

Assessment of Effects on the Environment

**For Annette Finnis
6 Pollock Place, Tekapo**



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General Information

Assessment of effects on the environment prepared in relation to an application to Mackenzie District Council for land use consent.

From

Annette Finnis

Site address

6 Pollock Place, Tekapo

Address for Service

Perspective Consulting Ltd

15 Church Street

Timaru 7940

perspective.net.nz

Quality Control

Report for	Annette Finnis
By	Perspective Consulting Ltd
Author	Gemma Conlon, Director - Planner
Peer Review	Mark Geddes, Director - Planner
Draft issued to client on	15 May 2025
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Contact	Gemma Conlon
	gemma@perspective.net.nz
	021 237 4038

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1.0 Introduction

1.1 General

Annette Finnis (**‘the applicant’**) seeks resource consent from Mackenzie District Council in relation to a residential visitor accommodation at 6 Pollock Place, Tekapo.

1.2 Scope

This report provides an assessment of effects on the environment in accordance with Schedule 4 of the Resource Management Act 1991 (**‘RMA’**) in sufficient detail to satisfy the purpose for which it is required and as it corresponds to the scale and significance of the effects that the activity may have on the environment.

2.0 Background

The applicant currently operates a residential visitor accommodation activity, catering for up to six people, from the property as a permitted activity.

3.0 Description of the Site

3.1 Site Description

The site’s address is 6 Pollock Place, Tekapo and is legally described as Lot 38 Deposited Plan 345353 held in Record of Title 185942. The site is situated approximately 2 km east from Tekapo town centre. The location and extent of the site is indicated in **Figure 1**. A close-up aerial photo of the site is provided by **Figure 2**. The site’s Record of Title is attached as **Appendix 1**.

The site has an area of 959m² and has a rectangular shape and is set down from the road. There is an existing two-storey residential unit located on the southern portion of the site, with drive on access and hardstand around the dwelling. 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.

Access to the site is from Pollock Place, which is a short cul-de-sac providing access for 18 properties, with six sites remaining vacant at the time of writing.

Infrastructure services at the site include reticulated water supply, wastewater and stormwater disposal.

The surrounding area is characterised by residential development. There is currently a residential unit under construction to the east of the property.



Figure 1 – The site's location is illustrated by yellow outline (Source: Canterbury Maps Viewer).

