

**CENTRAL OTAGO DISTRICT COUNCIL**  
**S95A-F DECISION FOR RC260040**  
**1043 Earnsclough Road, Alexandra**

## **INTRODUCTION**

The application seeks consent for a two-lot subdivision, and land use consent for a 30m x 30m residential building platform, and construction of a residential dwelling within that platform, in a Rural Resource area at 1043 Earnsclough Road, Earnsclough, Alexandra.

### **Subdivision**

The subject site has an existing land area of 4.43 ha. It is proposed to subdivide the site into two lots, with Lot 1 fronting Earnsclough Road and containing the existing residential dwelling; and Lot 2 located to the rear adjoining Crown land alongside the Clutha River/ Mata-Au.

The proposed subdivision seeks to create two allotments as follows:

- Lot 1 with a land area of 2.11 ha (net) and 2.16 ha (gross) and
- Lot 2 with a land area of 2.16 ha (net) and 2.26 ha (gross);

The subdivision would result in an average of 2.215 ha hectares across the subdivision.

The subdivision proposes to utilise a shared existing vehicle crossing to Earnsclough Road, indicated by a proposed new right of way over Lot 1, providing legal and physical access to Lot 2, as shown on the proposed subdivision plan. The application states that Lot 1 has electricity, telecommunication and potable water connections, and these are to be extended to the boundary of Lot 2.

The existing dwelling has access to potable water supply from the Earnsclough Domestic Cooperative Company, which is proposed to also supply Lot 2 with an additional allocation of 1,500L per day/per lot, with written confirmation of the new allocation being provided with the application. Irrigation water supply is provided from the Earnsclough Irrigation Company, and the application states that the water rights for the existing lot are to be split evenly between the resulting titles, again with written confirmation being provided as part of the application.

Figure 1 below illustrates the proposed subdivision.

