

Appendix 1

Chapter 23:

Gibbston Character Zone

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.

Black underlined text for additions and ~~black strike through~~ text for deletions, highlighted in yellow, are agreed provisions between Brett Giddens [for Gibbston Valley Station (submitter 827)] and Robert Buxton [for QLDC] dated 9 October 2017.

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.

The purpose of the Gibbston Valley Sub Zone is to provide for the development of a resort comprising of a range of visitor, residential, winery, recreation, and viticulture/horticulture activities. Development controls are imposed in the sub zone to maintain the overall scenic and environmental qualities of the Gibbston valley. To achieve this, integrated planning in accordance with a Structure Plan is required.

The Structure Plan for the Gibbston Valley Sub Zone contains a number of activity areas that identify where built form and the range of activities noted above are to occur. In addition, the Structure Plan identifies areas to be planted and managed as productive areas of the landscape which also serves the purpose of mitigating the effects of built form and activities from State Highway 6.

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.~~

Commented [CB1]: Submitter 805 and 806

Commented [CB2]: Submitter 377

GIBBSTON CHARACTER ZONE 23

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.
- 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.
- 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.
- 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.
- 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:

Commented [CB3]: Submitter 805 and 806

Commented [CB4]: Submitter 805.

Commented [CB5]: Submitter 805.

Commented [CB6]: Grammatical change.

Commented [CB7]: Submitter 806

GIBBSTON CHARACTER ZONE 23

- 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 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.
- 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.

23.2.5 Objective – To provide for visitor, residential, winery, and recreation activities and development within the Gibbston Valley Sub-Zone in an integrated manner with particular regard for landscape, heritage, ecological and productive land use qualities.

23.2.5.1 Require development and activities to be located in accordance with the Gibbston Valley Sub Zone Structure Plan so as to promote integrated development and prevent inappropriate development of sensitive parts of Gibbston.

23.2.5.2 Require the external appearance of buildings, and infrastructure including roading and lighting, to have appropriate regard to landscape values and character.

23.2.5.3 Protect and, where practicable, enhance sensitive ecological areas and heritage features.

23.2.5.4 Ensure that open space or productive landscape planting is maintained and/or enhanced in accordance with the Structure Plan.

23.2.5.5 Short and long-term accommodation for workers is to be the primary activity undertaken in activity area AA8 of the Gibbston Valley Sub Zone.

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)

GIBBSTON CHARACTER ZONE 23

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.
- 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.
- 23.3.2.10 The Gibbston Valley Sub Zone is a subset of the Gibbston Character Zone and all rules applicable to the Gibbston Character Zone apply, unless specifically stated to the contrary.
- 23.3.2.9¹ These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

Commented [CB8]: Clarification.

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

23.4 Rules - Activities

GIBBSTON CHARACTER ZONE 23

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
	Buildings, 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
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

Commented [CB9]: Clarification

GIBBSTON CHARACTER ZONE 23

Rule	Table 1 - Activities	Activity
	Gibbston Valley Sub Zone	
23.4.12	<p>Buildings, including the physical activity associated with any buildings, in Activity Areas AA1, AA2, AA6 and AA8</p> <p>With the exercise of Council's control limited to the implementation of design criteria and parameters to control:</p> <ul style="list-style-type: none"> • location, scale, height, and external appearance, as it effects the landscape and amenity values for the Gibbston Valley Sub Zone. • curtilage areas for any residential units. • the effect on visual values of the area including coherence with surrounding buildings and landscape values. • landscaping. • mitigation to soften views from State Highway 6. • provision of water supply, stormwater, sewage treatment and disposal. • ecological values • heritage values. • natural hazards. • access and vehicle parking. • road access (including effects on State Highway of development accessing Resta Road). • associated earthworks. 	C

