



Mackenzie

DISTRICT COUNCIL

SECTION 95A-F NOTIFICATION DECISION FOR RESOURCE CONSENT APPLICATION– RM240141

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| Applicant: | Huale Huang |
| Application Description: | Land use consent 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 twelve guests. The proposal also results in building design and impervious coverage breaches. |
| Application Status: | Restricted Discretionary |
| Property Address: | 3 Andrew Don Drive, Tekapo |
| Legal Description: | Lot 2 Deposited Plan 518782 (RT 813763) |
| Valuation Reference: | 25311 04220 |
| District Plan Zone: | Low Density Residential Takapō/Lake Tekapo Precinct Areas of Visual Vulnerability Flight Protection Area Tekapo |
| Author: | Kirstyn Royce – Consultant Planner |
| Date of Report: | 4 November 2024 |

1.0 INTRODUCTION

This report has been prepared under sections 95A to 95G of the Resource Management Act 1991 (the Act) to document the notification assessment of the application 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 twelve guests and with design and bulk and location breaches.

Further information was provided on 29 October 2024 which included an urban design assessment, revised plan, and assessment of cumulative effects. This information is now considered to form part of the application.

2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

The applicant has applied for land use consent to construct three buildings on the site comprising one 113m² five-bedroom residential unit, one 54m² one-bedroom minor residential unit, and one 94m² four-bedroom visitor accommodation unit with an associated car parking area and landscaping. The residential units will accommodate permanent residents or local workers (long-term rental) with the VA unit accommodating up to 12 guests maximum per night. The site plan of the proposal is included in Figure 1 below.

The proposed units will be constructed with TAUCO weatherboard cladding system painted a dark grey or brown colour with a light reflectivity value (LRV) between 5% to 35%. The roof design comprises a cluster of detached gable ends with the five-bedroom residential unit and the four-bedroom visitor accommodation unit having a roof angle of 40° and the one-bedroom residential unit having a roof angle of 15° or 40° painted slate with a 7% LRV.

Vehicle access from Andrew Don Drive to the site will be via the existing vehicle crossing. The crossing will connect to 65m long, 4m wide driveway and includes a 32m long queuing space (ensuring plenty of space for vehicles to pass). The driveway opens up to a six-bay parking area, with carparks measuring 2.5m wide by 5.4m deep and marked with painted lines. The accessway is proposed to be used by vehicles to manoeuvre and depart the site within a forward-facing direction. Car parks 1 to 4 will be dedicated to the residential unit and minor residential unit, with car parks 5 and 6 dedicated to the VA unit. The driveway and car parks will be formed and sealed, with run-off conveyed to the on-street stormwater management system via the sump. The applicant will ensure that guests are advised before their stay to park their vehicles within car parks 5 and 6. A secure bike stand comprising three bicycle parks is provided on the site, to the north-west of the residential unit for resident bicycle parking. The bike stand will be lit by exterior lighting mounted to the residential unit.

The buildings are proposed to cover 27.4% of the site. The impervious surface, plus the buildings, will cover 60.8% of the site. Hard and soft landscaping is proposed. The soft landscaping will comprise a mix of lawn, a variety of groundcovers, hedging, and trees of indigenous and exotic species covering a 387m² area of the site. Hedging will be planted along the site's internal boundaries, comprising a mixture of New Zealand broadleaf, corokia, or other native species with the ability to grow to at least 1.5m. A native garden will be created within the north-eastern site corner, comprising either or a mixture of grasses, shrubs, flaxes, groundcovers that covers an 8m² area. The remainder of the outdoor area will be in lawn, decking, or pavers (or similar). No fencing is proposed.

The applicant volunteers the following conditions of consent:

- No more than 12 guests are permitted within the visitor accommodation unit at any one time. Guest records shall be produced at the request of the Mackenzie District Council.
- The visitor accommodation unit shall be used exclusively by one group at any given time. The 12 guests are not permitted to be made up from multiple bookings.
- The primary residential unit and minor residential unit are not permitted to be used for visitor accommodation.
- Landscaping and hard surface areas shall be established in accordance with the architectural plans prepared by Archiland Architecture dated 5 January 2024.
- Hedging shall be planted along the entire length of the site internal boundaries, comprising either or a mixture of New Zealand broadleaf, corokia, or other native species with the ability to grow to at least 1.5m.

- A native garden shall be created within the north-eastern site corner, comprising either or a mixture of grasses, shrubs, flaxes, groundcovers that sufficiently covers an 8m² area.
- All landscaping works shall be established within 12 months of the completion of the construction works and must be maintained in perpetuity.
- Any gas bottles and service areas shall be screened by landscaping or fencing.
- A visitor accommodation management plan (VAMP) must be submitted to the Mackenzie District Council for certification. The visitor accommodation activity must operate in accordance with the approved VAMP.
- Guests are not permitted to use the outdoor space (lawns) between 2200hrs and 0700hrs.
- All parking associated with the visitor accommodation activity must be contained within the site and guests and staff are not permitted to park on Andrew Don Drive.

