Mackenzie
DISTRICT COUNCIL

**NOTIFICATION REPORT ON APPLICATION RM260133**
**FOR CHANGE OF CONSENT CONDITION (RM220058)**
**PURSUANT TO SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

| | |
|---|---|
| **Applicant:** | Chilton and Mayne Properties Ltd |
| **Application Description:** | To Change Condition 3 of RM220058 to increase the maximum number of residential visitor accommodation guests from 6 to 10. |
| **Application Status:** | Discretionary (section 127 RMA) |
| **Property Address:** | 18 Jack Adamson Drive, Twizel |
| **Legal Description:** | Lot 10 DP 537032 (RT 892298) |
| **Valuation Reference:** | 2531360426 |
| **District Plan Zone:** | Low Density Residential (LRZ) |
| **District Plan Notations:** | Flight Protection Area: Pūkaki |
| | Flood Hazard Assessment Overlay |
| **Author:** | Nick Boyes – Consultant Planner |
| **Date of Report:** | 11 November 2026 |

## 1.0 INTRODUCTION

This report has been prepared under sections 95A to 95G, as referenced in section 127(3) of the Resource Management Act 1991 (the RMA), to document the notification assessment of the application to change the conditions imposed on RM220058 to increase the number of residential visitor accommodation guests from 6 to 10. The activity is to take place within an existing residential unit and detached garage on the site at 18 Jack Adamson Drive, Twizel.

## 2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

### 2.1 PROPOSAL DESCRIPTION

Chilton + Mayne Properties Ltd (the Applicant) seeks resource consent to enable the use of an existing residential unit for residential visitor accommodation for a maximum of ten guests. The proposal relates to the use of an existing (recently constructed) 4-bedroom, 2-bathroom residential unit.

The site plan identifies three onsite car parking spaces and one dedicated trailer or boat park being provided on the site. The application notes that the garage is not continuously available and is therefore not counted as part of the parking provision relating to this activity. The application states that the residential unit is currently used for short-term residential visitor accommodation for up to 6 guests as permitted under RM220058.

The proposal includes a Visitor Accommodation Management Plan (VAMP). In summary, the VAMP outlines measures for the property manager to implement including:

- Ensuring the number of guests does not exceed ten.
- Bookings limited to single groups only (primarily families); with no subletting or multiple group (room by room) bookings permitted.
- No parties or events permitted (including weddings, hen's parties, stag parties).
- Guests must comply with quiet hours between 10pm and 7am.
- No fireworks.
- No outdoor amplified music.
- Guests are informed of house rules prior to arrival and during their stay.
- Vehicles are parked on-site and not on the road.
- A complaints procedure.
- Monitoring and Review.

## 2.2 SITE DESCRIPTION

The subject site is located at 18 Jack Adamson Drive, Twizel (see **Figure 1** below). The site is situated approximately 800m west of the Twizel town centre (as the crow flies). The site is legally described as Lot 10 Deposited Plan 537032 held in Record of Title 892298 and comprising an area of 789m² (more or less). An aerial photo of the site is included in **Figure 2** below.




**Figure 1 – Site Location Map – red circle (Source: Canterbury Maps)**



**Figure 2 – Application Site at 2 Jimmys Lane (Source: Google Earth)**

As can be seen in **Figure 2**, the application site includes a recently constructed residential unit and detached garage. Site and building plans were provided with the application.

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

### 2.3 CONSENT HISTORY

Building consent BC210121 is held on Council's records for the construction of the existing residential unit and garage.

As noted above, RM220058 was approved on 27 June 2022 for the residential unit to be used for residential visitor accommodation for up to 6 guests. The resource consent also covered bulk and location breaches. This proposal seeks to increase that to a maximum of 10 guests at a time.