GIBBSTON CHARACTER ZONE 23

Rule	Table 1 - Activities	Activity
23.4.13	<p>Buildings, including the physical activity associated with any buildings, in Activity Areas AA3, AA4, and AA5</p> <p>With the exercise of Council's discretion limited to the implementation of design criteria and parameters to control:</p> <ul style="list-style-type: none"> • location, scale, height, and external appearance, as it effects the landscape and amenity values for the Gibbston Valley Sub Zone. • curtilage areas for any residential units. • landscaping. • the effect of visual values of the area including coherence with surrounding buildings and landscape values. • commercial buildings in AA4 with a rural character and aesthetic. • mitigation to soften views from State Highway 6. • provision of water supply, stormwater, sewage treatment and disposal. • signage for commercial activities. • natural hazards. • access and vehicle parking. • associated earthworks. 	RD
23.4.14	<p>Visitor accommodation within Activity Areas AA1 and AA2.</p> <p>With the exercise of Council's control limited to:</p> <ul style="list-style-type: none"> • hours of operation. • landscaping. • access and vehicle parking. • road access. • associated earthworks. • provision of water supply, sewage treatment and disposal. • lighting, including car parking areas. • screening and location of storage areas for waste materials, outdoor display and signage areas and parking. 	C
23.4.15	<p>Residential activity outside of a residential building platform within Activity Areas AA3, AA5 and AA6.</p>	P
23.4.16	<p>Buildings within Productive Landscape Areas (PL) as shown on the Structure Plan, other than buildings for farming and resort maintenance activities.</p>	NC

GIBBSTON CHARACTER ZONE 23

Rule	Table 1 - Activities	Activity
23.4.17	<p>Commercial activity ancillary to winery and viticultural/horticultural activity within Activity Areas AA1, AA2 and AA4.</p> <p>With the exercise of Council's discretion limited to:</p> <ul style="list-style-type: none"> • scale and nature of the activity. • hours of operation. • the relationship of the commercial activity to winery and viticultural activity. • signage. • access and vehicle parking. • road access. 	RD
23.4.18	<p>Workers accommodation in Activity Areas AA8</p> <p>With the exercise of Council's control limited to:</p> <ul style="list-style-type: none"> • vehicle parking and access. • Road access (including effects on State Highway of development accessing Resta Road). • screening and location of storage areas for waste materials, and parking. • setbacks in between buildings to ensure appropriate access to sunlight. • the provision of useable communal outdoor areas. • provision of water supply, sewage treatment and disposal. 	C
	Commercial Activities	
23.4.1942	Home Occupation that complies with the standards in Table 3.	P
23.4.2043	Industrial Activities limited to wineries and underground cellars, not exceeding 300m ² .	P
23.4.2144	<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
23.4.2245	Commercial recreation activities that comply with the standards in Table 3.	P

GIBBSTON CHARACTER ZONE 23

Rule	Table 1 - Activities	Activity
23.4.2346	<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
23.4.2447	Visitor Accommodation.	D
	Other Activities	
23.4.2548	Informal Airports.	D
23.4.2649	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
23.4.2720	Non-commercial recreation and recreational activity.	P

Commented [CB10]: Submitter 490 and FS 1155.

GIBBSTON CHARACTER ZONE 23

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><u>Except these standards do not apply to the blades of frost fighting devices.</u></p> <p><u>Control Discretion is reserved restricted to all of the following:</u></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

Commented [CB11]: Clarification and Submitter 238

Commented [CB12]: Submitter 12.

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

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

GIBBSTON CHARACTER ZONE 23

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> <p>The following maximum heights shall also apply to the respective Activity Areas in the Gibbston Valley Sub-Zone, as shown on the Structure Plan:</p> <ul style="list-style-type: none"> • AA2: 7m • AA3: 5.5m • AA4: 5.5m • AA5: 7m • AA6: 5.5m • AA8: 7m 	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> <p>Within the Gibbston Valley Sub Zone, the minimum setback from State Highway 6 for buildings within AA3 shall be 75m, and within AA5 shall be 15m.</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

Commented [CB15]: Submitter 12.

GIBBSTON CHARACTER ZONE 23

23.5.9	<p><u>Building Coverage within Gibbston Valley Sub-Zone</u></p> <p><u>The following maximum building coverage shall apply to buildings within the Activity Areas of the Sub Zone:</u></p> <ul style="list-style-type: none"> • <u>AA1: 5,000m² coverage for buildings containing visitor accommodation activities and 7,200m² coverage for buildings containing all other activities.</u> • <u>AA2: 5,000m² coverage for buildings containing visitor accommodation activities and 5,300m² coverage for buildings containing all other activities.</u> • <u>AA3: Average coverage of 350m² per residential unit.</u> • <u>AA4: 2,500m² coverage for all buildings.</u> • <u>AA5: Average of 250m² per residential unit.</u> • <u>AA6: Average of 250m² per residential unit.</u> • <u>AA8: 2,300m² coverage for all buildings</u> 	NC
23.5.10	<p><u>Residential density in AA3, AA5 and AA6</u></p> <p><u>In the following activity areas, the total number of residential units shall not exceed:</u></p> <ul style="list-style-type: none"> • <u>AA3: 50</u> • <u>AA5: 50</u> • <u>AA6: 20</u> 	D
23.5.11	<p><u>Visitor accommodation density in AA1 and AA2</u></p> <p><u>In the following activity areas, the total number of visitor accommodation units shall not exceed:</u></p> <ul style="list-style-type: none"> • <u>AA1: 50</u> • <u>AA2: 100</u> 	D
23.5.12	<p><u>Workers accommodation in Activity Area AA8</u></p> <p><u>The total number of rooms shall not exceed 90.</u></p>	D
23.5.13	<p><u>Access from State Highway 6</u></p> <p><u>Development within the Gibbston Character Sub Zone shall only be accessed from those points shown on the Structure Plan as authorised by the New Zealand Transport Agency.</u></p> <p><u>Note: if amendments or changes to those access points are required, the application may be served on the New Zealand Transport Agency as an affected party.</u></p>	D