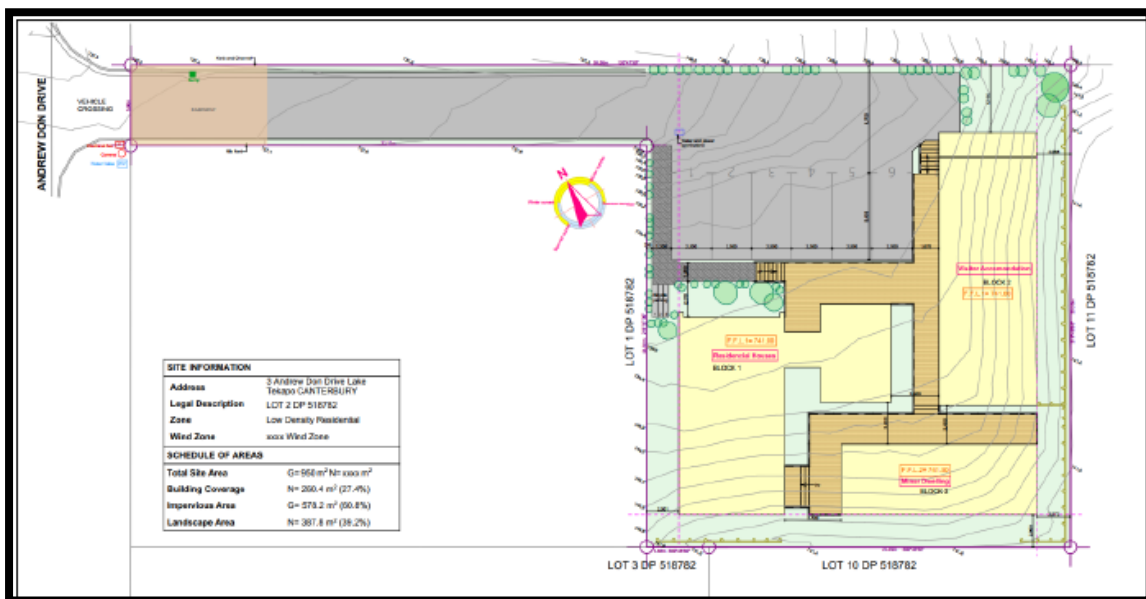


Figure 1 - Proposed Site Plan (Source: Application)

2.2 SITE DESCRIPTION

The subject site is located at 3 Andrew Don Drive, Lake Tekapo (see Figure 2) and is zoned Low Density Residential in the Operative Mackenzie District Plan 2004 (as amended by Plan Change 21).

The site has the following annotations in the Operative District Plan:

- Takapō/Lake Tekapo Precinct.
- Areas of Visual Vulnerability
- Flight Protection Area Tekapo

The land has an area of 950m² and is legally described as Lot 2 Deposited Plan 518782 as held within the Record of Title 813763. Consent Notice 11037804.7 is registered against the title and requires that stormwater be discharged in accordance with the approved discharge consent CRC094182.

The site is a rear lot with leg-in access from Andrew Don Drive. The developable area of the lot sits higher than the road and is largely rectangular, flat, and undeveloped. Access to the site is via a formed vehicle crossing off Andrew Don Drive which is a formed and sealed, two-way, two-laned and unmarked with pedestrian footpaths on both sides of the street.

The location of the site is illustrated in Figure 2 and street view image is provided as Figure 3.



Figure 2 - Site location map (Source: District Plan GIS Maps)



Figure 3 – Street view image (Source – Google Earth)

A site visit was undertaken on 31 October 2024.

3.0 MACKENZIE DISTRICT PLAN

3.1 ZONING AND COMPLIANCE ASSESSMENT

The subject site is zoned Low Density Residential (LRZ) within the District Plan (as amended by Plan Change 21). Plan Change 21 was made operative on 29 August 2023. The subject site is located within the Lake Tekapo Precinct. An assessment of the LRZ and Lake Tekapo Precinct is provided below. It is noted that the rule framework in the LRZ separates the establishment of built form from the establishment of activities. The assessment below therefore separates the built form from the use of the building.

3.1.1 Built Form

In the LRZ the built form rules are separated into three categories:

- LRZ-R1 – Residential Units
- LRZ-R2 – Minor Units; and
- LRZ-R3 – Buildings and Structures Not Otherwise Listed.

A residential unit is defined in the District Plan as:

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

While one of the proposed units is intended to be used for visitor accommodation activity, all three proposed units contain sleeping, cooking, bathing and toilet facilities to be used exclusively by one unit of occupants – i.e., one group/household. The proposed built form therefore meets the definition of a residential unit and has been assessed against LRZ-R1 and LRZ-R2.

