

From: **MDCSendmail@mackenzie.govt.nz** <MDCSendmail@mackenzie.govt.nz>
To: **District Plan** <districtplan@mackenzie.govt.nz>
Subject: Mackenzie District Council - Submission on Proposed Plan Change to the Mackenzie District Plan
Date: 10.11.2022 12:55:29 (+01:00)
Attachments: qldc-district-plan-fact-sheet-visitor-accommodation-mar19.pdf (9 pages)

A new Submission on Proposed Plan Change to the Mackenzie District Plan has been received.

Plan Change Number

Which Plan Change number?: -21

Details of Applicant

First Name: Ann-Maree
Last Name: Grant
Postal Address: PO Box 174, lake Tekapo
Email: ranginuibnb@gmail.com
Telephone No: 0211764548
Fax:
Date: 2022-11-10 00:00:00

Customer number (if known):

Contact person:

Contact person Telephone No:

Submission Details

The specific provisions of the Proposal my submission relates to are as follows: We need serious regulations around short term accommodation in Tekapo

I support / oppose these provisions: I oppose

The reason(s) for my submission are: We need regulations around Airbnb (et al) same as the QLDC have implemented - because we must have a community, with rental houses for residents, a healthy school population, staff accommodation. Tekapo is currently becoming a soulless little village due to the proliferation of Airbnb's

I seek the following decision from the Mackenzie District Council: Start regulating and limiting Airbnb and other short term rentals. We need residents in our village.

I do or do not wish to be heard in support of my submission: I do not

If others make a similar submission I would or would not be prepared to consider presenting a joint case with them at any hearing: I would not

Additional information for this submission: I have attached the QLDC rules around Airbnb - although in my opinion it does not go far enough.

Attach a supporting document: qldc-district-plan-fact-sheet-visitor-accommodation-mar19.pdf, type application/pdf, 5.7 MB

DISTRICT PLAN
FACT SHEET



Visitor Accommodation

Visitor Accommodation is a key part of the tourism industry in the Queenstown Lakes District and is provided by hotels, motels, backpackers, camping grounds and by residential homes.

To address some of the challenges that residential visitor accommodation brings, a review of rates policy, local housing and incomes, visitor preferences, and the district plan has recently been completed.

This review found a significant and increasing amount of the district's housing stock is being used for short-term visitor accommodation and that the activity has a range of positive and adverse effects.

As a result, the rules in the district plan that enable and manage visitor accommodation activity have changed.

WHEN DID THIS REVIEW HAPPEN?

In November 2017, QLDC publicly notified proposed changes to visitor accommodation provisions in the district plan. Submissions requested 4984 individual points for the panel to consider and 656 further submission points were also received. These points either supported, opposed, or requested changes to the notified provisions. Submitters also had the opportunity to present these directly to the hearings panel.

The hearing panel's reports and recommendations on submissions are available on the QLDC website. These consider the issues with using dwellings for short-term visitor accommodation, weigh up a range of concerns raised by submitters, and have recommended a number of changes to the notified provisions.

The decisions introduce tiered consenting standards for different numbers of nights of letting activity and up to date letting records must be kept

WHAT HAS BEEN DECIDED?

RESIDENTIAL VISITOR ACCOMMODATION:

The decisions replace the term 'Holiday Home' with 'Residential Visitor Accommodation' (RVA). The purpose of this is to better differentiate the way whole houses are used for short term letting from more traditional holiday homes, baches or cribs.

A key difference is that every house located within the Lower Density Suburban Residential Zone, Medium Density Residential Zone or Arrowtown Residential Historic Management Zone that is proposed to be used for RVA purposes for up to 90 days per year will require a **controlled activity resource consent**.

In addition, the decisions require operators to keep up to date records of letting activities and introduce **tiered consenting standards** for different numbers of nights of letting activity. For example, if a whole house is let for between 91-180 nights in one of the zones mentioned above, a restricted discretionary activity resource consent will be required, while a non-complying activity resource consent will be required to let whole houses for more than 180 nights per year.

