



**NOTIFICATION REPORT FOR RESOURCE CONSENT APPLICATION– RM250079
SECTIONS 95A-G OF THE RESOURCE MANAGEMENT ACT 1991**

Applicant:	Katrina and Andrew Townsend
Application Description:	Land use consent to establish visitor accommodation for up to twelve guests within an existing residential unit and proposed new 48m ² minor residential unit.
Application Status:	Discretionary
Property Address:	4 Temple Drive, Twizel
Legal Description:	Lot 3 DP 523429 (RT 837694)
Valuation Reference:	2531300776
District Plan Zone:	Large Lot Residential (LLRZ)
District Plan Notations:	Flight Protection Area Pūkaki Airport Flood Hazard Assessment Overlay (PC28)
Author:	Nick Boyes – Consultant Planner
Date of Report:	5 November 2025

1.0 INTRODUCTION

This report has been prepared under sections 95A to 95G of the Resource Management Act 1991 (the RMA) to document the notification assessment of the application to establish residential visitor accommodation for up to twelve guests within an existing residential unit and proposed minor residential unit on the site at 4 Temple Drive, Twizel.

By letter dated 12 September 2025, the Applicant was offered the opportunity to obtain written approval from the parties identified as adversely affected prior to a formal assessment under S95A-F of the RMA being completed. The application was placed on hold pursuant to section 88E(4) from that date to provide the Applicant time to obtain any written approvals.

On 6 October 2025, the Applicant provided the written approval of the owners of 2A Temple Drive and 33 Ostler Road, i.e., absent of the approval of the owners of 4A Temple Drive, Twizel.

The notification assessment set out below is undertaken on that basis.

2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

Katrina and Andrew Townsend (the Applicants) seek resource consent to enable the use of an existing residential unit and proposed minor residential unit to be jointly used for visitor accommodation for a maximum of twelve guests. The AEE states that the combined existing residential unit and proposed minor residential unit can comfortably accommodate twelve people, with ten in the main five-bedroom residential unit and two in the proposed new minor residential unit (single bedroom).

The application notes that the Applicants already use the residential unit as a holiday house for themselves, their family and friends (non-fee paying). When it is not utilised in this capacity, and depending on the market and family needs, it is either rented out on a longer-term basis or used for residential visitor accommodation.

The proposal includes a Residential Visitor Accommodation – Activity Management Plan (VAAMP) (included as Appendix 3 to the AEE). In summary, the VAAMP outlines measures for the property manager to implement including:

- ensuring the number of guests does not exceed twelve
- that an on-site compendium contains a copy of the House Rules and a copy of the relevant conditions of resource consent
- the rubbish bins are put out for collection and brought back in
- providing contact details to neighbours
- restrictions on the use of outdoor space in the evenings
- restrictions on parties and the playing music outdoors
- vehicles are parked on-site and not on the road
- a complaints procedure

2.2 SITE DESCRIPTION

The subject site is located at 4 Temple Drive, Twizel (see **Figure 1** below). The site is situated on the outskirts of the Twizel township, approximately 1.8km southwest of the town centre. The site is legally described as Lot 3 Deposited Plan 523429 held in Record of Title 837694 and comprising an area of 2,990m². An aerial photo of the site is included in **Figure 2** below.

Consent Notice 11173621.14 is registered against the Record of Title and requires onsite stormwater discharges to be to ground and a minimum building platform of 200mm above the road centreline. This consent notice is not otherwise relevant to the consideration of this application.

An existing residential unit was constructed on the property in 2020 under BC190237. The plans of that existing residential unit were provided in Appendix 2 to the application AEE. The existing residential unit is constructed in two parts within a single roofline. Only one kitchen is included so that it is considered as a single residential unit. The existing residence is connected to reticulated water supply and wastewater disposal.

The application site is accessed from Temple Drive, which goes from the intersection with Ostler Road to the west traversing for approximately 2 km until it meets up with Max Smith Drive to the southeast.

The land on the opposite side to Temple Drive to the north is within the General Industrial Zone and is utilised for industrial purposes. Existing mature trees screen the industrial activity from the application site.



Figure 1 – Site Location Map (Source: MDC GIS)

The writer is familiar with Twizel having visited many times. On that basis a specific site visit was not undertaken in relation to this application.

2.3 CONSENT HISTORY

There is no particular resource consent history relevant to the assessment of this application.



