2311

Submitter Details

First Name: Shirley
Last Name: Ferguson

On behalf of: Tieke Consulting Limited

Street: Suburb: City:

Country: **New Zealand** Mobile: **0210337739**

eMail: shirley@tiekeconsulting.co.nz

Trade competition and adverse effects:

C I could I could not

gain an advantage in trade competition through this submission

Clam Clam not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Note to person making further submission. A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council

Wishes to be heard:

Yes

• I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

☐ Chapter 38 - Open Space and ☐ Visitor

Recreation Accommodation -

ecreation Variation

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

Attached Documents

File

Streat Developments Ltd Submission DPR Stage 2 final 22 February 2018

Need Help?

Contact Customer Services on 03 441 0499 (Queenstown) or 03 443 0024 (Wanaka).

Privacy Statement

When a person or group makes a submission or further submission on a District Plan or Plan Change this is public information.

Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to QLDC.

There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have compelling reasons why your submission or your contact details should be kept confidential please contact the District Plan Administrator on 03 441 0499 to discuss.



SUBMISSION ON THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN

Under clause 6 of First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Private Bag 50072 Queenstown 9348

Submitter: Streat Developments Limited

c/- Tieke Consulting Ltd

PO Box 39 Arrowtown 9351

Streat Developments Limited's submission relates to Stage 2 of the Queenstown Lakes District Plan review (the 'proposal').

The specific provisions of the proposal that Streat Developments Limited's submission relates to are:

Visitor Accommodation Variation:

- Definitions
- Chapter 22: Rural Residential & Rural Lifestyle Zone objectives, policies and rules.
- Planning Map 17
- Section 32 Report

Earthworks:

- Chapter 25 Earthworks rules.
- Section 32 Report

Streat Developments Limited opposes the proposal as notified.

The reasons for the submission and decisions sought are set out in the attached document.

Streat Developments Limited could not gain an advantage in trade competition through this submission.

Streat Developments Limited wishes to be heard in support of this submission.

If others make a similar submission, Streat Developments Limited will consider presenting a joint case with them at a hearing.

Shirley Ferguson

On behalf of Streat Developments Ltd 22 February 2018

Introduction

Streat Developments Limited (SDL) owns property at Lake Hawea within the Queenstown Lakes District.

The 16.8-hectare site is located south of Cemetery Road and is legally described as Lot 1 DP304937. A copy of the CFR is contained in **Attachment 2**. The site is zoned Rural Residential in the operative and proposed District Plans and SDL has plans to subdivide the site for residential housing. SDL lodged a submission on stage 1 of the District Plan review and this submission contains background information (refer submission number 697).

SDL views enabling visitor accommodation as critical to the economic wellbeing of the District and considers that this should be reflected in the District Plan's strategic directions. SDL submits that Stage 2 of the District Plan review fails to consider the benefits to the community of visitor accommodation and the cost of the regulation proposed has not been adequately accounted for in the Section 32 report. SDL opposes the proposal's 'non-complying activity' status for the letting of houses for visitor accommodation.

SDL submits that small-scale, well designed and managed visitor accommodation within residential areas does not generate significant adverse effects on residential character and amenity.

There is no evidence that the proposed polies and rule changes will result in more houses becoming available for residential letting. The lack of flexibility with for their own use is an impediment to residential letting. A potential outcome of the proposal is that more houses will remain unoccupied for the majority of the year.

Considerable investment is required for purchasers of vacant residential sections to build a new house. The ability to let properties for visitor accommodation can in some cases provide revenue that enables building to proceed in the shorter term. Visitor accommodation is often integral to the affordability of owning and maintaining a house in the District.

Strategic Directions

The proposal duplicates visitor accommodation objectives and policies within each residential chapter. SDL considers these should be redrafted and included within Chapter 3 – strategic directions to enable visitor accommodation to be addressed at a District-wide level.

With respect to the earthworks chapter SDL is concerned about the proposal applying to subdivision earthworks and removal of the non-notification clause in respect of earthworks volumes.

