

**HEARING REPORT ON APPLICATION RM250060  
PURSUANT TO SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991**

Applicant:	Scott Warburton, Jinlian and Bingqiang Huang
Application Description:	Land use consent to establish residential visitor accommodation for up to ten guests within a proposed residential unit and minor residential unit.
Application Status:	Discretionary
Property Address:	11 Rodman Lane, Lake Takapō/Tekapo
Legal Description:	Lot 11 DP 518782 (RT 822055)
Valuation Reference:	2531104159
District Plan Zone:	Low Density Residential
District Plan Notations:	Takapō/Lake Tekapo Precinct Flight Protection Area Tekapo
Notification:	Limited Notified
Submissions:	1 received opposing
Author:	Nick Boyes – Consultant Planner
Date of Report:	24 March 2026
Recommendation:	Approve subject to conditions

## **INTRODUCTION**

### **REPORT PURPOSE**

1. This planning report has been prepared on behalf of the Mackenzie District Council (the Council/MDC) in accordance with section 42A of the Resource Management Act 1991 (RMA). It follows an earlier Notification Report prepared pursuant to sections 95A to F of the RMA (dated 13 October 2025).
2. This report assesses the relevant statutory requirements pursuant to sections 104, 104B and 108 of the RMA. The purpose of this section 42A report is to assist the Commissioner acting under Council delegation. It should be noted that the recommendations made in this report are made at the time of writing with the information available. The recommendations herein are in no way binding and it should not be assumed that the Commissioner will reach the same conclusions having assessed the application documentation and received further evidence from the submitter.

### **QUALIFICATIONS AND EXPERIENCE**

3. My name is Nicholas (Nick) Boyes. I am an independent planning consultant, having been self-employed for four years (Core Planning and Property Ltd). I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University

(1999). I have 27 years' planning experience, which includes working in both local government and the private sector. My experience includes district plan development and preparing and processing resource consent applications and notices of requirement for territorial authorities and private clients. I have recently been involved in the Mackenzie District Plan Review (author and reporting officer on PC23 (General Rural and Natural Features and Landscapes) and PC30 (Airport and Glentanner Special Purpose Zones) and also undertook the role of Acting Planning Manager at the Mackenzie District Council from July to November 2024. On that basis I am familiar with the Mackenzie District and the relevant planning provisions.

4. Although this is not an Environment Court Hearing, I have read the Code of Conduct for Expert Witnesses (contained in the Environment Court Practice Note 2023) and agree to comply with it. Except where I state I rely on the technical advice of another person, I confirm that the issues addressed in these comments are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
5. I am familiar with Lake Takapō/Tekapo having visited many times. A site visit was undertaken to observe the application site and surroundings on 31 July 2025.

#### **SCOPE OF ASSESSMENT**

6. This report acts as an audit of the consent application, various supporting information and the submission lodged on the application resulting from the limited notification.
7. The application was prepared by Ms Gemma Conlon of Perspective Consulting Ltd and lodged with the Council in June/July 2025.
8. In undertaking this assessment the following documents have been reviewed:
  - a) Resource Consent Application and Environmental Effects Assessment (AEE). Prepared by Perspective Consulting Ltd, dated 30 June 2025, including Appendix 3: Visitor Accommodation Management Plan;
  - b) The written approvals provided from the owners of the sites at 9 and 20 Rodman Lane.
  - c) The MDC Notification Report (dated 13 October 2025);
  - d) The submission received from Catherine Theys and Geert Kurmi Vermeulen, the owners of the adjoining site at 13 Rodman Lane; and
  - e) The Independent Commissioner Decision on RM240141 for a similar activity on the site at 3 Andrew Don Drive, Takapō/Tekapo.

#### **PROPOSAL, SITE & HISTORY DESCRIPTION**

##### **DESCRIPTION OF THE PROPOSED ACTIVITY**

9. The proposed activity is described in detail within the Assessment of Environmental Effects (AEE) accompanying the application (see Section 3 of the AEE). This description is adopted for the purpose of this report. Therefore a brief summary, as was included in the Notification Report, is set out below.
10. Scott Warburton, Jinlian and Bingqiang Huang (the Applicants) seek resource consent to enable the use of a proposed residential unit and minor residential unit<sup>1</sup> to be used for visitor accommodation for a maximum of ten guests. The AEE states that the combined residential

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<sup>1</sup> Please note that the application AEE refers to this as a 'residential flat'; however, there is not a term defined or used in the District Plan, the proposed unit is considered to be a minor residential unit as defined in the District Plan.

unit and minor residential unit can comfortably accommodate ten people, with six in the main three-bedroom unit and four in the minor residential unit.

11. The application plans include the following floor areas for the built form making up the application:
  - a) residential unit (3 bedrooms): 156.52m<sup>2</sup>
  - b) minor residential unit (2 bedrooms): 79.20m<sup>2</sup>
  - c) garage (double): 38.87m<sup>2</sup>
12. The total floor area (as measured over framing lines) is some 274.59m<sup>2</sup>, which results in a site coverage of 27.51% of the 998m<sup>2</sup> application site.
13. The total impervious coverage, including outside decks and driveway equates to 418.84m<sup>2</sup> or 41.97% of the site. The driveway provides sufficient space to park another two vehicles within the site (in addition to the double garage attached to the residential unit).
14. The application notes that depending on market demand, the residential unit or minor unit may be rented to a long-term tenant. Otherwise, as the application describes the proposed use as “*part-time residential visitor accommodation use*”. For the remainder of the time the residential unit and minor unit will be used for the owner’s personal use when they visit Takapō/Tekapo, for friends/family when visiting Takapō/Tekapo (non-fee paying), or potentially rented to tenants for longer periods of time, e.g., seasonal workers.
15. The proposal includes a Visitor Accommodation Management Plan (VAMP) (included as Appendix 3 to the AEE). In summary, the VAMP outlines measures for the property manager to implement including:
  - ensuring the number of guests does not exceed ten;
  - 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; and
  - a complaints procedure.

## DESCRIPTION OF THE SITE AND AFFECTED ENVIRONMENT

16. The proposed activity is described in detail within the Assessment of Environmental Effects (AEE) accompanying the application (see Section 2 of the AEE). This description is adopted for the purpose of this report. A brief summary, as was included in the Notification Report, is set out below.
17. The subject site is located at 11 Rodman Lane, Lake Takapō/Tekapo (see **Figure 1** below). The site is situated approximately 700m south from Takapō/Tekapo town centre. The site is legally described as Lot 11 Deposited Plan 518782 held in Record of Title 822055 and comprising an area of 998m<sup>2</sup>. An aerial photo of the site is included in **Figure 2** below.
18. Consent Notice 11037804.7 is registered against the Record of Title and relates to stormwater discharge complying with the existing regional discharge consent in place. This is not otherwise relevant to the consideration of this application.
19. The site is currently vacant, and the AEE notes that building consent is being sought concurrently for the Applicant’s new holiday home. Site and building plans were provided with the application. It is noted that the building consent (BC) for this project was considered by the Council’s building department as a residential rather than visitor accommodation project, based on the information supplied in the BC application. The building department

have subsequently requested that it be flagged to the Applicant that they may now be facing the need to apply for a change in use and amendment to their BC given how it was assessed given the information provided.



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



Figure 2: Site at 11 Rodman Lane (Source: MDC GIS)

## CONSENT HISTORY

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

## MACKENZIE DISTRICT PLAN

### District Plan Review

21. The Mackenzie District Plan (MDP) was made Operative in 2004 and is in the final stages of being reviewed. Stages 1 and 2 of the District Plan Review (Plan Changes 20 and 21) were made operative on 29 August 2023, and included provisions relating to Strategic Directions, Spatial Plan Implementation and Lighting. Stage 3 of the Review included PC27 and provisions relating to Earthworks (EW) and Transport (TRAN). The Council's decisions on submissions on Stage 3 were notified on 5 August 2024, with appeals lodged by a number of parties. None of those appeals related to the above provisions and do not otherwise affect the consideration of this application. Stage 4, including PC28 relating to Natural Hazards, was publicly notified on 5 November 2024. None of those provisions affect the application site.
22. The subject application was lodged in June 2025 and on that basis it is the (now operative) provisions applying to the Low Density Residential Zone (LRZ) introduced by PC21 that are of primary concern in the consideration of this application.