The decisions **require operators to notify QLDC prior to commencing visitor accommodation activity and keep up to date records** of letting activities.

The decisions have also:

- > removed limitations to the minimum number of nights guests are required to stay
- > removed restrictions on apartments being used for RVA activities
- > maintained the requirement for all RVA activities to comply with the necessary parking standards and to not produce heavy vehicle movements to or from the site.

The decisions do not change any existing obligations for operators to pay applicable rates.

HOMESTAYS:

Use of the term 'Homestay' has not changed in the decisions. The decisions retain the ability for Homestay activities to occur as a permitted activity so long as they meet necessary standards. In particular, the five guest limit has been retained. The resource consent status for breaches to this threshold has changed from fully discretionary to **restricted discretionary**.

The decisions **require operators to notify QLDC prior to commencing the activity and keep up to date records** of letting activities.

Homestays which breach other permitted thresholds (such as compliance with necessary parking standards and no heavy vehicle movements), would trigger the need for a non-complying activity resource consent.

A COMPARISON OF THE OLD AND NEW RULES:

The following tables provide an overview of the existing rules and decisions rules for some residential zones. Also provided are maps which show the main zones affected. Please note that a number of other zones not detailed in this flyer have also been affected by the decisions.

(Please refer to maps for more details)

ZONE	RESIDENTIAL VISITOR ACCOMMODATION (RVA)		HOMESTAY	
	OLD RULES	NEW RULES	OLD RULES	NEW RULES
<p>Lower Density Suburban Residential Zone</p> <p>Medium Density Residential Zone</p> <p>Arrowtown Residential Historic Management Zone</p>	<p>Permitted activity standards:</p> <p>No more than 90 nights/year</p> <p>Single annual let of no more than 28 nights</p> <p>Minimum stay of three nights</p> <p>Must be registered with Council</p> <p>Records of letting must be kept</p> <p>Only applies to standalone or duplex units; apartments cannot register and need a consent</p> <p>Provide off street car parking</p> <p>A breach to any of these standards triggered a discretionary consent</p>	<p>All RVA letting activities require a resource consent:</p> <p>1 - 90 nights is a controlled activity</p> <p>91 - 180 nights is a restricted discretionary activity</p> <p>More than 180 nights per year is a non-complying activity</p> <p>Key changes:</p> <p>No minimum stay</p> <p>Must not produce heavy vehicle movements i.e. coaches</p> <p>Letting records must be kept and made available on request</p> <p>Breaches of other standards trigger a non-complying consent</p>	<p>Permitted activity standards:</p> <p>No more than five guests on site</p> <p>Must be registered with Council</p> <p>Records of letting must be kept</p> <p>Dwelling must be occupied</p> <p>If residential flat, does not have to be occupied if dwelling is occupied</p> <p>Can occur in dwelling and flat at the same time</p> <p>No limit on the number of nights or lets</p> <p>One off street car park required per bedroom let</p> <p>A breach to any of these standards triggered a discretionary consent</p>	<p>Permitted activity standards:</p> <p>No more than five guests on site</p> <p>One off street car park required per let bedroom</p> <p>Must not produce heavy vehicle movements</p> <p>Dwelling must be occupied by a permanent resident</p> <p>Residential flats do not have to be occupied if dwelling is occupied</p> <p>May occur in both a residential unit and a residential flat concurrently</p> <p>Key changes:</p> <p>No requirement to register</p> <p>Must not produce heavy vehicle movements</p> <p>Must notify QLDC when commencing</p> <p>Must keep records and make them available upon request</p> <p>A breach of the guest limit and/or parking standard triggers a restricted discretionary consent</p> <p>A breach of any other standard triggers a non-complying consent</p>

(Please refer to maps for more details)

