

Amy Bowbyes for QLDC – Hearing Stream 15 – Visitor Accommodation Text

1. The notified VA provisions include separate definitions and provisions for Visitor Accommodation (**VA**), Residential Visitor Accommodation (**RVA**) and Homestay activities.
2. In some instances, my recommendations on the provisions provide greater flexibility for RVA activities (compared to the notified version), whilst ensuring that associated adverse effects can be appropriately managed. Of note, the key changes I recommend include:
 - (a) increasing the permitted threshold for RVA activities from 28 nights to 42 nights per year, with the following activity statuses applying for breaches of that threshold:
 - (i) Non-complying activity in residential zones¹ (excluding the High Density Residential Zone);
 - (ii) Discretionary activity in the Rural Zone, Rural Residential Zone, Rural Lifestyle Zone and the Gibbston Character Zone;
 - (iii) Restricted discretionary activity in the High Density Residential Zone, the Medium Density Residential Zone adjoining Wanaka Town Centre (shown on Planning Map 21), and within the Arrowtown Town Centre Transition Overlay, the Visitor Accommodation Sub-zones, and the Residential Activity Area of the Millbrook Resort Zone; and
 - (iv) Controlled activity in the Business Mixed Use Zone, Jacks Point Zone Village Activity Area (V(JP)), Homestead Bay Village Activity Area (V(HB)) and deletion of reference to the Lodge Area of the Jack's Point Zone.
 - (b) removal of the notified rule which limited RVA activities to 3 separate lets per annum;
 - (c) reducing the permitted number of guests for Homestays from 5 guests per night (as notified) to 3 guests per night within the residential zones (excluding the High Density Residential Zone); and
 - (d) amending the definition of Activities Sensitive to Airport Noise (ASAN) to include RVA and Homestay activities.
3. In relation to the key outstanding matters of disagreement between myself and submitters who have filed evidence, my views are that:
 - (a) the effects of RVA and Homestay activities are different to the effects of residential activities, and subsequently I consider a separate regime to manage the effects of these activities is appropriate (cf. Ms McLeod for Airbnb);
 - (b) the adverse effects of RVA and Homestay activities located in rural areas require management (cf. Mr Ferguson for Darby Planning et al); and that more flexibility is not required for Homestay activities in rural areas (cf. Ms Reilly for Federated Farmers); and
 - (c) the permitted threshold of 42 nights per year for RVA activities is appropriate (cf. Mr Farrell for MajorDomo et al); and in conjunction with this, a 'residential sub-zone' approach should not be applied as an alternative method (cf. Mr Chrisp for Bookabach & BachCare). In my view the 42 night limit, in conjunction with the afore-mentioned activity statuses for breaches, would provide an appropriate framework for the management of adverse effects of RVA activities in the respective zones, including adverse effects on amenity, residential cohesion, and housing supply.

Addendum: Rebuttal evidence to Ms Stewart and Mr Espie for Teece Irrevocable Trust No. 3 (2599)

¹ Lower Density Suburban Residential Zone, Medium Density Residential Zone, Large Lot Residential Zone, Arrowtown Residential Historic Management Zone, the residential activity areas of the Jack's Point Zone, and the Residences Area of the Waterfall Park Zone.

TEECE IRREVOCABLE TRUST No. 3 (2599)

1. Due to a perceived conflict that has arisen for Ms Devlin in respect of the Teece Irrevocable Trust No. 3 submission (2599) (**Teece**), I have reviewed the Teece evidence dated 24 August 2019 and provide my analysis and recommendations on the relief sought. I confirm that I agree with and adopt Ms Devlin's evidence in relation to the Teece submission contained within section 3 of her supplementary statement of evidence dated 10 August 2018.
2. Ms Elizabeth Stewart (Planning) and Mr Benjamin Espie (Landscape Architecture and Landscape Planning) have filed evidence on behalf of Teece in relation to a requested Visitor Accommodation Sub-Zone (**VASZ**) over the submitter's site at Mill Flat, Dart Valley. Ms Stewart refers to the sub-zone as the Upper Glenorchy Visitor Accommodation Sub-Zone (**UGVASZ**). The site is located within the PDP Rural Zone (Chapter 21), and rule 21.4.19 provides for VA as a discretionary activity.
3. Mr Espie considers that development enabled by the UGVASZ would accord with the Strategic Directions sections of the PDP as they relate to landscape issues². As I am not a landscape expert, and Council has not engaged a landscape expert, I make no comments on Mr Espie's evidence. I note, however that Mr Espie's evidence has been largely synthesised within the evidence of Ms Stewart, which I will respond to directly.
4. Ms Stewart has provided a detailed assessment and set of recommended provisions for the requested UGVASZ. The VASZ framework within the notified (and recommended) VA provisions applies only to residential zones³ located within the Urban Growth Boundary.
5. Ms Stewart states that the UGVASZ would apply to the entire 278ha site⁴, however the provisions sought by Ms Stewart are only proposed to apply to specifically identified 'Areas A and B'. Consequently, I am unclear what the status of VA activities would be within the remaining area of the requested UGVASZ. If VA activities are not intended within the rest of the site, a VASZ over the entire site in my view is not appropriate, notwithstanding that Ms Stewart is seeking to avoid small 'spot' zones⁵.

