



**SECTION 95A-F NOTIFICATION DECISION
FOR RESOURCE CONSENT APPLICATION– RM250039**

Applicant:	Annette Finnis
Application Description:	Land use consent to establish visitor accommodation for up to eight guests within an existing four-bedroom dwelling.
Application Status:	Restricted Discretionary
Property Address:	6 Pollock Place, Lake Tekapo
Legal Description:	Lot 38 Deposited Plan 345353 (RT 185942)
Valuation Reference:	2531150986
District Plan Zone:	Low Density Residential Takapō/Lake Tekapo Precinct Areas of Visual Vulnerability Flight Protection Area Tekapo
Author:	Kirstyn Royce – Consultant Planner
Date of Report:	8 July 2025

1.0 INTRODUCTION

This report has been prepared under sections 95A to 95G of the Resource Management Act 1991 (the Act) to document the notification assessment of the application to establish consent to establish visitor accommodation for up to eight guests within an existing four-bedroom dwelling.

On 30 May 2025, the applicant was offered the opportunity to obtain any relevant written approvals prior to a formal assessment under S95A-F being completed. On June 5, 2025, the applicant confirmed that they intended to seek the written approvals of the neighbouring properties and asked Council to assist with contacting with these parties. The application was placed on hold pursuant to s88E(4) from 5 June 2025 to provide the applicant time to obtain these written approvals.

On 17 June, the written approval of the neighbours at 8 Pollock Place was provided to Council. On 30 June, the applicant informed that they were no longer seeking the written approval of the neighbour at 4 Pollock Place and provided further assessment of the effects on this party. This advice was formally received by Council on 1 July 2025, and the application was taken off hold (s88E(4)) on this date and the following assessment undertaken.

On 9 July 2025, Joanne Bradley (former owner of 8 Pollock Place) advised Council that they recently sold the empty section at 8 Pollock Place, with settlement in the first week of June 2025. Ms Bradley was under the impression that the written approval related to another property that they owned in the same vicinity which led to this confusion. As such, it is determined that there is no valid written approval for 8 Pollock Place

2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

The applicant currently operates a residential visitor accommodation activity, catering for up to six guests as a permitted activity. The applicant seeks to increase the number of guests in the site from six to eight. No changes are proposed to the dwelling on the site as the existing four bedrooms can accommodate up to eight guests. The dwelling is already serviced and the visitor accommodation will rely on the existing parking and access area on the site. The application is supported by a Visitor Accommodation Management Plan which seeks to manage adverse effects by:

- No more than eight guests present at any one time.
- No use of any outdoor living areas between 10 pm and 7 am.
- Requirements to be courteous of neighbours and not to create nuisance or excessive noise.
- No music outdoors after 8pm.
- Requirements for guests to park vehicles on-site.
- Requirements regarding rubbish/recycling bins.
- Noise management procedures.
- A complaints procedure.



Figure 1 – Existing dwelling at 6 Pollock Place (Source: Google Street View)

2.2 SITE DESCRIPTION

The subject site is located at 6 Pollock Place, Lake Tekapo (see Figure 2) and is zoned Low Density Residential in the Operative Mackenzie District Plan 2004 (as amended by Plan Change 21).

The site has the following annotations in the Operative District Plan:

- Takapō/Lake Tekapo Precinct.
- Areas of Visual Vulnerability
- Flight Protection Area Tekapo

The site is legally described as Lot 38 Deposited Plan 345353 held in Record of Title 185942 and comprising an area of 959m². Consent Notice 5664442.2 and 5664442.3 are registered against the Record of Title and relate to access and servicing. The consent notice conditions were given effect to at the time the dwelling was established and are not relevant to this application.

The site contains an existing two-storey residential unit located on the southern portion of the site, with drive on access and hardstand around the dwelling. The dwelling is connected to Council reticulated services. The access is located off Pollock Place. The remainder of the site is soft landscaped with lawn and tussock at the boundaries.

The property is currently used as a holiday home for the applicant, as well as providing for residential visitor accommodation for up to six guests.

The location of the site is illustrated in Figure 2 and an aerial photograph showing the site in context is provided as Figure 3.



Figure 2 – Site at 6 Pollock Place (Source: MDC GIS)



Figure 3 – Site at 6 Pollock Place in context (Source: MDC GIS)

A site visit was not undertaken as the report writer is familiar with the site.

3.0 MACKENZIE DISTRICT PLAN

3.1 ZONING AND COMPLIANCE ASSESSMENT

The subject site is zoned Low Density Residential (LRZ) within the District Plan (as amended by Plan Change 21). Plan Change 21 was made operative on 29 August 2023. The subject site is located within the Lake Tekapo Precinct. An assessment of the proposal is undertaken below. It is noted that no new built form is proposed and it is only the visitor accommodation which requires assessment.

