



Queenstown Lakes District Council  
10 Gorge Road  
Queenstown 9300

**23 February 2018**

**Queenstown Lakes District Proposed District Plan Stage 2 - Visitor Accommodation**

**To:** Queenstown Lakes District Council

**Your details:**

Name: Brent Thomas, Head of Public Policy, Australia & New Zealand  
Email address: nzpolicy@airbnb.com

**Plan change to which this submission relates to:**

Queenstown Lakes District Proposed District Plan Stage 2 - Visitor Accommodation.

Airbnb could not gain an advantage in trade competition through this submission.

**Specific provisions of the proposal that my submission relates to are:**

The Proposed District Plan Stage 2 – Visitor Accommodation in its entirety.

**My submission is:**

Airbnb opposes the Proposed District Plan Stage 2 – Visitor Accommodation in its entirety and seeks for the proposed provisions to be deleted. Airbnb strongly believes in the right of people to share their houses, townhouses and apartments across the Queenstown Lakes District in a responsible and sustainable way, without extreme restrictions like the caps on the number of nights people can share their homes, or limits on the number of times people can host guests.

Airbnb believes that to maximise participation in the sharing economy, any regulations should be clear, easy to understand and comply with, and cost-effective for hosts.

The Airbnb host community depends on hosting as an economic lifeline to help hosts keep up with the cost of living in the Queenstown Lakes District (particularly where hosts are relying on renting out a room to help cover or offset their mortgage). Airbnb hosts also provide personal recommendations to each of their guests about their favourite cafes, restaurants and shops, so small businesses get a boost from local tourism.

## About Airbnb

Founded in August of 2008 and based in San Francisco, California, Airbnb is a trusted community marketplace for people to list, discover, and book unique accommodation and experiences around the world.

Our company and the Airbnb community are leaders in the new Sharing Economy, a movement that will represent a significant part of the world's future economic growth. Millions of hospitality micro entrepreneurs are now empowered to help make ends meet using their underutilised assets or by sharing their passions. This movement is distributing economic opportunities across diverse neighbourhoods and providing millions of people with a trusted platform they can use to benefit their families, earn additional income as a host or find unique lodging opportunities and travel experiences as a guest.

Since 2008, over 300 million guests have had a safe and positive experience on Airbnb. We have worked hard to provide tools and resources that promote transparency and trust, and we are proud to be a global leader in providing education on these issues for our community.

Simply put, Airbnb allows anyone to belong anywhere. Our platform helps strangers see a city as a local does and lets hosts become ambassadors for the communities they love, using communication, payment, and trusted tools to empower users around the world.

## The Proposed Measures

Airbnb encourages Queenstown Lakes District Council to follow the lead of other cities around the world, which have embraced home sharing and are reaping the benefits it offers. Airbnb opposes the Proposed District Plan Stage 2 – Visitor Accommodation in its entirety, and seeks its withdrawal, because:

1. Airbnb considers that the Proposed District Plan does not assist Queenstown Lakes District Council to achieve its functions under the new section 31(1)(aa) of the Resource Management Act 1991 ('RMA'), being (emphasis added):

...the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient *development capacity* in respect of housing and business land to meet the expected demands of the district.

In Airbnb's view, section 31(1)(aa) is focused on 'development capacity' rather than controlling the use of existing housing stock. 'Development capacity', in relation to housing and business land in urban areas, is defined as the capacity of land for urban development, based on:

- a. The zoning, objectives, policies, rules, and overlays that apply to the land under the relevant proposed and operative regional policy statements, regional plans, and district plans;
- b. The capacity required to meet—
  - i. The expected short and medium term requirements; and

- ii. The long term requirements; and
- c. The provision of adequate development infrastructure to support the development of the land.

Thus, Queenstown Lakes District Council cannot rely on section 31(1)(aa) in order to support its limits in the Proposed District Plan on the use of existing individuals' private homes to improve housing supply.

2. The Proposed District Plan is not necessary to give effect to the relevant national policy statements, in particular the National Policy Statement on Urban Development Capacity ('**NPS-UDC**'). The NPS-UDC directs councils on how to provide sufficient *development capacity* for current and future housing and business demand under the RMA. The focus of the NPS-UDC is to control development capacity rather than use planning rules to regulate how the existing housing stock is used.
3. To the extent that Queenstown Lakes District Council relied upon external data in the Section 32 Report on Visitor Accommodation provisions in the Proposed District Plan, Airbnb considers that the data used is deeply flawed and highly unreliable. Thus, parts of Queenstown Lakes District Council's assessment that have relied on this data is inaccurate and should not be given any weight.