LRZ-R1 provides for residential units as permitted activity in the LRZ provided the unit complies with the standards set out in LRZ-S1 to LRZ-S7. LRZ-R2 also provides for minor units which comply with the standards where:

1. there is a maximum of one minor unit per site;
2. the maximum gross floor area of the minor unit is 65m² excluding garaging; and
3. the minor unit is ancillary to or for the purpose of residential activity.

In this instance, the application states that the minor unit will be ancillary to a residential activity on the site and will have a floor area of 54m².

An assessment of LRZ-S1 to LRZ-S7 is provided below:

| Rule | Assessment | Activity Status |
|---|--|-----------------|
| Low Density Residential Zone | | |
| LRZ-S1 – Density The minimum site area per residential unit in Burkes Pass, Fairlie, Tekapo and Twizel is 400m ² . | The site is 950m ² and will contain one primary dwelling, one visitor accommodation unit (assessed as a residential unit) and one minor unit. Minor units are not subject to the density standard requirements but there is to be maximum of one minor unit per site. | Complies |

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| <p>LRZ-S2 – Height The maximum height of any building or structure shall not exceed 8m above ground level.</p> | <p>The building height will not exceed 8m.</p> | <p>Complies</p> |
| <p>LRZ-S3 – Height in Relation to Boundary 1. Any building or structure shall comply with the Height in Relation to Boundary requirements in APP1.</p> | <p>Block 2 will have a 0.377m vertically for a 0.85m width, and the gutter on the western elevation of the main residential unit will intrude the western recession plane by 0.12m vertically for its 12.3m width.</p> | <p>Does not comply Restricted Discretionary</p> |
| <p>RZ-S4 – Setbacks 1. Any building or structure, excluding ancillary structures, shall be setback a minimum of 2m from any road, shared accessway or reserve. 2. Any building or structure, excluding ancillary structures, shall be setback a minimum of 2m from any internal boundary.</p> | <p>All yard setbacks will be met</p> | <p>Complies</p> |
| <p>LRZ-S5 – Coverage 1. The maximum building coverage of any site shall not exceed 40%. 2. The maximum building and impervious coverage of any site shall not exceed 50%.</p> | <p>Building coverage = 27.4% Impervious coverage = 60.8%.</p> | <p>Does not Comply Restricted Discretionary</p> |
| <p>LRZ-S7 – Servicing All residential units and buildings requiring wastewater disposal which are not connected to a reticulated sewer network, but which involve the discharge of wastewater, shall be provided with an on-site wastewater treatment and disposal system, authorised by the Canterbury Regional Council by way of a rule in a regional plan or a resource consent.</p> | <p>The building will be connected to the Council’s wastewater system.</p> | <p>Complies</p> |

Built form in Lake Tekapo is also required to comply with the Takapō / Lake Tekapo Precinct Chapter of the District Plan to ensure development is sympathetic to the character of the town and surrounding landscape.

In the Takapō / Lake Tekapo Precinct all buildings and structures within residential zones are permitted where the built form complies with PREC1-S1 to PREC1-S8. An assessment of these standards is provided below:

| Rule | Assessment | Activity Status |
|---|--|--|
| <p>PREC1-R1 – Buildings and Structures. Permitted if complies with standards.</p> | <p>The proposal does not comply with all standards as seen below.</p> | <p>Restricted Discretionary</p> |
| <p>PREC1-S1 – Materials and Colours 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"> a) natural unpainted or stained weatherboards and similar cladding materials (such as timber and board and batten); b) painted plaster style materials; c) alluvial stone (moraine and river stone); d) painted or weathering steel (including Colorsteel and Cortern); or f) cob (adobe blocks or rammed earth). <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</p> | <p>The building will be constructed with James Hardie Stria Horizontal and Vertical Oblique cladding with the former painted Resene Raven (24% light reflectivity value [LRV]) and the latter painted Resene Waikawa Grey (24% LRV).</p> <p>The roof design will be grey (5% to 35% LRV) painted Long Run Coloursteel Iron or similar.</p> <p>However, the storage room will be clad with one material rather than two</p> | <p>Does not comply</p> <p>Restricted Discretionary</p> |

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| <p>Industrial Zone to building facades which front a road or other public space.</p> | | |
| <p>PREC-S2 – Roofs</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 form comprises gables of a 15° angle (rather than an angle of 20° to 65° pursuant to PREC1-S2.1).</p> | <p>Does not comply:</p> <p>Restricted Discretionary</p> |
| <p>PREC-S3 – Building Scale</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 northern façade will be 23.3m long (rather than a maximum of 20m pursuant to PREC1-S3.1.a) and does not have a recess in the façade or roofline (as required for a wall greater than 14m long pursuant to PREC1-S3.1.b).</p> <p>The southern façade will not have a recess in the façade or roofline (as required for a wall greater than 14m long pursuant to PREC1-S3.1.b).</p> | <p>Does not comply:</p> <p>Restricted Discretionary</p> |
| <p>PREC-S4 – Height</p> <p>1. 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> | <p>The building height will not exceed 7.5m.</p> | <p>Complies</p> |

