

**REPORT ON A RETROSPECTIVE APPLICATION FOR LAND USE PURSUANT TO
SECTION 95A TO 95E OF THE RESOURCE MANAGEMENT ACT 1991 – RM260082**

Applicant:	Nelsen and Marlize Baird
Application Description:	Land use consent to use the principal residential unit and detached minor residential unit for residential visitor accommodation for up to nine guests
Application Status:	Discretionary Activity
Property Address:	14 Andrew Don Drive, Tekapo
Legal Description:	Lot 49 Deposited Plan 352127
Valuation Reference:	2531104147
District Plan Zone:	Low Density Residential Zone
District Plan Notations:	Takapō / Lake Tekapo Precinct Flight Protection Area: Tekapo
Author:	William Halkett – Consultant Planner
Site visit undertaken:	20 July 2026
Date of Report:	22 July 2026

1.0 INTRODUCTION

This report has been prepared under the Resource Management Act 1991 (the Act) to document the assessment of the subject consent application.

A request for further information under section 92 was made to the applicant requesting affected parties' approval from the adjoining neighbour. It was agreed that this shall be addressed under the proceeding notification process.

2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

The applicant has applied for retrospective land use consent to use the existing principal residential unit and detached minor residential unit at 14 Andrew Don Drive, Lake Tekapo, for residential visitor accommodation.

The principal residential unit, known as "Big Rock", would accommodate up to seven guests. The detached minor residential unit, known as "Little Rock", would accommodate up to two guests. The total occupancy of the site would not exceed nine guests at any one time.

The units may be occupied separately or together. No new buildings, additions, alterations, or external modifications are proposed.

The activity is proposed to be managed in accordance with a Visitor Accommodation Management Plan, which addresses guest numbers, noise, parking, rubbish collection, complaints, and property manager responsibilities.

2.2 SITE DESCRIPTION

The subject site is located at 14 Andrew Don Drive and is zoned Low Density Residential Zone in the Operative Mackenzie District Plan 2004. The land has an area of 1078 square metres more or less and is legally described as Lot 49 Deposited Plan 352127 and is contained within Record of Title identifier 213869.



The site is a corner allotment with frontage to Andrew Don Drive and Sams Place. It is developed with an existing principal residential unit and detached minor residential unit, together with associated access, parking, landscaping and outdoor amenity areas. The only directly adjoining residential property is located to the north at 12 Andrew Don Drive.

The surrounding environment is residential in character, comprising a mix of established residential dwellings and visitor accommodation activities. Some sites in the wider area remain vacant or are undergoing residential development.

A site visit was undertaken on 20 July 2026. The applicant was not present during this site visit. Photographs taken during the site visit are held in the file.

2.3 SITE HISTORY/BACKGROUND

The following is a summary of the relevant site history:

Resource Consents:

No relevant land use consents are applicable to the site.

Building Consents:

The following Building consents are applicable to the site:

120240 – <i>To Construct a new sleepout with corrugate iron and schist to match existing style and materials of current dwelling.</i>
100178 – <i>Erect new dwelling.</i>

3.0 MACKENZIE DISTRICT PLAN

3.1 MACKENZIE DISTRICT PLAN REVIEW

The proposed activity is administered by the Mackenzie District Plan, including as amended by Plan Changes 20 and 21, Plan Change 22 (all operative), Plan Changes 23 to 27 (deemed operative) and the provisions included in Plan Changes 28 to 30, on which Council released its decisions on submissions on 24 July 2025. Provisions in Plan Changes 28 to 30 have legal effect and those rules which are not subject to an appeal are to be treated as operative as per section 86F(1)(a) of the Act:

Section 86F When rules in proposed plans must be treated as operative

- (1) *A rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and, in relation to the rule,—*
- (a) no submissions in opposition have been made or appeals have been lodged; or*
 - (b) all submissions in opposition and appeals have been determined; or*
 - (c) all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.*

The subject site is zoned Low Density Residential Zone (LRZ) and within the Takapō / Lake Tekapo Precinct within the District Plan. The site is subject to the Tekapo Flight Protection Area.

It is considered that all relevant aspects of the District Plan relating to this proposal are either operative or being treated as operative.

3.2 ZONING AND COMPLIANCE ASSESSMENT

The application AEE provides a summary of the compliance assessment undertaken and assesses the proposal as a discretionary activity. I generally agree with that assessment, as set out below.

