



Sections 95, 95A – 95F Resource Management Act 1991

Report determining whether an application for Resource Consent should be processed as publicly notified, limited notified or non-notified

Consent number:	LUC25/0012
Applicant's Name:	Delwyn Walker
Street Address:	9 Gleniffer Place METHVEN
Legal Description of Site:	LOT 193 DP 559612
Zone:	Residential C
Application summary:	Land use consent at 9 Gleniffer Place to address the non-compliance associated with the use of a dwelling as visitor accommodation. Zoned Residential C.

1.0 DESCRIPTION OF THE PROPOSAL

The applicant has applied for land use consent to carry out visitor accommodation for up to eleven (11) guests at 9 Gleniffer Place, Methven which is zoned Residential C under the Ashburton District Plan. The activity is proposed to operate up to 365 days a year. No permanent residence is proposed on the site.

The building in which accommodation is being provided in an existing single storey, four-bedroom, two-bathroom house with two living areas and an attached double garage. The house is 265m² in area, and the site is 955m² in area. The site is fenced on all internal boundaries. The dwelling complies with all built form standards including setbacks, height, and recession lines.

The applicant has provided a visitor accommodation management plan. The management plan includes a number of mitigation measures including:

- Complaints process and register
- Letter to adjoining neighbours with contact details
- Sign for guests advising on use of outdoor areas
- Local property manager (within 50km and available 24hrs/day)