GIBBSTON CHARACTER ZONE 23

23.5.14	<p>Productive Plantings – Viticulture and Horticulture – in Productive Landscape Areas PL3, PL6 and PL7</p> <p>Horticultural and/or viticultural plantings shall be retained prior to the establishment of new buildings in the Activity Areas as set out as follows:</p> <ul style="list-style-type: none"> • AA1: PL3 • AA3: PL6 • AA4: PL6 • AA6: PL6 and PL7 • AA8: PL7 <p>Should the existing plantings in Productive Landscape Areas PL3, PL6 and PL7 become diseased or die, they shall be replaced with horticultural and/or viticultural within the following planting season.</p> <p>A breach of this standard is a Restricted Discretionary Activity with the matters of discretion limited to:</p> <ul style="list-style-type: none"> • Whether additional time is required to achieve the feasible replacement of plantings • The built form proposed in the respective activity area and the extent of mitigation required from the Productive Landscape areas to reduce views from SH6 • Consistency between the coverage of proposed plantings compared to the coverage of those being replaced • Methods and infrastructure to ensure longevity of new plantings 	RD
23.5.15	<p>Productive Plantings – Viticulture and Horticulture – in Productive Landscape Areas PL1, PL2, PL4, PL5 and PL8</p> <p>Horticultural and/or viticultural plantings shall be put in place prior to the establishment of buildings in the Activity Areas as set out as follows:</p> <ul style="list-style-type: none"> • AA2: PL1 and PL2 • AA3: PL5 • AA4: PL5 • AA5: PL4 and PL8 <p>In regard to this rule, “put in place” means that the plantings shall be in the ground with adequate infrastructure established to help maintain the plantings.</p>	RD

GIBBSTON CHARACTER ZONE 23

	<p>A breach of this standard is a Restricted Discretionary Activity with the matters of discretion limited to:</p> <ul style="list-style-type: none"> • Consistency between the Productive Landscape areas and the Structure Plan • The built form proposed in the respective activity area and the extent of mitigation required from the Productive Landscape areas to reduce views from SH6 • Methods and infrastructure to ensure longevity of new plantings 	
--	---	--

Table 3: Standards for Commercial Activities		Non - Compliance
23.5.169	<p>Commercial Recreation Activities</p> <p>Commercial recreation activity undertaken outdoors and involving not more than 10 persons in any one group.</p>	D
23.5.1740	<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> <ul style="list-style-type: none"> • Landscape character and visual amenity. • Access. • On-site parking. 	RD

GIBBSTON CHARACTER ZONE 23

	Table 3: Standards for Commercial Activities	Non - Compliance
23.5.18.14	<p>Home Occupation</p> <p>23.5.18.1 The maximum net floor area of home occupation activities shall be 100m².</p> <p>23.5.18.2 No goods, materials or equipment shall be stored outside a building.</p> <p>23.5.18.3 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.

Commented [CB16]: Submitter 719.

23.6.3 Controlled Activities in the Gibbston Valley Sub Zone

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 and Gibbston Valley Sub Zone where the landscape is relevant.

23.7.1 Effects on landscape character:

The following shall be taken into account:

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.

GIBBSTON CHARACTER ZONE 23

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.

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

GIBBSTON CHARACTER ZONE 23

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.