The District Plan distinguishes between residential-based visitor accommodation such as holiday homes and air B'n'Bs and non-residential focused accommodation by defining and treating residential visitor accommodation separately to other more commercial forms of visitor accommodation activity – see the definitions below:

Residential Visitor Accommodation *The use of a residential unit for visitor accommodation including any residential unit used as a holiday home.*

Commercial Visitor Accommodation *Land and buildings used for any form of visitor accommodation that is not defined as residential visitor accommodation, including:*

- a) backpackers;*
- b) camping grounds;*
- c) hostels;*
- d) motels;*
- e) motor inns; and*
- f) tourist lodges.*

Based on this distinction, the residential unit to be used for visitor accommodation is considered to meet the definition of residential visitor accommodation activity as it will occur within a residential unit as opposed to formal commercial visitor accommodation activity.

LRZ-R5 of the District Plan provides for residential visitor accommodation as a permitted activity in the LRZ where:

1. No more than one residential unit on a site is used for residential visitor accommodation, including a minor residential unit; and
2. The maximum occupancy of the unit used for residential visitor accommodation does not exceed six guests per night.

One residential unit will be used for residential visitor accommodation activity which complies with LRZ- R5.1 but fails LRZ-R5.2 as the accommodation is for up to eight guests. LRZ- R5.3 states that where the maximum occupancy of a residential unit used for residential visitor accommodation exceeds six guests but does not exceed twelve guests per night, then the proposal is assessed as a Restricted Discretionary Activity.

It is noted that the access and parking is existing and complies with the Transportation rules. In particular:

- TRAN R3 - the access to the site is existing and complies with TRAN S9 and TRAN S10;
- TRAN R4 - the access to the site is existing and complies with TRAN11;

- TRAN R5 - The parking area is established within the site and meets the following standards:

TRAN-S1 Minimum Parking Space Requirements	<p>1. On-site car parking spaces are to be provided with the minimum number of parking spaces as outlined in TRAN-Table 3.</p> <p>TRAN TABLE 3 requires two parking spaces per residential unit including residential units used for residential visitor accommodation activity.</p>	<p>Complies</p> <p>There is adequate space on site to provide two car parks.</p>
TRAN-S2 Size of Parking Spaces	Requires compliance with TRAN Table 4	<p>Complies</p> <p>There is adequate space on site to achieve compliant parking.</p>
TRAN-S4 Reverse Manoeuvring	<p>1. All activities shall provide for sufficient on-site manoeuvring to ensure that no reversing is needed:</p> <ol style="list-style-type: none"> Onto or off a State Highway/Arterial Road; To a Collector Road where three or more vehicle parking spaces are required; or To a vehicle accessway that provides for six or more parking spaces. 	<p>N/A</p> <p>The site is not accessed from a state highway, arterial Road or collector road and does not require have six or more parks</p>
TRAN-S7 Surface and Drainage of Parking and Loading Areas	<p>1. For sites with less than four on-site vehicle parking spaces:</p> <ol style="list-style-type: none"> The surface must be formed to an all weather standard; and The area over which vehicles obtain access to the parking area must be sealed from the vehicle access point for 5.5m into the site. 	<p>Complies</p> <p>The access and parking area is formed to an all water standard and there is a 5.8m hard surfaced access point from the carriageway.</p>
TRAN-S8 Landscaping	For sites containing five or more car parking spaces for non-residential activity a landscaping strip must be provided within or immediately adjacent to the parking area with a minimum width or diameter of 1.5m	<p>N/A</p> <p>Does not provide five carparks</p>

3.2 ACTIVITY STATUS

In summary, the proposal requires resource consent under:

- **LRZ-R5.3** as eight guests are proposed to be accommodated within the VA unit.

Overall, the application is assessed as a **Restricted Discretionary Activity**. The matters to which Council has limited its discretion include:

Residential Visitor accommodation (**LRZ-R5**):

- The location, design and appearance of buildings on the site.
- The traffic impacts including the provision of adequate onsite parking.
- Effects on amenity values of adjoining residential sites including noise.
- The adequacy of any mitigation measures.

4.0 NATIONAL ENVIRONMENTAL STANDARDS (NES)

A total of nine National Environmental Standards are currently in effect, as follows:

- National Environmental Standards for Commercial Forestry 2023
- National Environmental Standards for Air Quality 2004
- National Environmental Standard for Sources of Drinking Water 2007
- National Environmental Standards for Telecommunications Facilities 2016
- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Freshwater 2020
- National Environmental Standard for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021

The NES are not considered relevant to this application. The site is not listed as a HAIL site on the Environment Canterbury Listed Land Use Register and there is no change of use or earthworks. The site has an acceptable source of drinking water. The activity will not affect the National Telecommunication Network or Electricity Transmission. Nor will it involve plantation forestry or discharge to air.

