



**REPORT ON AN APPLICATION FOR LAND USE PURSUANT TO
SECTION 95A TO 95E OF THE RESOURCE MANAGEMENT ACT 1991 – RM260094**

Applicant:	Niall and Melanie Casey
Application Description:	Land use to increase guest occupancy of Residential Visitor Accommodation from six guests to eight guests.
Application Status:	Restricted Discretionary Activity
Property Address:	12 Hamilton Drive, Lake Tekapo
Legal Description:	Lot 15 Deposited Plan 48750
Valuation Reference:	25311/38015
District Plan Zone:	Low Density Residential Zone
District Plan Notations:	Takapō / Lake Tekapo Precinct Flight Protection Area
Author:	William Halkett – Consultant Planner
Site visit undertaken:	6 August 2026
Date of Report:	13 August 2026

1.0 INTRODUCTION

This report has been prepared under the Resource Management Act 1991 (the Act) to document the assessment of the subject consent application to increase the guest occupancy for a residential visitor accommodation activity from six guests to eight guests, under sections 95A to 95G of the Resource Management Act 1991 (the RMA).

2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

The applicant has applied to increase the maximum occupancy of the existing four-bedroom residential unit at 12 Hamilton Drive, Lake Tekapo, from six to eight guests. Residential visitor accommodation for up to six guests is permitted under the applicable zone rule. The dwelling will not be hosted by a resident manager and will be let as a whole to one group at a time, with no individual room letting proposed.

The activity will operate in accordance with a Visitor Accommodation Management Plan, which addresses matters including guest screening, quiet hours, parking, waste management and complaint-response procedures. Two on-site parking spaces are provided within the existing double garage and are relied upon as the formal parking provision for the activity. The driveway contains sufficient space

for additional vehicles to park in practice, but this area is not relied upon to satisfy the required parking provision. No physical alterations to the dwelling, driveway or other parts of the site are proposed.

2.2 SITE DESCRIPTION

The subject site is located at 12 Hamilton Drive, Lake Tekapo and is zoned Low Density Residential Zone in the Operative Mackenzie District Plan 2004. The land has an area of 585 m² more or less, and is legally described as Lot 15 DP 48750 and is contained within Record of Title identifier CB28B/664.



Figure 1: Aerial photograph showing the location of the subject site at 12 Hamilton Drive.



Figure 2: Site at 12 Hamilton Drive (Source: Mackenzie District Council GIS)

The site is developed with an existing detached, three-storey residential unit containing four bedrooms, each with an ensuite. An internal double garage and driveway provide vehicle parking and access from Hamilton Drive. Outdoor living areas include a courtyard and wraparound deck, principally oriented toward the south.

The surrounding area is characterised by established residential development of varying designs, sizes and densities. Residential properties adjoin the site to the east, west and south, while Hamilton Drive forms the northern boundary.

A site visit was undertaken on 6 August 2026. The applicant was not present during this site visit. Photographs taken during the site visit are held in the file.

2.3 SITE HISTORY/BACKGROUND

The following is a summary of the relevant site history:

Resource Consents:

RM030052 Alterations to a dwelling above the recession plane

Building Consents:

A number of building consents have been issued over the years, including house additions (BC030193) and extensions (BC000013), installation of a fireplace (BC980050), and the foundation and drainage for a relocatable home (BC960134). Other than for the purposes of providing evidence of legally established built form, these have little further relevance.

3.0 MACKENZIE DISTRICT PLAN

3.1 MACKENZIE DISTRICT PLAN REVIEW

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

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

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

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

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

3.2 ZONING AND COMPLIANCE ASSESSMENT

The subject site is zoned Low Density Residential Zone under the Mackenzie District Plan and is located within the Lake Tekapo Precinct and the Flight Protection Area – Tekapo.

The proposal involves the use of one existing residential unit for residential visitor accommodation. The unit will be let to one group at a time and therefore falls within the definition of residential visitor accommodation.