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| PREC-S6 – Garages | No garage is proposed | Not Applicable |
| PREC-S7 – Fencing 1. 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. | No fence forms part of the proposal. | Not Applicable |
| PREC-S8 – Retaining Walls and Level Changes 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. 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. | There are no retaining walls or bunding that forms part of this proposal. | Complies |

The proposal will breach LRZ-S3 – Height in Relation to Boundary, LRZ-S5 – Coverage, PREC1-R1 – Buildings and Structures, PREC1-S1 – Materials and Colours and PREC-S2 – Roofs. The breaches associated with the built form are assessed as restricted discretionary activities.

3.1.2 Building Use

The District Plan distinguishes between residential-based visitor accommodation such as holiday homes and air B’n’Bs and non-residential focused accommodation by defining and treating residential visitor accommodation separately to other more commercial forms of visitor accommodation activity – as per the definitions below:

Residential Visitor Accommodation *The use of a residential unit for visitor accommodation including any residential unit used as a holiday home*

Commercial Visitor Accommodation *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.*

Based on this distinction, the residential unit to be used for visitor accommodation is considered to meet the definition of residential visitor accommodation activity as it will be undertaken within a residential unit as opposed to formal commercial visitor accommodation activity.

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.

One residential unit will be used for residential visitor accommodation activity for up to 12 guests. The proposal therefore does not comply with LZR-R5.2 but will meet LRZ R5.3 and is assessed as a Restricted Discretionary Activity.

3.1.3 Stage 3 District Plan Review

Decisions on the Stage 3 of the Mackenzie District Plan Review (MDPR) were released on 5 August 2024. The appeal period closed on 16 September 2024. All provisions in Plan Changes 23-27 have legal effect, and all provisions which have not been appealed are now treated as Operative. Stage 3 of the DPR includes:

- Plan Change 23 – General Rural Zone, Natural Features and Landscapes, Natural Character
- Plan Change 24 – Sites and Areas of Significance to Māori
- Plan Change 25 – Rural Lifestyle Zones
- Plan Change 26 – Renewable Electricity Generation and Infrastructure
- Plan Change 27 – Earthworks, Subdivision, Public Access, and Transport.

Under Stage 3 of the DPR, the following plan changes are relevant to the subject site:

- Plan Change 27 – Earthworks, Subdivision, Public Access, and Transport.

There are no relevant appeals with regards to the Transport provisions set out in PC27 and these are now deemed to be operative. The compliance of the proposal is assessed below:

| Rule | Assessment | Activity Status |
|---|--|--|
| TRAN-S1 Minimum Parking Space Requirements | <p>1. On-site car parking spaces are to be provided with the minimum number of parking spaces as outlined in TRAN-Table 3.</p> <p>TRAN-Table 3 - Minimum Parking Spaces 2 spaces per residential unit including any minor residential unit.</p> | <p>Complies</p> <p>Six car parks are proposed.</p> |

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| <p>TRAN-S4 Reverse Manoeuvring</p> | <p>1. All activities shall provide for sufficient on-site manoeuvring to ensure that no reversing is needed:</p> <ol style="list-style-type: none"> a. Onto or off a State Highway/Arterial Road; b. To a Collector Road where three or more vehicle parking spaces are required; or c. To a vehicle accessway that provides for six or more parking spaces. | <p>Complies</p> |
| <p>TRAN-S5 Queuing</p> | <p>1. On-site queuing spaces shall be provided for all vehicles entering a parking area or loading area in accordance with TRAN-Table 6 – Queuing Space Requirements.</p> <p>TRAN-Table 6 Queuing Space Requirements 5-20 On-site Parking Spaces requires Minimum Queuing Space Length of 5.5m</p> | <p>Complies</p> |
| <p>TRAN-S11 Vehicle Accessways</p> | <ol style="list-style-type: none"> 1. Accessway(s) shall: <ol style="list-style-type: none"> a. be formed to comply with the design requirements listed in TRAN-Table 10 and illustrated in TRAN-Figure 8; and b. have a minimum height clearance of 4.5m. 2. Formed accessway widths are no greater than the maximum carriageway width listed in TRAN-Table 10. 3. Every accessway serving more than two sites are formed and sealed. 4. Where access is shared to more than six sites this shall be via a road. | <p>Complies The access is existing.</p> |

The proposal complies with the transportation standards set out in PC27.