Figure 2 – Site at 4 Temple Drive, Twizel (Source: MDC GIS)

3.0 MACKENZIE DISTRICT PLAN

3.1 ZONING AND DEFINITIONS

The subject site is zoned Large Lot Residential (LLRZ) within the Mackenzie District Plan (the District Plan) as amended by Plan Change 21 (PC21). PC21 was made operative on 29 August 2023.

The subject site is also located within the Flight Protection Area (Pūkaki Airport) and the Flood Hazard Assessment Overlay introduced through Plan Change 28 (PC28). An assessment of the proposal is set out below.

The District Plan distinguishes between residential-based visitor accommodation such as holiday homes and air BnB's and non-residential focused accommodation by defining and treating residential visitor accommodation separately to other more traditional commercial forms of visitor accommodation activity, as differentiated by the definitions below:

Residential Visitor Accommodation:

Means the use of a residential unit for visitor accommodation including any residential unit used as a holiday home.

Commercial Visitor Accommodation:

Means 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.*

Also relevant to the assessment of the proposed activity are the definitions of residential unit and minor residential unit, as set out below:

Residential Unit:

means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

(National Planning Standard definition)

Minor Residential Unit

means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site.

(National Planning Standard definition)

Based on the above definitions the proposal includes the use of both a residential unit and minor residential unit for residential visitor accommodation purposes.

The Council has previously sought legal advice as to the interpretation of the definition of residential visitor accommodation as opposed to commercial accommodation. That advice recognised that there is some room for differing interpretations, but overall it considered that air BnB type situations do fall within the definition of residential visitor accommodation. That advice stated that position to be the “*more correct and valid interpretation of the current provisions*”.

A key aspect of the residential visitor accommodation definition is one group of people using the property for residential purposes at any one time; this is in order to address that part of the residential unit definition that states “*a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities*”. The dictionary defines this as “*occupants regarded as a unit*”. Where a residential unit is set up for living by a unit of occupants, i.e., one group all together to use the facilities such as a family or a group all together, this qualifies as a living facility for a household. This can be distinguished from buildings where there is communal living and shared facilities such as a hostel, bunk room or the like.

In that way each household that stays at such a property is using it exclusively for a residential activity. The legal advice was that this does not require there to have been a household that resides at the property permanently, previously, or on a long-term basis. The advice was that the definition be interpreted as at today, effectively by asking is the activity of one household staying on a property to sleep, cook, wash etc.

Based on this advice, the proposal description 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.

It is noted that a condition imposed on any consent granted can ensure that the property (i.e., both the existing residential unit and proposed minor residential unit) are rented to only one group or party of people at a time to ensure that this residential visitor accommodation definition is met.

3.2 COMPLIANCE ASSESSMENT

The application AEE provided assessed the proposal as a restricted discretionary activity under LLRZ-R5.3. However, that assessment overlooked LLRZ-R5.1, which limits residential visitor accommodation to the use of no more than one residential unit on a site, including any minor residential unit. On that basis the proposal is assessed as a fully discretionary activity, as set out in more detail below.

3.2.1 Large Lot Residential zone

LLRZ-R5 of the District Plan provides for 'residential visitor accommodation' as a permitted activity in the LLRZ, 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.*

As the proposal involves the use of both the existing residential unit and proposed minor residential unit for residential visitor accommodation for up to twelve guests; the proposal fails to meet either of the above rules for a permitted residential visitor accommodation activity.

LLRZ-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; the proposal is assessed as a restricted discretionary activity.

However, the District Plan also states that any activity that does not achieve compliance with **LLRZ-R5.1** is a fully **discretionary** activity.

3.2.2 Transport

The application AEE does not consider the Transport rules set out in Part 2 of the District Plan. However, given that the residential unit exists on site it is assumed that a complying vehicle crossing is in place as part of the building consent approval. In summary:

- **TRAN-R3** 'Vehicle Crossing': the vehicle crossing to the site is formed in accordance with the underlying subdivision;
- **TRAN-R4** 'Vehicle Accessway': The access to the site complies with **TRAN-S11**;
- **TRAN-R5** 'Parking, Manoeuvring, and Loading Areas Associated with a Residential Activity': The parking area is established within the site and meets the following standards:

