

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant: Staysouth.com Limited

RM Reference: RM180493

Location: 15 Kerry Drive, Queenstown

Proposal: Land use consent to undertake visitor

accommodation at 10 existing units within The Commonage Villas complex (being Units 1, 4-10, 13

and 14 at The Commonage Villas).

Type of Consent: Land Use Consent

Legal Description: Unit 1 DP 383178 and Accessory Unit 1 DP

383178 in RoT 342959; and nine other properties as listed in this decision.

Valuation Number: 2910552423A

Zoning: Low Density Residential and Rural General

(Operative District Plan)

Lower Density Suburban Residential and Rural

(Proposed District Plan)

Activity Status: Discretionary

Limited Notification: 20 November 2018

Commissioners: W D Whitney & W Baker

Date of Decision: 18 July 2019

Decision: Granted Subject to Conditions.

A. INTRODUCTION

A.1 Background

- 1. Staysouth.com Limited has applied to the Queenstown Lakes District Council to undertake visitor accommodation at 10 existing units being Units 1, 4-10, 13 and 14 at the Commonage Close [known as and hereafter referred to as "The Commonage Villas"] complex at 15 Kerry Drive, Queenstown. The sites subject to the application are described as Unit 1 DP 383178 and Accessory Unit (AU) 1 DP 383178 held in Record of Title (RoT) 342959; Unit 4 DP 383178 and AU 4 DP 383178 held in RoT 342962; 1/4 Share Unit 5 DP 383178 held in RoT 387490; 1/4 Share Unit 5 DP 383178 held in RoT 387489 and 1/2 Share Unit 5 DP 383178 held in RoT 366943; Unit 6 DP 383178 held in RoT 342964; Unit 7 DP 383178 and AU 7 DP 383178 held in RoT 342965; Unit 8 DP 383178 held in RoT 342966; 1/4 Share Unit 9 DP 383178 held in RoT 447352; 1/4 Share Unit 9 DP 383178 held in RoT 447351; 1/4 Share Unit 9 DP 383178 held in RoT 433179 and 1/4 Share Unit 9 DP 383178 held in RoT 433178; Unit 10 DP 383178 and AU 10 DP 383178 held in RoT 342968; Unit 13 DP 383178 held in RoT 342971 and; Unit 14 DP 383178 held in RoT 342972. It is noted that Common Property adjacent to the units is located on land described as Lot 2 DP 375964 and Lots 170 and 171 DP 306902 as contained in RoT 342973 at the Otago Land Registry.
- 2. The Commonage Villas complex is located to the west of Kerry Drive generally to the south of the intersection of Kerry Drive with Belfast Terrace on Queenstown Hill. The Commonage Villas complex was constructed in about 2009; and the complex comprises residential units in five blocks, containing, 2 x 2, 2 x 3 and 1 x 4 units. The Commonage Villas development sits high on Queenstown Hill as viewed from the Queenstown town centre below.
- 3. The composite site that contains the units is zoned in part Low Density Residential and in part Rural General in the Operative Queenstown Lakes District Plan (Operative District Plan). Land immediately to the south and west of the subject site is also in the Rural General Zone and is covered with scrub vegetation. Land immediately to the north (accessed via a right of way known

as Killarney Way) is vacant; and apartment and unit style development is located on the opposite side of Kerry Drive from The Commonage Villas site.

A.2 Planning History

- 4. On 23 February 2004 subdivision consent and land use consent RM030843 were granted to undertake a subdivision creating 14 unit titles and to undertake a residential development comprising 14 residential units on those titles. RM030843 was changed on 19 July 2005 by RM050533 to allow for a spa pool to be located on the road boundary; and to amend height discrepancies encountered during construction. A further change being RM070031 was granted on 23 January 2007 (with respect to RM030843 and RM050533) to allow for an internal boundary setback intrusion.
- 5. Four of the units within The Commonage Villas complex have received land use consent to undertake short-term visitor accommodation for up to six persons 365 days per year. Such land use consents were granted to Jassfield Pty Limited for Unit 2 on 11 January 2018 (RM171339); to G & S Shaw and K Dennis for Unit 3 on 25 January 2018 (RM171342); to Commonage Close Limited and T & S Adamson for Unit 11 on 22 January 2018 (RM171343); and to R & S Haese for Unit 12 on 22 January 2018 (RM171344).

A.3 The Proposal

- 6. The proposal is for retrospective land use consent to undertake visitor accommodation at the 10 existing units being Units 1, 4-10, 13 and 14 at The Commonage Villas. The applicant seeks to formalise the status of an activity that has been taking place at the site for a number of years.
- 7. The applicant seeks to operate visitor accommodation activity at Units 1, 4-10, 13 and 14 for up to 365 days per year; and the units are to be let individually, to separate groups, and not as a whole.

A.4 Zoning

Operative District Plan

- 8. The site is zoned Low Density Residential and Rural General as shown on Maps 32 and 35 of the Operative District Plan.
- 9. Rule 5.3.3.3iii provides for visitor accommodation as a discretionary activity in the Rural General Zone.
- 10. Rule 7.5.3.4i provides for visitor accommodation as a restricted discretionary activity in the Low Density Residential Zone.
- 11. Site Standard 7.5.6.2iii(f) stipulates that no part of a building for visitor accommodation is to be located within 4 metres of an internal boundary where the site(s) adjoining that internal boundary is zoned residential. A breach of Site Standard 7.5.6.2iii(f) is a restricted discretionary activity in terms of Rule 7.5.3.4vi.
- 12. Site Standard 7.5.6.2iii(g) stipulates that parking and outdoor storage areas associated with visitor accommodation activities shall be adequately screened from adjoining properties. A breach of Site Standard 7.5.6.2iii(g) is a restricted discretionary activity in terms of Rule 7.5.3.4vi.
- 13. Site Standard 14.2.4.1i stipulates that one coach park is required per 30 units for visitor accommodation in the Rural General Zone. A breach of Site Standard 14.2.4.1i is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
- 14. Site Standard 14.2.4.2iv(a) in Table 3 stipulates a minimum sight distance of 80 metres for other activities (including visitor accommodation) where the speed limit is 50 kph. A breach of Site Standard 14.2.4.2iv(a) is a restricted discretionary activity in terms of Rule 14.2.2.3ii.

Proposed District Plan

15. The Council notified its decisions on Stage 1 of the Queenstown Lakes Proposed District Plan (Proposed District Plan 2018) on 5 May 2018.

- 16. Rule 21.4.19 in Stage 1 confirms that visitor accommodation in the Rural Zone outside of a Ski Area Sub-Zone is a discretionary activity. It is noted that this rule is subject to appeal ENV–2018–CHC-127.
- 17. The Council notified its decisions on Stage 2 of the Queenstown Lakes Proposed District Plan (Proposed District Plan 2019) on 21 March 2019.
- 18. Rule 7.4.13 of the Proposed District Plan 2019 confirms that visitor accommodation not otherwise identified in the Lower Density Suburban Residential Zone is a non-complying activity. Ms Skuse confirmed to us at the hearing that this rule is subject to appeal; and the applicant's reply identified this appeal as being made by Airbnb Australia Pty Limited (Airbnb).
- 19. The Proposed District Plan 2019 in Rule 7.4.5 makes provision for Residential Visitor Accommodation as a controlled activity in the Lower Density Residential Zone. Having regard to the definition of Residential Visitor Accommodation (that means the use of a residential unit by paying guests where the length of stay by any guest is less than 90 days) it appears that the proposal may have status as Residential Visitor Accommodation. This is because the units are residential units as owners reside at the units from time to time and as no guest is likely to stay for 90 nights or more. It is noted, however, that the applicant seeks to use the units for up to 365 days per year; and on this basis use as a residential unit would cease and the proposal would constitute "Visitor Accommodation" as defined in the Proposed District Plan 2019.
- 20. The proposal has been considered as an application for land use consent to authorise visitor accommodation given the 365 day element that consent has been sought for in the application as lodged.
- 21. The proposal breaches Site Standard 29.5.18 of the Proposed District Plan 2019 that relates to sight distances. A breach of this rule is a restricted discretionary activity in terms of Rule 29.5.18.
- 22. As the application was lodged prior to 21 March 2019 the application is to continue to be processed, considered and decided as an application for the

type of activity that it was for, or was treated as being for, at the time the application was first lodged pursuant to section 88A(1A) of the Resource Management Act 1991 (the Act). When the application was first lodged on or about 6 April 2018 the activity had status as a discretionary activity.

23. The Commission has therefore considered the proposal as an application for land use consent for a discretionary activity.

A.5 Submission

- 24. One submission was received within the statutory submission period which closed on 18 December 2018. The submission by Robert & Sandra Haese opposes the proposal. Mr & Mrs Haese own Unit 12 at The Commonage Villas.
- 25. The Commission has given consideration to the submission received in response to the application.

A.6 Reports and Hearing

- 26. The Commission has had the benefit of a section 42A planning report dated 10 May 2019 prepared by Ms Joanne Skuse, a Planner with the Queenstown Lakes District Council; and an Engineering Report prepared by Mr Michael Pridham, a Resource Engineer with the Queenstown Lakes District Council, dated 19 February 2019.
- 27. At the hearing on Tuesday 4 June 2019 the Commission was assisted by Ms Skuse and Mr Pridham. Mr Kenny Macdonald, a Senior Planner with the Queenstown Lakes District Council, was also in attendance. Ms Charlotte Evans, Planning Support with the Queenstown Lakes District Council, provided administrative support at the hearing; and Ms Brooke Allan, Planning Support, was in attendance for training purposes.
- 28. Prior to the hearing the Commission had the opportunity to consider the application and supporting material; the submission; the section 42A report and appendices thereto; the pre-circulated written evidence prepared by Ms Archibald and Mr Carr for the applicant; and a written response to the

applicant's pre-circulated evidence prepared by the submitters. The Commission conducted a site inspection on the morning of the hearing on 4 June 2019.

- 29. At the hearing the applicant was represented by Mr Ben Gresson and Mr Graeme Todd of Todd & Walker Law, counsel; Mr Andy Salek the CEO of the applicant company; Ms Sonya Archibald, General Manager of the applicant company; and Mr Andy Carr of Carriageway Consulting Limited, traffic engineer. While the submitters were not represented their written statement in response to the pre-circulated evidence of the applicant was tabled at the hearing.
- 30. The planning and engineering reports were taken as read and Mr Pridham and Ms Skuse were invited to comment following the presentation of the evidence.
- 31. Leave was granted to Messrs Gresson and Todd to file a reply in writing by 18 June 2019. The hearing was adjourned on 4 June 2019 pending receipt of the reply from counsel for the applicant; and it is recorded that the written reply was lodged with the Council on 18 June 2019.
- 32. The Commission closed the hearing on 9 July 2019 once it was satisfied that it had sufficient information before it to make a decision.

A.7 Principal Issues in Contention

33. The principal issues in contention are whether the effects on the environment of permitting the proposed visitor accommodation activity would have effects on the environment that are significant; and whether such activity is contrary to the objectives and policies of the relevant plans.

B. EFFECTS ON ENVIRONMENT

B.1 Permitted Baseline

- 34. Ms Skuse advised us that the permitted baseline includes the use of the units at The Commonage Villas for residential activity with associated effects such as carparking demand, traffic generation, noise and impact on privacy resulting therefrom. The Commission notes that residential activity can include the occupation and use of the units on a long term basis by tenants; and that homestay accommodation in a Registered Homestay is permitted for up to 5 paying guests.
- 35. It is also noted that residential activity includes the non-commercial use of holiday homes; and therefore units at The Commonage Villas are permitted to be used by friends and family of owners albeit that these persons are not to be paying guests.

B.2 Existing Environment

36. The existing environment includes the visitor accommodation activity that has been consented at Units 2, 3, 11 and 12 at The Commonage Villas. The land use consents RM171339, RM171342, RM171343 and RM171344 permit each of these units to be used for visitor accommodation purposes on a 365 day per year basis. As a consequence of these consents 4 of the 14 units of The Commonage Villas complex are currently permitted to be used for short-term visitor accommodation for up to six persons, 365 days per year.

B.3 Affected Persons Approvals

37. Ms Skuse advised us that written approvals have been received from Graeme Desmond Shaw, Susan Linda Shaw and Karen Ann Dennis, and from Tony Blair and Sharon Lee Adamson, being the owners of Unit 3 and Unit 11 at The Commonage Villas, respectively. The Commission notes that a written approval had been provided from the owners of Unit 2; but that this was withdrawn on 27 November 2018, prior to the closing date for submissions on 18 December 2018.

B.4 Assessment Matters

- 38. The Queenstown Lakes District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Parts 5, 7 and 14 that relate to Rural Zones, Residential Zones and Transport, respectively.
- 39. Ms Skuse's report has considered the effects of the activity in terms of the relevant assessment matters. This approach is appropriate in this instance, and the Commission has considered the actual and potential effects of the proposed activity having regard to the relevant assessment matters, noting that those presented in Part 7 of the Operative District Plan are of particular relevance.

B.5 Part 5

- 40. Assessment Matter 5.4.2.3xiii provides assessment matters for visitor accommodation in the Rural General Zone.
- 41. In terms of Assessment Matter 5.4.2.3xiii(a)(ii) the Commission is satisfied that the proposed visitor accommodation will have no particular adverse effect in terms of remoteness. As previously noted part of the site is located in the Rural General Zone. Remoteness is not an issue given that part of the site is located in the Low Density Residential Zone; as are neighbouring properties at Kerry Drive. The Commission also considers that Assessment Matter 5.4.2.3xiii(c) is of no particular relevance given that the site is fully serviced and therefore any potential adverse effects of the activity on the quality of ground and/or surface waters is of no relevance.
- 42. The Commission notes that all other matters stated in Assessment Matter 5.4.2.3xiii are better addressed in the context of Assessment Matter 7.7.2vii (below).

B.6 Part 7

43. The applicant is proposing to undertake visitor accommodation within 10 existing residential units. The units contain either three or four bedrooms and

these are proposed to accommodate up to six or eight guests, respectively. The assessment matters for visitor accommodation as a discretionary activity in the Residential Zones are presented in Assessment Matter 7.7.2vii. These assessment matters are presented in italics below followed by comment from the Commission with respect to each matter.

vii Discretionary Activity – Visitor Accommodation

- (a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and
- 44. The existing Commonage Villas residential complex is established on site and no changes are proposed with respect to the external appearance or design of those buildings.
- 45. The use of the site for visitor accommodation purposes, as proposed, will not in Ms Skuse's opinion be "overly noticeable" to the wider environment beyond the legal boundaries of the site; and the Commission concurs with this assessment. The Commission accepts Ms Skuse's opinion that there will be no adverse effects from the location, external appearance or design of the buildings resulting from the proposal.
- 46. As noted above The Commonage Villas complex exists and apartment development exists in the immediate vicinity, including across Kerry Drive. The Commission is satisfied that the proposal is compatible with the amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties and views of the lake.
 - (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods
- 47. Ms Skuse emphasised that it is important to note the "unique setup" of the site. The scale and form of development exceeds that anticipated within the Low Density Residential Zone. The 14 Commonage Villas units are located in blocks closely clustered together that are served by two vehicle accesses off

Kerry Drive. The site features mature landscaping, stone walls and fencing to provide privacy for the units within the site and to screen the site from public viewing places. All carparks available are suitably screened from public views either by being within an internal garage or by retaining walls.

- 48. The character, scale and intensity of the proposed use, which involves using existing units for visitor accommodation, is appropriate; and is compatible in relation to the surrounding and/or adjoining residential neighbourhoods. The enclosed nature of the Commonage Villas complex, where all units are accessed only off the two driveways, means the site is to a large extent separated from the surrounding neighbourhood. As a consequence the loss of residential neighbours will not significantly affect other properties on Kerry Drive and in the near vicinity. The effects on the four units within the complex which are not components of this application will be minimal given they too have consents for the same activity being full time visitor accommodation. In this regard the Commission prefers the submissions and evidence presented in support of the application over the submission and written response of the opposing submitters and Ms Skuse's section 42A report.
- 49. The Commission notes that the conditions recommended by Ms Skuse to retain a level of residential character, being a reduction in the number of nights per year to 180 and a minimum 3-night stay, were not supported by the applicant. For the reasons set out above, the Commission does not consider these conditions are required to mitigate adverse effects.
 - (ii) The nature of the development in the context of the permitted future uses on nearby sites
- 50. Again it is noted that The Commonage Villas complex exists. Any future use on nearby sites, particularly on land to the north served by Kerry Drive and Killarney Way, will be undertaken in knowledge of the existing Commonage Villas development.

(iii) Loss of privacy

51. The proposal will have no particular effect in terms of loss of privacy.

- (iv) The proximity of outdoor facilities to residential neighbours
- 52. Of particular relevance is the balconies attached to the units. The Commission acknowledges that the applicant has offered a condition to the effect that the use of outdoor areas is prohibited between the hours of 10:00pm to 7:00am. This will serve to mitigate any noise and disturbance effects on residential neighbours.

(v) Hours of operation

- 53. The visitor accommodation operates on a 24 hour basis; as guests sleep at the property. Ms Archibald has explained the "virtual" operating model operated by the applicant. Staysouth offers 8:00am to 8:00pm phone support and a 24/7 emergency phone support for guests. Ms Archibald estimated that less than 1% of bookings (less than one per week) relating to the 6000 apartment/villa nights per year managed by Staysouth resulted in any difficulty with the self-check-in process.
 - (vi) The ability to landscape/plant to mitigate visual effects
- 54. The Commonage Villa complex is set in existing landscaped grounds.
 - (vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake.
- 55. Again The Commonage Villas complex exists. The complex complements the surrounding landscape and urban character; and it is noted that the development is prominent on Queenstown Hill as viewed from Lake Wakatipu in Queenstown Bay.
 - (b) Any adverse effects in terms of:
 - (i) The adequacy and location of car parking for the site
- 56. The Commission considers that adequate car parking is provided on site. This includes internal garages and external car parking spaces which equate to a total of 22 carparking spaces for the 10 units subject to this application, as noted in Mr Pridham's report. Rule 14.2.4.1i (Table 1) of the Operative District Plan requires a total of 1.5 parks to be provided per visitor accommodation unit in the Queenstown Low Density Residential Zone. It is noted that in total there

- are 32 carparks available at The Commonage Villas to serve the 14 existing units within the development.
- 57. Ms Archibald advised that guests tend to travel in single vehicles (with large groups using minivans); or are transported to and from the site by chauffeured vehicle services. The Commission notes the permitted baseline in the context of the adequacy of car parking for the site; and notes the potential for a unit to be tenanted by, say, three couples, with the realistic potential for up to six vehicles to be owned by those tenants.
- 58. A particular concern of the submitter appears to be the juxtaposition of the outdoor parking area (that serves Units 7, 10 and 12) to the garage entrance of the submitters' unit (being Unit 12)). In the written response to the applicant's pre-circulated evidence provided by Mr & Mrs Haese dated 23 May 2019 the submitters have explained that at the time that they purchased their villa they believed the carpark opposite their garage was theirs; and that therefore they could utilise that space when moving in and out of their garage. The submitters have advised that in the process of their own resource consent application [RM171344] they found that their carpark is in fact two further along [and not opposite their garage entrance]; and that therefore the space opposite could not necessarily be used for turning. The submitters have advised that this is central to why they are objecting to the current application.
- 59. The Commission simply notes that the submitters should have been aware that their assigned parking space (AU 12) was not located in the position where they had understood it to be. The Commission considers that this error on the part of the submitters when purchasing Unit 12, is regrettable; but this error on the part of the submitters is not a concern which should influence the Commission's consideration of the current application.
- 60. Mr Pridham has advised that on-site manoeuvring to enter and exit the on-site garage carparking spaces was assessed as part of the underlying resource consent RM030843. This assessment confirmed safe manoeuvring areas for internal traffic flow for a residential activity. Mr Pridham is satisfied that

sufficient vehicle manoeuvring space has been provided within the underlying land use consent RM030843 and he therefore chose to make no further recommendations on this matter.

- 61. In all the circumstances the Commission finds that the adequacy and location of carparking for the site is satisfactory; and that no particular adverse effects are anticipated in this context.
 - (ii) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is compatible with the levels acceptable in a low-density residential environment.
- 62. Mr Carr commented on the traffic generation characteristics of residential development and visitor accommodation. Mr Carr noted that the summary table at Appendix C of the NZ Transport Agency Research Report 453 'Trips and Parking Related to Land Use' disclosed that the traffic generation of suburban residential development is 8.2 to 10.9 vehicle movements per day, compared with the traffic generation of visitor accommodation being 3.0 to 6.4 vehicle movements per day. Mr Carr advised that a more detailed assessment of the data set out in Table 8.10 of the main report shows that 'dwelling houses' generated 10.7 vehicle movements per day on average with peak hour volumes of 1.3 vehicle movements per dwelling. Motels (defined as visitor accommodation that has cooking facilities) generates 3.0 vehicle movements per day and 1.4 vehicle movements per occupied unit in the peak hours.
- 63. Mr Carr advised that the data presented by him indicates that visitor accommodation generated less traffic than residential development.
- 64. It is also noted, in terms of the permitted baseline, that tenants of the units could well work in the hospitality industry. In such circumstances tenants' vehicles could be expected to come and go at all hours; whereas guests at the visitor accommodation are more likely to travel to and from the property together.
- 65. In all the circumstances the Commission concludes that any noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, will not be incompatible with the levels acceptable in a low-density residential

environment; being the environment provided for in the context of the Low Density Residential Zone in the Operative District Plan.

- (iii) Loss of privacy.
- 66. The proposal will have no particular effect in terms of the loss of privacy.
 - (iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
- 67. Mr Pridham advises that Kerry Drive is categorised as a Local Road. The Commission is satisfied that traffic congestion is unlikely to occur on Kerry Drive and that the proposal will not result in a reduction in the level of traffic safety which would be inconsistent with the classification of the adjoining road.
 - (v) Pedestrian safety in the vicinity of the activity.
- 68. The Commonage Villas have two existing vehicle crossings onto Kerry Drive. Given that the status quo is to be maintained with respect to site access there will be no particular effect on pedestrian safety in the vicinity of the activity. It is noted in the context of pedestrian movements that steps have been constructed between Kerry Drive and Malaghan Street, over land generally to the south of the site.
 - (vi) Any cumulative effect of traffic generation from the activity in conjunction with the traffic generation from other activities in the vicinity.
- 69. The Commission is satisfied that there will be no particular effect in terms of the cumulative effect of traffic generation from the activity in conjunction with the traffic generation from other activities in the vicinity. Again the Commission acknowledges in this context Mr Carr's observation that visitor accommodation generates less traffic than residential development.
 - (vii) Provision for coaches to be parked off-site
- 70. The units are to be let individually, to separate groups, and not as a whole. Furthermore the applicant has offered a condition to the effect that no coaches are to service the property; and that this includes the dropping off or picking up

of guests outside the property on Kerry Drive. Accordingly there is no need to provide for coaches to be parked off-site.

- (viii) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- 71. Again Mr Carr's observation that visitor accommodation generates less traffic than residential development is noted. Furthermore The Commonage Villas complex exists, along with vehicular access, parking and manoeuvring areas on site; and the property is landscaped. In all the circumstances, and considering the permitted baseline, the Commission is satisfied that "additional traffic generation" will not result from the proposal.
 - (c) Mitigation of noise emissions beyond the property boundary considering:
 - (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
- 72. Again it is noted in this context that the use of outdoor areas (balconies) is to be prohibited between the hours of 10:00pm to 7:00am. This is proposed as a condition of consent; and the applicant's Visitor Accommodation Management Plan and Compendium stipulates that no socialising is permitted in any outdoor hours between the hours of 10:00pm and 7:00am.
- 73. The balconies on the units are either internal to The Commonage Villas complex or face land in the Rural General Zone. Given that the balconies are at an upper level it would not be practicable to screen activities on the balconies by vegetation, fencing or building.
- 74. The Commission is satisfied that a condition that limits the hours for the use of outdoor areas and the management regime proposed will serve to mitigate the effects of any noise emissions beyond the property boundary.