Relief Sought:

That a strategic objective and enabling policies recognising the contribution visitor accommodation makes to the economic wellbeing of the District be added to Chapter 3 – Strategic directions.

Visitor accommodation definitions

SDL opposes the new sub-category of visitor accommodation reterred to as 'residential visitor accommodation' and the amendments to 'visitor accommodation' and 'residential activity' definitions. The proposed split is confusing and is not consistent with providing for a diverse range of visitor accommodation options within the District.

Homestays, where a household chooses to let out room/s within their home has comparable effects on the environment to a residential activity and SDL sees no reason for these to be subject to resource consent. SDL supports the "5 guest" limit to ensure that homestays are small scale. Over and above "5 guests" they should be considered as visitor accommodation and subject to resource consent.

The operative District Plan includes the additional category of 'registered holiday home'. SDL supports this flexibility however considers the complexity of the multiple categories is confusing and difficult to

monitor and enforce. SDL preference is for simplifying and streamlining the proposal with an activity being either in ('visitor accommodation') or out ('residential').

Relief sought:

As set-out in **Attachment 1 - Table 1**, delete definition of 'residential visitor accommodation', amend the definitions of 'homestay', 'visitor accommodation' and 'residential activity' and any consequential amendments to give effect to this submission.

Chapter 22: Rural Residential & Rural Lifestyle Zone

SDL supports the Rural Residential ('RRRL') zone proposal to the extent it protects the character and amenity of Lake Hawea township, rural residential and rural environments.

The Councils proposal targets visitor accommodation activities but fails to address the resource management issues of residential housing supply in a holistic manner or to recognise the critical importance of visitor accommodation to the District's economy. A strategic objective is sought, and the RRRL chapter objectives, policies and rules amended to be more enabling of visitor accommodation.

SDL considers that small-scale, well designed and manged visitor accommodation is consistent with the environmental outcomes sought for the RRRL.

SDL submits that the non-complying activity status for visitor accommodation in the proposal is too onerous and not justified by the Section 32 analysis.

Unlike other Stage 1 residential chapters, the RRRL visitor accommodation rules were not withdrawn. It is not clear how the proposal has been integrated with the rules notified in Stage 1 Chapter 22 – Rural Residential and Rural Lifestyle.

Relief Sought:

Provide for visitor accommodation as set-out in **Attachment 1 - Table 2** and any consequential amendments to give effect to this submission.

Planning Map 17

SDL considers that 'visitor accommodation sub-zone' overlays are an appropriate method to enable visitor accommodation.

The land is located in close proximity to the Lake Hawea township with large lot sizes enabling design and landscaping compatible with the character of the area. Considerable investment is required for purchasers of vacant residential sections to build a new house. The ability to let properties for visitor accommodation can in some case provide revenue that enables building to proceed in the shorter term.

Relief sought

That a 'visitor accommodation sub-zone' overlay be included on the No remaindential land south of Cemetery Road (Lot 1 DP 304937), as shown on Planning Map 17 contained in Attachment 2.

Chapter 25 - Earthworks

SDL is concerned that the proposal introduces an unnecessary regulation for subdivision earthworks which have previously been exempt from land-use earthworks rules. The limitation on the exception only applying to controlled and restricted discretionary subdivisions is also opposed.

SDL considers that earthworks that exceed the volume thresholds for the zones (restricted discretionary activity status) should be included in the 'non-notification' clause in rule 25.6.

Relief sought

25.3.4 General Rules

25.3.4.1 Earthworks subject to resource consent applications for Controlled or Restricted Discretionary activity subdivisions pursuant to section 11 of the Act are exempt from the following Rules:

- a. Rule 15.4.2 Earthworks that do not comply with the volume of earthworks standards in Table 25.2 volume;
- b. Rule 25.5.11 Earthworks that exceed maximum areas;
- b. c. Rule 25.5.16 cut; and
- e. d. Rule 25.5.17 fill.
- e. Rule 25.5.19 Setbacks from boundaries
- f. Rule 25.5.20 Water bodies
- g. Rule 25.5.21 Groundwater

Applications for subdivision involving any earthworks shall be considered against the matters of discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

All other rules in the Earthworks Chapter apply to applications for subdivision consent.