LUC25/0012
9 Gleniffer Place, Methven
Notification Report

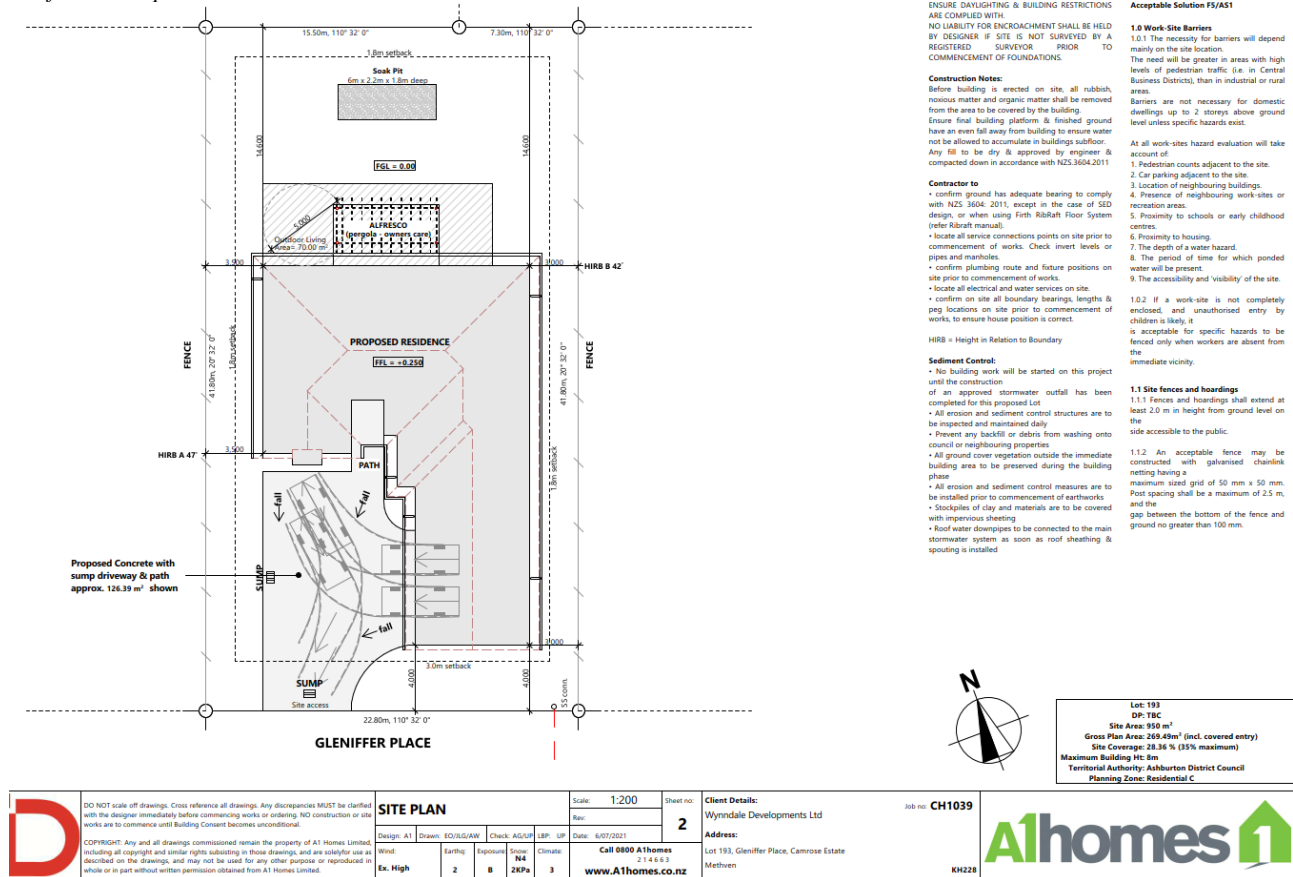


Figure 1: Site Plan

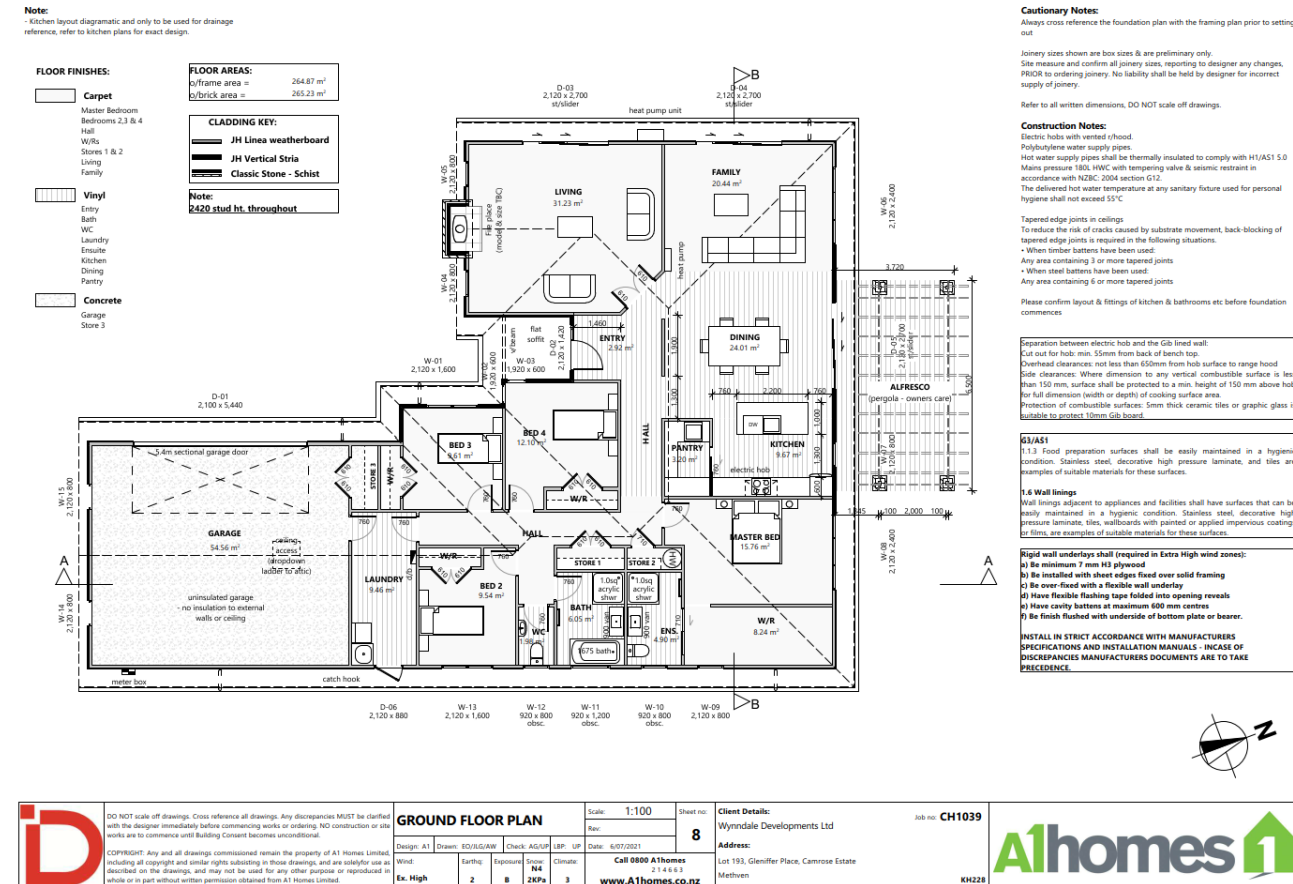


Figure 2: Floor Plan

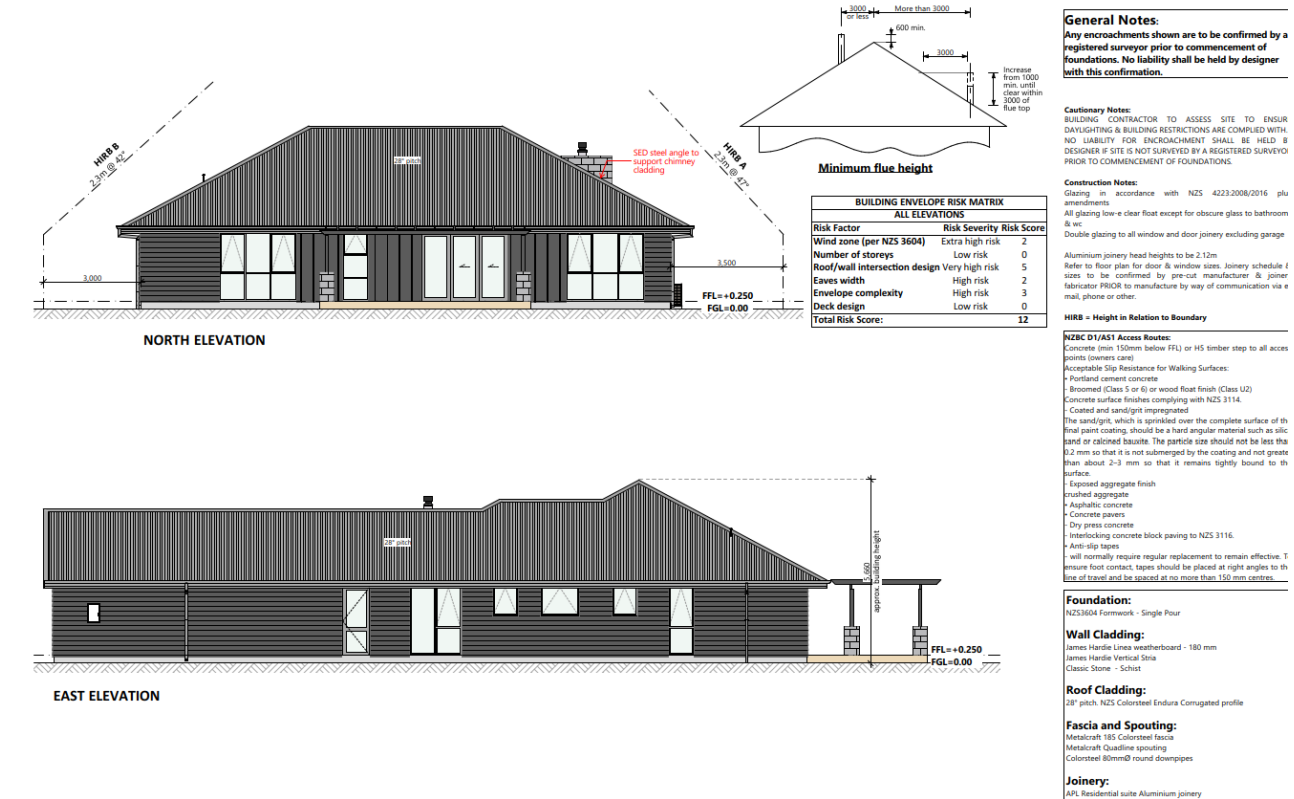


Figure 3: Elevations - North/East

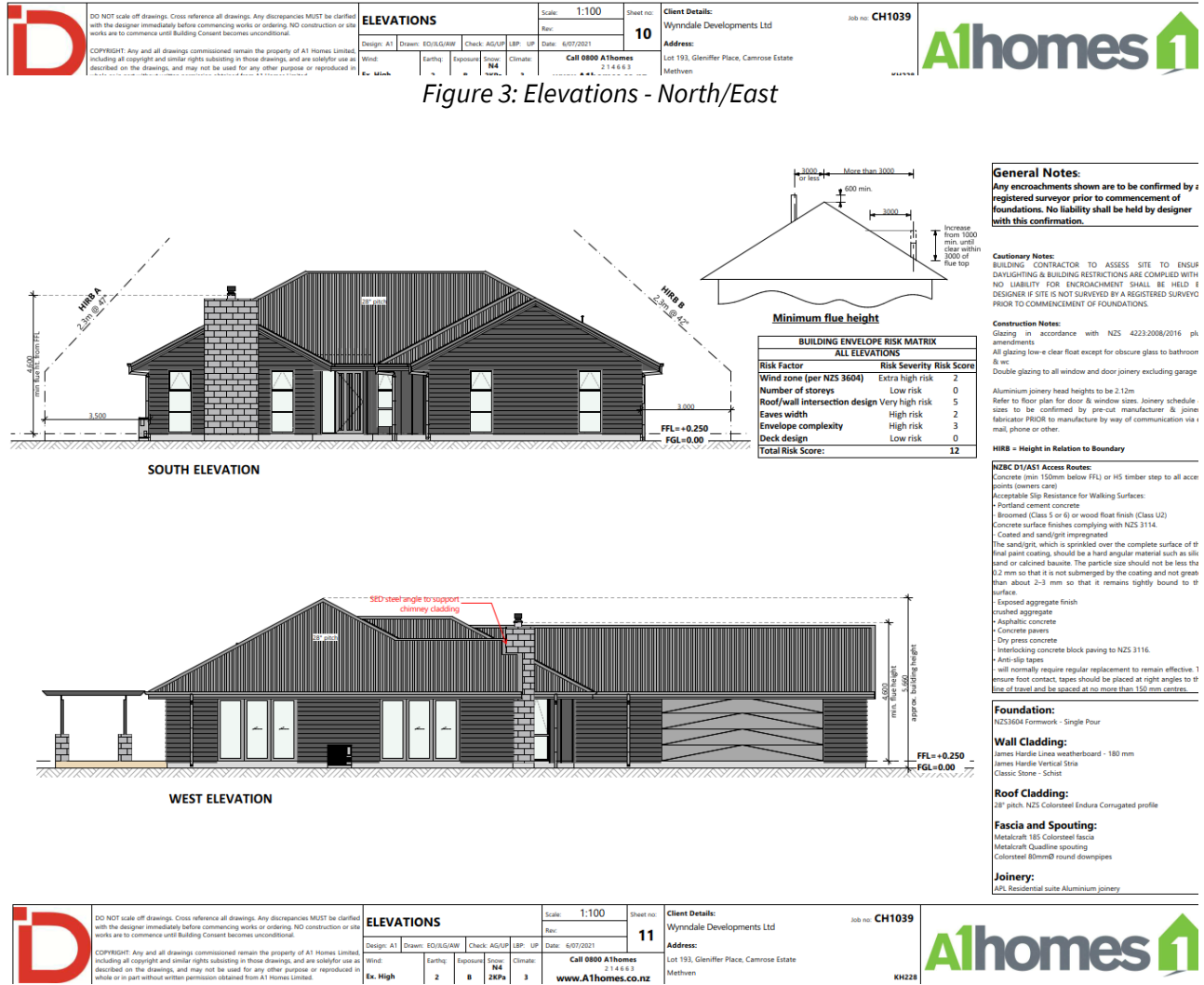


Figure 4: Elevations - South/West