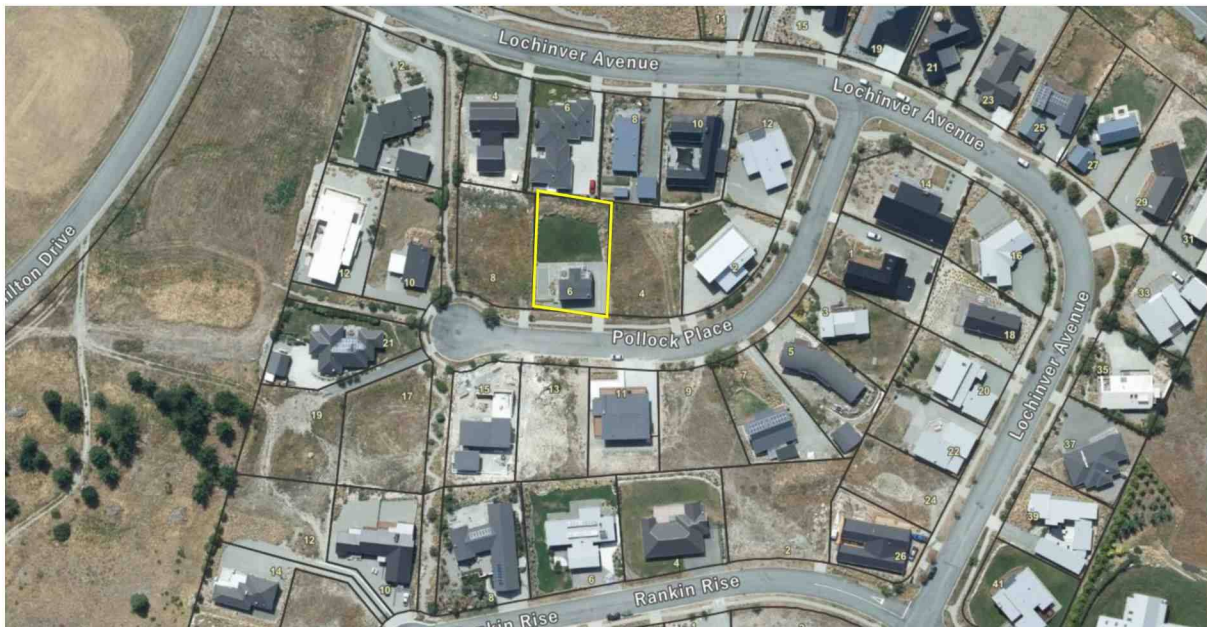


Figure 2 – A close up aerial photograph of the site. The boundaries of the site are indicated by a yellow line (Source: Canterbury Maps Viewer).

4.0 Description of the Proposal

Consent is sought to increase the occupancy at the residential visitor accommodation activity from six to eight persons. This increase aligns with the number of bedrooms and associated beds available to accommodate this number of occupants in the residential unit. There is no change to any built form, landscaping or services proposed.

4.1 Description of other activities

There are no other activities that are part of the proposal for which the application relates.

5.0 Resource Consent Requirements

Resource consent is sought for any consents required to authorise the activities described in the proposal section of this report, including any attached plans and reports, and whether the specific consent requirement have been identified below or not.

5.1 Mackenzie District Plan

The property is located in the Low Density Residential zone, with the following overlays:

- Lake Tekapo Precinct 1
- Flight Protection Area
- Area of Visual Vulnerability

The following resource consent is required under the Mackenzie District Plan:

- A **Restricted Discretionary** activity resource consent is required under Rule LRZ-R5.3 as rule LRZ-R5.2 specifying a maximum occupancy of six guests per night is not being achieved. It is proposed to cater for up to eight guests.

The matters of discretion are restricted to:

- *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.*

Overall, the application is classified as a **Restricted Discretionary** activity under the Mackenzie District Plan.

5.3 Other Resource Consents Required

There are no other resource consents required for this activity.

6.0 Statutory Considerations

This section provides a summary of the relevant statutory considerations.

Resource consents are managed under the RMA.

Section 104 RMA lists the relevant matters a consent authority may consider in determining a resource consent application. Relevant to the consideration of this application are:

- part 2 RMA
- actual and potential adverse effects on the environment of allowing the activity
- positive effects on the environment to offset or compensate for any adverse effects and
- any relevant provisions of a statutory planning document
- any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104C RMA states that a consent authority may grant or refuse an application for a restricted discretionary activity, and must only consider or impose conditions over those matters over which:

- (a) a discretion is restricted in national environmental standards or other regulations:
- (b) it has restricted the exercise of its discretion in its plan or proposed plan.

Section 108 and 108A specify requirements for conditions of resource consents.

7.0 Assessment of Effects on the Environment

7.1. Existing Environment

Section 104(1)(a) RMA requires the consent authority to have regard to any actual or potential effects on the 'environment' of allowing the activity. This is a mandatory consideration rather than a discretionary consideration. Caselaw has confirmed that this assessment must involve a comparison of the actual or potential effects of the activity against the 'environment' as modified by:

- the effects on the environment as it exists at the present time; and
- the future state of the environment as it may be modified by permitted activities; and
- the effects of the implementation of any resource consents.

The existing environment is not altering, as none of the built form is changing.

7.2 Permitted Baseline

Section 104(2) RMA provides that a consent authority may disregard an adverse effect of an activity on the environment if a NES or plan permits an activity with that effect. The Mackenzie District Plan classifies the occupancy of a residential visitor accommodation unit catering for up to six guests as a permitted activity. The proposal is for an occupancy of eight guests, just two above permitted. Therefore, the consent authority can dismiss the adverse effects of the six guests.

