

RESOURCE MANAGEMENT ACT 1991

**DECISION OF COMMISSIONER DARRYL MILLAR APPOINTED BY THE
MACKENZIE DISTRICT COUNCIL**

WARBURTON AND HUANG

APPLICANT:	Scott Warburton, and Jinlian and Bingqiang Huang
APPLICATION REFERENCE:	RM250060
APPLICATION:	Land Use Consent
SITE LOCATION:	11 Rodman Lane, Tekapo
LEGAL DESCRIPTION:	Lot 11 DP518782
PROPOSAL:	To establish and operate visitor accommodation for up to ten guests within a proposed residential unit and minor residential unit.
HEARING DATE:	16 April 2026
DECISION:	Granted
DECISION DATE:	27 May 2026

HEARING APPEARANCES

The Applicant

- Scott Warburton - Applicant
- Gemma Conlon- Planning

The Council

- Nick Boyes – Planning
- Julie Shanks – Planning Manager

Submitter

- Catherine Theys and Geert Vermeulen
- Brandon Jones - Counsel

DELEGATION

I was appointed by the Mackenzie District Council as Commissioner to hear submissions, evidence and to make a decision on Resource Consent RM250060. This decision records the evidence and statements, my deliberations on the issues and the outcome of my deliberations.

INTRODUCTION

Introduction

1. This is a decision on a resource consent application made to the Mackenzie District Council (the **Council**) by Warburton and Huang (the **Applicant**) for land use consent. The Applicant proposes to establish and operate visitor accommodation for up to ten guests within a proposed residential unit and minor residential unit. The site is located at 11 Rodman Lane, Tekapo and is legally described as Lot 11 DP518782 (RT 822055).
2. I visited the site and surrounding environs on 15th April 2026.

The Site and Receiving Environment

3. Understanding the nature of the receiving environment is critical to an assessment of effects (s104(1)(a)). The application documentation describes the site and surrounding environments. The nature of the existing environment is also addressed in the evidence and statements of the various parties who appeared at the hearing. By way of summary:
 - 3.1. The application site (the **Site**) is located at the head of the Rodman Lane cul-de-sac and is some 998m² in area.
 - 3.2. The Site is vacant and largely at grade with Rodman Lane and the property to the southwest. The submitter's site to the east (13 Rodman Lane) sits at a marginally elevated level, with outdoor spaces orientated to the Application site.

- 3.3. The site to the east (3 Andrew Don Drive) and a Council walkway to the north are downslope.
- 3.4. The Council walkway provides connectivity between Andrew Don Drive and Bill Apes Lane.
- 3.5. Land to the west, south and east of the Site, and the Site itself, is zoned Low Density Residential (**LRZ**) and generally contains low density housing with some visitor accommodation.
- 3.6. Land further north and to the east is zoned Medium Density Residential (**MDR**).

The Proposal

4. The application documentation and related assessments and evidence described the key components of the proposal and operational characteristics. The key features of the proposal are:
 - 4.1. A new building constructed with two wings, comprising a three-bedroom residential unit (157m²) with attached garage (39m²) and a two-bedroom minor residential unit (79m²).
 - 4.2. Each wing has a mono pitch roof rising from east to west.
 - 4.3. Site coverage of some 28% and total impervious coverage of 42%.
 - 4.4. It is proposed that the units will be used for residential visitor accommodation (**RVA**) for up to 10 guests; with six in the main unit and four in the minor unit. When used as an RVA, each unit will be rented to a single group and will not be let as individual rooms.
 - 4.5. When not used for RVA the units may be used for residential purposes, as rental accommodation or for the owner's personal use or for use by family and friends. Overall, the Application notes that the use of the site for RVA is part time.
 - 4.6. Four on-site parking spaces, with on-site manoeuvring; comprising two uncovered spaces for the minor unit and 2 garage spaces for the main unit.
 - 4.7. Landscaping.
 - 4.8. A requirement to develop and implement a Visitor Accommodation Management Plan (**VAMP**) prescribing, amongst other things, site use limitations and a complaints procedure and contact details for neighbours.