Residential Visitor Accommodation:

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

No building work, earthworks or other physical changes to the dwelling or site are proposed. Accordingly, the Low Density Residential Zone built-form standards and the provisions relating to the Flight Protection Area – Tekapo are not otherwise engaged. Plan Change 18 is also not relevant because no clearance of indigenous vegetation is proposed.

The relevant compliance requirements are assessed in Tables 1 and 2.

Table 1 – Low Density Residential Zone rules compliance assessment

LRZ-R5 Residential Visitor Accommodation	Does not comply
Activity Status: PER Where: 1. No more than one residential unit on a site may be 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. Activity status when compliance is not achieved with R5.1: DIS Activity status when compliance is not achieved with R5.2: RDIS Where: 3. The maximum occupancy of a residential unit used for residential visitor accommodation exceeds six guests but does not exceed 12 guests per night.	 Only the existing principal residential unit will be used for residential visitor accommodation. Consent is sought to accommodate a maximum of eight guests per night meaning the proposal fails to comply with LRZ-R5.2. 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, then the proposal is assessed as a restricted discretionary activity .

In terms of the transportation rules, the following rules are relevant:

- **TRAN-R3** Vehicle Crossing: the vehicle crossing to the site is formed in accordance with the TRAN-S9 and TRAN-S10;
- **TRAN-R4** Vehicle Accessway: the access to the site complies with TRANS-11;
- **TRAN-R5** Parking, Manoeuvring, and Loading Areas Associated with Residential Activity: the parking area is established within the site and is assessed against the relevant standards below.

Table 2 – Transport compliance assessment

Rules and Performance standards	Proposal
TRAN-S1 – Minimum parking-space requirements Two spaces are required for a residential unit used for residential visitor accommodation.	Complies At least two parking spaces are provided.
TRAN-S2 – Size of parking spaces	Complies The double garage provides two parking spaces. The approximately 7.5m by 12m driveway provides sufficient space for two further spaces of the required dimensions.
TRAN-S4 – Reverse manoeuvring	Not applicable Hamilton Drive is not a State Highway, arterial road or collector road, and the accessway does not provide for six or more parking spaces.
TRAN-S7.2 – Surface and drainage of parking areas For a residential-zoned site with four or more on-site vehicle parking spaces, the surface must be formed, sealed and drained.	Does not comply Although the garage spaces are sealed, the two designated driveway spaces are located on a gravel surface. The submitted information does not demonstrate that the four-space parking area is sealed and drained.
TRAN-S8 – Landscaping	Not applicable The standard applies to sites containing five or more parking spaces for a non-residential activity.
TRAN-S9– Vehicle-crossing design	Complies The existing vehicle crossing will be retained, and no alteration or additional crossing is proposed. No infringement has been identified from the submitted plans.
TRAN-S10 Siting of Vehicle Crossings	Complies The existing vehicle crossing will be retained, and no alteration or additional crossing is proposed. No infringement has been identified from the submitted plans.
TRAN-S11 – Vehicle accessways	Complies The existing accessway serves a single site and provides sufficient legal and formed width. No changes are proposed.

3.3 ACTIVITY STATUS

Overall, the application is assessed as a **Restricted Discretionary Activity**.

3.4 MATTERS OF DISCRETION

Matters of discretion are restricted to:

With regard to zone rule LRZ-R5:

- 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.

With regard to transport rule TRAN-R5 and TRAN-S7:

- a. The potential for adverse effects on the safety and efficiency of the site and the road transport network.
- b. The ability to contain stormwater within the site and any consequential adverse off-site effects.

4.0 NATIONAL ENVIRONMENTAL STANDARDS (NES)

A total of 12 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
- National Environmental Standards for Papakāinga 2026

The NES are not considered relevant to this application. The site is not listed as a HAIL site on the Environment Canterbury Listed Land Use Register. The site has an acceptable source of drinking water. The activity will not affect the National Telecommunication Network or Electricity Transmission. Nor will it involve commercial forestry or discharge to air.