25.5 Rules - Activities

SDL **supports** the Rural Residential Zone 400m³ maximum volume threshold in table 25.2 (noting the headings in the table need to be corrected). Where resource consent is required to exceed the maximum volume the Council has discretion to assess and ensure any adverse effects are mitigated. SLD consider that a 'non-notification' clause should apply to these applications.

Table 25.2	Zone	Maximum Volume (m³)
25.5.4	Rural Residential Zone	400m ³

25.6 Non-Notification of Applications

All applications for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

25.6.1 Rule 25.4.2 - restricted discretionary activities for earthworks that do not comply with the volume of earthworks standards in Table 25.2.

25.6.42 Rule 25.5.11 for restricted discretionary activities that exceed the area (m²) standard.

SDL supports the use of an agreed accidental discovery protocol.





ATTACHMENT 1 - RELIEF SOUGHT

Table 1 - Definitions

Definition	Notified stage 1 text and stage 2 text	Relief Sought
Residential Visitor accommodation	Means 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 days. Excludes: Visitor Accommodation and Homestays	Delete: Means 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 days. Excludes: Visitor Accommodation and Homestays
Homestay	Means a residential activity where an occupied the use of a residential unit or including a residential flat is also used by paying guests at the same time that the residential unit or residential flat is occupied by residents for use as a Residential Activity. Includes bed & breakfasts, and farm-stays.	Amend: Means a residential activity where an occupied the use of a residential unit or including or a residential flat is also used by up to 5 paying guests at the same time that the residential unit or residential flat is occupied by permanent residents for use as a Residential Activity.
	Notes: 1.Homestays can be registered with the Council through a registration process that is separate to the district plan. 2.Extra rates levies may apply	Includes bed & breakfasts and farm-stays. Notes: 1.Homestays can be registered with the Council through a registration process that is separate to the district plan. 2.Extra rates levies may apply.
Visitor accommodation	Means the use of land or buildings-(excluding the use of a residential unit or residential flat) for short term, fee paying, living accommodation to provide accommodation for paying guests where the length of stay for any visitor/guest is less than 3 months 90 days; and	Amend: Means the use of land or buildings (excluding the use of a residential unit or residential flat) for short term, fee paying, living accommodation to provide accommodation for paying

- i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers accommodation, bunkhouses, tourist houses, lodges, <u>timeshares, and managed apartments, homestays, and the commercial letting of a residential unit;</u> and
- ii. May Includes some centralised services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.
- iii. Includes onsite staff accommodation.
- iv. Excludes Residential Visitor Accommodation and Homestays.

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 which 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.
c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.

- guests where the length of stay for any visitor/guest is less than 3 months 90 days; and
- i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers accommodation, bunkhouses, tourist houses, lodges, timeshares, and managed apartments, holiday homes and Airbnb holiday rentals homestays, and the commercial letting of a residential unit; and
- ii. May-Includes some centralised services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.
- iii. Includes onsite staff accommodation.
- iv. Excludes Residential Visitor Accommodation and Homestays.

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 which 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.

		c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.
Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation, residential visitor accommodation and homestays.	Amend: Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes and homestays. Excludes visitor accommodation, residential visitor accommodation and homestays.