- (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and/or attenuation of noise emissions.
- 75. The Commonage Villas exist. Given the permitted baseline the Commission considers that it is not necessary to require any additional acoustic insulation and/or attenuation of noise emissions above that which exists at present.
 - (d) The ability to supply water, and dispose of sewage, stormwater and other wastes consistent with the Regional Council requirements.
- 76. The Commonage Villas complex has been constructed in accordance with the underlying resource consent RM030843 (as changed by RM050533 and RM070031). Given that this development has been constructed and is fully serviced; the ability to supply water and dispose of sewage, stormwater and other wastes is not an issue.
 - (e) The ability to provide adequate, potable water supply, adequate firefighting provisions, and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects."
- 77. As The Commonage Villas complex has been constructed and is fully serviced the ability to provide adequate potable water supply, adequate firefighting provisions and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects is not an issue.

B.7 Part 14

- 78. Part 14 Transport contains Assessment Matter 14.3.2iv Parking and Loading Area and Entranceway Design and Assessment Matter 14.3.2v Access.
- 79. As previously noted Site Standard 14.2.4.1i stipulates that one coach park is required for 30 units for visitor accommodation in the Rural General Zone. Again it is noted in this context that the applicant has offered a condition to the effect that no coaches are to service the property; and this includes dropping off or picking up guests outside the property on Kerry Drive.
- 80. Site Standard 14.2.4.2iv(a) stipulates a minimum sight distance of 80 metres for other activities (including visitor accommodation) where the speed limit is 50 kph. Mr Pridham has advised that a 65 metre sight distance can be achieved

when looking north and a 50 metre sight distance can be achieved when looking south from the existing 5 metre long vehicle access into The Commonage Villas. Mr Pridham is satisfied that despite a breach of the minimum sight distance rule, that unfamiliar users can safely utilise the existing vehicle access to enter and exit the site without anticipated negative traffic impacts. Accordingly he makes no recommendations with respect to this matter.

81. In all the circumstances the Commission is satisfied that any effects associated with the breach of the minimum sight distance rule are less than minor.

B.8 Positive Effects

- 82. The applicant has emphasised that the owners of the units intend to reside in them when those owners are in Queenstown. Given that the owners may wish to occupy the units for residential purposes for part of the year; the applicant has advised that there is no intention, on the part of the owners, to rent the units to tenants for the rest of the year if use for visitor accommodation were not an option. No evidence was presented to the contrary. In such circumstances the housing supply of Queenstown would not be increased in the event that consent to the proposal were refused.
- 83. A positive effect of the proposal is that the units will be made available for use year-round; including by visitors at those times when the owners do not wish to use the units. The proposal will therefore have positive effects by making efficient use of the housing resource; as well as contributing to the range of accommodation options that is available to visitors to Queenstown. Accordingly the proposal will have a positive economic benefit for owners and to some extent for the wider Queenstown community.

B.8 Summary: Effects and Assessment Matters

84. The Commission finds that any adverse effects of the proposal on the environment will be no greater than minor having regard, in particular, to the permitted baseline and to the existing environment which includes the four existing units at The Commonage Villas that have land use consent to offer short-term visitor accommodation for up to six persons, 365 days per year.

Furthermore the Commission considers that any adverse effects can be satisfactorily mitigated through adherence to conditions of land use consent, including those volunteered by the applicant. The proposal is considered to be appropriate having regard to the relevant assessment matters stated in Part 5, Part 7 and Part 14 of the Operative District Plan.

C. THE QLDC DISTRICT PLAN: OBJECTIVES AND POLICIES

85. Parts 4, 5, 7 and 14 of the Operative District Plan contain objectives and policies for the whole district being District Wide, for Rural Areas, for Residential Areas and in relation to Transport, respectively. The objectives from Parts 5, 7 and 14 have been discussed in Ms Skuse's section 42A report, and to a large degree the objectives and policies relate to matters already discussed above in the context of the effects on the environment and assessment matters. It is also noted that Mr Gresson, in his legal submissions, also addressed those objectives and policies that he considered to be relevant. It is neither desirable nor necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing the Commission's analysis of this application.

C.1 Part 4

86. Part 4.2 of the Operative District Plan relates to landscape and visual amenity and is of technical relevance as part of the site is located within the Rural General Zone. Given that The Commonage Villas is an existing complex which exists within Queenstown the Commission considers that Objective 4.2.5 and the associated policies are of no particular relevance in this instance. The Commission also finds that the objectives and policies presented in Part 4.9 Urban Growth are also of no particular relevance given that The Commonage Villas complex exists.

C.2 Part 5

87. Part 5 of the Operative District Plan contains objectives and policies that relate specifically to the Rural General Zone. Objective 1 and its associated policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area.

Again it is noted in this context that The Commonage Villas complex exists on the subject site. It is also acknowledged, in the context of Part 5, that part of the site is located in the Low Density Residential Zone; and that other properties with frontage to Kerry Drive are also located in that Zone.

- 88. Ms Skuse considers that there is little to no rural amenity present at the site and, given that the proposal will not make material changes to the built form of the site, that the proposal does not pose a further threat to rural character and landscape values. The Commission concurs.
- 89. Objective 3 and its associated policies seek to avoid, remedy or mitigate adverse effects of development and activity on rural amenity. Ms Skuse observes that there is little to no rural amenity on the neighbouring Rural General zoned land immediately west of the site. She observes that further north, further up the hillside where the vegetation is denser and rural character present, there is sufficient separation to ensure no adverse effect from the proposed activity. Ms Skuse also notes that the proposed activity will not adversely affect farming opportunities on the subject site or permitted farming activities in the surrounding area whilst also protecting and maintaining landscape values. Again the Commission concurs.

C.3 Part 7

90. Part 7 of the Operative District Plan contains objectives and policies that relate specifically to Residential Areas. Objective 1 and its associated policies state as follows:

"Objective 1 – Availability of Land

Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.

Policies:

- 1.1 To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.
- 1.2 To enable new residential and visitor accommodation areas in the District.

- 1.3 To promote compact residential and visitor accommodation development.
- 1.4 To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.

...

- 1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods."
- 91. While The Commonage Villas complex exists; the proposal will enable the owners of the units to make those units available for visitor accommodation use at those times when the units are not being used for residential purposes. In these circumstances, and having regard to the characteristics of the existing complex, the Commission is satisfied that the proposal is consistent with Objective 1 and its associated policies.
- 92. Objective 3 and its associated policies and state as follows:

"Objective 3 – Residential Amenity

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

Policies:

- 3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.
- 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.
- 3.3 To provide for and encourage high density residential development within the high density residential zones.

. . .

3.5 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.

. . .

3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.

- 3.9 To encourage on-site parking in association with development and to allow shared off-street parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained."
- 93. Again it is acknowledged that The Commonage Villas complex exists; and that this complex is located within the Low Density Residential Zone of Queenstown. The Commission is satisfied, in terms of Policy 3.5, that the proposal will have no particular effect on social well being, residential cohesion and privacy as enjoyed by the owners of units at The Commonage Villas who have not provided an affected persons approval and/or have lodged a submission relating to the proposal. It is noted again in this context that Units 1, 4-10, 13 and 14 may be used, for at least part of the year, by their owners. Ms Archibald advised that most owners stay in their villas several times a year; and that visits vary from 2 to 30 uninterrupted days at a time. While several owners have a degree of contact with other owners; Ms Archibald advised that in her experience few socialise with others while in residence at The Commonage Villas.
- 94. Ms Skuse raised concerns that residential activity is a permitted right in the four remaining units and that this amenity should be protected. The Commission does not agree. The four remaining units also have visitor accommodation consent to operate 365 days a year and therefore the existing environment created by these consented units is not necessarily a residential one. It is not reasonable or logical for any of the owners or occupiers of these four units to expect the other units in the complex to create and maintain a particular residential amenity for them to enjoy on those occasions when those owners or occupiers are in residence.
- 95. The current proposal will not have a detrimental effect in terms of social well being and residential cohesion having regard to the fact that Units 2, 3, 11 and 12 have land use consent to undertake short-term visitor accommodation for up to six persons for 365 days per year.

- 96. The Commission is satisfied that the proposal will have no particular effect in terms of compromising residential amenity values and privacy; that any noise emissions are likely to be better managed than would otherwise occur in terms of the permitted baseline and existing environment (due to conditions of consent and the management regime); and that adequate on-site parking is provided. The Commission is satisfied that the proposal is consistent with Objective 3 and its associated policies.
- 97. Objective 4 and its associated policies state as follows:

"Objective 4 – Non-Residential Activities Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.

Policies:

- 4.1 To enable non-residential activities in residential areas, subject to compatibility with residential activity.
- 98. The proposal is to utilise 10 units within The Commonage Villas complex for visitor accommodation at those times when the units are not being used for residential activity by owners. Again the Commission notes that Ms Skuse considers that the proposal is not consistent with this objective on the basis that residential amenity is degraded for the persons in the four units not subject to this application. Having regard to the matters discussed above the Commission disagrees with Ms Skuse and confirms that it is satisfied that the proposal is compatible with residential amenity. Furthermore the Commission again notes that the 4 remaining units in The Commonage Villas complex are permitted to be used for visitor accommodation for up to 365 days per year. The Commission is satisfied that the proposal is consistent with Objective 4 and its associated Policy 4.1.

C.4 Part 14

99. Part 14 contains objectives and policies with respect to Transport. Objective 2 and the relevant Policy 2.6 state as follows:

"Objective 2 – Safety and Accessibility Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

Policies:

- 2.6 To ensure intersections and accessways are designed and located so:
 - good visibility is provided.
 - they can accommodate vehicle manoeuvres.
- 100. Ms Skuse considered, following her analysis and noting Mr Pridham's report, that the proposal is in accordance with Objective 2 and the associated relevant policies. The Commission concurs.

C.5 Summary : Operative District Plan Objectives and Policies

101. The Commission finds that the proposal is consistent with those objectives and policies presented in Parts 4, 5, 7 and 14 of the Operative District Plan that are relevant to the application.

D. PROPOSED DISTRICT PLAN

102. Stage 1 of the Proposed District Plan (Proposed District Plan 2018) was notified on 26 August 2015. Stage 2 of the Proposed District Plan (Proposed District Plan 2019) was notified on 23 November 2017 and decisions on submissions were notified on 21 March 2019. Both stages have now proceeded to the appeals stage. As previously noted there has been at least one appeal (Airbnb) that seeks to change the status of visitor accommodation in the Lower Density Suburban Residential Zone (LDSRZ). In the reply counsel for the applicant noted that while the Airbnb appeal does not explicitly seek amendments to the objectives and policies of the LDSRZ, it does seek additional or consequential relief; and the potential therefore exists for consequential changes to be made to the objectives and policies.

D.1 Stage 1 : Proposed District Plan 2018

Ms Skuse has considered the proposal in terms of Objective 21.2.4 and Policies
 21.2.4.1 and 21.2.4.2 in Chapter 21 – Rural of the Proposed District Plan 2018.
 Ms Skuse noted that given the existing environment and approved residential

activities on the site the level of existing rural amenity is nil; and that the proposal will have no particular effect on rural amenity on the neighbouring rural zoned land immediately to the west of the site; or on land further to the north.

104. The Commission is satisfied that Objective 21.2.4 and its associated policies are not particularly relevant and that the proposal will be neither consistent with nor inconsistent with them.

D.2 Stage 2 : Proposed District Plan 2019

105. The relevant objectives and policies presented in the decisions version of the Proposed District Plan 2019 were provided to the Commission at Appendix 5 to Ms Skuse's report. Objective 7.2.8 and its associated policies are of particular relevance. These apply to the LDSRZ and state as follows:

"Objective

7.2.8 Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies:

- 7.2.8.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.
- 7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintained a residential character.
- 7.2.8.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.
- 7.2.8.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.
- 7.2.8.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities."

- 106. The subject site is not located in a Visitor Accommodation Sub-Zone. The Commission has given particular consideration to the proposal in terms of Objective 7.2.8 and its associated policies. Again, when considering the proposal in this context, it is appropriate to acknowledge that The Commonage Villas complex exists; and that four of the existing units have land use consent to provide visitor accommodation on a 365 day per year basis. The Commission has concluded that the current proposal is consistent with Objective 7.2.8 and its associated policies.
- 107. The Commission notes that given the inchoate status of the provisions of the Proposed District Plan (particularly Stage 2 being the Proposed District Plan 2019) limited weight can be given to those provisions at this stage. The Commission concurs with counsel for the applicant that more weight can be given [and should be given] to the Operative Plan provisions at this time.

D.3 Summary: Proposed District Plan Objectives and Policies

108. The Commission has concluded that the proposal is consistent with the relevant objectives and policies of the Proposed District Plan, albeit that limited weight can be placed upon them at this time.

E. REGIONAL POLICY STATEMENT, PROPOSED REGIONAL POLICY STATEMENT AND PARTIALLY OPERATIVE REGIONAL POLICY STATEMENT

- 109. The Regional Policy Statement for Otago became operative on 1 October 1998.
 Decisions on submissions on the Proposed Regional Policy Statement were issued on 1 October 2016; and the Partially Operative Regional Policy Statement for Otago became operative on 14 January 2019.
- 110. Objectives and policies from the Operative Regional Policy Statement and from the Partially Operative Proposed Regional Policy Statement are presented in Appendix 6 and Appendix 7, respectively, to Ms Skuse's section 42A report.
- 111. The Commission notes that the objectives and policies contained in the Operative Regional Policy Statement, the Proposed Regional Policy Statement and the Partially Operative Regional Policy Statement are expressed in general

terms and are therefore of limited assistance in assessing the current proposal. The Commission notes, however, that the objectives and policies of the Operative Regional Policy Statement are given effect to through the Operative District Plan.

112. The Commission has concluded that the proposal will not be contrary to the objectives and policies of the Operative Regional Policy Statement, the Proposed Regional Policy Statement and the Partially Operative Regional Policy Statement.

F. RELEVANT PROVISIONS OF OTHER PLANNING DOCUMENTS

- 113. Section 104(1)(b) of the Act directs that the consent authority have regard to the relevant provisions of a national environmental standard; a national policy statement; and any plan or proposed plan (which includes a regional plan).
- 114. None of these other statutory planning documents have any particular relevance to the current proposal.

G. OTHER MATTERS

- 115. Section 104(1)(c) of the Act requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 116. It is appropriate to acknowledge that all units within The Commonage Villas complex have been subject to a "Commercial Accommodation" rating classification by the Council. Mr Gresson noted that this rating is usually reserved for properties that are used to provide full-time short-term visitor accommodation, such as hotels. In essence the owners of all units at The Commonage Villas have been rated for some time on the basis that their properties are used for visitor accommodation purposes.
- 117. The visitor accommodation activity has status as a discretionary activity in terms of the Operative District Plan. As previously noted land use consent was granted early in 2018 to permit the use of Units 2, 3, 11 and 12 for visitor

accommodation purposes. Given that units within the same complex have been granted land use consent to permit visitor accommodation on a 365 day per year basis; the Commission considers that granting consent for the current application which seeks the same ability for all the remaining units at The Commonage Villas complex is entirely consistent with the "like as like" principle.

- 118. It can be argued that precedent is a matter of relevance in terms of section 104(1)(c) given that land use consent is sought for what may be a non-complying activity in terms of the Proposed District Plan 2019 (if the activity is not deemed to be Residential Visitor Accommodation).
- 119. The Commission notes, in the first instance, that there is considerable uncertainty with respect to the ultimate status of the proposal in terms of the Proposed District Plan given that that the visitor accommodation rule (and other relevant provisions) are subject to the <u>Airbnb</u> appeal. Furthermore the Commission acknowledges the planning history of the subject site and notes, in particular, that four land use consents have previously been granted for visitor accommodation within The Commonage Villas complex, which is an existing development. Furthermore the Commission has concluded that any adverse effects on the environment will be no greater than minor and that the proposal is consistent with the relevant objectives and policies of the Operative District Plan and of the Proposed District Plan.
- 120. In all the circumstances the Commission is satisfied that the proposal will not establish a significant precedent if consent is granted.

H. PART 2 OF THE ACT

- 121. The Commission records that it is aware of the developing caselaw around the relevance of Part 2 to resource consent applications. Until such time as the caselaw is further settled the Commission considers it prudent to undertake an assessment in terms of Part 2 matters.
- 122. Part 2 of the Act contains sections 5 to 8. The Commission refers to these in reverse order.

- 123. Section 8 requires the Commission, in exercising its functions, to take into account the principles of the Treaty of Waitangi. No issues were raised in reports or evidence in relation to section 8.
- 124. Section 7 directs that in achieving the purpose of the Act particular regard is to be had to certain matters. The Commission is satisfied, having regard to the matters addressed in Parts B D of this decision, that the proposal will serve to achieve efficient use and development of natural and physical resources, to maintain and enhance amenity values and the quality of the environment, and to recognise the finite characteristics of natural and physical resources being relevant matters stated in section 7(b), (c), (f) and (g) of the Act. In terms of section 7(b) and (g) the proposal is to utilise an existing built complex; and in terms of section 7(c) and (f) the existing environment, including the effects of activities authorised by the four land use consents authorising visitor accommodation at The Commonage Villas, is relevant.
- 125. There are no other matters stated in section 7 which are of any particular relevance to the current application.
- 126. Section 6 sets out a number of matters which are declared to be of national importance and directs that these be recognised and provided for. No matters of national importance as listed in section 6 are relevant in this instance.
- 127. Section 5 sets out the purpose of the Act to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission considers that the application will achieve the purpose of the Act.

I. OUTCOME

128. Section 104 of the Act directs that when considering an application for resource consent and any submission received in response to it, the Commission must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity together with the relevant provisions of the Operative District Plan and of the Proposed District Plan. In the course of

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considering this application and the submission and in reaching this decision the Commission has followed this process. Under section 104B of the Act the Commission has discretion to grant or refuse consent to the application. Following consideration of the application and submission the Commission hereby grants land use consent to the application for the reasons detailed in this decision, subject to the conditions specified in Appendix 1 to this decision.

This decision on RM180493 is dated 18 July 2019

W D Whitney CHAIR

For the Commission being WD Whitney and W Baker

APPENDIX 1 – Consent Conditions

Column.

APPENDIX 1 – CONSENT CONDITIONS

- 1. That the development shall be undertaken/carried out in accordance with the plans of Blocks A-D and F as attached being:
 - Block A − Plans 2_{C6} − 12_{C6}
 - Block B Plans 13_{C6} 23_{C6}
 - Block C − Plans 24_{C6} − 32_{C6}
 - Block D − Plans 33_{C6} − 41_{C6}
 - Block F Plans 51_{C6} 59_{C6}
 - Villa 1, Block A; Villa 5, Block C; & Villa 13, Block F

stamped as approved on 18 July 2019

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
- 4. The visitor accommodation units must be let on an individual basis to separate groups of no more than 6 or 8 persons, based on a maximum of 2 guests per bedroom; and the visitor accommodation units shall not be let as a whole. For the avoidance of doubt the visitor accommodation units shall not be let to groups using coaches.
- 5. The visitor accommodation activity shall be undertaken in accordance with the approved Visitor Accommodation Management Plan and Compendium that is attached.
- 6. The consent holder may vary the Visitor Accommodation Management Plan and Compendium, provided that any such amendments shall be in general accordance with the approved Visitor Accommodation Management Plan and Compendium attached and shall comply with the conditions of this consent. Any amendments to the Visitor Accommodation Management Plan and Compendium shall be forwarded to the Council for approval.

<u>Note</u>: It is acknowledged that some material presented in the Visitor Accommodation Management Plan and Compendium is essentially for guest information purposes only; and is of no particular relevance to the effects on the environment of the visitor accommodation activity as authorised by this land use consent.

- 7. The use of outdoor areas is subject to the following:
 - a) The use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.
 - b) Three (3) signs (minimum A4 size) shall be erected in each unit to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm and 7.00am. One sign shall be installed in the kitchen of each unit and weatherproof signs (eg. laminated) shall be installed within each outdoor area.

- c) Upon installation of the signs required in terms of b), and prior to the use of the property for visitor accommodation, the consent holder shall submit photographs of these signs to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site for as long as the visitor accommodation activity is undertaken.
- 8. The consent holder shall maintain a record of all visitor accommodation occupancies in the form of a register containing the number of occupants and the number of days/nights of occupancy at each visitor accommodation unit. The register shall be continually maintained; and shall be kept for the period of the preceding 5 years. The register shall be made available for inspection by the Council at all times.
- 9. All rubbish and recycling shall be disposed of appropriately. Bins shall not obstruct outdoor parking spaces. Where there is kerbside collection, rubbish and recycling shall only be placed on the street the day of, or day prior to, collection.
- 10. The consent holder shall maintain a record of all complaints received during the operation of the visitor accommodation activity in the form of a register containing the complaint details and any remedial actions undertaken. Details of all complaints (including any remedial actions taken) shall be kept for at least the preceding 5 years. The register shall be made available for inspection by the Council at all times.
- 11. The consent holder shall ensure that all vehicles associated with the visitor accommodation activity are parked within the designated garage of the unit concerned. For those units with a single garage, all vehicles must be parked within the designated garage or allocated outdoor car park.
- 12. No vehicle associated with the visitor accommodation activity shall park in front of the garage of the unit concerned, or in front of any other garage, or such that it blocks access to the outdoor carparks.
- 13. The outdoor carpark spaces for Unit 7 and Unit 10 shall remain sign posted for the sole use of those visitor accommodation units.
- 14. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3 June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link: http://www.qldc.govt.nz

- 15. All external parking and loading spaces shall be clearly and individually permanently marked out. For the avoidance of doubt raised pavement markers are acceptable to mark out the external parking and loading spaces.
- 16. No coaches are to service the property. This includes dropping off or picking up guests outside of the property on Kerry Drive.

- 17. Within six months of the date of commencement of this consent; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within 10 working days of each anniversary of the date of commencement of this consent the Council may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

Advice Note:

This consent triggers a requirement for Development Contributions pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions. Payment will be due prior to the commencement of this consent.

Please contact the Council if you require a Development Contributions Estimate.

VISITOR ACCOMMODATION MANAGEMENT PLAN Commonage Villas

This management plan applies to the use of the Commonage Villas at 15 Kerry Drive, Queenstown for visitor accommodation in accordance with resource consent RM180493.

Section 1: Property Manager

The property manager for the properties is Staysouth.com Limited.

Its address is:

- Unit 14/159 Gorge Road
- Queenstown 9300
- PO Box 446
- Queenstown 9348
- Ph (03) 442 4420
- Email: andy@staysouth.com; sonya@staysouth.com;

The property manager is available from 8am to 8pm daily. There is also an after-hours emergency contact.

Section 2: Property Manager Responsibilities

The Property Manager shall have the following responsibilities:

On check in of tenants:

- To provide the tenants with a copy of the House Rules;
- To check that the number of tenants does not exceed maximum occupancy;
- To have all adult tenants read the full terms of the tenancy agreement; and
- To check that the on-site compendium contains a copy of the House Rules.

On servicing and other visits:

 To check that the number of tenants does not exceed the maximum occupancy for each unit.

Section 3: House Rules

The House Rules are contained in the guest compendium **attached** to this Management Plan.





Welcome to Commonage Villas

A very warm welcome to the Commonage Villas and thank-you for choosing a Staysouth.com property.

We trust your stay with us will be an enjoyable one.

The team at Staysouth are happy to assist in any way and can be reached between 8.00am and 8.00pm 7 days a week. If there is anything we can do to make your stay more comfortable please don't hesitate to contact us.

Your apartment is fully self-contained and this compendium serves as a general guide on the Apartment and Queenstown.

We can be reached on any of the following:

Phone: +64 3 442 4420 (Extension 1) E-Mail: admin@staysouth.com Web: www.staysouth.com

Yours Sincerely,

The Team at Staysouth





Villa Guide

The physical address for the property is: 15 Kerry Drive, Queenstown

Alarms

All villas have a combined security and smoke alarm system installed. Should you set off the alarm in your villa, simply enter your entrance code into the alarm panel to deactivate. There is no need to set the security alarm when you leave the villa, however make sure you leave all windows and doors and garage locked / closed.

