

**SUMMARY OF SUBMISSIONS FOR COUNSEL FOR BOOKABACH LTD AND  
BACHCARE 18 SEPTEMBER 2018**

- 1 Residential visitor accommodation (RVA) in the Queenstown Lakes District contributes to the choice of visitor accommodation in the District and has a range of benefits.
- 2 The justification for the Council's proposed RVA provisions (which are more restrictive than those in the Operative Plan and more restrictive than for homestays) is based on the perceived effects of these activities on:
- 2.1 residential character/cohesion and amenity; and
- 2.2 housing availability and affordability
- 3 However, neither the Council's section 32 report or Ms Bowbyes' planning evidence establish that the existing Operative Plan rules are resulting in adverse effects on residential character, cohesion and amenity.
- 4 Mr Heyes' economic evidence also does not establish that there is any quantifiable link between RVA activities and housing availability in the district. Mr Heyes' evidence rightly recognises that properties such as holiday homes are not part of the long-term rental market and his evidence supports the view that 90 nights a year is the appropriate threshold for permitted RVA activities.
- 5 Further, there is no evidence from the Council's witnesses to justify the differences in treatment between RVA and homestay activities.
- 6 The potential effects of concern to the Council are all capable of being addressed in standards and matters of discretion and assessment criteria for restricted discretionary activities where the standards are breached.
- 7 The case law including the recent decision *Royal Forest & Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51 supports a less restrictive regime being adopted where the purpose of the RMA and the objectives of the plan can be met by a less restrictive regime. The case law also highlights the risk of acting in an arbitrary manner over a large area of the district where there is a lack of information about the impact of proposed rules (see *Horticulture New Zealand Ltd v Far North District Council* [2016] NZEnvC 47).
- 8 Given the evidence and the case law, Bookabach's and Bachcare's (BB) less restrictive alternative relief (para 2.9 of its legal submissions) or its Residential Sub-zone option better meet the applicable statutory criteria.
- 9 Plan provisions with a 90 night permitted activity threshold that provide for the registration of RVA and homestays will enable an efficient use of the District's housing stock that would otherwise be empty for much of the year.
- 10 The lack of evidence about the effects of RVA and homestay activities means that non-complying activity status when permitted activity standards are breached cannot be justified. Restricted discretionary activity status provides the appropriate mechanism to assess the merits of individual applications on a case by case basis.