The residential unit has four bedrooms and can accommodate eight people. Therefore, as a residential activity the dwelling could be occupied by eight or more tenants or residents on a permanent or semi-permanent basis as a permitted activity.

This permitted baseline provides a useful comparison between the effects of the activities that can occur as of right on the site and the effects of the proposed activity.

7.3 Assessment of Actual and Potential Effects on Environment

7.3.1 General

This section of the report provides an assessment of effects on the environment of allowing the activity. The assessment has been set out below to address the matters under Schedule 4 RMA so far as they are relevant to the matters of discretion under rule LRZ-R5.3.

7.3.2 Buildings

Rule LRZ-R5.3.a requires consideration of the location, design and appearance of buildings on the site. It is not intended to undertake any building work or change to the location, design and appearance of the existing residential unit on the site. The increased number of people will not result in a need to change the built form to manage the adverse effects of the development.

It is therefore considered that adverse effects in this regard will be de minimus.

7.3.3 Traffic

The increase in the occupancy of the unit for visitor accommodation use is not likely to alter the traffic generation or the demand on parking spaces. Accommodating six people would likely generate one or two vehicles to the property, which would be the same for eight people. Traffic generation will be low and substantially similar to the residential use of the site and the permitted visitor accommodation activities.

There is ample room on-site for two or more vehicles to park. This means there will be no requirement for off-site parking and consequently no impact on the operation or safety of the road.

For this reason, any adverse effect relating to traffic or parking are considered to be less than minor.

7.3.4 Amenity Values

Neighbours will enjoy the same level of amenity in terms of both privacy and noise compared to the permitted use of the site, and therefore the residential amenity of the area will be maintained.

It is anticipated that the property will not always be rented to the maximum allowable number of guests; for instance, sometimes, the property may be rented to couples and single families (typically 3-5 people). There is little, if any, difference in adverse effects between the permitted residential use and the proposed visitor accommodation use.

The property will be managed by a local property manager and guests must abide by the property rules, which includes no pets, no parties or events, and no smoking. The property manager will screen all potential guests ensuring that only appropriate persons stay. A restriction on the use of outdoor areas will be imposed, such that they cannot be used after 10pm at night. A Visitor Accommodation - Activity Management Plan has been prepared outlining these criteria and is set out in **Appendix 2**.

Any adverse effects on amenity values of adjoining residential sites, and people occupying those sites, will be less than minor.

When taking into consideration the permitted baseline, the actual or potential effects on the environment are less than minor, the effects of the proposal are consistent with the environmental outcomes anticipated for the site and locality, and there are no affected persons.

7.3.5 Effects Management Measures

The management measures are details in the Visitor Accommodation – Activity Management Plan (AMP) included as **Appendix 2**. In summary, the AMP outlines measures for the property manager to implement including:

- ensuring the number of guests does not exceed eight
- 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 playing music outdoors
- vehicles are parked on-site and not on the road
- a complaints procedure

These measures are proposed by the applicant to avoid, remedy or mitigate the activity's actual and potential effects on the environment.

7.3.6 Positive Effects

It is considered the proposal represents an efficient use of existing resources. Renting out holiday homes for visitor accommodation when not in use reduces the cost of ownership. The use of the dwelling for rental accommodation makes practical and economic use of the building and facilities on the site. Demand for accommodation in the Tekapo area is also creating the need for more holiday homes and long-term rentals for support staff. This creates a cyclic economy for building, jobs and tourism which is beneficial for the Mackenzie district.

7.3.7 Identification of persons affected by the activity

Taking into account the above assessment, it is considered that any actual or potential adverse effects on other persons will be less than minor.