Appliance Manuals

Detailed operation manuals for all kitchen appliances are located in the cupboard next to the oven in your kitchen.

Bath & Sink Plugs

The sink plugs are operated by a lever located behind the tap. Lift the lever up to open and push the lever down to close.

The bath plugs in each bathroom are in the form of a round silver disc in the inside wall of the tub and may be operated by turning the disc clockwise and anti-clockwise.

Car Parking / Garage / Visitors

Your villa has its own garage with internal access. Please do not park in front of your garage as it obstructs the driveway and is prohibited for visitors and guests. If you have visitors, or if your vehicle does not fit in the garage, or if you have extra vehicles please park on the roadside.

Check Out

Check out time is by 10.00am.

Should you not be able to leave at this time or wish to extend your stay beyond 10.00am this may be possible. Please contact us 24 hours prior to departure if you wish to request a later checkout. A late check-out must be arranged in advance and is on an availability basis only, the following fees apply:

Checking out by 12.00 midday

NZ\$150.00

Checking out between 12.00 and 2.00pm 50% of nightly rate

Checking out after 2.00pm

1 nights' stay



Damages

All Commonage Villas are furnished with top quality chattels, therefore any damage to the property or chattels caused by guests will be charged to your account. Should you find anything damaged or not working during your stay, please advise us immediately. Failure to do so will deem you to be totally responsible for the condition of the property on departure.

Door Phone

The intercom for your villa is situated at the entrance to the kitchen, in the form of a white phone. This can be used to talk to people at your front door. To unlock, simply press the middle button and instruct guests to push the door.

Entry to your Villa

Keys are not allocated to the Villas and entry is gained via the key pad at the front door. To gain entry, dial in the number you have been issued in your arrival letter and press the hash (#) key. When you hear the subtle click – gently PULL the door towards you, then PUSH the door open.

When leaving please ensure you pull the door firmly behind you to lock.

Please Note: Should you lose your code and you are unable to gain access to your villa after hours, please contact Reservations. The security company will be dispatched to assist you and this will incur a charge.

Emergency

For a fire, medical or police emergency please phone 111 from any phone in New Zealand.

First Aid

A basic first aid kit can be found in the kitchen. The local Medical Centre is located on 9 Isle Street Queenstown, the telephone number is +64 3 441 0500.

EMERGENCY DIAL 111 from any phone in New Zealand.

Fire

All Villas are fitted with combined security & smoke / fire alarms. These are monitored by a security company.

In the event of a fire:

Evacuate the building using the nearest exit. Make your way to the meeting point, which is located at the top of the driveway, in front of the "Commonage Close" sign. Ensure that all of your party is accounted for.





The Fire brigade, security company and management will be automatically contacted and on their way.

Please stay at the meeting point until one or all of the above have arrived with further instructions.

Note: Dial 111 if there is a fire outside the villas, as this will not set off the smoke detectors. Give them the following address: 15 Kerry Drive, and your Villa number.

Fireplaces

There is a gas fire located in your villa living areas and in winter the pilot light should always be running to ensure ease of use. The on & off switch is located to the left, under the shelf below the fire.

1 switch for the gas, 1 switch for the fan (the fan pushes the heat out).

There is also an outdoor gas fire in your villa.

To turn on, first you need to turn the gas on, this can be done by flicking the switch found under the fire on the right hand side to the right. On the right side of the fireplace you will find a panel, on here is a power switch and a + and -. To ignite first press the power switch followed by the +, keep pressing the + till the flames become visible.

Garage door operation

The switch to open/close your garage door is located inside the garage itself.

As you enter the garage from your villa you will find two switches on the wall next to you. The top switch is for the light and the bottom switch is for the garage door. (This is the only way to operate the door).

A garage door remote has also been provided – this can be found on a hook the back of the front door. Please ensure this is left here upon departure, at the end of your stay.

Heating

In addition to the gas fire there is under floor heating throughout your villa.

Hire

For an additional fee we can provide the following

Porta Cot: \$32.00 NZD per dayHigh Chair: \$16.50 NZD per day

• Safety Stairgate: POA

• Rollaway Bed: \$105 NZD per day

We can also assist in hiring a wide range of other products.

Please contact Reservations for further information.





Internet access

For your convenience wireless internet is available in your villa. The instructions and password can be found in your arrival letter.

For WIFI and internet connection support please call HEADQUARTERS on +64 3 441 2779 OR 0800HQWIFI (0800 479 434)

Laundry

You have a private laundry area located in your villa. This is equipped with washing machine, dryer, and ironing facilities.

Operating instructions and washing powder are both located under the sink.

Light controls

The light controls for the main living area are located inside the door leading into this area and in the entry to the kitchen.

Press the corresponding silver button once to turn lights on/off.

Press and hold same button to increase or dim lights.

Press the "Next" button to move to the next screen of lights.

Leaving Procedure

- Unless previously arranged, check out is by 10.00am.
- Apartment is to be left tidy with all rubbish disposed of in bags provided and dishes done/dishwasher loaded.
- Ensure all appliances and heaters are turned off.
- Ensure the garage remote is returned to the back of the front door.
- Please report any breakages/damage you will be required to reimburse Commonage Villas for any breakages or costs expended to make good any damage.
- If you re-arrange furniture during your stay, please replace it as you found it.
- Ensure all exterior doors are locked when you leave.
- If more than the standard cleaning time is required to prepare your apartment for the next guests you may be charged an additional cleaning fee at NZ \$50 per hour.
- This includes additional costs to remove all unpleasant odours (eg: cooking) and carpet &/or upholstery stains.





Noise

Please be respectful of other guests staying at Commonage Villas. Noise is to be kept to a minimum between 10pm and 7am and no socialising is permitted in any outdoor areas between these hours.

Please report any excessive noise, affecting your stay directly to the Queenstown Council Noise control on +64 3 450 0300 during business hours and +64 3 441 0499 after hours. Please be aware should Noise Control be activated or called due to excess noise from your apartment, all associated costs will be passed on to you and your card charged.

Occupancy Limitations

The Villas have specific occupancy limits and rules of conduct, and these are strictly enforced. The number of adults and children to occupy the rental home must be stated at the time of booking and must not exceed the allowed number of guests. Property lines, privacy, and the quiet enjoyment of neighbours are to be respected at all times, with quiet hours observed between 10pm and 7am each night. Increased occupancy, vehicle traffic, excessive noise, or illegal activity, will result in a \$1000 penalty fee, eviction, and the forfeiture of all prepaid rentals. This penalty fee will be charged either by way of your security bond, or, to the credit card used to pay for the accommodation.

Parties & Events

The use of the property for a function, a party, or any other like gathering is STRICTLY PROHIBITED. Use of the property for purposes other than a residential dwelling will result in eviction from the property, termination of the booking, forfeiture of all prepaid rentals and a penalty of \$5,000 (incl. GST), deducted from the credit card provided upon booking or through legal proceedings.

Rubbish and Recycling

There is a bin located in the garage for storage of your rubbish.

In the interests of the environment, we ask you to dispose of recyclable glass bottles, cardboard and plastics separately in the tray provided for recycling.

Additional rubbish bags are located under the sink in the kitchen.

Please dispose of rubbish in the large rubbish bins provided at the top left of the main driveway. The blue bins are for recyclable materials only, and the dark green bins for all other rubbish. Rubbish is collected early Wednesday mornings from the roadside.





Security Bond

Staysouth manage the Villas on behalf of individual owners, and do everything possible to ensure their upkeep is maintained at the highest levels. Accidents do happen, but the security bond protects the owner from costs associated with any damage incurred or additional cleaning that needs to be completed during a stay. The security bond is fully refunded once check-out processes are completed.

Servicing your Villa

Staysouth properties are self-catered and self-contained, unless staying for 8 or more nights servicing during your stay is not included in the overnight rate. Staysouth.com is happy to provide additional servicing upon prior arrangement, additional costs apply and depend on guests' requirements - please enquire well in advance as staff availability cannot be quaranteed.

Please contact Reception for further information and prices.

Safes

There is a safe located in the wardrobe area of the upstairs bedroom.

To program a code for your safe, press the red button on the back of the safe door near the hinge, release it and you will hear two beeps. The yellow light will be on at the same time. Now key in between 3 and 8 numbers that you wish to use as your code and confirm by pressing the letter "A" or "B" within 15 seconds.

You will hear two beeps and the yellow light will go off – your code is now set. To open the safe, enter your personal code and press the letter "A" or "B". You will hear one beep and the green light will turn on, then turn the knob in a clockwise direction within 5 seconds to open the door.

If you require assistance, please contact Reservations.

Ski Storage

Please leave all ski/snowboarding equipment in the garage, do not bring these inside.





Smoking

Smoking inside is not permitted at the Commonage Villas.

Smoking is restricted to outside on your balcony. Please use the ashtray located under the kitchen sink and remove any cigarette butts from outside the property.

If tobacco odour is noted on check out; Staysouth reserves the right to charge a penalty fee plus any additional cleaning and fumigation costs. All costs and fees will be charged to the credit card held on file.

Spa Bath

There is a spa bath located in the ensuite of the master bedroom. Ensure that the labelled switch located near the heated towel rail is switched on. Fill the bath so water is covering the jets and press the button located on the side of the bath

Telephone

Your villa has two cordless phones, one situated in the kitchen and one the writing desk. Your villa phone number is on the back of the main handset. Local calls are free of charge and toll calls have been blocked.

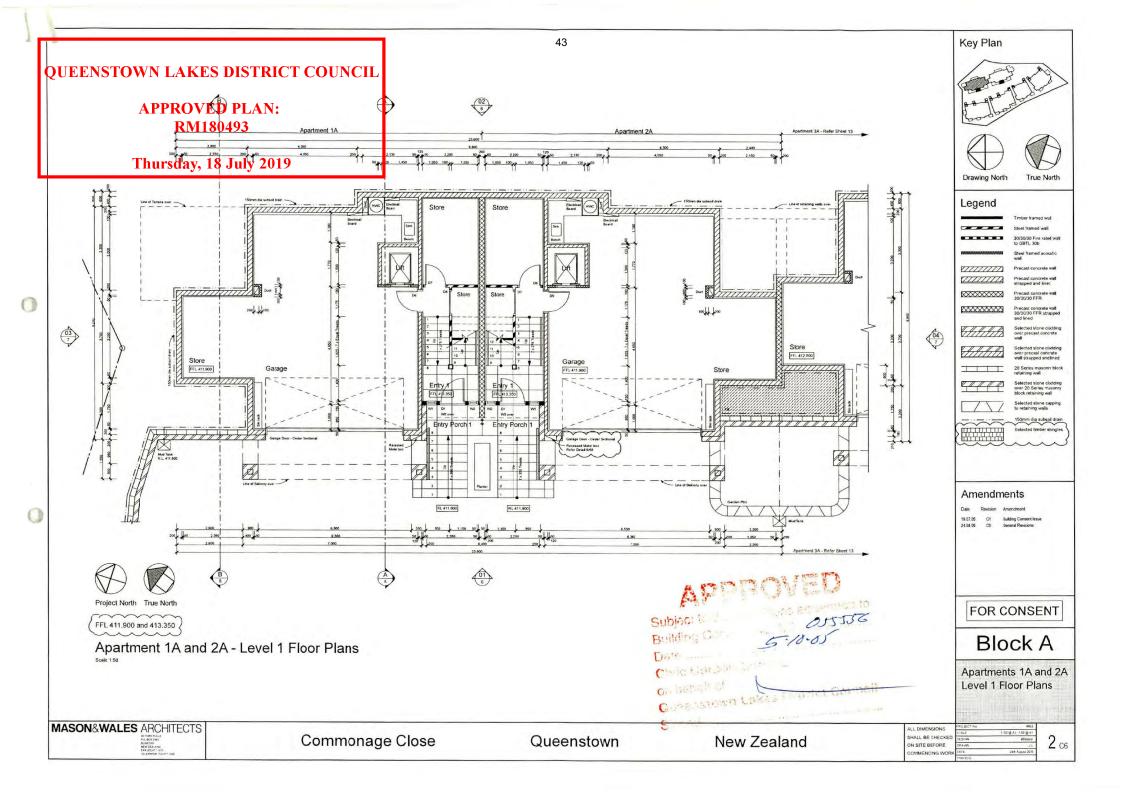
Television

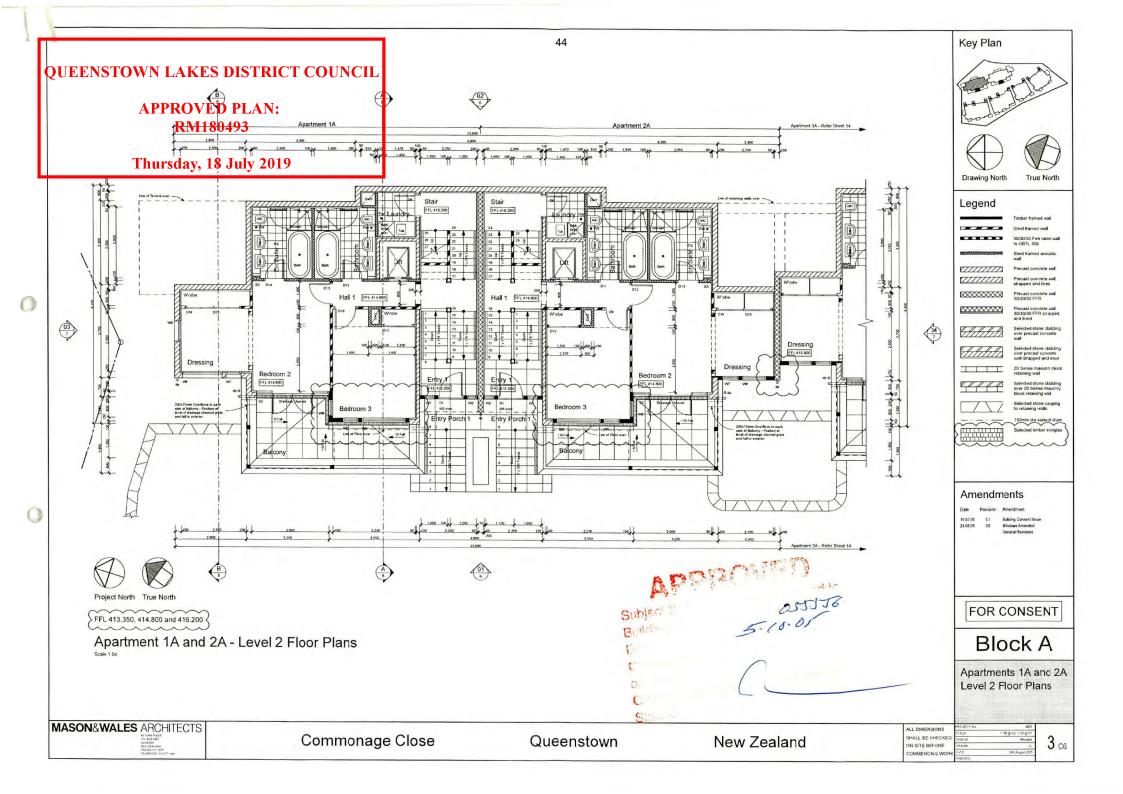
Refer to television remote instructions in the TV cabinet.

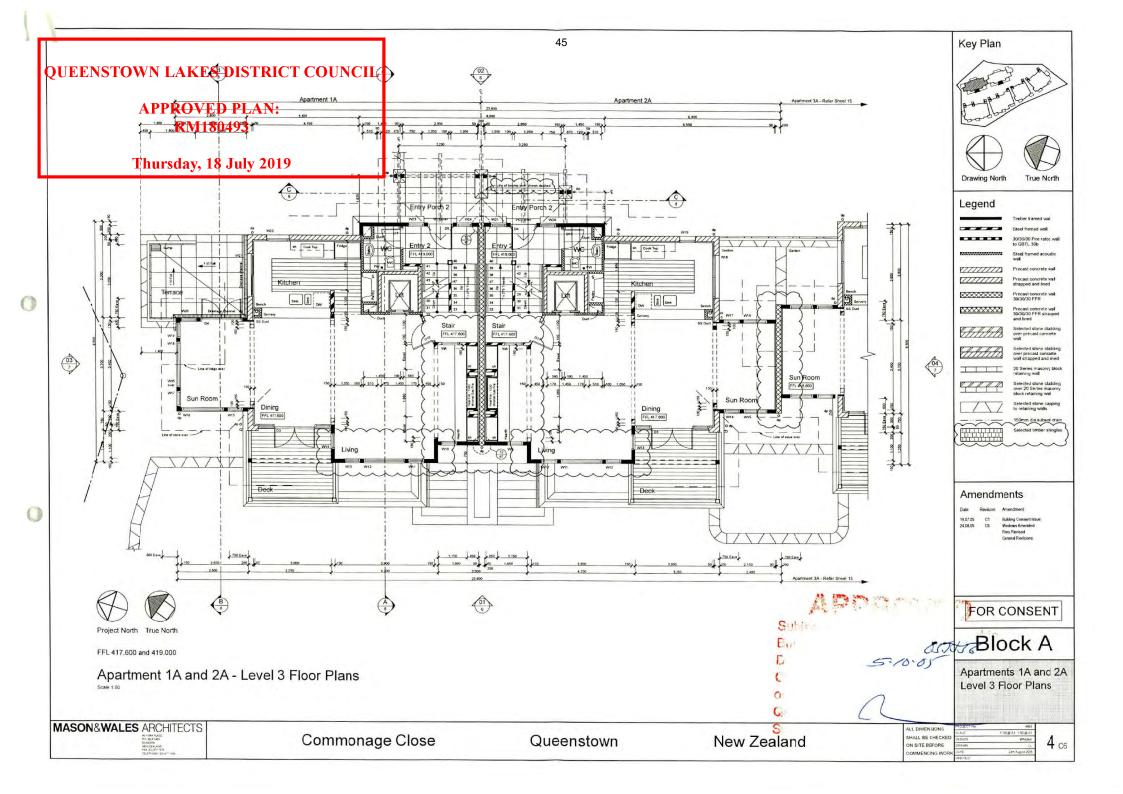
Umbrellas

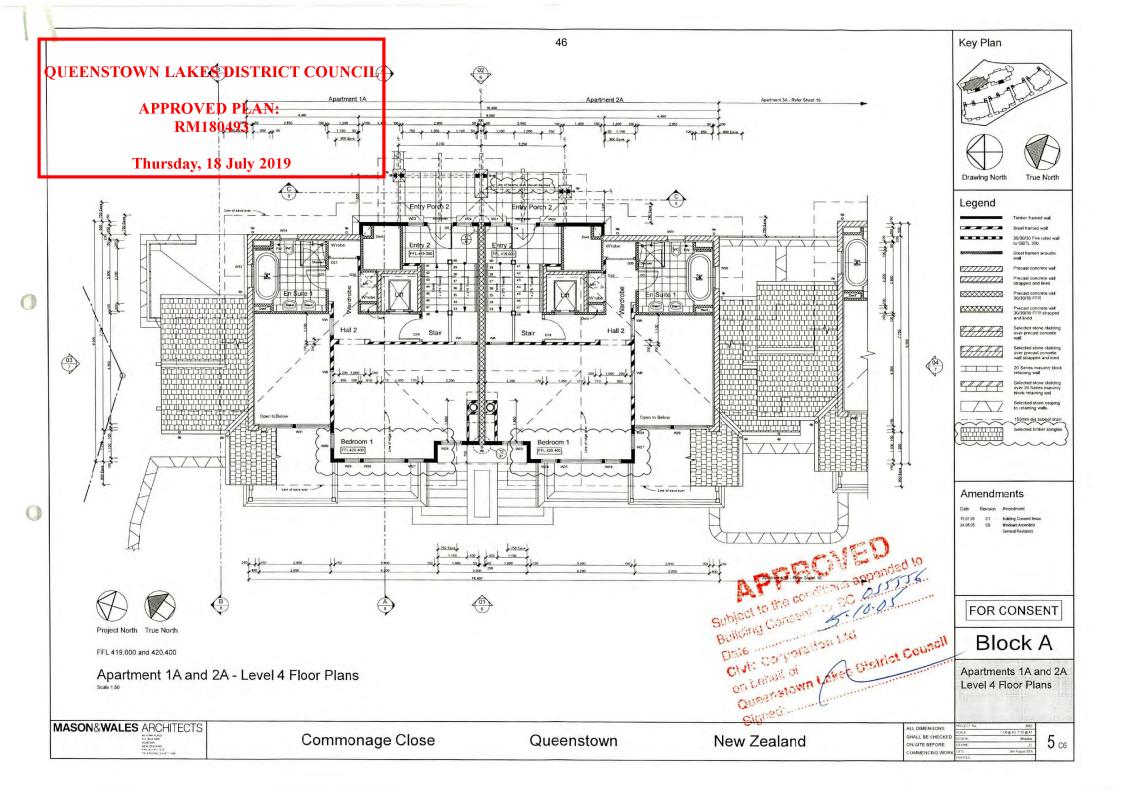
These are located in the garage. Please note that umbrellas (2) need to be returned to your villa after use otherwise a cost will be incurred.