Conditions

5. There have been several iterations of proposed draft conditions since the application was lodged. This included suggested amendments presented by Ms Conlon in evidence and Reply, and Mr Jones in legal submissions. I will deal with the detail of this later in this decision.

Application Processing and Submission

6. The Application was limited notified to two affected parties; being the owners/occupiers of 3 Andrew Don Drive and 13 Rodman Lane. One submission was received from Catherine Theys and Geert Vermeulen.
7. The Council had earlier received written approvals from 9 and 20 Rodman Lane.

The Hearing, Adjournment and Closure

8. The hearing to consider the application commenced on 16th April 2026. The hearing was adjourned on the same day after presentations from the Applicant, Submitter and the Council’s Reporting Officer.
9. The purpose of the adjournment was to enable Ms Conlon to prepare a written Reply. I received this on 1st May and the hearing was subsequently closed on 4th May¹.

My Approach to this Decision

10. I do not propose to repeat verbatim the content of the reports, evidence, submissions and statements made at the hearing. Given that pre-circulation of the material occurred, and all are a matter of record, my deliberations and the balance of this decision address the issues on a topic basis.

THE PLANNING FRAMEWORK AND ACTIVITY STATUS

The Mackenzie District Plan – Activity Classification and Consent Trigger Points

11. The site is zoned LRZ in the Mackenzie District Plan (**MDP**) as amended by Plan Change 21, which became operative in August 2023. The site is also located within the Lake Tekapo Precinct.
12. The MDP provides specific provisions for Residential units (including Minor Residential Units) and Residential Visitor Accommodation within the LRZ. In general terms the provisions are enabling and anticipate the development of such throughout the zone, including combinations of such activities on the same site. Mr Boyes and Ms Conlon outlined the relevant aspects of the MDP in their reports and evidence and were largely aligned in their assessments.
13. Residential Units and Minor Residential Units are permitted by rules LRZ-R1 and LRZ-R2 subject to a range of development standards. Residential

¹ Minute 3

Visitor Accommodation is also permitted, subject to standards under rule LRZ-R5.

14. The MDP defines “Residential Unit” to mean:
“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.”
15. “Minor Residential Unit” and “Residential Visitor Accommodation” and “Visitor Accommodation” are defined as follows:
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.”
Residential Visitor Accommodation
“means the use of a residential unit for visitor accommodation including any residential unit used as a holiday home.”
Visitor Accommodation
“means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.”²
16. The proposal falls within the scope of the relevant defined terms above. It is clear from the structure of the rules and the definitions that in the LRZ RVA, as an activity, can be undertaken in a Residential Unit, subject to standards. For completeness I note that the proposal is not for “Commercial Visitor Accommodation”, given the definition of this term that exists in the MDP. There was no disagreement between the Planners on these matters.
17. From a compliance perspective Ms Conlon and Mr Boyes identified the following trigger points for resource consent:
- 17.1. The minor residential unit (**MRU**) exceeds 65m² in area (LRZ-R2.2) – Discretionary activity
 - 17.2. More than one residential unit is proposed to be used for RVA (LRZ-R5.1) – Discretionary activity.
 - 17.3. More than six guests (10 Guests) will be accommodated across both units (LRZ-5.3) when used as a RVA and fully occupied – Restricted Discretionary activity.
 - 17.4. The wall facing the eastern boundary of the site exceeds 20m in total length; being approximately 32m (PREC1-S3.1.a) - Restricted Discretionary activity.

² While the MDC includes a second definition of visitor accommodation which limits the duration of stay for any one visitor to no more than 3 months at any one time, this definition only applies to the Financial Contributions Chapter.

- 17.5. The proposed garage attached to residential unit is not set back at least 0.5m from the façade of the building (PREC1-S6.1) - Restricted Discretionary activity.
18. Overall, non-compliance with the standards identified above requires resource consent as a Discretionary activity. This was not in contention.
19. Mr Boyes provided a detailed compliance assessment in the s42A report³. This included an assessment of the relevant transport and earthworks rules which confirmed compliance with the rules where they applied.
20. On the issue of car parking provision, the Applicant proposes 4 on-site spaces, including two within the proposed garage. This exceeds the MDP requirement. Ms Theys raised a concern regarding the availability of parking spaces within the garage, noting a common practice in her experience is that garages in rental situations are often used for storage and are thus unavailable. In the written Reply, Ms Conlon proposed condition 5 which requires:
“The garage shall be retained for the purpose of vehicle parking and shall be available for use by occupants of the residential visitor accommodation and by the owners or residents of the property.”
21. I am satisfied that this addresses the specific concern raised by Ms Theys.

