

## Summary of Victoria Neighbourhood Association's Submission (February 2020)

- Unhosted STA inconsistent with goal of increasing number of people living in the central city (see Policy 14.2.1.3);
- Developments built and advertised with unhosted STA in mind decrease dwellings available for owner-occupiers or long-term renters;
- Other accommodation options readily available in nearby Business & Mixed Use Zones;
- Misleading or confusing terminology used, e.g. 'home-share' not accurate for unhosted and 'visitor' more accurate for those renting STA (p3, iv & v); all definitions should be unambiguous (p7 viii);
- Impact of unhosted is the same as for any non-residential activity: lack of cohesion, decrease in sense of community, 'gaps' between properties, less support for neighbourhood activities, loss of amenity.

## The rationale for our position

- Significant increase in unhosted STA in our neighbourhood since 2017 (p3, 4 i – iii);
- Of the eleven negative effects reported by our members, four related to social cohesion aspects (p3, 4iii);
- Cumulative effects is ignored in the various options (p3, 4v).

## Consultation results on CCC's 5 options

- Supported Option 1 (Status Quo), but with unhosted in RCCZ as a Non-complying activity (reasons given, p4);
- Some support for Options 2A & 2B, but with 60 day maximum for unhosted in RCCZ, plus other restrictions (summary on p5);
- Support for Option 3A because it recognised issues specific to RCCZ (but with unhosted a Non-complying activity); discussed problems with consent process (p6);
- Did not support Options 3B, 4 or 5 (reasons covered p6 – 7).

**We also recommended** (i) no grandparenting of unhosted STA (ii) more effective monitoring & enforcement and (iii) cumulative effects considered.

## Summary of Further Submission (December 2020)

- Opposed 11 submission not differentiating hosted from unhosted or advocating 'light touch', 5 using the term 'home share' for unhosted and 5 arguing 'property rights';
- Supported 11 focussing on how to curtail unhosted in residential zones, 8 describing adverse effects on residential neighbourhoods and 3 calling for stricter rules for unhosted (including Prohibited activity for over 60 days). Also supported 8 wanting stricter penalties for non-compliance.

**The VNA focussed on why** (i) unhosted is not residential in nature (ii) unhosted needs to be strictly regulated in RCCZ (iii) all negative effects need to be considered and (iv) reasons for limiting unhosted to 60 days in RCCZ.

## **Plan Change 4: Short-term visitor accommodation** **Victoria Neighbourhood Association Inc (19 October 2021)**



This presentation from the VNA

- (i) responds to the amended recommendations from Mr Bayliss and statements of evidence from others;
- (ii) focusses on unhosted STA, especially in the Residential Central City Zone;
- (iii) is based on consultation with 177 VNA members and other residents.

**Unhosted STA is a significant issue even in our small neighbourhood:**  
**increase from 35 to estimated 75+ known examples from 2015 to 2020.**

## **Reasons for limiting unhosted STA in RCCZ**

- RCCZ particularly vulnerable because of proximity to CBD.
- A variety of accommodation in Business & Mixed Use Zones nearby.
- Residential coherence and amenity in established RCCZ neighbourhoods different from in new central city developments.
- Liberal intensification rules in RCCZ encourage developments designed for especially for unhosted STA.
- Decreases number of people living in the Central City, inconsistent with Objective 14.2.8 & Policy 14.2.1.3.

### Reasons for limiting **unhosted STA** anywhere

- Fewer neighbours, with loss of community and commitment.
- Fewer 'eyes on the street', compromising safety (visitors don't do this, as Mr Bonis claims).
- Is a commercial activity, incompatible with social cohesion and sense of community.
- Absentee owners (often not even living in ChCh).
- Forces residents to monitor, gather evidence, complain & follow up (CCC cannot or does not do it for us).
- Too easy to break rules (including not even applying for consent).

### VNA's desired outcomes from Plan Change 4

- Significant decrease in unhosted STA in Residential Central City Zones.
- More people living in the Central City (not just visiting).
- Unhosted STA in central city neighbourhoods treated as a
  - Controlled activity for up to **60 nights** per year,
  - Discretionary activity for **61 – 90 nights** per year,
  - Non-complying activity for **over 90 nights** per year.
- Cumulative effects added; max # of additional guests retained in rules.
- Objectives and Policies consistent with the above.
- Consistent, clear terminology throughout (See VNA Submission, 3iv–v & 6viii).

## Inconsistent terminology is sloppy and confusing

VNA did cover this in its submission, although Mr Bayliss said he found no reference to terminology in any submission (para 7.8, rebuttal evidence).

(1) Home share, visitor accommodation and short-term accommodation used interchangeably in recommended changes and/or supporting documents.

For consistency, 'visitor accommodation' (and 'hosted' or 'unhosted' visitor accommodation) should be used. 'Home share' blurs the difference between them (no home is 'shared' when unhosted).