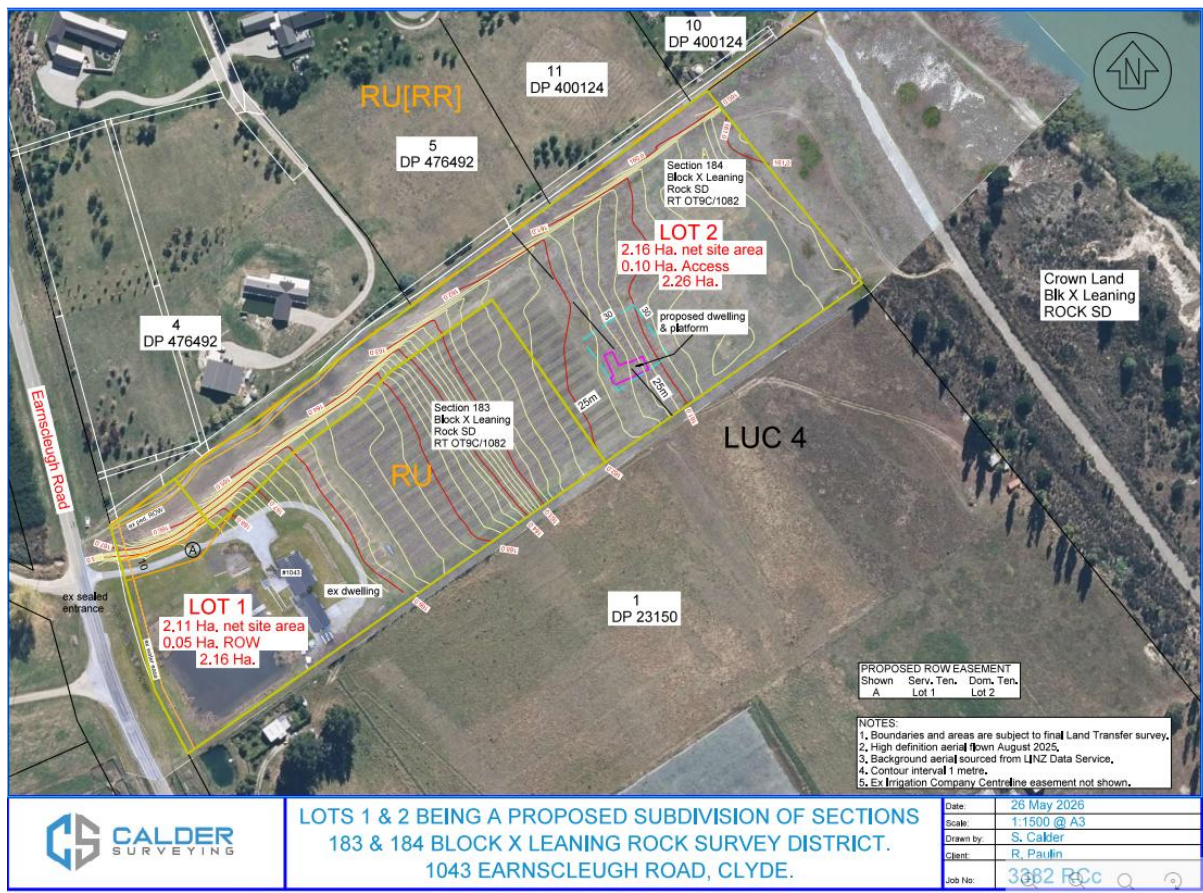


Figure 1: Proposed Subdivision Scheme Plan

## Land use

Land use consent is sought for the establishment of a residential building platform of 30m x 30m (900m<sup>2</sup>) on proposed Lot 2, and for the construction of a residential dwelling within that platform. The proposed building platform is set back 25m from the southern boundary adjoining Lot 1 DP 23150, and 25m from the internal boundary with proposed Lot 1. The location of the building platform on proposed Lot 2 can be seen in Figure 1 above.

The proposed residential dwelling has a footprint of 161m<sup>2</sup>, and a maximum height of 5.2m. The dwelling is an architectural design and is proposed to be clad in a mix of natural clay brick (LRV < 15%), timber, and coloursteel in 'Scoria' colour (LRV 10%). Figure 2 below provides visual renders illustrating proposed housing design. A landscape mitigation plan is also proposed around the southern and eastern boundaries of Lot 2, as indicated in Figure 3 below.



Figure 2: Renders of proposed dwelling on proposed Lot 2.