TRAN-S1 Minimum Parking Space Requirements	1. On-site car parking spaces are to be provided with the minimum number of parking spaces as outlined in TRAN-Table 3. TRAN TABLE 3 requires two parking spaces per residential unit including residential units used for residential visitor accommodation activity.	Complies There is a porte cochère joining the two elements of the existing residential unit which is 6m wide and approximately 5m long. This is large enough to accommodate at least two vehicles. The proposed minor residential unit includes a carport. Otherwise there is sufficient space available on site for additional cars to park if required.
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TRAN-S2 Size of Parking Spaces	Requires compliance with TRAN TABLE 4	Complies There is adequate space on site to achieve compliant parking.
TRAN-S4 Reverse Manoeuvring	1. All activities shall provide for sufficient on-site manoeuvring to ensure that no reversing is needed: a. Onto or off a State Highway/Arterial Road; b. To a Collector Road where three or more vehicle parking spaces are required; or c. To a vehicle accessway that provides for six or more parking spaces.	N/A The site is not accessed from a state highway, arterial Road or collector road and does not require have six or more parks
TRAN-S7 Surface and Drainage of Parking and Loading Areas	1. For sites with less than four on-site vehicle parking spaces: a. The surface must be formed to an all-weather standard; and b. 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.	Complies The existing driveway is an all-weather surface.
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.	N/A Site does not require five carparks

3.2.3 Natural Hazards

Under NH-R1, a new Natural Hazard Sensitive Building is permitted only where the building has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Hazard Assessment issued in accordance with NH-S1. The Applicant provided a Flood Hazard Assessment from Environment Canterbury (ECan) dated 12 August 2025.

The assessment states that modelling completed by Environment Canterbury in 2023 (Report No R23/23) shows that the property and surrounding area are not vulnerable to flooding from any river or major stream. However, the property may receive runoff flooding due to local runoff during extreme rainfall events (50-year Average Recurrence Interval (ARI) events and greater). This flooding will be shallower at the Temple Drive end of the property, but deeper where the land falls away toward the south boundary (and where the proposed site is situated).

Overall, Environment Canterbury stated that:

... the highest of those requirements as stated on your plan for the floor height is likely to be comfortably higher than expected flood levels in the design event as per the Mackenzie District Plan and therefore, we make no further floor recommendation here.

On that basis the proposal is considered to meet the standards set out in NH-R1 and is a permitted activity with regard to the Natural Hazard considerations.

3.2.4 Activity Status

Overall, the application is assessed as a **discretionary** activity as more than one residential unit on a site is proposed to be used for residential visitor accommodation. This differs from the assessment included in the application, which assesses the proposal as a restricted discretionary activity.

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 proposed. 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 ASSESSMENT OF ENVIRONMENTAL EFFECTS

As a fully discretionary activity, the Council is able to consider any matters it considers reasonable and necessary to undertake an assessment of the environmental effects of the proposed activity. Notwithstanding, matters to which Council has limited its discretion in terms of the residential visitor accommodation rule (**LLRZ-R5**) are considered a useful guide to the relevant environmental effects considerations, these include:

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

Each of these matters are included in the assessment below.

5.1 Mandatory Exclusions from Assessment

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor must disregard the following matters:

- 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)).*

For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(9), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section, must disregard:

- a) *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.*
- b) *If the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion*

5.2 Permitted Baseline

As set out above, the adverse effects of the activity on the environment may be disregarded if the District Plan or NES permits an activity with that effect. This is referred to as the permitted baseline.

In terms of permitted activities, the AEE sets out that minor residential unit is permitted under Rule LLRZ-R2 as:

- this will be the only minor residential unit on the site
- it is less than 65m², being 48m²
- it is used for the purpose of residential activities.

Presumably this assessment relates to the presence of the minor residential unit on the site, i.e., its bulk and location. Clearly under LLRZ-R5 the proposed use of the minor residential unit for residential visitor accommodation is not provided for.

The AEE submitted with the application notes that the combined residential unit and minor residential unit can accommodate twelve guests. It sets out that the District Plan does not limit the amount of people per residential unit and therefore it could theoretically accommodate more. Therefore, the Applicant sets out that as a residential activity, the unit and minor residential unit could be occupied by twelve or more tenants or residents on a permanent or semi-permanent basis as a permitted activity.