3.2 ACTIVITY STATUS

In summary, the proposal requires resource consent under:

- **LRZ-R5** as up to 12 guests are proposed to be accommodated within the VA unit rather than a maximum of six guests per night pursuant to LRZ-R5.2;
- **LRZ-S3 – Height in Relation to Boundary**
- **LRZ-S5 – Coverage** – as the maximum building and impervious coverage of any site exceeds 50% (being 60.8%).
- **PREC1-S1 – Materials and Colours**

- **PREC1-S2** as the primary roof form comprises gables of a 15° angle (rather than an angle of 20° to 65° pursuant to PREC1-S2.1)

Overall, the application is assessed as a **Restricted Discretionary Activity**. The matters to which Council has limited its discretion include:

Residential Visitor accommodation (**LRZ-R5**):

- 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.

Coverage (**LRZ-S5**) and Height in Relation to Boundary (**LRZ-S3**), the matters set out in **RES-MD4** Coverage, being:

- The location, design and appearance of buildings on the site.
- The visual impact of the built form on the streetscape and surrounding environment.
- The extent and quality of any landscaping proposed to soften the built form.
- The adequacy of any mitigation measures.

Breach of **PREC1- S1** and **PREC1- S2**:

- The consistency of the proposal with the Takapō / Lake Tekapo Character Design Guide

4.0 NATIONAL ENVIRONMENTAL STANDARDS (NES)

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

- National Environmental Standards for Commercial Forestry 2023
- National Environmental Standards for Air Quality 2004
- National Environmental Standard for Sources of Drinking Water 2007
- National Environmental Standards for Telecommunications Facilities 2016
- 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 Freshwater 2020
- National Environmental Standard for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021

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. There are no other NES relevant to the proposal.

5.0 PUBLIC NOTIFICATION

5.1 Step 1 - Mandatory Public Notification in Certain Circumstances s95A(3)

In this case, public notification is not required under Step 1 as:

- the applicant has not requested public notification of the application (section 95A(3)(a)); and
- public notification is not required under section 95C due to the refusal/failure to provide further information or to agree to the commissioning of a report (section 95A(3)(b)); and

- a joint application was not lodged to exchange reserve land under the Reserves Act 1977 (section 95A(3)(c)).

5.2 Step 2 - If not required by Step 1, Public Notification is Precluded in Certain Circumstances s95A(5)

In this case, public notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes public notification (section 95A(5)(a)); and
- the application is not for one of the following:
 - a controlled activity; or
 - a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

5.3 Step 3 - If not Precluded by Step 2, Public Notification is Required in Certain Circumstances s95A(8)

In this case, public notification is not required under Step 3 as:

- the application is not subject to a rule or national environmental standard that requires public notification (section 95A(8)(a)); and
- the adverse effects of the activity on the environment will be more than minor (section 95A(8)(b)).

An assessment of the adverse effects of the activity is provided below:

5.3.1 Mandatory Exclusions from Assessment (s95D)

- 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)).
- 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)).

5.3.2 Permitted Baseline (s95D(b))

Under section s95D(b) of the Resource Management Act 1991, the adverse effects of the activity on the environment may be disregarded if a district plan or a national environmental standard permits an activity with that effect. This is referred to as the permitted baseline.

In the LRZ the construction of one residential unit (per 400m²) and one minor unit (per site) is permitted. One unit is also permitted to be used for residential visitor accommodation for up to six guests. In this instance, the site area provides for two residential units and one minor unit with one residential unit able to be used for up to six visitor accommodation guests. It is against this permitted baseline that the proposal must be assessed.

5.3.3 Assessment of Effects

5.3.3.1 *The location, design and appearance of buildings on the site*

The subject site is a rear lot with a leg-in access from Andrew Don Drive. The applicant advises that development will take the form of three separate units on the site. The proposal is supported by an urban design assessment prepared by Jonathan Clease of Planz Consultants.

All three units will be constructed with a TAUCO weatherboard cladding system, which is an aluminium-Mg profile weatherboard. In response to the RFI, the cladding paint colour has been modified. The primary residential unit and minor residential unit will be finished in a brown colour, whereas the VA unit will be finished in a grey colour.

The applicant states that the differing colours will make the cladding appear as two different products. The cladding colours will have a low light reflectivity value. By using different paint colours to differentiate the residential units from the VA unit, the appearance of bulk will be reduced. Also, the applicant considers that the clustered and separated nature of the units, single-storey and primarily gable roof design, and ranch sliders and windows on all façades break up the building mass. A combination of the matching cladding and roofing materials, and the proposed cladding colour ensure that the three units visually integrate into the surrounding environment.

The development will comply with all setback to boundaries. The visitor accommodation unit will intrude the northern recession plane by 0.377m vertically for a 0.85m width, and the gutter on the western elevation of the main residential unit will intrude the western recession plane by 0.12m vertically for its 12.3m width.