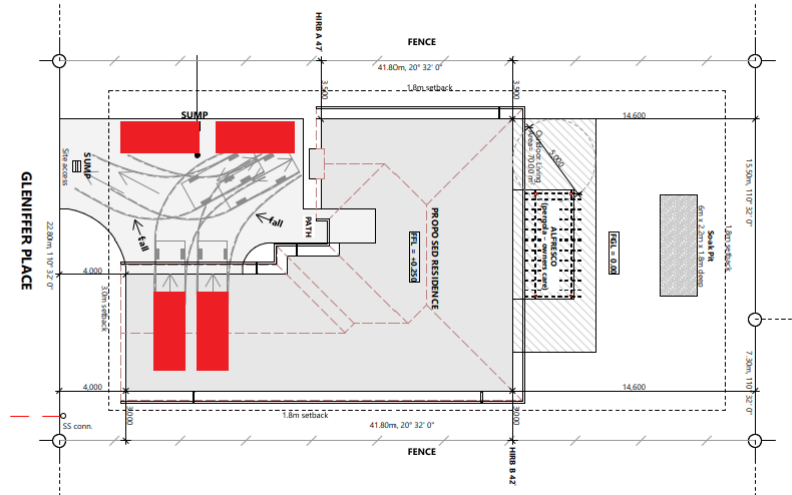


Figure 5: Site Plan showing proposed location of car parks (from page 9 of Visitor Accommodation Management Plan)

2.0 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site is zoned Residential C under the Operative Ashburton District Plan and is located within Area B of the Lochhead Outline Development Plan. The Lochhead Outline Development Plan is an area north of the Methven Township. No other planning layers apply to the site. The site is 955m² and is contained within record of title 993254 (Lot 193 DP 559612).

Environment Canterbury's Listed Land Use Register (LLUR) does not list the site as a HAIL site and there are no known or likely HAIL activities.

