities have the ability to adversely effect the stability, identity and character of residential areas (i.e. their residential coherence). To that extent the Commission considered there was a threshold at which the commercial letting of residential units affected the stability, identity and character of residential areas. The Commission were comfortable with a permitted activity regime (with limitations) provided landowners register their homes with the Council ensuring minimum standards are complied with. The limitations referred to above are discussed further in the body of this decision.

For these reasons, the Commission recommends that submissions that seek permitted activity status for the visitor accommodation use of individually owned residential units be **accepted in part** to the extent that no resource consent is required provided a homeowner registers their property with the Council, complies with the standards set in relation of registration and limitations imposed by registration.

3. Amendments to the Length of Stay in Paragraph 1 of the Definition

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

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

The Commission considered that such a change constitutes a significant alteration to the visitor accommodation regime generally and has no effects based justification.

Many submitters requested the 28 day exemption be increased to 90 or 120 days. The Commission noted that the 28 day exemption was primarily chosen to coincide with the annual leave entitlement. Many submitters questioned the relevance of this, particularly given many of the homes that are let for short term visitor accommodation are second homes and vacant for many months of the year. The Commission agreed that the exemption should be increased to 90 days per year provided any such residential units are registered with the Council and met the standards prescribed (as per Appendix 1). The Commission considered the 90 day exemption gave sufficient flexibility to landowners to let their homes without long term adverse effects on residential coherence and amenity. The Commission considered any increase above 90 days per year (such as 120 days per year) will have significant potential to adversely affect residential coherence and amenity and should be considered by way of resource consent application.

Other submissions oppose the proposed change to this part of the definition from “*three months*” to “*28 consecutive days*”.

The main grounds for opposition to this change are:

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

The Commission agrees that this aspect of the proposed change has implications for all accommodation providers and significantly alters the scope and effect of the plan change. This change means that visitor accommodation providers located in zones where residential activities are not permitted, or alternatively purpose built visitor accommodation providers within residential zones that do not also have residential activity land use consent, would require resource consent for residential activities if they wish to provide visitor accommodation for periods between 28 days and three months. The Commission also agree that an adequate exemption for residential unit owners could be achieved without implementing such a change.

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

4. Rating Implications and Revenue Gathering

A number of the submissions express opposition to the plan change due to rating implications. The Commission notes that rating requirements are not within the jurisdiction of the RMA and accordingly fall beyond the scope of this plan change. It is accepted however that visitor accommodation consents (or the registration system recommended by the Commission) are used by Council as a trigger for land use based rating requirements and that this plan change will have implications in this regard.

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

In terms of the broader notion of “revenue gathering”, similar reasoning applies. PC22 seeks to alleviate consenting requirements in relation to some small scale visitor accommodation activities. Thus revenue that would otherwise be derived from commercial accommodation use rating requirements will not be collected. Accordingly, PC22 will have the effect of reducing the potential revenue gathered from visitor accommodation activities, not increasing it. Council's mixed-use apportioned rating category will be supported by the clarifications provided with the recommended definitions.

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

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

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

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

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

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

For these reasons, the Commission recommends that those submissions that oppose the limitations in the exemption relating to occupied residential units available for visitor accommodation use while the occupier is absent be **accepted**. Relevant changes to the final definition have been made as a result.

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

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

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

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

As a general comment, the Commission note that the reference to “28 consecutive days” is superfluous in the context of a “single annual let” restriction. Clearly a “single annual

let” relates to a period of time that inherently covers a number of consecutive days. Thus the reference to “consecutive” can be removed.

The “single annual let” restriction limits the frequency of visitor accommodation activities that can be carried out as a permitted activity. The Commission agree that annual leave entitlements are not always taken as a single block in any one year. The Commission consider that enabling residential units to be used for visitor accommodation purposes more than once per year as a permitted activity would unlikely lead to more than minor adverse effects provided residential units were registered and complied with certain minimum standards.

For these reasons, the Commission recommend that those submissions (or parts thereof) that oppose the single annual let restriction be **accepted in part**.

7. Associated Costs and Development Contributions

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

The Commission consider the only relevant cost that directly arises from resource consent requirements is the actual cost incurred in obtaining resource consent. It has been accepted in principle that the cost associated with obtaining resource consent for the use of residential units for small scale visitor accommodation activities is not necessarily commensurate with the financial benefit that flows from that use – thus to some extent the requirement to obtain resource consent for small scale visitor accommodation use of residential units is unreasonable.