3.2.1 Low Density Residential Zone

LRZ-R5 of the District Plan provides for residential visitor accommodation as a permitted activity in the Low Density Residential Zone 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.

The proposal involves the use of both the existing principal residential unit and detached minor residential unit for residential visitor accommodation. The principal residential unit is proposed to accommodate up to seven guests, and the minor residential unit is proposed to accommodate up to two guests, with a maximum of nine guests across the site.

The proposal does not comply with LRZ-R5.1, as more than one residential unit on the site is proposed to be used for residential visitor accommodation. Non-compliance with LRZ-R5.1 results in a discretionary activity status.

The proposal also does not comply with LRZ-R5.2, as the maximum occupancy of the principal residential unit would exceed six guests per night. However, as the maximum occupancy of that unit would not exceed twelve guests per night, this aspect of the proposal falls within LRZ-R5.3 and would otherwise be assessed as a restricted discretionary activity.

As the proposal does not comply with LRZ-R5.1, the application is assessed as a discretionary activity overall.

3.2.2 Transport

Rule / Standard	Requirement	Assessment	Compliance
TRAN-R3 Vehicle Crossing	Vehicle crossings are permitted where they comply with TRAN-S9 and TRAN-S10.	The proposal uses the existing vehicle access from Andrew Don Drive. No new vehicle crossing or alteration to the existing crossing is proposed.	Complies
TRAN-R4 Vehicle Accessway	Vehicle accessways are permitted where they comply with TRAN-S11.	The existing access arrangement serves the established residential activity on the site. No change to the accessway is proposed.	Complies
TRAN-R5 Parking, Manoeuvring and Loading Areas Associated with a Residential Activity	Parking associated with a residential activity is permitted where it complies with TRAN-S1, TRAN-S2, TRAN-S4, TRAN-S7 and TRAN-S8.	Residential visitor accommodation is addressed in TRAN-Table 3, which requires parking for a residential unit used for residential visitor accommodation. The application states that up to four on-site parking spaces can be provided within the parking area, garage and lean-to car park.	Complies

TRAN-S1 Minimum Parking Space Requirements	TRAN-Table 3 requires two spaces per residential unit, and one for any minor residential unit less than 150m ² used for residential visitor accommodation.	The site contains a principal residential unit and a detached minor residential unit. Three on-site parking spaces are therefore required. The application states that four spaces are available on site.	Complies
TRAN-S2 Size of Parking Spaces	Parking spaces must comply with the dimensions in TRAN-Table 4.	The application states that parking is available within the existing parking area, garage and lean-to car park. The submitted material does not clearly dimension each space, but there appears to be sufficient existing on-site parking associated with the residential use of the site.	Complies
TRAN-S4 Reverse Manoeuvring	On-site manoeuvring is required to avoid reversing onto or off a State Highway/Arterial Road, to a Collector Road where three or more spaces are required, or to an accessway serving six or more spaces.	The site is accessed from Andrew Don Drive, which is not identified in the application as a State Highway, Arterial Road or Collector Road. The access does not serve six or more parking spaces.	Not applicable
TRAN-S7 Surface and Drainage of Parking and Loading Areas	Where fewer than four on-site parking spaces are provided, the parking surface must be formed to an all-weather standard, and the access to the parking area must be sealed for 5.5 m from the vehicle access point into the site.	Three parking spaces are required and relied upon for the proposed activity. The parking and access area is gravelled and is considered to meet the definition of an all-weather surface. However, the sealed vehicle crossing does not extend 5.5 m into the site, with the internal access being gravelled.	Does not Comply
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.	Site does not provide five carparks	Not applicable

3.2.3 Activity Status

Overall, the application is assessed as a discretionary activity.

4.0 NATIONAL ENVIRONMENTAL STANDARDS (NES)

A total of 11 National Environmental Standards are currently in effect, as follows:

- National Environmental Standards for Air Quality 2004
- National Environmental Standards for Sources of Human Drinking Water 2007
- 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 Telecommunication Facilities 2016
- National Environmental Standard for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023
- National Environmental Standards for Commercial Forestry 2023
- National Environmental Standards for Freshwater 2025
- National Environmental Standards for Detached Minor Residential Units 2025

The NES are not considered relevant to this application. The site is not identified as land on which a HAIL activity has occurred, and no soil disturbance is proposed. The NES-CS is therefore not applicable. 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 EFFECTS

5.1 Permitted Baseline/Receiving Environment

Permitted Baseline

The permitted baseline has been applied as the use of one residential unit on the site for residential visitor accommodation for up to six guests per night. The other residential unit could continue to be occupied for ordinary residential purposes. The baseline therefore includes effects associated with one visitor group, including arrivals and departures, on-site parking, domestic-scale noise, and use of the site's indoor and outdoor amenity areas.