### Zoning/Overlays

23. The subject site is zoned Low Density Residential (LRZ) within the Mackenzie District Plan (the District Plan) as amended by PC21.
24. The subject site is also located within the Lake Takapō/Tekapo Precinct (PREC1) and the Flight Protection Area (Tekapo).

### Activity Type

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

***Residential Visitor Accommodation:***

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

***Commercial Visitor Accommodation:***

*Means land and buildings used for any form of visitor accommodation that is not defined as residential visitor accommodation, including:*

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

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

27. A residential unit is defined in the District Plan as:

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

28. A minor residential unit is defined as:
- 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.*
29. On that basis the two aspects of the built form are considered to fall within the respective definitions above; and both are proposed to be used for residential visitor accommodation purposes.
30. The Council has previously sought legal advice as to the interpretation of the definition of ‘residential visitor accommodation’ as opposed to ‘commercial accommodation’. That advice recognised that there is some room for differing interpretations, but overall it considered that air BnB type situations do fall within the definition of ‘residential visitor accommodation’. That advice stated that position to be the “*more correct and valid interpretation of the current provisions*”.
31. A key aspect of the residential visitor accommodation definition is one group of people using the property for residential purposes at any one time; this is in order to address that part of the residential unit definition that states “*a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities*”. The dictionary defines this as “*occupants regarded as a unit*”. Where a residential unit is set up for living by a ‘unit’ of occupants, i.e., one group all together to use the facilities such as a family or a group all together, this qualifies as a living facility for a household. This can be distinguished from buildings where there is communal living and shared facilities such as a hostel, bunk room or the like.
32. In that way each household that stays on a property is using it exclusively for a residential activity. The legal advice clarified that this does not require there to be a household that resides at the property permanently, previously, or on a long term basis. The advice was that the definition be interpreted as at today, effectively by asking is the activity of one household staying on a property to sleep, cook, wash etc.
33. Based on this advice, and the physical design and layout of the proposed residential unit and minor residential unit being the subject of this application; the proposal is considered to meet the definition of residential visitor accommodation activity as it will occur within a residential unit as opposed to formal commercial visitor accommodation activity.
34. It is noted that in order to ensure that scenario described above is preserved, it is recommended that a condition be imposed on any consent granted to ensure that the property is rented to only one group or party of people at a time.

### **Application Compliance Assessment**

35. The application AEE included a brief compliance assessment of the rules contained in the District Plan, stating that consent is required on the following basis:
- A **Discretionary** activity resource consent is required under Rule **LRZ-R5.1** as more than one residential unit on a site is proposed to be used for residential visitor accommodation (RVA), which includes a minor residential unit.
  - A **Restricted Discretionary** activity resource consent is required under Rule **LRZ-R5.3** as Rule **LRZ-R5.2** specifies a maximum occupancy of six guests per night, which the proposal exceeds as it is proposed to cater for up to ten guests.
  - A **Restricted Discretionary** activity resource consent is required under Rule **PREC1-S3.1** which specifies the wall of any building shall not be greater than 20m in total length. The proposed building has a length of 32m adjacent to the eastern boundary.

- A **Restricted Discretionary** activity resource consent is required under Rule **PREC1-S6.1** which specifies any garage attached to the primary building shall be set back at least 0.5m from the façade of the building fronting a road or public space.
36. The only area of minor disagreement with the compliance assessment included in application relates to the size of the minor residential unit, as set out in more detail below.

### **Residential Visitor Accommodation**

37. The use of the application site for residential visitor accommodation is managed under **LRZ-R5**. This rule permits residential visitor accommodation 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.*
38. The application proposes that up to 10 guests are accommodated on the site per night in both the residential and minor residential unit; and therefore does not comply with either of these rule requirements.
39. The District Plan sets out that where **LRZ-R5.1** is not complied with the activity status shall be **discretionary**.
40. **LRZ-R5.3** sets out that where *“The maximum occupancy of a residential unit used for residential visitor accommodation exceeds six guests but does not exceed 12 guests per night”* the activity status shall be **restricted discretionary**.
41. Matters of discretion are restricted to:
- a) *The location, design and appearance of buildings on the site.*
  - b) *The traffic impacts including the provision of adequate onsite parking.*
  - c) *Effects on amenity values of adjoining residential sites including noise.*
  - d) *The adequacy of any mitigation measures.*

### **Compliance with Built Form Standards**

42. Rule **LRZ-R1** permits residential units in the LRZ where they comply with the standards set out in **LRZ-S1 to S7** (as assessed further below).
43. **LRZ-R2** permits minor residential units where:
- a) *There is a maximum of one minor residential unit per site;*
  - b) *The maximum gross floor area of the minor residential unit is 65m<sup>2</sup> excluding garaging; and*
  - c) *The minor residential unit is ancillary to or for the purpose of residential activity.*
44. In this instance the single minor residential unit proposed exceeds 65m<sup>2</sup> and is therefore a **discretionary** activity pursuant to **LRZ-R2**. However, it is noted that in this case this is a technical non-compliance given the site size being greater than 800m<sup>2</sup> and that as a result two residential units are permitted on the site in any case. As described above, the proposed use of the minor residential unit, including that for residential visitor accommodation, is ancillary to the purpose of residential activity and is permitted at a density of one per site.

#### ***Built Form Standards***

45. An assessment of the proposal against the built form standards set out in **LRZ-S1 to S7** is set out in **Table 1** below.

<b>Standard</b>	<b>Proposal</b>	<b>Status</b>
<p><b>LRZ-S1 Density</b></p> <p>The minimum site area per residential unit is 400m<sup>2</sup>. (This standard does not apply to minor residential units).</p>	The site is 998m <sup>2</sup>	<b>Complies</b>
<p><b>LRZ-S2 Height</b></p> <p>The maximum height of any building or structure shall not exceed 8m above ground level.</p>	The proposed built form is single storey.	<b>Complies</b>
<p><b>LRZ-S3 Height in Relation to Boundary</b></p> <p>Any building or structure shall comply with the Height in Relation to Boundary requirements in APP1.</p>	Recession planes are indicated on proposal plan Sheet A2.1 and comply.	<b>Complies – see also PREC1-S4 Height</b>
<p><b>LRZ-S4 Setbacks</b></p> <ol style="list-style-type: none"> <li>Any building or structure, excluding ancillary structures, shall be setback a minimum of 2m from any road, shared accessway or reserve.</li> <li>Any building or structure, excluding ancillary structures, shall be setback a minimum of 2m from any internal boundary.</li> </ol>	<ol style="list-style-type: none"> <li>The proposed residential unit and minor residential unit comply with the road boundary setback.</li> <li>The proposed residential unit and minor residential unit comply with the internal boundary setback. Note that the deck of the proposed minor residential unit is considered to be an ancillary structure and therefore excluded from the setback requirements.</li> </ol>	<b>Complies</b>
<p><b>LRZ-S5 Coverage</b></p> <ol style="list-style-type: none"> <li>The maximum building coverage of any site shall not exceed 40%.</li> <li>The maximum building and impervious coverage of any site shall not exceed 50%.</li> </ol>	<ol style="list-style-type: none"> <li>The building site coverage is 27.51%.</li> <li>The total building and impervious coverage is 41.97%.</li> </ol>	<b>Complies</b>
<p><b>LRZ-S6 Ridgeline</b></p> <p>Only applies within Specific Control Area 5.</p>	N/A	<b>N/A</b> – but note that the buildings will all connect to the Council’s reticulated services.
<p><b>LRZ-S7 Servicing</b></p> <p>Only applies within Low Density Residential Zone in Kimbell and Albury.</p>	N/A	<b>N/A</b>