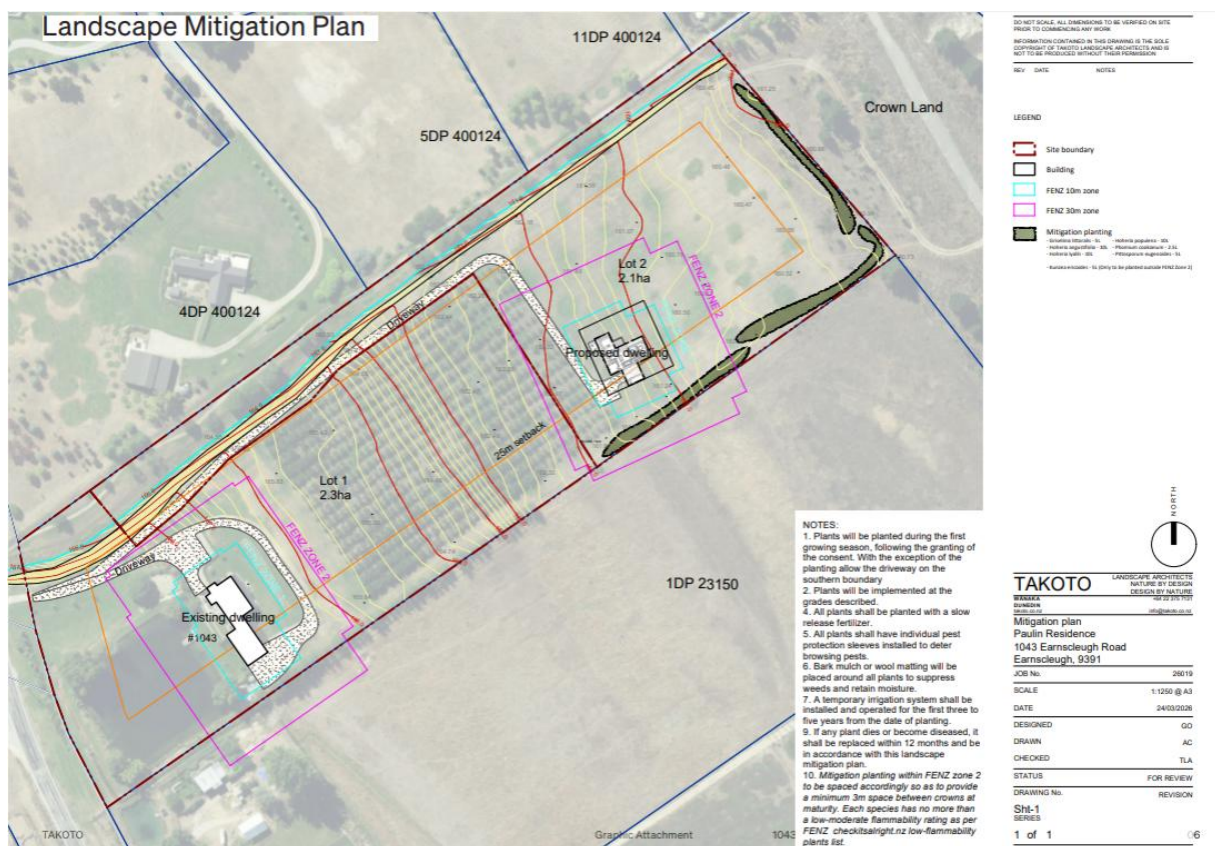


Figure 3: Landscape Mitigation Plan

## SITE DESCRIPTION

The subject site is located at 1043 Earnsclough Road, Earnsclough, Alexandra, legally described as Section 183-184 Block X Leaning Rock SD (held in Record of Title OT9C/1082). The subject site is well described within the application and supporting documents, and I have adopted the applicant's description for the purposes of this report, with the following additional summary.

The site is made up of two separate allotments (Section 183 and Section 184) that are held in the same record of title and, therefore, comprise one "site" according to the definition contained in the District Plan. These existing allotments are not able to be separately disposed of under the RMA without the consent of Council.

The site is located within the Rural Resource Area of the Central Otago District Plan and is situated on a terrace elevated above the true right of the Mata-Au/Clutha River, approximately 2km south-west of Clyde and 11km north of Alexandra. The site has a total land area of 4.43 ha with existing legal access to Earnsclough Road. A pedestrian right of way runs along the northern boundary providing access through the site and adjacent land to the Clutha River trail, and the site is also subject to easements providing the right to convey water in favour in favour of Picnic Creek Incorporated.

The site currently contains an existing dwelling and dam located at the western end, and to the rear (east) of the dwelling is productive land that has intermittently been used for stone fruit horticultural growing practices and contains an area of existing fruit trees within the central part of the lot. An ephemeral drain/waterway is located alongside the northern boundary of the site which is stated to act as a drainage channel for overflow/ runoff from Picnic Creek (to the west) towards the Clutha River.

Surrounding properties include the adjacent Picnic Creek rural residential subdivision to the north, and within the wider area a range of larger rural lifestyle and rural uses including horticultural growing activities or open grassland areas. To the east the site adjoins Crown land alongside the true right of the Clutha River which contains a gravel walking trail. Further across the true left side of the Clutha River, opposite the site, is the Dunstan golf course and beyond this the Clyde residential area.

## REASONS FOR APPLICATION

### Central Otago District Plan (District Plan)

The subject site is located within the Rural Resource Area of the District Plan.

Subdivision consent is required for the following:

- A **non-complying activity** pursuant to Rule 4.7.5(iii) for the subdivision of land which creates an allotment or allotments with an average area less than 8 hectares in the Rural Resource Area not identified on the planning maps as Rural Residential ([RR]).

Land use consent is required for the following:

- A **restricted discretionary** activity pursuant to Rule 4.7.3(vii) for residential activity and a residential building platform that are not provided for in Rule 4.7.2(i), 4.7.2(ia), 4.7.2(ib) and Rule 4.7.2(vi), where the specified standards are complied with.

- A **controlled activity** pursuant to Rule 4.7.2(i) for a residential activity located on a residential building platform consented under Rule 4.7.3.vii.

It is noted that the application seeks land use consent for residential activity on Lot 2, which has the above activity status only where a prior subdivision consent is granted. However, if subdivision consent is declined, it is noted that the status of a second residential activity and building platform on the site (separate to subdivision) is identified as a discretionary activity 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 (NESCSCS) 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.

As the proposal involves subdividing land and changing the use of production land that has been subject to an activity described in the HAIL being *A:10 Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds*, it is a piece of land covered by the NESCSCS. Regulation 8(4) states that subdivision or changing use of the piece of land is a permitted activity where the following requirements are met:

- a) a preliminary site investigation of the land or piece of land must exist:*
- b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:*
- c) the report must be accompanied by a relevant site plan to which the report is referenced:*
- d) the consent authority must have the report and the plan.*

Accordingly, a preliminary site investigation (PSI) has been undertaken by WSP for the proposal<sup>1</sup>. Preliminary soil sampling undertaken across the proposed development area identified concentrations of copper above background levels which are considered consistent with historical horticultural practices, and the sampling did not identify any contaminants of concern above relevant human health criteria. The report states that the risk to current and future site users is low and no additional soil management controls are required. It is concluded that *“Subdivision and land use consent for the site is considered to be a permitted activity under the NESCSCS as this PSI indicates that soil contamination risk is low and therefore it is highly unlikely that there will be a risk to human health if the activity is undertaken”*. It is also stated that any future soil disturbance associated with construction works is expected to be manageable under permitted activity provisions.