The permitted baseline does not provide for both the principal residential unit and detached minor residential unit to be used concurrently for residential visitor accommodation. The proposal would therefore introduce a second visitor group to the site and increase the total visitor occupancy to nine guests.

The relevant effects for assessment are consequently those arising from the concurrent occupation of both units by separate visitor groups, together with the increase in visitor numbers above the six-guest permitted threshold.

Receiving Environment

The receiving environment includes the existing residential use and development of the site, including the established principal residential unit, detached minor residential unit, access, parking areas, landscaping and outdoor amenity areas. No physical changes to the site or buildings are proposed as part of this application.

The surrounding environment is residential in character, but includes a mix of established residential dwellings, visitor accommodation activities, vacant sites, and sites undergoing residential development. The site is a corner allotment with road frontage to Andrew Don Drive and Sams Place. The road reserve provides separation from residential properties to the east, south and west. The only directly adjoining residential property is located to the north at 12 Andrew Don Drive.

For the purposes of this assessment, the existing operation of residential visitor accommodation on the site has not been relied on as forming part of the lawful receiving environment, except to the extent that the District Plan permits residential visitor accommodation within one residential unit for up to six guests per night.

5.2 Written Approvals

No written approvals have been submitted with the application.

5.3 Assessment of Effects

5.3.1 Effects on the wider environment (section 95D)

Residential Character, Scale and Intensity

The permitted baseline provides for one residential unit on the site to be used for residential visitor accommodation for up to six guests per night. The proposal differs from that baseline through the use of both the principal residential unit and minor residential unit for visitor accommodation, with a maximum of nine guests across the site.

Both units are existing residential buildings and no additions, alterations or other physical changes are proposed. The appearance and established residential form of the site will therefore remain unchanged. Activities undertaken by guests, including sleeping, cooking, dining and recreation, would generally remain residential in nature, although guest turnover and the use of two separately occupiable units may increase the frequency of activity compared with the permitted baseline.

The surrounding environment contains a mixture of established residential dwellings, visitor accommodation activities, vacant sites and sites undergoing residential development. In this context, the additional scale represented by the use of the second unit and three additional guests would not be sufficient to materially alter the character of the wider neighbourhood or cause a noticeable shift away from its residential character.

Overall, adverse effects on the residential character, scale and intensity of the wider environment are assessed as no more than minor.

Residential Amenity, Including Noise and Nuisance

Potential effects include guest arrivals and departures, vehicle movements, outdoor activity, domestic noise, rubbish, and general comings and goings associated with short-term occupation. Although these effects may occur more frequently than under permanent residential occupation, the activity remains limited to a maximum of nine guests and does not involve functions, events or other non-residential gatherings.

The proposed Visitor Accommodation Management Plan (VAMP) provides additional controls intended to contain these effects. It limits occupancy to seven guests in the principal residential unit and two in the minor residential unit, requires guests to minimise outdoor noise between 10.00 pm and 7.00 am, prohibits outdoor music after 8.00 pm, requires vehicles to be parked on site, and establishes procedures for managing complaints. The property manager is also responsible for monitoring guest numbers, providing the house rules to guests, managing rubbish collection, and responding to any concerns that arise.

These measures would reduce the likelihood that noise, parking or nuisance effects extend beyond the immediate vicinity of the site. The site is also separated from much of the surrounding residential environment by Andrew Don Drive and Sams Place. While effects may be more directly experienced at the adjoining property, those effects are addressed separately under section 95E.

Overall, adverse effects on residential amenity, including noise and nuisance, within the wider environment are assessed as no more than minor.

Transportation, Access and Parking

The proposal will retain the existing vehicle crossing and access from Andrew Don Drive. Three on-site parking spaces are required under TRAN-S1, and the application identifies that sufficient space is available within the existing garage, carport and parking area. The VAMP also requires guests to park on site, reducing the likelihood of parking demand spilling onto the surrounding road network.

The parking and access area is gravelled and meets the definition of an all-weather surface. However, the internal access is not sealed for 5.5 m from the vehicle access point, as required by TRAN-S7.1(b). The proposal therefore includes a transport standard infringement.

