

**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC250353
528D Kawarau Gorge Road (SH 6)**

INTRODUCTION

The applicant, Andrew Duncan and Jesse Chalmers seek resource consent to construct a dwelling and shed with vehicle access at 528D Kawarau Gorge Road (SH 6). The site is legally described as Section 24 Block IV Cromwell Survey District, held in Record of Title OT10B/1161 and comprising an area of 202.1ha. The site is located within an Outstanding Natural Landscape mapped area and the site ranges in elevation of 450m to 850m above sea level. The site is currently used for low-intensity pastoral grazing and is vacant except for a small hut.

The applicant seeks to establish a six-bedroom dwelling at approximately 680m above sea level. The application plans show a curtilage area of 2000m² which will contain a dwelling and shed (see Figure 1). A solar array, which will power the site, is proposed to be located outside of the curtilage area as are the water storage tanks. Mitigation shrub and tree planting is also proposed.

The dwelling is proposed to be a single storey building with a maximum height of 5.5m. The building will take an L-Shaped form and will comprise open plan kitchen, dining, lounge area, five bedrooms and guest suite, office, two bathrooms plus additional WC. The dwelling will have a floor area (including decks) 332.2m² and a roofed area of 444m² which includes a 90m² verandah. The dwelling will be finished in Colorsteel Karaka with a Light Reflective Value of 8%.