## 3.0 STATUTORY REQUIREMENTS

The statutory requirements relating to a change of condition application are set out in section 127 of the RMA, as follows:

> *(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*

*(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*

*(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*

*(2) [Repealed]*

*(3) Sections 88 to 121 apply, with all necessary modifications, as if—*

*(a) the application were an application for a resource consent for a discretionary activity (but see subsection (3B)); and*

*(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*

*(3A) If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.*

*(3B) Subsection (3)(a) does not apply if—*

*(a) the application relates to an aquaculture activity; and*

*(b) a provision in a national environmental standard—*

*(i) applies to applications of that kind; and*

*(ii) states that an application by a consent holder to change or cancel consent conditions must be treated as an application for a resource consent for a controlled or restricted discretionary activity.*

*(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*

*(a) made a submission on the original application; and*

*(b) may be affected by the change or cancellation.*

The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application.

It is noted that there is often debate about whether an application to change and/or cancel a condition should more appropriately be considered as an application for a new consent. Case law indicates that each case should be considered on its merits and has highlighted that where an application involves materially different effects it is preferable to treat it as an application for a new consent.

In this case it is noted that the original application was for the same activity, but with a maximum number of 6 guests. As no changes are proposed to the proposed activity other than the maximum number of guests, I consider that the proposal can be considered as a change of condition.

As such, the nature of the proposal will not fundamentally change, and the type of adverse effects will not be materially different from those associated with the original consent. In the context of the matters sought to be amended, a change of conditions application under section 127 of the RMA is considered to be the most appropriate mechanism to consider the proposal.

As a change of consent condition application, the present proposal is a <u>discretionary</u> activity as set out in section 127(3) of the RMA.

## 4.0 MACKENZIE DISTRICT PLAN

### 4.1 ZONING AND DEFINITIONS

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

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

> ***Residential Visitor Accommodation:***
> *Means the use of a residential unit for visitor accommodation including any residential unit used as a holiday home.*
>
> ***Commercial Visitor Accommodation:***
> *Means land and buildings used for any form of visitor accommodation that is not defined as residential visitor accommodation, including:*
> *a) backpackers;*
> *b) camping grounds;*
> *c) hostels;*
> *d) motels;*
> *e) motor inns; and*
> *f) tourist lodges.*

Also relevant to the assessment of the proposed activity is the definition of residential unit, which is as set out below:

> ***Residential Unit:***
> *means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.*
> *(National Planning Standard definition)*

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

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

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

Based on this advice, and the physical design and layout of the proposed residential unit subject to this application; the proposal is considered to meet the definition of residential visitor accommodation activity as it will occur within a residential unit by a group of people operating as a single household as opposed to formal commercial visitor accommodation activity.

It is noted that a condition imposed on RM220058 already ensures that the property is rented to only one group or party of people at a time to ensure that this residential visitor accommodation definition is met. No change is proposed to that condition.

### 4.2 COMPLIANCE ASSESSMENT

The application AEE provided a summary of the compliance assessment undertaken and assessed the proposal as a discretionary activity, as summarised below.

#### *4.2.1 Low Density Residential zone*

**LRZ-R5** of the District Plan provides for 'residential visitor accommodation' as a permitted activity in the LRZ, where:

1. *No more than one residential unit on a site is used for residential visitor accommodation, including a minor residential unit; and*
2. *The maximum occupancy of the unit used for residential visitor accommodation does not exceed six guests per night.*

As the proposal involves the use of the residential unit for residential visitor accommodation by up to 10 guests; the proposal fails to meet the second part of the rule above for a permitted residential visitor accommodation activity.

**LRZ-R5.3** states that where the maximum occupancy of a residential unit used for residential visitor accommodation exceeds six guests, but does not exceed twelve guests per night; the proposal is assessed as a restricted discretionary activity.

#### *4.2.2 Transport*

Similarly, it is noted that the existing vehicle crossing was approved as part of the Building Consent obtained for the residential unit and subsequent construction process.