The AEE states that:

As the adverse effects of residential visitor accommodation are very similar to residential activities, it is appropriate to compare the adverse effect of the residential activities that can be accommodated on the site to the adverse effects of the proposed residential visitor accommodation activity. The house and minor residential unit can accommodate twelve or more people or more on a permanent (residential) or semi-permanent (rental) basis as a permitted activity. The adverse effects associated with twelve visitor accommodation guests are therefore similar in character and scale to the residential use of the site. However, in terms of intensity of activity, the residential visitor accommodation is likely to be less intensive as it will not likely be occupied year-round like a residential activity generally does.

The District Plan manages/controls residential visitor accommodation activity in response to concerns raised by the community in terms of the impacts on residential character and amenity arising from increased use of private residences for visitor accommodation.

In the LLRZ, one residential unit or minor residential 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.

In the context of that permitted level of residential visitor accommodation activity, the proposal to have up to twice as many guests on site as is permitted on the plan is considered to result in adverse effects on the environment that are potentially described as minor.

5.3 The Location, Design and Appearance of Buildings on the site

I agree with the Applicant's AEE that both the existing residential unit and proposed new minor residential unit are located away from site boundaries and are designed in keeping with the character of other residential buildings in the area.

On that basis it is agreed that any adverse effects associated with built form on the site are expected to occur and from part of the permitted baseline. Accordingly, any actual or potential adverse effects on the environment from built form are considered to be less than minor.

5.4 The Traffic Impacts Including the Provision of Adequate Onsite Parking

An existing vehicle crossing/access from Temple Drive to the existing residential unit will provide suitable access to the proposed minor residential unit. The site is sufficiently large that there is adequate space on site to park vehicles associated with the proposed use and the distance from Temple Drive is such that there is no incentive for guests to park on the street.

The traffic movements to the site are considered to increase as a result of the additional six guests over and above what is permitted. At that scale multiple vehicles are likely to be involved to transport guests to and from the property as opposed to a single passenger vehicle. The increase in the number of vehicle movements is likely to be noticed by immediately adjoining neighbours, particularly movements within the application site itself, but any adverse effects are considered to be no more than minor.

5.5 Effects on Amenity Values of Adjoining Residential Sites Including Noise

The introduction of residential visitor accommodation beyond the permitted thresholds into a large lot residential environment has the potential to adversely affect the anticipated character and residential amenity. This change is particularly noticeable where there a number of similar activities occurring within close proximity, i.e., potential cumulative effects.

While visitor accommodation is an anticipated activity within the large lot residential zone (for up to 6 guests), this application seeks to increase the number to 12, which is significantly above that provided for as a permitted activity. Furthermore, the proposed residential visitor accommodation seeks to utilise both the existing residential unit and a proposed minor residential unit for this activity. At the scale proposed and in this receiving environment the proposed scale has the potential to adversely impact the character, amenity values and purpose of the zone to the detriment of the residential amenity, particularly of the adjacent neighbours.

However, considering the proposed site layout and built configuration, I agree with the Applicants AEE that those effects will not cross a threshold whereby the proposed mix of use could lead to a

degradation of the wider neighbourhood amenity values and/or character. In so far as the proposal allows the property to continue to be used for residential activities throughout the year when not being rented out for short term visitor accommodation, it will enable a sense of residential cohesion to be established and retained.

The Applicant proposes that the activity will operate under a Visitor Accommodation Activity Management Plan (VAAMP) which will control potential adverse effects through:

- No more than twelve guests present at any one time¹.
- Any outdoor noise generated shall comply with the District Plan noise standards.
- Requirement to be courteous of neighbours, with no parties and no pets.
- Any noisy activities should only occur inside after 10pm with windows and doors closed.
- Guests shall park vehicles on-site.
- Requirements regarding rubbish/recycling bins.
- A complaints procedure.

Overall, the nature of the proposal and mitigation measures is such that the proposal is not expected to have adverse effects on amenity values of adjoining residential sites which are more than minor. However, it is not considered that the effects from having up to 12 guests on the property for an undisclosed number of days per year could be described as being less than minor on adjoining sites.

The Mackenzie District Council receives regular complaints relating to residential 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. The matters of discretion include the effects on adjoining residential sites to be considered.

Section 95E of the RMA 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).

While various sites in the vicinity 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 impact residential amenity values.

Overall, it is assessed that the proposal has the potential to have an at least minor effect on residential character and residential amenity effect on the neighbouring properties located at 2A and 4A Temple Drive and 33 Ostler Road. 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.

5.6 The Adequacy of any Mitigation Measures

The application is supported by a Visitor Accommodation Activity 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.

