

01

Operation of the Visitor Accommodation Provisions in the Proposed District Plan (PDP)

The Council's decisions on Stage 1 of the PDP were notified on 7 May 2018. This means that the Stage 1 rules now have legal effect.¹

Stage 2 of the PDP has also been notified. The Stage 2 rules will not have legal effect until the Council's decisions on Stage 2 are notified.²

Through the Stage 1 and Stage 2 processes some changes have been made to the visitor accommodation (**VA**) provisions in the PDP. These changes impact VA activities in the Queenstown Lakes District.

Below we set out the Council's approach to the application of the VA provisions in the PDP.

VA DEFINITIONS

A definition of VA was notified in Stage 1 of the PDP. However, this definition was varied through Stage 2.

This means that the Stage 1 definition no longer applies.

Rather, the Council's interpretation is that the Stage 2 definitions apply to all relevant rules that form part of Stage 1 and Stage 2 of the PDP.

The Stage 2 definitions confirm a distinction between VA of a commercial nature referred to as 'commercial visitor accommodation' (**commercial VA**), and VA of a residential nature referred to as 'residential visitor accommodation' (**residential VA**). This distinction is relevant to the application of the Stage 1 and Stage 2 PDP rules.

As further discussed below, the Council's interpretation is that VA rules that are contained in the Stage 1 decisions refer to commercial **VA only**. The PDP rules that relate to residential VA have been notified as part of Stage 2 of the PDP and do not yet have legal effect.

See the notified Stage 2 definitions [here](#).

Or visit www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Chapters-Stage-2/Variation-Visitor-Accommodation.pdf

¹ In accordance with section 86B of the RMA.

² However, the Stage 2 provisions are *relevant* to consent applications in accordance with section 104(1)(b)(vi) of the RMA.

VA IN THE STAGE 1 RESIDENTIAL ZONE CHAPTERS

VA rules were notified in the five residential zone chapters contained in Stage 1 PDP (Lower Density Suburban Residential, Medium Density Residential, High Density Residential, Arrowtown Residential Historic Management and Large Lot Residential) (**residential zone chapters**). However, these provisions were withdrawn by the Council on 23 October 2015.

As a result, there are no specific provisions relating to VA in the Stage 1 residential zone chapters.

Replacement rules were subsequently notified through Stage 2 of the PDP.

THE NON-COMPLYING CATCH-ALL RULE IN THE RESIDENTIAL ZONE CHAPTERS

The Stage 1 residential zone chapters contain default non-complying activity (**NC**) rules that relate to all activities not expressly listed in the relevant chapters.

As a result of the withdrawal of the VA provisions, VA activities are not expressly listed in the residential zone chapters.

However, the Council's interpretation is that the default NC rules do not apply to VA activities in respect of which specific provisions have been notified in the residential zone chapters through Stage 2 of the PDP (including VA sub zones on the plan maps).³ The ODP provides the only rules that trigger a requirement for consent for VA activities in such circumstances.

VA IN OTHER STAGE 1 ZONES

Other (non-residential) zones that form part of the Council's decisions on Stage 1 of the PDP contain VA rules, which have legal effect.

As noted above, the Council considers that the definitions notified through Stage 2 of the PDP are relevant to the interpretation of the Stage 1 rules. The VA rules that are contained in the Stage 1 decisions refer to 'visitor accommodation' only and not to 'residential visitor accommodation.' The Council's interpretation is that these VA rules relate only to commercial VA.

The Council's interpretation is that residential VA for these 'other zones' forms part of Stage 2 of the PDP. We consider that the default activity status in the 'other zones', in Stage 1, is not triggered for an activity that falls within the residential VA definition. Rather, where specific provisions have been notified for residential VA activities in Stage 2 of the PDP, only the ODP rules trigger a requirement for consent.

ZONES THAT DON'T FORM PART OF THE PDP

If the Council receives a consent application for land outside of the Stage 1 or Stage 2 PDP area, it will process the application for consent under the ODP rules only.

Disclaimer: The information available in this practice note is for the purpose of providing general information on how the Council may interpret provisions of the Queenstown Lakes District Plan and is provided for the convenience of the public only. Queenstown Lakes District Council accepts no liability for use or misuse of this information.

Details that may be relevant to a user's particular circumstances may have been omitted. Users are advised to seek independent professional advice before applying any information contained on this site to their own particular circumstances. The Queenstown Lakes District Council shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this practice note whether or not due to negligence on the part of the Queenstown Lakes District Council or its employees or contractors.

³ The Council has taken this interpretation because the catch-all NC rule is not a replacement for the other, more specific, VA rules in the equivalent residential zones of the ODP. This is indicated by the fact that the residential VA provisions were withdrawn from Stage 1 of the PDP, and that Stage 2, as notified, includes specific VA objectives, policies and rules that will apply in the Stage 1 residential zone chapters.