STATUTORY CONSIDERATIONS

Introduction

22. The proposal is for a Discretionary activity. Section 104(1) of the RMA sets out the matters which I must consider when assessing the proposal. It is considered that in this instance, subject to Part 2, regard shall be had to:
- *any actual and potential effects of allowing the activity (section 104(1)(a));*
 - *any relevant objectives, policies, rules, or other provisions of a regional policy statement and plan (section 104(1)(b)); and*
 - *any other matter the consent authority considers relevant...(section 104(1)(c).*
23. The relevant Plan is the MDP. My findings with respect to this document are outlined later in this decision. The relevant Regional Policy document is the Canterbury Regional Policy Statement (**CRPS**). By reference to the s42A report of Mr Boyes and the evidence of Ms Conlon, I am of the view that the

³ S42A Report paragraphs 35-56

proposal does not give rise to matters of regional significance that require any further assessment, and thus I do not consider the CRPS further.

24. Section 104(1)(c) enables me to consider any other matter relevant and reasonably necessary to determine the application. In my view this could include matters of Plan integrity and precedent. I will return to this.
25. Section 104(2) states:
When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.
26. This is commonly referred to as the “permitted baseline” argument. I propose to deal with this first.

The Permitted Baseline

27. Ms Conlon⁴ and Mr Boyes presented permitted baseline examples to assist with the consideration of effects arising from this proposal. Adopting a permitted baseline as part of the assessment enables the adverse effects of the activity on the environment to be disregarded if the MDP permits an activity with those effects.
28. Mr Boyes⁵ considered the permitted baseline argument presented in the application noting:
- 28.1. The MDP provides for a density of development in the LRZ of one unit per 400m² with no limit on the number of bedrooms or people that can occupy a site. Given the size of the site two units could be established on site without subdivision, together with minor residential units, subject to a range of built form standards.
- 28.2. Such a scenario could lead to a site occupancy density greater than that proposed in the application.
29. While that is true for a residential activity baseline, I agree with Mr Boyes when he concludes that:
“... the District Plan manages/controls residential visitor accommodation activity in response to concerns raised by the community in terms of the impacts of this activity on the residential character and amenity arising from increased use of private residencies for visitor accommodation. In the LRZ, one residential unit (being either the primary or minor unit) is permitted to be used for residential visitor accommodation for up to six guests. In my view this is the appropriate threshold beyond which the effects of this proposal should be assessed.”

⁴ Conlon evidence paragraphs 7.4-7.12

⁵ S42A Report paragraphs 72-76

30. In essence, Mr Boyes correctly argues, in my view, that the operational characteristics of an RVA, and the effects that arise from that, differ to a degree from that found in a traditional residential activity. This logic is embedded in the MDP framework and explains the reasons for the activity status applying to RVA's. Given this, I accept that it is the difference between the permitted baseline (6 guests) and the proposal (10 guests) that provides a contextual effects framework.
31. My findings on this matter are not critical to the outcome of this application. Rather, it simply signals the need to consider the effects arising from the project – which is something both planners agree on.

THE ISSUES AND FINDINGS

Introduction

The Planner's Conclusions

32. Both Ms Conlon and Mr Boyes recommended that the application be approved, subject to conditions. There was not a consensus, however, as to the scope and extent of conditions.

The Submitter

33. Ms Theys and Mr Vermuelen, supported by the legal submissions of Mr Jones, sought that the application be declined. The key concerns raised in submissions related to adverse impacts on residential character and amenity arising from⁶:
- 33.1. The 32m wall adjacent to their site boundary which would create a "large bulk form" and would impact on views from internal and outdoor spaces.
- 33.2. The significance of the non-compliance with the LRZ maximum wall length rule and departure from the outcomes sought in the Lake Tekapo Character Design Guide.
34. It was further argued that the proposed oversize MRU was a driver for the overall wall length, as this influenced site layout. To illustrate this point, several alternate site layout options were presented that reduced the overall wall length.
35. I state at this point that while I appreciate the efforts made with these alternate site layout options, they do not form part of my deliberations. Rather, I will consider the impacts and merits of the proposal as sought in the application.