ZONE	RESIDENTIAL VISITOR ACCOMMODATION (RVA)		HOMESTAY	
	OLD RULES	NEW RULES	OLD RULES	NEW RULES
High Density Residential Zone	<p>Permitted activity standards:</p> <ul style="list-style-type: none"> No more than 90 nights of letting/year Single annual let of no more than 28 nights Minimum stay of three nights Must be registered with Council Records of letting must be kept Only applies to standalone or duplex units; apartments cannot register and need a consent Provide off street car parking <p>A breach to any of these standards triggered a controlled consent</p>	<p>Permitted activity standards:</p> <ul style="list-style-type: none"> No more than 90 nights/year Must not produce heavy vehicle movements Provide off street car parking Must notify Council when commencing Must keep records and make them available upon request Smoke alarms must be provided <p>Key changes:</p> <ul style="list-style-type: none"> No minimum stay No requirement to register Must not produce heavy vehicle movements Must keep records and make them available upon request Must provide smoke alarms <p>A breach to any standard triggers a restricted discretionary consent</p>	<ul style="list-style-type: none"> No more than five guests – Permitted activity A breach to any standard – Controlled activity <p>Standards:</p> <ul style="list-style-type: none"> Must be registered Records of letting must be kept Dwelling must be occupied If residential flat, does not have to be occupied if dwelling is occupied Can occur in dwelling and flat at the same time No limit on the number of nights or lets One car park per bedroom 	<p>Permitted activity standards:</p> <ul style="list-style-type: none"> No more than five guests on site One off street car park required per bedroom let Must not produce heavy vehicle movements Dwelling must be occupied If residential flat, does not have to be occupied if dwelling is occupied May occur in both a residential unit and a residential flat concurrently <p>Key changes:</p> <ul style="list-style-type: none"> No requirement to register Must not produce heavy vehicle movements Must notify Council when commencing Must keep records and make them available upon request <p>A breach to any of these standards triggers a restricted discretionary consent</p>

DEFINITIONS AND ACRONYMS:

RESIDENTIAL VISITOR ACCOMMODATION (RVA)

The term used in the new version of the district plan to describe what was called a 'Holiday Home' in the old district plan. It refers to the use of a whole house including a residential flat by paying guests where the length of stay by any guest is less than 90 nights. It excludes commercial scale Visitor Accommodation and Homestays. Note: Additional requirements of the *Building Act 2004* may apply.

HOLIDAY HOME

The term used in the old version of the district plan to describe what is now 'RVA'. It refers to a stand-alone or duplex house which is let to short term guests for a period not exceeding 90 nights per year.

HOMESTAY

The use of a residential unit including a residential flat by paying guests (where the length of stay by any guest is less than 90 nights) at the same time that either the residential unit or the residential flat is occupied by residents for use as a Residential Activity. Includes bed & breakfasts and farm-stays. It excludes RVA and commercial scale Visitor Accommodation. Note: Additional requirements of the *Building Act 2004* may apply.

PERMITTED ACTIVITY

A permitted activity can be carried out without the need for a resource consent so long as it complies with the necessary standards of the district plan.

CONTROLLED ACTIVITY

A controlled activity requires a resource consent before it can be carried out. The consent authority must grant consent for a controlled activity and can impose conditions but only in respect of those matters which it has control over as specified in the district plan.

RESTRICTED DISCRETIONARY ACTIVITY

A restricted discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise discretion as to whether or not to grant consent, and to impose conditions, but only in respect of those matters over which it has restricted its discretion in the district plan.

DISCRETIONARY ACTIVITY

A discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted.