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

The Commission consider a better approach in this instance is to require a registration system whereby landowners and management entities declare that they will abide by minimum standards. This registration system, a non-regulatory method under the District Plan, will not require a resource consent.

For these reasons, the Commission recommend that submissions that oppose PC22 on the basis of unreasonable costs, be **accepted in part**.

8. Importance of Availability of Residential Units to the Visitor Accommodation Market

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

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

The Commission recommend the submissions that oppose PC22 on this basis be **accepted in part** by adopting the registration regime as detailed elsewhere in this recommendation section.

9. Relationship with Plan Change 23

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

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

10. Limitation in Relation to 4 Persons or Less

Some submissions have opposed the plan change on the basis of an imposed limitation regarding 4 visitors / guests for homestays. On hearing submissions and evidence on this matter the Commission have agreed the 4 person cap can be lifted to 5 persons provided homestay become registered along the same lines as holiday homes. 5 persons was considered the maximum number permissible by the Commission. Any more than 5 persons warrants resource consent consideration.

The Commission therefore recommend that submissions that oppose PC22 in relation to a four person limit for homestay accommodation be **accepted in part**.

11. Trade Competition

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

12. Enforcement:

A number of submitters raised the issue of enforcement. As stated in Issue 1 above, the Council has experienced a number of difficulties in relation to enforcement of the pre-plan change visitor accommodation regime. The Commission acknowledge that the degree of commercial letting of residential units in the district is significant and enforcement of resource consent requirements will continue to be very difficult. The Commission consider a practical solution to enforcement is to adopt a registration system that will not (initially) cost landowners any application fee's. Should a landowner decide not to utilise this registration system and still operate in contravention to the district plan then the Council is likely to take enforcement action.

Overall Recommendation

Overall, the Commission recommends the adoption of a registration system for the commercial letting of residential units with certain limitations as follows:

- That the letting be restricted to a minimum of 3 nights up to a maximum of 90 nights per year. The purpose of imposing a minimum and maximum night standard is to mitigate effects on residential coherence and amenity, and to differentiate this type of use from conventional usage of nightly accommodation such as hotels and motels. The Commission received several submissions with respect to increasing the maximum night stay to 120 nights. The Commission considered such an increase would tip the balance in terms of effects on residential coherence and amenity (the stability, character and integrity of an area as discussed above). The 90 night maximum is also considered to be consistent with the 3 month definition of what constitutes a visitor accommodation activity.
- That the letting be restricted to one household of visitors (defined as meaning group which functions as one household). The purpose of this provision is to retain a level of residential coherence (stability, character and integrity of an area) by preventing the letting of a residential unit to a number of guests that do not know one another. The Commission also notes there are Building Act implications of not restricting the letting to one household of visitors as defined above.
- That "commercial letting" means fee paying letting and includes advertising for that purpose. The purpose of this provision is to aid enforcement of the regime. Up to now it has been questionable whether the Council can enforce rules on advertising alone. This provision clarifies that enforcement can be acted upon in this situation.
- That registration of holiday home be restricted to stand alone or duplex residential units. This provision is included to prevent large multi-unit developments exploiting the rules. The Commission firmly believe in this situation those unit owners should

- apply for resource consent as there is significant potential to adversely affect residential coherence and amenity.
- That the District Plan outline the process to achieve registration, including the standards which must be met in order to obtain registration. The purpose of the registration process is to enable a property owner or their agent to supply a 'monitoring report' which confirms a maximum (limited) amount of commercial letting provided certain standards are met. By registering, a management entity and the owner of the property are making a statutory declaration that they will abide by the definitions of the District Plan and the standards contained within the District Plan. If a person chooses not to register, or exceeds any of the definitions or standards, then they are required to apply for resource consent as a visitor accommodation activity.

The Commission considers the above regime is a fair and reasonable alternative to that proposed by Plan Change 22. The registration system allows the commercial letting of residential units for short term accommodation without the need to obtain resource consent. The Commission consider that registration should be a straight forward process, with minimal cost to applicants. Registration also will assist the Council in developing an information base that will be used to monitor the effectiveness of the provisions into the future.