In terms of the remaining transportation standards, the following comments are relevant:

- **TRAN-R3** ' Vehicle Crossing': the vehicle crossing to the site is formed in accordance with the underlying subdivision;
- **TRAN-R4** 'Vehicle Accessway': The access to the site complies with **TRANS-11**;
- **TRAN-R5** 'Parking, Manoeuvring, and Loading Areas Associated with a Residential Activity': The parking area is established within the site and meets the following standards:

| | | |
|---|---|---|
| **TRAN-S1 Minimum Parking Space Requirements** | 1. On-site car parking spaces are to be provided with the minimum number of parking spaces as outlined in TRAN-Table 3.<br><br>TRAN TABLE 3 requires two parking spaces per residential unit including residential units used for residential visitor accommodation activity. | **Complies**<br>There is adequate space on site to provide two car parks (noting that the application states that the garage is not always available). |

| | | |
|---|---|---|
| **TRAN-S2 Size of Parking Spaces** | Requires compliance with TRAN TABLE 4 | **Complies**<br>There is adequate space on site to achieve compliant parking. |
| **TRAN-S4 Reverse Manoeuvring** | 1. All activities shall provide for sufficient on-site manoeuvring to ensure that no reversing is needed:<br>a. Onto or off a State Highway/Arterial Road;<br>b. To a Collector Road where three or more vehicle parking spaces are required; or<br>c. To a vehicle accessway that provides for six or more parking spaces. | **N/A**<br>The site is not accessed from a state highway, arterial Road or collector road and is not required to have six or more parks. |
| **TRAN-S7 Surface and Drainage of Parking and Loading Areas** | 1. For sites with less than four on-site vehicle parking spaces:<br>a. The surface must be formed to an all weather standard; and<br>b. The area over which vehicles obtain access to the parking area must be sealed from the vehicle access point for 5.5m into the site. | **Complies**<br>The access and parking area is sealed (concrete) from the road carriageway. |
| **TRAN-S8 Landscaping** | For sites containing five or more car parking spaces for non-residential activity a landscaping strip must be provided within or immediately adjacent to the parking area with a minimum width or diameter of 1.5m. | **N/A**<br>Site does not provide five carparks. |

### *4.2.3 Light*

The existing consent and the application AEE do not include conditions relating to the **LIGHT** rules included in the 'General District Wide Matters' section of the District Plan. However, it is noted that additional conditions can be imposed on any consent granted to ensure these standards are met moving forward.

### 4.3 Activity Status

Overall, the application under the District Plan rules is assessed as a **Restricted Discretionary** activity as more than six but not greater than 12 residential visitor accommodation guests are proposed to be accommodated on the application site at any time. Notwithstanding, the activity remains fully Discretionary in terms of section 127(3) of the RMA as assessed above).

## 5.0 NATIONAL ENVIRONMENTAL STANDARDS (NES)

National Environmental Standards are regulations made under the Resource Management Act 1991 that set nationally consistent technical standards, methods, or requirements for various activities that effect the environment. A total of 11 National Environmental Standards are currently in effect, as follows:

- National Environmental Standards for Air Quality 2004
- National Environmental Standards for Sources of Human Drinking Water 2007

- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Telecommunication Facilities 2016
- National Environmental Standard for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023
- National Environmental Standards for Commercial Forestry 2023
- National Environmental Standards for Freshwater 2025
- National Environmental Standards for Detached Minor Residential Units 2025

The only NES relevant to the consideration of this proposal is the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS). The Applicant has not submitted a Preliminary Site Investigation (PSI), but it is otherwise noted that the age of the underlying development and that the proposed activity is such that no change of land use occurring on the site. The proposal is therefore considered to be permitted under the NES-CS.

## 6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

In terms of the applicable District Plan rules, Council has limited its discretion in terms of the residential visitor accommodation rule (**LRZ-R5**) to the following matters:

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

Each of these matters are included in the assessment below.