Without limiting the relief requested above, Airbnb also has concerns about the following provisions:

1. **Definitions of Residential Visitor Accommodation and Homestays**

- The host should not be required to apply for resource consent for Residential Visitor Accommodation for any length of stay by paying guests. The proposed definition of Residential Visitor Accommodation should be amended as follows:

Means the use of a residential unit including a residential flat by paying guests.

- There should be no registration or rates or levies that apply to Homestays. The proposed definition of Homestay should be amended as follows:

Means the use of a residential unit including a residential flat by paying guests at the same time that the residential unit or residential flat is occupied by residents for time that the residential unit or residential flat is occupied by residents for use as a Residential Activity. Includes bed & breakfasts and farm-stays.

2. **Rules and standards for Residential Visitor Accommodation in all zones**

- Airbnb opposes the restriction on the commercial letting being limited to 3 lets a year not exceeding a cumulative total of 28 nights, and limiting the maximum number of vehicle trips to 8 per day. This is an extremely restrictive standard which will require the

majority of Airbnb hosts to apply for a resource consent to let their houses or apartments, and is difficult for hosts and Council to enforce.

- There should be no restrictions on Residential Visitor Accommodation in all zones, and hosts should be able to operate Residential Visitor Accommodation without the need for a resource consent. The standards for Residential Visitor Accommodation in all zones should be deleted in its entirety and the activity status for Residential Visitor Accommodation in all zones should remain as permitted.

### **3. Rules and standards for Homestays in all zones**

- Airbnb opposes limiting the number of paying guests to no more than 5 per night, and limiting the maximum number of vehicle trips to 8 per day. This is an overly restrictive standard and is difficult for hosts and Council to enforce.
- There should be no restrictions on Homestays in all zones, and hosts should be able to operate Homestays without the need for a resource consent. The standards for Homestays in all zones should be deleted in its entirety and the activity status for Homestays in all zones should remain as permitted.

### **4. Non-notification of applications**

- In the event that the relief sought above is not granted, rules relating to non-notification of resource consent applications should also apply to Residential Visitor Accommodation and Homestays, as some Visitor Accommodation activities are already excluded from notification. These provisions specifically target the sharing home economy and make it much easier for commercial accommodation operators to obtain resource consent than residential homeowners.

Accordingly, the Proposed District Plan:

1. Does not promote sustainable management of resources and will not achieve the purpose of the RMA;
2. Does not amount to or promote the efficient use and development of resources;
3. Is contrary to Part 2 and other provisions of the RMA;
4. Does not meet the reasonably foreseeable needs of future generations;
5. Does not enable social, economic and cultural wellbeing;
6. Is otherwise contrary to, inconsistent with, and/or is inappropriate having regard to the purpose and provisions of the RMA and other relevant planning documents;
7. Fails to achieve the requirements of section 32 of the RMA; and
8. Is contrary to, inconsistent with, and/or is inappropriate having regard to section 31(1)(aa) of the RMA and the NPS-UDC.

### **Airbnb seeks the following from the local authority:**

Withdrawal or decline of the Proposed District Plan Stage 2 - Visitor Accommodation in its entirety. In the event that this relief is not granted, Airbnb seeks such alternative relief that would address its concerns outlined above.

We thank Queenstown Lakes District Council for the opportunity to provide our views. Airbnb wishes to be heard in support of this submission and to answer any questions the Council may have.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Thomas", with a long horizontal flourish extending to the right.

Brent Thomas

**Head of Public Policy, Australia & New Zealand  
Airbnb**



Queenstown Lakes District Council  
10 Gorge Road  
QUEENSTOWN 9300

27th April 2018

**Queenstown Lakes District Proposed District Plan Stage 2 - Visitor  
Accommodation Variation  
Further Submission**

Airbnb could not gain an advantage in trade competition through this further submission.

Airbnb thanks the Council for the opportunity to make a further submission to the Visitor Accommodation Variation.

We hope to engage with Council on a solution which addresses the Council's concerns without the need for the proposed cap or other measures that would severely restrict the benefits of the home sharing economy.

Airbnb notes that an overwhelming number of points raised in the initial submission process oppose the variation, and we reiterate the points made in our initial submission.