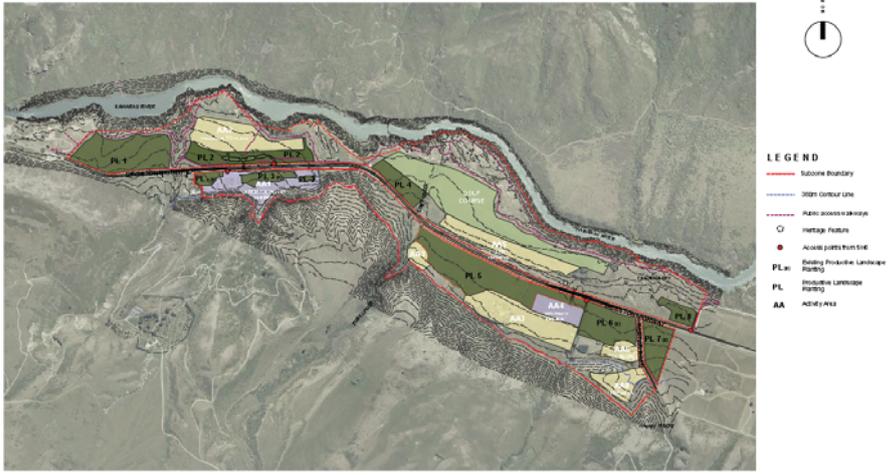
23.7.6.5 Where adverse effects cannot avoided, mitigated or remedied, the merits of any compensation.

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.

23.8 Gibbston Valley Sub Zone Structure Plan

23.8.1 Gibbston Valley Sub Zone Structure Plan

GIBBSTON CHARACTER ZONE 23



Appendix 2

Chapter 27:

Subdivision & Development

Chapter 27 – Subdivision & Development

Black underlined text for additions and ~~black strike-through~~ text for deletions are agreed provisions between Brett Giddens [for Gibbston Valley Station (submitter 827)] and Robert Buxton [for QLDC] dated 9 October 2017.

1. Insert the following **location- specific objective**:

Objective 27.3.16 – Gibbston Valley Sub Zone

Subdivision that creates opportunities for a resort development within a viticultural setting while having particular regard to landscape values.

2. Insert the following **location-specific policy**:

Policies

27.3.16.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Gibbston Valley Sub Zone provisions and Structure Plan contained in Chapter 23.

27.3.16.2 Have regard to clustering of built form within the activity areas.

27.3.16.3 Locate and design on-site vehicular access to avoid or mitigate adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access.

27.3.16.4 Design the species, location, density, and maturity of the planting in the Productive Landscape Areas to reduce prominence of structures in views obtained when travelling along State Highway 6

3. Amend the following **rule**:

27.7.12.1 In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m² in area and not greater than 1000m² in area.

- a Rural Zone.
- b Gibbston Character Zone.
- c Rural Lifestyle Zone.

This rule does not apply to residential activity within Activity Areas AA3, AA5 and AA6, and workers accommodation within Activity Area AA8 in the Gibbston Valley Sub Zone that complies with the density requirements under Rules 23.5.10 and 23.5.12.

4. Insert the following **rules**:

27.7 Rules – Zone and Location Specific Standards

	Zone Specific Standards	Activity status
<u>27.7.xx</u>	<u>Gibbston Valley Sub Zone</u>	
<u>27.7.xx.1</u>	<p><u>Subdivision undertaken in accordance with the Gibbston Valley Sub Zone Structure Plan and Rules 23.5.10 to 23.5.13 in Chapter 23.</u></p> <p><u>The matter over which Council’s discretion is restricted to are:</u></p> <ul style="list-style-type: none"> • <u>The design of the subdivision including allotment configuration and roading patterns.</u> • <u>The allotment size being sufficient to provide for the intended land use.</u> • <u>Landscaping and vegetation.</u> • <u>Natural and other hazards.</u> • <u>Earthworks.</u> • <u>Infrastructure and services (including fire fighting water supply, energy supply and telecommunications).</u> • <u>Access and roading.</u> • <u>Open space and reserves.</u> • <u>Easements.</u> 	<u>RD</u>