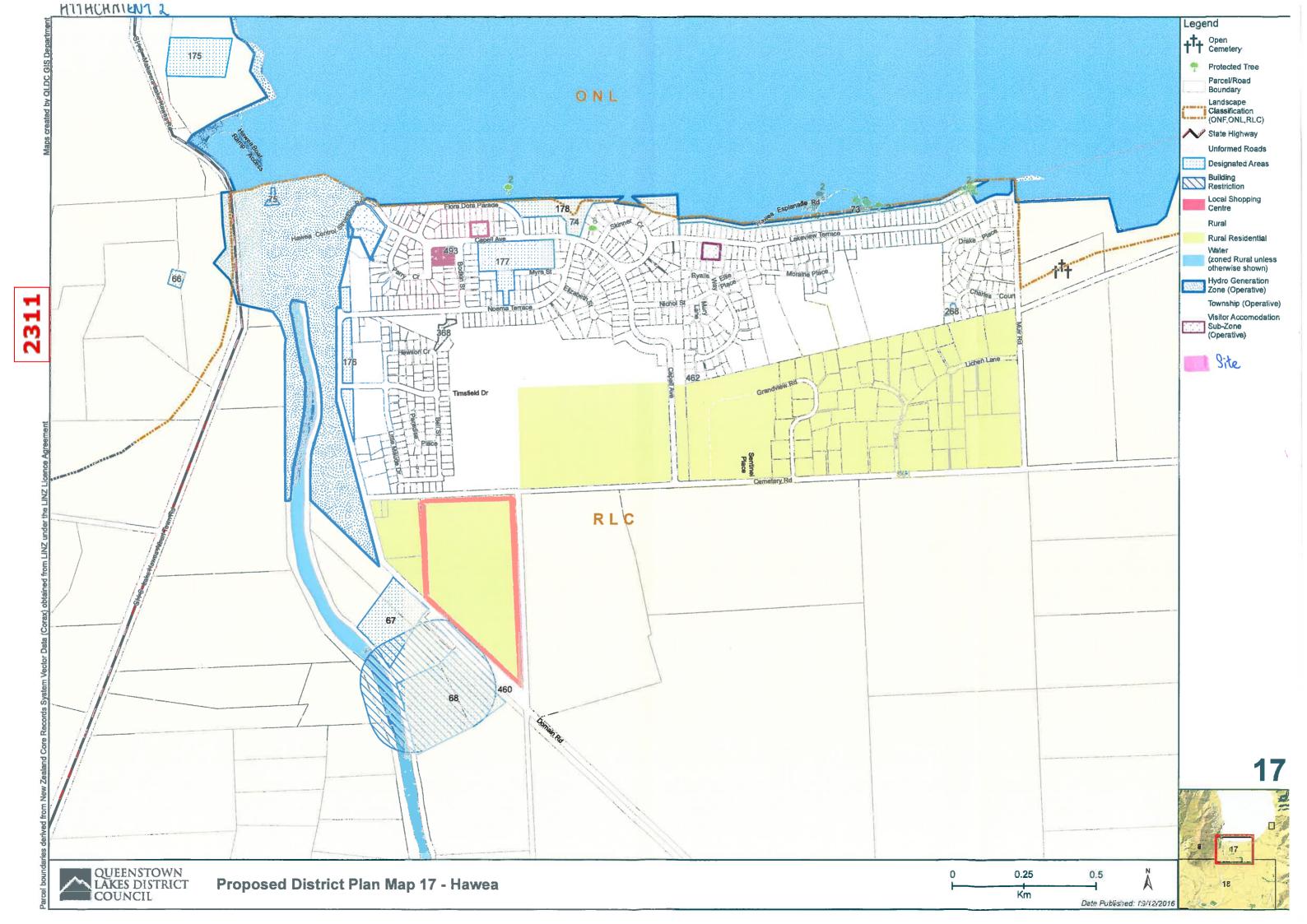
Table 2 – Chapter 22 - Rural Residential & Rural Lifestyle Zone