### 6.1 Mandatory Exclusions from Assessment

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

*a) Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
*b) An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline).*
*c) Effects that do not relate to a matter of discretion, if the activity is Restricted Discretionary Activity must be disregarded (s95D(c)).*
*d) Trade competition and the effects of trade competition (s95D(d)).*
*e) Effects on persons who have given written approval to the application (s95D(e)).*

### 6.2 Written Approvals

The application submitted includes the written approval of the owners of the following properties that adjoin the application site:

- 14 Jack Adamson Drive, Twizel
- 16 Jack Adamson Drive, Twizel
- 22 Jack Adamson Drive, Twizel

In accordance with section 95D(3) of the RMA, no effects on the above persons have been considered when making the Notification Assessments relating to the proposed activity.

### 6.3 Permitted Baseline/Existing Environment

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

The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section, must disregard:

*a) An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.*

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

This is commonly referred to as the 'permitted baseline'. In this case it is noted that in the LRZ, one residential unit or minor residential unit is permitted to be used for residential visitor accommodation for up to six guests and this is the appropriate permitted baseline against which this application should be assessed.

It is noted that the District Plan does not otherwise limit the amount of people per residential unit and other Applicants have sought to make this permitted baseline comparison when assessing the effects of residential visitor accommodation. In that regard it is noted that the District Plan manages/controls residential visitor accommodation activity in response to concerns raised by the community in terms of the impacts on residential character and amenity arising from increased use of private residences for visitor accommodation.

It is noted that this permitted baseline accords with the existing environment as modified through the implementation of RM220058, which otherwise authorises the use of the existing property for residential visitor accommodation for up to 6 guests.

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

As noted above, the residential unit proposed to be used for residential visitor accommodation is constructed. On that basis the existing residential unit is considered to be lawfully established and also meets all bulk and location requirements and effects of the proposal related to the built form are considered appropriate.

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

A vehicle crossing from Jack Adamson Drive is formed as part of the underlying subdivision works and/or the Building Consent for the existing residential unit constructed on the application site. From reviewing the consented building plans it is considered there is adequate parking on site for no more than two/three vehicles with room for a boast park can be accommodated on-site.

The proposed VAMP submitted with the application refers to the following requirements in relation to parking:

- All guest vehicles, boats and trailers must be accommodated in the identified onsite spaces.

- The property must not be marketed in a way that encourages more vehicles than can be accommodated onsite.
- Parking must not obstruct vehicle manoeuvring, pedestrian access, the footpath, Jack Adamson Drive or neighbouring driveways.
- The manager must address any incorrect or unsafe parking promptly after being notified.
- A copy of the approved parking plan must be included in the guest information and displayed at the property.

The nature of the proposal is such that vehicles associated with the proposed activity should be accommodated on-site. Otherwise, any overspill of guests parking on the street are only considered to affect immediately adjoining property owners.

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

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.

While visitor accommodation is an anticipated activity within the zone (for up to 6 guests), this application seeks to increase the number to 10, which is in excess of that provided for as a permitted activity. The proposed scale has the potential to adversely impact the character, amenity values and purpose of the zone to the detriment of the residential amenity, particularly of the adjacent neighbours.

However, considering the proposed site layout and built configuration, I agree with the Applicants AEE that those effects will not cross a threshold whereby the proposed mix of use could lead to a degradation of the wider neighbourhood amenity values and/or character.

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.
- Guests must comply with quiet hours between 10pm and 7am
- No parties and a requirement to be courteous of neighbours.
- Guests shall park vehicles on-site.
- Requirements regarding rubbish/recycling bins.
- A complaints, monitoring and review procedure.

Overall, the nature of the proposal and mitigation measures is such that the proposal is not expected to have adverse effects on amenity values of adjoining residential sites which are more than minor. However, it is not considered that the effects from having up to 10 guests on the property for an undisclosed number of days per year could be described as being less than minor on those adjoining sites that have not provided written approval.