7.3.8 Monitoring

Clause 6(1)(g) Schedule 4 RMA indicates when monitoring will be required stating that:

“if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved”

The scale and significance of the activity's effects are such that monitoring should not be required by Mackenzie District Council considering:

- the scale and significance of the activity effects on the environment are likely to be less than minor
- there are no adversely effected persons
- the activity is on-going

8.0 Assessment of Statutory Planning Documents

The relevant statutory planning documents under section 104(1)(b) RMA are considered below. There are no other documents under section 104(1)(b) RMA that are considered pertinent to the consideration of this application.

8.1 Mackenzie District Plan

This section of the report assesses the proposal against the relevant objectives and policies of the MDP.

The strategic directions chapter is relevant and contains strategic objectives that seek in summary to:

- Make the Mackenzie District a desirable place to live, work, play and visit, where:
 - there are a range of living options, businesses, and recreation activities to meet community needs;
 - activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and
 - the anticipated amenity values and character of different areas are maintained or enhanced.
- The location and effects of activities are managed to:
 - minimise conflicts between incompatible activities; and
 - protect important existing activities from reverse sensitivity effects.
- The District's townships and settlements grow and develop in a consolidated way that respond to the needs of the community, including diversity in housing and business opportunities.

The proposal is consistent with these strategic objectives by:

- Providing for a business which is important to the community's social and economic development e.g. providing important commercial services.
- Maintaining the character of the area by utilising an existing residential unit.
- Including mitigation measures that will minimise adverse effects.

Accordingly, it is considered the proposal is consistent with the MDC Strategic Directions chapter.

The LRZ contains the following objective and policy that are relevant to the consideration of the application:

LRZ-O1 Zone Purpose

The Low Density Residential Zone provides primarily for residential living opportunities, and other compatible activities that support and are consistent with the character and amenity values of the zone.

LRZ-P2 Compatible Activities

Provide for activities other than residential activities, where:

- 1. they are ancillary to a residential activity or are consistent with the character, amenity values and purpose of the zone;*
- 2. they service the local community and do not detract from the character, amenity values or purpose of the Neighbourhood Centre or Town Centre Zones;*
- 3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring are compatible with the amenity values of adjoining sites; and*
- 4. there is a functional need or operational need to establish in the zone.*

The proposed residential visitor accommodation activity is highly compatible with the character and amenity values of the residential zone. The use is ancillary to the main residential component and generates uses similar to residential activities. It also provides accommodation for people visiting local friends and family. There is ample on-site car parking available, so there will be no parking on the road required. There are no

hours of operation, with visitors generally leaving the house in the morning and retuning in the evening after a day of sightseeing or activities.

Overall, it is considered the proposal is consistent with the relevant objective and policy.

9.0 Part 2 RMA (Purpose and Principles)

This section of the report contains an assessment of the proposal against Part 2 RMA, which contains its purpose and principles of the RMA. Section 5 sets out the purpose of the RMA, while Sections 6 to 8 provide guidance to decision-makers on a hierarchy of considerations including:

- Section 6 ‘matters of national importance’ that must be recognised and provided for
- Section 7 ‘other matters’ that must be given particular regard
- Section 8 ‘principles of the Treaty of Waitangi’ that must be taken into account.

The matters set out in sections 6 to 8, while important, are subordinate to the overall purpose of the RMA as set out in section 5.

9.1 Section 5 RMA (Purpose)

Section 5 RMA states the purpose of the act is to promote the sustainable management of natural and physical resources. Subsection 5(2) RMA states ‘sustainable management’ means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

It is considered the proposal is consistent with the purpose of the RMA by:

- Providing an activity that will help provide for the economic and social well-being of the area.
- Have no effect on physical resources.
- Ensuring all actual and potential adverse effects are avoided, remedied or mitigated.

9.2 Section 6 RMA (Matters of National Importance)

Section 6 RMA states that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for several matters of national importance. The proposal does not impact any matters of national importance and therefore aligns with section 6 RMA.