⁶ Submitter hearing statement – paragraphs 13-

36. Other matters raised in submissions related to the scale and extent of landscaping (and the lack of detail associated with that), location and screening of rubbish and gas storage, and the noise and disturbance effects from users of the RVAs.

Environmental Effects (section 104(1)(a))

Introduction

37. I outlined earlier Mr Boyes' assessment of the relevant traffic and earthworks rules, noting that the assessment confirmed compliance with the rules where they applied. I also noted the condition proposed by Ms Conlon requiring that the car parking spaces in the garage be available for users. Given this, I am satisfied that any adverse transport or earthworks related effects will be acceptable and thus I do not propose to comment further on these matters.
38. I am equally satisfied that any adverse effects associated with the non-compliance⁷ with the garage rule PREC1-S6.1 are acceptable and no further mitigation is required. This conclusion is based on the assessment contained in paragraphs 90-92 of Mr Boyes' s42A report, which was not in contention.
39. This leaves me to consider the effects associated with:
- 39.1. The oversize MRU (LRZ-R2.2).
 - 39.2. The use of more than one residential unit as a RVA (LRZ-R5.1).
 - 39.3. Accommodating up to 10 guests in the RVA units (LRZ-5.3).
 - 39.4. The length of the wall facing the eastern boundary exceeding 20m in length (PREC1-S3.1.a).

Building Scale – Wall Length – Rule PREC1-S3.1.a

40. I propose to deal with this matter first, as it was the subject of much discussion at the hearing. The rule reads, in part:
- Building Scale:*
- 1. *The wall of any building shall not be greater than:*
 - a. *20m in total length; and*
 - b. *14m along a road or public space without a recess in the façade and roofline of at least 1m in depth and 2m in length.*
 - 2. ...

⁷ The proposed garage attached to residential unit is not set back at least 0.5m from the façade of the building

41. Clauses 1.b and 2 are not applicable. Clause 1.a is relevant and non-compliance with the rule requires resource consent as a restricted discretionary activity, with the matter of discretion restricted to the “*consistency with the Takapō/Lake Tekapo Character Design Guide*”
42. As has been noted previously the eastern wall and roof line (where it intersects with the building wall) facing the submitter’s property is 32m in length; some 12m longer than permitted by the MDP.
43. Mr Boyes advised that there was a formatting issue with the rule as it appears in the E-Plan version of the MDP. By reference to the Hearing Panel’s decision documents, Mr Boyes confirmed that the exception noted in clause 1.b of the rule should also apply to clause 1.a. In other words, under the Panel’s decision a wall can exceed 20m in length provided there is a “*recess in the façade and roofline*”. Following questioning, Mr Boyes, Ms Conlon and Mr Jones all agreed that the correct position, however, is to apply the version of the rule as it appears in the E-Plan, despite the translation error from the Panel’s decision. I agree that is the correct approach at this point in time, despite the Panel’s intent to allow longer walls where recesses are provided. The point of this discussion is to simply confirm that a consent is required for this particular aspect of the building design. I do note, however, that it would be appropriate for me to consider if any recess that may be provided in the design achieves an acceptable outcome. I will return to this.
44. Finally, Ms Shanks advised that the Council intends to amend the E-Plan to the correct version by way of a clause 16 amendment under Schedule 1 of the RMA.
45. Having established the above, I questioned Ms Conlon, Mr Boyes and Mr Jones on the application of the rule to the roof of the building. I pursued this line of questioning in order to determine if the roofline was a matter I need to consider. The key facts are:
- 45.1. The heading of the rule is “Building Scale”.
 - 45.2. Clause 1 of the rule (which is applicable here) refers to the “wall of any building”. It does not reference a roof or roofline and thus it does not apply to either.
 - 45.3. While I acknowledge that clause 1.b does make reference to a roofline, it was agreed by all that the rule does not apply.
46. In this case the 32m wall is recessed with a step-in-plan measuring 15.5m in length and 1.2m in depth. The roofline is not recessed where it intersects with the wall and is continuous. Mr Boyes was also of the view that there is sufficient building articulation and variety in materiality, and separation from the adjoining property, to address the adverse effects to an acceptable

level. I note for completeness that the proposed structure as a whole is below the maximum permitted height limit for the zone and complies with the recession plane rules of the MDP. Overall Mr Boyes concluded that this did not lead to a conflict with the Design Guide. Ms Conlon agreed.

