

Before an Independent Hearings Panel
at Christchurch

under: the Resource Management Act 1991

in the matter of: Proposed Plan Change 4 to the Christchurch District
Plan

and: **Airbnb Australia Pty Limited**
Submitter 112 / Further Submitter 4

Summary of Submissions of Airbnb Australia Pty Limited

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SUMMARY OF SUBMISSIONS OF AIRBNB AUSTRALIA PTY LIMITED

- 1 Airbnb agrees that the existing regulatory situation for short-term rental accommodation (also termed home sharing) in Christchurch needs to change. It is confusing for plan users, and there appears to be variable application / enforcement of the operative district plan rules – noting that this activity is not directly provided for but that Council’s position is that it is a discretionary activity and requires resource consent.

- 2 Airbnb supports a light-touch regulatory regime in the District Plan which provides the community with clarity and is commensurate with the scale of this activity across the district (noting that the activity which the Council is classifying as “unhosted visitor accommodation” represents just 1.3% of district housing stock):
 - 2.1 Mr Bonis’ supplementary brief of 24 September sets out the drafting that he recommends at [72]. That is:
 - (a) No distinction between “hosted” and “unhosted” visitor accommodation – Airbnb proposes that this can be approached in a more streamlined way by characterising this activity as “home sharing”;
 - (b) Permitted activity status for home sharing activities, provided that Council is notified, records are kept, and outdoor space is not used between 10pm and 7am.
 - (c) Controlled activity status where the permitted activity standards cannot be met.

- 3 Airbnb maintains that home sharing is an activity which is fundamentally residential in nature, not “commercial” as the Council maintains.
 - 3.1 Home sharing involves people using a residential dwelling for the same things as longer term rentals – sleeping, relaxing, eating. People who live permanently at residential dwellings come and go at odd hours, occasionally have parties, can be noisy, and can cause nuisances to their neighbours. The owners of a holiday home in Akaroa might arrive late at night and could be disruptive as they unload their car. The teenage children of holiday home owners could have an unsupervised party at a bach which necessitates a call to noise control. Those things are not a special feature of home sharing.
 - 3.2 The mere fact that home sharing generates income for the homeowner does not change its character to “commercial”. This residential character is confirmed by the Environment Court in the *Archibald* case – as set out in Airbnb’s written submission. The Council’s characterisation of this as a “commercial” activity appears to have set the scene for its

overall approach to this plan change, which seems to be focused on making a distinction between residential and “non-residential” activities.

- 4 The Panel has heard from a variety of hosts, and this is also something that Mr Nolan can speak to, about the benefits of home sharing for individuals. It allows people to supplement their income, make more effective use of their homes, and welcome visitors into the district. These benefits could well be lost if the rules proposed by the Council are implemented.
- 5 The evidence has shown that there is no economic basis on which to justify the provisions which the Council seeks to introduce through this plan change. Christchurch is not in the same position as places like Queenstown. Home sharing is not causing issues with housing availability or affordability in Christchurch, nor is it affecting the viability of the central city. Trade competition issues as between traditional visitor accommodation and home sharing must not be taken into account.
- 6 This is an activity which takes place in a very small portion of the district’s housing stock. It is of such a small scale and significance that a heavy-handed regulatory approach is not appropriate nor necessary – the surveys attached to the Council’s documentation supporting the plan change show that the majority of respondents were not aware of home sharing in their neighbourhoods.
- 7 The Council’s sole justification for the plan change is the asserted *potential* for localised impacts on residential amenity and character. The Council has not called any expert to explain the gravity or scale of amenity and character affects. Airbnb’s position is that this fear is overstated and potential localised effects which cannot be distinguished from the occasional effects of more traditional residential activity do not justify the set of rules which the Council has proposed.
- 8 Even if the Council’s premise that potential localised effects require management is accepted, the provisions put forward for PC4 will not assist in achieving that objective. Airbnb and other platforms which facilitate home sharing already require hosts and guests to adhere to a variety of policies and standards, as **Mr Nolan** explains.
- 9 Issues related to compliance or enforcement of the provisions proposed by the Council will also likely arise after hours – when council staff are not available to attend. As a matter of practicality, the enforcement of issues such as noise will therefore remain the primary domain of noise control officers – an option which is already available to neighbours. It is not at all clear how Council proposes to police these proposed provisions, determine whether a person is meeting the standards, or determine whether consent conditions are being complied with.

- 10 Overall, Airbnb remains opposed to the rules which the Council has proposed in PC4 and seeks that the Panel reject the drafting proposed, in favour of a lighter touch regime which acknowledges the existing controls on home sharing activity, and the very small proportion of housing stock used for this activity.