(2) Visitor, guest and paying guest all used to mean the person/s renting the STA unit.

The term 'visitor' is consistent with 'visitor accommodation'. Mr Bayliss's suggestion that 'visitor' be used in *Definitions, Objectives and Policies*, but 'guest' elsewhere would be very confusing.

(3) Additional attendees, additional guests and guests used interchangeably to mean people (guests) invited by the 'visitor' to a party or function at the STA unit.

For clarity, the term 'visitor's guests' or 'additional guests' should be used in this context. For further clarification, 'guest' could be added to *Definitions*

See Notes attached to this slide

## Conventions used in the next slides

The following slides cover VNA's recommendations for Plan Change 4.

With so many versions, all the standard conventions of colour-coding, crossing out, highlighting and underlining became too cumbersome.

We have, therefore, done the following:

- started fresh, with Ms McLaughlin's *App 2, Text amended with changes following submissions, April 2021* document;
- to save space, included only the clauses VNA has an opinion on;
- underlined (but not in bold) what VNA considers the most important;
- red (but not highlighted in yellow) for our additions or changes;
- and deleted what we want removed.

## **Objective 14.2.9: Visitor accommodation**

- a. Visitors and other persons requiring short-term lodging have a broad choice of types and locations that meet their needs where:
- i. this is compatible with the function and level of amenity intended for the zone; and
  - ii. the use of any residential unit is still predominantly a residential activity, and the residential character of the site is retained.
- b. Visitor accommodation is only established in residential zones ....where of a scale and character that is consistent with meeting objectives for:
- i. a sufficient supply of housing, including affordable housing, with a choice of locations including an increase in the number of households within the Four Avenues;
  - v. high quality residential neighbourhoods with a high level of amenity.
- d. Visitor accommodation is avoided in residential zones (except for....) where the use of any residential unit is not predominately a residential activity. *See Annexure A, Evidence of Brett Giddens*
- See Notes attached to this slide**

## **Unhosted STA compromises objective 14.2.9**



Looking like a residence doesn't provide 'coherence'. People need to live there.

**See Notes attached to this slide**

## Do the maths: why unhosted STA is so common in RCCZ

### (1) Higher profit

Info from or near our neighbourhood

10 Airbnb listings = \$115 – 498 per night

10 FT rentals = \$199 – 1000 per week

October 2021	Airbnb listings	FT rentals
60/nights or 9 weeks	\$12,900	\$4,860
90/nights or 13 weeks	\$19,350	\$7,020
180/nights or ½ year	\$38,700	\$14,040
Full occupancy or FT rental	\$77,400	\$28,080

### (2) No limit on intensification, so multi-units built for unhosted STA.

There are eight new or re-designed multi-unit developments, used for unhosted STA. Total = at least 137 potential unhosted units. Current = estimated 66 used this way.

### (3) Close to CBD, but land less expensive; prime investment for investors.

### (4) Ads extolling advantages of unhosted STA over long-term rental.

See Notes attached to this slide

## Policy 14.2.9.1: Visitor accommodation in a residential unit

- b. Manage visitor accommodation in a residential unit where a permanent resident(s) is not in residence to minimise adverse effects on residential character, coherence and amenity of the site and its immediate surroundings including through:
- restrictions on the scale, duration and frequency of use to ensure the residential unit is still predominantly used for a residential activity; and
  - management of operations to minimise disturbance of neighbours, including providing contact and site management information to visitors guests and neighbours.
- c. Avoid visitor accommodation in a residential unit within the Central City residential zone at a scale, duration and/or frequency that is inconsistent with
- retaining predominately residential character, coherence and amenity of the site and immediate surroundings; or
  - minimising the risk of disturbing neighbours; and
  - taking into account cumulative effects where there is a concentration of unhosted visitor accommodation in the immediate neighbourhood.

Note that b (i) and (ii) are Mr Bayliss's amendments, which the VNA supports; b (iii) is VNA's addition.

See Notes attached to this slide

### 14.6.1.2 Controlled activities

- C1 Unhosted visitor accommodation in a residential unit:

- a. for a total per site of 60 nights or fewer per year;
- b. for a maximum of six ~~visitors~~ ~~guests~~ at any one time;
- c. where check-in and check-out times are not between the hours of 22:00pm to 06:00am; and
- d. where the number of additional guests ~~attendees~~ on the site do not exceed the number of ~~visitors~~ ~~paying guests~~ staying overnight.

[Note that we have rewritten (d) for simplicity, but the meaning is the same]

- The 'Matters over which Council reserves control' are either reactive (e.g. management of outdoor / recreation areas, presumably to control noise) or administrative (e.g. record keeping, building access info). The only one likely to reduce disruption to neighbours is number and size of vehicles.

