

Attachment C – Chapter 14: Gibbston Character Zone Draft Provisions

14 Gibbston Character Zone

14.1 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 Peninsula. 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.

14.2 Other Relevant Provisions

14.2.1 District Wide Rules

Attention is drawn to the following District Wide Rules, which may apply in addition to the Rural Zone rules. If a District Wide Rule is not complied with, then resource consent will be required in regards to that matter.

Part 5 Landscapes	Part 20 Subdivision	Part 23 Vegetation
Part 22 Transport	Part 29 Noise	Part 21 Natural Hazards
Part 18 Earthworks	Part 17 Signs	Part 27 Renewable Energy

14.3 Objectives and Policies

14.3.1 Objective 1 – Protect the economic viability, character and landscape value of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.

Policies

- 14.3.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystems the landscape and surface of lakes and rivers and their margins.
- 14.3.1.2 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 14.3.1.3 Ensure activities not based on the rural resources of the area occur only where the character of the Gibbston Character Zone and wider Gibbston Valley will not be adversely impacted.
- 14.3.1.4 Provide for a range of buildings allied to rural productive activity and worker accommodation.
- 14.3.1.5 Avoid or mitigate adverse effects of development on the landscape and economic values of the Gibbston Character Zone and wider Gibbston Valley.

PART 4 RURAL

- 14.3.1.6 Protect, maintain and enhance landscape values by ensuring all structures are to be located in areas with the potential to absorb change.
- 14.3.1.7 Avoid the location of structures and water tanks on skylines, ridges, hills and prominent slopes.
- 14.3.1.8 Have regard to the location and direction of lights so they do not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.
- 14.3.1.9 Avoid adverse cumulative impacts on ecosystem and nature conservation values.
- 14.3.1.10 Have regard to the risk of fire from vegetation and the potential risk to people and buildings, when assessing subdivision and development.

14.3.2 **Objective 2 – Sustain the life supporting capacity of soils.**

Policies

- 14.3.2.1 Avoid the adverse effects of subdivision and development on the life-supporting capacity of the soils.
 - 14.3.2.2 Enable a range of activities to utilise the range of soil types and microclimates.
 - 14.3.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance.
 - 14.3.2.4 Prohibiting the planting and establishment of trees with the potential to spread and naturalise.
 - 14.3.2.5 Encourage land management practices and activities that benefit soil and vegetation cover.
- 14.3.3 **Objective 3 – Safeguard the life supporting capacity of water through the integrated management of the effects of activities.**

Policy

- 14.3.3.1 In conjunction with the Otago Regional Council:
 - (a) Encourage activities, that use water efficiently, thereby conserving water quality and quantity;
 - (b) Discourage activities, that adversely affect the life supporting capacity of water and associated ecosystems.
- 14.3.4 **Objective 4 – Encourage land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone.**

Policies

- 14.3.4.1 Encourage appropriate management of vegetation cover and development including earthworks to prevent siltation and sedimentation effects on water resources.
- 14.3.4.2 Noise levels should not be inconsistent with rural productive activities and the character and amenity of the Gibbston area.

PART 4 RURAL

- 14.3.4.3 Control access and egress to ensure safe and efficient movement of traffic on roads and users of trails.
- 14.3.4.4 Manage forestry and farm-forestry activities to avoid adverse effects on landscape, amenity and viticulture production.

14.4 Rules

14.4.1 Clarification

- (a) Refer to the definitions in part X for the clarification of terms.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.
- (f) 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.
- (g) Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.
- (h) 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

14.4.2 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

PART 4 RURAL

Rule	Table 1 - Activities	Activity
14.4.2.1	Any activity not listed in tables 1 to 3	NC
	Farming Activities	
14.4.2.2	Farming Activity (includes viticulture)	P
14.4.2.3	Factory Farming	NC
14.4.2.4	Domestic Livestock	P
	Residential Activity, Subdivision and Development	
14.4.2.5	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
14.4.2.6	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2.	P
14.4.2.7	Residential Activity	D
14.4.2.8	One residential unit within any building platform approved by resource consent	P
14.4.2.9	Subdivision and development including the identification of a building platform and construction of buildings not located within a building platform.	D
14.4.2.10	Residential Flat (activity only, the specific rules for the construction of any buildings apply) Control is reserved to: (a) Location, with the emphasis to avoid sprawl of development; (b) Parking, access; (c) Wastewater and water supply; (d) Development contributions.	C
	Commercial Activities	
14.4.2.11	Home Occupation that complies with the standards in Table 3.	P
14.4.2.12	Industrial Activities limited to wineries and underground cellars, not exceeding 300m ² .	P
14.4.2.13	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. Control is reserved to: (a) The location of the activity and buildings (b) Vehicle crossing location, car parking (c) Screening and location of storage areas for waste materials, outdoor display areas and parking (d) Signage (e) Lighting	C
14.4.2.14	Commercial recreation activities that comply with the standards in Table 3.	P

PART 4 RURAL

Rule	Table 1 - Activities	Activity
14.4.2.15	<p>Winery and farm Buildings</p> <p>The construction, addition or alteration of a farm or winery building in respect of:</p> <ul style="list-style-type: none"> (a) location, scale, height and external appearance, as it effects the Gibbston Valley's landscape and amenity values; (b) landscaping; (c) parking and access, in respect of earthworks and the impact on the safety and efficiency of State Highway 6; (d) associated earthworks; (e) provision of water supply, sewage treatment and disposal, and (f) Proposed use (g) screening and location of storage areas for waste materials, outdoor display areas and parking 	C
14.4.2.16	Visitor Accommodation	D
	Other Activities	
14.4.2.17	Informal Airports other than for activities ancillary to farming including viticulture activities.	D
14.4.2.18	Informal Airports for activities ancillary to farming including viticulture activities.	P
14.4.2.19	Recreation and/or Recreational Activity.	P

Table 2 - Buildings

The following standards apply to buildings.