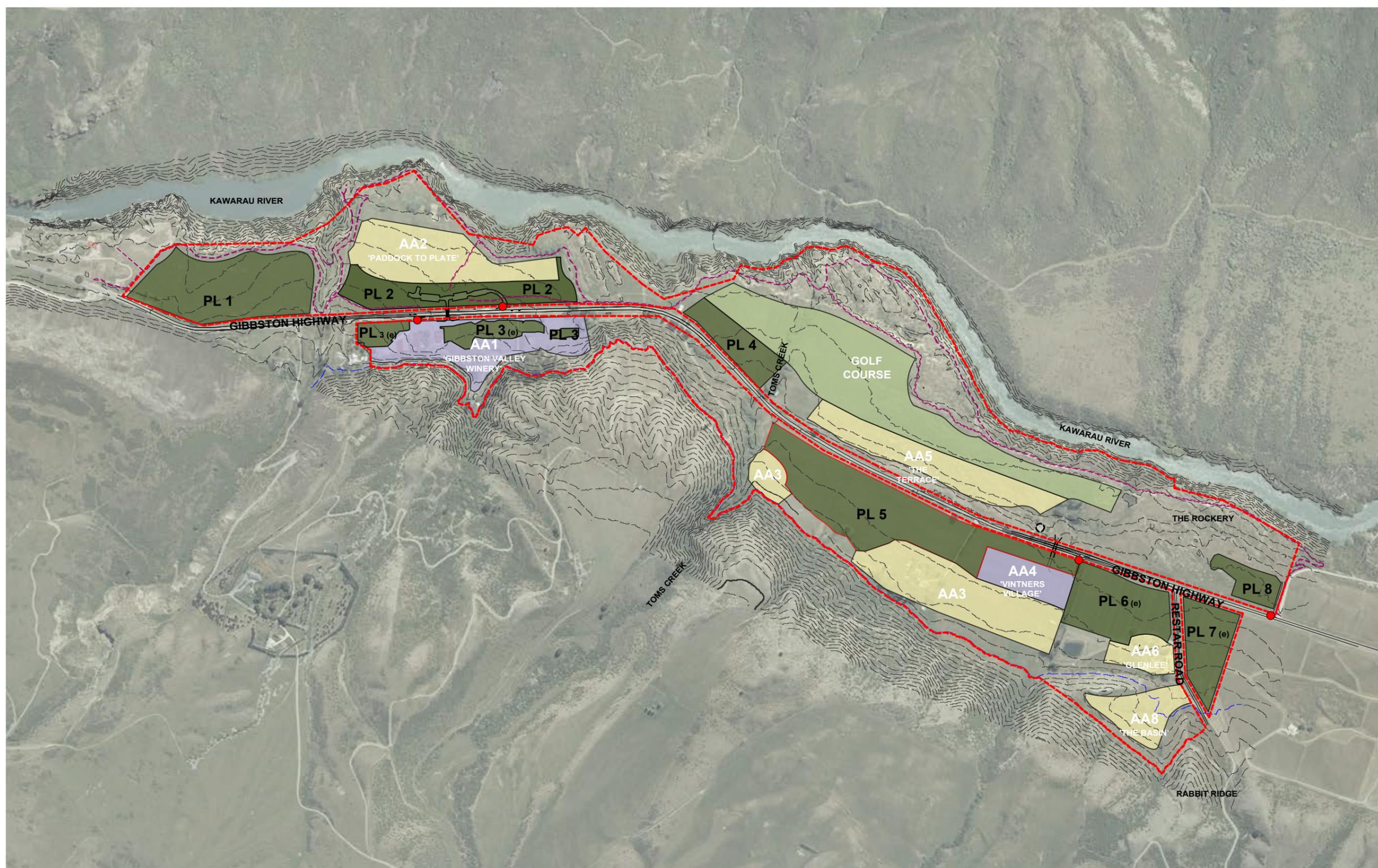
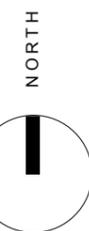
	<ul style="list-style-type: none"> • <u>Heritage.</u> • <u>Ecological values</u> 	
<u>27.7.xx.2</u>	<u>Subdivision which is not in accordance with the Gibbston Valley Sub Zone Structure Plan and Rules 23.5.10 to 23.5.13 in Chapter 23.</u>	<u>D</u>

Appendix 3

Chapter 23:

Gibbston Valley Sub Zone

Structure Plan



LEGEND

- - - Subzone Boundary
- - - 380m Contour Line
- - - Public access walkways
- + Heritage Feature
- Access points from SH6
- PL (e)** Existing Productive Landscape Planting
- PL** Productive Landscape Planting
- AA** Activity Area