See Notes attached to this slide

### 14.6.1.4 Discretionary activities in RCCZ

D6

- a. Unhosted visitor accommodation not subject to Rule 14.6.1.2 C1:
  - i. for a maximum of twelve ~~visitors~~ ~~guests~~ per site at any one time;
  - ii. for a total of 61-90 nights per year on any one site;
  - iii. where check-in and check-out times are not between the hours of 22:00pm to 6:00am;
  - iv. where the number of additional guests ~~attendees~~ on the site do not exceed the number of ~~visitors~~ ~~paying guests~~ staying overnight; and
  - v. where the cumulative effects of a concentration of visitor accommodation are likely to have adverse effects on the surrounding neighbourhood.
- b. Any application arising from this rule shall not be publicly notified but may be limited notified.

See Notes attached to this slide

### **14.6.1.5 Non-complying activities in RCCZ**

**NC8** [Rewritten as a separate rule for unhosted]

- b. Unhosted visitor accommodation that exceeds any of the following:
- i. maximum number of visitors ~~guests~~ in Rule 14.6.1.4 D6; or
  - ii. number of additional guests ~~attendees~~ on the site in Rule 14.6.1.4 D6; or
  - iii. total number of nights per year in Rule 14.6.1.4 D6; or
  - iv. check-in and check-out times in Rule 14.6.1.4 DC; and
- c. where the cumulative effects of a concentration of visitor accommodation are likely to have adverse effects on the surrounding neighbourhood.
- d. Any application arising from this rule shall not be publicly notified but may be limited notified.

*See Notes attached to this slide*

### **Comments on evidence statements & legal submissions (1)**

From a layperson's perspective, our comments are:

- Compliments to Mr Bayliss and Mr Carranceja/Ms Meares for their clear, well written report. The VNA doesn't agree with all their conclusions, but appreciate the clarity.
- We agree with legal submissions that the current version of Plan Change 4 is more permissive than the status quo (para 14). VNA's main concern is that Plan Change will not limit or effectively manage unhosted STA in RCCZ. We too concluded that, as written, motels could be seen as a Permitted Activity. An absurd outcome!
- We agree with witness statements that the impetus for Plan Change 4 was primarily the social impact of STA (particularly unhosted). However, witnesses did not give priority to this in their recommendations. Only Mr Giddens seems to take it seriously (Joint Statement, para 2.2.3 & 4.1.3).



## Comments (2)

- We disagree with Mr Bonis that (i) unhosted units are considered “occupied” even if only “transitory”(Supplementary Evidence, para 55) and (ii) that the “prevailing characteristics [of unhosted] are residential” (Joint Statement, para 2.3.2).
- We question Mr Bonis/Mr Osborne’s conclusion that restricting unhosted STA would inevitably lead to a significant loss of “reservation days” (Bonis, 24/9/21, para 16; Osborne Table 12). Wouldn’t visitors simply stay at a motel, hotel or backpackers? Or choose a hosted STA or unhosted in Business or Mixed Use Zones?
- We think using the NPS-UD to support STA is a stretch (Bonis, Supplementary Evidence, 3.5; Bayliss, s42A Addendum, 2.3.1-2.3.6). The VNA attended several CCC briefings and met with MP Duncan Webb. Our understanding is the primary reason for the NPS is to increase housing to meet the population increase and ensure affordable housing. Mr Bayliss concludes that it also covers “visitors, holiday homes...short-term accommodation” (2.3.3), but nothing along that line was mentioned by anyone we met with.

## Support for VNA’s position (from Civil Defense)

*Get to know your neighbours, Ministry of Civil Defense & Emergency Management, April 2010, p8*

“One of the best ways to prepare for an emergency is to

- make contact with neighbours and discuss the event before it happens;
- get in touch with those living on each side of you and across the street;
- swap phone numbers to check in with each other without having to visit;
- agree on a signal (like tying a towel to the door handle) so people know when you really need help.”

**This only works if there are neighbours next door and across the street.  
Unhosted STA = mini-motels and visitors, not neighbours.**

## More support (from a peer-reviewed source)

Laiyang Ke, Daniel T O'Brien & Babak Heydan, "Airbnb and neighbourhood crime", PLOS ONE, 14 July 2021  
 See Angela Yang, Boston Globe, 23 July 2021 and WIRED <https://www.wired.com/story/why-some-crimes-increase-when-airbnbs-come-town/>

- Researchers from Northeastern University reviewed data from Boston in 2011–2018, a period of sustained growth in Airbnb listings and growing concerns about crime.
- Found certain violent crimes increased in neighborhoods a year or more after Airbnbs increased (a sign of "a fraying social order").
- Discusses the idea that a community of close-knit neighbors establishes and enforces its own social norms, reducing crime.
- Concluded that what's behind the increase in violence is not the presence of visitors, but the absence of long-term residents integrated into the community.

*"When you think about [short term rentals]...it's people moving in and out every few days", said O'Brien, who teaches public policy and criminal justice at Northeastern. "That household itself is just a nonplayer in the social fabric of the neighborhood, and you've essentially created a hole there."*

**This thinking is what's missing from CCC's recommendations.**