**Table 1: Proposal Compliance with LRZ Standards**

46. As noted above, the application site is also located within the Takapō/Lake Tekapo Precinct.
47. The District Plan states that this area is considered to have special character, derived from its landscape setting and the nature of built form which has been developed in the town over time providing a distinctive identity. As a result, the additional controls on built form applicable within the Precinct are intended to ensure that development is sympathetic to the character of the town and the surrounding landscape.
48. For activities within the Precinct, the provisions of both the Precinct and underlying zone apply. If the Zone chapter and Precinct chapter contain a rule or standard managing the same aspect (e.g., a height standard), the applicable rule or standard in the Precinct applies and the equivalent rule in the underlying zone does not apply. As such all buildings and structures are only permitted (under **PREC1-R1**) where the built form complies with **PREC1-S1** to **PREC1-S8** in addition to the above zone standards. An assessment of these **PREC1** standards is set out in **Table 2** below:

Standard	Proposal	Status
<p><b>PREC1-S1 Materials and Colours</b></p> <p>1. The exterior cladding of any building shall only comprise the following materials, with a minimum of at least two of these materials:</p> <ul style="list-style-type: none"> <li>a) natural unpainted or stained weatherboards and similar cladding materials (such as timber and board and batten);</li> <li>b) painted plaster style materials;</li> <li>c) alluvial stone (moraine and river stone);</li> <li>d) painted or weathering steel (including Colorsteel and Cortern); or</li> <li>e) cob (adobe blocks or rammed earth).</li> </ul> <p>2. Roof materials shall not include tiles.</p> <p>3. All painted cladding shall be coloured in the range of browns, greens, greys or black, with a light reflectivity value between 5% and 35%.</p> <p>4. Except that 1.-3. above shall only apply in the Large Format Retail Zone and General Industrial</p>	<p>The proposal includes Colorsteel 'Matt Flaxpod' spanlok wall cladding having an LRV of 7%; and</p> <p>Viblock Stack bond concrete masonry block veneer wall cladding system coloured 'Honed Charcoal' with an LVR of 10% (approx.).</p>	<p><b>Complies</b></p>

Zone to building facades which front a road or other public space.		
<p><b>PREC1-S2 Roofs</b></p> <p>1. Primary roof forms shall have:</p> <p>a) a flat or monopitch roof angle up to 20 degrees; or</p> <p>b) a gable of between 20 – 65 degrees.</p> <p>2. Secondary roof forms (e.g. linking structures, lean-tos, verandahs, accessory buildings and garages) shall be the equivalent or lower in pitch and not project above the primary roof form.</p>	<p>The primary roof is some 6 degrees.</p> <p>The pitch of the entry area is of an equivalent pitch and does not project above the primary roof structure.</p>	<b>Complies</b>
<p><b>PREC1-S3 Building Scale</b></p> <p>1. The wall of any building shall not be greater than:</p> <p>a) 20m in total length; and</p> <p>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.</p> <p>2. There shall be a minimum separation distance between any buildings on a site of no less than 2m.</p>	<p>The proposed building has a length of 32m adjacent to the eastern boundary.</p> <p>It should be noted that there appears to be a formatting issue with this provision as it is included within the E-Plan. The second part of b), being <i>“without a recess in the façade and roofline of at least 1m in depth and 2m in length”</i> should apply to both a) and b).</p> <p>It should be noted that in this case it does not make any difference to the assessment of the proposal because whilst a recess is included in the building wall façade, the proposed roofline is continuous, i.e., without any step in the plan.</p>	<b>Does not Comply</b>
<p><b>PREC1-S4 Height (Outside Specific Control Area)</b></p> <p>The maximum height of any building or structure shall not exceed 7.5m above ground level, except a gable roof may exceed the maximum height by no more than 1m.</p>	The proposed built form is single storey.	<b>Complies</b>
<p><b>PREC1-S5 No Build Areas</b></p> <p>No building or structure shall be located within an identified No Build Area.</p>	The application site is not within a no build area.	<b>Complies</b>

<p><b>PREC1-S6 Garages</b></p> <p>1. Any garage attached to the primary building shall be set back at least 0.5m from the façade of the building fronting a road or public space.</p> <p>2. Any detached garage shall be set back at least 2m from any residential unit.</p>	<p>The proposed garage is forward of the front facade.</p>	<p><b>Does not Comply</b></p>
<p><b>PREC1-S7 Fences</b></p> <p>No fence along the road frontage, or other public space, shall be located closer to the road or public space than the primary building facade.</p>	<p>No fences are indicated on the application plans. Otherwise the AEE is silent on this matter.</p>	<p><b>Complies</b></p>
<p><b>PREC1-S8 Retaining Walls and Level Changes</b></p> <p>1. Any retaining wall fronting a road or public space shall be a maximum of 1m in height and be of natural materials or cladding (e.g. timber, moraine / river stone and steel) with a minimum terraced step or embankment of 500mm between retaining walls.</p> <p>2. Any embankment or bund shall be no steeper than 1:3 (33%) with bunding no higher than 1.2m above road level at the road boundary.</p>	<p>No retaining walls or level changes are proposed on the application plans. Otherwise the AEE is silent on this matter.</p>	<p><b>Complies</b></p>

**Table 2: Proposal Compliance with PREC1 Standards**

49. The District Plan sets out that where compliance with the PREC1 standards as set out in Table 2 above is not achieved; the activity status shall be **restricted discretionary**. In the case of the non-compliances identified above, the Council’s discretion is restricted to:

*The consistency of the proposal with the Takapō / Lake Tekapo Character Design Guide contained in Appendix APP2.*

### Transport and Earthworks

50. No assessment of the proposal against the transport or earthworks provisions was included in the AEE. An assessment was set out in the Notification Report so is not repeated in detail here. In summary, **TRAN-R5** sets out that the relevant standards for ‘Parking, Manoeuvring, and Loading Areas Associated with a Residential Activity’ are as set out in:
- a) **TRAN-S1** ‘Minimum Parking Space Requirements’;
  - b) **TRAN-S2** ‘Size of Parking Spaces’;
  - c) **TRAN-S4** ‘Reverse Manoeuvring’;
  - d) **TRAN-S7** ‘Surface and Drainage of Parking and Loading Areas’; and
  - e) **TRAN-S8** ‘Landscaping’.

51. Having assessed those standards, the proposal either complies (**TRAN-S1** 'Minimum Parking Space Requirements', **TRAN-S2** 'Size of Parking Spaces' and **TRAN-S7** 'Surface and Drainage of Parking and Loading Areas'; or does not meet the threshold by which the standard applies (**TRAN-S4** 'Reverse Manoeuvring' and **TRAN-S8** 'Landscaping').
52. In terms of earthworks, **EW-R2** sets out that earthworks subject to a building consent that comply with the **EW-S4** 'Accidental Discovery Protocol' and **EW-S6** 'Proximity to the National Grid' are permitted. In that regard it is noted that the proposed built form will be the subject of a Building Consent, an accidental discovery protocol can be included as a condition on any consent granted and that no National Grid infrastructure is located in the proximity of the application site.
53. Any earthworks undertaken on the site falling outside the scope of any Building Consent to form driveways, gardens etc are considered to comply with the 1,500m<sup>3</sup> volume and 2,500m<sup>2</sup> area limits applying within any 12 month period as set out in **EW-R3**. On that basis it is considered that earthworks associated with the proposed activity are similarly **permitted**.

### Compliance Assessment Summary

54. Based on the assessment above, the proposal does not comply with the following District Plan requirements:
  - a) **LRZ-R2** – as the minor residential unit exceeds 65m<sup>2</sup> in floor area;
  - b) **LRZ-R5.1** - as more than one residential unit on a site is proposed to be used for residential visitor accommodation;
  - c) **LRZR5.3** - as it is proposed to cater for up to ten guests at a time;
  - d) **PREC1-S3.1** – the proposed residential unit has a length of 32m adjacent to the eastern boundary;
  - e) **PREC1-S6.1** – the garage attached to the residential unit is not set back at least 0.5m from the façade of the building fronting a road or public space.
55. Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, my understanding of the general principle established from case law is that the different components should be bundled and the most restrictive activity classification applied.
56. On that basis the proposal for which resource consent is sought has been assessed as a **discretionary** activity.