NON-COMPLYING ACTIVITY

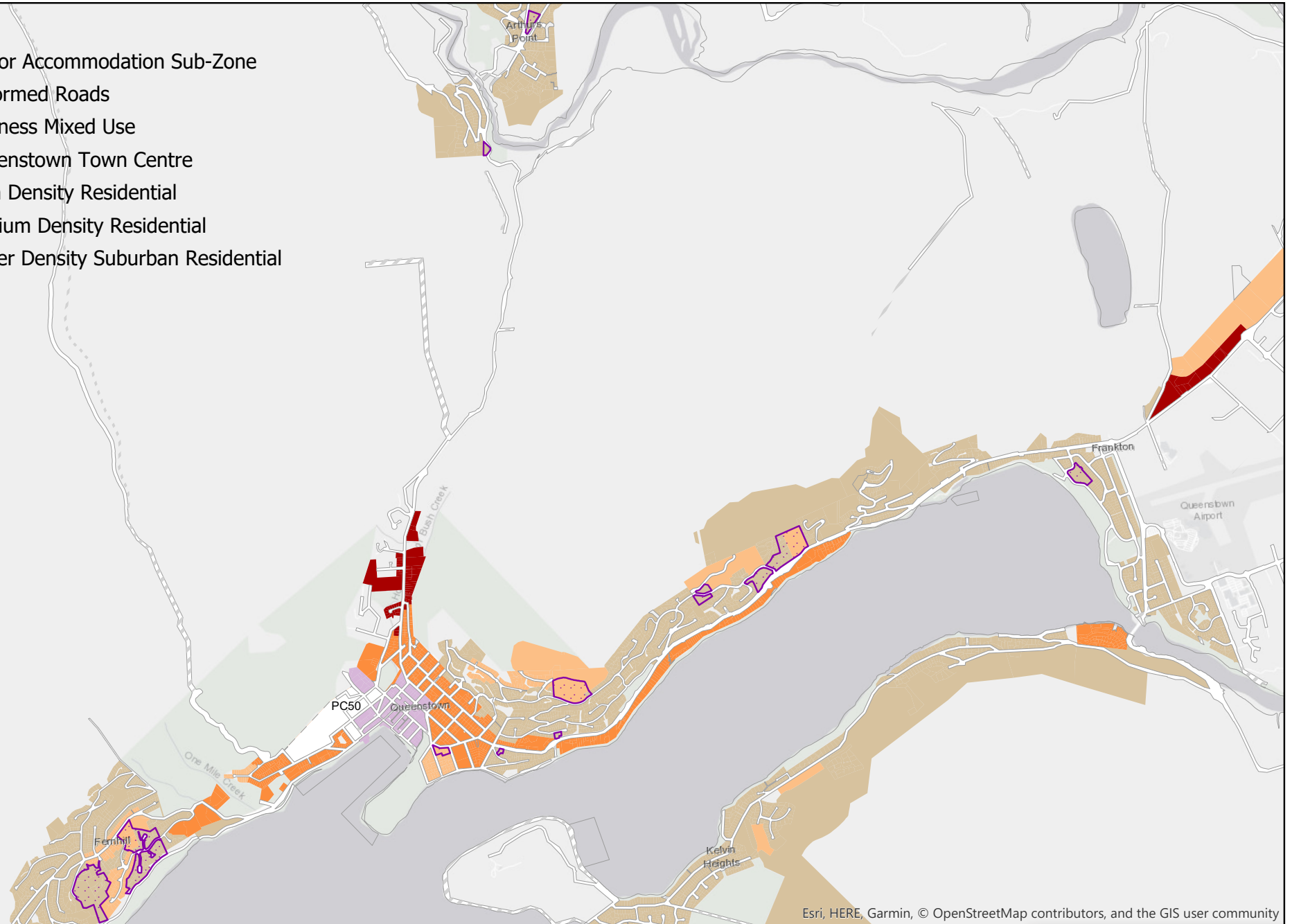
A non-complying activity requires a resource consent before it can be carried out. A resource consent can be granted for a non-complying activity, but first the applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant plan or proposed plan.

REGISTERED

To register with the Council means to complete the homestay and/or holiday home registration form on the Council's website. We will accept registration through the QLDC website as fulfilling the requirement to notify the Council.