The Commissions recommended provisions are contained in Attachment 1 of this report.

Attachment 1. Amendments to the District Plan

Amend the District Plan provisions as follows (insertions are shown in underlined, and deletions are shown as ~~strikethrough~~):

1. Amend the definition of Visitor Accommodation as follows:

“Visitor Accommodation

- ~~“1. Means the use of land/or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor is not greater than 3 months at any time. This definition does not exclude the letting of individually owned residential units.~~
- ~~2. Includes such accommodation as camping grounds, motor park, hotels, motels, boarding houses, guest houses, backpackers’ accommodation, bunkhouses, tourist houses and lodges.~~
- ~~3. Includes the letting of individually owned residential units, in particular homestays for more than four guests but does not include homestay accommodation for up to four guests.~~
- ~~4. Includes some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with visitor accommodation within the sense of (1)-(3) above.~~

Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and

- (i) Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers’ accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and
- (ii) May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity.

For the purpose of this definition:

- (a) The commercial letting of a residential unit in (i) excludes:
 - 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 that 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.(Refer to respective definitions).
- (b) “Commercial letting” means fee paying letting and includes the advertising for that purpose of any land or buildings.”

2. **Insert new definitions for Registered Holiday Homes and Registered Homestay as follows:**

“Registered Holiday Home

Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home pursuant to Part 2.1.13 of the Plan. For the purpose of this definition:

- a) A stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building;
- b) 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;
- c) 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.

Advice Notes:

- (i) To obtain registration as a Registered Holiday Home the owner of the property must make an application for registration in accordance with Part 2.1.13 of the District Plan.
- (ii) There is no requirement to obtain registration for 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).

“Registered Homestay

Means a Homestay used by up to 5 paying guests which has been registered as a Registered Homestay by the Council pursuant to Part 2.1.13 of the Plan.

Advice Note:

- (i) To obtain registration as a Registered Homestay the owner of the property must make an application for registration in accordance with Part 2.1.13 of the District Plan.”

3. **Insertion of a new provision as follows:**

“2.1.13 Process for Obtaining and Maintaining Registration as a Registered Holiday Home or Registered Homestay

2.1.13.1 The District Plan provides an exemption to the definition of Visitor Accommodation for Registered Holiday Homes and Registered Homestays. Registered Holiday Home and Registered Homestay are defined in this Plan.

2.1.13.2 To apply for registration of a residential unit as a Registered Holiday Home or Registered Homestay a landowner must complete an application form as provided by the Council and agree to comply with the Standards detailed in Appendix 12 of the Plan. Provided the application (including Statutory Declaration) is properly completed, and

the relevant Standards have been complied with, the Council will register the residential unit as a Registered Holiday Home or Registered Homestay.

2.1.13.3 To maintain that registration the landowner must ensure ongoing compliance with the Standards detailed in Appendix 12.

2.1.13.4 Registration of a Registered Holiday Home or a Registered Homestay will lapse when:

- a) The landowner notifies the Council in writing that the landowner surrenders the registration; or
- b) The property has a change in ownership; or
- c) The requirements of Provision 2.1.13.3 are not complied with.

Any registration which lapses under this rule may only be reinstated by means of a new application under Provision 2.1.13.2.

2.1.13.5 Another person or body may apply on a landowner's behalf for registration under Provision 2.1.13.2, in which case that person or body is responsible for ensuring compliance with Provision 2.1.13.3. However the landowner also remains responsible at all times for ensuring compliance with Provision 2.1.13.3.

4. Amend the “homestays” column of Table 1 of rule 14.2.2.3 Discretionary Activities (i) Car parking for Non-Identified Activities as follows:

ACTIVITY	RESIDENTS/VISITOR	STAFF
Homestays and Registered Homestays	1 per bedroom used for homestay.	

...”

5. Insertion of new Appendix 12 into the District Plan as follows:

“Appendix 12 - Standards for a Registered Holiday Home or Registered Homestay

The District Plan provides an exemption to the definition of Visitor Accommodation for Registered Holiday Homes and Registered Homestays. Registered Holiday Home and Registered Homestay are defined in this Plan.

To apply for registration of a residential unit as a Registered Holiday Home or Registered Homestay under Provision 2.1.13.2 a landowner must complete the application form and agree to comply with the Standards detailed in this Appendix.