	Standards	Non- compliance
14.4.2.20	<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> <ul style="list-style-type: none"> (i) Pre-painted steel, and all roofs shall have a reflectance value not greater than 20% (ii) Surface finishes shall have a reflectance value of not greater than 30%. (iii) In the case of alterations to an existing building not located within a building platform, it does not increase the coverage by more than 30% in a ten year period. <p>Control is reserved to:</p> <ul style="list-style-type: none"> (a) External appearance, (b) visibility from public places and surrounding properties, (c) landscape character 	RD

PART 4 RURAL

	(d) visual amenity	
14.4.2.21	Building size <p>I. The maximum ground floor area of any building shall be 300m².</p> <p>II. The maximum ground floor area of any farm or winery building shall be 500m²</p> <p>Discretion is restricted to:</p> <p>(a) External appearance;</p> <p>(b) Visibility from public places;</p> <p>(c) Landscape character;</p> <p>(d) Visual amenity;</p> <p>(e) Privacy, outlook and amenity from adjoining properties.</p>	RD
14.4.2.22	Building Height <p>I. The maximum height of any residential building, residential accessory building or commercial building other than for a farming or winery building shall be 7m.</p> <p>II. The maximum height of any farming or winery or commercial building shall be 10m.</p>	NC
14.4.2.23	Setback from Internal Boundaries (any building) <p>The minimum setback of buildings from internal boundaries shall be 6m.</p> <p>Matters of control:</p> <p>(a) Rural Amenity and landscape character;</p> <p>(b) Privacy, outlook and amenity from adjoining properties.</p>	RD
14.4.2.24	Setback from Roads (any building) <p>The minimum setback of buildings from road boundaries shall be 20m.</p>	NC
14.4.2.25	Setback of buildings from Waterways <p>The minimum setback of any building from waterways shall be 20m.</p> <p>Discretion is restricted to:</p> <p>(a) Any indigenous biodiversity values;</p> <p>(b) Visual amenity values;</p> <p>(c) Landscape character;</p> <p>(d) Open space;</p> <p>(e) Whether the waterway is subject to flooding or natural hazards and any mitigation to manage the location of the building.</p>	RD
14.4.2.26	All fixed exterior lighting shall be directed away from adjacent sites and roads.	NC

Table 3 - Commercial Activities

	Standards for Commercial Activities	Non - Compliance
14.4.2.27	Commercial Recreation Activities <p>Commercial recreation activity undertaken outdoors and involving not more than 10</p>	D

PART 4 RURAL

	persons in any one group.	
14.4.2.28	<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:</p> <ul style="list-style-type: none"> (a) Landscape character and visual amenity; (b) Access; (c) On-site parking. 	RD
14.4.2.29	<p>Home Occupation</p> <ul style="list-style-type: none"> I. The maximum net floor area of home occupation activities shall be 100m². II. No goods, materials or equipment shall be stored outside a building. III. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) The nature, scale and intensity of the activity in the context of the surrounding rural area; (b) Visual amenity from neighbouring properties and public places; (c) Noise, odour and dust; (d) The extent to which the activity requires a rural location because of its affiliation to rural resources; (e) Screening and location of storage areas for waste materials, outdoor display areas and parking. 	RD

14.5 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:

- a. Controlled activity residential flat (Rule 14.4.2.9).
- b. Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 14.4.2.12), except where the access is directly onto a State highway.
- c. Restricted discretionary activity winery and farm buildings (Rule 14.4.2.15).

14.6 Assessment Matters (Landscape)

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

- (a) Effects on landscape character:

The following shall be taken into account:

PART 4 RURAL

- (i) 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 character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether and the extent to which the scale and nature of the proposed development will adversely alter the valued character of the surrounding landscape;
- (iii) whether the design and landscaping would maintain or enhance the character of the landscape;
- (iv) 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;

(b) 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:

- (i) the visual prominence of the proposed development from any public places, in particular State Highway 6, cycleways and trails.
- (ii) the proposed development is likely to be visually prominent such that it detracts from private views.
- (iii) 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;
- (iv) 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;
- (v) any proposed roads, boundaries and associated planting, earthworks and landscaping will change and reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- (vi) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

(c) Design and density of development

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

- (i) 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);
- (ii) development is located within the parts of the site where they will be least visible from public and private locations;
- (iii) development is located in the parts of the site where they will have the least impact on landscape character.

(d) Tangata Whenua, Biodiversity and Geological values

- (i) whether and to what extent the proposed development will degrade Tangata Whenua, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features.

PART 4 RURAL

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

(e) Cumulative effects of development on the landscape

Taking into account whether and to what extent existing and potential development (including unimplemented but existing resource consent or zoning) may already have occurred and adversely altered landscape character, and visual amenity values. The Council shall be satisfied;

- (i) the proposed development will not further adversely alter landscape character and visual amenity values, with particular regard to situations that would result in a loss of valued rural character and openness due to the prevalence of residential activity within the Gibbston Valley landscape.
- (ii) 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 which maintains open space.

(e) 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:

- (i) 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.
- (ii) 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.
- (iii) any positive effects including environmental compensation, easements for public trails or access to lakes, rivers or conservation areas.
- (iv) any opportunities to retire marginal farming land and revert it to indigenous vegetation.
- (v) where adverse effects cannot avoided, mitigated or remedied, the merits of any compensation.