

**PART 2 : 2.23 PLAN CHANGE 5W : MAP 39 : RURAL RESIDENTIAL NOTATION, WAIPIATA**

<b>Scope of Plan Change:</b>	Plan Change 5W amends Map 39 to apply the “Rural Residential” ([RR]) notation to land at Waipiata. The land concerned includes land that has frontage to School Road, Factory Road, Main Street and the Gimmerburn Waipiata Road including land adjacent to the Rural Settlements Resource Area at Waipiata; and land having frontage to Waipiata Domain Road and Komako Road, north-east of the Otago Central Rail Trail.
<b>Related Plan Changes:</b>	Nil
<b>Submissions &amp; Further Submissions:</b>	Submitters and Further Submitters are listed in the Summary of Submissions and Further Submissions and in the Council Decision below.
<b>Submission Summary:</b>	See Summary of Submissions and Further Submissions pages 1572-1586.

**Decision 5W/2.1.1**

**Discussion & Reasons:**

The Council’s Hearings Panel considered submissions and further submissions in response to proposed Plan Change 5W on 21 May 2010. While no submitters or further submitters chose to appear at the hearing with respect to proposed Plan Change 5W, the Council has given consideration to correspondence dated 14 May 2010 from the Otago Regional Council in support of that Council’s submission. The Otago Regional Council has emphasised that areas proposed for rezoning require specific consideration and that sites potentially subject to significant natural hazards (and other development limiting factors) should be avoided in the first instance.

Plan Change 5W amends Map 39 to apply the “Rural Residential” ([RR]) notation to land at Waipiata. The land concerned includes land that has frontage to School Road, Factory Road, Main Street and the Gimmerburn Waipiata Road including land adjacent to the Rural Settlements Resource Area at Waipiata; and land having frontage to Waipiata Domain Road and Komako Road, north-east of the Otago Central Rail Trail.

The land subject to Plan Change 5W is located in the immediate vicinity of Waipiata and is currently located within the Rural Resource Area. The nature of existing subdivision and the topography of this land makes it suitable for “Rural Residential” ([RR]) subdivision and development. Plan Change 5W will provide for rural residential subdivision and development in close proximity to Waipiata, to enable persons to enjoy the rural amenity values that are found in the Rural Resource Area while residing on smaller (average 2 hectares) allotments.

The Summary of Submissions and Further Submissions identifies various submissions which refer to Plan Change 5W. The Council notes that in many instances the submissions have been lodged in response to the whole suite of proposed Plan Changes 5A-5W, rather than relating specifically to proposed Plan Change 5W. Submissions lodged by **BTW South Limited (21)** opposed by **Real Estate Institute of New Zealand Inc. (335/236)** and **Otago Regional Council (142/1)** refer to proposed Plan Changes 5S-5W, being plan changes which provide for the application of the Rural Residential notation

The **NZ Historic Places Trust (236)** opposed by **L English aka Bennett (310/12)** and **Paterson Pitts Partners Ltd (330/3)** is generally supportive of proposed Plan Change 5W.

The **Otago Regional Council (142/1)** has promoted that Plan Change 5W be declined or withdrawn until such time as appropriate investigations have been undertaken in order to ensure that the sites are determined fit for the proposed purpose.

The land identified in proposed Plan Change 5W that is to be subject to the Rural Residential notation between Factory Road and the Gimmerburn Waipiata

Road ie. west of the Otago Central Rail Trail, is in part subject to a Flood prone land hazard notation on Map 39. This notation relates to the flood plain of the Hog Burn which bisects this area.

Proposed Plan Change 5W includes land not subject to the hazard notation, providing potential building sites that are not subject to the flood hazard. It is also appropriate to recognise that any re-subdivision of the land (apart from a boundary adjustment) would be required to achieve an average lot area of 2 hectares in terms of the relevant rules relating to subdivision of land subject to the Rural Residential notation. The Council notes that Rules 4.7.6A(j) and 4.7.5(i) confirm that any proposal to erect a building on land subject to a hazard notation is a non-complying activity.