47. Ms Theys summarised the concerns raised in their submission with respect to building bulk and visual impacts, and also raised concerns with respect to a loss of views they currently enjoy and a particular concern about loss of privacy. Ms Theys, and Mr Jones, provided examples of where the proposal was, in their opinions, in conflict with the design guide. On this last issue I note two matters:
- 47.1. There is no mandatory requirement to “comply” with the design guide. Rather, the purpose of the document is to “provide general guidance to inform development across the town”.
- 47.2. The same applies with the 20m wall length rule. The framework of the MDP is to enable walls to be of a greater length through assessments under the resource consent process provided appropriate outcomes can be achieved.
48. In other words, considering the merits of the proposal must be effects based. In this context, I favour the opinions of Mr Boyes and Ms Conlon. The building articulation and materiality will address the adverse building bulk and visual impacts of the proposal. While I note that Ms Conlon supplied imagery in the Applicant’s Reply, that include a recess in the roof space, that mitigation is not required in my view.
49. I have considered Ms Theys’ concerns with respect to loss of privacy. This concern comes from the eastern terrace adjoining bedrooms 1-3 in the main unit. This terrace area faces the submitters property and their outdoor areas. Maintaining privacy in a residential setting is often challenging, and not unusual, particularly when new development occurs alongside established activities, as is the case her. Overall, I am of the view that this is a matter that can be addressed via the proposed landscape conditions, although a minor amendment is required to address this particular issue.
50. Ms Theys also raised the issue of loss of views. Ms Conlon correctly advised in evidence that the MDP does not directly attempt to protect views, with some limited exceptions that are not applicable here. Rather, the MDP uses a combination of provisions that provide a building envelope that may or may not indirectly achieve view protection. In this case the proposal complies with the setback rules, recession plane rules and building height rules. In addition, I do not see a connection to view maintenance and the maximum wall length rule.

The Oversize MRU (LRZ-R2.2)

51. The MDP limits the permitted floor area of a MRU to 65m². The proposal is for a 79m² unit. Mr Boyes and Ms Conlon correctly note that the site is of sufficient size to meet the MDP density standards and accommodate two residential units. Given that the site coverage and impervious surfaces (and related height, setback and recession plane rules) are met I am satisfied that from a building bulk perspective, any adverse effects are acceptable, and no further mitigation is required. That said, I will address the issue of how the MRU may be used and the effects arising from that below.

Amenity Effects – Use of more than one residential unit as a RVA (LRZ-R5.1) and accommodating up to 10 guests in the RVA units (LRZ-5.3)

52. Ms Theys raised a number of concerns regarding the use of both units for RVA purposes linked to transport effects (which I have addressed earlier) and the amenity effects associated with having non-resident guests on site that might give rise to nuisance, annoyance and other amenity related impacts. Mr Boyes also noted the potential for impacts on residential character and the overall purpose of the LRZ and stated that the Council regularly receives complaints relating to visitor accommodation.
53. I have considered these matters within the context of the permitted baseline issue discussed above and within the framework of the consent conditions offered by the Applicant and as recommended by Mr Boyes and Mr Jones. Significant in that consideration is the proposed Visitor Accommodation Management Plan (**VAMP**) offered by the Applicant.
54. The MDP sets a framework for enabling RVA within the residential zones of the District. I use the word “enabling” deliberately, as the MDP provides a permitted and consenting pathway for such activities. While this proposal exceeds the permitted standards it is appropriate, as I have indicated earlier, to consider the effects differences between the permitted (6 guests and one RVA) and the proposal (10 guests and two RVAs). I conclude that the difference in guest numbers is not of a magnitude that would give rise to unacceptable effects, provided the appropriate management measures (conditions) are in place. Similarly, I do not consider the use of a second unit on the site for RVA purposes reaches an unacceptable threshold – the buildings and the site will retain a residential character, and will not be distinguishable from those in the immediate environment.
55. I am mindful also that the proposal, reinforced by conditions, requires that when each unit is used as a RVA, this can only occur as a group booking for each unit and cannot occur on a room-by-room basis.
56. Overall, I am satisfied that any adverse residential character and amenity effects will be acceptable, subject to appropriate mitigation measures addressed through consent conditions.