### NATIONAL ENVIRONMENTAL STANDARDS (NES) (section 104(1)(b)(i))

57. There are no National Environmental Standards currently in effect of particular relevance to this application. In coming to that conclusion it is noted that the application site was created by recent subdivision where such matters would have been addressed and is not otherwise listed as a HAIL site on the Environment Canterbury Listed Land Use Register. On that basis the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 is not considered relevant to the assessment of this application.

### NOTIFICATION/SUBMISSIONS

58. As set out in the earlier Notification Report, the properties at 3 Andrew Don Drive and 13 Rodman Lane, Lake Takapō/Tekapo where identified as affected and the application was limited notified on that basis.

59. At the close of the submission period a submission from Catherine Theys and Geert Kurmi Vermeulen, being the owners and occupiers of the adjoining site to the east of the application site at 13 Rodman Lane, was received opposing the application. The location of the submitters property is indicated on the aerial photograph included as **Figure 3** below.
60. The submission states that in its present form, the application will generate adverse effects on the submitters property and the wider residential environment that are more than minor and that cannot be adequately avoided, remedied, or mitigated.
61. In particular, the matters of concern set out therein are:
- a) The 32m wall length along the submitters boundary creates a large bulk form and significantly impacts the views from living areas and from outdoor living areas on the submitters property. The submitters consider that there are alternative designs that would retain access to views and sunlight, but would also substantially reduce the impact on their property. Importantly, the submitters note that the proposed built form directly conflicts with the outcomes sought by Appendix APP2 – Takapō/Lake Tekapo Character and Medium Density Residential Design Guide.
  - b) Oversize second residential unit further increases the effects of the bulk on the submitters site.
  - c) There is no current plan for rubbish bin storage and landscaping, both of which are critical to the amenity of the submitters property as a restrictive covenant prevents fencing between the sections. The submitters disagree with the Council Notification Report that sufficient information has been provided on both the landscaping and rubbish storage points and note that these are both potential mitigation measures which will have real impacts on their property.
  - d) The submitters consider the proposal represents a permanent set-up designed to cater for ten people. There are no proposed limits as to the frequency with which the house would host that many people. The increased intensity is therefore a relevant factor, both on its own and cumulatively in the neighbourhood. By seeking to almost double the permitted capacity and extend commercial activity across two units, the Applicant inherently increases:
    - Noise, as larger groups will be attracted to the listing;
    - Parking demand;
    - Occupation intensity;
    - Frequency of guest turnover;
    - Cumulative disturbance.
  - e) The submitters consider that the nuances of how a short-term rental operates have been missed by the Council in its notification assessment where it concludes any parking issues will be less than minor.
62. The submitters seek that the application is declined, on the basis that adverse effects cannot be mitigated to an acceptable level. The relevant matters raised in the submissions are further considered in the assessment of environmental effects set out later in this report.
63. It should be noted that matters relating to the Building Act are outside the scope of this RMA process. As noted above, the Council's building department has already requested that it be flagged to the Applicant that they may now be facing the need to apply for a change in use amendment to their existing BC given that it was previously assessed based on the information contained therein (which did not include use for visitor accommodation).

## STATUTORY CONSIDERATIONS

### Section 104

64. Section 104(1) of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:
- (a) *Any actual or potential effects on the environment of allowing the activity;*
  - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
  - (b) *The relevant objectives, policies, rules and other provisions of the District Plan;*  
*and*
  - (c) *Any other matter that the Council considers relevant and reasonably necessary to determine the application.*
65. Section 104(2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard any adverse effects of the activity on the environment if the District Plan permits an activity with those effects.
66. Under section 104B of the RMA the Council may grant or refuse an application for a non-complying activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.

### Part 2 RMA

67. Reference to Part 2 when considering a resource consent should not be necessary if the applicable plan/s have been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes. In the context of this application, it is considered that the relevant plans (both operative and those introduced through plan changes) have been competently prepared and those provisions are coherent and comprehensive. Therefore there is no need to go beyond the relevant provisions and specifically assess Part 2 in making a decision. Notwithstanding, the relevant provisions of Part 2 are set out below for completeness.
68. Part 2 of the RMA sets out the purpose and principles of the Act, being “*to promote the sustainable management of natural and physical resources*” which is defined to mean:
- 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 wellbeing 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.*
69. Any assessment is informed by reference to the matters set out in sections 6, 7 and 8 of the RMA. Section 6 sets out matters of national importance, no matters of national importance are relevant to the consideration of this application. Section 7 requires particular regard to be had to ‘other matters.’ Of relevance to this application are:
- (b) *the efficient use and development of natural and physical resources;*
  - (c) *the maintenance and enhancement of amenity values;*
  - (f) *maintenance and enhancement of the quality of the environment; and*

70. Section 8 requires the principles of the Treaty of Waitangi to be taken into account.

#### **ASSESSMENT OF EFFECTS (SECTION 104(1)(A))**

71. As a fully discretionary activity, the Council is able to consider any matters it considers reasonable and necessary to undertake an assessment of the environmental effects of the proposed activity. Notwithstanding, matters to which Council has limited its discretion in terms of the residential visitor accommodation rule (**LRZ-R5**) and the consistency of the proposal with the Takapō/Lake Tekapo Character Design Guide are considered a useful guide to the relevant environmental effects considerations.

#### **Permitted Baseline (section 104(2))**

72. A consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or plan permits an activity with that effect. This is termed the 'permitted baseline'.
73. The AEE submitted with the application notes that the combined residential unit and minor residential unit have five bedrooms and can accommodate ten people. It sets out that the District Plan does not limit the amount of people per residential unit and therefore it could theoretically accommodate more. Therefore, the Applicant sets out that as a residential activity, the residential unit and minor residential unit could be occupied by ten or more tenants or residents on a permanent or semi-permanent basis as a permitted activity.
74. The AEE sets out *"it is therefore reasonable to apply the permitted baseline as it relates to the proposal. This has two components. First, accepting that the assessment with regards to visitor accommodation should only focus on the four additional people being accommodated on site. Second, that the effects associated with the additional four people will be similar in character, intensity and scale to a proposal that accommodates ten people on site whether permanently or as tenants. 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"*.
75. In that context it is also noteworthy that the District Plan provides for a density of one residential unit per 400m<sup>2</sup> in the LRZ in Takapō/Tekapo. Given the size of the site this would allow for the site to include 2 residential units (subject to compliance with all other standards). Minor residential units are permitted at a rate of one per site.
76. Notwithstanding this residential activity baseline, 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 residences 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.

#### **Trade Competition (section 104(3)(a)(i))**

77. It is considered that no matters of trade competition arise in relation to the proposed development and the nature of the submissions received.

#### **Written Approvals (section 104(3)(a)(ii))**

78. The consent authority must not consider any effect on a person who has given written approval to the application.

79. The application includes the written approval of two immediately adjoining landowners of the sites at:
- 9 Rodman Lane – Darryl Crichton
  - 20 Rodman Lane – Ning Cai
80. The location of these properties is shown on **Figure 3** below.