9.3 Other Matters

Section 7 RMA states that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to several matters. These matters are provided in the table below, followed by a statement as to whether the proposal aligns with that matter or not.

SS	Provision	Proposal's Alignment
a.	kaitiakitanga:	The site is not located in a site of significance to Māori.
aa.	the ethic of stewardship:	
b.	the efficient use and development of natural and physical resources:	The proposal is an efficient use of the site.
ba.	the efficiency of the end use of energy:	Not relevant.
c.	the maintenance and enhancement of amenity values:	Amenity values will be retained.
d.	intrinsic values of ecosystems:	Not relevant.
f.	maintenance and enhancement of the quality of the environment:	The quality of the environment will be maintained.
g.	any finite characteristics of natural and physical resources:	Not relevant.
h.	the protection of the habitat of trout and salmon:	Not relevant.
i.	the effects of climate change:	Not relevant.

j.	the benefits to be derived from the use and development of renewable energy.	Not relevant.
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In summary, it is considered the proposal aligns with section 7 RMA.

9.4 Principles of the Treaty of Waitangi

Section 8 RMA requires decision makers to take into account the principles of the treaty of Waitangi. Taking into account the site is not located on a site of significance to Māori, the proposal will not be detrimental to Māori interests.

10.0 Other Matters

There are no other relevant matters.

11.0 Consultation

No consultation is required, and no consultation has been conducted.

12.0 Notification Assessment

The application should not be publicly notified on the basis that:

- the applicant has not requested public notification of the application
- public notification is not required following a request for further information
- the application has not been made jointly with an application to exchange reserve land
- the activity will not have adverse effects on the wider environment that are more than minor
- no special circumstances apply.

The application should not be limited notified on the basis that:

- there are no affected protected customary rights groups or customary marine title groups
- the activity is not on or adjacent to or may affect land that is subject to a statutory acknowledgement area and there are no affected persons to whom the statutory acknowledgement has been made
- the activity will not have adverse effects on person that are minor or more than minor
- no special circumstances apply.

Accordingly, the application should be processed on non-notified basis.

13.0 Adequacy of Information

Section 104(6) of the RMA states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application. It is considered that the AEE and this accompanying information provides adequate information for the consent authority to determine the application.

14.0 Conclusion

The application proposes to increase the occupancy at the residential visitor accommodation activity from six to eight persons. A restricted discretionary activity consent is required under the Mackenzie District Plan.

This report's assessment found that:

- any adverse effects of allowing the activity are less than minor
- the relevant statutory planning documents support the proposal
- there are no other relevant matters relevant to determine the application
- the proposal aligns with relevant matters of Part 2 RMA
- there is adequate information to determine the application
- the application should be processed on a non-notified basis.

We request that draft conditions are provided to Perspective Consulting Ltd for comment before the consent is issued.

Appendix 1 – Record of Title & Consent Notices



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

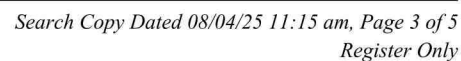
Identifier **185942**
Land Registration District **Canterbury**
Date Issued 22 June 2005

