

GIBBSTON CHARACTER ZONE 23

Key:

Red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Craig Barr's Right of Reply, dated 3 June 2016.

Purple underlined text for additions and ~~purple strike through~~ text for deletions, Working Draft in response to the Panel's Fourth Procedural Minute, dated 13 April 2016.

Black underlined text for additions and ~~black strike through~~ text for deletions, Appendix 1 to Craig Barr's s42A report, dated 7 April 2016.

23 Gibbston Character Zone

23.1 Zone Purpose

The purpose of the Gibbston Character Zone is to provide primarily for viticulture and commercial activities with an affiliation to viticulture within the confined space of the Gibbston Valley.

The zone is recognised as having a distinctive character and sense of place. It incorporates terraced areas above the Kawarau River, lying between and including Chard Farm and Waitiri. Soils, the microclimate within this area and availability of water have enabled development for viticulture to the extent that this is an acclaimed wine producing area.

The zone has experienced residential subdivision and development. This creates the potential to degrade the distinctive character and create conflict with established and anticipated intensive viticultural activities.

Pursuant to Section 86(b)(3) of the RMA, the following rule that protects or relates to water has immediate legal effect:

- 23.5.7: Setback of buildings from water bodies.

23.2 Objectives and Policies

23.2.1 Objective - ~~Protect~~ The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource and controlling managing the adverse effects resulting from inappropriate other activities locating in the Zone.

Comment [CB1]: Submitter 805 and 806

Comment [CB2]: Submitter 377

Policies

23.2.1.1 Enable viticulture activities and provide for other appropriate activities that rely on the rural resource while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.

Comment [CB3]: Submitter 805 and 806

23.2.1.2 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.

23.2.1.3 Ensure activities not based on the rural resources of the area occur only where the character and productivity of the Gibbston Character Zone and wider Gibbston Valley will not be adversely impacted.

23.2.1.4 Provide for a range of buildings allied to rural productive activity and worker accommodation.

23.2.1.5 Avoid or mitigate adverse effects of development on the landscape and economic values of the Gibbston Character Zone and wider Gibbston Valley.

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23.2.1.6 Protect, maintain and enhance landscape values by ensuring all structures are to be located in areas with the potential to absorb change.

23.2.1.7 Avoid, ~~remedy or mitigate the location of~~ locating structures ~~and including~~ water tanks on skylines, ridges, hills and prominent slopes, ~~while having regard to the location constraints, technical or operational requirements of regionally significant infrastructure.~~

Comment [CB4]: Submitter 805.

Comment [CB5]: Submitter 805.

23.2.1.8 ~~Recognise that~~ ~~Have regard to the~~ establishment of complementary activities such as commercial recreation or visitor accommodation ~~and rural living that~~ may be complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.

Comment [CB6]: Grammatical change.

Comment [CB7]: Submitter 806

23.2.1.9 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

23.2.1.10 Avoid adverse cumulative impacts on ecosystem and nature conservation values.

23.2.1.11 Have regard to the risk of fire from vegetation and the potential risk to people and buildings, when assessing subdivision and development.

23.2.2 Objective - ~~Sustain~~ ~~the~~ life supporting capacity of soils is sustained.

Policies

23.2.2.1 Avoid the adverse effects of subdivision and development on the life-supporting capacity of soil.

23.2.2.2 Enable a range of activities to utilise the range of soil types and microclimates.

23.2.2.3 Protect the soil resource by controlling activities including earthworks and indigenous vegetation clearance.

23.2.2.4 Prohibit the planting and establishment of identified trees with the potential to spread and naturalise.

23.2.2.5 Encourage land management practices and activities that benefit soil and vegetation cover.

23.2.3 Objective - ~~Safeguard~~ ~~the~~ life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

Policy

23.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:

- Encourage activities, that use water efficiently, thereby conserving water quality and quantity;
- Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

23.2.4 Objective - ~~Encourage~~ ~~the~~ land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone are encouraged.

Policies

23.2.4.1 Encourage appropriate management of vegetation cover and development including earthworks to prevent siltation and sedimentation effects on water resources.

23.2.4.2 Noise levels should not be inconsistent with rural productive activities and the character and rural amenity of the Gibbston area.

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23.2.4.3 Control access and egress to ensure safe and efficient movement of traffic on roads and for users of trails, walkways and cycleways.

23.2.4.4 Manage forestry and farm-forestry activities to avoid adverse effects on landscape, amenity and viticulture production.

23.3 Other Provisions and Rules

23.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

23.3.2 Clarification

23.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

23.3.2.2 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

23.3.2.3 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

23.3.2.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource and subdivision consent through monitoring.