5.0 ASSESSMENT OF EFFECTS

5.1 Permitted Baseline/Receiving Environment

Permitted Baseline

The activity could accommodate, as a permitted activity, up to 6 persons. Therefore, the proposal can be characterised primarily as an intensification proposal, where the scale is increased beyond the permitted baseline by two persons.

Receiving Environment

The surrounding environment is characterised by established residential development within the Low Density Residential Zone. The locality contains detached dwellings of varying size, design and orientation, with associated vehicle access, parking and outdoor living areas.

The subject site is adjoined by residential properties to the east, west and south. Hamilton Drive is located to the north, with Esther Hope Street nearby to the north. The closest neighbouring outdoor living areas are located to the south and southeast, including properties accessed from O'Neill Place.

The receiving environment also includes residential visitor accommodation activities, which are anticipated by the District Plan when they are undertaken within the applicable limits. In this context, the relevant receiving environment includes the lawful use of the existing dwelling for residential visitor accommodation for up to six guests per night.

5.2 Written Approvals

No written approvals have been submitted with the application.

5.3 Assessment of Effects on the Environment (Section 95D)

Consideration of environmental effects are restricted to the matters of discretion discussed in section 3.4 of this report. For the following assessment, I discuss the effects relevant to the four matters of discretion set out in LRZ-R5, which relate to the primary residential visitor accommodation activity on site. Then I will make an integrated assessment of transport effects based on the two matters of discretion in the transport chapter.

a. The location, design and appearance of buildings on the site.

No alterations to the existing dwelling, garage, access or outdoor living areas are proposed. The proposal relates solely to the use of the existing residential unit for visitor accommodation. Accordingly, the proposal will not result in any change to the location, design or appearance of buildings on the site. Effects in this respect are no more than minor.

b. The traffic impacts including the provision of adequate onsite parking.

I will assess these matters, and the matters relating to the transport chapter later in this section.

c. Effects on amenity values of adjoining residential sites including noise.

Pursuant to section 95D(a), effects on persons who own or occupy land adjacent to the subject site must be disregarded when determining whether the activity will have or is likely to have adverse effects on the environment that are more than minor. Accordingly, amenity and noise effects on the adjoining residential sites do not contribute to the public notification assessment. Effects on the owners and occupiers of those sites are considered separately under section 95E.

d. The adequacy of any mitigation measures.

The Visitor Accommodation Management Plan provides a framework for the operation of the activity, including requirements for guest communication, quiet hours, parking within the site, waste

management, and contact details for the property manager. These measures are appropriate to the scale and nature of the proposal and will assist in ensuring that any adverse effects remain minor.

Transport

Two on-site parking spaces are available within the existing double garage. These spaces are sufficient to accommodate the anticipated parking demand arising from the proposed increase in occupancy and will be required to remain available for guest use.

The driveway also contains sufficient space for additional vehicles to park in practice. However, this area is not relied upon as formal parking provision for the activity. Its incidental use for parking would occur within the existing driveway and would not require vehicles to park on Hamilton Drive.

The existing driveway is formed to an all-weather gravel standard but is not sealed. No changes to the vehicle crossing, driveway or garage are proposed. The driveway is established, sufficiently wide to provide practical access to the garage, and no evidence has been identified of it causing vehicle safety, sediment or drainage issues.

The proposal increases the permitted occupancy of the dwelling by two guests. This modest increase is unlikely to materially change the frequency or nature of vehicle movements associated with the site. Retaining the existing gravel surface will not increase impermeable area or stormwater runoff, and no consequential effects on Hamilton Drive or neighbouring properties are anticipated.

Overall, the proposal will provide adequate on-site parking and safe and practical vehicle access. Any adverse effects on traffic safety, network efficiency and stormwater management will be less than minor.

Conclusion on Effects to the Wider Environment

Overall, having disregarded the effects on persons who own or occupy adjacent land in accordance with s95D(a), the adverse effects of the proposal on the environment will be no more than minor.