The vehicle crossing itself is existing and formed, and no alteration to its location or configuration is proposed. The additional vehicle movements associated with the increase beyond the permitted baseline are expected to be modest and primarily associated with guest arrivals and departures. On the information available, there is no indication that the unsealed section currently results in material drainage, gravel-tracking or access-safety effects within the road environment.

Accordingly, while the proposal does not comply with the requirement to seal the first 5.5m of the access, adverse transportation, access, parking and associated surface-drainage effects on the wider environment are assessed as no more than minor.

5.3.2 Effects on Persons (section 95E)

Residential Amenity, Including Noise and Nuisance

The applicant assesses adverse effects on the amenity values of adjoining residential sites, including noise, as less than minor. This conclusion relies on the residential nature of guest activities, the limited occupancy of the minor residential unit, the arrangement of the two properties, and the controls contained in the Visitor Accommodation Management Plan.

I accept that the existing building arrangement provides some physical separation between the two properties. Existing fencing and planting also provide screening at present, although limited weight is placed on those features because no landscape plan forms part of the proposal and their retention or maintenance is not secured. The proposal introduces no new built form, and overlooking is not considered to be a material effect. Nevertheless, the existing separation would not prevent noise and activity associated with the outdoor areas from being experienced at 12 Andrew Don Drive.

I therefore do not agree that all adverse effects on that property can be described as less than minor.

In my interpretation, the permitted baseline anticipates the use of only one residential unit on the site for residential visitor accommodation and, consequently, one visitor group occupying the site at any one time. The proposal would instead enable the principal and minor residential units to be occupied concurrently by separate visitor groups.

These groups may arrive and depart at different times, meet or socialise within the shared outdoor areas, and generate additional conversations and activity through their interaction. As the principal outdoor areas are located toward the shared boundary with 12 Andrew Don Drive, the concurrent occupation of the site by two visitor groups creates greater potential for noticeable noise and nuisance, and at a greater frequency, than would arise from a single visitor group.

I acknowledge that interaction may also occur between visitors and residents, which is anticipated under the permitted baseline. However, a resident household would provide a stable presence on the site, would be familiar with the property and surrounding neighbours, and would generally be better placed to coordinate the use of shared areas and respond promptly to nuisance arising from visitor activity. Those moderating factors may not be present where both units are occupied by separate and transient visitor groups.

Short-term accommodation also involves more frequent changes in occupants than permanent residential use. Although each stay may generate only domestic-scale activity, repeated arrivals and departures and the rotating use of the site by different groups may be noticeable from the adjoining property.

The Visitor Accommodation Management Plan provides meaningful mitigation. It limits guest numbers, requires outdoor noise to be minimised between 10.00 pm and 7.00 am, prohibits outdoor music after 8.00 pm, requires vehicles to be parked on site, and provides for property-manager oversight and a complaints procedure. These measures would reduce the likelihood, frequency and duration of unreasonable disturbance.

The VAMP would not, however, prevent all ordinary noise and activity associated with two separately occupied accommodation units. It relies substantially on guest compliance and responsive management, and some effects may arise before a matter reaches the level of a complaint or management response.

Overall, I consider that the VAMP will mitigate the effects sufficiently so that they are not significant. However, given the direct boundary relationship, the location of guest outdoor areas, the potential for both units to be occupied at the same time by separate groups, increased guest turnover, and the inherent limitations of a VAMP, adverse effects on residential amenity, including noise and nuisance, are assessed as minor, but not less than minor, with respect to 12 Andrew Don Drive. Therefore, pursuant to section 95E, I consider the owners and occupiers of this property to be affected.

I consider these effects to apply only to the adjacent property. For the reasons provided in the earlier 95D assessment, I consider effects to other properties in the surrounding area to be less than minor. No other person is considered affected by the proposal.

5.4 Conclusion

Based on the above assessment, the proposal is not likely to have adverse actual and potential effects on the environment that are more than minor for the purposes of section 95D.

However, for the purposes of section 95E, effects on the owners and occupiers of 12 Andrew Don Drive are considered minor, and therefore are considered affected by the proposal. Effects on all other persons are considered less than minor.

6.0 NOTIFICATION ASSESSMENT

6.1 Public Notification (Section 95A)

Section 95A of the Act sets out a step-by-step process for determining public notification. A consent authority must follow the steps set out in the order given to determine whether to publicly notify an application for a resource consent. This assessment is given as follows:

Step 1 - Mandatory public notification in certain circumstances s95A(3)

- If the answer to any of the below questions is yes, then public notification is required and consideration of the other steps in section 95A is not needed.
- If the answer is no, go to Step 2.