57. On this matter, Mr Boyes, Mr Jones and Ms Conlon did not agree on the scope and extent of such conditions. Ms Conlon provided several iterations of draft conditions that modified their scope, particularly with respect to landscape design and provision, and the matters covered by the VAMP.
58. With respect to the landscape related conditions, Ms Conlon proposed conditions addressing the concerns of the submitters in respect to a perceived lack of detail on where landscaping would be placed in relation to such matters as the rubbish and gas storage areas. In fairness to Ms Conlon, the conditions put forward in evidence and in the Applicant's Reply took a performance approach – which was an approach I alluded to in Minute 1. I am generally satisfied with this. As discussed at the hearing, however, there are some fundamental elements of the conditions proposed by Mr Boyes that need to be retained. Consequently, I have made some adjustments to the draft conditions recommended by Ms Conlon that bring back some of the conditions recommended by Mr Boyes.
59. A similar issue arises with the conditions relating to the VAMP. During the hearing I queried Ms Conlon as to why some of the fundamental limitations proposed in the conditions recommended by Mr Boyes had been removed. In response (and in Reply) Ms Conlon felt that such conditions were not absolutely necessary as they were already contained in the draft VAMP supplied with the Application. That said, Ms Conlon did offer some amendments to these conditions in the VAMP. As with the landscape related conditions, I have made further amendments that reflects the recommendations made by Mr Boyes.
60. At the hearing we also discussed whether the VAMP and the landscape design required certification. Ms Conlon was of the view that no such process was required, provided the wording of conditions were robust, clear and enforceable. As there are performance elements to these conditions, I do not agree with Ms Conlon's conclusions and favour the view of Mr Boyes that certification is required. It is important to ensure through the certification process that the final version of the VAMP and the design and implementation of the landscaping achieves the desired outcomes. This avoids or reduces the prospect of compliance action being required at a later stage.
61. Mr Jones offered an alternate set of conditions adding additional controls on such matters limiting the number of bed nights (180 nights), guest arrival times, a locally appointed property manager, complaints procedures and landscaping. Overall, I consider that the suggested level of amendment is not required given the scope and scale of this proposal. That said, much of what Mr Jones is seeking is already captured in the versions of the conditions I have from Ms Conlon and Mr Boyes.

Cumulative Effects

62. As the proposal exceeds the permitted 6-person occupancy and as two units are to be used for RVA purposes it is appropriate to consider the potential for cumulative effects to arise. When considering this I acknowledge the evidence I have received that indicates there are several existing RVA's within the immediate area of the application site.
63. Given the general scale of this proposal, the preceding effects discussions, and the range of mitigation measures being proposed, any such adverse effects would be acceptable. Consequently, any resultant cumulative effects are of a similar scale and outcome. This largely due to the approach taken in the MDP to enabling RVA activities as permitted, restricted discretionary and discretionary activities.

Overall Effects Conclusions

64. Overall, from the evidence and statements I have received, and following my conclusions above, I have formed the view that any adverse effects associated with this proposal will be acceptable subject to a range of conditions.