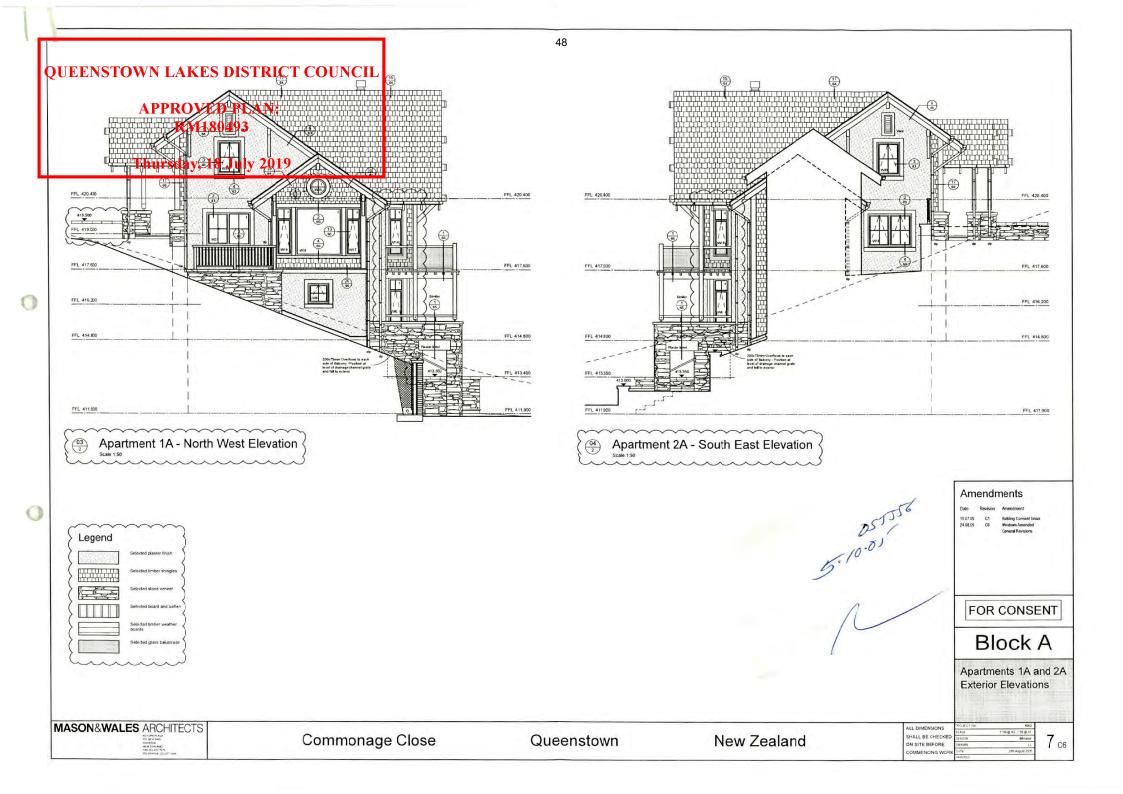


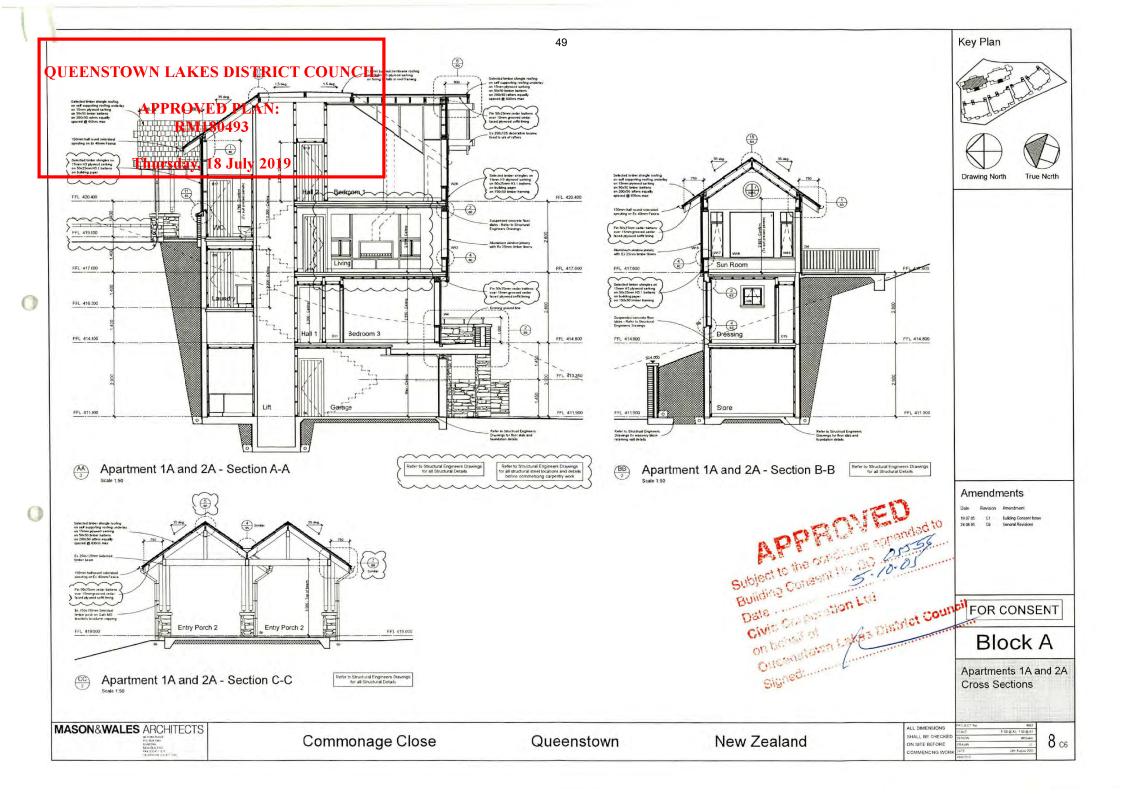


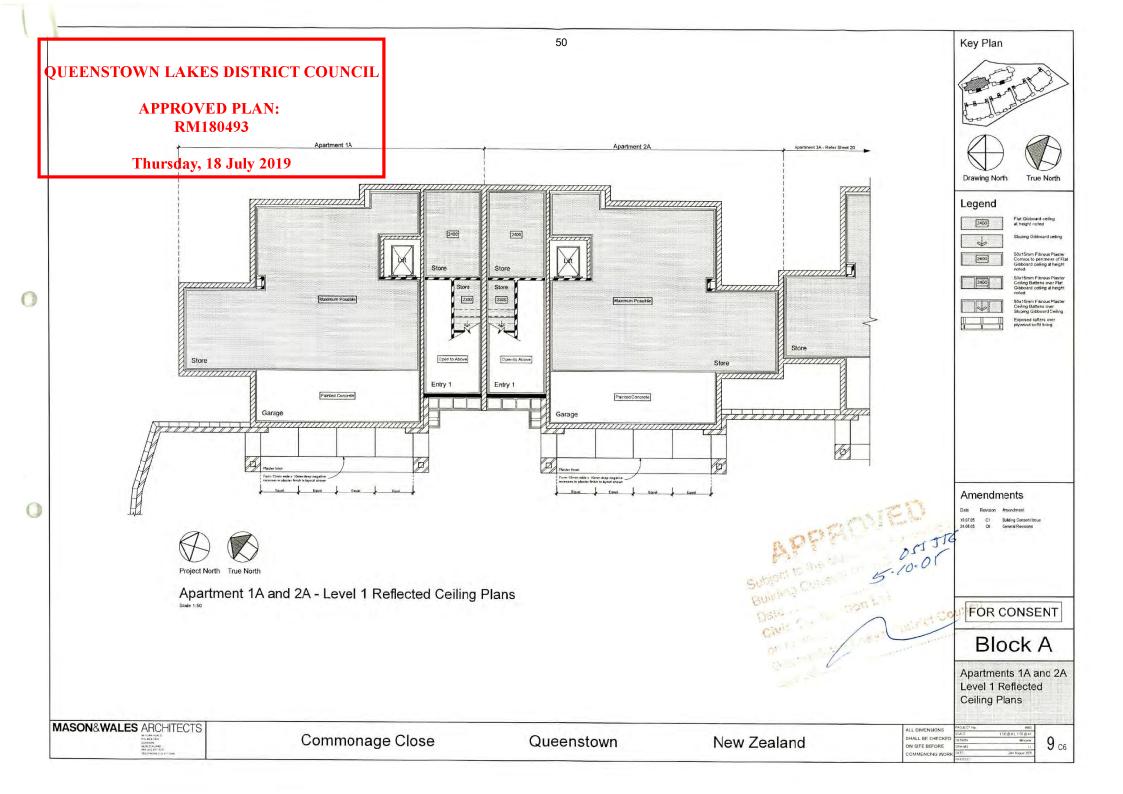


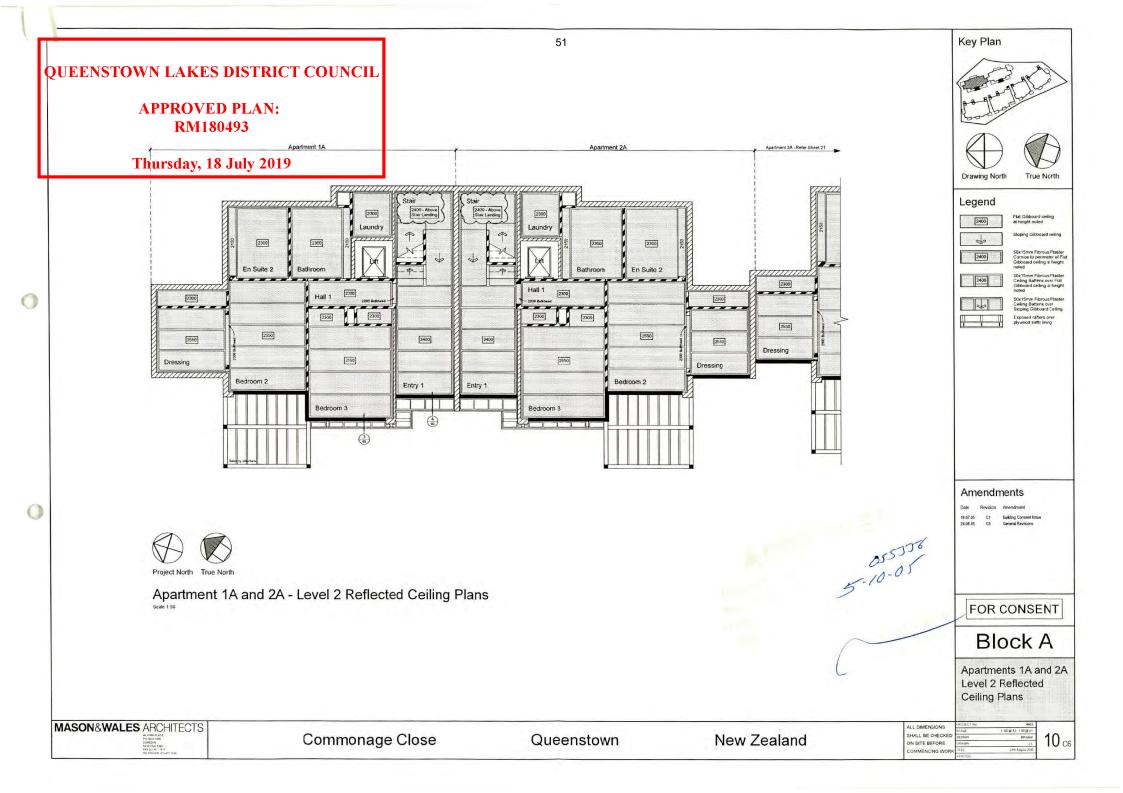


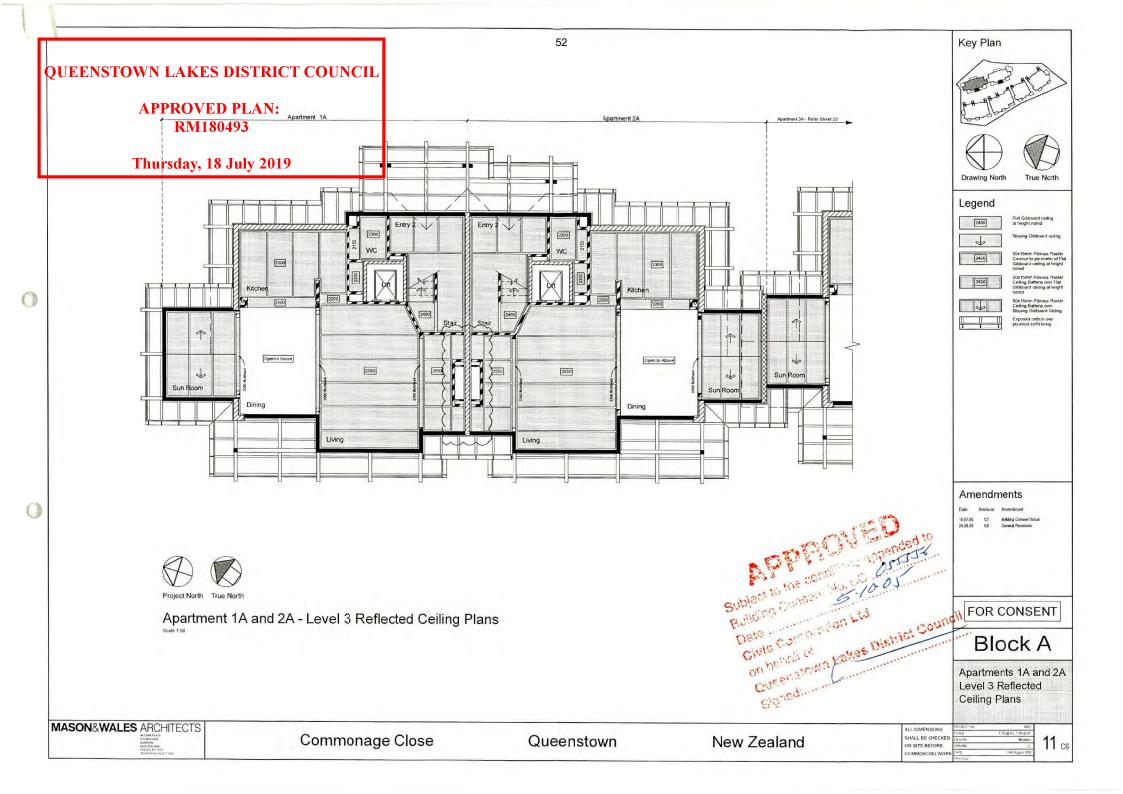


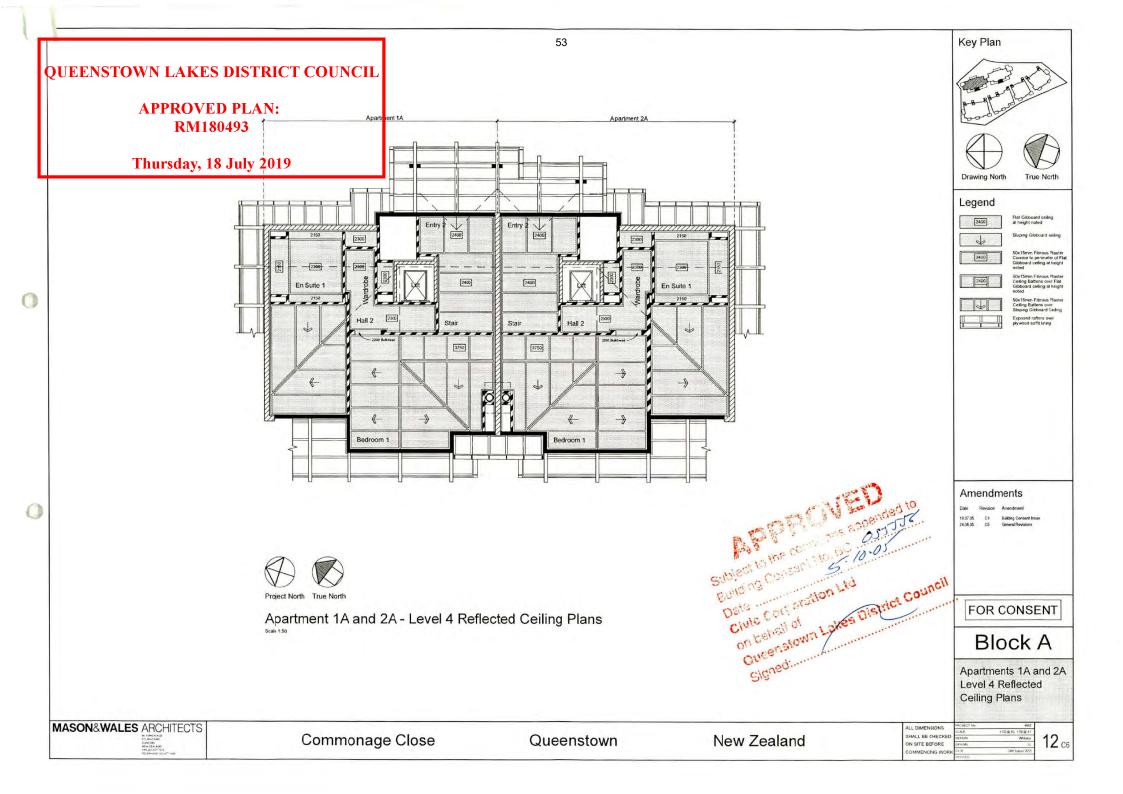


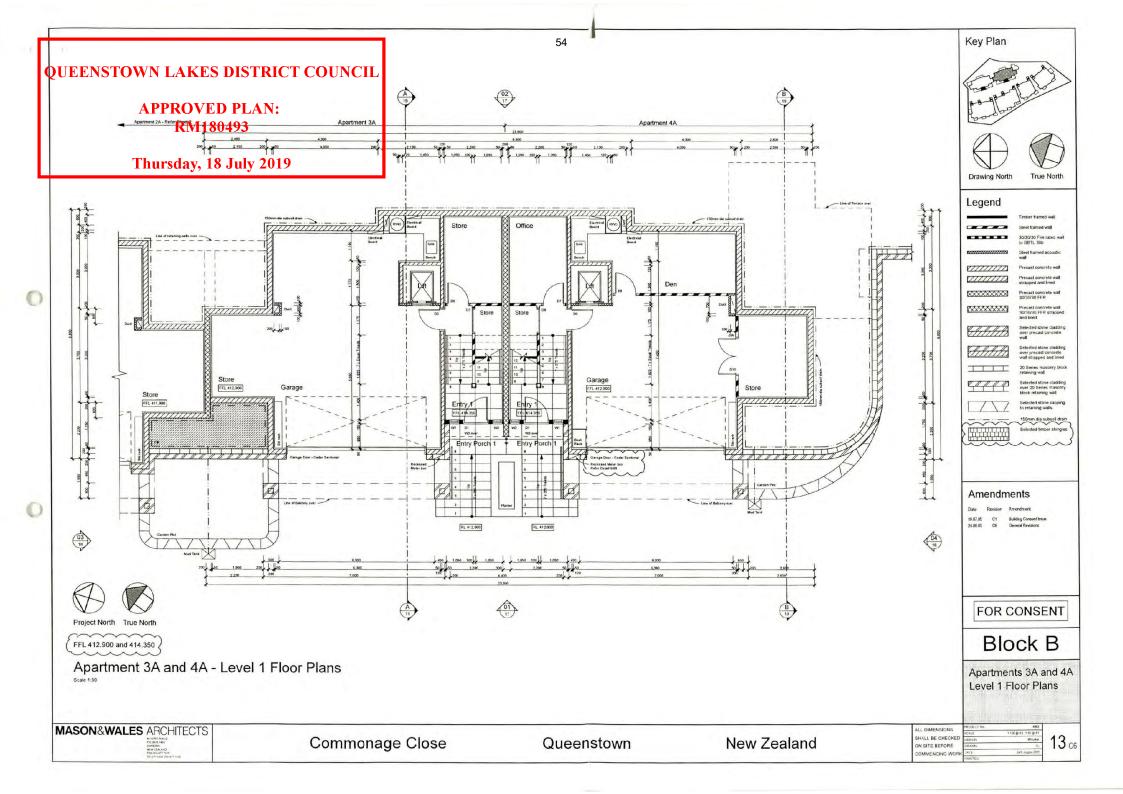


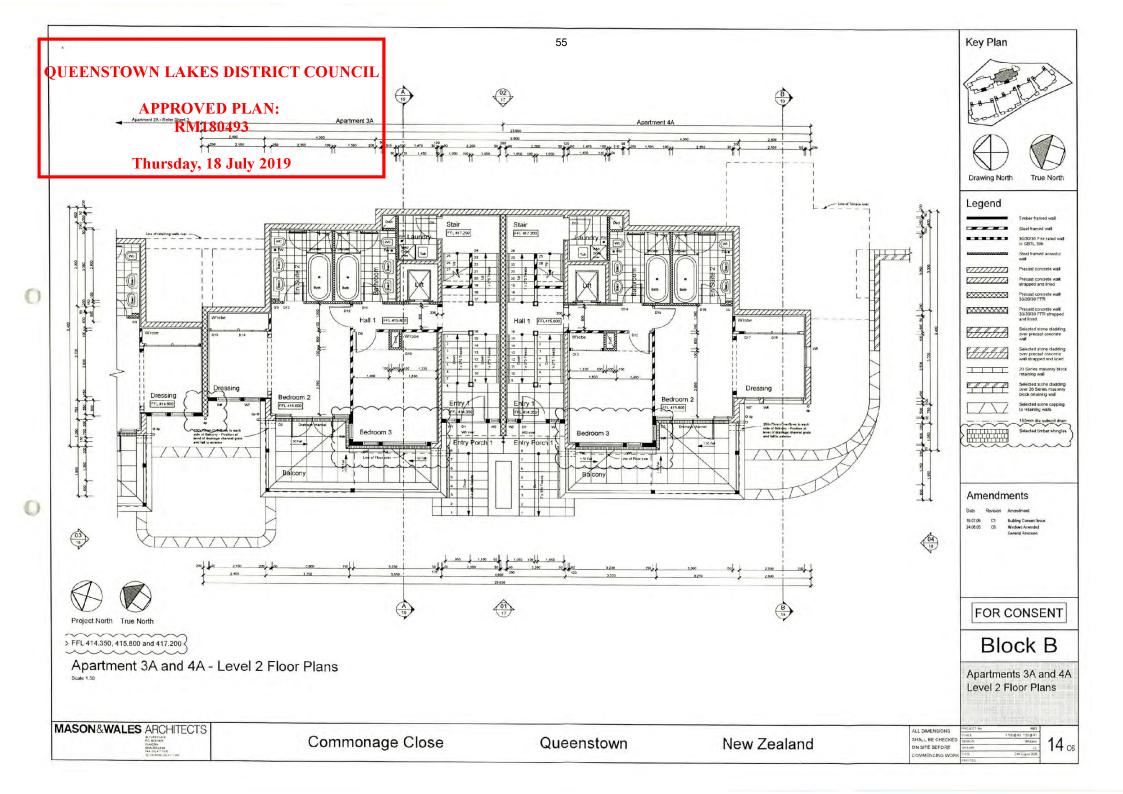


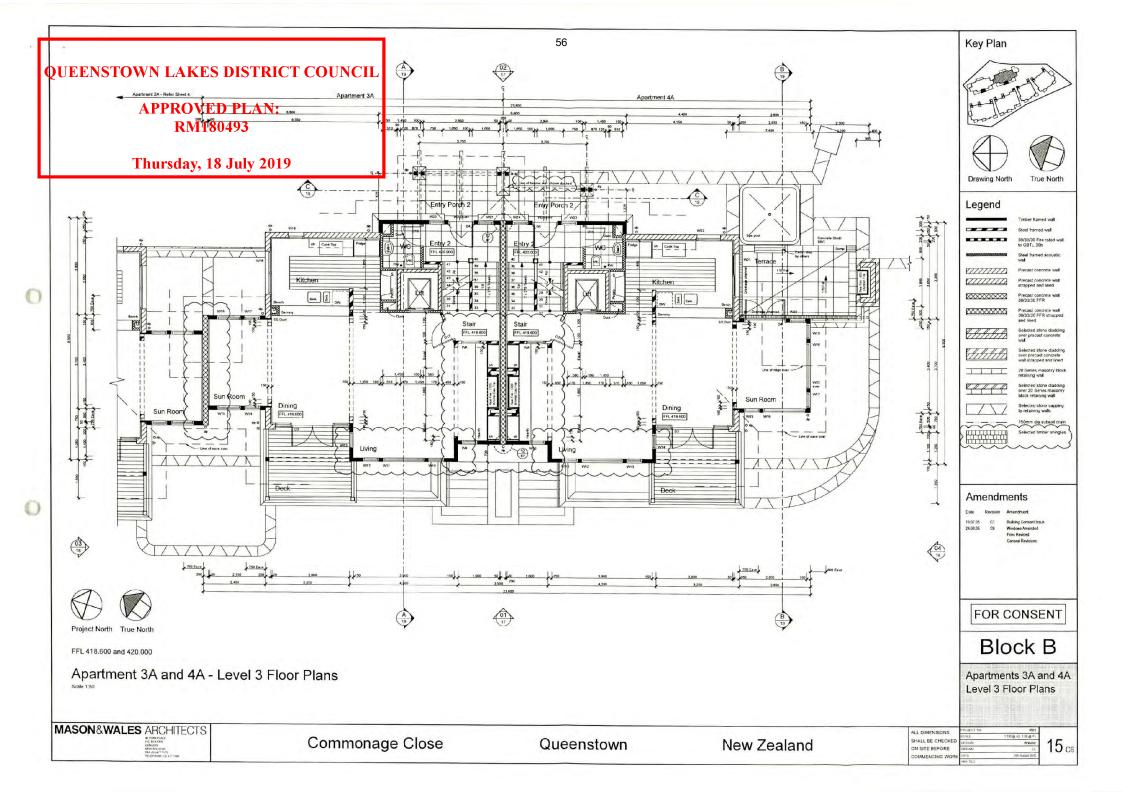


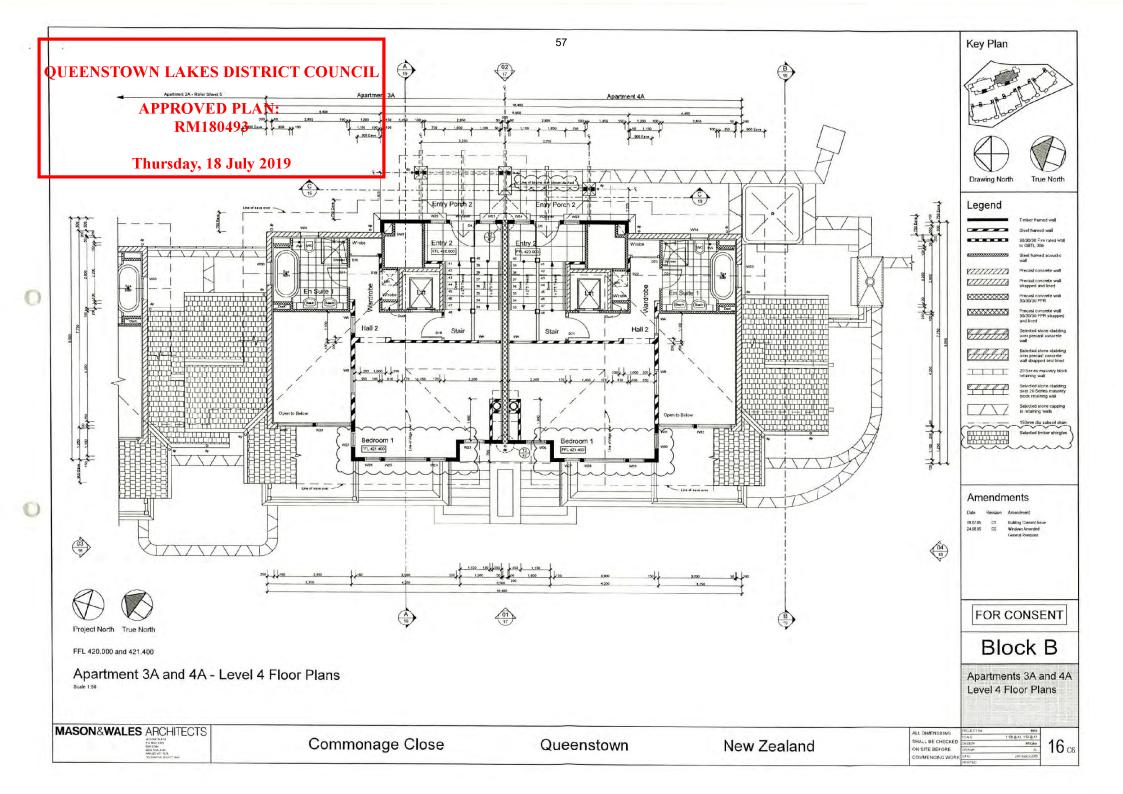


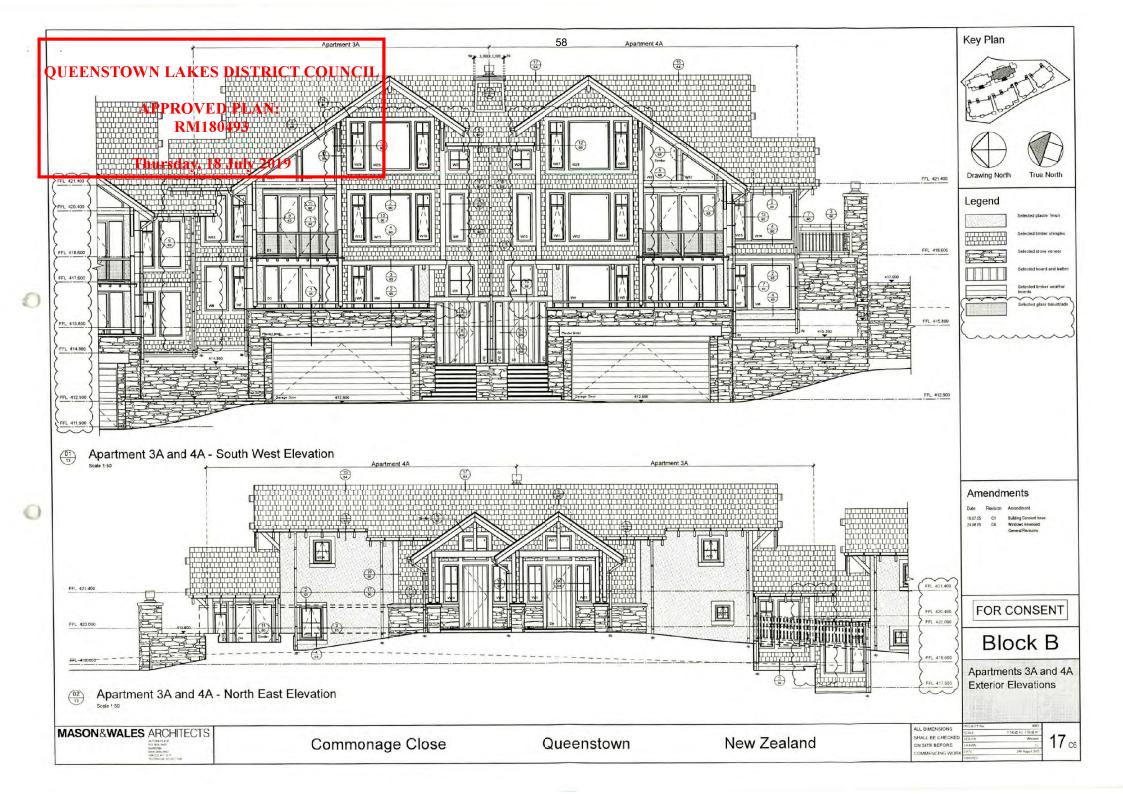