Legend

- Visitor Accommodation Sub-Zone
- Unformed Roads
- Business Mixed Use
- Queenstown Town Centre
- High Density Residential
- Medium Density Residential
- Lower Density Suburban Residential

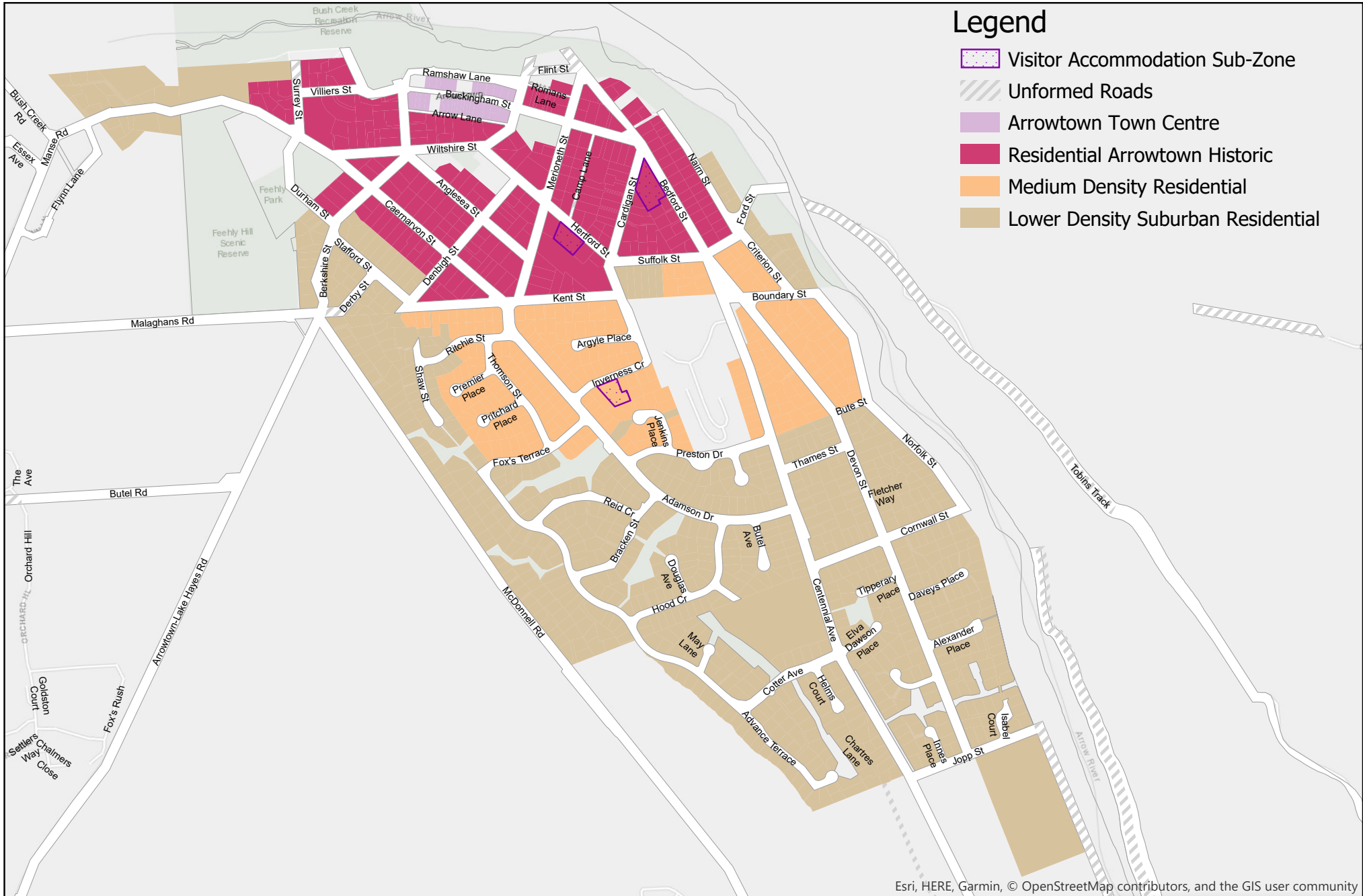


Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

Queenstown Decisions Zoning

This map only shows a selection of zones to help with the interpretation of Visitor Accommodation provisions for selected zones. Please see the full decisions version for the zoning for your property.

