

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 15

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT
COUNCIL PROVIDING LIST OF ISSUES TO BE ADDRESSED IN
COUNCIL'S RIGHT OF REPLY AND VA WBRAZ PROVISIONS**

HEARING STREAM 15 – VISITOR ACCOMMODATION

11 September 2018

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MAY IT PLEASE THE PANEL:

1. The purpose of this memorandum is to advise the Panel and submitters of substantive matters that the Council has been asked to respond to, in its right of reply on Visitor Accommodation (**VA**). Some matters raise legal issues.
2. The provision of this list in advance of the Council's right of reply, will enable submitters to comment on the matters, if they wish, when they appear during the hearing. Counsel confirmed with the Panel, the extent of the matters to be listed in this memorandum. It does not, for example, list every minute detail relating to the VA provisions, but lists changes of more substance that will be considered.
3. Also **attached** at **Appendix A** to this memorandum, is a copy of the proposed VA provisions for the Wakatipu Basin Rural Amenity Zone that were inadvertently not included in the recommended provisions attached to Ms Bowbyes' section 42A report as Appendix 1 and rebuttal as Appendix A.

List of matters raised by the Panel during Council's case that will be considered in the right of reply on VA:

1. Further consideration of the management of the adverse effects of RVA in the context of Council's functions (s31) and part 2 of the RMA.
2. Consideration of whether Homestays should fall within the definition of Home Occupation activities, and subsequently whether the PDP framework for Home Occupations should be used to manage the adverse effects of Homestays.
3. Whether Objectives 7.2.8 and 7.2.9 (and equivalent in other zones) should be redrafted so the objective is more clearly stated and any repetition is removed.
4. For RVA and Homestay activities, further consideration of:

- (a) the proposed registration and record-keeping standards and scope to require them under the RMA;
 - (b) whether the registration and record-keeping standards should sit within the recommended rules for RVA and Homestays or whether they should sit in a stand-alone rule in each chapter with a separate non-compliance activity status.
5. Appropriateness of the non-complying activity status for breaches of standards for RVA and Homestays.
 6. For the rural zones, further consideration of the objectives and policies of the rural zones, in particular those that support farming diversification, and subsequent consideration of the standards for RVA and Homestays.
 7. For the Millbrook Zone, further consideration of the proposed provisions against the definition of resort and the zone purpose, which both place strong emphasis on providing for visitors.
 8. For the Jacks Point Zone, whether inclusion of RVA activities in the structure plan provision would be a more appropriate method for providing for RVA activities.
 9. Evidence regarding current VA bed numbers.
 10. Whether the RMA (ie. the District Plan provisions being promoted by the Council) is the only means to manage the effects of RVA activities, or whether there are other solutions that sit outside of the RMA? **(Question for Mr Heyes)**

DATED this 11th day of September 2018



S J Scott
Counsel for Queenstown Lakes District
Council

APPENDIX A

Revised Chapter 24 Wakatipu Basin Rural Amenity Zone provisions (extract) inadvertently not included in the VA s42A and rebuttal.

Further recommendations regarding these provisions will be considered in the right of reply.

Key:

S42A Report dated 23 July 2018: Recommended changes to the notified provisions are shown in red underlined text for additions and ~~red strike-through text~~ for deletions.

Rebuttal dated 21 August 2018: Recommended changes to notified chapter are shown in blue underlined text for additions and ~~blue strike-through text~~ for deletions.

24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
[...]		
24.4.18	Residential visitor accommodation and homestays.	P
24.4.19	Visitor accommodation	D
[...]		

	Table 24.3 – Standards	Non-compliance status
[...]		
24.5.15	Residential visitor accommodation The commercial letting of one <u>Must be limited to one</u> residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 <u>42</u> nights <u>occupation by paying guests</u> per 12 month period.	D
24.5.16	Homestay a. May occur within either an occupied residential unit or an occupied residential flat on a site, and shall must not occur within both on a site. b. Shall Must not exceed 5 paying guests per night.	D
[...]		

Commented [AB1]: 2285 TradeMe and others

Commented [AB2]: 2048 Ella Hardman
2233 Kaye Parker

Commented [AB3]: Minor grammatical amendment - cl 16

Commented [AB4]: Minor grammatical amendment - cl 16