2 Evidence of Benjamin Espie (Landscape Architect) on behalf of Teece Irrevocable Trust Number 3 (#2599), 24th August 2018, paragraph 3.2.

3 Specifically, the Lower Density Suburban Residential Zone, Medium Density Residential Zone, Arrowtown Residential Historic Management Zone and the Large Lot Residential Zone.

4 Brief of Evidence of Elizabeth Stewart, 24 August 2018, in the matter of Stage 2 Variation Visitors Accommodation Submission 2599 Teece Irrevocable Trust No. 3, paragraphs 4.1 and 10.1.

5 Ibid at paragraph 7.15.

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6. Ms Stewart proposes a lengthy list of matters of discretion for VA as a restricted discretionary activity within the UGVASZ, alongside a resource consent level of detail, such as 50 vehicle movements per day⁶. I consider that this level of detail indicates that the restricted discretionary activity regime is not suitable. A maximum number of vehicle movements would better suit a resource consent condition. The matter for ‘associated earthworks, access, parking and landscaping’⁷ in my view does not contain sufficient detail about how landscape character and rural amenity would be addressed. Interestingly, I note that the provisions sought by Ms Stewart do not include amendments to the PDP Rural Zone objectives and policies⁸, nor the existing objectives and policies, which support the discretionary activity regime for VA. Instead, these are relied upon by Ms Stewart.
 7. I appreciate that Ms Stewart is concerned about the uncertainty of the fully discretionary regime for VA within the Rural Zone (rule 21.4.19), with potential for notification. I note that an appeal⁹ on Chapter 21 is seeking that rule 21.4.19 is amended to provide for VA as a controlled activity, with no appeals seeking a more restrictive regime.
 8. Leaving aside any merits of the proposed development, I consider that enabling non-notification of VA on the scale that could be anticipated by the application of a VASZ on this site (comprising 278ha) would be contrary to the PDP framework, whereby development is considered inappropriate in almost all locations in Outstanding Natural Landscapes apart from exceptional cases¹⁰. Non-notification exceptions within Chapter 21 are only provided for specified controlled activities¹¹.
 9. Ms Stewart considers that the proposed VASZ rules package is designed so that it can be applied to other appropriate locations in the Rural Zone (with site-specific modifications as appropriate), in the same way that the residential zones VASZ applies to multiple locations. Ms Stewart considers that it could provide a ‘template’ that replaces the ODP Rural Visitor Zones (a Stage 3 matter)¹².
 10. I disagree. In my view the provisions sought by Ms Stewart are bespoke and have been prepared specifically for Areas A and B within the site, and therefore are not designed to be used as a template for other rural areas.

6 Ibid at paragraph 6.21.

7 Ibid at Appendix C.

8 Ibid at paragraph 7.5.

9 ENV-2018-CHC-127.

10 Chapter 6 (Landscapes) Policy 6.3.12.

11 Chapter 21 (Rural) 21.20.

12 Brief of Evidence of Elizabeth Stewart, 24 August 2018, in the matter of Stage 2 Variation Visitors Accommodation Submission 2599 Teece Irrevocable Trust No. 3, paragraph 7.15.

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11. Ms Devlin has considered whether or not a VASZ should be included as a method within the Rural Zone in her evidence in chief, in particular at paragraphs 10.9 and 11.40. I concur with Ms Devlin's view that VASZs should not be provided for within the Rural Zone, and that VA activities should be consented under the fully discretionary rule (21.4.19). This view is consistent with the recommendations in my evidence in chief at paragraph 11.65, in response to a proposal by Streat Developments Limited (2311) to introduce a framework for VASZs in the Rural Residential and Rural Lifestyle Zones.
 12. I therefore recommend that the relief sought by Teece Irrevocable Trust No. 3 (2599) is rejected.