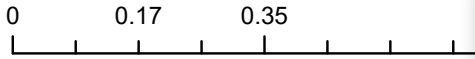




Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

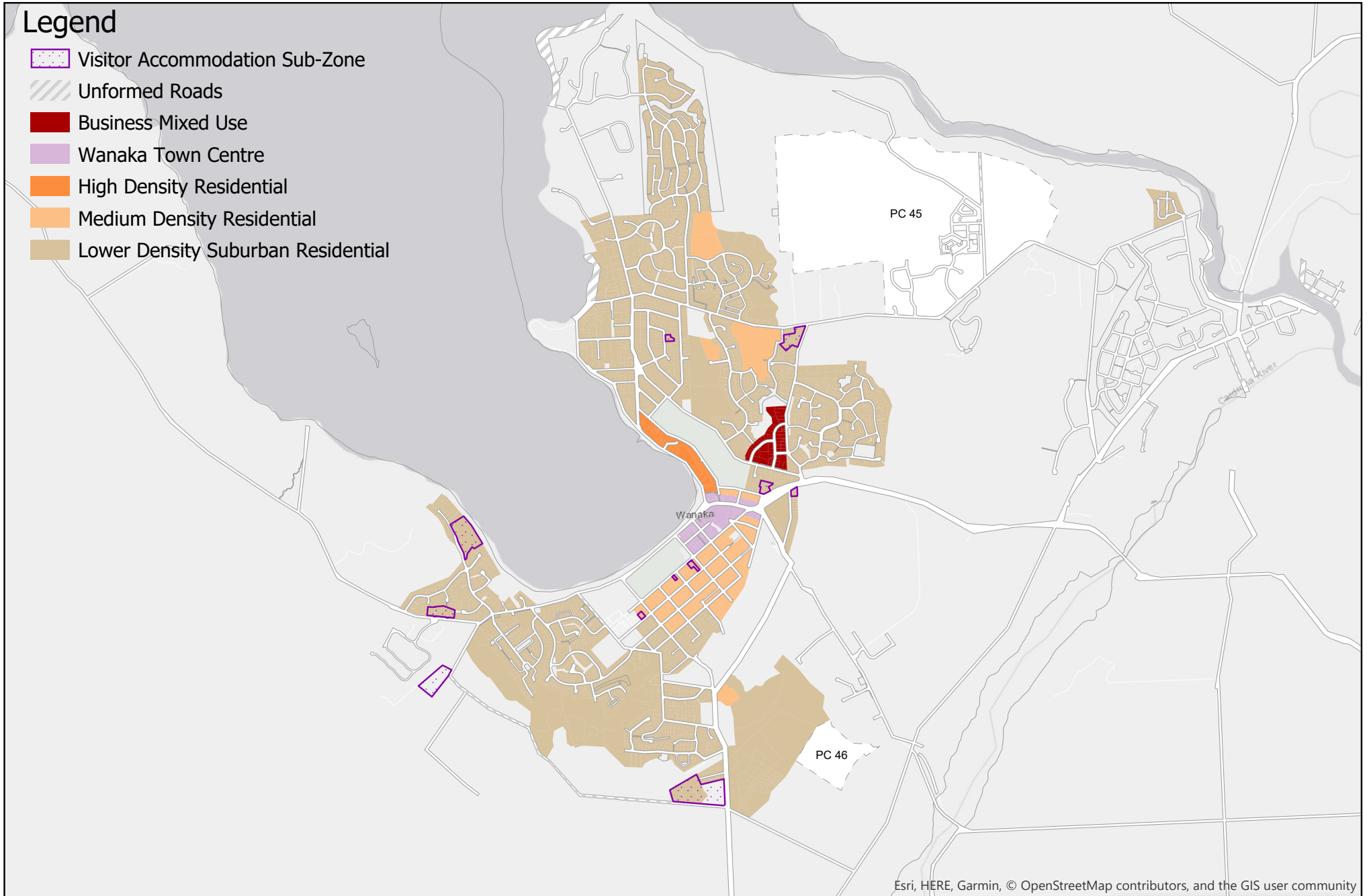
Arrowtown Decisions Zoning

This map only shows a selection of zones to help with the interpretation of Visitor Accommodation provisions for selected zones. Please see the full decisions version for the zoning for your property.