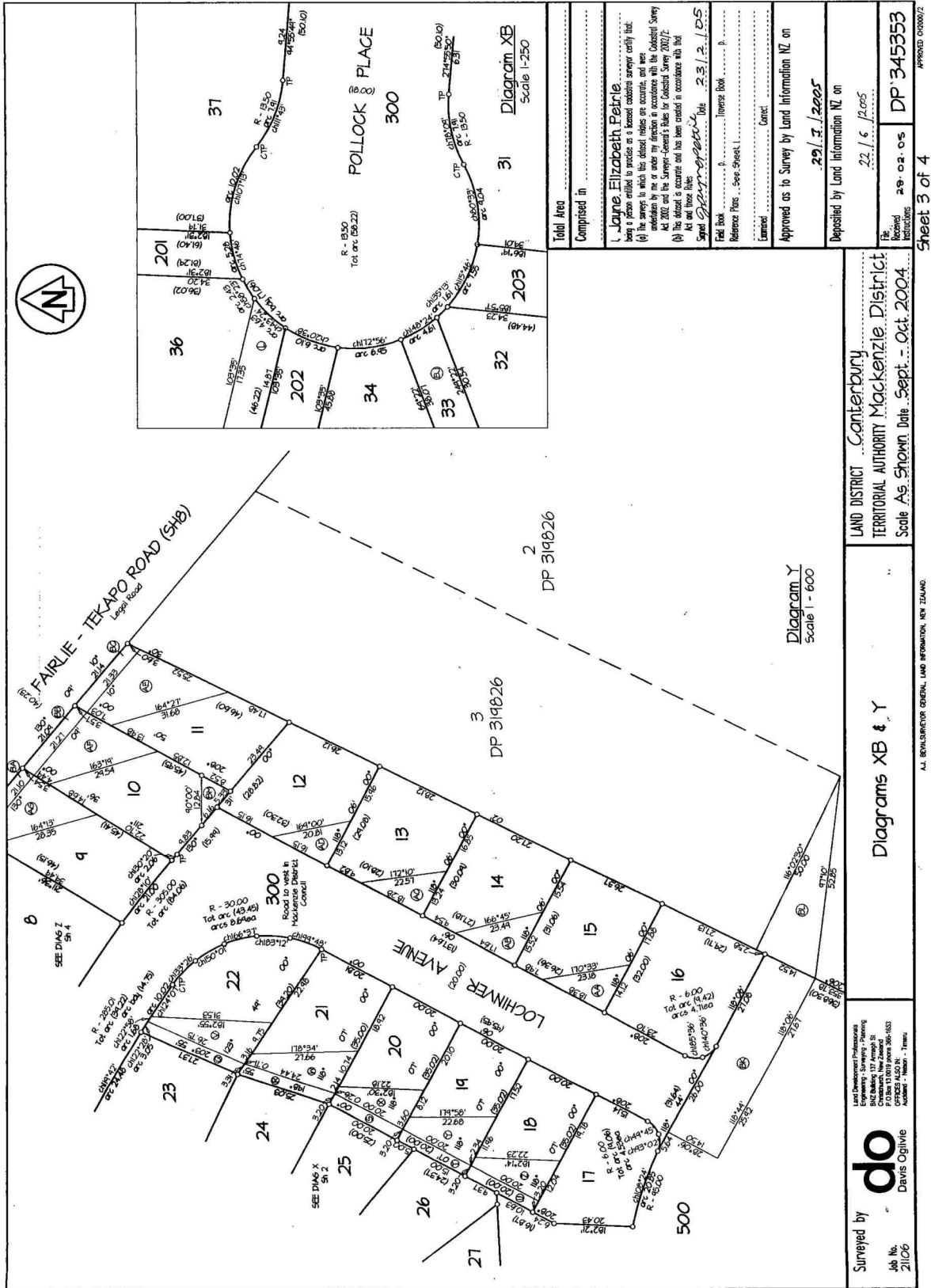
Prior References
78099

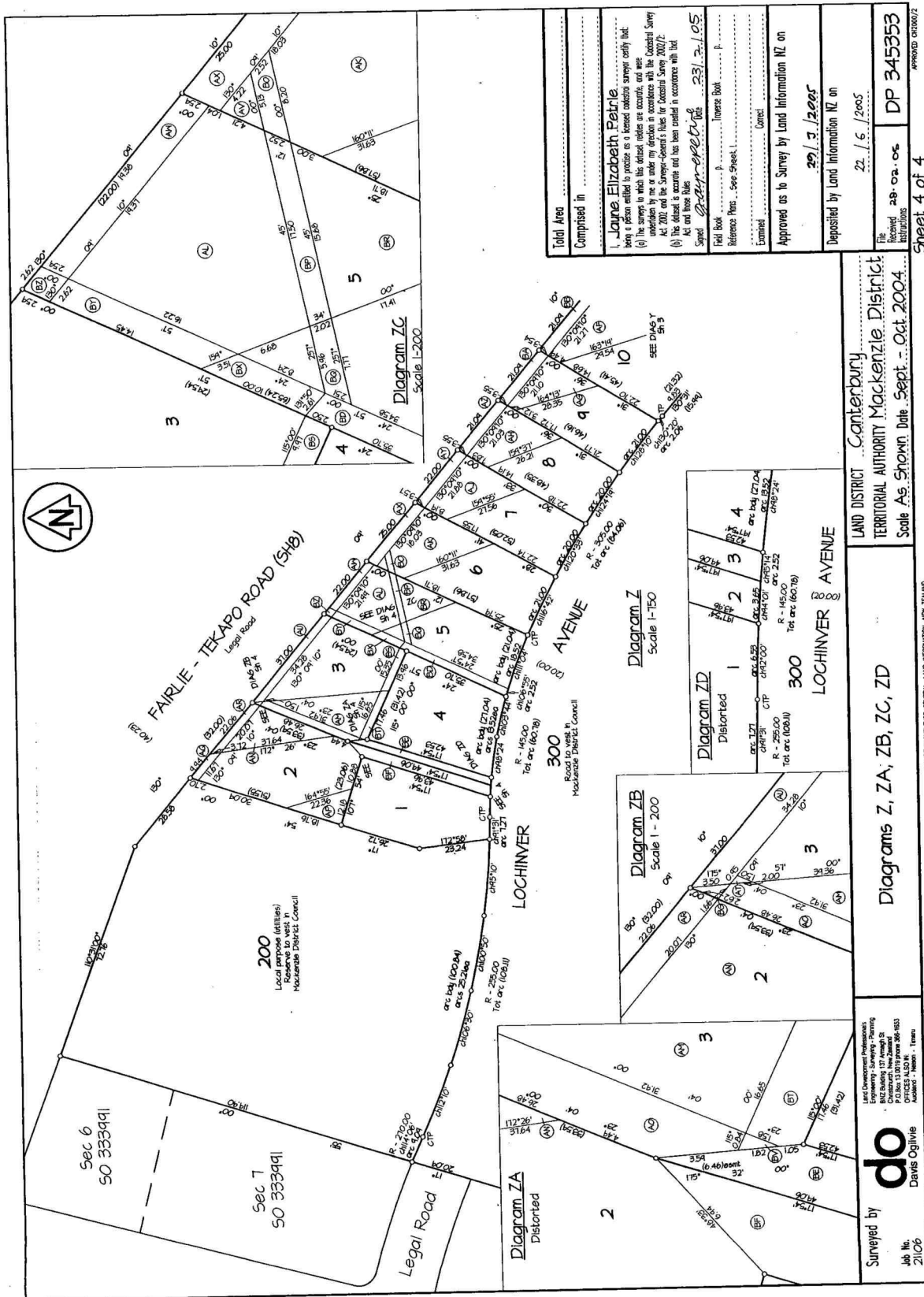
Estate Fee Simple
Area 959 square metres more or less
Legal Description Lot 38 Deposited Plan 345353
Registered Owners
Annette Margaret Finnis

Interests

Subject to Section 168A Coal Mines Act 1925
Subject to Section 8 Mining Act 1971
5664442.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 21.7.2003 at 9:00 am
5664442.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 21.7.2003 at 9:00 am
Land Covenant in Easement Instrument 6467102.7 - 22.6.2005 at 9:00 am
Subject to a right to drain sewage and water over part marked K on DP 345353 created by Easement Instrument 6467102.8 - 22.6.2005 at 9:00 am
Appurtenant hereto is a right to drain sewage and water created by Easement Instrument 6467102.8 - 22.6.2005 at 9:00 am
The easements created by Easement Instrument 6467102.8 are subject to Section 243 (a) Resource Management Act 1991
Fencing Covenant in Transfer 6467102.11 - 22.6.2005 at 9:00 am