The surrounding sites are also zoned Residential C under the Ashburton District Plan. The immediately adjacent sites, and the overall area, are a mixture of developed and undeveloped sites.

There is an existing consented visitor accommodation activity at 4 Gleniffer Place (LUC25/0020).

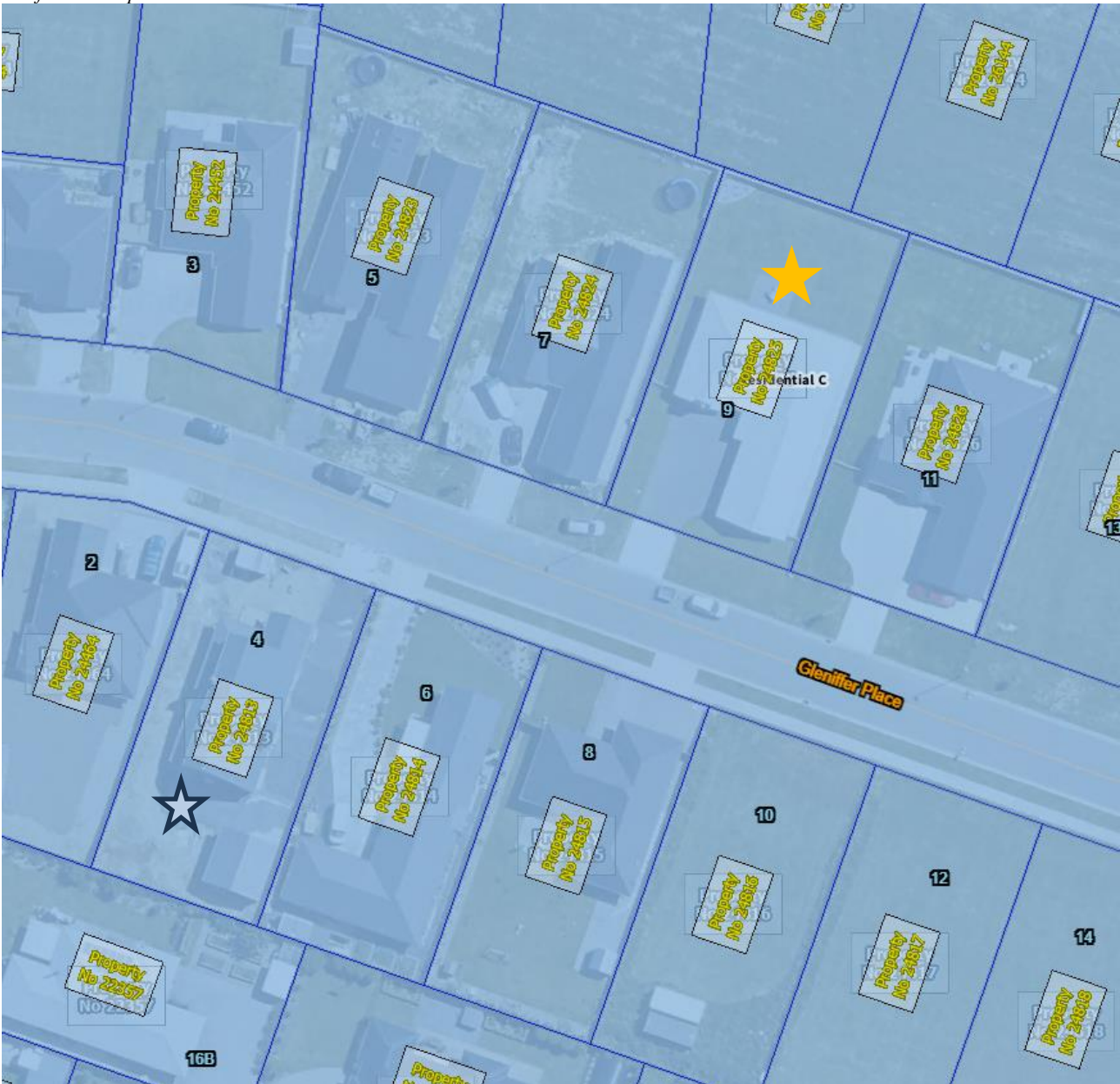


Figure 6: Aerial View of the site with District Plan layers. The subject site has an orange star. The blue star shows the consented visitor accommodation activity at 4 Gleniffer Place.



Figure 7: Aerial view

3.0 PLANNING FRAMEWORK

3.1 RELEVANT RULES

Section 4 – Residential Zones

The proposal is to provide visitor accommodation in an existing single-storey house for up to eleven (11) guests. As the building is already existing, compliance with the Residential Zone standards has not been assessed. This is because compliance with the District Plan's building standards was assessed at the time of building consent and no land use consent was required.