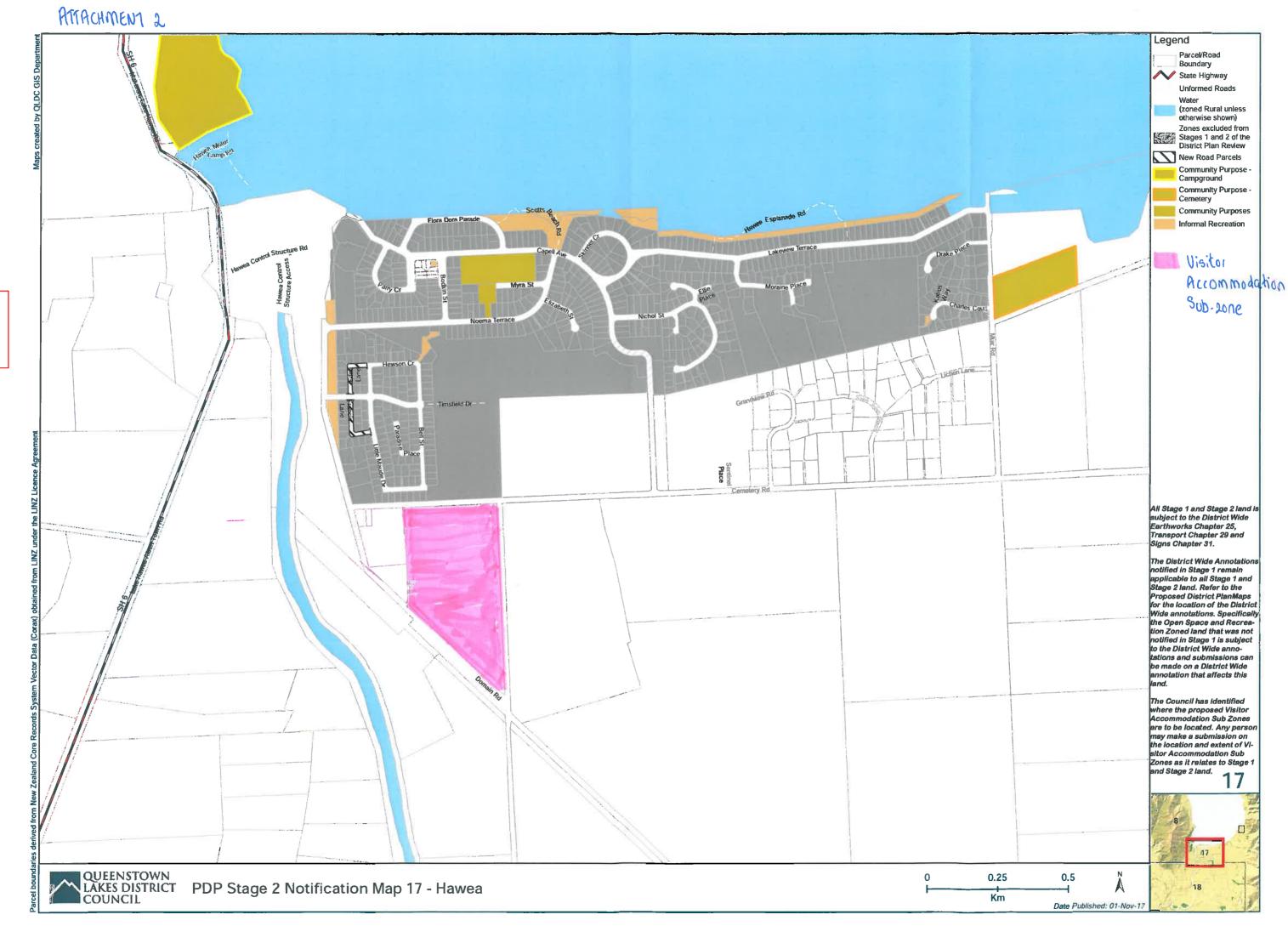
Clause	Notified stage 1 text and stage 2 text	Relief Sought
		(Note stage 1 text in black and red strikeout)
22.2 Objectives and Policies	22.2.2.5 The bulk, scale and intensity of buildings used for visitor accommodation, residential visitor accommodation and homestay activities are to be commensurate with the anticipated development of the zone and surrounding residential activities. 22.2.2.6 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale and intensity of these activities.	Amend: 22.2.2 Objective - Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities. Policies 22.2.2.1 Provide for residential and farming as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the Rural Residential and Rural Lifestyle Zones. 22.2.2.2 Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries. 22.2.2.3 Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not diminished, and the vitality of the District's commercial zones is not undermined. 22.2.2.4 Encourage visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities. 3.2.2.5 The bulk, scale and intensity of buildings used for visitor accommodation, residential visitor accommodation and homestay activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