¹ It is noted that section 2.2 of the VAAMP refers to eight guests, but this appears to be a typographical error.

5.7 Effects Conclusion

Based on the above assessment it is concluded that the proposal will not result in more than minor adverse effects on the wider environment in terms of section 95A.

However, in terms of section 95B, it is considered that the owners of 2A and 4A Temple Drive and 33 Ostler Road are considered to be adversely affected by the activity to at least a potentially minor degree.

6.0 PUBLIC NOTIFICATION ASSESSMENT (SECTION 95A)

6.1 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)).

6.2 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.

6.3 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
- as set out in the assessment above, the adverse effects of the activity on the wider environment are not considered to be more than minor (section 95A(8)(b)).

6.4 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)).

6.5 Public Notification Determination

Pursuant to section 95A(5)(b)(i), public notification is not required as the adverse effects beyond the properties identified above are not considered to be more than minor.

7.0 LIMITED NOTIFICATION ASSESSMENT (SECTION 95B)

If the application is not publicly notified under section 95A, section 95B(1) of the RMA 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.

7.1 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)).

7.2 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.

7.3 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.
- As set out above, it is assessed that the proposal has the potential to have a minor effect on residential character and residential amenity effect on the neighbouring properties located at 2A and 4A Temple Drive and 33 Ostler Road.

By way of email dated 6 October 2025, the Applicant has provided written approval from the owners of the residential properties at 2A Temple Drive and 33 Ostler Road. Pursuant to section 95E(3)(a) they are no longer considered to be a person 'affected' by this application.

On that basis the only remaining affected persons are the owners of the site at 4A Temple Drive.

In terms of the identification of the remaining affected party, the Applicants agent has sent two emails to the Council regarding the notification decision; these are dated 6 and 16 October 2025 and are held on the Council's file.

The first of those outlined that the owners of 4A Temple Drive had indicated that they will provide their written approval, but that it would be dependent on the Applicant paying for the full cost for the establishment of a fence along the entire south-eastern driveway, which the Applicant had quoted at cost of some \$13,700. The email noted that the Applicant would be happy to provide a fence, but considers the cost should be shared in accordance with the Fencing Act. Accordingly, the correspondence acknowledges that the Applicant and the owners of 4A Temple Drive have not been able to come to agreement and the written approval of 4A Temple Drive has not been provided.

The correspondence then goes on to state that the Applicant is happy to pay for the establishment of a fast-growing Cypress hedge of the site's south-eastern boundary and accept a condition of consent requiring that this hedge is irrigated and maintained and if any trees die or become diseased, that they are replaced with a similar species. On that basis, the Applicant's agent suggests the effects fall within the permitted baseline and that the application should not be limited notified.

The reasoning behind why an affected person does not wish to provide written approval is not a relevant matter for the Council to consider when making its notification decision. There is no provision in the RMA for the Council to consider whether the person is (in the opinion of the Applicant) being unreasonable in withholding their approval. For the sake of completeness, it is noted that the inclusion of such a hedge is not sufficient to recommend that the adjoining property owner is not affected by this proposal, which is twice the scale of a permitted residential visitor accommodation activity and involves two residential units being used for that activity on the application site.

The further correspondence dated 16 October 2025 incorrectly refers to the activity status as a restricted discretionary and then goes on to state that *"there is no basis to limited notify this application and doing so would be an unlawful and pointless exercise"*.

The use of the term "unlawful" would suggest that a finding that the application should be limited notified is not *"permitted or authorised by law"*. Clearly section 95B provides for the limited notification of an application for resource consent. On that basis the Council's determination that an application should be limited notified is not "unlawful". That decision is at the discretion of the Council having regard to the relevant statutory considerations, as assessed above. Whilst the Applicant's agent may disagree with that decision that does not make it unlawful, or a pointless exercise.

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

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

7.5 Limited Notification Determination

Pursuant to section 95B of the Act, limited notification is required to the remaining property owners that have not otherwise provided their written approval to the proposal, being 4A Temple Drive, Twizel as shown on **Figure 3** below.



Figure 3: Aerial Photograph showing written approvals obtained and remaining affected persons.

Reported on and recommended by:

Nick Boyes
Planning Consultant

Date: 5 November 2025

Approved under Delegated Authority by:

Julie Shanks
Planning Manager

Date: 6 November 2025