- Section 4, Rule 4.8.2(d) visitor accommodation limited to home stays accommodating no more than 5 visitors at any one time is a permitted activity.

The proposed activity will be providing accommodation for up to eleven people.

- Section 4, Rule 4.8.4(f) specifies that any other activity, which is not listed as a permitted, restricted discretionary or non-complying activity shall be a discretionary activity. As visitor accommodation (homestay) exceeding 5 guests has not been specifically identified in the relevant rules it is considered that a Discretionary Activity consent is required under this Rule.

Section 10: Transport compliance

Gleniffer Place is a Local Road in the Appendix 10-1 Rooding Hierarchy

Rule	Compliance
10.8.3a Mobility Parking Spaces More than 10 guests & 1-20 car parks provided: - 1 mobility park required	Complies: There is a level space within the driveway (and potentially the garage) of sufficient dimensions to accommodate a 3.6m width and 5.0m depth mobility park.
10.8.6 Cycle Parking Other retail or commercial activities: 1 visitor and 1 long term cycle park per 500m ² GFA. The visitor accommodation GFA is less than 500m ² .	Complies
10.8.7 On-site Manoeuvring a) 90%ile car b) N/A	Does not comply (It is noted that guest bookings will be limited to one group at a time, allowing coordination by drivers.)

Pursuant to Section 4, Rule 4.8.4(f) the activity is a **Discretionary Activity**.

4.0 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

4.1 PUBLIC NOTIFICATION ASSESSMENT

Section 95A of the Resource Management Act sets out a step-by-step process for determining public notification.

4.1.1 Step 1 - Mandatory Public Notification in Certain Circumstances (Section 95A(2) and (3))

Question	Response
Has the applicant requested public notification? (Section 95A(3)(a))	No
Is public notification required under Section 95C? (Section 95A(3)(b))	N/A
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))	No

In this case, public notification is not mandatory.

4.1.2 Step 2 - Public Notification Precluded in Certain Circumstances (Section 95A(4) and (5))

Question	Response
----------	----------

Does a rule or national environmental standard preclude public notification of each activity in the application? (Section 95A(5)(a))	No
Is the application for one or more of the following, but no other activities? - A controlled activity? (Section 95A(5)(b)(i)); or - A restricted discretionary, discretionary or non-complying boundary activity? (Section 95A(5)(b)(iii))	No

In this case, public notification is not precluded.

4.1.3 Step 3 - Public Notification Required in Certain Circumstances

Question	Response
Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification? (Section 95A(8)(a))	No
Does the Consent Authority decide, in accordance with Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor? (Section 95A(8)(b))	No

Section 95D sets the parameters a Consent Authority can work within when deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor.

Section 95D

Section 95D(a) – A Consent Authority must disregard any effects on persons who own or occupy (i) the land in, on or over which the activity will occur, or (ii) land adjacent to that land; and

Section 95D(b) – A Consent Authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect

Section 95D(c) – A Consent Authority, in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and

Section 95D(d) – A Consent Authority must disregard trade competition and the effects of trade competition; and

Section 95D(e) – A Consent Authority must disregard any effect on a person who has given written approval to the application.

In this case, (a) effects on the persons noted are disregarded; (b) the permitted baseline includes a visitor accommodation (homestay) activity for up to 5 guests with compliant manoeuvring area; (c) the activity is a discretionary activity; (d) there are no trade competition matters to consider; and (e) the persons listed in Table 1 have provided written approval – effects on these persons have been disregarded.

Table 1 - Written approval signatories		
Person and identifying features	Plans signed?	Any other owners or occupiers of the same property not represented on

		the form? (see page 2 of form)
Kim & Robyn Lawry as owners of the adjoining site at 17 Arrowsmith Drive, Methven.	Yes	No

In this case, the adverse effects on the environment are not likely to be more than minor due to the location, scale and design of the activity. The visitor accommodation management plan includes a number of mitigations that will limit the potential adverse effects of the activity. The consented activity at 4 Gleniffer Place also has a range of mitigating conditions, such that the cumulative effects on the environment will be no more than minor.

4.1.4 Step 4 - Special Circumstances (Section 95A(9))

Question	Response
Do special circumstances exist that warrant the public notification of the application?	No

4.2 LIMITED NOTIFICATION ASSESSMENT

Section 95B of the Resource Management Act sets out a step-by-step process for determining limited notification.