CONSENT NOTICE

In the matter of the subdivision of Pt RS 41371 and RS 41635

Pursuant to Sections 220 and 221 of the Resource Management Act 1991 the Mackenzie District Council on 27 March 2003, approved the subdivision consent application for Pt RS 41371 and RS 41635 in RM020042 subject to Lots 1, 2 and 3 incorporating the following condition:

“That any new dwelling, or other new or relocated built development requiring a formed access under the provisions of the District Plan, shall provide that access in accordance with the District Plan’s requirements.

Date: 17 / 4 / 2003



CHIEF EXECUTIVE



CONSENT NOTICE

In the matter of the subdivision of Pt RS 41371 and RS 41635

Pursuant to Sections 220 and 221 of the Resource Management Act 1991 the Mackenzie District Council on 27 March 2003, approved the subdivision consent application for Pt RS 41371 and RS 41635 in RM020042 subject to Lots 1, 2 and 3 incorporating the following condition:

“That any new dwelling, or other new or relocated built development requiring provision of services under the District Plan shall be connected to a Council reticulated water supply, shall connect to a piped sewage outfall and shall provide for connections to telecommunications and electricity supply in accordance with the District Plan.

Date: 17 / 4 /2003

CHIEF EXECUTIVE

Appendix 2 – Visitor Accommodation Management Plan

VISITOR ACCOMMODATION - ACTIVITY MANAGEMENT PLAN

This Activity Management Plan applies to the use of 6 Pollock Place, Tekapo (Lot 38 Deposited Plan 345353 held in Record of Title 185942) as a visitor accommodation in accordance with resource consent RM [*to be completed*].

Section 1.0: Property Manager Details

1.1 Property Manager

The Property Manager of this accommodation is: Book Tekapo (Greg and Angela)

Phone: 027 309 0196

Email: reservations@booktekapo.co.nz

Section 2.0: Property Manager Responsibilities

The Property Manager will have the following responsibilities:

2.1 On check-in of guests:

- To provide the guests with a copy of the House Rules.
- To check that the number of guests does not exceed eight at any one time.
- To check that the on-site compendium contains a copy of the House Rules and a copy of the relevant conditions of resource consent RM [*to be completed*].

2.2 On servicing and other visits:

- Rubbish bins are to go out on Wednesday (the blue glass bin and green waste bin every week and the yellow and red bin on alternate weeks) and be brought back in as soon as possible after being emptied.
- To ensure that rubbish bins do not remain on the street for more than 24 hours, this may require a visit on Wednesday and/or Thursday.
- To check that the number of guests does not exceed eight.

2.3 Prior to Activity Commencing

- The Property Manager will provide their contact details to the adjoining landowners.

Section 3.0: House Rules

3.1 House Rules

- There shall be no more than eight guests present at any one time.
- Any outdoor noise generated after 10pm shall comply with the residential zone and expected levels of residential amenity.
- Be courteous of neighbours. Any noisy activities should only occur inside after 8pm with windows and doors closed.
- No music sources shall be played or located outdoors after 8pm.
- Guest shall park vehicles in the on-site car parking spaces.

3.2 Complaints Procedures

Should a complaint be received by the Property Manager from any neighbour, member of the public or organisation, the Property Manager shall evaluate the complaint and if reasonable:

- Phone or call into the house to ensure the matter of complaint ceases.
- Advise the guests that should the activity causing the complaint continue, the guests may be asked to leave the property.
- Advise the guests that their behaviour may result in them being excluded from future stays at the accommodation.
- Keep a record of all complaints, the reason for the complaint and what actions were taken to address the complaint, if necessary.
- The Complaints Register shall be made available to the Mackenzie District Council on request.

3.3 Signs

- A sign will be placed on the door leading to the outdoor area stating, “This outdoor area is not to be used between 10pm and 7am daily”.