Standards:

The following standards are applicable to the application and registration of a residential unit as a Registered Holiday Home or Registered Homestay.

The management entity and owner must:

- (a) Maintain records of all letting.
- (b) Ensure compliance with all relevant laws and regulations.
- (c) Install and maintain smoke alarms in accordance with the following:
 - (i) Type 1 Domestic Smoke alarms. This system is to be based around one or more domestic/residential type smoke alarms with integral alerting devices. Coverage shall be limited to selected parts of a single firecell subject to the following: (1) Smoke alarms shall be listed or approved by a recognised national authority as complying with at least one of UL 217, CAN/ULC S531, AS 7386, BS 5446: Part 1. (2) The smoke alarms may be battery powered and are not required to be interconnected. In addition, they shall provide a hush facility having a minimum duration of 60 seconds. (3) Smoke alarms shall have an alarm test facility readily accessible by the building occupants. This facility may be located on the smoke alarms.
 - (ii) Location of smoke alarms - Smoke alarms shall be located within the escape routes on all levels within the household unit. On levels containing sleeping spaces, the smoke alarm shall be located either: (a) in every sleeping space; or (b) Within 3.0 metres of every sleeping space door. In this case, the smoke alarm must be audible to sleeping occupants on the other side of the closed doors. Smoke alarms shall be installed on or near the ceiling in accordance with AS 1670.6 and the manufacturers instructions.
 - (ii) Maintenance of Smoke Alarms - maintenance procedures are (a) in-situ annual cleaning with a vacuum cleaner (no disassembly of the smoke alarm); and (b) Monthly testing of the use of the smoke alarms "test" facility.
- (d) Ensure any wood burners or fire places comply with the Building Code.
- (e) The maximum number of adults per residential unit shall not exceed two adults per bedroom. An adult is defined as any person over 16 years of age.
- (f) That at least one on-site car park is available for guest use at all times (unless District Plan requirements indicate that a greater number of car parks are required)

6. Amend 4.9.3 Objectives and Policies, Objective 5 – Visitor Accommodation Activities as follows:

Objective 5 – Visitor Accommodation Activities

To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

Policy:

5.1 To manage visitor accommodation to avoid any adverse effects on the environment.

5.2 To avoid, remedy or mitigate adverse effects of letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards.

5.3 To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.

Implementation Methods

Objective 5 and the associated ~~policy~~ policies will be implemented through a number of methods:

(i) District Plan

(a) Provision for visitor accommodation sub-zones.

(b) Provisions controlling visitor accommodation activity.

(c) Provision for a registration process for the letting of residential units for limited short-term accommodation.

Explanation and Principal Reasons for Adoption

The value of the visitor industry to the District is recognised and is a major factor in generating urban growth in terms of the demand it places on infrastructure, the need for housing and the extent of retail expenditure.

The Act requires the Council to ensure that the adverse effects of any such increase in visitor accommodation are avoided, remedied or mitigated.”

7. Amend definition of Commercial Activity as follows:

“Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or 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 and registered homestays.”

Attachment 2. Decisions on Submission Points

The following section provides decisions on whether individual submissions are accepted, accepted in part or rejected.

22/1/1 Alpine Parklands Holdings Limited

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

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

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

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

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

For these same reasons, the Commission recommends the further submission by Remarkables Park Limited in opposition to this original submission be **accepted**.

22/2/1 Janet Anderson

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

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

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

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

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

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

Recommendation: The Commission recommends the submission by Janet Anderson and further submissions in support by Don and Robyn Church and Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/3/1 Peter Barrow

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

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

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

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

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

Recommendation: The Commission recommends the submission by Peter Barrow and further submissions in support by Don and Robyn Church and Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase

- to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/4/1 Bayview Motel and Aspiring Campervan Park

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

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

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

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

These further submissions oppose the submission by Bayview Motel and Aspiring Caravan Park for the following reasons:

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

Recommendation: The Commission recommends the submission by Bayview Motel and Aspiring Campervan Park, Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

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

22/5/1 Don Byars

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

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

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

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

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

Recommendation: The Commission recommends the submission by Don Byars be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/6/1 Robbie Caldwell

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

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

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

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

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

Recommendation: The Commission recommends the submission by Robbie Caldwell be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/7/1 Chris Carrell

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

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

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

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

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

Recommendation: The Commission recommends the submission by Chris Carrell be **rejected** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. A crib falls within the definition of “residential unit” and therefore is appropriately covered by this plan change.
2. There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities.
3. The issues relating to absentee owners are not relevant to the effects of visitor accommodation use of residential units being considered here.
4. PC22 has followed the appropriate process in terms of consultation.