Question	Yes	No	N/A
Has the applicant requested public notification? (s95A(3)(a))		✓	
Is public notification required under Section 95C (applicant has not provided or refuses to provide further information; or, applicant refuses to agree to commissioning of report or does not respond to report commissioning request)? (s95A(3)(b))		✓	
Has the application been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c))		✓	

In this case, public notification is not required under Step 1. Step 2 must now be considered.

Step 2 - If not required by Step 1, public notification precluded in certain circumstances s95A(5)

- If the answer is yes to any of the below questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no, then Step 3 must be considered.

Question	Yes	No	N/A
Does a rule or national environmental standard preclude public notification of each activity in the application? (s95A(5)(a))		✓	
Is the application for one or more of the following, but no other, activities:			
A controlled activity? (s95A(5)(b)(i))		✓	
A restricted discretionary, discretionary or non-complying activity, but only if the activity is a boundary activity ¹ ? (s95A(5)(b)(iii))		✓	

In this case, the proposal is not for a controlled activity. As such, consideration of Step 3 is required.

Step 3 - If not precluded by Step 2, public notification required in certain circumstances s95A(8)

- If any of the answers to these questions is yes, then public notification is required, and consideration of Step 4 is not needed. If the application is for multiple activities and is being processed as a 'bundled application', and any part of that application meets either of the below criteria, the application must be publicly notified in its entirety.
- If the answer to both of these questions is no, then Step 4 must be considered.

Question	Yes	No	N/A
Does a rule or national environmental standard require public notification of the activity or any of the activities? (s95A(8)(a))		✓	
Will the activity have, or be likely to have, adverse effects on the environment that are more than minor? (s95A(8)(b) and s95D)		✓	

No rule or national environmental standard requires public notification. An assessment of the likely adverse effects on the environment has been provided at section 5.0 of this report.

Step 4 - Public notification in special circumstances s95A(9)

- If the answer is yes to this question, then the application must be publicly notified.
- If the answer is no, then the application needs to be considered for limited notification.

Question	Yes	No	N/A
Do special circumstances exist that warrant the public notification of the application? (s95A(9))		✓	

Special circumstances are not considered to apply to the proposal.

6.2 Limited Notification (Section 95B)

Section 95B of the Resource Management Act 1991 set out a step-by-step process for determining limited notification. The council must decide whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.

¹ An activity is a boundary activity if (a) the activity requires resource consent because of the application of 1 or more boundary rules, but no other district rules, to the activity; and (b) no infringed boundary is a public boundary.

Step 1 - Certain affected groups and persons must be notified s95B(2) and s95B(3)

- If there is any affected protected customary rights group or affected customary marine title group, or any person to whom a statutory acknowledgement has been made that is affected in a minor or more than minor way, then the application must be limited notified to these parties, unless their written approval has been obtained.
- Irrespective of the above, Step 2 must then be considered.

Question	Yes	No	N/A
Is the activity in a protected customary rights area? S95B(2)(a)		✓	
Is the activity in a customary marine title group area? S95B(2)(b)		✓	
Is the activity in or near a statutory acknowledgement area? S95B(3)(a)		✓	
If yes to above, is the runanga an affected party under s95E? S95B(3)(b)		✓	

Limited notification is not required under Step 1.

Step 2 - If not required by Step 1, limited notification precluded in certain circumstances s95B(6)

- If the answer is yes to any of these questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A
Is the application for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification?		✓	
Is the application for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).		✓	

Step 3 - If not precluded by Step 2, certain other affected persons must be notified s95B(7) and (8)

Question	Yes	No	N/A
In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.			✓
In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.	✓		

As discussed in the 95E assessment, the owners and occupiers of 12 Andrew Don Drive are considered affected for the purposes of section 95E. Therefore, notification is required to those person(s).

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

Question	Yes	No	N/A
Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons).		✓	

It is not considered that there are any special circumstances that exist in relation to this application. No additional persons need to be notified.

6.3 Conclusion

Having assessed the application for land use consent pursuant to sections 95A-95E of the Resource Management Act 1991 it is recommended that the application be processed on a limited-notified basis. Notification shall be to the owners and occupiers (if applicable) of 12 Andrew Don Drive.

Approved under Delegated Authority,



Rachael Bason
Acting Planning Manager

Date: 27 July 2026