The Urban Design assessment notes that the proposed northern gable end of the VA unit intruding the northern recession plane may cause some overshadowing in the northern reserve. The adverse effects on persons traversing the reserve will be less than minor. This is because the VA unit is setback 4.2m from the reserve, the roof projecting above the recession plane is pitched with the intrusion being small in scale with these aspects reducing the appearance of bulk. The Urban Design assessment notes that the same intrusion may possibly cause effect on 11 Rodman Lane. However, the adverse effects will be less than minor given that the intrusion is occurring at the northern boundary, rather than the boundary shared between the site and 11 Rodman Lane. Also, that the intrusion is small in scale, and the VA unit is setback 2m from 11 Rodman Lane.

The Urban Design assessment notes that the 11 Rodman Lane also appears to be undeveloped and vacant so there is no outdoor living space affected. However, if and when 11 Rodman Lane is developed, the Urban Designer considers that the property is suitably shaped and sized to enable the future occupants to access adequate daylight and sunlight. The Urban Designer notes that there are no windows or doors on the elevation intruding the recession plane meaning that the future occupants of 11 Rodman Lane will continue to be able to access privacy and not be overlooked.

The Urban Design assessment notes that the proposed spouting of the main residential unit intruding the western recession plane may cause some overshadowing in the backyard of 5 Andrew Don Drive. However, the adverse effects will be less than minor given the discrete intrusion, the effects being limited to along the eastern boundary of 5 Andrew Don Drive, and that 5 Andrew Don Drive will continue to have sufficient access to sunlight and daylight within their backyard, noting that their outdoor deck is located at the north-west of the unit away from the site. The spouting will not impact the occupants of 5 Andrew Don Drive ability to access privacy given that no windows or doors intrude

the recession plane. Also, the spouting will blend into the primary roof, which complies with the recession planes, when seen from 5 Andrew Don Drive opposed to being a dominant visual element.

The Urban Design assessment recognises that the roof angles stipulated in standard PREC1-S2 are envisioned by the Design Guide to help reduce building scale, whilst also providing an 'alpine' vernacular. The perceived primary roof form (i.e., the northern façade) has three gable ends at the front with three hipped roofs at the rear. The roof design of the two main units is compliant. The Urban Design assessment notes that it is only the roof of the minor unit that has a slope angle that is shallower than the permitted level. The Urban Designer assesses that the one-bedroom unit would appear secondary to the larger four- and five-bedroom units given its roof design, separation from those units, and rear location. The one-bedroom unit includes a simple low hipped roof form which is lower in pitch than the primary roof form. The differentiation in roof design and clustered approach reduces the proposal's appearance of bulk when viewed from the surrounding environment. The minor unit will be consistent with the lower profile and smaller form anticipated for accessory buildings that have a subordinate role to the primary residential unit on the site.

In terms of building scale, the eastern and western façade of the four-bedroom unit will be 17m long without any recess where the minimum recess required for a wall length over 14m is 2m long by 1m deep. The Urban Designer notes that the wall lengths are modestly scaled and not readily visible from any public place given the site's location and the orientation of this unit. A combination of the glazed elements, the verandah, and the eastern gable roof on these façades reduce the scale of the four-bedroom unit and provides visual interest. The proposed landscaping along the site's eastern boundary will also soften the scale of the four-bedroom unit.

Overall, the Urban Designer concludes that the proposal aligns with the outcomes sought in the Design Guide. The applicant's assessment, as confirmed by the Urban Designer, is adopted for the purposes of this report and I consider the proposed design, including the building scale and roof form design elements to be generally consistent with Takapō / Lake Tekapo Character Design Guide and the effects of the built form are assessed as less than minor overall.

5.3.3.2 Impervious Surfacing and Landscaping

In terms of site coverage, I note that the building coverage is compliant, and the breach is restricted to impervious surfacing only. The applicant proposes appropriate landscaping and lawn area to be provided on the site.

Given the compliant building coverage, I consider that the proposal will not present as an over-development of the site nor will it impact the presentation to the street. It is noted that the percentage of hard surfacing is greater due to the leg-in driveway. If the site fronted the street, the hard surfacing would be much reduced. Given that the hard surfacing non-compliance is a result of the extended driveway, I consider that the effects of the hard surfacing will be less than minor.

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

The subject site is a rear lot and the vehicle access is via a formed leg-in access from Andrew Don Drive. It is assumed that the suitability of the access was assessed at the time that the access was created.

Six on-site carparks are proposed (two per unit). Two car parks will be dedicated for use by the visitor accommodation. The car park and manoeuvring area will be formed and sealed. There is sufficient

area for on-site manoeuvring. The car parks will meet the District Plan size and dimension standards. No mobility park or cycle parking is proposed.

Based on the general compliance with the District Plan standards as amended by PC27 and the low volume, speed traffic environment and good visibility, I consider that the traffic impacts of the proposal are acceptable.