**Figure 3: Aerial Photograph showing written approvals obtained (green tick) and submitter property.**

### Receiving Environment

81. It is my understanding that in assessing the effects of a resource consent applications, the consent authority is required to determine the relevant receiving environment. This must include a determination of what form the environment might take in the future having regard to:
- a) The existing environment and associated effects from lawfully established activities;
  - b) Effects from any consents on the subject site ( not impacted by proposal) that are likely to be implemented;
  - c) The existing environment as modified by any existing implemented and unimplemented resource consents reasonably likely to be given effect to; and
  - d) The environment as likely to be modified by activities permitted in the District Plan.
82. For adjacent land, the existing and reasonably foreseeable receiving environment comprises residential development of residential sites within the LRZ in accordance with the District Plan. This being a residential unit at a density of one per 400m<sup>2</sup>; and one minor residential unit per site.
83. Otherwise, it is noted that there is a high incidence of consented residential visitor accommodation within the surrounding environment, including the following properties:

- a) **6 Jimmys Lane** – Resource consent RM240030 approved to use an existing four-bedroom dwelling for visitor accommodation activities for up to 10 guests per night.
- b) **8 Jimmys Lane** – Resource consent RM240029 approved to use an existing four-bedroom dwelling for visitor accommodation activities for up to 10 guests per night.
- c) **27 Coulson Lane** – Resource consent RM240014 approved to use one three-bedroom unit and one two-bedroom minor use for residential activities, as well as one five-bedroom unit for residential visitor accommodation activities for up to 12 guests per night.
- d) **3 Andrew Don Drive** – Resource Consent RM240141 approved to establish three buildings comprising one five-bedroom residential unit, one one-bedroom minor residential unit, and one four-bedroom residential visitor accommodation unit to be used for visitor accommodation for up to 10 guests.
- e) **41 Andrew Don Drive** – Resource consent RM200030 approved to use one three-bedroom unit for residential activities, as well as two one-bedroom units and one two-bedroom unit for visitor accommodation activities for up to 8 guests per night.
- f) **43 Andrew Don Drive** – Resource consents RM190166 and RM210069 approved to use two three bedroom units for visitor accommodation activities for up to 12 guests per night.
- g) **45 Andrew Don Drive** – Resource consent RM190165 approved to use one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.
- h) **1 Coulson Lane** – Resource consent RM190176 approved to use one three-bedroom unit for residential activities, as well as one three-bedroom unit for visitor accommodation activities for up to 6 guests per night.
- i) **11 Coulson Lane** – Resource consent RM220147 approved to use one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.
- j) **13 Coulson Lane** – Resource consent RM230009 approved to use one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.
- k) **11 Jimmys Lane** – Resource consent 200040 approved to use one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.

#### **The Location, Design and Appearance of Buildings on the site**

- 84. I agree with the Applicant's AEE that the proposed building is a typical residential unit, with a bespoke design in response to the site's characteristics. The building is comprised of two wings joined by a central entrance point. The east wing comprises the residential unit of three bedrooms; and the west wing is a minor residential unit containing a further two-bedrooms.
- 85. The key aspects for consideration are the two built form non-compliances with PREC1-S3.1 and PREC1-S6.1 relating to building scale and garages respectively.

#### ***Building Scale***

- 86. The residential unit has a length of 32m adjacent to the eastern internal boundary. To alleviate the potential for dominance along this boundary, the wall façade includes a 'step in the plan' measuring 15.5m in length and 1.2m in depth. This step does not impact the roofline, which is continuous for the 32m length.

87. In addition, it is noted that different external cladding is used along this elevation comprising a mix of concrete masonry block veneer wall cladding, colorsteel spanlok vertical wall cladding and powder coated aluminium joinery and glazing. An internal boundary setback of 3.3m further assists to reduce the level of effect on the adjoining property.
88. The submitters have raised various concerns with the dominance of this wall facade, which directly faces their property. In my view the step in the wall length, building materials and building height are sufficient to break up the visual dominance of this wall. On that basis I do not consider that the proposal directly conflicts with the outcomes sought by the Takapō/Lake Tekapo Character Design Guide.
89. It is noted that the submitters refer to access to views and sunlight. In this regard it is important to note that the internal setback and recession plane along this boundary comfortably comply with the District Plan standards. On that basis any such adverse effects are within the envelope of effects that are anticipated in the LRZ.

### **Garage**

90. **PREC1-S6.1** specifies any garage attached to the primary building shall be set back at least 0.5m from the façade of the building fronting a road or public space.
91. The proposal includes a double garage located in the southern portion of the east wing of the building, facing onto Rodman Lane. This façade fronting the road does not include a garage door, rather the garage door is internally facing and not visible from the street. The front façade (being the garage side wall) includes windows, mirroring those of the western wing façade of the minor residential unit. The AEE notes that this achieves not only symmetry in the design, but provides street activation, avoiding blank walls facing the street. For these reasons, the AEE considers that the location of the garage is appropriate and will not create adverse visual, amenity or safety effects that are minor or more than minor.
92. I agree with that assessment and recognise that the shape of the site has contributed to this non-compliance given the reduced frontage width of the application site. The addition of windows on the wall facing the street is the primary mitigating factor in this regard and ensures that the street frontage and amenity values associated with it are maintained and is consistent with the outcomes sought by the Takapō/Lake Tekapo Character Design Guide in this regard.

### **The Traffic Impacts Including the Provision of Adequate Onsite Parking**

93. A vehicle crossing from Rodman Lane is formed as part of the underlying subdivision works.
94. The District Plan requires the provision of two parks associated. In this case a double garage is provided in compliance with the standard. In addition, the application layout provides the ability to park two further vehicles immediately in front of the proposed minor residential unit (see Site Plan – Sheet A1.1).
95. Conditions recommended to be imposed on any consent granted for the activity will ensure that both units must only be rented as single group booking (i.e., single room letting is not authorised), and to no more than 10 guests at any one time. In that context I disagree with the submitter that the nuances of how a short-term rental operates have been missed by the Council in its notification assessment.
96. It is considered that the ability to park up to four vehicles on-site is sufficient to adequately service the residential visitor accommodation and will not result in adverse effects on the amenity/streetscape or functioning of the local roading network.

## Effects on Amenity Values of Adjoining Residential Sites Including Noise

97. The introduction of residential visitor accommodation beyond the permitted thresholds into a residential environment has the potential to adversely affect the anticipated character and residential amenity. This change is particularly noticeable where there a number of similar activities occurring within close proximity to each other, i.e., potential cumulative effects.
98. The number and extent of residential visitor accommodation already consented in in this part of Takapō/Tekapo is set out above. Whilst it is acknowledged that this brings into question the cumulative effects on the residential character of the area, it is noted that cumulative effects are not a matter to which the Council has restricted its discretion when considering residential visitor accommodation activity under **LRZ-R5**. Notwithstanding, as the activity status in this instance is (fully) discretionary, cumulative effects are a relevant consideration.
99. As canvassed above, visitor accommodation is an anticipated activity within the LRZ (for up to 6 guests), this application seeks to increase the number to 10, which as noted by the submitter is significantly above that provided for as a permitted activity. This increased scale has the potential to adversely impact the residential character, amenity values and purpose of the zone to the detriment of the adjacent neighbours, including the submitters property.
100. The MDC receives regular complaints relating to residential visitor accommodation, signalling that this activity has the potential to have detrimental effects on residential character and amenity on adjacent properties. With the proliferation of visitor accommodation in the area, new applications for visitor accommodation require careful consideration to ensure that the activity does not adversely affect the residential character and amenity for adjacent neighbours, both now and into the future.
101. It is noted that some of those activities that have been subject of compliant are operating on a 'per room' basis and appear to operate on a more commercial basis rather than residential visitor accommodation. In this instance I consider that the proposed built form clearly indicates the use of the site for residential activity. The AEE sets out that the proposal allows the property to continue to be used for residential activities throughout the year when not being rented out for short term visitor accommodation, and I agree this will ensure a sense of residential cohesion and the residential character of the area to be retained.
102. The Applicant proposes that the activity will operate under a Visitor Accommodation Management Plan (VAMP) which will control potential adverse effects through:
  - No more than ten guests present at any one time .
  - Any outdoor noise generated after 10pm shall comply with the residential zone and expected levels of residential amenity.
  - A sign being placed on the door leading to the outdoor area stating: "This outdoor area is not to be used between 10pm and 7am daily".
  - Requirement to 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.
  - Guests shall park vehicles on-site.
  - Requirements regarding rubbish/recycling bins.
  - A complaints procedure.
103. Overall, the nature of the proposal and mitigation measures is such that the proposal is not expected to have adverse effects on amenity values of adjoining residential sites which are anything more than minor. I agree with the Applicants AEE that those effects will not cross a threshold whereby the proposed mix of use could lead to a degradation of the wider neighbourhood amenity values and/or character.