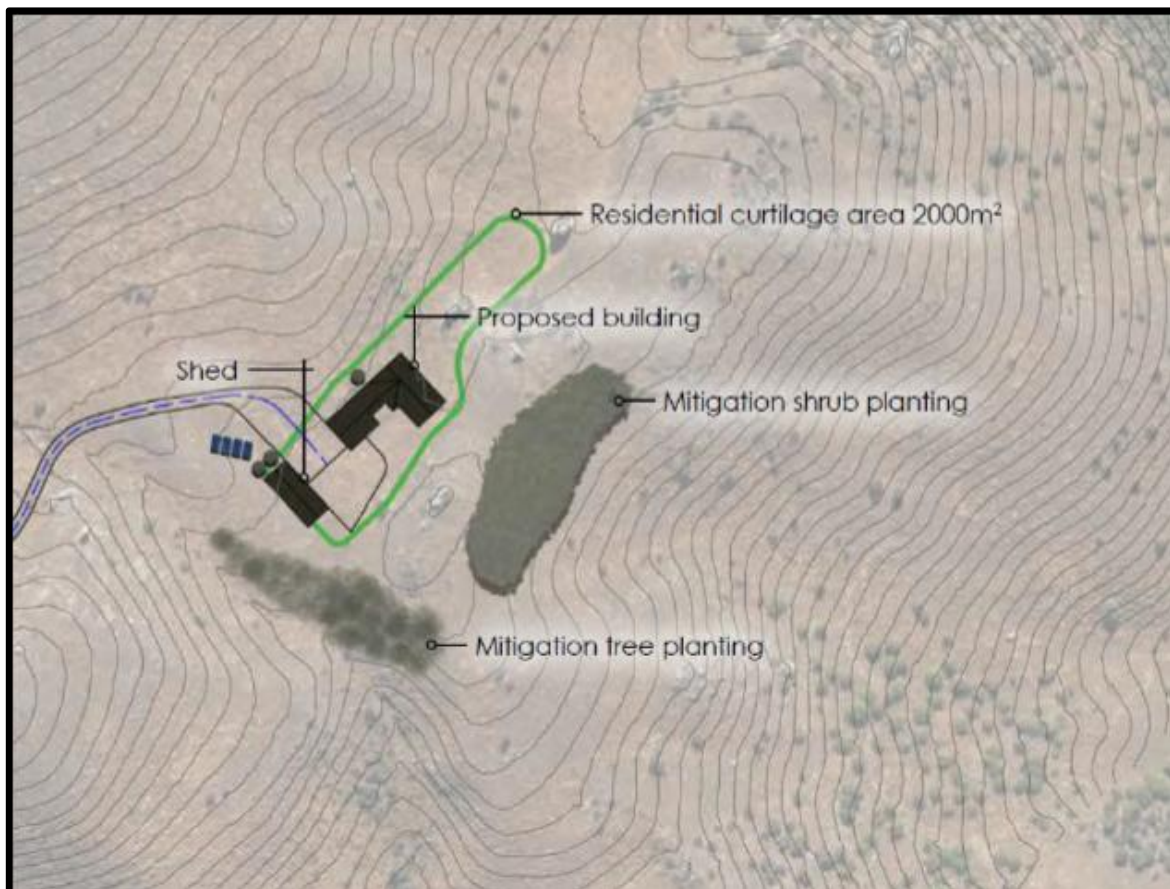


Figure 1: The development site and proposed mitigation planting (Source: Application).

The detached shed is proposed to have a floor area of 162m², with a gable roof measuring height of 4.24m at the apex. The shed will be located approximately 12m from the main dwelling. The shed will have four bays and will be clad in Colorsteel Karaka.

The associated landscape assessment recommends that a landscape management plan be prepared and implemented, along with other mitigation conditions.

Access to the site will be via an existing Right of Way (ROW) from Ripponvale Road. The access will be extended from the ROW through a 650m long, 3m wide, driveway. The track is proposed to follow the natural contours of the land to reduce the cut and fill requirements. Earthworks are required to create the track, dwelling platform and associated service trenching. The works will involve 405m³ of cut and 221m³ of fill.

Evidence of the water supply to service the dwelling is provided with the application. Appropriate water storage is proposed for potable water and firefighting supply. The application is supported by an assessment which confirms that wastewater is able to be satisfactorily disposed of on-site. Electricity supply will rely by way of ground-mounted solar panel. The Solar array will occupy an area of approximately 40m². Rainwater is proposed to be collected from roofed areas and stored for beneficial reuse.

The application is well described in the application which is supported by the following documents:

- Landscape Assessment (Including Graphics) (Patch Landscapes)
- Geotechnical, Stormwater and Wastewater Assessment (Geotago)
- FENZ Access Advice
- Water Supply (Otago Regional Council Consent)
- Interior Lighting Assessment

The site is classified as Land Use Category 6 ([Land Use Capability » Maps » Our Environment](#)). The site has the following hazards identified:

- Landslides – Otago Region.
- The inferred location of the Pisa Fault is approximately 1.5km east of the site.

For completeness, it is noted that a previous application was made in 2024 but was returned by Council while the above landscaped assessment was being prepared. This application is to be considered anew and without prejudice.

REASONS FOR THE APPLICATION

Central Otago District Plan

The subject site is located within the Rural Resource Area of the Central Otago District Plan (the District Plan). The site is located within an Outstanding Natural Landscape. There are no other District Plan annotations for the site.

Rule 4.7.3(vii) provides for residential activity within the Rural Resource Area as a restricted discretionary activity, providing conditions Rule 4.7.3(vii)(a-d) are met. In this instance, no breaches of Rule 4.7.3(vii)(a-d) are identified.

Standard 4.7.6.L(1) excludes the erection of structures, new tracks, excavation of material within an Outstanding Natural Landscape. Breaches of Standard 4.7.6.L(1) are assessed as discretionary activities pursuant to Rule 4.7.4(i).

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NЕСS) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

The applicant has provided an assessment of the potential for current or historic HAIL uses for the site and concludes that the NЕСS is not triggered by this application.

There are no other National Environmental Standards relevant to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, the proposal is assessed as a discretionary activity, overall.

SECTION 95A PUBLIC NOTIFICATION

Step 1 – Mandatory public notification

Public notification has been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities or a boundary activity (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). In this instance, the applicant has requested notification and no assessment is required under s95D.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

In this instance, the applicant has requested notification and no assessment is required under s95(9)(a).

OVERALL DECISION - S95A NOTIFICATION

Pursuant to s95A(3)(a), public notification is required as identified in the assessment above.

SECTION 95B LIMITED NOTIFICATION

Limited notification is not required as public notification is requested by the applicant.

SECTION 95E AFFECTED PARTIES

The written approval of the party detailed in the table below has been obtained. In accordance with sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on this party.