Therefore, the requirements of Regulation 8(4)(a)-(d) have been met and I consider that the NESCSCS is not triggered by this application.

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

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<sup>1</sup> *Preliminary Site Investigation, Clyde Orchards 1043 Earnscleugh Road, Alexandra, prepared by WSP and dated 18-05-2026.*

## SECTION 95A NOTIFICATION

### Step 1 – Mandatory public notification

The applicant has requested public notification of the application (s95A(3)(a)).

Pursuant to section 95A of the Resource Management Act 1991, the consent authority must publicly notify the application as the applicant has requested that the application be publicly notified.

### OVERALL DECISION - S95A NOTIFICATION

For the reasons outlined above, under s95A of the RMA, the application is to be processed on a publicly notified basis.

## PUBLIC NOTIFICATION

Section 2AA of the Resource Management Act sets out that public notification means the following:

- (a) giving public notice of the application or matter in the manner required by section 2AB;*
- (b) giving that notice within the time limit specified by section 95, 169(1), or 190(1); and*
- (c) serving notice of the application or matter on every prescribed person.*

### Public notice

Public notification is to be given in the prescribed form by way of notice on the Council website and advertisement in a local newspaper, including all the information that is required to be publicly notified and in the prescribed form.

### Service

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, in the opinion of the consent authority, is an affected person within the meaning of section 95B in relation to the activity that is the subject of the application or review:*

Not applicable. The application falls to be mandatory public notification pursuant to section 95A(3), therefore Section 95B(1), Steps 1-4 to determine Limited Notification are not relevant.

*(b) every person, other than the applicant, who the consent authority knows is an owner or occupier to which the application or review relates:*

Not applicable. There are not known to be any other occupiers of the site, other than the landowner.

*(c) the regional council or territorial authority for the region or district to which the application or review relates:*

Notice of the application must be serviced on the Otago Regional Council and Central Otago District Council.

*(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.*

The iwi authorities to be served notice are as follows:

- Kai Tahu Ki Otago:
  - Te Ao Marama Inc
  - Aukaha (Mana Taiao)

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

- Earnsclough Irrigation Company
- Earnsclough Domestic Cooperative Company
- Contact Energy Limited
- Land Information New Zealand (LINZ)
- Department of Conservation
- Otago Fish and Game Council

Any other person whom the consent authority considers should have notice of the application is as follows:

It is considered that the following persons listed below, and identified in Figure 4, should be served notice of the application due to their proximity to the site and potential effects of the proposal on these owners/occupiers.

It is noted that the application included written approval forms from all adjoining landowners to the site, however only one of these (1031 Earnsclough Road) includes the required accompanying signed plans. As such, this landowner (1031 Earnsclough Road) who has provided a complete written approval has been excluded from the list below, with all others being included for notification. The applicant is seeking updated written approvals from the other adjoining landowners, and has confirmed to proceed with their notification in the interim.

| Address                                       | Owner                                                          |
|-----------------------------------------------|----------------------------------------------------------------|
| 2 Paulin Road, Earnsclough, Alexandra         | Hayley Katherine Anderson, Henry Heather                       |
| 4 Paulin Road, Earnsclough, Alexandra         | Ines Dorothe Mathilde Gorman, Matthew David Gorman             |
| 6 Paulin Road, Earnsclough, Alexandra         | Andrew Donald McLeay, Linda Mary McLeay                        |
| 8 Paulin Road, Earnsclough, Alexandra         | June Margaret Schaap, Peter Adrian Schaap                      |
| 2 Larking Way, Earnsclough, Alexandra         | Frank Wilfred Amyes, Kerry Leiann Amyes                        |
| 4 Larking Way, Earnsclough, Alexandra         | Simon Lynch Anderson, SR Tga Trustee 2008 Limited              |
| 6 Larking Way, Earnsclough, Alexandra         | Frank Wilfred Amyes, Kerry Leiann Amyes                        |
| 8 Larking Way, Earnsclough, Alexandra         | Frank Wilfred Amyes, Kerry Leiann Amyes                        |
| 10 Paulin Road, Earnsclough, Alexandra        | Frank Wilfred Amyes, Kerry Leiann Amyes                        |
| 15 Paulin Road, Earnsclough, Alexandra        | Angela Kathleen Smith                                          |
| 1078 Earnsclough Road, Earnsclough, Alexandra | Louise Nicola Calder, Debra Marion Paton, Maxine Joan Williams |
| Section 215 Block X Leaning Rock SD           | Clyde Orchards (1990) Limited                                  |