5. Registration ensures monitoring compliance.

22/8/1 Tony Carrell

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

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

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

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

Recommendation: The Commission recommends the submission by Tony Carrell and further submission by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce without requiring a registration system. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commission's overall recommendation.

22/9/1 D Carroll

Submission: D Carroll opposes PC22 for the following reasons:

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

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

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

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

Recommendation: The Commission recommends the submission by D Carroll and further submission by Southern Planning Group Limited be **rejected** and the further submission in opposition by Remarkables Park Limited be **accepted** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. A crib falls within the definition of “residential unit” and therefore is appropriately covered by this plan change.
2. There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities.
3. The issues relating to absentee owners are not relevant to the effects of visitor accommodation use of residential units being considered here.
4. PC22 has followed the appropriate process in terms of consultation.
5. Registration ensures monitoring compliance.
6. No relief can be granted by Council in this instance as specific relief has not been sought.

22/10/1 Bryan Carter

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

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

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

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

Recommendation: The Commission recommends the submission by Bryan Carter and further submission by Southern Planning Group Limited be **rejected** and the further submission in opposition by Remarkables Park Limited be **accepted** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The practical consequence of PC22 will enable limited visitor accommodation use of residential units to be undertaken without triggering the need for resource consent or higher rating thresholds thereby reducing potential rates increases arising from that use.

22/11/1 Vicky Cavanagh-Hodge

Submission: Vicky Cavanagh-Hodge opposes PC22.

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Vicki Cavanagh-Hodge and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/12/1 Murray Chandler

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Murray Chandler and further submission in partial support by Southern Planning Group be **accepted in**

part by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/13/1 Don and Robyn Church

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

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

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

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

Recommendation: The Commission recommends the submission by Don and Robyn Church and further submissions by Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/14/1 Alan Collie

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Allan Collie and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/15/1 Frances Copland

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Frances Copland and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/16/1 Megan Cowie

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Megan Cowie and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase

- to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/17/1 Kath Cruickshank

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Kath Cruickshank and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/18/1 John and Marie Curran

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

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

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

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

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

Recommendation: The Commission recommends the submission by J and M Curran and further submissions by Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commission's overall recommendation.

22/19/1 *John and Lesley Davies*

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by J and L Davies and further submission by Southern Planning Group Limited be **rejected** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The quantum and calculation of rating requirements fall outside of the RMA and are beyond the scope of this plan change.

22/20/1 *T and P Dixon*

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

- o Residents are likely to want to vacate their property for more than 28 days at any one time.

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

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

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

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

Recommendation: The Commission recommends the submission by T and P Dixon and further submission by Southern Planning Group Limited, Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Remarkables Park Limited in opposition be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commission's overall recommendation.

22/21/1 John and Margaret Dugdale

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

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

- Ambiguity around resulting rating requirements.

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by J and M Dugdale and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. The quantum and calculation of rating requirements fall outside of the RMA and are beyond the scope of this plan change.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/22/1 E Earnshaw

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by E Earnshaw and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/23/1 Executive Accommodation

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

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

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

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

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

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

Recommendation: The Commission recommends the submission by Executive Accommodation and further submission by Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.

3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/24/1 *Five Mile Holdings Limited*

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

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

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

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

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

Visitor Accommodation:

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

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

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

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

Recommendation: The Commission recommends the submission by Five Mile Holdings and further submission by Southern Planning Group Limited and Remarkables Park be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Retaining the 3 month threshold in the primary definition.

22/25/1 Scott Ford

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

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

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

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

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

Recommendation: The Commission recommends the submission by Scott Ford be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/26/1 Sonya Ford

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

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

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

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

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

Recommendation: The Commission recommends submission by Sonya Ford be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/27/1 Michael Franklin

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

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

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

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

Recommendation: The Commission recommends the submission by Michael Franklin and further submissions by Remarkables Park Limited and Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agree that the term “let” should be expanded in the definition.

2. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
3. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
4. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/28/1 Tim and Erica Fry

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Tim and Erica Fry and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/29/1 Ian Horrax

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Ian Horrax and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/30/1 **Allan Huntingdon**

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

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

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

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

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the real Estate Institute of New Zealand Incorporated - Oppose;

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

Recommendation: The Commission recommends submission by Allan Huntingdon be **accepted**, the further submissions by Southern Planning Group Limited, Real Estate Institute of New Zealand Incorporated and the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/31/1 Julie Johnston

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

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

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

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

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

Recommendation: The Commission recommends the submission by Julie Johnston be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/32/1 Don and Joan Kindley

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Don and Joan Kindley and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/33/1 Keith Kirby

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

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Keith Kirby and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/34/1 Paul and Chris Le Blond

Submission: Paul and Chris Le Blond oppose PC22.

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Paul and Chris Le Blond and further submission by Southern Planning Group Limited be **accepted in part** for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/35/1 Terrence Maguire

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Terrence Maguire and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/36/1 Kim Marshall

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

Decision Requested: No specific decision is requested.

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

- a. Southern Planning Group – Support in part.

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

22/37/1 Peter Marshall

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

- o PC22 is fundamentally flawed;
- o The 28 day restriction is unworkable and unfair to legitimate accommodation providers;

- There are no guidelines for resource consent applications;
- There is an open book of costs to the applicants;
- Comments in relation to the effects of temporary accommodation are unsubstantiated.

Decision Requested: That the plan change be rejected.

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Peter Marshall and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/38/1 D McAlister and M Shanahan

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by D McAlister and M Shanahan and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/39/1 **Christine McDonald**

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Christine McDonald and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/40/1 Robert McDonald

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Robert McDonald and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/41/1 Brian McMillan

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

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

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

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

3. The deletion of proposed notes 1 – 4.

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

Recommendation: The Commission recommends the submission by Brian McMillan be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/42/2 Nancy McMillan

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

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

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

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

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

Recommendation: The Commission recommends the submission by Nancy McMillan be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.

3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/43/1 *David McNaughton*

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

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

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

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

Recommendation: The Commission recommends submission by David McNaughton and further submission by Remarkables Park Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission has found that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
2. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/44/1 *P and W Meffan*

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by P and W Meffan and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.

2. The quantum and calculation of rating requirements fall outside of the RMA and are beyond the scope of this plan change.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/45/1 Shane Melton

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

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

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

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

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

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

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

Recommendation: The Commission recommends submission by Shane Melton and further submissions of Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.

3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/46/1 Millbrook Country Club Limited

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Millbrook Country Club Limited and further submission by Southern Planning Group Limited be **rejected** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. The quantum and calculation of rating requirements fall outside of the RMA and are beyond the scope of this plan change.

22/47/1 J Morgan

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

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

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

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

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

Recommendation: The Commission recommends submission by J Morgan be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.

2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/48/1 Paul Lyon Mortlock

Submission: Paul Lyon Mortlock opposes PC22.

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Paul Lyon Mortlock and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/49/1 Motel Association of New Zealand

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

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

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

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the real Estate Institute of New Zealand Incorporated - Oppose;
- c. Southern Planning Group Limited – Oppose, the Submitter has failed to identify any safety issue with the use of properties not built for accommodation purposes.

Recommendation: The Commission recommends the submission by Motel Association of New Zealand, Real Estate Institute of New Zealand Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Limiting commercial letting of residential units as provided by the definitions, standards and registration system recommended in this report is appropriate.
2. Consequential amendments are necessary to this definition as a result of the Commission's overall recommendation.

22/50/1 **Richard Newman**

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Richard Newman and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

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

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

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

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

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

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

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

Recommendation: The Commission recommends the submission by New Zealand Guardian Trust Co. Limited and the further submissions by Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/52/1 **Martin O'Neill**

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Martin O'Neill and further submission by Southern Planning group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/53/1 **Nan Ottrey**

Submission: Nan Ottrey opposes PC22.