### **The Adequacy of any Mitigation Measures**

104. The application is supported by a proposed VAMP with the volunteered conditions relating to restriction out nighttime outdoor use, containment of parking within the site, and methods to reduce noise generation. The mitigation proposed is appropriate for the scale of the activity.
105. The submitters note that there is no plan for rubbish bin storage and landscaping, both of which are critical to the amenity of their property as a restrictive covenant prevents fencing between the sections. Whilst it is assumed the site will be landscaped in order to provide amenity for the owners, it is acknowledged that no landscape plan has been provided to Council as part of the application. It is considered that such a plan should be provided and adhered to as a condition on any consent granted.
106. Similarly, it is considered appropriate that a condition on any consent granted require that any gas bottles and service areas must be screened (by either landscaping or fencing). Particularly as these are likely to be placed on along the eastern boundary with the submitters property.

### **Positive Effects (section 104(1)(ab))**

107. Section 104(1)(ab) sets out that the consideration of applications must have regard to any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
108. The positive effects of this proposal are largely restricted to the ability of the Applicant to provide for their social and economic well-being. Beyond that the proposal will provide additional accommodation offering in Takapō/Tekapo, which I understand currently suffers from accommodation shortages at certain times.

### **Conclusion – Assessment of Adverse Environmental Effects**

109. Based on the above assessment it is concluded that the adverse effects of this proposal are acceptable subject to a suite of recommended conditions to protect the residential character and amenity values of the receiving environment, including the submitters property.

### **NATIONAL POLICY STATEMENT (NPS) (section 104(1)(b)(iii))**

110. There are no National Policy Statements deemed relevant to the application.

### **CANTERBURY REGIONAL POLICY STATEMENT (CRPS) (section 104(1)(b)(v))**

111. Under section 104(1)(b)(v) of the RMA, the consent authority shall have regard to the relevant provisions of a regional policy statement. The Canterbury Regional Policy Statement (CRPS) provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. These methods include directions for provisions in district and regional plans.
112. The recent plan changes undertaken as part of the Mackenzie District Plan review have been prepared in order to give effect to the policy framework set out in the CRPS. Furthermore, this proposal is not of a scale that otherwise threatens the policy framework included in the CRPS.

**MACKENZIE DISTRICT PLAN (section 104(1)(b)(vi))**

113. The applicable District Plan policy to assess is that as amended through the recent District Plan Review, which as it relates to this site can now be treated as operative (none of the outstanding Appeals in relation to Stage 4 provisions affect the application site).

**Strategic Direction**

114. PC20 introduced policy to set the overarching strategic direction for the MDP and respond to resource management issues that are of regional or national importance within the Mackenzie District. Those most relevant to this proposal are set out below.

**ATC-O1 Live, Work, Play and Visit**

*The Mackenzie District is a desirable place to live, work, play and visit, where:*

1. *there are a range of living options, businesses, and recreation activities to meet community needs;*
2. *activities that are important to the community’s social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and*
3. *the anticipated amenity values and character of different areas are maintained or enhanced.*

**UFD-O1 Urban Form and Development**

*The District’s townships and settlements grow and develop in a consolidated way that:*

1. *is integrated into, and respects the values of the surrounding natural and physical environment;*
2. *achieves good connectivity with other parts of the urban area;*
3. *is integrated with the provision of infrastructure and facilities which support the functioning of the community;*
4. *maintains the anticipated character of each township, and its attractiveness to residents, businesses and visitors;*
5. *responds to the needs of the community, including diversity in housing and business opportunities; and*
6. *protects highly productive land.*

115. These objectives set the tone of the balance of the policy framework, which are considered more relevant in assessing the proposed activity. Notwithstanding, they indicate an overall generally permissive approach of the District Plan provisions relating to residential activity and residential visitor accommodation within residential zones.

**Low Density Residential Zone**

116. The relevant Low Density Residential Zone objectives and policies are set out and assessed below:

<b>Objectives</b>	
<b>LRZ-O1</b>	<b>Zone Purpose</b>
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.	
<b>LRZ-O2</b>	<b>Zone Character and Amenity Values</b>
The Low Density Residential Zone is a desirable suburban living environment, which:	
<ol style="list-style-type: none"> <li>1) contains predominantly one to two story detached residential units; and</li> <li>2) provides on-site amenity and maintains the suburban character and amenity values of adjacent sites.</li> </ol>	

<b>Policies</b>	
<b>LRZ-P1</b>	<b>Residential Activities</b>
Enable residential activities within a range of residential unit types and sizes.	
<b>LRZ-P2</b>	<b>Compatible Activities</b>
Provide for activities other than residential activities, where: <ol style="list-style-type: none"> <li>1) they are ancillary to a residential activity or are consistent with the character, amenity values and purpose of the zone;</li> <li>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;</li> <li>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</li> <li>4) there is a functional need or operational need to establish in the zone.</li> </ol>	
<b>LRZ-P6</b>	<b>Adverse Effects</b>
Manage development within the Low Density Residential Zone to ensure: <ol style="list-style-type: none"> <li>1) built form is of a scale and design that is compatible with the character, amenity values and purpose of the zone;</li> <li>2) larger lots sizes are retained in areas subject to servicing constraints in Specific Control Area 4, until such time appropriate services are in place; and</li> <li>3) building and structures located in Specific Control Area 5 do not dominate the identified ridgeline when viewed from a public place.</li> </ol>	

117. Given the nature of residential visitor accommodation activity provided for by the LRZ rules, it is considered that it is an activity that generally supports and is consistent with the character and amenity values of the zone (**LRZ-O1**).
118. The single storey nature of the built form proposed and its compliance with LRZ bulk and location standards is considered to maintain the suburban character and amenity values of adjacent sites (**LRZ-O2**). The additional Precinct standards are considered further below in the context of the specific policy framework applying to that overlay.
119. It is noted that residential visitor accommodation remains a residential activity, so the applicability of **LRZ-P2** to the assessment of this proposal is questionable. Notwithstanding, having assessed the matters listed therein, it is considered that the proposed activity, subject to conditions, is compatible with the residential purpose of the zone and the amenity values of adjoining sites. For those reasons it is also consistent with the outcomes sought by **LRZ-P6**.

### **Takapō / Lake Tekapo Precinct**

120. The relevant objectives and policies applying to development within the Takapō / Lake Tekapo Precinct are set out and assessed below:

<b>Objectives</b>	
<b>PREC1-O1</b>	<b>Precinct Purpose</b>
Development within Takapō / Lake Tekapo maintains the distinctive character and identity of the Township and is complementary to the surrounding landscape.	
<b>Policies</b>	
<b>PREC1-P1</b>	<b>Adverse Effects</b>
Control the scale, appearance and location of buildings to ensure that:	

- |  |
|--|
| <ol style="list-style-type: none"> <li>1) the built form character of the Township is maintained and enhanced;</li> <li>2) development is integrated with the landscape setting, including the topography, landform, and views to and from the area;</li> <li>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</li> <li>4) views to the lake from properties on the north side of State Highway 8 are maintained.</li> </ol> |
|--|

121. The proposed built form includes two non-compliances with the additional bulk and location provisions applying within the Takapō / Lake Tekapo Precinct (wall length and garage forward of the façade). These have been assessed above and based on that it is considered that any resulting effects are consistent with the above objective and policy and maintain the outcomes sought by the Takapō/Lake Tekapo Character Design Guide.

**Transport**

122. The relevant transportation related objectives and policies are set out and assessed below:

<b>Objectives</b>	
<b>TRAN-O1</b>	<b>Safe and Efficient Transport Network</b>
<p>The transport network is a safe, well-connected, integrated, resilient, and accessible system that:</p> <ol style="list-style-type: none"> <li>1) meets and is responsive to current and future needs;</li> <li>2) promotes the use of alternative modes of transport;</li> <li>3) is efficient and effective in moving people and goods within and beyond the district; and</li> <li>4) is protected from reverse sensitivity effects.</li> </ol>	
<b>Policies</b>	
<b>TRAN-P1</b>	<b>Integrated Land Use and Transport Planning</b>
<p>Maintain the safety, effectiveness and efficiency of the District’s transport network by:</p> <ol style="list-style-type: none"> <li>1) ensuring integration with land use;</li> <li>2) managing the levels of service, formation standards, and types of land transport infrastructure by compliance with design and operational standards and road hierarchy classifications;</li> <li>3) providing land transport infrastructure that is consistent with the zone in which it is located;</li> <li>4) providing for safe entry and exit for vehicles to and from a site to a road without compromising the safety or efficiency of the road corridor; and</li> <li>5) ensuring appropriate sightline visibility is provided to road users.</li> </ol>	

123. The application includes on-site parking for four vehicles and has an existing vehicle crossing formed at the time of subdivision. The proposal is not considered to adversely impact the safe, well-connected, and accessible transport system and is considered consistent with the District Plan policy framework in that regard.