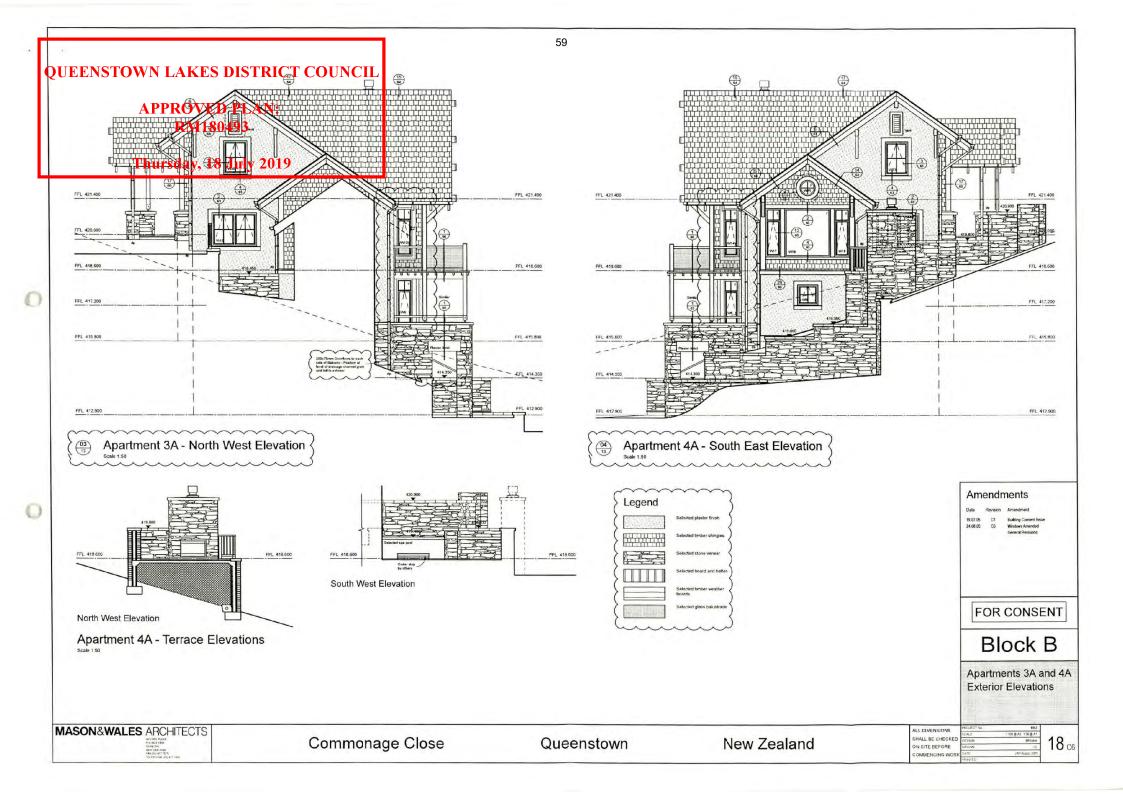


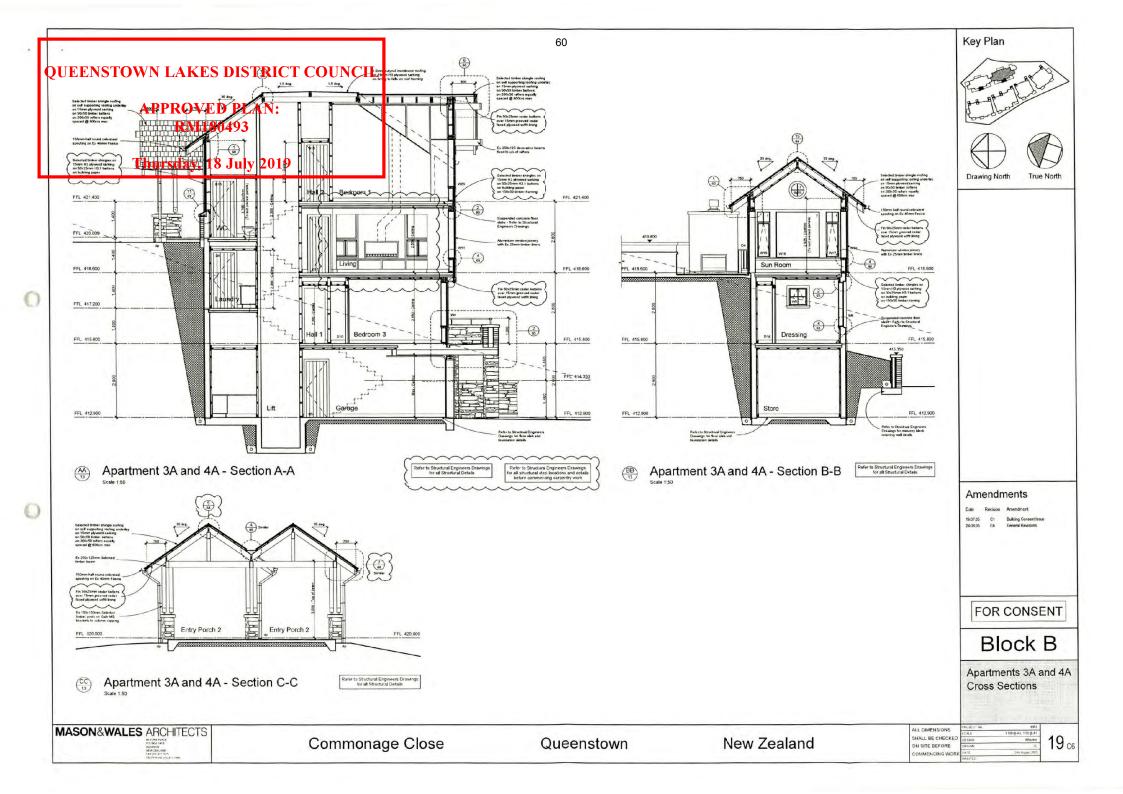


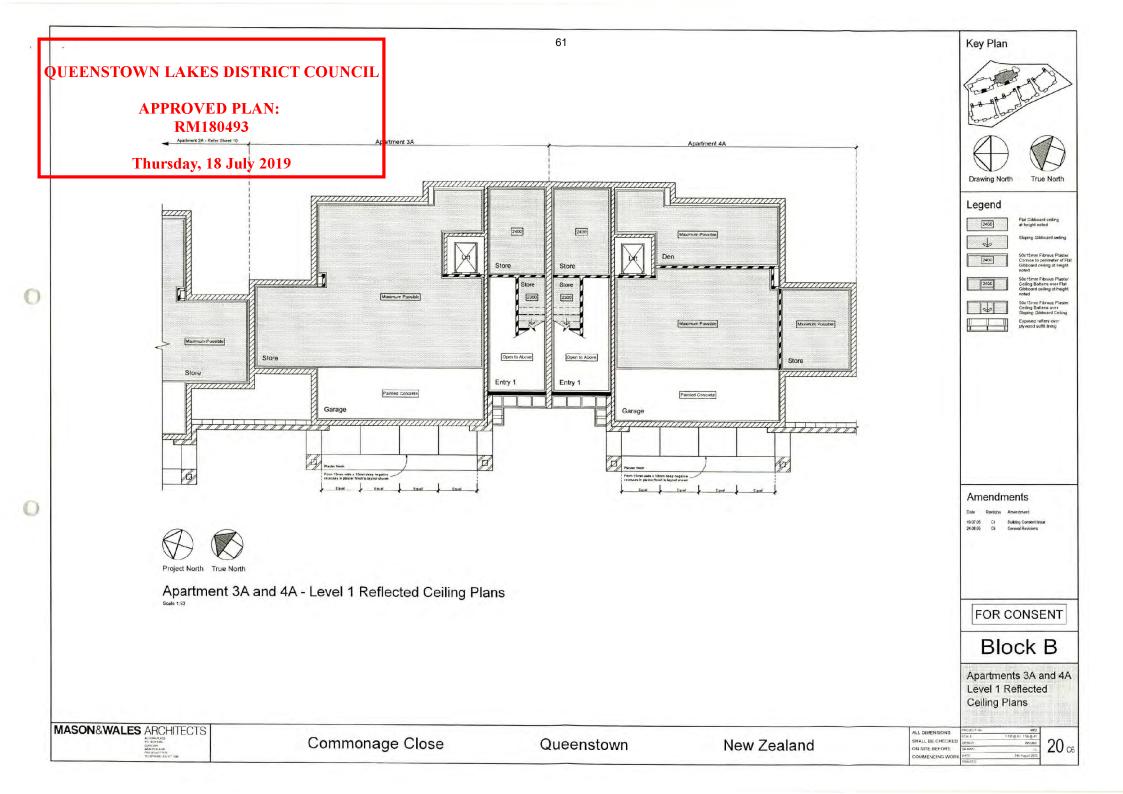


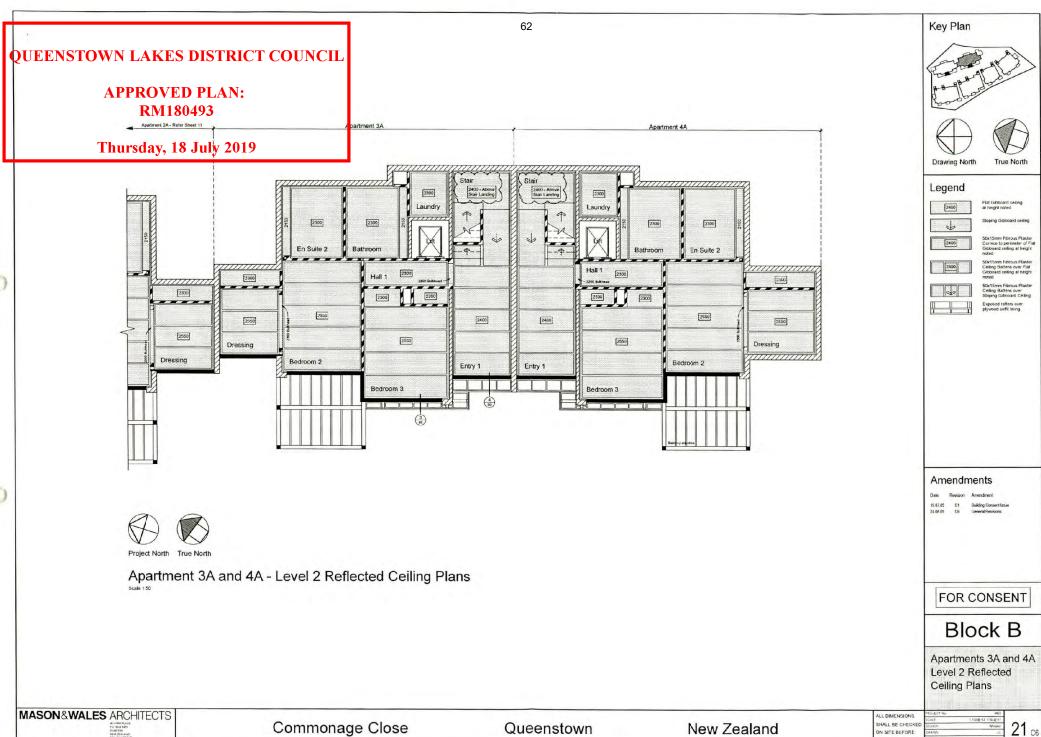


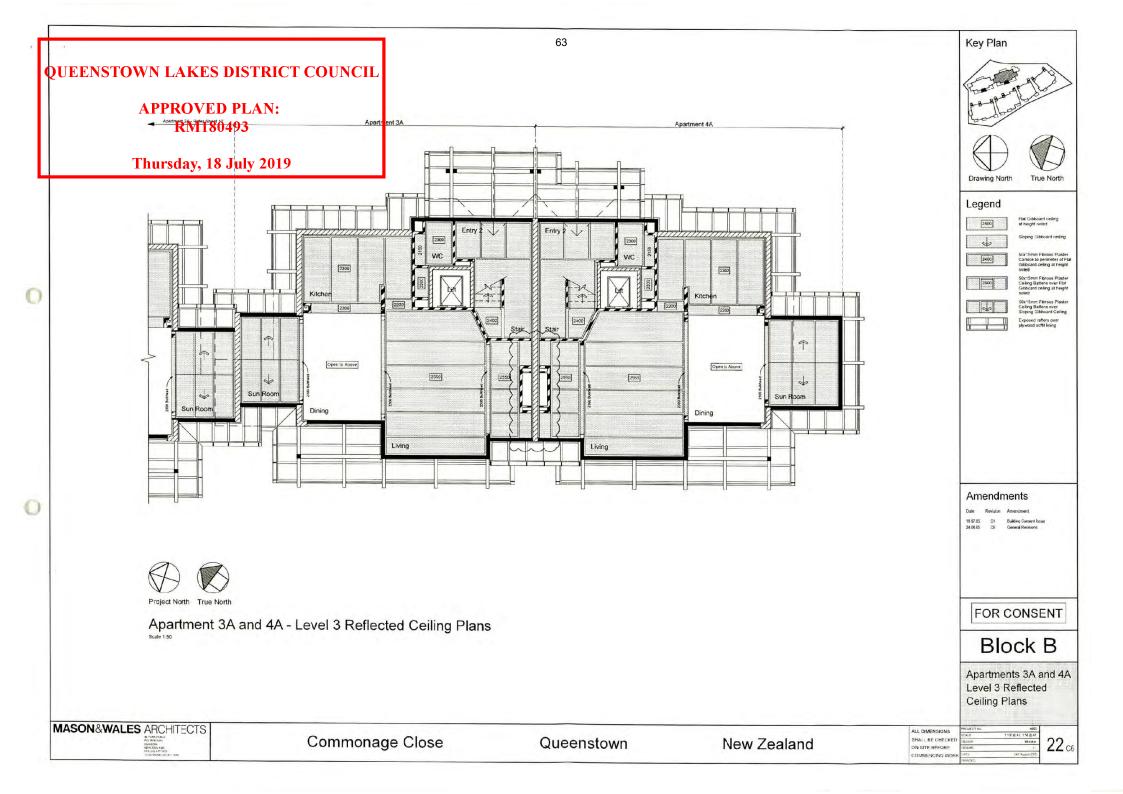


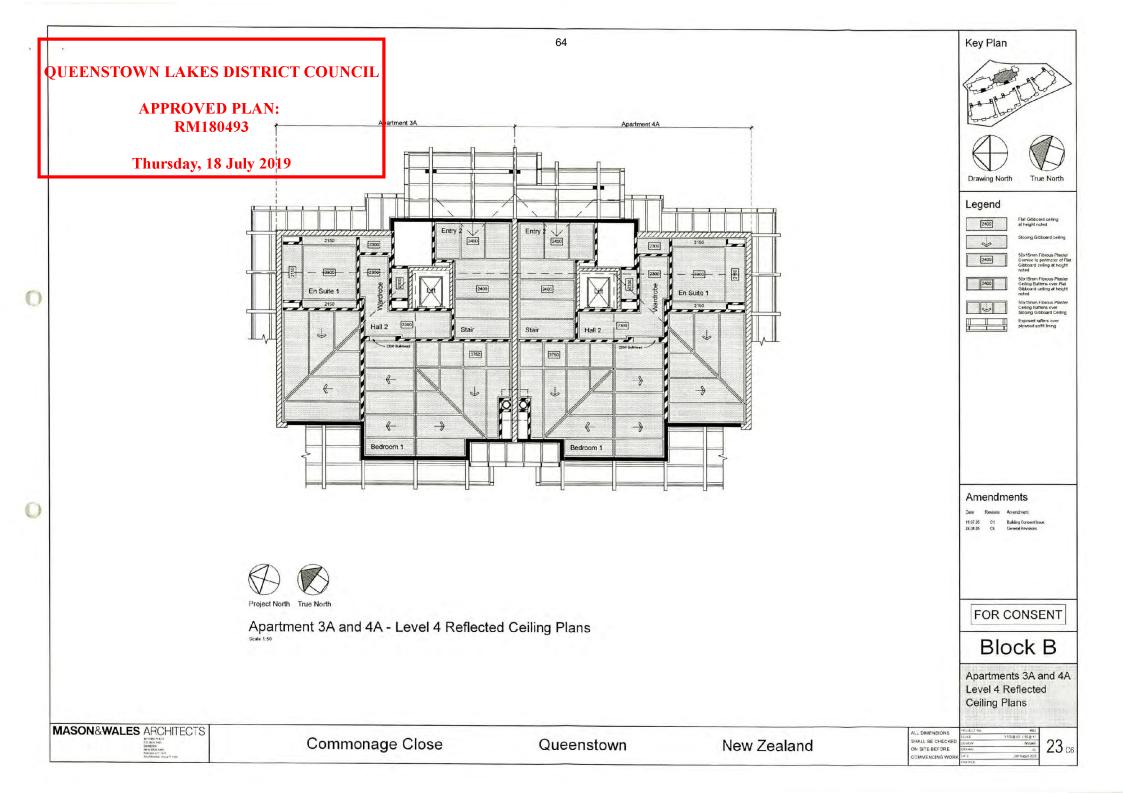


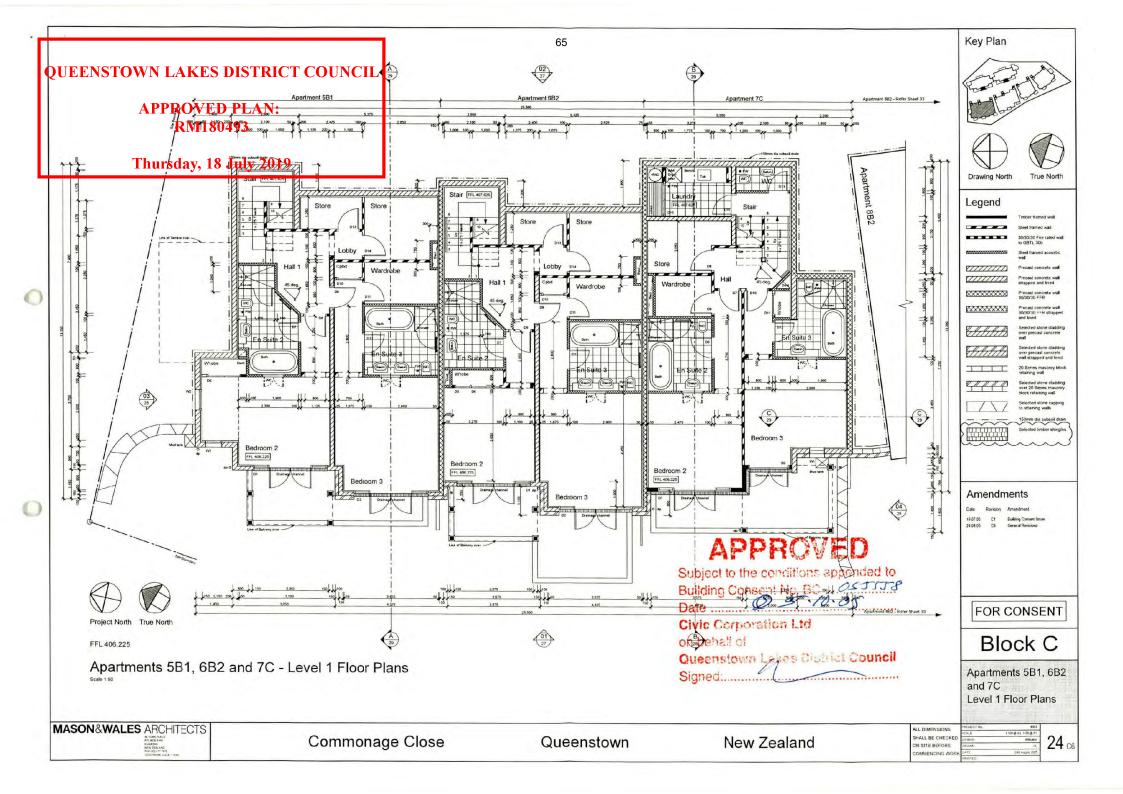


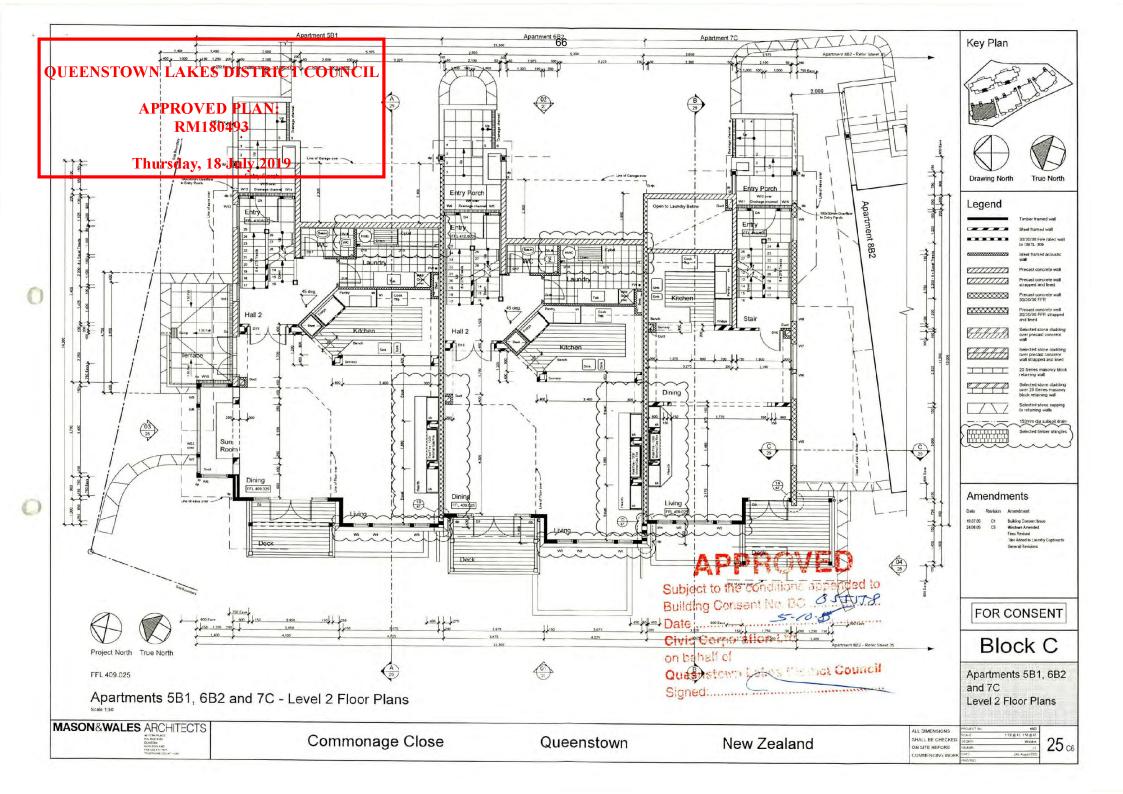


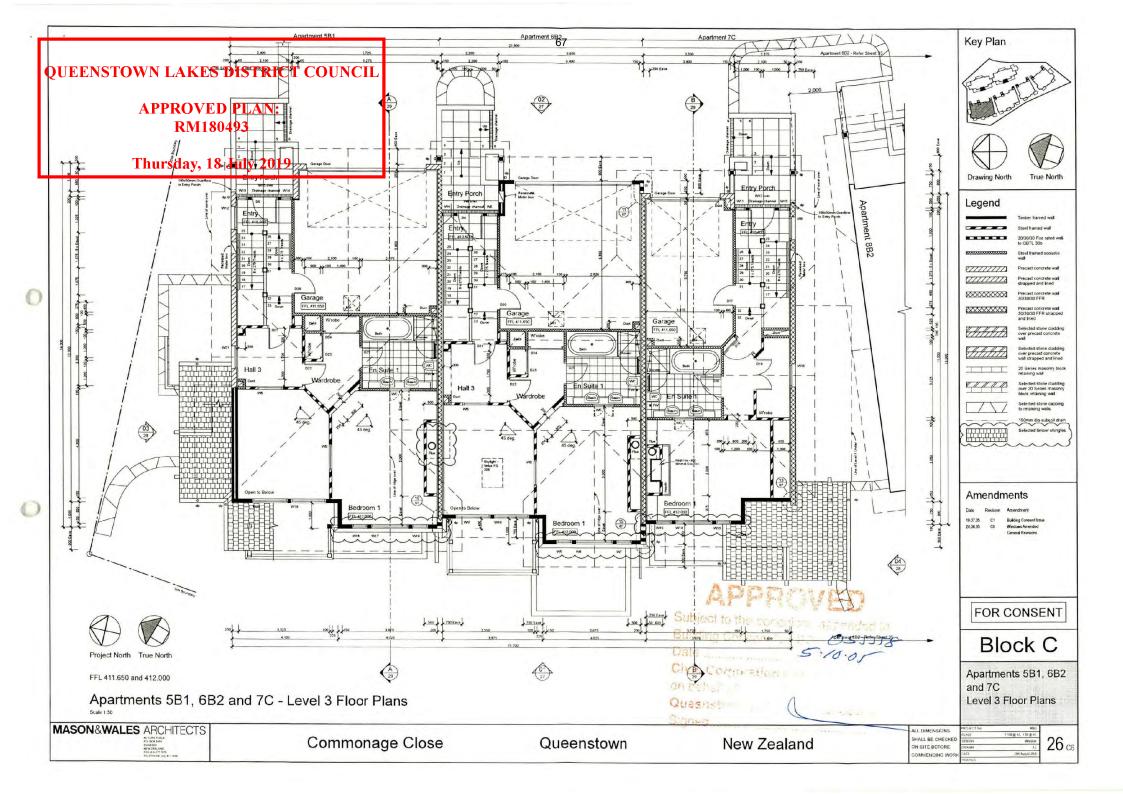


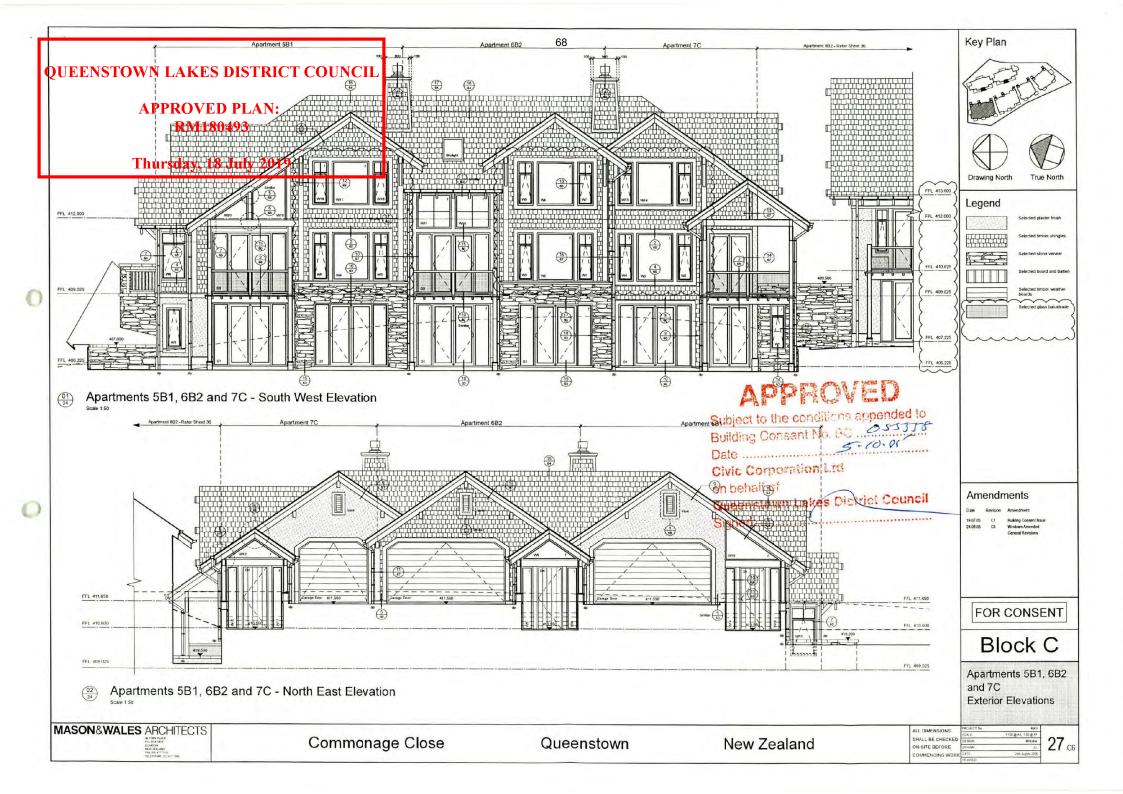