The Mackenzie District Council receives regular complaints relating to residential visitor accommodation, signalling that this activity has the potential to have detrimental effects on residential character and amenity on adjacent properties. With the proliferation of visitor accommodation in the area, new applications for visitor accommodation require careful consideration to ensure that the activity does not adversely affect the residential character and amenity for adjacent neighbours, both now and into the future.

Section 95E of the RMA states that a person is 'affected' if the adverse effects of an activity on a person are minor or more than minor (but not less than minor).

While at least one adjoining site is currently vacant, it is considered that at the time these parties choose to develop their property, they have a reasonable expectation that they will be doing so in an environment provided for by the underlying zone. Therefore, it is important that they have the ability to make comment on changes which could have the potential to adversely affect their residential enjoyment of the site.

Overall, it is assessed that the proposal has the potential to have an at least minor effect on residential character and residential amenity effect on the immediately adjoining properties.

### 6.7 The Adequacy of any Mitigation Measures

The application is supported by a Visitor Accommodation Management Plan 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 although there are aspects that are not included within the proposed VAMP around use of outdoor areas in the late evening and details of complaints procedures etc.

### 6.8 Effects Conclusion

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

However, in terms of section 95B, it is considered that the owners of the remaining adjoining properties that have not provided written approval are considered to be adversely affected by the activity to at least a potentially minor degree.

## 7.0 NOTIFICATION ASSESSMENT

### 7.1 PUBLIC NOTIFICATION (SECTION 95A)

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

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

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

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

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

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

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

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

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

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

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

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

No rule or national environmental standard requires public notification. An assessment of the likely adverse effects on the environment has been provided at section 6.0 of this report.

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

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

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

Special circumstances are not considered to apply to the proposal.

### 7.2 LIMITED NOTIFICATION (SECTION 95B)

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

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

- If there is any affected protected customary rights group or affected customary marine title group, or any person to whom a statutory acknowledgement has been made that is affected in

a minor or more than minor way, then the application must be limited notified to these parties, unless their written approval has been obtained.

- Irrespective of the above, Step 2 must then be considered.

| Question | Yes | No | N/A |
|---|---|---|---|
| Is the activity in a protected customary rights area? S95B(2)( a) | | ✓ | |
| Is the activity in a customary marine title group area? S95B(2)(b) | | ✓ | |
| Is the activity in or near a statutory acknowledgement area? 95B(3)(a) | | ✓ | |
| If yes to above, is the runanga an affected party under s95E? 95B(3)(b) | | ✓ | |

Limited notification is not required under Step 1.

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

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

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

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

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

In this case the owners and occupiers of the adjacent properties that have not otherwise provided written approval are identified as affected persons, being 20 Jack Adamson Drive, Twizel and 2 Birch Hil Drive, Twizel.

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

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

In this case, notification to any other persons is not required under Step 4 (section 95B(10)) as it is considered that there are no special circumstances that exist in relation to the application.

### 7.3 Limited Notification Determination

Pursuant to section 95B of the Act, limited notification is required to the remaining property owners that have not otherwise provided their written approval to the proposal, being 20 Jack Adamson Drive, Twizel and 2 Birch Hil Drive, Twizel as shown on **Figure 3** below.

