

Rights to be removed for visitor accommodation in Queenstown

Under the operative district plan it is permitted to rent a dwelling out as visitor accommodation (Air BnB or similar) for up to 90 days per year, with a minimum 3 night let. Under the proposed district plan, for all residential zones, business mixed use zone, rural, rural residential, Wakatipu Basin, Jacks Point, Waterfall Park and Millbrook, this will drop to 28 days and a maximum of 3 lets per year. (Lake Hayes Estate, Shotover Country and other Special Zones are not yet caught)

These rules will not have legal effect until a decision on the proposed district plan is issued. This is not expected to be till at least the second half of 2018, maybe longer. Submissions to the proposed new rules are currently open and are due on 23 February; after that there will be a "further submissions" stage, before hearings even start.

If you are concerned about the new regime, then putting in a submission in opposition is recommended. However that is not all you can do.

Those who currently rent out their dwelling as visitor accommodation have "existing use rights" even once the proposed district plan rules take legal effect. If you have existing use rights you can continue an activity even if it breaches a new rule, if it was lawfully established before the proposed rule becomes operative (i.e. after any appeals on decisions have been determined) and where the effects of the activity continue to be the same in character, intensity, and scale. This existing use right ceases to exist, however, if a use is discontinued for 12

months after the new rule becomes operative. If an existing visitor accommodation provider wanted long term certainty about their existing use rights, and not being caught by the new rules, they can apply for an "existing use certificate" under section 139A of the RMA, or can apply for a Certificate of Compliance (COC) as detailed below.

It is open to every dwelling owner, including existing operators, to apply for a COC which is confirmation from Council that it is permitted to let a dwelling as visitor accommodation for up to 90 days per year. A COC can be obtained any time up until the decision on the proposed district plan rules is issued. A COC then gives the property owner the right to let out the property as visitor accommodation for up to 90 days per year. The right runs with the property, just like a resource consent, if the property is sold. Like a resource consent, it lapses if it is not used within 5 years.

[Want to know more?](#)

Please contact our [specialist local team](#) if you need advice on how the proposed district plan affects you, and what you can do about it.