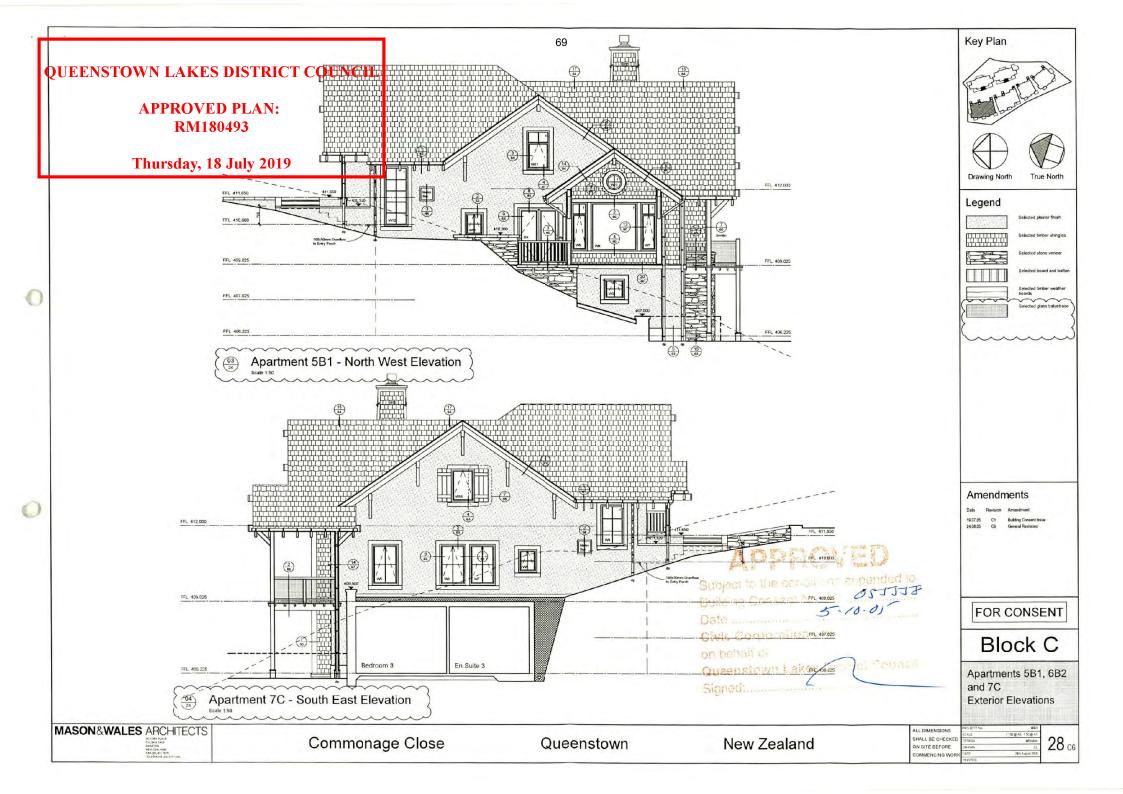


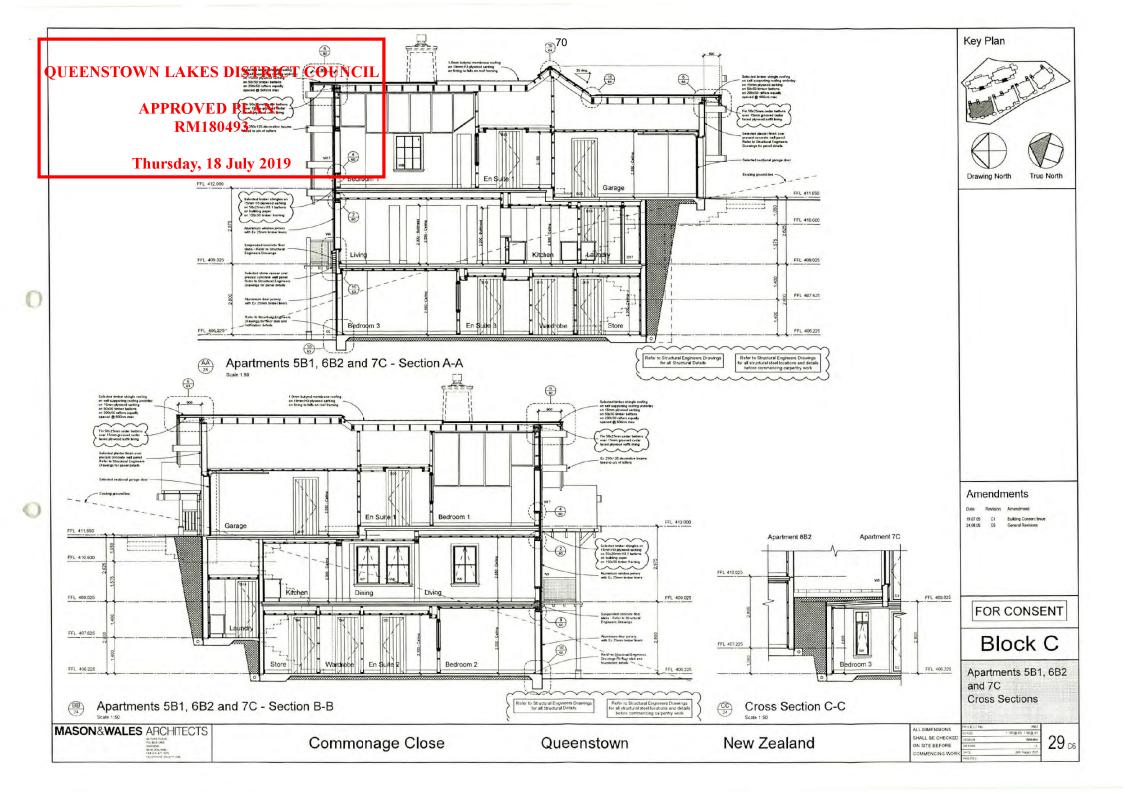


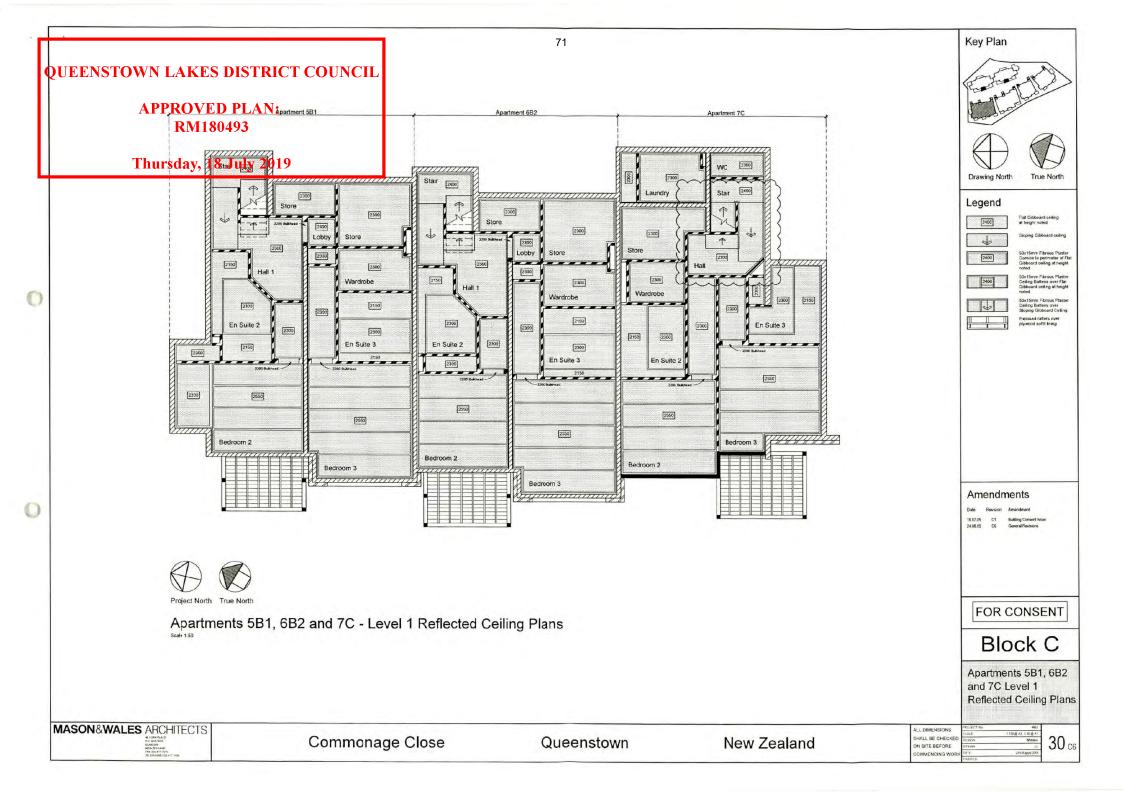


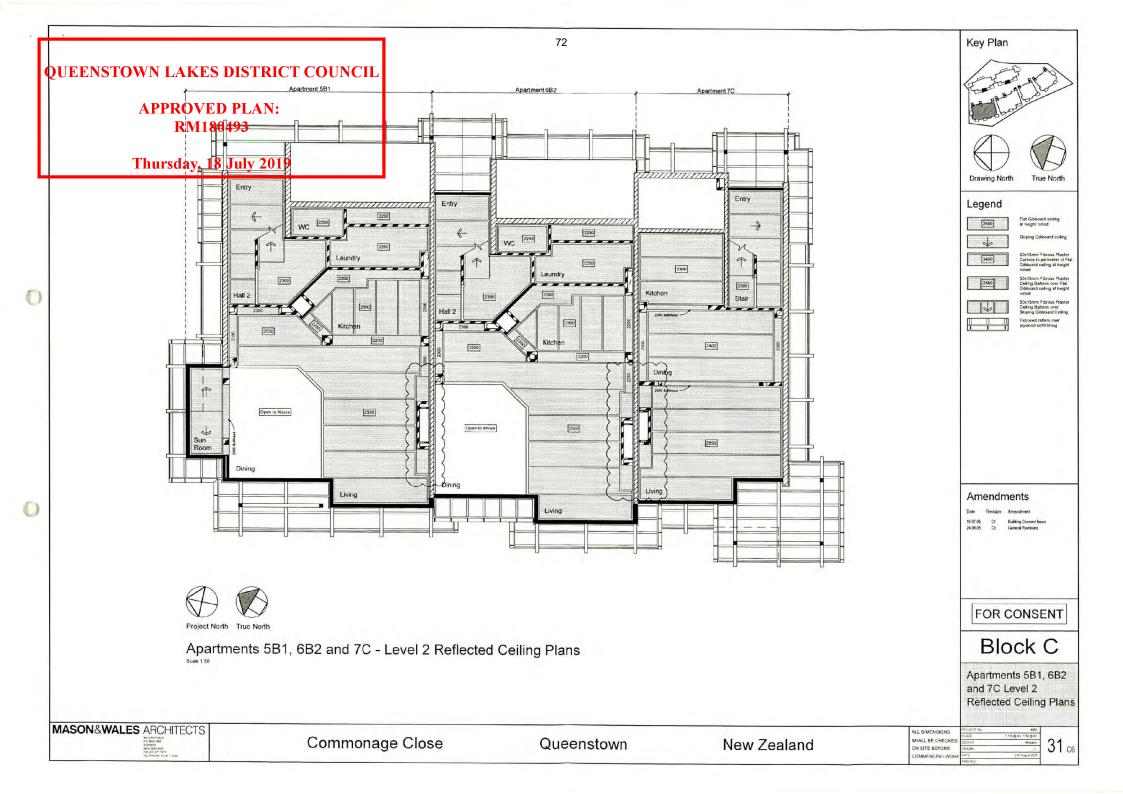


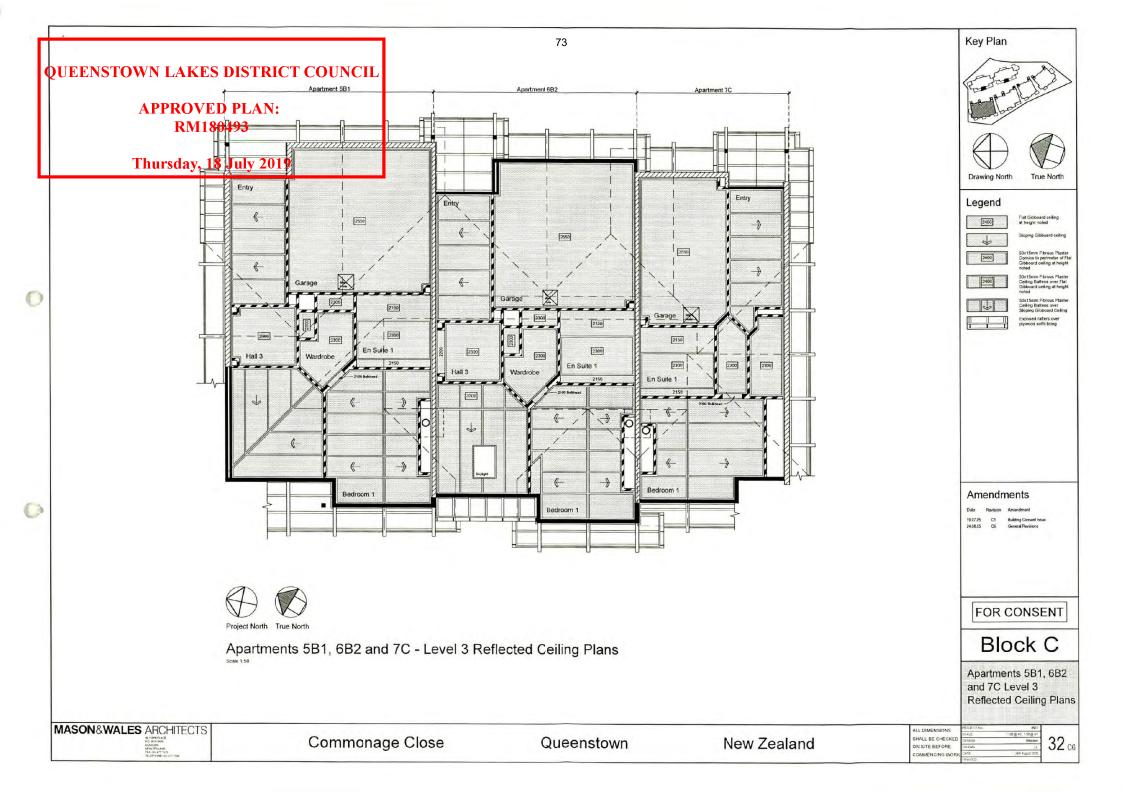


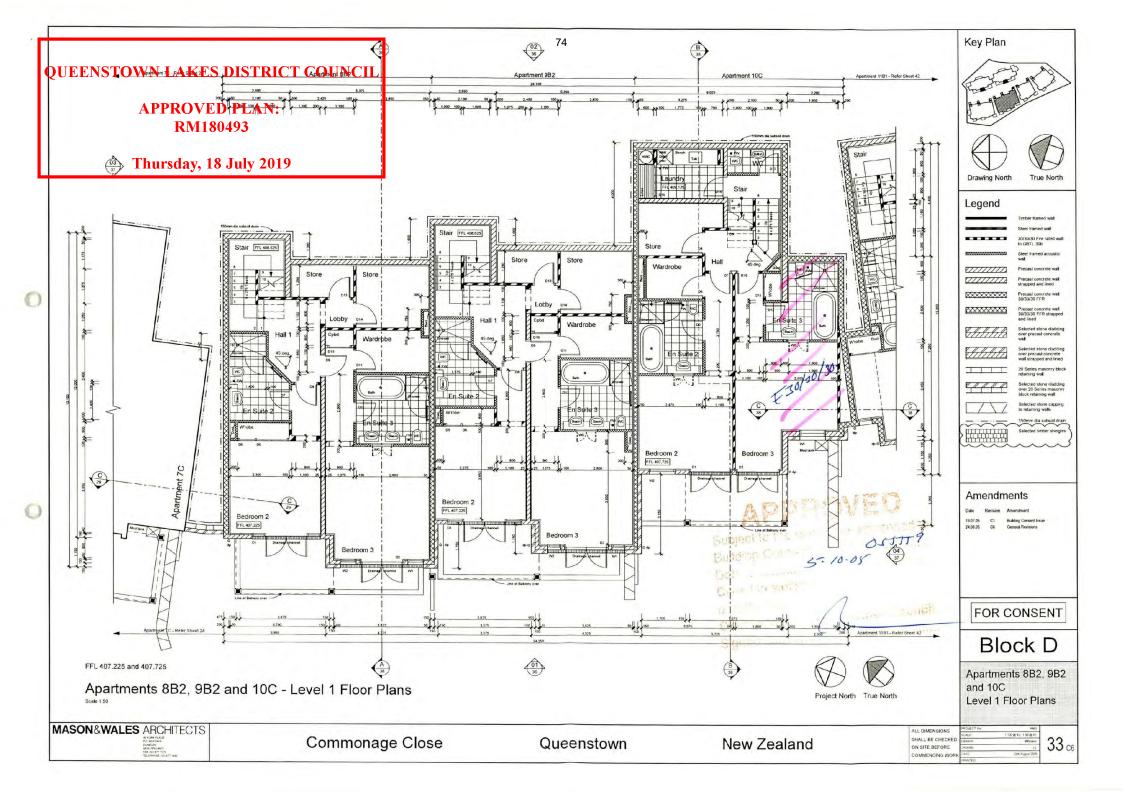


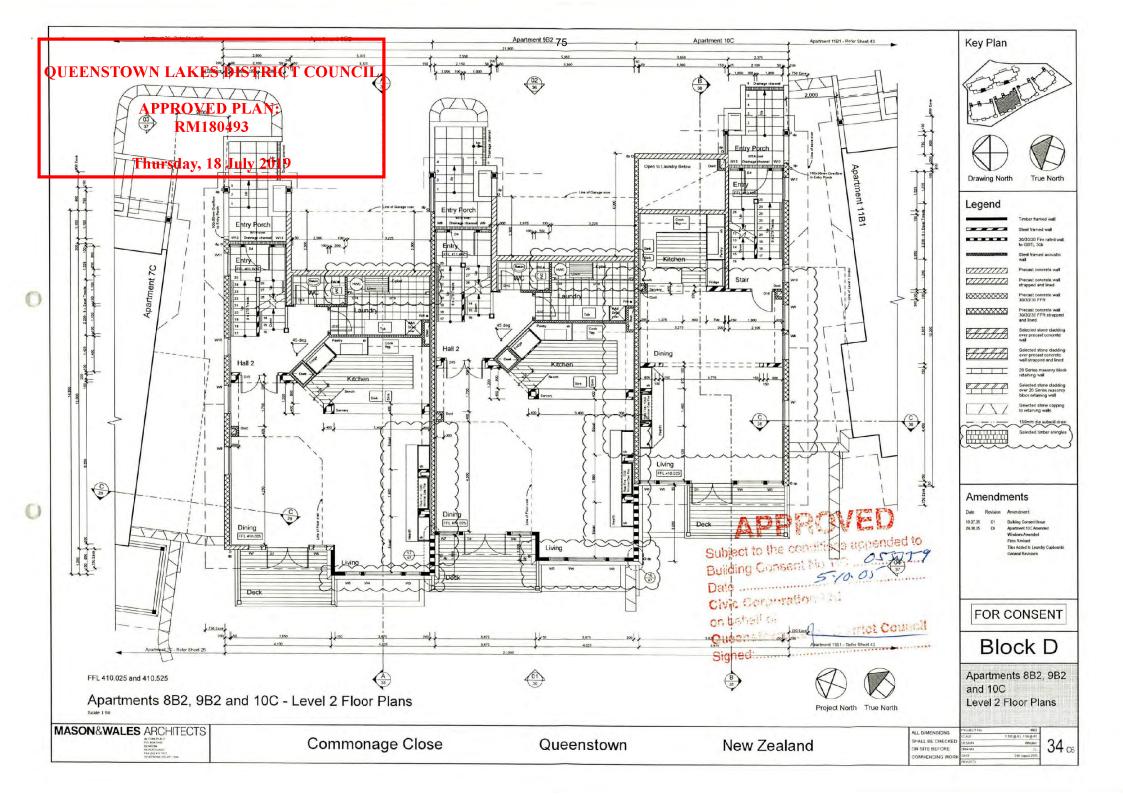


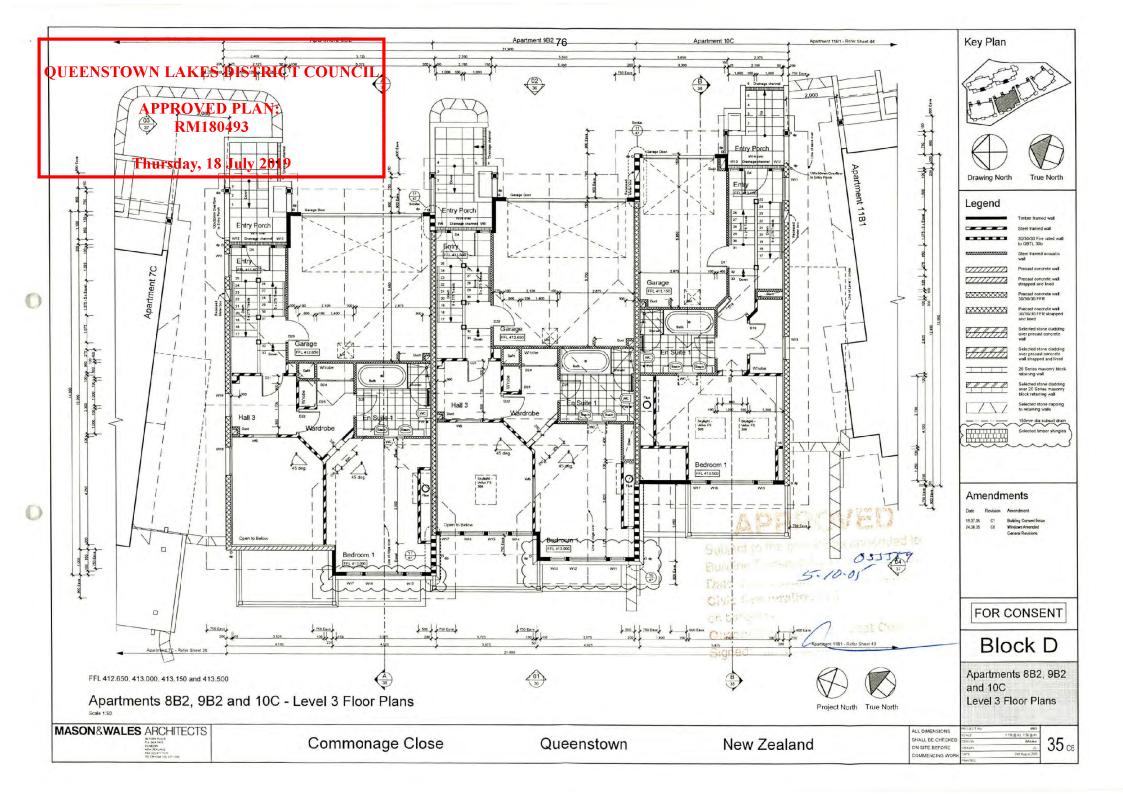




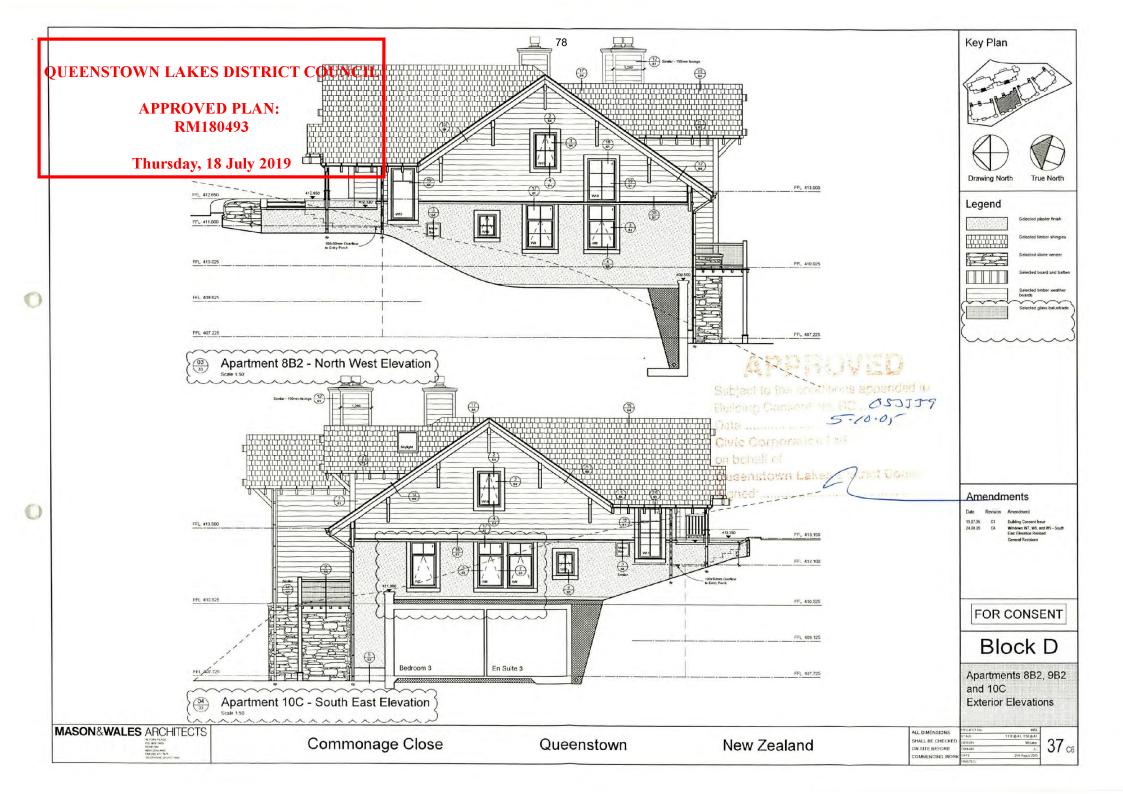


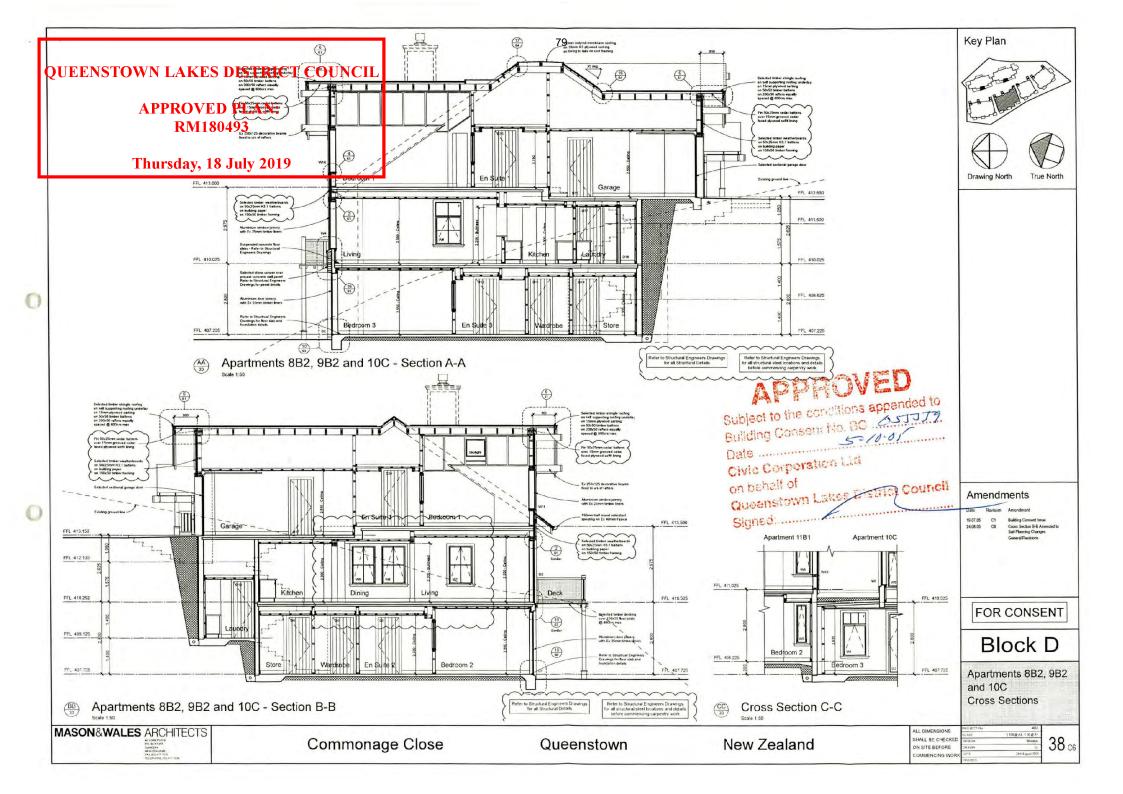


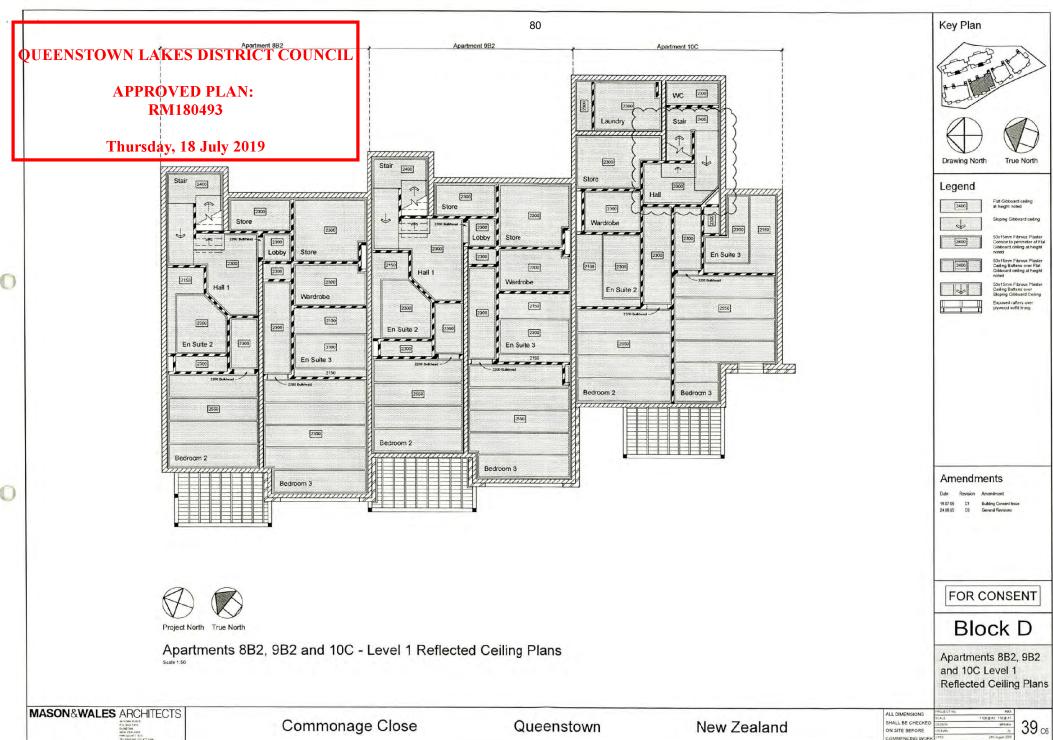