District Plan Objectives and Policies (section 104(1)(b))

65. Mr Boyes provided a detailed assessment of the relevant MDP objectives and policies. This included the Strategic Directions, LRZ, Lake Tekapo Precinct, Transport and Lighting Chapters. Mr Boyes concluded that the proposal was consistent with the outcomes sought in the policy framework. Ms Conlon agreed.
66. In each case the objectives and policies largely seek acceptable effects outcomes. Given the assessments of Mr Boyes and Ms Conlon, my findings above, and the generally permissive approach of the MDP (both in terms of residential density and permitted RVA's) I agree with their conclusions. In particular the scale and built form of the proposal, and the activities proposed, are not out of character with what is anticipated in the zone. My findings are, of course, also influenced by the draft conditions developed by Ms Conlon and Mr Boyes.
67. I do note, however, that Mr Jones, in legal submissions, presented a different view. Specifically, with respect to the non-compliance with the 20m wall length rule, Mr Jones considered that the proposal was inconsistent with:
- 67.1. PREC1-P1 which seeks to *control the scale, appearance and location of buildings to ensure that:*

1. *the built form character of the Township is maintained and enhanced;*
2. *development is integrated with the landscape setting, including the topography, landform, and views to and from the area;*
3. *key viewshafts within and through land on the south side of State Highway 8 are protected, and accessibility to the Domain and lake are maintained; and ...*

67.2. LRZ-O2 which reads:

The Low Density Residential Zone is a desirable suburban living environment, which:

1. *contains predominantly one to two story detached residential units; and*
2. *provides on-site amenity and maintains the suburban character and amenity values of adjacent sites.*

67.3. LRZ-P6 which reads:

Manage development within the Low Density Residential Zone to ensure:

1. *built form is of a scale and design that is compatible with the character, amenity values and purpose of the zone;*

68. Ms Conlon correctly noted that the reference in the legal submissions of Mr Jones to view protection (PREC1-P1) was taken out of context and was not applicable to this site and application, as I have noted before. In other respects, I have previously formed conclusions in relation to the amenity and character outcomes of this proposal. Given this, I favour the planning evidence of Ms Conlon and Mr Boyes.

Other Matters (Section 104(1)(c))

69. I am mindful that if this consent is granted, arguments of equivalent treatment may be raised by other applicants. The issue of precedent and consistent Plan administration is a matter that I must consider.

70. If precedent arguments were to be successful, then it raises questions of Plan integrity. Clearly it is not possible to quantify the likelihood of such occurrences and to do so would be pure speculation. That aside, any such application would need to be considered on its individual merits and on a case-by-case basis.

71. I accept that no two applications are ever likely to be exactly the same, but there may of course be similarities. Should that situation arise, there is the prospect that the way one application has been processed may well influence the processing of another and ultimately the outcome itself.

72. Overall, I do not consider that this proposal gives rise to Plan integrity or precedent issues. I say this because of:
- 72.1. The overall activity status and permissive nature of the MDP provisions.
 - 72.2. The overall effects and policy conclusions, which are application and site specific and not automatically transferable to other locations or proposals.
 - 72.3. The particular nature of this proposal and the conditions that have been offered.

PART 2 OF THE RMA AND DETERMINATION

73. The extent to which I need to complete an overall assessment of the proposal under Part 2 of the RMA is influenced by a consideration of whether the MDP provisions are coherent and achieve clear environmental outcomes, and in themselves achieve the purpose and principles of the RMA. The MDP provisions subject to this consent application are recent and I did not hear any evidence that identified any areas which would lead me to consider Part 2 as such. It could be argued that the issues that have arisen from my enquiry into the application of the maximum wall length rule could lead me to revert to Part 2. Overall, I do not consider that to be the case. The assessment completed by the Planners and my deliberations have come from a cautious perspective and, by this, I mean one where it was agreed by all that the exception rule that was intended to apply, did not at this point. As a result, the issues surrounding that particular matter were considered on merit.
74. That said I note that Mr Boyes and Ms Conlon did, out of an abundance of caution consider Part 2 and concluded that the proposal would achieve the purpose and principles of the RMA, subject to appropriate conditions. I agree with that assessment and thus do not propose to comment further.
75. Given all the above I consider that the proposal will achieve the purpose and principles of the RMA and that the consent can be granted, subject to conditions, as detailed in **Attachment A**.

DECISION

Pursuant to sections 104, 104B and 108 of the Resource Management Act land use consent RM250060 is granted for the discretionary activity application of Huang and Warburton to establish and operate visitor accommodation for up to ten guests within a proposed residential unit and minor residential unit on a site

located at 11 Rodman Lane, Tekapo, subject to the conditions included in Attachment A

Dated at Christchurch this 27th day of May 2026



**Darryl Millar
Commissioner**