**Lighting (LIGHT)**

124. Te Manahuna/the Mackenzie Basin has some of the clearest night skies in the world, recognised by the Aoraki Mackenzie International Dark Sky Reserve, created in 2012.

125. The relevant lighting related objectives and policies are set out and assessed below:

<b>Objectives</b>	
<b>LIGHT-O1</b>	<b>Outdoor Lighting</b>
<p><i>Outdoor lighting allows activities to occur beyond daylight hours and provides safety and security for activities, while:</i></p> <ol style="list-style-type: none"> <li><i>protecting views of the night sky; and</i></li> <li><i>managing light spill to maintain amenity values, health and safety and the safe operation of the transport network.</i></li> </ol>	
<b>Policies</b>	
<b>LIGHT-P1</b>	<b>Managing Outdoor Lighting</b>
<p><i>Manage the location, design and operation of outdoor lighting to ensure:</i></p> <ol style="list-style-type: none"> <li><i>it does not distract or interfere with the safety of road users; and</i></li> <li><i>it is compatible with the zone in which any light spill is received.</i></li> </ol>	
<b>LIGHT-P2</b>	<b>Night Sky Darkness</b>
<p>Require outdoor lighting and skylights to minimise, as far as practicable, the potential for upward light spill that would adversely affect the ability to view the night sky.</p>	

126. District Plan lighting requirements ensure that the above objectives and policies are met. The proposal does not seek to depart from those rules and standards for lighting. It is noted that the proposal does not include any skylights.

### **Objectives and Policies Summary & Conclusion**

127. Overall, the proposed activity is considered to be consistent with the outcome sought by the above policy framework included in the District Plan. 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 LRZ.

### **ANY OTHER MATTERS (section 104(1)(c))**

128. Section 104(1)(c) sets out that when considering an application for a resource consent the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.
129. In this case the only other matters requiring comment are precedent and financial contributions.

### **Precedent Effects**

130. It is my understanding from relevant case law that the concept of precedent reflects a concern that the granting of resource consent may have planning significance beyond the immediate vicinity of the land concerned; with plan integrity more likely to affect the public confidence in the plan and its consistent administration. It is acknowledged that 'precedent' is not an adverse effect on the environment per se. However, these are considered to be matters that can be considered under section 104(1)(c) of the RMA, with the appropriate weight to be given to them being dependent on the circumstances of the particular application.
131. In my view that any approval of this application would not create a precedent or undermine the integrity of the District Plan due to the generally permissive approach the District Plan takes to residential visitor accommodation activity and the overall effects and policy conclusions set out above. It is further noted that these are application and site specific and

not automatically transferable to the consideration of any future applications received by Council.

### Financial Contributions

132. I note that the matter of the applicable financial contributions to be imposed on residential visitor accommodation activity was traversed at some length in the recent decision on application RM240141. Based on the Independent Commissioner's findings in that application the applicable Financial Contributions (FCs) recommended to be imposed on this proposal are as described below.

133. When assessing these provisions, it should be noted that the District Plan has a different definition of 'visitor accommodation' for the purpose of this chapter, being:

*means the use of land and buildings for short-term, commercial, living accommodation where the length of stay for any one visitor is not greater than 3 months at any one time. Visitor accommodation may include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, recreation and bar facilities, and associated parking areas for the use of those living on the site.*

*(Definition applies to the Financial Contributions Chapter Only)*

134. The Financial Contributions chapter, namely **FC-R1** sets out that 'Any Subdivision and Development' shall be subject to the various contributions set out in **FC-S1** to **FC-S6**. In regard to **FC-S1** and **FC-S6**, the District Plan includes the following Advice Note:

*In considering whether or not to grant consent or impose conditions under this rule, the Council shall have regard to, but not be limited by, the assessment matters in FC-AM1 Land for Open Space and Recreation.*

135. **FC-AM1** sets out the following assessment matters:

- a. *The extent to which the provision for land for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision and diversity of open spaces and recreational facilities.*
- b. *The extent to which the provision of land and/or cash contributions towards land for open space and recreation is consistent with FC-P2; the acquisition of land for public open space and recreation; and the use of cash received as contributions.*
- c. *Whether the intended land use of the allotments being created is for the housing of the elderly, and whether a reduction in the contribution assessment is, therefore, reasonable.*
- d. *Where the contribution towards the provision of land for open space and recreation is not to be paid to the Council before a Conditions Certificate is issued pursuant to Section 224 of the Act, a requirement for the applicants to enter into a bond.*
- e. *Whether the undertaking of works, including the planting of trees or the regrading or levelling of reserve land that will vest in the Council, or the setting aside of a reserve to protect any natural features, should be taken into account when assessing the value of the contribution towards land for open space and recreation.*
- f. *Whether amenities or facilities provided by the development are available to the public and should be taken into account when assessing the value of contributions towards open space and recreation.*
- g. *The extent to which owners or occupiers of lots, or residential or visitor accommodation would make use of existing and likely future Council open space and recreation facilities.*

136. **FC-S1** refers specifically to where "subdivision creates separately saleable, additional allotments for residential or visitor accommodation purposes...". As there is no subdivision proposed this contribution does not apply to the proposed activity.

137. **FC-S6** refers to a cash contribution towards the provision and maintenance of land and/or facilities for open space and recreation for 'Residential and Visitor Accommodation

Developments'. In each case the contribution is *"less any contribution made at the time of previous subdivision"*. The application site was created by a relatively recent subdivision at which time a contribution for open space and recreation would have been taken for each additional allotment created. Furthermore, having regard to the matters set out in **FC-AM1**, I do not consider that the occupiers of the proposed visitor accommodation would make any greater use of existing and likely future Council open space and recreation facilities than provided for under typical residential use.

138. On that basis I do not consider that a financial contribution under either **FC-S1** or **FC-S6** is appropriate in this instance. For the sake of completeness I note that **FC-S5** refers to new services and is therefore not applicable to the proposed activity.
139. **FC-S2** to **FC-S4** relate to Financial Contributions for existing water supply, sanitary sewage disposal, and stormwater treatment and disposal respectively. However, the contributions are only triggered where these involve a *"proposed subdivision or multi-unit residential development"*.
140. The District Plan definition of 'multi-unit residential development' applies to the Financial Contributions Chapter only, being:
- any development involving more than one residential unit per allotment and includes flats, townhouses, retirement villages and visitor accommodation.  
(Definition applies to the Financial Contributions Chapter Only)*
141. This proposal includes a residential unit and a minor residential unit, both of which will be used for visitor accommodation (as defined in the FC chapter). This then raises the question as to whether together these are considered *"more than one residential unit per allotment"*.
142. Once again the definition of a 'residential unit' applied for the purpose of the FC chapter differs from the balance of the District Plan, being:
- means a residential activity which consists of a single self contained housekeeping unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.  
(Definition applies to the Financial Contributions Chapter Only)*
143. On that basis the proposal is considered to include two residential units for the purpose of the FC considerations. **FC-S2** to **FC-S4** also set out that Council shall recoup a *"fair and reasonable"* share of the cost of existing services.
144. In this regard it is noted that the FC chapter uses a deemed average occupancy of 2.6 people per household; on the basis that the national average household occupancy is 2.7 and the Mackenzie District's is 2.4. The proposal is for up to ten guests, which is significantly above the average occupancy. The proposed occupancy is more aligned with a peak demand than the average household demand.
145. On that basis it is considered fair and reasonable to require an FC for water, sewer and stormwater pursuant to **FC-S2** to **FC-S4**. The FC calculated by dividing the total number of people the multi-unit residential development is designed to accommodate (10) by the average occupancy of 2.6 people per household. This results in an FC being required at a rate of 3.8 residential unit equivalent (RUE).