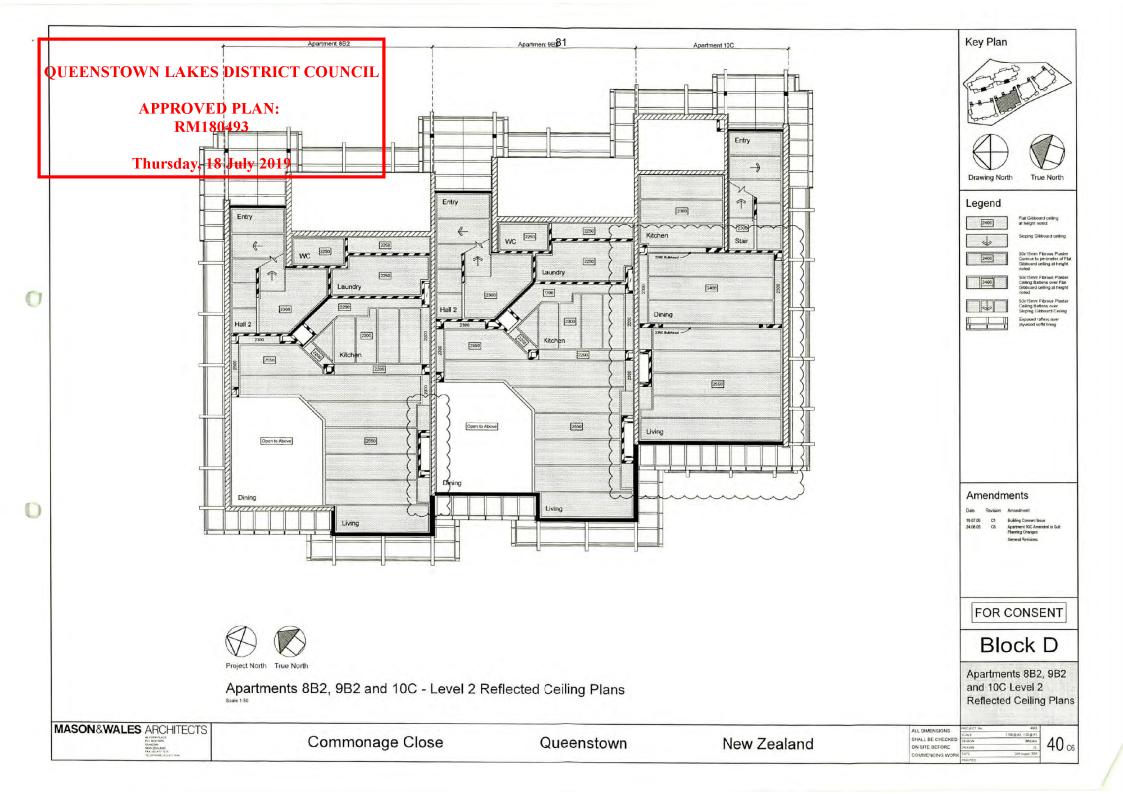


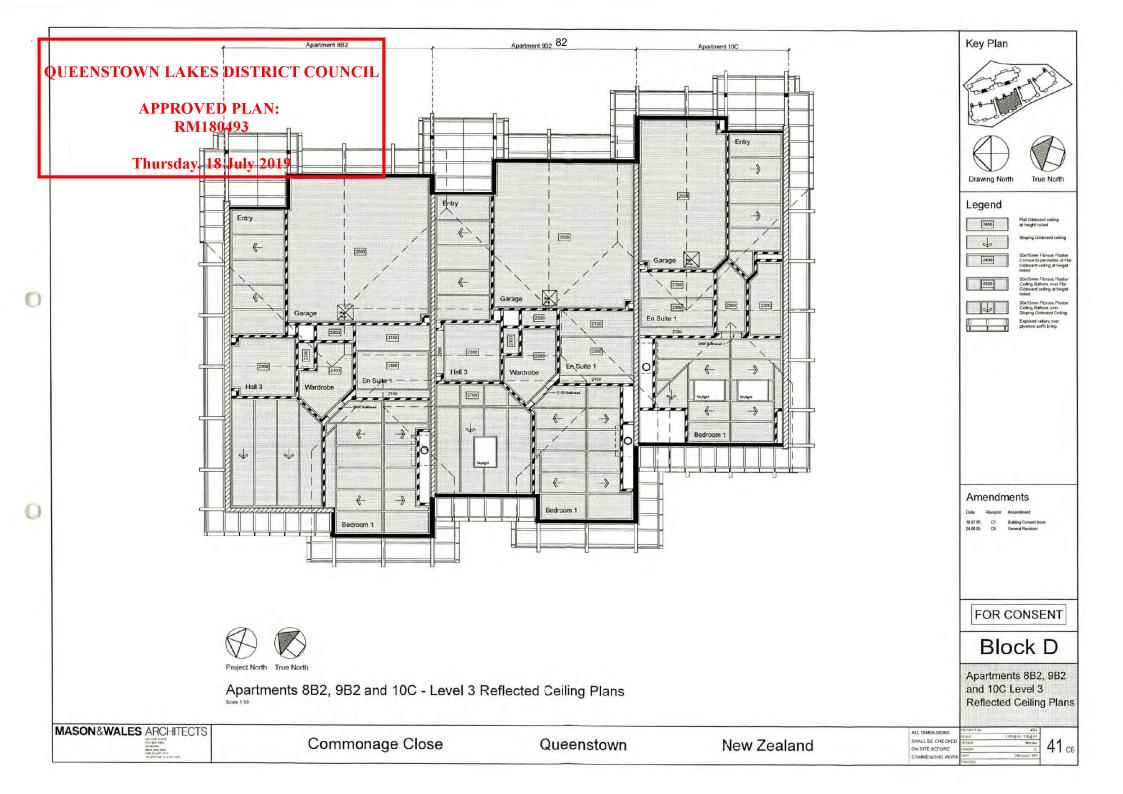


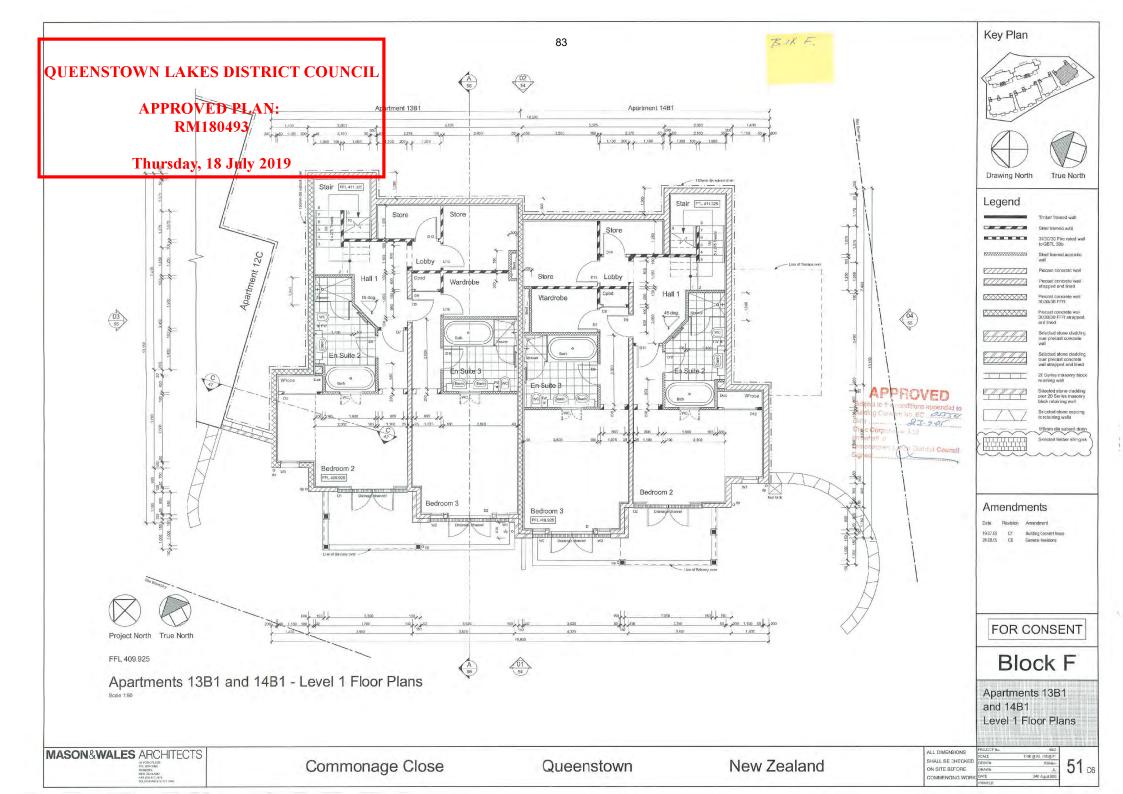


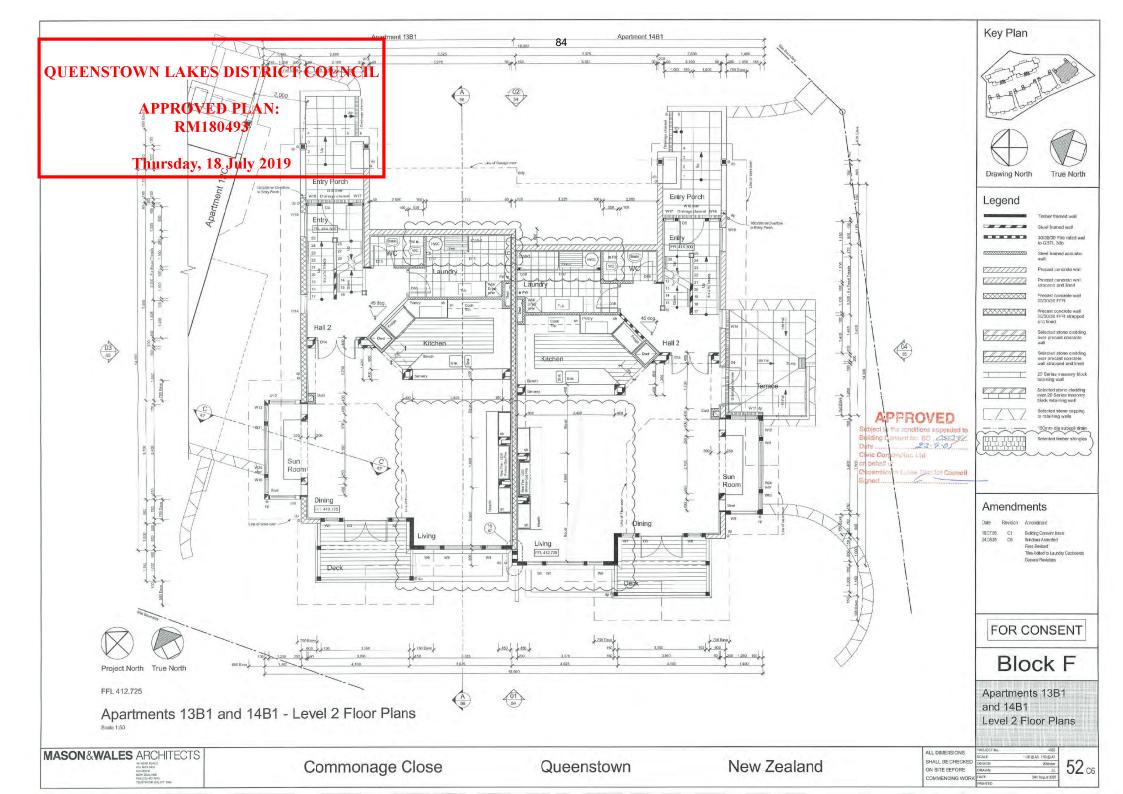


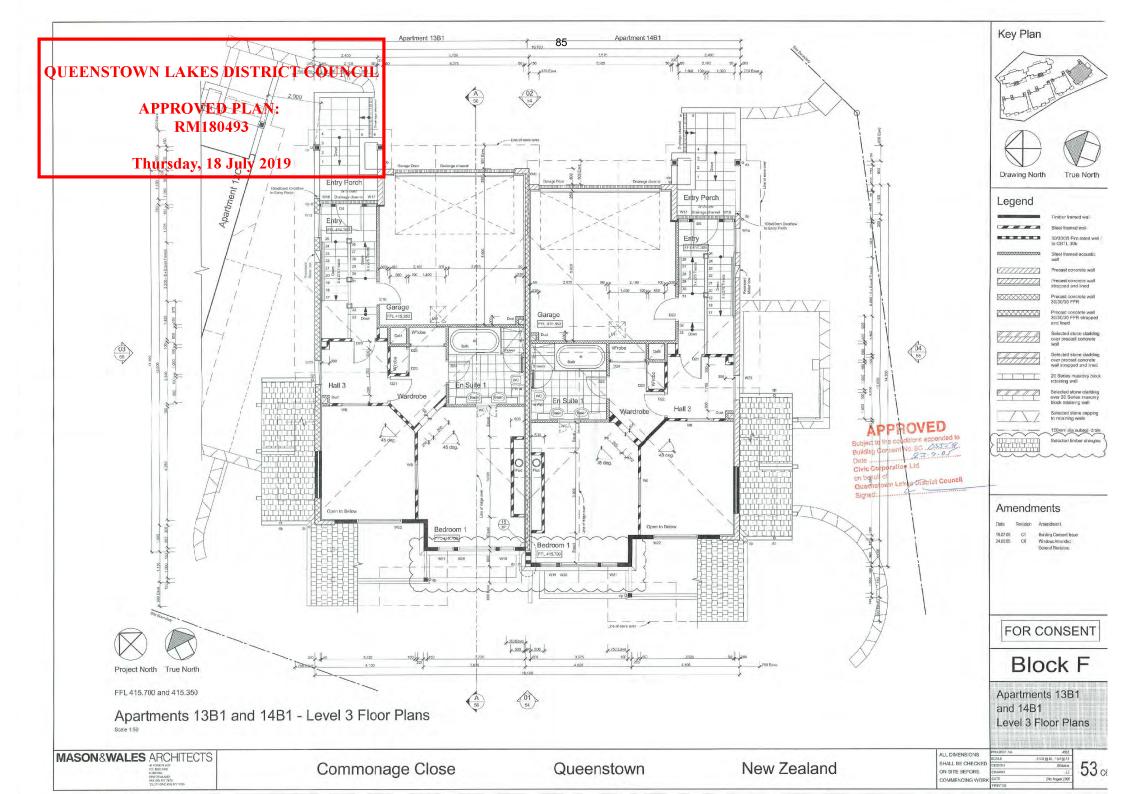


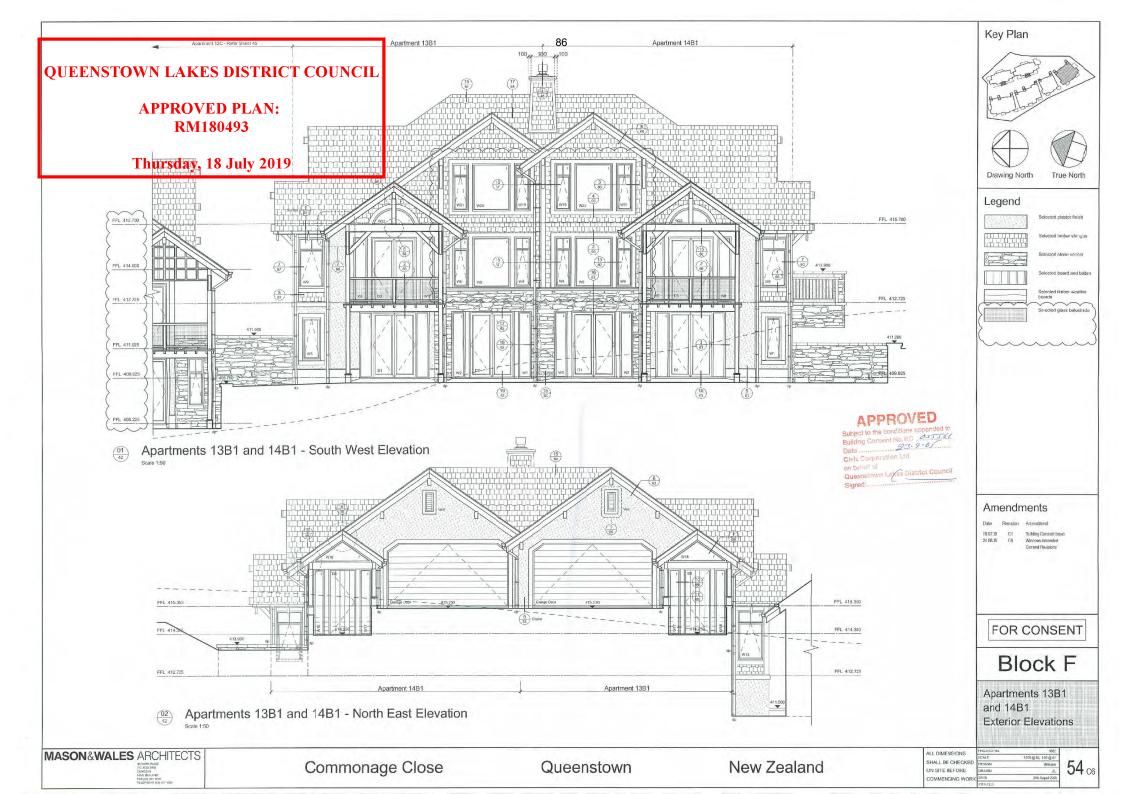


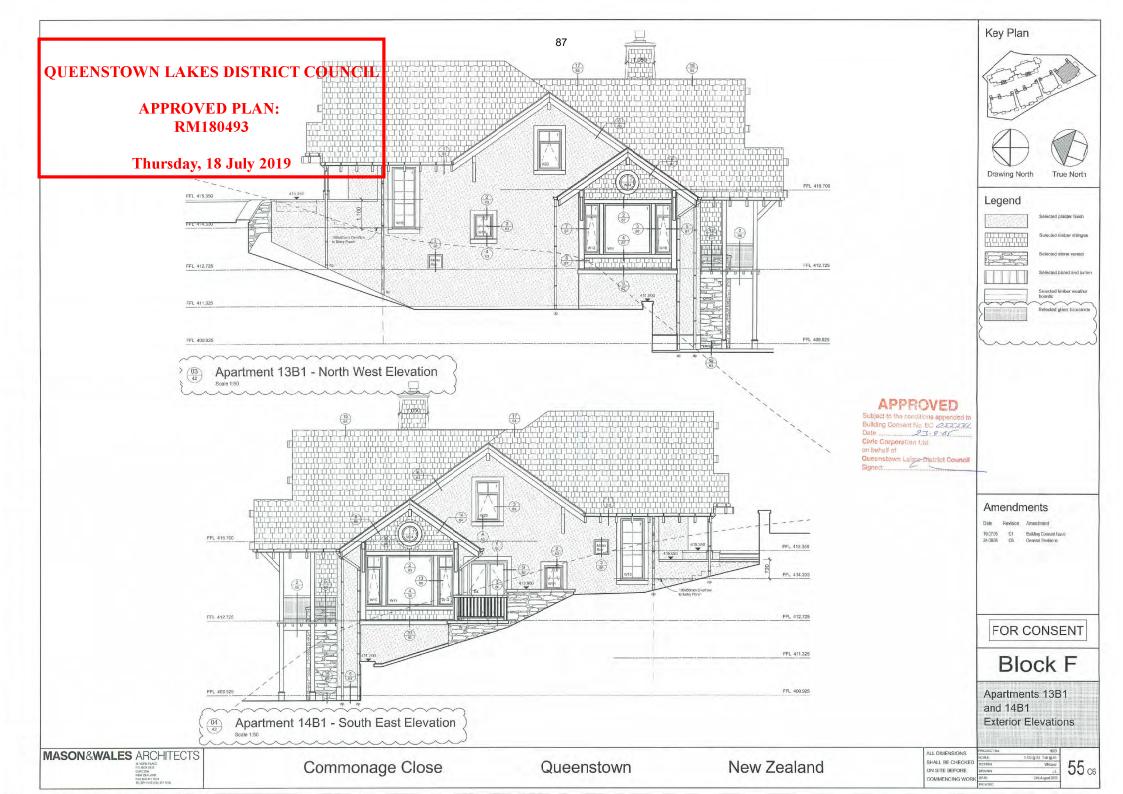


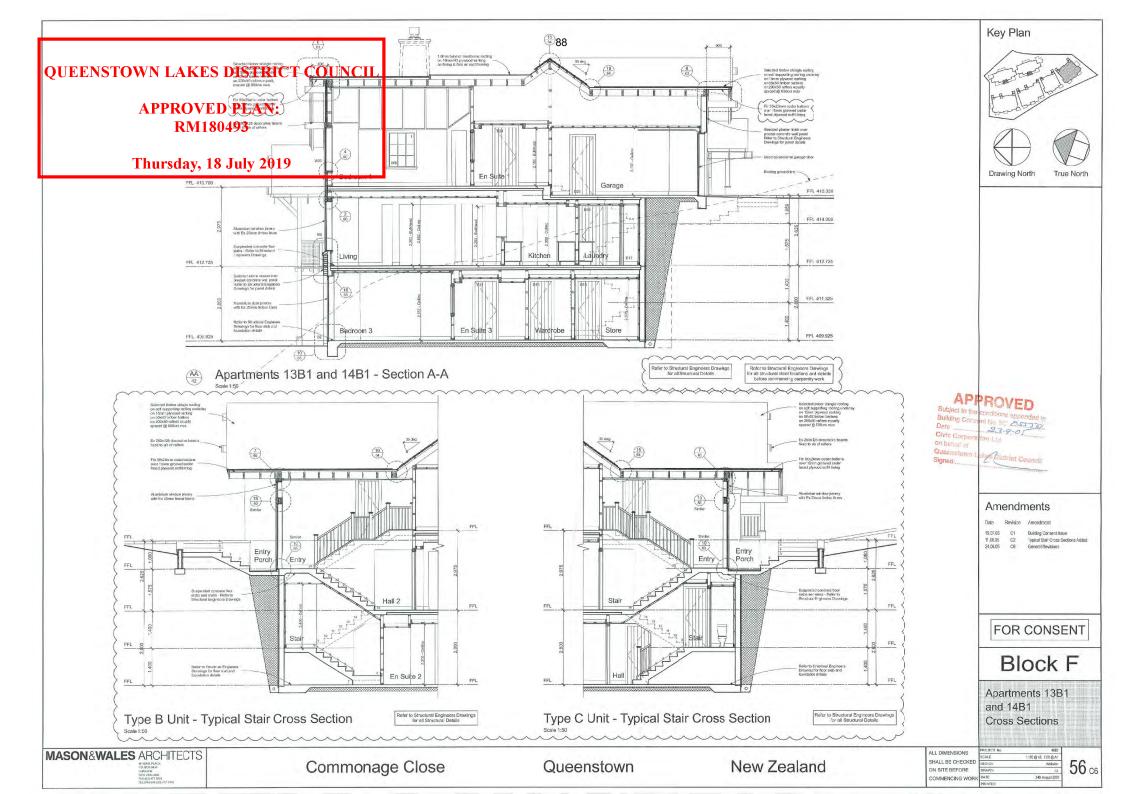


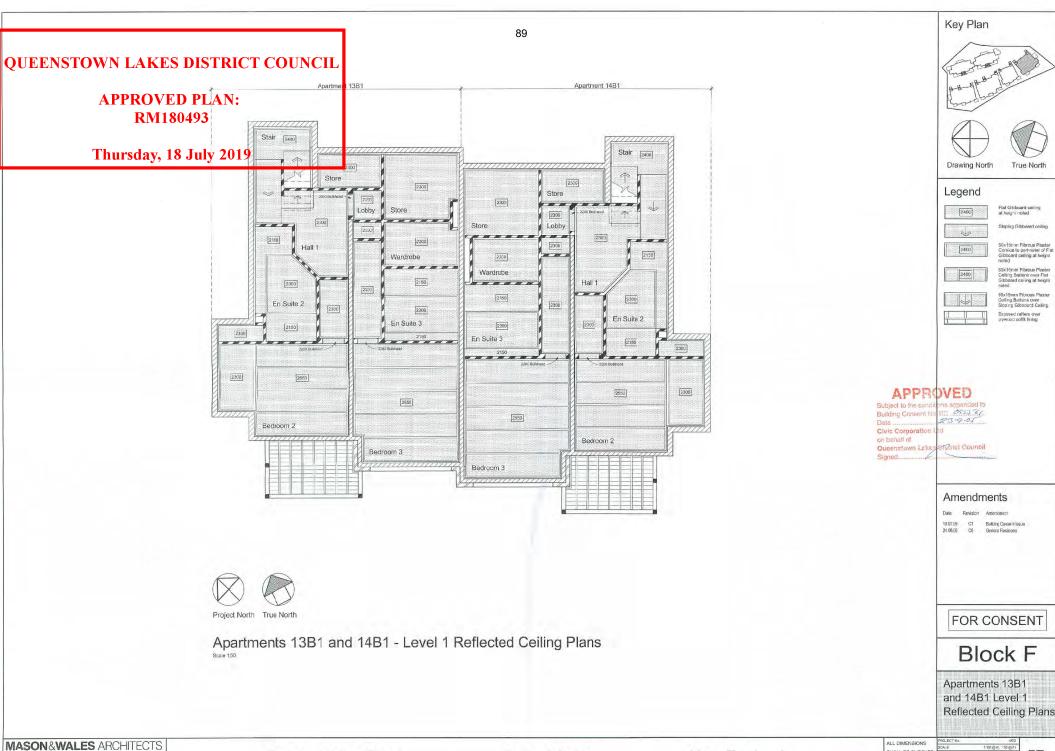










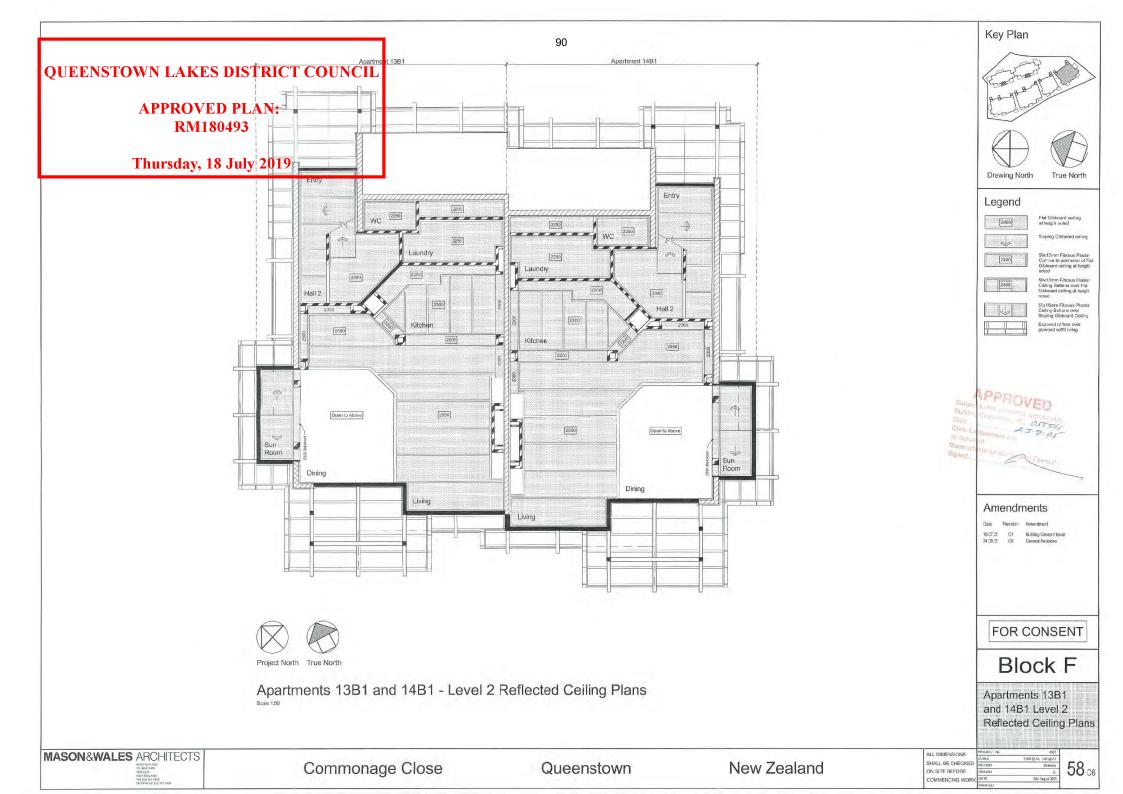