4.2.1 Step 1 – Certain Affected Groups and Affected Persons Must be Notified (Section 95B(2) – (4))

There are no known protected customary rights groups or customary marine title groups affected by this application. There is no known statutory acknowledgement on the site or on land immediately adjacent to the site.

4.2.2 Step 2 – Limited Notification Precluded in Certain Circumstances (Section 95B(5) and (6))

Question	Response
Is the application for a resource consent for one or more activities, and each of those activities is subject to a rule or national environmental standard that precludes limited notification? (Section 95B(6)(a))	No
Is the application for a controlled activity (but no other activities) that requires a resource consent under a District Plan (other than subdivision)? (Section 95B(6)(b))	No

In this case, limited notification is not precluded.

4.2.3 Step 3 – Certain Other Affected Persons Must be Notified (Section 95B(7) – (9))

Question	Response
In the case of a boundary activity, determine in accordance with Section 95E whether an owner of an allotment with an infringed boundary an affected person. (Section 95B(7))	N/A
In the case of any other activity, determine whether a person is an affected person in accordance with Section 95E. (Section 95B(8))	No

Section 95E sets the parameters a Consent Authority can work within when deciding whether a person is an affected person.

Section 95E

Section 95E(1) – 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 not less than minor).

Section 95E(2)(a) – A Consent Authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

Section 95E(2)(b) – A Consent Authority, in the case of a controlled or a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

Section 95E(2)(c) – A Consent Authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11 of the RMA.

Section 95E(3) – A person is not an affected person if (a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person’s written approval.

Section 95E(4) – Subsection (3) prevails over subsection (1).

In this case, (2)(a) the permitted baseline includes a visitor accommodation (homestay) activity for up to 5 guests with compliant manoeuvring area; (2)(b) the activity is a discretionary activity; (2)(c) there is no relevant statutory acknowledgement; and (3-4) the persons listed in Table 1 have provided written approval – effects on these persons have been disregarded.

In this case the persons listed in Table 2 are considered to be affected due to the proximity of their land/residential units to the visitor accommodation activity.

Table 2 – Affected persons¹
Person and identifying features
Owners and occupants of the site at 7 Gleniffer Place
Owners and occupants of the site at 8 Gleniffer Place
Owners and occupants of the site at 11 Gleniffer Place
Owners and (any) occupants of the site at 19 Arrowsmith Drive

There are no other affected persons because:

- The permitted baseline allows for visitor accommodation (homestay) up to 5 guests, with compliant manoeuvring.
- Guests will be limited to one booking group at a time, allowing use of the on-site car parking and manoeuvring space to be coordinated, and allowing one point of contact for the property manager.

¹ Refer Appendix 1 for a pictorial representation.

- Guests will be encouraged to park on the site or at the road frontage of the site (to be included in the visitor accommodation management plan, house manual, and check in process) – agreed to by the applicant.
- Signage will specify use of the outdoor living area is be precluded between the hours of 10pm and 8am.
- Signage will specify quiet hours between 8pm and 8am. The house rules specify no amplified music outdoors after 8pm.
- Noise will comply with the residential permitted thresholds.
- A letter drop will be undertaken to all adjoining sites, providing contact details.
- A complaints procedure and register will be followed.
- A property manager will be available 24/7 and within a 50km radius of the activity.
- The property is fenced with a 1.8m high wooden fence.
- The consented activity at 4 Gleniffer Place also has a range of mitigations in a visitor accommodation management plan. The cumulative effects on any persons will be less than minor.
- There are no adverse effects that would result in any other affected persons.

4.2.4 Step 4 – Special Circumstances (Section 95B(10))

Question	Response
Do special circumstances exist warranting notification to any other persons not already determined to be eligible for limited notification?	No

4.3 NOTIFICATION CONCLUSION

Based on the step-by-step process for determining public notification and limited notification, it is considered that the application is required to proceed on a **limited-notified basis**.

5.0 RECOMMENDATION

For the reasons set out below, this application shall proceed on a **limited-notified basis**, pursuant to Sections 95A-95F of the Resource Management Act 1991:

- i) The applicant has not requested public notification (Section 95A(2)(b));
- ii) The activity is not subject to a rule or national environmental standard which requires public notification or limited notification (Section 95A(5)(c) and Section 95B(6)(a));
- iii) Any adverse effects on the environment will be no more than minor (Section 95D);
- iv) There are persons determined to be affected persons (Section 95B(8) and Section 95E(e);
- v) There are no protected customary rights groups, customary marine title groups affected by this application, and there are no statutory acknowledgements on the site or land adjacent to the site (Section 95B(2) – (4), Section 95F and Section 95G); and
- vi) There are no special circumstances which exist which warrant public notification or limited notification (Section 95A(9) and Section 95B(10)).