22 4 Rules -			22.2.2.6 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale and intensity of these activities. 22.2.3 Objective - Maintain residential coherence, character and amenity. 22.2.3.1 Recognise the role of the rural residential areas in providing housing and manage the cumulative effects of visitor accommodation on residential coherence. 22.2.3.2 Provide for visitor accommodation within Visitor Accommodation Subzones 22.2.3.3 Ensure visitor accommodation is of a scale and design compatible with the surrounding township and rural residential environments. 22.2.3.4 Manage operational effects of visitor accommodation through design and site management.		
22.4 Rules – Activities	Table 1 22.4.18	Activities – Rural Residential and Rural Lifestyle Zones Residential Visitor Accommodation and Homestays	Activity status	Amend: Table 1 22.4.5 22.4.10	Activities – Rural Residential and Rural Lifestyle Zones Residential Activity P Visitor accommodation within a visitor C accommodation subzone, including the construction or use of buildings for visitor accommodation. Control is reserved to all of the following: The bulk and scale of buildings in the context of the scale of residential buildings in the surrounding area. Design and compatibility with the character of the surrounding area; The scale, number of guests and hours of operation; Access safety and transportation effects. Car Parking.

	 The adequacy, location and safety of access and parking; The proximity of outdoor areas to neighbours; Noise - Mitigation of noise effects through design, acoustic insulation and management plan; Signs and Lighting. External appearance, including exterior lighting and signage; Landscaping to mitigate effects associated with buildings, infrastructure and car parking areas. Provision of a visitor accommodation management plan, including details of property management, rubbish collection and house rules appropriate to the surrounding receiving environment. Where buildings are located near water bodies, ensuring the buildings are compatible with the scenic and amenity values of any waterbodies. Whether the building will be located in an area subject to natural hazards including the effects of any mitigation to manage the location of the building.
22	4.11 Visitor accommodation outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation
	*Discretion is restricted to:
	Design and compatibility with the character of the rural residential area;The scale, number of guests and hours of
231	 operation; The adequacy, location and safety of access and parking; Landscaping;
	 The proximity of outdoor areas to neighbours; Mitigation of noise effects through design, acoustic insulation and management plan; External appearance, including exterior lighting and signage,

				22.4.18	Provision of a visitor accommodation management plan, including details of property management, rubbish collection and house rules appropriate to the surrounding receiving environment. Residential Visitor Accommodation and Homestays
22.5 Rules - Standards	Table 2	Standards - Rural Residential and rural Lifestyle Zones	Non- compliance status	Delete Rule Delete Rule	
	<u>22.5.14</u>	Residential Visitor Accommodation 22.5.14.1The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 nights per 12 month period.	<u>NC</u>		
	22.5.15	Homestay 22.5.15.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and shall not occur within both on a site. 22.5.15.2 Shall not exceed 5 paying guests per night.	<u>NC</u>		







COMPUTER FREEHOLD REGISTER **UNDER LAND TRANSFER ACT 1952**



Search Copy

Identifier Land Registration District Otago

19606

Date Issued

14 May 2002

Prior References

OT392/25

Estate

Fee Simple

Area

16.6830 hectares more or less

Legal Description Lot 1 Deposited Plan 304937

Proprietors

Streat Developments Limited

Interests

Saving and excepting all minerals within the meaning of the Land Act 1924 on or under the land Subject to Section 315 Land Act 1924

Subject to a right of way in gross over part marked a-b on DP 304937 in favour of Hawea Irrigation Company Limited created by Transfer 829209 - 6.5.1993 at 9:19 am

Fencing Covenant in Transfer 5337316.3 - 9.9.2002 at 9:00 am

Land Covenant in Transfer 5337316.3 - 9.9.2002 at 9:00 am

19606