|                                                                                           |                                                      |
|-------------------------------------------------------------------------------------------|------------------------------------------------------|
| 2196 Hawksburn Road, Earnsclough, Alexandra 1042 Earnsclough Road, Earnsclough, Alexandra | Clyde Orchards (1990) Limited                        |
| 990 Earnsclough Road, Earnsclough, Alexandra                                              | New Zealand Institute for Bioeconomy Science Limited |
| 1011 Earnsclough Road, Earnsclough, Alexandra                                             | I H Corporate Trustee Limited                        |

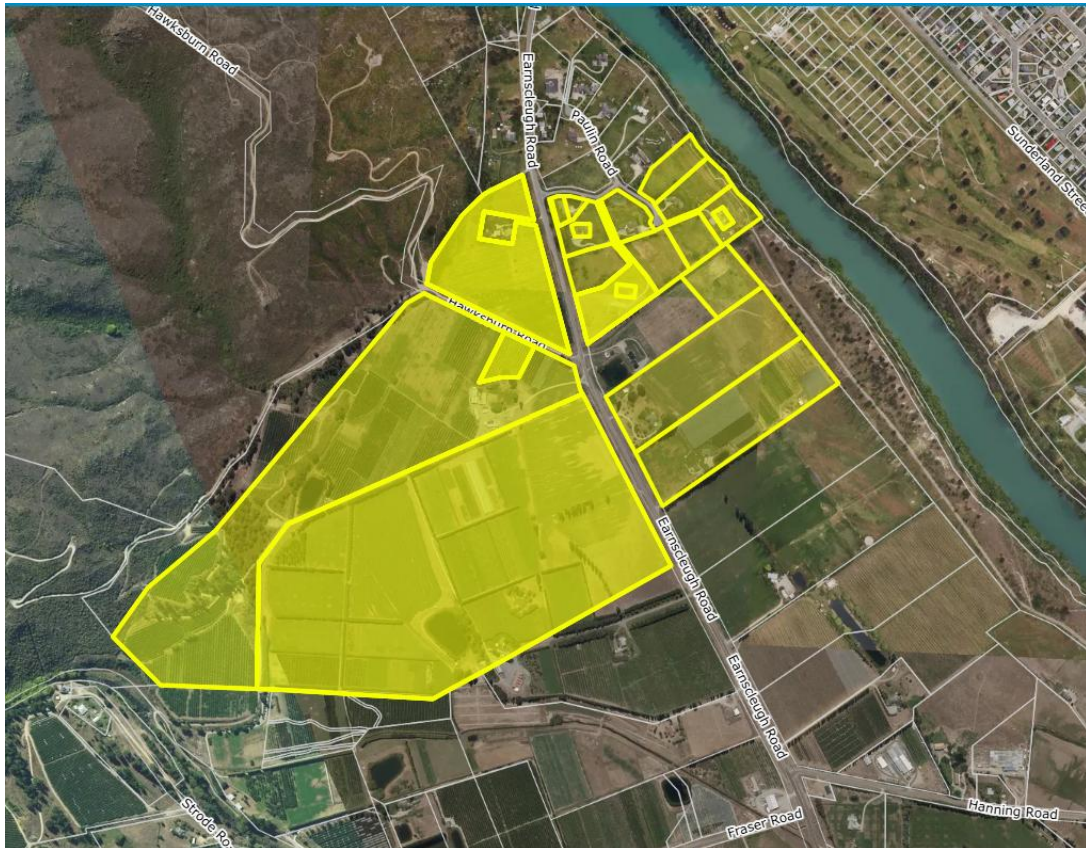


Figure 4: Landowners to be served notice of the application

*(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:*

Not applicable.

*(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.*

The Otago Fish and Game Council is identified for notice due to the need to waive esplanade requirements. However, the application does not relate to fish farming.

*(g) the 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/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014*

Not applicable.

*(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.*

Not applicable.

*(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:*

Not applicable.

(i) Transpower New Zealand if the application or review may affect the national grid.

Not applicable.

## **OVERALL NOTIFICATION DETERMINATION**

The applicant has requested public notification of the application. Therefore, the application is to be processed on a publicly notified basis.

It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Kim Banks  
**Planning Consultant**

Date: 28 May 2026

Approved under Delegated Authority by:



Wendy Baker  
**INDEPENDENT COMMISSIONER**

Date: 28 May 2026