5.0 PUBLIC NOTIFICATION

5.1 Step 1 - Mandatory Public Notification in Certain Circumstances s95A(3)

In this case, public notification is not required under Step 1 as:

- the applicant has not requested public notification of the application (section 95A(3)(a)); and
- public notification is not required under section 95C due to the refusal/failure to provide further information or to agree to the commissioning of a report (section 95A(3)(b)); and
- a joint application was not lodged to exchange reserve land under the Reserves Act 1977 (section 95A(3)(c)).

5.2 Step 2 - If not required by Step 1, Public Notification is Precluded in Certain Circumstances s95A(5)

In this case, public notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes public notification (section 95A(5)(a)); and
- the application is not for one of the following:
 - a controlled activity; or
 - a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

5.3 Step 3 - If not Precluded by Step 2, Public Notification is Required in Certain Circumstances s95A(8)

In this case, public notification is not required under Step 3 as:

- the application is not subject to a rule or national environmental standard that requires public notification (section 95A(8)(a)); and
- the adverse effects of the activity on the environment will not be more than minor (section 95A(8)(b)).

An assessment of the adverse effects of the activity is provided below:

5.3.1 Mandatory Exclusions from Assessment (s95D)

- A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).
- B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline)).
- C: Effects that do not relate to a matter of discretion, if the activity is Restricted Discretionary Activity must be disregarded (s95D(c)).
- D: Trade competition and the effects of trade competition (s95D(d)).
- E: Effects on persons who have given written approval to the application (s95D(e)).

5.3.2 Permitted Baseline (s95D(b))

Under section **s95D(b)** of the Resource Management Act 1991, the adverse effects of the activity on the environment may be disregarded if the district plan or a national environmental standard permits an activity with that effect. This is referred to as the permitted baseline.

In the LRZ, one unit is permitted to be used for residential visitor accommodation for up to six guests and this is the appropriate permitted baseline against which this application should be assessed.

5.3.3 Assessment of Effects

5.3.3.1 *The location, design and appearance of buildings on the site*

The building is existing, and no changes are proposed. No new adverse effects are introduced as a result of the building to be used for this activity.

5.3.3.2 *The traffic impacts including the provision of adequate onsite parking.*

The vehicle access is from Pollock Place and is formed and hard surfaced. There is adequate parking on site and the area is hard surfaced. All parking will be contained within the site. The traffic effects arising from two additional guests is likely to be indiscernible in this area. No new adverse effects are introduced as a result of this application.

5.3.3.3 *Effects on amenity values of adjoining residential sites including noise.*

When considering the potential change in residential character and amenity and the effects that this may have on adjacent residential neighbours, the introduction of visitor accommodation beyond the permitted thresholds into a residential environment has the potential to adversely affect the character and residential amenity of an area. This change is particularly noticeable where there is an established residential environment or where there are a number of similar activities occurring within close proximity to each other.

In this case, the area is still being developed as evidenced by the two vacant sites on either side of the subject site. The need to preserve the intended residential character in line with the purpose of the zone is important. While small scale visitor accommodation is an anticipated activity within the zone, this application seeks to increase the number of guests and the scale of the proposal has the potential to adversely impact the character, amenity values and purpose of the zone to the detriment of the residential amenity of the adjacent neighbours.

The site is large with an existing four-bedroom dwelling, large landscaped area, and adequate parking. The existing building is appropriately setback from neighbouring boundaries. The outdoor space is to the north of the dwelling. The applicant proposes that the activity will operate under a Visitor Accommodation Management Plan which will control effect through:

- No more than eight guests present at any one time.
- No use of any outdoor living areas between 10 pm and 7 am.
- Requirements to be courteous of neighbours and not to create nuisance or excessive noise.
- No music outdoors after 8pm.
- Requirements for guests to park vehicles on-site.
- Requirements regarding rubbish/recycling bins.
- Noise management procedures.
- A complaints procedure.

Overall, the proposal is not expected to have adverse effects on amenity values of adjoining residential sites which are more than minor.

5.3.3.4 The adequacy of any mitigation measures.

The application is supported by a Visitor Accommodation Management Plan with the volunteered conditions relating to restriction out nighttime outdoor use, containment of parking within the site, landscaping and methods to reduce noise generation. The mitigation proposed is appropriate for the scale of the activity.

5.3.3.5 Effects Conclusion

Based on the above assessment and in terms of those matters over which discretion is restricted under the District Plan (as amended by PC21), it is concluded that the proposal will not result in more than minor adverse effects on the wider environment.

5.4 Step 4 - Public Notification in Special Circumstances s95A(9)

I consider that there are no special circumstances that exist in relation to the application (section 95A(9)).

5.5 Public Notification Determination

Pursuant to section 95A(5)(b)(i), public notification is not required.