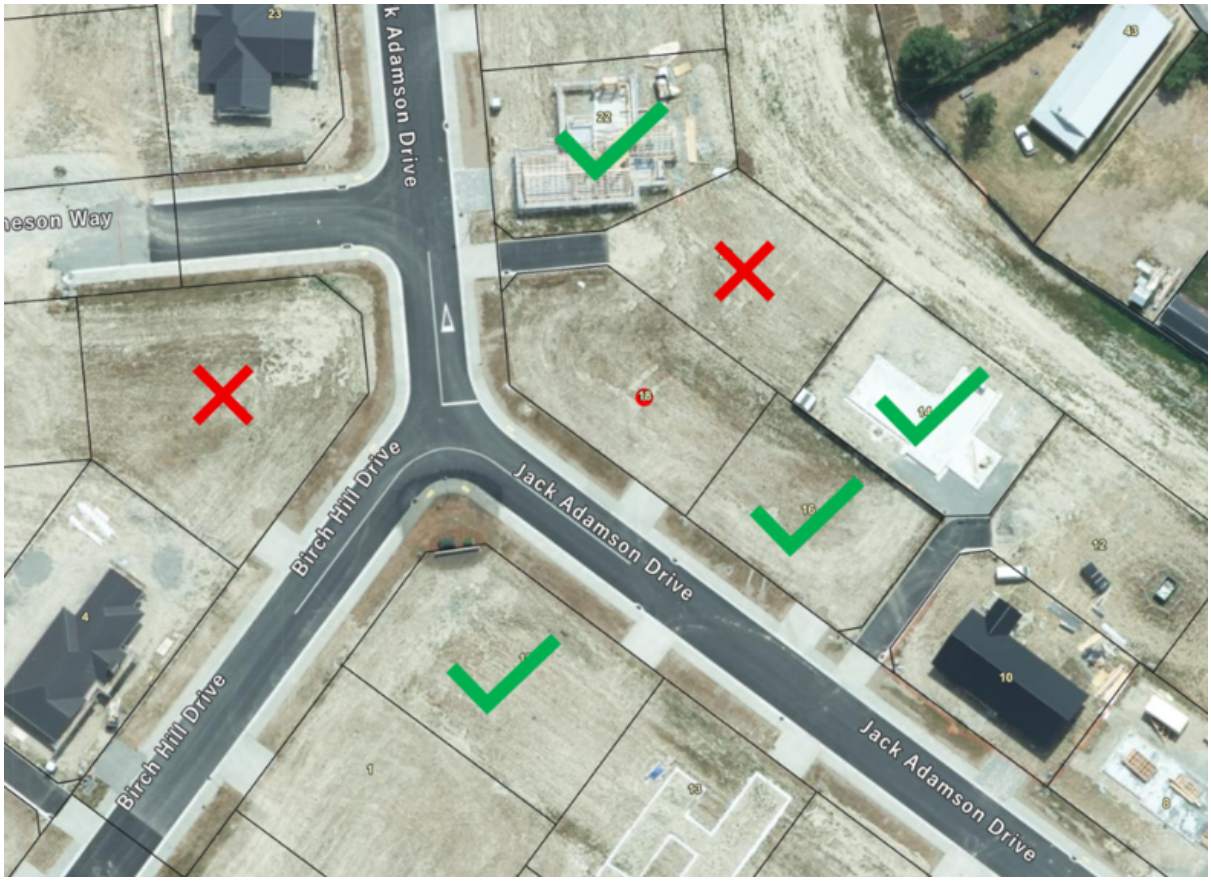



**Figure 3: Aerial Photograph showing written approvals obtained (green tick) and remaining affected persons (red cross).**

The application refers to the Applicant having undertaken direct consultation where contact details were available and the Council having also issued a standard consultation template requesting that affected neighbours make contact with the Applicant to discuss the proposal. Despite reasonable attempts by the Applicant to facilitate contact with the neighbour at 20 Jack Adamson Drive, no response has been received to date. In my view this does not amount to it being unreasonable for the Council to identify those additional parties as being affected persons. Being advised of an application and invited to make contact with an Applicant is not the same as being served notice of an application and having the ability to make a formal submission.

In my view the parties identified above remain affected persons and should be given the opportunity to make formal comment on the application via the limited notification process. The parties are identified as being the owners and occupiers of the following properties:

- 2 Birch Hill Drive, Twizel
- 20 Jack Adamson Drive, Twizel

Reported on and recommended by:



Nick Boyes
**Planning Consultant** Date: 12 November 2026

Approved under Delegated Authority by:



Julie Shanks
**Planning Manager** Date: 12 November 2026