23.3.2.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent subdivision conditions.

23.3.2.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

23.3.2.7 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.

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23.3.2.8 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

23.3.2.9 Internal alterations to buildings including the replacement of joinery is permitted.

Comment [CB8]: Clarification.

23.3.2.910 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

23.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 3.

Table 1 – Activities

Table 2 – Buildings

Table 3 – Commercial activities

Rule	Table 1 - Activities	Activity
23.4.1	Any activity not listed in Tables 1 to 3.	NC
	Farming Activities	
23.4.2	Farming Activity (includes viticulture).	P
23.4.3	Factory Farming.	NC
23.4.4	Domestic Livestock.	P
	<u>Buildings</u>, Residential Activity, Subdivision and Development	
23.4.5	The construction and exterior alteration of residential buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with Table 2.	P
23.4.6	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2.	P
23.4.7	The use of land or buildings for Residential Activity except as provided for by any other rule.	D
23.4.8	One residential unit within any building platform approved by resource consent.	P
23.4.9	The identification of a building platform not less than 70m ² and not greater than 1000m ² .	D

Comment [CB9]: Clarification

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Rule	Table 1 - Activities	Activity
23.4.10	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
23.4.11	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
Commercial Activities		
23.4.12	Home Occupation that complies with the standards in Table 3.	P
23.4.13	Industrial Activities limited to wineries and underground cellars, not exceeding 300m ² .	P
23.4.14	<p>Retail sales of farm and garden produce, handicrafts and wine that is grown, reared or produced on the site and that comply with the standards in Table 3.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • the location of the activity and buildings. • access, vehicle crossing location, car parking. • screening and location of storage areas for waste materials, outdoor display areas and parking. • signage. • Lighting. 	C
23.4.15	Commercial recreation activities that comply with the standards in Table 3.	P
23.4.16	<p>Winery and farm Buildings.</p> <p>The construction, addition or alteration of a farm or winery <u>building, including extensions to activities</u>, with control reserved to:</p> <ul style="list-style-type: none"> • Location, scale, height and external appearance, as it effects the Gibbston Valley's landscape and amenity values. • Landscaping. • Parking and access, in respect of earthworks and the impact on the safety and efficiency of State Highway 6. • <u>The location, scale and functional need of car parking.</u> • Associated earthworks. • Provision of water supply, sewage treatment and disposal; • <u>Lighting, including car parking areas.</u> • Screening and location of storage areas for waste materials, outdoor display and signage areas and parking. 	C
23.4.17	Visitor Accommodation.	D

Comment [CB10]: Submitter 490 and FS 1155.

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Rule	Table 1 - Activities	Activity
	Other Activities	
23.4.18	Informal Airports.	D
23.4.19	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
23.4.20	Non-commercial recreation and recreational activity.	P

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23.5 Rules - Standards

	Table 2: Standards for buildings	Non-compliance
23.5.1	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>23.5.1.1 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%.</p> <p>23.5.1.2 Surface** finishes shall have a reflectance value of not greater than 30%.</p> <p>23.5.1.3 In the case of alterations to an existing building not located within a building platform, <u>where there is not an approved building platform on the site</u>, it does not increase the coverage by more than 30% in a ten year period.</p> <p>Except these standards do not apply to the blades of frost fighting devices.</p> <p>Control Discretion is reserved restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visibility from public places and surrounding properties. • Lighting. • Landscape character. • Visual amenity. <p>* <u>Excludes soffits, windows and skylights (but not glass balustrades).</u></p> <p>** <u>Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u></p>	RD
23.5.2	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visibility from public places. • Landscape character. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. 	RD

Comment [CB11]: Clarification and Submitter 238

Comment [CB12]: Submitter 12.

Comment [CB13]: Clarification for better consistency with the RMA.

Comment [CB14]: Clarification. Refer to Part 3 of the Reply.

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23.5.3	<p>Building Height</p> <p>The maximum height of any residential building, residential accessory building or commercial building other than for a farming or winery building shall be 8m.</p>	NC
23.5.4	<p>Building Height</p> <p>The maximum height of any farming or winery building shall be 10m, except this standard shall not apply to excluding frost fighting towers which shall not exceed 12 metres and blades.</p>	NC
23.5.5	<p>Setback from Internal Boundaries (any building)</p> <p>The minimum setback of buildings from internal boundaries shall be 6m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity. • Landscape character. • Privacy, outlook and amenity from adjoining properties. 	RD
23.5.6	<p>Setback from Roads (any building)</p> <p>The minimum setback of buildings from road boundaries shall be 20m, except the minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p>	NC
23.5.7	<p>Setback of buildings from Water bodies</p> <p>The minimum setback of any building from the bed of a water body shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Any indigenous biodiversity values. • Visual amenity values. • Landscape character. • Open space. • Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. 	RD
23.5.8	<p>All fixed exterior lighting shall be directed away from adjacent sites and roads.</p>	NC

Comment [CB15]: Submitter 12.