Signed:

Nicholas Law
Planner

Date: 22/09/25

Decision:

The above application LUC25/0012 has been considered under delegated authority and has been determined to be processed with service of notice to the persons identified in Table 2 pursuant to Sections 95A-95F of the Resource Management Act 1991.

Signed:

Brad Thomson
District Planning Manager

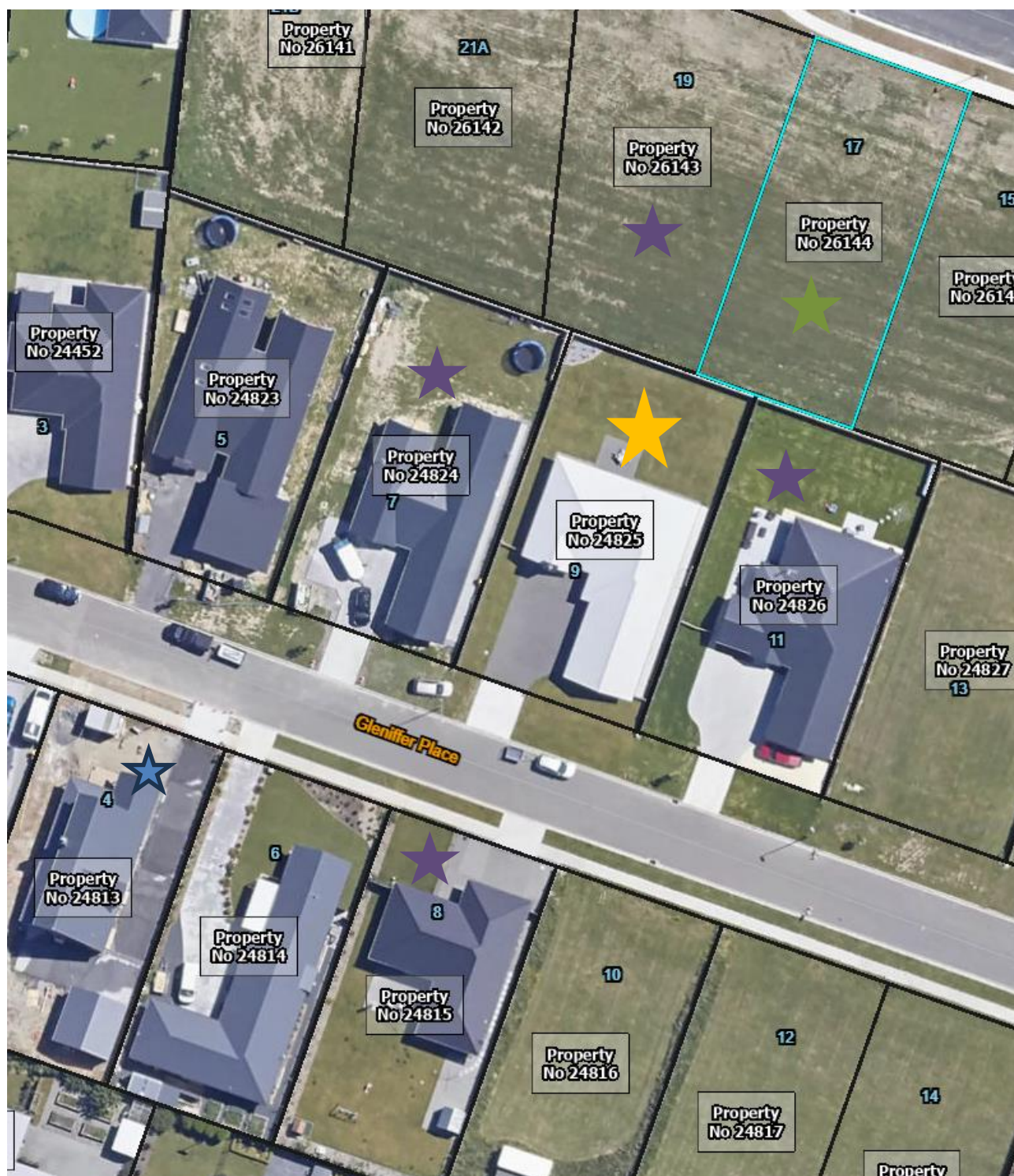
Date:

Signed:

Ian Hyde
Group Manager Compliance & Development

Date:

Appendix 1 – Pictorial representation



Orange star – subject site

Blue star – 4 Gleniffer Place (LUC25/0020)

Green star – written approval associated site

Purple star – affected person associated site