## CONCLUSION & RECOMMENDATION

146. As set out above, Part 2 of the RMA sets out the purpose and principles of the Act, being *"to promote the sustainable management of natural and physical resources"*. My understanding of recent case law as to whether and to what extent it will be appropriate for a decision-maker to resort to Part 2 depends on the relevant planning instruments. The starting point

being the consent authority should give genuine consideration to and apply the planning instrument provisions.

147. As noted above there are no matters in sections 6 or 8 that are relevant to this application.
148. In terms of section 7, the assessment above has found that the proposed activity, subject to appropriate conditions, is an efficient use of resources, will maintain amenity values and the quality of the environment.
149. Overall, it is considered that the application will achieve the purpose and principles of the RMA and that the consent can be granted, subject to conditions as set out below.



Nick Boyes

Consultant Planner

Date: 24 March 2026

## RECOMMENDED CONDITIONS

### General

- 1) The proposed residential visitor accommodation activity shall be undertaken in accordance with the application entered into Council records under reference RM250060, including the attached approved plans (*IDSGN Architecture, dated 27.06.25*); except as amended by the following consent conditions.
- 2) Within twelve months of the date of this decision; and/or upon the receipt of the information identifying non-compliance with the conditions of consent, and/or within twenty working days of each anniversary of the date of this decision, the Mackenzie District Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent relating to the management of noise, nuisance and parking effects.

### Visitor Accommodation

- 3) The residential visitor accommodation unit must only be rented as single group booking (i.e., single room letting is not authorised under this consent). No more than 10 visitor accommodation guests at any one time are authorised under this consent. For the purposes of this condition "guests" include adults, children and infants.
- 4) No amplified music is permitted on site between 2200hrs and 0700hrs.
- 5) Guests must not use the outdoor space (decks, lawns and communal areas) for entertainment purposes between 2200hrs and 0700hrs.
- 6) Records of guest occupancy including guest numbers, ages, dates, and duration of stay, must be retained for each 24 -month period commencing from the first use of the site for visitor accommodation. If a digital travel company, booking website, or other booking system is used, the records must originate from those sources and be retained in original format, or as a copy of the original, with the source of the information capable of being identified in the records. The records must be produced by the consent holder within 20 working days of any request by the Planning Manager of the Mackenzie District Council ([planning@mackenzie.govt.nz](mailto:planning@mackenzie.govt.nz)). The private information of guests such as names and contact information is not required to be provided and may be redacted providing the redactions are noted as being for that purpose.

### Visitor Accommodation Management Plan

- 7) Prior to the residential visitor accommodation activity occurring on the site, a Visitor Accommodation Management Plan (VAMP) must be prepared by the consent holder and submitted to the Planning Manager ([planning@mackenzie.govt.nz](mailto:planning@mackenzie.govt.nz)) for certification that the VAMP includes the information (a) – (d) below:
  - a) The contact details of the Property Manager ( including after-hours contact details);
  - b) House rules that guests must follow to ensure compliance with all conditions of this consent and to otherwise minimise noise and other nuisance from visitor accommodation activities on the site to residential neighbours;
  - c) Parking information (guest vehicles); and
  - d) The procedure to be followed by the Property Manager in managing and responding to any complaints received from third parties about visitor accommodation activities on the site.
- 8) Once the VAMP is certified, it will form part of the Approved Consent Document and visitor accommodation activities on the site must be operated in accordance with the certified VAMP.

## **Landscaping and Planting**

- 9) Hedging shall be planted along the eastern internal boundaries and shall be capable of reaching a minimum mature height of at least 1.5m. The hedging must comprise New Zealand native species selected from the landscaping and planting concept plan and be at least an equivalent size of a 5L pot at the time of planting.
- 10) Any gas bottles and service areas along the eastern property boundary must be screened by landscaping or fencing.
- 11) Prior to the commencement of any building work associated with the residential units, the consent holder must submit to the Planning Manager at Mackenzie District Council ([planning@mackenzie.govt.nz](mailto:planning@mackenzie.govt.nz)) a Landscaping and Planting Plan for certification that it meets the requirements set out in conditions 9 and 10 above.
- 12) The Landscaping and Planting Plan must be prepared by a suitably qualified landscape architect or designer and shall show, but is not limited to the following:
  - a) The location, species, and mature height of all proposed planting;
  - b) Details of plant species suitable for the local climate and soils, with preference given to locally native species;
  - c) Planting specifications, including size at time of planting, density, and maintenance requirements; and
  - d) The location and design of any screening and hard landscape treatments.
- 13) The planting shown in the certified Landscaping and Planting Plan shall be completed no later than the end of the first planting season following the issue of Code of Compliance by the Council for the residential unit on the site. The plantings shown in the certified Landscaping and Planting Plan shall thereafter be maintained in perpetuity. Any plants that die, are damaged or diseased shall be replaced with plants of the same or similar species in the next available planting season.
- 14) Once the Landscaping and Planting Plan has been certified by the Council, it will form part of the Approved Consent Document.

## **Financial Contributions**

- 15) Prior to the commencement of the residential visitor accommodation activity, the consent holder must pay the Mackenzie District Council a water supply, sanitary sewer disposal and stormwater treatment and disposal financial contribution for 3.8 residential unit equivalents for each service.

## **Earthworks - Accidental Discovery Protocol**

- 16) In the event of discovery of sensitive material (which is not authorised to be disturbed by any resource consent or other statutory authority), the owner of the site or the consent holder must take the following steps:

### ***Cease works and secure the area***

- a) Immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earthmoving activities.
- b) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

### ***Inform relevant authorities and parties immediately of the discovery***

- c) The New Zealand Police if the discovery of human remains or koiwi.
- d) The Council in all cases.
- e) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or koiwi.

- f) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or koiwi.

***Wait for and enable an inspection of the site***

- g) Wait for and enable an inspection of the site by the relevant authority or agency.  
h) Following site inspection and consultation with all relevant parties (including owner and consent holder), the Council will determine the area within which work must cease and any changes to controls on discharges of contaminants.

***Recommencement of work***

- i) Work within the area determined by the Council in h. above must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- i. Heritage New Zealand Pouhere Taonga has confirmed that an archaeological authority has been approved for the work or that none is required.
  - ii. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage.
  - iii. Any material of scientific or educational importance must be recorded and if appropriate, recovered and preserved.
  - iv. Where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required, the Council will confirm, in consultation with Mana Whenua, that:
    - any koiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
    - any agreed revisions to the planned works to be/have been made in order to address adverse effects on mana whenua values.
  - v. Resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the plan or allowed by any existing resource consent.

**Notes to the Consent Holder:**

Infrastructure Connections

- a) An application to connect to the Mackenzie District Council's reticulated network will need to be made. The application can be made here:  
<https://www.mackenzie.govt.nz/services/water/water-sewer-stormwaterapplicationfor-servicesonline-form>.

Building Consent

- b) The use of the residential unit and minor residential unit for visitor accommodation is expected to be treated as a commercial building by MDC Building Control and on that basis will be required to meet the building code standards including provision to mobility access and appropriate fire systems. This may necessitate a change of use and amendment to the current Building Consent as it was assessed based on the information provided at that time.

Commencement

- c) This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

#### Right of Objection

- d) If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357 A of the Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Mackenzie District Council within 15 working days of receipt of this decision.

#### Lapsing of Consents

- e) A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

#### Monitoring of Consent

- f) Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. This includes monitoring of the provision of any plans or documentation required by a condition of consent. Additional charges may apply for this monitoring.

#### Other Consents May Be Required

- g) This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:
- a. Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legal established.
  - b. Conduct any activity that requires resource consent from Environment Canterbury (ECAN). You are advised to contact ECAN to ascertain if consent is required for the proposed development.
  - c. Authorise building or utility services construction work that requires separate consent/approval.

#### Other approvals

- h) The resource consent does not confer or imply any other approval by Mackenzie District Council, other authority or private landowner required to undertake activities on, or gain access to, the land.

#### Charges

- i) Charges, set in accordance with section 36 of the Act, shall be paid to the Mackenzie District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.