Table 3: Standards for Commercial Activities		Non - Compliance
23.5.9	<p>Commercial Recreation Activities</p> <p>Commercial recreation activity undertaken outdoors and involving not more than 10 persons in any one group.</p>	D
23.5.10	<p>Retail Sales</p> <p>Buildings in excess of 25m² gross floor area to be used for retail sales identified in Table 1 shall be setback from road boundaries by a minimum distance of 30m.</p> <p>Discretion is restricted to all of the following:</p>	RD

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	Table 3: Standards for Commercial Activities	Non - Compliance
	<ul style="list-style-type: none"> • Landscape character and visual amenity. • Access. • On-site parking. 	
23.5.11	<p>Home Occupation</p> <p>23.5.11.1 The maximum net floor area of home occupation activities shall be 100m².</p> <p>23.5.11.2 No goods, materials or equipment shall be stored outside a building.</p> <p>23.5.11.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The nature, scale and intensity of the activity in the context of the surrounding rural area. • Visual amenity from neighbouring properties and public places. • Noise, odour and dust. • The extent to which the activity requires a rural location because of its affiliation to rural resources. • Screening and location of storage areas for waste materials, lighting, outdoor display areas and parking. • Access safety and transportation effects. 	RD

23.6 Rules - Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

23.6.1 Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 23.4.14), except where the access is directly onto a State highway.

23.6.2 Controlled activity winery and farm buildings (Rule 23.4.16) , except where the access is directly onto a State highway.

Comment [CB16]: Submitter 719.

23.7 Rules - Assessment Matters (Landscape)

Unless where the matters of control or discretion are specified in the rule (controlled or restricted discretionary activities), the following assessment matters apply to any discretionary or non-complying activity within the Gibbston Character Zone where the landscape is relevant.

23.7.1 Effects on landscape character:

The following shall be taken into account:

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- 23.7.1.1 Where the activity is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality or character of the adjacent Outstanding Natural Landscape or Feature.
- 23.7.1.2 Whether and the extent to which the scale and nature of the proposed development will degrade the character of the surrounding landscape.
- 23.7.1.3 Whether the design and landscaping would be compatible with or would enhance the character of the landscape.

23.7.2 Effects on visual amenity

Whether the development will result in a loss of the visual amenity of the Gibbston Valley landscape, having regard to whether and the extent to which:

- 23.7.2.1 The visual prominence of the proposed development from any public places, in particular State Highway 6, cycleways and bridleways.
- 23.7.2.2 The proposed development is likely to be visually prominent such that it detracts from private views.
- 23.7.2.3 Any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from the landscape character or obstruct views of the landscape from both public and private locations.
- 23.7.2.4 The proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations.
- 23.7.2.5 Any roads, access boundaries and associated planting, earthworks and landscaping will reduce visual amenity, with particular regard to elements that are inconsistent with the existing natural topography and patterns.
- 23.7.2.6 Boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

23.7.3 Design and density of development

In considering the appropriateness of the design and density of proposed development, whether and to what extent:

- 23.7.3.1 Opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise).
- 23.7.3.2 There is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density of the proposed development and whether this would exceed the ability of the landscape to absorb change.
- 23.7.3.3 Development is located within the parts of the site where they will be least visible from public and private locations.
- 23.7.3.4 Development is located in the parts of the site where they will have the least impact on landscape character.

23.7.4 Tangata Whenua, biodiversity and geological values

- 23.7.4.1 Whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features.

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The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

23.7.5 Cumulative effects of development on the landscape

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied.

- 23.7.5.1 The proposed development will not further degrade landscape quality and character and visual amenity values, with particular regard to situations that would result in a loss of rural character and openness due to the prevalence of residential activity within the Gibbston Valley landscape.
- 23.7.5.2 Where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development. Whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

23.7.6 Other Factors and positive effects

In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

- 23.7.6.1 Whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves.
- 23.7.6.2 Whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status.
- 23.7.6.3 Any positive effects including environmental compensation, easements for public access to lakes, rivers or conservation areas.
- 23.7.6.4 Any opportunities to retire marginal farming land and revert it to indigenous vegetation.
- 23.7.6.5 Where adverse effects cannot avoided, mitigated or remedied, the merits of any compensation.
- 23.7.6.6 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate the proposed development would maintain or enhance the character of the Gibbston Valley landscape.