The Council is satisfied that the relevant rules of the Operative District Plan will ensure that appropriate development occurs on that part of the land subject to the proposed plan change that is located within the vicinity of the Hog Burn at Waipiata. In all the circumstances the Council considers that in this instance site specific investigations are more appropriate in the context of a future application for subdivision consent or for land use consent.

For completeness the Council notes that land to be subject to the Rural Residential notation generally to the north-east of the Otago Central Rail Trail includes rolling land which does not appear to be subject to any hazard. Land to be subject to the Rural Residential notation generally to the east of Main Street is located in close proximity to existing residential development in the Rural Settlements Resource Area at Waipiata.

In terms of section 32 the use of alternative and non-regulatory methods are not considered appropriate as the Operative District Plan already contains the Rural Residential notation, and the effect of proposed Plan Change 5W is simply to apply this notation to an area of land that is suited to this purpose. Proposed Plan Change 5W is considered to be efficient and effective as it provides for the rural residential subdivision and development of land where potential adverse effects are limited in terms of landscape values. Proposed Plan Change 5W is considered to be the most appropriate method to achieve the purpose of the Act and is considered to be the most appropriate alternative, being superior to the status quo.

**Council Decision:**

1. That the submissions by the following be accepted. **BTW South Ltd (21)** opposed by **Real Estate Institute of New Zealand Inc. (335/236)**, **Central Otago Environmental Society Inc. (29)** opposed by **Federated Farmers of New Zealand (312/2)** and **Real Estate Institute of New Zealand Inc. (335/237)**, **Cromwell Community Plan Group (39)** supported by **Cromwell Community Plan Committee (307/1)** opposed by **Real Estate Institute of New Zealand Inc. (335/238)**, **Federated Farmers of New Zealand (Inc) (64)** supported by **L English aka Bennett (310/4)** and **Horticulture New Zealand (317/7 & 317/8)**, **Lowburn Community Action Group (104)** opposed by **Real Estate Institute of New Zealand Inc. (335/239)**, **B McCrostie (105)** supported by **L English aka Bennett (310/6)**, **N McCrostie (106)** supported by **L English aka Bennett (310/7)**, **J C Manning (116)**, **NZ Historic Places Trust (236)** opposed by **L English aka Bennett (310/12)** and **Paterson Pitts Partners Ltd (330/3)**, **E Ombler (137)** opposed by **Real Estate Institute of New Zealand Inc. (335/240)**, **Otago Conservation Board (140)** opposed by **Real Estate Institute of New Zealand Inc. (335/241)**, **Royal Forest and Bird Protection Society of New Zealand Inc. (162)** opposed by **Federated Farmers of New Zealand (312/8)** and **Real Estate Institute of New Zealand Inc. (335/242)**, **M Sangster (167)**, **T Sangster (168)**, **R Tamblyn (189.1)** and **Te Runanga o Moeraki, Kati Huirapa Runanga ki Puketeraki and Te Runanga o Otakou (193)** supported by **NZ Historic Places Trust (324/1)**.

2. That the submissions by the following be rejected. **C A Crawford (38.1), The Mud House Wine Group (128)** supported by **L English aka Bennett (310/5), Otago Regional Council (142/1), L Purvis (152), Real Estate Institute of New Zealand Incorporated (156), G R Somerville (180), Telecom New Zealand Limited (191)** opposed by **Central Otago Environmental Society Inc. (303/1 & 303/2)** and **TrustPower Limited (198)** opposed by **Central Otago Environmental Society Inc. (303/1 & 303/2)**.
3. That the provisions of proposed Plan Change 5W as publicly notified stand.

**Plan Amendment:**

Amend Map 39 of the Operative Central Otago District Plan to apply the Rural Residential [RR] notation to land in the Rural Resource Area at Waipiata. The land concerned includes land that has frontage to School Road, Factory Road, Main Street and the Gimmerburn Waipiata Road including land adjacent to the Rural Settlements Resource Area at Waipiata; and land having frontage to Waipiata Domain Road and Komako Road, north-east of the Otago Central Rail Trail.