ALL DIMENSIONS SHALL BE CHECKED ON SITE BEFORE COMMENCING WO

50x15mm Fibrous Plaster Ceiling Battens over Flat Gibboard ceiling at height

50x15mm Fibrous Plaster Ceiling Battens over Stoping Gibboard Ceiling

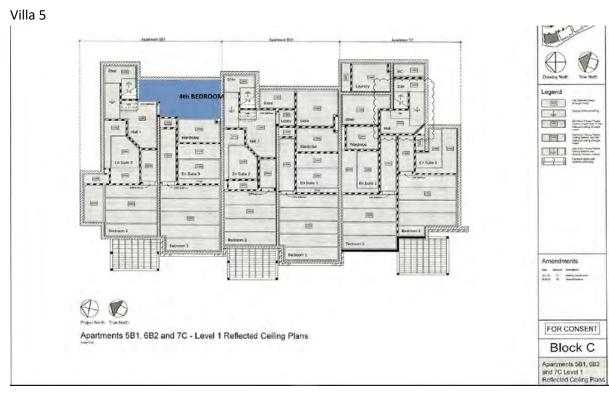
Building Consent Issue



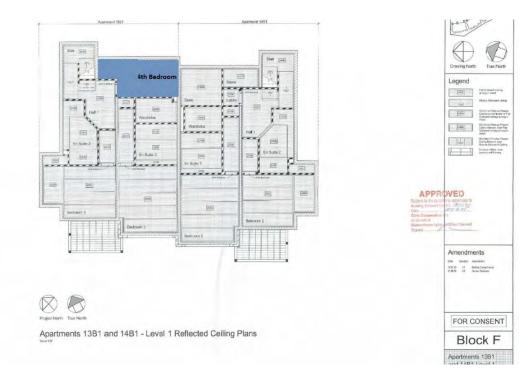
QUEENSTOWN LAKES DISTRICT COUNCIL

Villa 1 APPROVED PLAN: RM180493





Villa 13



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM180493

Thursday, 18 July 2019