Joint Witness Statement of Brett Giddens and Robert Buxton

1. Introduction

- 1.1 On 29 September 2017, the Chair of the Hearings Panel for Hearing Stream 13: Queenstown Mapping issued a Minute requiring that Mr Giddens for Gibbston Valley Station (**GVS**) (submitter 827) and Mr Robert Buxton for the Queenstown Lakes District Council (**Council**) provide a joint witness statement setting out the extent to which they agree on the suggested provisions contained in the memorandum from GVS dated 28 September 2017, the basis of that agreement if it is conditional, and any areas of disagreement along with reasons for such disagreement.
- 1.2 The version of the planning provisions that have been considered are those provided to the Hearings Panel relating to Chapters 23 and 27 of the Proposed District Plan, and the associated Structure Plan. A marked-up version of these documents are attached as **Appendix 1** and **Appendix 2**, respectively, with the Structure Plan attached as **Appendix 3**.
- 1.3 Both Mr Giddens and Mr Buxton agree that the provisions are within the scope of the submission from GVS.
- 1.4 Mr Giddens and Mr Buxton agree that should the Panel be minded to grant the relief sought by GVS, these provisions and the Structure Plan are appropriate for insertion into the Proposed District Plan. However, Mr Buxton retains his recommendation that the proposed zone should be rejected.

2 Agreed Recommended Changes

- 2.1 The following provides a summary of the agreed provisions by Mr Giddens and Mr Buxton and the reasons:

Chapter 23 – Gibbston Character Zone

- 2.1.1 Including an introductory statement to inform the purpose of the Gibbston Valley Sub Zone (**GVSZ**) within Chapter 23 of the Gibbston Character Zone (**GCZ**).
- 2.1.2 Introducing Objective 23.2.5 and Policies 23.2.5.1 to 23.2.5.5 as appropriate methods to inform the rule framework. We note that Policy 23.2.5.4 covers the productive planting standards in Rules 23.5.14 and 23.5.15 that was inserted at the request of the Panel.

- 2.1.3 Introducing matter 23.3.2.10 specifying that the GVSZ is a subset of the GCZ and all rules for the GCZ apply unless specifically stated to the contrary.
- 2.1.4 Retaining the “catch-all” non-complying activity Rule 23.4.1 relating to activities not listed in Tables 1 to 3.
- 2.1.5 Introducing a controlled activity standard (23.4.12) for buildings in activity areas AA1, AA6 and AA8 with specified matters of control set out in the standard.
 - 2.1.5.1 *Agreement was not reached that AA2 be included as a controlled activity in Rule 23.4.12, discussed further below.*
- 2.1.6 Amending Rule 23.4.12 and 23.4.13 to include the text “including the physical activity associated with any buildings” to avoid confusion with the “catch-all” discretionary Rule 23.4.10 being misapplied and altering the intended activity status.
- 2.1.7 Introducing a restricted discretionary activity standard (Rule 23.4.13) for buildings in activity areas AA3, AA4 and AA5 with those specified matters of discretion set out in the standard, in addition to a specific assessment matter to help guide development.
 - 2.1.7.1 *Agreement was not reached that AA2 be included as a restricted discretionary activity in Rule 23.4.13, discussed further below.*
- 2.1.8 Amending Rule 23.4.13 by deleting the assessment matters as these are addressed through standards except for “commercial buildings in AA4 with a rural character and aesthetic” which has been added as a matter for discretion.
- 2.1.9 Introducing a controlled activity standard (Rule 23.4.14) for visitor accommodation in AA1.
 - 2.1.9.1 *Agreement was not reached that AA2 be included as a controlled activity in Rule 23.4.14, discussed further below.*
- 2.1.10 Amending Rule 23.4.14 by deleting the matter for control “the density of visitor accommodation units as set out in Rule 23.5.11” as this repeats the standard, and deleting “location, scale, height and external appearance, as it effects the landscape and amenity values for the Gibbston Valley Sub Zone” as this is a matter of control for the building, not the activity.

- 2.1.11 Removing the need to establish a residential building platform for residential activity in AA3, AA5 and AA6 by introducing a permitted activity standard (Rule 23.4.15).
- 2.1.12 Introducing a non-complying activity standard (Rule 23.4.16) that provides only for buildings for farming and resort maintenance activities to be established within the Productive Planting Areas as shown on the Structure Plan. Unnecessary wording in this rule has been deleted.
- 2.1.13 Introducing a restricted discretionary activity standard (Rule 23.4.17) for commercial activity ancillary to winery and viticultural/horticultural activity in AA1, AA2 and AA4, and associated matters of discretion.
- 2.1.14 Introducing a controlled activity standard (Rule 23.4.18) for workers accommodation in AA8 and associated matters of control.
- 2.1.15 Retaining Rule 23.5.1 relating to external appearance of buildings to ensure consistency between the GVZS and the GCZ.
- 2.1.16 Amending Rule 23.5.3 to introducing specific height limits for AA2, AA3, AA4, AA5, AA6 and AA8, and retaining the requirement that a breach will trigger consent for a non-complying activity.
- 2.1.17 Amending Rule 23.5.6 to introducing specific setbacks from roads for buildings in AA3 and AA5, and retaining the requirement that a breach will trigger consent for a non-complying activity.
- 2.1.18 Introducing a specific standard in Rule 23.5.9 setting out a building coverage within AA1, AA2, AA3, AA4, AA5, AA6 and AA8, with a breach triggering consent for a non-complying activity.
- 2.1.18.1 *Agreement was not reached with the level of building coverage, as discussed further.*
- 2.1.19 Introducing a specific standard in Rule 23.5.10 setting out a density for residential activity in AA3, AA5 and AA6, with a breach triggering consent for a discretionary activity.
- 2.1.19.1 *Agreement was not reached with the level of residential density, as discussed further.*