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Nan Ottrey and the further submission by Southern Planning Group Limited be **accepted in part** for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/54/1 *Malcolm Papworth*

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Malcolm Papworth and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/55/1 Colleen Parker

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

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

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

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

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

Recommendation: The Commission recommends submission by Colleen Parker be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/56/1 Peninsula Road Limited

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

- Visitor accommodation activities result in significant costs being imposed on the community, it is appropriate that these costs are shared equally among visitor accommodation providers;
- It is appropriate that all visitor accommodation providers meet the Building Act requirements in relation to such activities;
- In order to ensure the economic viability of the visitor accommodation industry, all commercial visitor accommodation providers must meet costs and compliance obligations;

- The proposed definition strikes an appropriate balance between unnecessary consent obligations and appropriate consent and compliance obligations;
- Subject to the amendments sought – PC22 will achieve the purpose and principles of the RMA.

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

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

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

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

- a. The Real Estate Institute of New Zealand Incorporated - Oppose;
- b. The Central Otago Lakes District Committee of the real Estate Institute of New Zealand Incorporated - Oppose;
- c. Southern Planning Group Limited – Oppose - the submitter fails to provide any safety issue with the use of properties not built for visitor accommodation purposes; compliance with Building Act requirements and the payment of rates are separate matters to PC22; and this submission is about trade competition which is forbidden under the RMA.
- d. Remarkables Park Limited – Support and Oppose in so far as it is consistent with and inconsistent with the matters outlined in the original submission by Remarkables Park Limited.

Recommendation: The Commission recommends submission by Peninsula Road Limited, the Real Estate Institute of New Zealand Incorporated, the Central Otago Lakes District Committee of the Real Estate Institute of New Zealand Incorporated and Southern Planning Group Limited and Remarkables Park Limited be **accepted in part** by adopting the provisions details in Appendix 1 of this decision for the following reasons:

1. The recommended provisions in Appendix 1 of the decision retain control over the commercial letting of residential units within limitations through a registration process. Should a person not register, a resource consent is likely to be required.

22/57/1 **Melina Pinto**

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

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

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

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

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

Recommendation: The Commission recommends the submission by Melina Pinto be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/58/1 **Robert Pride**

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Robert Pride and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/59/1 Brian Reeve

Submission: Brian Reeve opposes PC22 for the following reasons:

- The number of days exemption is unfair, clumsy and unenforceable;
- It is inappropriate to target small scale homestays and not single dwellings;
- It is not logical or sustainable to treat dwellings the same as large scale accommodation providers.

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Brian Reeve and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/60/1 Remarkables Park Limited

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

- o The proposed definition does not achieve the intent stated in the section 32 report;
- o PC22 has flow on effects that go well beyond the use of individually owned residential units for visitor accommodation purposes;
- o PC22 should not be advanced in isolation of the broader issues that are being considered as part of PC23;
- o It is not clear whether items 1 – 5 are to be read disjunctively or conjunctively;
- o The definition is difficult to interpret because it uses double negatives and the terms “does not exclude”, “includes”, “not include” and “excludes” interchangeably;
- o An individual unit owner can avoid the definition by letting a residential unit out for 29 days or while they are away for a purpose other than holiday;
- o Item 3 suggests that a residential unit could be used for both visitor accommodation and residential activities;
- o The phrase “set out in” is included in item 4 but is not identified as an amendment;
- o Item 4 is vague and difficult to interpret;
- o RPL sees no resource management reason why a person who takes two 14 day holidays can only recover one of those periods yet another person who takes 4 weeks holiday consecutively can recover 4 weeks rent;
- o Notes 1, 2 and 4 are unnecessary;
- o Note 3 would be better dealt with via an “any 12 month period” provision;

- PC22 is contrary to the purpose and principles of the RMA;
- PC22 is contrary to the objectives and policies of the PODP;
- PC22 is an inefficient use of the time and resources of Council and Submitter's.

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

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

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

This definition:

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

ii) Excludes homestay accommodation for up to four guests.

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by RPL and further submission by Southern Planning Group Limited be **accepted in part** by adopting the provisions recommended in Appendix 1 of this report for the following reasons:

1. The recommended provisions in Appendix 1 of the decision retain control over the commercial letting of residential units within limitations through a registration process. Should a person not register, a resource consent is likely to be required.

22/61/1 *Resort Rentals Limited*

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

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by Resort Rentals Limited and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/62/1 Alex Schafer

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Alex Schafer and further submission by Southern Planning Group Limited be **accepted in part** by adopting the provisions recommended in Appendix 1 of this report for the following reasons:

1. On hearing submissions and evidence on this matter the Commission have agreed the 4 person cap can be lifted to 5 persons provided homestay become registered along the same lines as holiday homes. 5 persons was considered the maximum number permissible by the Commission. Any more than 5 persons warrants resource consent consideration.