6.0 LIMITED NOTIFICATION

If the application is not publicly notified under section 95A, section 95B(1) of the Act requires a decision whether there are any affected persons (under s95E). The following steps are used to determine whether to give limited notification of an application.

6.1 Step 1 - Certain Affected Groups and Persons Must be Notified s95B(2) and s95B(3)

In this case, limited notification is not required under Step 1 as:

- there are no affected customary rights groups (s95B(2)(a)); and
- there are no affected customary marine title groups (s95B(2)(b)); and
- the activity is not on or adjacent to, and will not affect land that is the subject of a statutory acknowledgment (s95B(3)(a)).

6.2 Step 2 - If not required by Step 1, Limited Notification precluded in certain circumstances s95B(6)

In this case, limited notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes limited notification (section 95B(6)(a)); and
- the application is not for a controlled activity.

6.3 Step 3 - If not Precluded by Step 2, Certain Other Affected Persons Must be Notified s95B(7) and (8)

In this case, limited notification is not required under Step 3 as:

- Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.
- Limited notification is not required under Step 3 as the proposal falls into the 'any other activity' category. The effects of the proposal on persons are assessed below.

6.3.1 Assessment of Effects on Persons

Section 95E states that a person is 'affected' if the adverse effects of an activity on a person are minor or more than minor (but not less than minor).

In terms of parties who may be affected by the proposal, it is noted that the visitor accommodation will occur within an existing dwelling. The activity will be managed under a Visitor Accommodation Management Plan and no outdoor activity will be permitted between 10pm and 7am. All parking will be contained on the site. However, when considering the potential change in residential character and amenity and the effects that this may have on adjacent residential neighbours, the introduction of visitor accommodation beyond the permitted activity threshold into a residential environment has the potential to alter the residential character and amenity of an area and this change is particularly noticeable where there is an established residential environment or where there are a number of similar activities occurring within close proximity to each other.

It is noted that the residential character of the area is still establishing, and the need to preserve the intended residential character in line with the purpose of the zone is important. While visitor accommodation is anticipated within the zone at the permitted activity level, the application seeks to increase the number of guests proposed. Mackenzie District Council receives regular complaints relating to visitor accommodation, signalling that this activity has the potential to have detrimental effects on residential character and amenity on adjacent properties. With the proliferation of visitor accommodation in the area, new applications for visitor accommodation require careful consideration to ensure that the activity does not adversely affect the residential character and amenity for adjacent neighbours, both now and into the future.

While the sites at 4 and 8 Pollock Place are currently vacant, it is considered that at the time these parties choose to develop their property, they have a reasonable expectation that they will be doing so in an environment provided for by the underlying zone. Therefore, it is important that they have the ability to make comment on changes which could have the potential to adversely affect their residential enjoyment of the site. It is assessed that the scale of the proposal has the potential to adversely impact the residential character and amenity values of the zone to the detriment of the adjacent neighbour at 4 and 8 Pollock Place to a minor, but not less than minor, degree. As noted above, for a party to not be considered affected by a proposal, the effects on them must be assessed as less than minor.

Consideration was also given to the effects of the adjacent property at 6 Lochinvar Avenue. While 6 Lochinvar sits below the subject site, the outdoor living area of the subject site is located directly adjacent to and above the neighbouring site. It is assessed that the scale of the proposal has the

potential to adversely impact the residential character and amenity values enjoyed by 6 Lochinvar Avenue to a minor, but not less than minor, degree.



Figure 4: Arrow showing Landscape buffer to 6 Lochinvar Street (Source; Google Street view)

Overall, it is assessed that the proposal has the potential to have a minor effect on residential character and residential amenity effect on the neighbouring property at 4 and 8 Pollock Place and 6 Lochinvar Avenue.

6.3.2 Summary of Effects on Persons

Based on the above assessment, the the owners of 4 and 8 Pollock Place and 6 Lochinvar Avenue. are considered to be adversely affected by the activity to a minor degree.

6.4 Step 4 - Further notification in special circumstances s95B(10)

I consider that there are no special circumstances that exist in relation to the application.

6.5 Limited Notification Determination

Pursuant to section 95B of the Act, limited notification is not required.

7.0 NOTIFICATION DETERMINATION

Given the decisions made under section 95A and section 95B, the application is to be processed on a limited-notified basis unless the written approval of the party identified in the Table below are obtained.

Table 1: Affected Parties

Address	Valuation	Legal Description
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4 Pollock Place	2531150987	Lot 39 DP 345353
8 Pollock Place	2531150985	Lot 37 DP 345353
6 Lochinver Avenue	2531150992	Lot 44 DP 345353



Figure: 5 Affected parties

Prepared by,

Kirstyn Royce
Consultant Planner

Date: 14 July 2025

Approved under Delegated Authority by,

Planning Manager

Date: 14 July 2025