5.3.3.4 Effects on residential amenity and character

The subject site has an area of 950m² which can support two residential unit plus one minor unit. The proposal falls within the density provided by the District Plan.

When assessing the effects of the proposal on Residential Amenity and Character, there are two tranches to be considered. The first being the effects arising from the built form on the site and the second is the occupation and use of the site. I agree with the Urban Design assessment set out previously in this report that the built form of the development is generally compatible with the surrounding environment and the design guide.

I consider that the assessment of the character of an area is not solely dependent on the built form but on the way that that an activity operates, connects to the environment, and contributes to a sense of place. In terms of use of the site, the proposed residential visitor accommodation seeks to double the permitted number of guests anticipated by the plan.

Despite the acceptable form of the development, the proposed activity exceeds that anticipated for a suburban living activities which are the intended character for this zone. While the primary residential unit and minor unit will be occupied by permanent residents, the large scale visitor accommodation will result in a transient occupancy which does not support a long-term connection to, or investment in, the area which is expected within suburban environments, nor does visitor accommodation activity enable a sense of community. The effects of the proposed development must also be assessed in context of the receiving environment.

The applicant identifies that immediate area contains a number of properties which are used for visitor accommodation:

- 6 Jimmys Lane – Resource consent RM240030 approved using an existing four-bedroom dwelling for visitor accommodation activities for up to 10 guests per night.
- 8 Jimmys Lane – Resource consent RM240029 approved using an existing four-bedroom dwelling for visitor accommodation activities for up to 10 guests per night.
- 27 Coulson Lane – Resource consent RM240014 approved using one three-bedroom unit and one two-bedroom minor use for residential activities, as well as one five- bedroom unit for visitor accommodation activities for up to 12 guests per night.
- 41 Andrew Don Drive – Resource consent 200030 approved using 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.
- 43 Andrew Don Drive – Resource consent 190166 and 210069 approved using two three-bedroom units for visitor accommodation activities for up to 12 guests per night.

- 45 Andrew Don Drive – Resource consent 190165 approved using one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.
- 1 Coulson Lane – Resource consent 190176 approved using 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.
- 11 Coulson Lane – Resource consent 220147 approved using one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.
- 13 Coulson Lane – Resource consent 230009 approved using one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.
- 11 Jimmys Lane – Resource consent 200040 approved using one three-bedroom unit and three one-bedroom units for visitor accommodation activities for up to 12 guests per night.

I note that the majority of the existing accommodation activities were established prior to PC21 under the previous planning regime. I consider that the above developments have influenced the character of the area significantly, and the increased density and transient occupancy has reduced the potential for this area to maintain a true suburban residential character. As such, there appears to be a disconnect between the intended character of the area and the receiving environment.

The applicant assesses that the cumulative effects from the proposed visitor accommodation activities in conjunction with the other nearby visitor accommodation activities will be less than minor given that there are at least 11 undeveloped and vacant sections within the surrounding block east of Andrew Don Drive that are permitted to accommodate six guests (or 66 guests in total), but currently do not. Therefore, the applicant assesses that there is capacity within the surrounding environment to accommodate 12 guests on the site without resulting in unacceptable cumulative effects.

I disagree with the applicant's assessment. The development potential for the undeveloped sites will remain regardless of whether this development proceeds. The applicant is not able to offset the effects of this proposal by surrendering the development rights on other sites and therefore the cumulative effects on this proposal are relevant to both the existing receiving environment and future character of the area.

Given the current volume of residential visitor accommodation activities within the area, and the potential for future visitor accommodation to be established on undeveloped sites as permitted activities, in my opinion, the existing development detracts from the underlying zone purpose. I consider that when assessed in context of the purpose of the LRZ, the cumulative effects on residential amenity and character have tipped to the point where these adverse effects must be considered to be at least minor on the immediate receiving environment.

5.3.3.6 Noise Effects

The noise generated by the proposal will be from both standard residential use and visitor accommodation. The applicant volunteers time restrictions for the visitor accommodation on the use of the outdoor space will be implemented to ensure noise compatibility. The visitor accommodation will be used exclusively by one group at a time and will be operated contemporaneously with the permanent residential activity on the site. Therefore, it is reasonable to expect that the permanent residents will act as an additional deterrent to any noise or nuisance effects. Over noise effects will be

able to be managed through volunteered conditions of consent such that the effects of these are expected to be minor.

5.3.3.7 *Effects Conclusion*

Based on the above assessment and in terms of those matters over which discretion is restricted under the District Plan, it is concluded that the effects of the proposal on the wider environment are no more than minor proposal is acceptable.

5.4 **Step 4 - Public Notification in Special Circumstances s95A(9)**

I consider that there are no special circumstances that exist in relation to the application (section 95A(9)).

5.5 **Public Notification Determination**

Pursuant to section 95A(5)(b)(i), public notification is not required.