N.b. The Commission note that the 5 person limitation applies only to Registered Homestays, not Registered Holiday Homes. The number of persons within a Registered Holiday Home is controlled by clause (e) of the standards detailed in Appendix 12 of the District Plan (as recommended by this report).

22/63/1 Sebastian Smith

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

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

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

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

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

Recommendation: The Commission recommends the submission by Sebastian Smith be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.

2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/64/1 Southern Planning Group Limited

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

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

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

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

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

- o There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities.

In terms of the alternative relief, the Commission recommends the submission be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/65/1 Jacqui Spice

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

Decision Requested: That the plan change be disallowed.

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Jacqui Spice and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provision contained in Appendix 1 of this report for the following reasons:

1. On hearing submissions and evidence on this matter the Commission have agreed the 4 person cap can be lifted to 5 persons provided homestay become registered along the same lines as holiday homes. 5 persons was considered the maximum number permissible by the Commission. Any more than 5 persons warrants resource consent consideration.

22/66/1 Simon and Mary Stammers-Smith

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

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

- Council has been deficient in allowing residential structures to be used for visitor accommodation purposes;
- QLDC should differentiate between multi unit residential buildings and single dwellings.

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

1. That PC22 be withdrawn

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Simon and Mary Stammers-Smith and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. There is a sound resource management basis for imposing limitations on the permitted activity exemption relating to the use of residential units for visitor accommodation activities.
2. The Section 32 process is iterative and applies throughout plan preparation, from issue identification to decision release. Thus the section 32 process has not ended and continues as part of this planning report and decision making process.
3. Provisions in the Sale of Liquor Act are not relevant or useful in terms of visitor accommodation requirements under the RMA.
4. There is resource management justification for differentiating between single dwellings and multi unit residential developments in relation to visitor accommodation activities.

22/67/1 Hayley Stevenson

Submission: Hayley Stevenson opposes PC22 for the following reasons:

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Hayley Stevenson and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/68/1 Real Estate Institute of New Zealand

Submission: REINZ opposes PC22 for the following reasons:

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

Decision Requested: REINZ requests the following decision from Council:

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends the submission by REINZ and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commission's overall recommendation.

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

Submission: REINZ COC opposes PC22 for the following reasons:

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by REINZ COC and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/70/1 Karen Thomson

Submission: Karen Thomson opposes PC22.

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Karen Thomson and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The

- Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/71/1 Colleen Topping

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Colleen Topping and further submission in partial support by Southern Planning Group be **accepted** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

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

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

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

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

- b. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Andrae Van Beers and further submission in partial support by Southern Planning Group be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a "daily basis" constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commissions overall recommendation.

22/73/1 Wanaka Bed and Breakfast Association

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

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

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

Recommendation: The Commission recommends submission by the Wanaka Bed and Breakfast Association be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. On hearing submissions and evidence on this matter the Commission have agreed the 4 person cap can be lifted to 5 persons provided homestay become registered along the same lines as holiday homes. 5 persons was considered the maximum number permissible by the Commission. Any more than 5 persons warrants resource consent consideration.

22/74/1 Graeme and Paula Watson

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

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

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

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

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

- a. Southern Planning Group – Support in part.

Recommendation: The Commission recommends submission by Graeme and Paula Watson and further submission by Southern Planning Group Limited be **accepted in part** by adopting the recommended provisions contained in Appendix 1 for the following reasons:

1. Amending the definition to permit the letting of a residential unit on a “daily basis” constitutes a significant change to the visitor accommodation regime generally and is likely to result in adverse effects on residential amenity and coherence.
2. The Commission agrees that limiting the letting of a residential unit to less than 28 consecutive days per year is prescriptive and difficult to enforce. The Commission recommends that the definition be amended to permit an increase to 90 days per year provided any such residential units are registered with the Council as a Registered Holiday Home.
3. Consequential amendments are necessary to this definition as a result of the Commission's overall recommendation.

Attachment 3. Registration Brochure and Application

N.B. this draft Registration Brochure and Application will not form part of the District Plan. It is intended to function as a plain English version of the District Plan language.