We thank Queenstown Lakes District Council for the opportunity to provide our views. Airbnb wishes to be heard in support of this submission and to answer any questions the Council may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Thomas'.

Brent Thomas  
**Head of Public Policy, Australia & New Zealand  
Airbnb**



**Airbnb Submission**

**Further submissions in opposition to submissions on Queenstown Lakes District Proposed District Plan  
Stage 2 - Visitor Accommodation Variation**

To: Queenstown Lakes District Council

Submitter: Airbnb

Address for service: Brent Thomas, Head of Public Policy, Australia & New Zealand

[nzpolicy@airbnb.com](mailto:nzpolicy@airbnb.com)

+61 413 624 836

Airbnb is a submitter in relation to the Variation and has an interest in the Variation that is greater than that of the general public, as the Variation will directly affect Airbnb's operations in the Queenstown-Lakes District. Airbnb is a trusted community marketplace for people to list, discover and book unique accommodation and experiences around the world. In places like the Queenstown-Lakes District, where the cost of living is high, the Airbnb host community depends on home sharing as an economic lifeline to supplement their income, particularly where hosts are relying on renting out a room to help cover or offset their mortgage. Airbnb guests benefit from the platform by having access to unique lodging and travel experiences, and being able to stay and see cities as a local does.

Airbnb makes the following further submissions:

<b>Submission</b>	<b>Name and Address of Original Submitter</b>	<b>Provision</b>	<b>Submission Summary</b>	<b>Airbnb's Position</b>	<b>Reason</b>
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2376.55	Darby Planning LP (Chris Ferguson, Boffa Miskell Ltd) chris.ferguson@boffamiskell.co.nz	VA - Chapter 2: Definitions	That the definition of Visitor Accommodation be amended to include any residential unit or residential flat.	Oppose	This amendment would make residential visitor accommodation and homestays subject to the same provisions as commercial accommodation providers. Airbnb opposes the amendment as it considers residential visitor accommodation and homestays should be subject to less stringent
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2376.57	Darby Planning LP (Chris Ferguson, Boffa Miskell Ltd) chris.ferguson@boffamiskell.co.nz	21.4 - Rules - Activities	That Rule 21.4.37 be deleted.	Oppose	The submitter requests the deletion of the permitted activity status for Residential Visitor Accommodat ion and Homestays. Airbnb opposes the deletion of the permitted activity status for the reasons set out in its original submission.
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2376.58	Darby Planning LP (Chris Ferguson, Boffa Miskell Ltd) chris.ferguson@boffamiskell.co.nz	22.4 - Rules - Activities	That Rule 22.4.18 be deleted.	Oppose	The submitter requests the deletion of the permitted activity status for Residential Visitor Accommodat ion and Homestays. Airbnb opposes the deletion of the permitted activity status for the reasons set out in its original submission.
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2376.6	Darby Planning LP (Chris Ferguson, Boffa Miskell Ltd) chris.ferguson@boffamiskell.co.nz	41.4 - Rules - Activities	That Rule 41.4.18 be deleted.	Oppose	The submitter requests the deletion of the permitted activity status for Residential Visitor Accommodat ion and Homestays. Airbnb opposes the deletion of the permitted activity status for the reasons set out in its original submission.
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2035.1	Four Seasons Motel (Rosemary Hill) stay@queenstownmotel.com	Visitor Accommodat ion - Variation	Support visitor accommoda tion variation.	Oppose	Airbnb opposes the Variation as the Variation: - Is not necessary to control or address any identified adverse effects on the environment; - Does not assist Council to achieve its function to ensure there is sufficient “development capacity”; - Is not necessary to give effect to the National Policy Statement on Urban
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2035.2	Four Seasons Motel (Rosemary Hill) stay@queenstownmotel.com	Visitor Accommodat ion - Variation	That all providers of accommoda tion be registered as commercial providers.	Oppose	Airbnb opposes the amendment as it considers residential visitor accommodati on and homestays should be subject to less stringent standards than commercial operators. Allowing residential units to be used by paying guests does not generate any greater effects on the environment
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2035.3	Four Seasons Motel (Rosemary Hill) stay@queenstownmotel.com	Visitor Accommodat ion - Variation	That all visitor accommoda tion providers comply with fire and building WOF requirement s, parking, building occupation and rates requirement s.	Oppose	Airbnb opposes the amendment as it considers residential visitor accommodati on and homestays should be subject to less stringent standards than commercial operators. Allowing residential units to be used by paying guests does not generate any greater effects on the environment
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2035.4	Four Seasons Motel (Rosemary Hill) stay@queenstownmotel.com	Visitor Accommodat ion - Variation	That homestay, holiday home, and single let operators provide accommoda tion for a minimum of 60 days at a time.	Oppose	Visitor Accommodat ion - Variation
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2382.24	Glendhu Bay Trustees Ltd (Chris Ferguson, Boffa Miskell Ltd) chris.ferguson@boffamiskell.co.nz	VA - Chapter 2: Definitions	That residential unit or residential flat are included in the definition of visitor accommodation.	Oppose	This amendment would make residential visitor accommodation and homestays subject to the same provisions as commercial accommodation providers. Airbnb opposes the amendment as it considers residential visitor accommodation and homestays should be subject to less stringent
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2382.25	Glendhu Bay Trustees Ltd (Chris Ferguson, Boffa Miskell Ltd) chris.ferguson@boffamiskell.co.nz	VA - Chapter 21: Rural	Delete Rule 21.4.37	Oppose	The submitter requests the deletion of the permitted activity status for Residential Visitor Accommodation and Homestays. Airbnb opposes the deletion of the permitted activity status for the reasons set out in its original submission.
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2556.1	Hospitality New Zealand (Charlotte Simpson) Charlotte.simpson@hospitalitynz.org.nz	Visitor Accommodation - Variation	Generally supports the proposed Visitor Accommodation variation	Oppose	Airbnb opposes the Variation as the Variation: - Is not necessary to control or address any identified adverse effects on the environment; - Does not assist Council to achieve its function to ensure there is sufficient “development capacity”; - Is not necessary to give effect to the National Policy Statement on Urban
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2556.3	Hospitality New Zealand (Charlotte Simpson) Charlotte.simpson@hospitalitynz.org.nz	Visitor Accommodation - Variation	Generally supports the proposed VA objectives and policies in chapters 7, 8, 10 and 11.	Oppose	Airbnb opposes the Variation as the Variation: - Is not necessary to control or address any identified adverse effects on the environment; - Does not assist Council to achieve its function to ensure there is sufficient "development capacity"; - Is not necessary to give effect to the National Policy Statement on Urban
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2556.5	Hospitality New Zealand (Charlotte Simpson) Charlotte.simpson@hospitalitynz.org.nz	Visitor Accommodation - Variation	That council address the allocation of "appropriate" commercial rates to Homestay and Residential Visitor Accommodation providers	Oppose	Rates are levied under the Local Government Act 2002 and are outside the ambit of the Variation.
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2336.34	<p>Ngai Tahu Property Limited  (Amanda Leith, Southern Planning Group)  amanda@southernplanning.co.nz</p>	<p>Visitor Accommodation - Variation</p>	<p>Supports the visitor accommodation variation.</p>	<p>Oppose</p>	<p>Airbnb opposes the Variation as the Variation:</p> <ul style="list-style-type: none"> <li>- Is not necessary to control or address any identified adverse effects on the environment;</li> <li>- Does not assist Council to achieve its function to ensure there is sufficient “development capacity”;</li> <li>- Is not necessary to give effect to the National Policy Statement on Urban</li> </ul>
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2336.37	Ngai Tahu Property Limited (Amanda Leith, Southern Planning Group) amanda@southernplanning.co.nz	Visitor Accommodation - Variation	Visitor Accommodation - Variation	Oppose	Airbnb considers Residential Visitor Accommodation and Homestays should be permitted in all zones.
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2409.2	Trilane Industries Limited (Graeme Todd, Todd and Walker Law) graeme@todddandwalker.com	Visitor Accommodation - Variation	The submitter supports the proposed Visitor Accommodation Variation.	Oppose	Airbnb opposes the Variation as the Variation: - Is not necessary to control or address any identified adverse effects on the environment; - Does not assist Council to achieve its function to ensure there is sufficient "development capacity"; - Is not necessary to give effect to the National Policy Statement on Urban
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Airbnb wishes to be heard in support of this submission and to answer any questions the Council may have.  
Airbnb will consider presenting a joint case with others who have made similar submissions.

Sincerely,

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Brent Thomas

**Head of Public Policy, Australia and New Zealand**

**Airbnb**