Legend

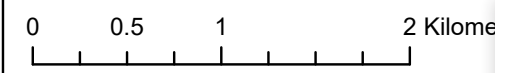
-  Visitor Accommodation Sub-Zone
-  Unformed Roads
-  Business Mixed Use
-  Wanaka Town Centre
-  High Density Residential
-  Medium Density Residential
-  Lower Density Suburban Residential



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

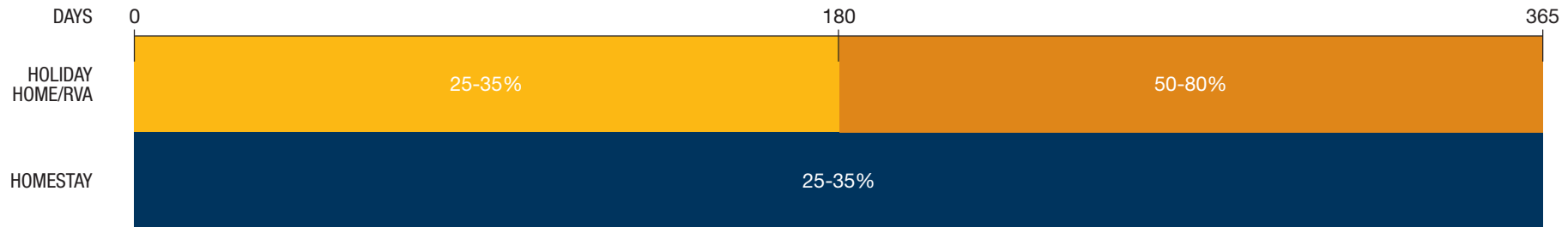
Wanaka Decisions Zoning

This map only shows a selection of zones to help with the interpretation of Visitor Accommodation provisions for selected zones. Please see the full decisions version for the zoning for your property.



WHAT ARE THE RATE IMPACTS OF THESE CHANGES?

Rates increases are impacted by various factors such as property location and type, the fixed charges and capital value rates, as well as the inclusion of the tourism promotion rate. The table below illustrates the rates increases (%) for a change from the Residential rating category for properties that are currently rated for all QLDC services (such as water supply and sewerage services). Note that this increase (%) will be greater if the property is not rated for all QLDC services.



HOW WILL THE DECISIONS AFFECT ESTABLISHED VISITOR ACCOMMODATION BUSINESSES?

Under the *Resource Management Act (RMA)*, businesses that have been lawfully established and operated in compliance with the rules in the district plan that were in place when the business was first established have 'existing use rights'. This means they can continue operating and no new consent is needed when the rules are changed - as long as the nature and scale of the activity stays the same.

The **new rules on visitor accommodation came into legal effect on 21 March 2019**. After this date, any new RVA or Homestay activity has to comply with the new district plan provisions or obtain resource consent under the new provisions where necessary.

Any person who made a submission on the notified rules can appeal the decisions through the Environment Court. The appeal period will run for 30 days from 21 March 2019 (the date QLDC notifies the decisions version of the rules).

In the event that no appeals are received on the decisions, they become fully operative.

Where appeals are received, both the existing and decisions version rules will need to be administered at the same time. This situation will apply until all appeals have been resolved. During this time, people who want to establish new RVA or Homestay activities may have to obtain consent under one or both of the existing and decisions version rules. The QLDC Consent Planners will weigh up the provisions of both rules in this instance.

HOW CAN I FIND OUT MORE INFORMATION?

If you want to know more information about a zone which is not described here please review the decisions in detail and/or get in touch with the QLDC Duty Planner: **PDPenquiries@qldc.govt.nz** or call **03 441 0499 (Queenstown)** or **03 443 0024 (Wanaka)**.