

**Stream 15 Hearing - submission of Niki Gladding****With regards to the definition of Visitor Accommodation.****Contact details:**

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Email: [nigladding@hotmail.com](mailto:nigladding@hotmail.com)**Introduction**

1. My name is Niki Gladding. I live in Glenorchy.
2. Today I'd like to reiterate my concerns with the proposed definition of Visitor Accommodation. These relate to the potential effects of the proposed definition on the availability of housing; on residential cohesion, character and amenity; and on the integrity of existing commercial centres.
3. I'm particularly concerned about the effect on Glenorchy and any of the townships that have residential zones overlain by visitor accommodation sub-zones. This is because the Townships chapter has not been reviewed alongside the new proposed definition. Specifically,
  - a. there has not been the opportunity to review the activity status of VA in the Townships' VA sub-zones;
  - b. there has not been the opportunity to revise the matters over which Council has control or discretion in these zones; and
  - c. there has been no assessment of effects against the objectives and policies of the Township zones or the objectives contained in the Small Community Plans.
4. I also don't believe there has been adequate assessment of the potential effects of the proposed definition. It's not clear what the changes are meant to achieve. It's also not clear that the proposed definition can or is the best way to give effect to the Strategic Objectives of the Plan - or the Purpose of the Act. Particularly considering the diverse communities within this district.

**The proposed definition – no limits on activity or scale of “ancillary” facilities**

5. The proposed definition is significantly different to the definition that was notified in the PDP in 2015. The 2015 PDP retained the operative definition with the single addition of *“Where the provisions above are otherwise altered by Zone Rules the Zone Rules shall apply”*. It did not allow for VA facilities to be used by persons not staying overnight but it did allow for that to be altered via the Zone rules

6. Relevant parts of the current proposed definition is set out below:

- ii. May Includes some centralised services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.
- c. ~~Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.~~

7. This definition couples VA with commercial activities that are associated with or “ancillary to” the visitor accommodation activity. Those activities could include restaurants, conference rooms, bars, recreational facilities such as gyms, pools, golf courses, and other activities “of a similar nature”.

8. In addition, there are no limits to scale that have any legislative ‘teeth’. The facilities must be “ancillary to” the visitor accommodation but this is defined in the s42A (15 February 2017) as follows:

*No definition of 'ancillary' is included within Chapter 2, nor is a definition provided within the RMA. Consequently, as recommended above, the ordinary meaning of the definition would prevail. The Oxford Dictionary defines 'ancillary' as follows:*

***'Providing necessary support to the primary activities or operation of an organisation, system, etc' 'In addition to something else, but not as important.'***

This definition does not limit the scale of these ancillary facilities and there needs to be very clear limits.

9. The range of activities that will be allowed under this definition is unclear and potentially substantial. With no clear limits to scale or activity this definition will undoubtedly put the Council in a position where it must decide between granting consents that do not align with its objectives or risk costly legal action. Therefore, the definition is not efficient.

### **Effect on housing availability, residential cohesion and amenity**

10. The Council is concerned with ensuring there is sufficient residential housing to meet the needs of the community. It is also concerned with protecting residential cohesion and amenity. Significant changes have been made to VA provisions to meet these objectives.

11. Generally, these changes have been restrictive for residential homeowners. However, the proposed definition of VA will significantly *reduce* restrictions for VA businesses developing hotels, motels, backpackers and lodges. The proposed definition will:
  - a. incentivise the development of more and larger VA facilities within residential zones, and
  - b. raise the value of VA sub zone land
  - c. reduce the availability residential housing
  - d. result in a significant level of commercial activity in VA sub-zones further reducing residential cohesion and amenity.

### The Effect on Glenorchy

12. In Glenorchy, VA is a controlled activity within the VA subzone pursuant to Rule 9.2.3.2 (iii). The controls have not yet been reviewed and are limited to the following matters:
  - a. External Appearance of Buildings
  - b. Setback from Internal Boundaries
  - c. Setback from Roads
  - d. Access
  - e. Landscaping Screening of Outdoor Storage and Parking Areas
13. Under the proposed definition commercial activity associated with VA in the VA sub-zone will shift from a discretionary activity to a controlled activity (with no additional controls). A camping ground or motel could, as of right, include a restaurant or bar or conference facility without any control on the hours of operation or noise mitigation or the provision of additional parking.
14. All of the issues mentioned at [11] will apply.
15. Significantly, Council have removed the opportunity to fix any obvious issues with the definition within certain zones by removing "*c. where the provisions above are otherwise altered by Zone rules the Zone Rules shall apply*".
16. The relief I seek is to include the following provisions within in the definition of VA at (ii) and (c):

Includes services or facilities that are directly associated with, and ancillary to the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. ~~The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.~~ These facilities are for the use of overnight guests only

  - c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply
17. This definition is more restrictive than the proposed definition but more flexible than the operative definition. The provision at 'c' allows for the operative restrictions (with respect to use of centralised facilities) to be reduced or removed in certain zones. This

was what the Council proposed in 2015. It would give Council greater controls to better protect the availability of housing and residential amenity.

18. This definition will give Council greater ability to manage growth. It is also unambiguous which will reduce the risk of legal challenges and that cost to the ratepayers. This definition is therefore more efficient than the proposed definition.