Person	Address	Obtained
Robin Ashley Jones	29 Ritchies Road	11 November 2025
Grant Hylton Hensman on behalf of LS Sill and GE Luke	Pt Sec 20 BLK IV Cromwell SD	8 November 2025

When considering the direct effects of the proposal on other parties, it is the visual effects which are likely to result in the greatest impact. The application is supported by a Landscape Assessment prepared by Patch which is relied upon for the following assessment.

The dwelling is positioned well below the crest of the adjacent knoll to the east, within a topographically recessed location. The placement is supported by the site's natural landform depression, which ensures that from most public and private viewpoints, the building will be visually subdued and integrated within the broader landscape character. The muted cladding proposed for both the dwelling and the pole shed will read as a dark, recessive element. The visual containment of the site is further reinforced by the enclosing slopes, which help to visually contain the development within a small local catchment. These landforms prevent mid- and long-range visibility from the wider Cromwell Basin and Kawarau Gorge. The applicant confirms that no light spill will be visible from beyond the site boundary and that the development will not introduce any noticeable glow or glare into the dark rural landscape

The visual effects of the access track itself may be moderate during the construction phase, due to earthworks and potential temporary visual disturbance associated with machinery, exposed cuts, and fill batters. However, these effects are expected to reduce to low once construction is complete. The applicant states that the track alignment has been carefully selected to follow natural contours, minimising cut heights and avoiding prominent spurs or ridgelines.

The ground-mounted solar panel array introduces an additional element in the visual landscape but is to be located near the dwelling and designed to sit low to the ground (maximum height of 1.5 metres). As such, the array will be partially screened by landform and surrounding plantings. Its low profile and muted finishes are intended to ensure that it will not introduce discordant or visually dominant elements into the landscape.

In terms of site development and construction the applicant acknowledges that the temporary visual effects, including the presence of machinery, earthworks, and materials storage, will occur. These effects are considered moderate to low but are assessed as short-term and localised to the immediate development area. Once the dwelling, access, and associated

infrastructure are complete, and the site has been regressed and planted as required by recommended conditions, the visual effects will reduce to low. Sediment and dust will be controlled during the works.

Overall, the photographic viewpoints provided with the Patch Landscape Assessment confirm that the proposed development will be extremely difficult to see without the aid of binoculars from the main public vantage points, aside from the unformed road to the west of the site, where localised visibility will occur, however there is no formed access at this location and there are limited opportunities for public viewing.

Overall, the proposed development will be contained in scale and design, with the building sited below ridgelines and finished in muted, low-reflectivity materials that limit its visual impact, such that there are no directly affected parties beyond those who have already provided written approval.

OVERALL NOTIFICATION DETERMINATION

Given the request for notification pursuant to s95A, the application is to be processed on a publicly notified basis.

SERVICE OF APPLICATION

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) The consent authority must serve that notice on—

- (a) every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:*
- (b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:*
- (c) the regional council or territorial authority for the region or district to which the application or review relates:*
- (d) any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*

Other local authorities and bodies that the consent authority considers should have notice of the application are as follows:

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- (c) *the regional council or territorial authority for the region or district to which the application or review relates:*
- (d) *any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*
- (e) *the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:*
- (f) *the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area:*
- (g) *Heritage New Zealand Pouhere Taonga, if the application or review—*
 - (i) *relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or*
 - (ii) *affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rārangī Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014:*
- (h) *a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.*
- (ha) *a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:*
- (i) *Transpower New Zealand, if the application or review may affect the national grid.*

An assessment of the above persons has been undertaken and it is considered appropriate to serve notice on the following parties set out in Tables 3 and 4:

Table 3: Statutory Bodies to be served

Party to be served
Aukaha Limited
Hokonui Rūnanga
Te Ao Marama Incorporated
Te Rūnanga O Ngai Tahu
Otago Regional Council

Prepared by:

A handwritten signature in black ink, appearing to read 'K. Royce'.

Kirstyn Royce
Planning Officer

Date: 9 January 2026

Approved under Delegated Authority by:

A handwritten signature in black ink, appearing to read 'Tim Anderson'.

Tim Anderson
Team Leader – Planning

Date: 14 January 2026