5.4 Assessment of Effects on Persons (Section 95E)

In considering effects on persons under section 95E, I now turn my consideration to the matters of discretion through the lens of effects on specific persons. For the reasons given in section 5.3, effects on persons arising from the location, design and appearance of buildings, and transport effects, will be less than minor. The remaining assessment therefore relates to effects on the amenity values of adjoining residential sites and the adequacy of the proposed mitigation measures.

The existing dwelling may be used for residential visitor accommodation for up to six guests as a permitted activity. The relevant effects are therefore limited to the additional intensity arising from the seventh and eighth guests.

The proposed increase may result in a larger group occupying the dwelling and using its outdoor living areas at any one time. This may incrementally increase the intensity and duration of conversations, guest movements, arrivals and departures, and other activity apparent from adjoining properties. While such effects are likely to be intermittent, they may be most noticeable during evenings and when the south-facing deck and courtyard are being used.

The Visitor Accommodation Management Plan will assist in managing these effects through quiet hours, guest rules, restrictions on parties and events, and procedures for responding to complaints. I consider this an important mitigatory factor; however, the effectiveness of these measures will ultimately depend on guest compliance and the timely response of the property manager where issues arise.

The District Plan has, in effect, drawn a line at six guests as the scale of residential visitor accommodation permitted as of right. Although the increase to eight guests is numerically modest, it allows a group one-third larger than the permitted baseline and represents a tangible increase in the scale and intensity of the activity. The management measures will reduce the likelihood and duration of disturbance but cannot entirely avoid the potential for the additional activity to be perceptible from adjoining residential sites.

The degree to which this additional activity may be experienced varies according to the relationship of each property to the subject site. The properties at 10 and 14 Hamilton Drive immediately adjoin the subject site and have limited physical separation from the dwelling and associated outdoor activity. The owners and occupiers of these properties are therefore more likely to perceive any increase in guest movements, vehicle activity and voices associated with the seventh and eighth guests.

The properties at 13 and 14 O'Neill Place are located to the south and southeast of the subject dwelling. Although there is some separation between these properties and the dwelling, they have a closer relationship with its south-facing deck and courtyard. Activity within these outdoor areas may therefore be apparent from those properties, particularly during the evening when background activity is generally lower. In my view, the separation between the properties is not sufficient to ensure that the incremental effects of the additional guests will be less than minor.

Accordingly, I consider that the owners and occupiers of 10 and 14 Hamilton Drive and 13 and 14 O'Neill Place may experience adverse amenity effects that are no more than minor, but cannot be considered less than minor. They are therefore affected persons for the purposes of section 95E.

Conclusion on Effects on Persons

As assessed above, I consider that the owners and occupiers of the following addresses are affected by the proposal:

- 10 Hamilton Drive
- 14 Hamilton Drive
- 13 O'Neill Place
- 14 O'Neill Place

6.0 NOTIFICATION ASSESSMENT

6.1 Public Notification (Section 95A)

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

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

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

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

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

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

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

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

No rule or national environmental standard precludes public notification, and the proposal is neither a controlled activity nor a boundary activity. Public notification is therefore not precluded, and Step 3 must be considered.

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

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

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

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

No rule or national environmental standard requires public notification. An assessment of the likely adverse effects on the environment has been provided at section 5.3 of this report.

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

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

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

Special circumstances are not considered to apply to the proposal.

6.2 Limited Notification (Section 95B)

Section 95B of the Resource Management Act 1991 sets 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.	✓		

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 is already required under step 3, however, for completeness, it is considered that there are no special circumstances that exist in relation to the application that would warrant notification under this step.

Having assessed the application for land use consent pursuant to sections 95A-95G of the Resource Management Act 1991 it is recommended that the application be processed on a limited notified basis.

7.0 RECOMMENDATION

On the basis of my above assessment, it is recommended that the application be processed on a limited notified basis to the owners and occupiers of the following adjacent properties:

- 10 Hamilton Drive
- 14 Hamilton Drive
- 13 O'Neill Place
- 14 O'Neill Place

Reported on and recommended by:



William Halkett
Consultant Planner

Date: 12 August 2026

Approved under Delegated Authority,



Rachael Bason
Acting Planning Manager

Date: 21 August 2026