- 2.1.20 Introducing a specific standard in Rule 23.5.11 setting out a density for visitor accommodation in AA1 and AA2, with a breach triggering consent for a discretionary activity.
- 2.1.20.1 Agreement was not reached with the level of visitor accommodation, as discussed further.*
- 2.1.21 Introducing a specific standard in Rule 23.5.12 setting out a maximum number of 90 rooms for workers accommodation in AA8, with a breach triggering consent for a discretionary activity.
- 2.1.22 Introducing a specific standard in Rule 23.5.13 that requires that development within the GVSZ be accessed from those points shown on the Structure Plan, and if amendments to the access is proposed consent for a discretionary activity would be required with a provision included that allows the Council to serve any resource consent application on the New Zealand Transport Agency.
- 2.1.23 Introduce a specific standard in Rule 23.5.14 requiring the retention of the planting in the existing Productive Landscape Areas PL3, PL6 and PL7 to enable new building to be established in AA1, AA3, AA4, AA6 and AA8, with a breach requiring consent as a restricted discretionary activity.
- 2.1.24 Introduce a specific standard in Rule 23.5.15 requiring the planting in Productive Landscape Areas PL1, PL2, PL4, PL5 and PL8 prior to new buildings being established in AA2, AA3, AA4 and AA5, with a breach requiring consent as a restricted discretionary activity.
- 2.1.25 Introducing a clarification in Standard 23.6.3 that controlled activities in the GVSZ shall not require the written consent of any other person and shall not be notified or limited notified. This is on the understanding that the NZTA has given its agreement to the accesses shown on the structure plan.
- 2.1.26 Introducing reference to the GVSZ in Assessment Matters (Landscape) in standard 23.7.
- 2.1.27 Introducing the GVSZ Structure Plan into Chapter 23.8. It was considered better to locate the structure plan here rather than the subdivision chapter as many of the rules in Chapter 23 refer to the structure plan.

Chapter 27 – Subdivision and Development

- 2.1.28 The subdivision rules have been rewritten to fit within the Council's right of reply version of Chapter 27. Mr Buxton and Mr Giddens are in full agreement that the provisions for Chapter 27

as contained in **Appendix 2** are appropriate for inclusion within the Proposed District Plan.

Structure Plan

2.1.29 Mr Buxton and Mr Giddens are in agreement that the Structure Plan for the GVSZ as contained in **Appendix 3** is appropriate for inclusion within the Proposed District Plan.

2.2 The following provides a summary of the provisions where agreement was not reached by Mr Giddens and Mr Buxton and the reasons:

2.2.1 Mr Buxton considers that should the Panel be minded to grant the relief sought AA2 should not be included as a controlled activity in Rule 23.4.12 relating to buildings, rather AA2 should be included within Rule 23.4.13 which would require buildings to have a restricted discretionary activity status. Mr Giddens considers that buildings in AA2 should have controlled activity status under Rule 23.4.12.

2.2.1.1 Mr Buxton holds this opinion because the activity area is a greenfields area with no consented development and the rule would allow up to 10,300m² of building within an area of 5.16ha that would could not be refused consent under the controlled activity rule. . A restricted discretionary status would give some ability to refuse consent for such a large footprint.