6.0 LIMITED NOTIFICATION

Section 95B(1) of the Act requires a decision whether there are any affected persons (under s95E). The following steps are used to determine whether to give limited notification of an application.

6.1 **Step 1 - Certain Affected Groups and Persons Must be Notified s95B(2) and s95B(3)**

In this case, limited notification is not required under Step 1 as:

- there are no affected customary rights groups (s95B(2)(a)); and
- there are no affected customary marine title groups (s95B(2)(b)); and
- the activity is not on or adjacent to, and will not affect land that is the subject of a statutory acknowledgment (s95B(3)(a)).

6.2 **Step 2 - If not required by Step 1, Limited Notification precluded in certain circumstances s95B(6)**

In this case, limited notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes limited notification (section 95B(6)(a)); and
- the application is not for a controlled activity.

6.3 **Step 3 - If not Precluded by Step 2, Certain Other Affected Persons Must be Notified s95B(7) and (8)**

In this case, limited notification is not required under Step 3 as:

- Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.
- Limited notification is not required under Step 3 as the proposal falls into the 'any other activity' category. The effects of the proposal on persons are assessed below.

6.3.1 Assessment of Effects on Persons

Section 95E 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). The application does not contain any formal written approvals although the applicant has provided an email from Darryl Crichton of 9 Rodman Lane which appears supportive of the proposal. It noted that this correspondence is not on the correct form nor are there any signed plans and, as such, does not meet the necessary criteria to be accepted as a written approval.

The applicant has considered adverse effects on the adjacent properties. The applicant assesses that the sites at 7 Andrew Don Drive and 11 Rodman Lane are undeveloped sections with no persons residing on those properties. Therefore, the applicant considers that the proposal will not adversely affect any persons associated with 7 and 11 Andrew Don Drive. The applicant notes that 5 Andrew Don Drive and 9 Rodman Lane are developed with residential units. The applicant was unsuccessful in contacting the owner and occupier of 5 Andrew Don Drive and the details of the consultation with the owner of 9 Rodman Lane are set out above.

The applicant considers that given the conclusions of the urban design assessment, and the conditions of consent volunteered, any adverse effects of the proposal on the owners and occupiers of 5 and 7 Andrew Don Drive and 9 and 11 Rodman Lane are less than minor.

I disagree with the applicant in that, just because 7 Andrew Don Drive and 11 Rodman Lane are not developed, the owners of these properties would not be affected by development on an adjacent site. The owners of these adjacent properties have a reasonable expectation that adjacent development will occur within the permitted bounds of the District Plan and, where there is a proposal has the potential to result in current or future adverse effects on adjacent sites, the effects on these parties are to be reasonably considered.

In my assessment set out previously in this report, I conclude that the built form proposed by the development is assessed as largely acceptable by the Urban Design assessment such that the effects will be less than minor. I also note that the activity will be managed under a Visitor Accommodation Management Plan and no outdoor activity will be permitted between 10pm and 7am. Noise effects are assessed as minor. All parking will be contained on the site.

However, I also note that the proposed visitor accommodation seeks to double that permitted by the District Plan which has the potential to adversely affect the residential character and amenity on the adjacent residential neighbours. In my opinion, the existing development detracts from the underlying zone purpose and the proposed visitor accommodation will further contribute to this. Given the current volume of residential visitor accommodation within the area, and the potential for future visitor accommodation to be established on undeveloped sites, I consider that when assessed in context of the purpose of the LRZ, the cumulative effects on residential amenity and character have tipped to the point where these adverse effects must be considered to be at least minor on the immediate receiving environment.

Overall, while visitor accommodation is an anticipated activity within the zone, this application seeks to double the number of guests anticipated and this scale of the proposal has the potential to adversely impact the character, amenity values and purpose of the zone to the detriment of the residential amenity of the adjacent neighbours.

It is assessed that the proposal has the potential to have a more than minor effect on the character and residential amenity on the following adjacent neighbours identified as affected (as set out in Figure 4 below); being the owners/occupiers of:

- 5 Andrew Don Drive
- 7 Andrew Don Drive
- 9 Rodman Lane
- 11 Rodman Lane



Figure 4: Potentially affected parties marked with a red star

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

I consider that there are no special circumstances that exist in relation to the application.

6.5 Limited Notification Determination

Pursuant to section 95B of the Act, limited notification is required should the written approval of the affected parties identified above not be obtained.

7.0 NOTIFICATION RECOMMENDATION

Given the assessment above made under section 95A and section 95B, it is recommended that application RM240141 is processed on a limited-notified basis, unless the written approval of those parties identified above is obtained.

Prepared by:



Kirstyn Royce
Consultant Resource Management Planner

Date: 4 November 2024

Recommendation Approved under Delegated Authority:



Nick Boyes
Acting Planning Manager

Date: 5 November 2024