2.2.1.2 Mr Giddens has formed his opinion that a controlled activity status is appropriate for buildings in AA2 with reliance on the landscape evidence provided by Ms Nikki Smetham and Mr Tony Milne from Rough & Milne Landscape Architects. Mr Giddens also has considered the position of landscape architect Dr Marion Read for the Council who, after consideration of the revised Structure Plan and provisions provided by GVS, considers her reservations have been “effectively addressed” and her opinion of the submission is that the “relief could be provided” from a landscape perspective.¹

2.2.1.3 In forming his opinion, Mr Giddens has also had regard to the wide ranging matters of control to assist the evaluation and imposition of conditions relating to built form and landscape matters that are contained in Rule 23.4.12 and that access would be via an NZTA access location. Mr Giddens has supported a restricted discretionary status, with the ability for

¹ Summary of Evidence of Dr Marion Read for the QLDC, Hearing Stream 13, 21 July 2017

consent to be refused, for those land uses in more landscape-sensitive locations as noted by the landscape architects.

2.2.2 Mr Buxton considers that visitor accommodation activity in AA2 should be afforded restricted discretionary status, whereas Mr Giddens considers that the activity is appropriately placed as a controlled activity under Rule 23.4.14. Should Mr Buxton's opinion be preferred by the Panel, a new rule 23.4.15 would need to be added to provide for visitor accommodation in AA2 to be a restricted discretionary activity based on the wording of Rule 23.4.14.

2.2.2.1 Mr Buxton holds this opinion for the same reasons as noted above in paragraph 2.2.1.1.

2.2.2.2 Mr Giddens holds his opinion for the same reasons as noted above in paragraph 2.2.1.2 and 2.2.1.3, and refers to Policy 23.2.1.8.

2.2.3 Mr Buxton considers that the maximum building coverage set out in Rule 23.5.9, the residential density set out in Rule 23.5.10, and the visitor accommodation density set out in Rule 23.5.11 are too high within each activity area and would potentially give rise to urban levels of development which he considers will adversely impact on the character and values of the landscape and character values, and will not result in development that is complementary to the character and viability/productivity of the zone. Mr Giddens considers that the building coverage and density set out in these rules is appropriate and will maintain the character and values of the landscape while providing for greater level of productivity through the implementation of Rules 23.5.14 and 23.5.15 relating to productive landscape areas.

2.2.3.1 Mr Buxton holds his opinion because he considers that the proposed subzone does not meet the primary purpose of the Gibbston Character zone which is "to provide for viticulture and commercial activities with an affiliation to viticulture". He considers site coverage of 25 - 39% within the activity areas would not be in keeping with the character of the GCZ, and would not provide for "complementary activities" (Policy 23.2.1.8). He is also concerned that the level of residential development proposed in areas AA3, AA5 and AA6 introduces a village concept (which is not "rural living" as included in the right of reply version of Policy 23.2.1.8) whereas the previous consented development provided for only visitor accommodation within these areas.

- 2.2.3.2 Mr Giddens has relied on the landscape evidence as noted in paragraph 2.2.1.2 above which finds that the character of the GCZ will not be adversely impacted on. Mr Giddens considers that the site coverage in the respective activity areas should be viewed in the context of the Productive Landscape Areas and other retained areas of open space within the sub zone. The controls contained within the proposed provisions, which would in most cases would flow into resource consent requirements, as well as the location controls in the Structure Plan, would assist with managing adverse effects that may result from activities in the zone (Objective 23.2.1).
- 2.2.3.3 Visitor accommodation and rural living can be considered as “complementary activities” that may be complementary to the character and viability of the GCZ (Policy 23.2.1.8). Rural living can take many forms and the GCZ does not specifically prescribe this, nor is it defined in the Proposed District Plan.
- 2.2.3.4 Through the proposed planning provisions there is, in addition to the mandatory planting/retention of viticulture/horticulture in the GVSZ, sufficient guidance to help ensure that urban forms of development are minimised with the Council having the control/discretion to impose consent conditions relating to a range of matters to promote rural character, including low-level bollard lighting, roadside swales (rather than curb and channel), gravelled accessways, recessive external appearance of buildings, and reduced levels of signage.
- 2.2.3.5 By containing residential and visitor accommodation development in the activity areas, viticultural activities will be enabled (Policy 23.2.1), land with the potential value for rural productive activities will not be compromised (Policy 23.2.1.2), and adverse effects on the landscape and economic values will be avoided or mitigated (Policy 23.2.1.5).

- 2.3 The fundamental difference between the opinions of Mr Buxton and Mr Giddens relates to the density of the development and the introduction

of a significant area of residential development that is not complementary to the character and viability of the GCZ in the opinion of Mr Buxton.

Dated 9 October 2017

 9/10/2017

Signed: Robert Buxton

 9/10/17

Signed: Brett Giddens