

## 23 Gibbston Character Zone

**Please Note:** Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. You can view the Stage 2 Decisions, appeals and section 274 notices on our website. The appeal and section 274 periods for the Stage 1 and 2 Decisions have closed.

### 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.

### 23.2 Objectives and Policies

**23.2.1 Objective - 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 of the Gibbston Valley and managing the adverse effects resulting from other activities locating in the Zone.**

#### Policies

- 23.2.1.1 Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the Gibbston Valley 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 located in areas with the potential to absorb change.
- 23.2.1.7 Avoid the location of structures, including water tanks, other than regionally significant infrastructure, on skylines, ridges, hills and prominent slopes.

- 23.2.1.8 Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 23.2.1.9 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.
- 23.2.1.10 Provide for the establishment of activities such as commercial recreation, visitor accommodation and rural living that are complementary to the character and viability of the Gibbston Character zone, providing they do not impinge on rural productive activities.
- 23.2.1.11 The location and direction of lights do not cause glare to other properties, roads, public places or degrade views of the night sky.
- 23.2.1.12 Avoid adverse cumulative impacts on ecosystem and nature conservation values.
- 23.2.1.13 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 - 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 Encourage land management practices and activities that benefit soil and vegetation cover.

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

**Policy**

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

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

**23.2.4 Objective - 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.

**23.3 Other Provisions and Rules****23.3.1 District Wide**

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural hazards	29 Transport	30 Energy and Utilities
31 Signs	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 Interpreting and Applying the Rules**

- 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      Building platforms identified on a site’s computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 23.3.2.8      Internal alterations to buildings including the replacement of joinery are permitted.
- 23.3.2.9      The status of any Plantation Forestry will be determined by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
- 23.3.2.10     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

<b>Rule</b>	<b>Table 1 - Activities</b>	<b>Activity</b>
	<b>Farming Activities</b>	
<b>23.4.1</b>	Farming activity (includes viticulture).	P
<b>23.4.2</b>	Domestic Livestock.	P
<b>23.4.3</b>	Factory Farming.	NC
	<b>Residential Activity, Subdivision and Development</b>	
<b>23.4.4</b>	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

Rule	Table 1 - Activities	Activity
23.4.5	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2.	P
23.4.6	One residential unit within any building platform approved by resource consent.	P
23.4.7	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
23.4.8	The use of land or buildings for Residential activity except as provided for by any other rule.	D
23.4.9	The identification of a building platform not less than 70m <sup>2</sup> and not greater than 1000m <sup>2</sup> .	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
	<b>Commercial Activities</b>	
23.4.11	Home Occupation that complies with the standards in Table 3.	P
23.4.12	Industrial activities limited to wineries and underground cellars, not exceeding 300m <sup>2</sup> .	P
23.4.13	Commercial recreation activities that comply with the standards in Table 3.	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:</p> <ul style="list-style-type: none"> <li>a. the location of the activity and buildings;</li> <li>b. access, vehicle crossing location, car parking;</li> <li>c. screening and location of storage areas for waste materials, outdoor display areas and parking;</li> <li>d. signage;</li> <li>e. lighting.</li> </ul>	C
23.4.15	<p><b>Winery and Farm Buildings</b></p> <p>The construction, addition or alteration of a farm building or winery with control reserved to:</p> <ul style="list-style-type: none"> <li>a. location, scale, height and external appearance, as it effects the Gibbston Valley's landscape and amenity values;</li> <li>b. landscaping;</li> <li>c. parking and access, in respect of earthworks and the impact on the safety and efficiency of State highway 6;</li> <li>d. the location, scale and functional need of car parking;</li> <li>e. associated earthworks;</li> </ul>	C

Rule	Table 1 - Activities	Activity
	f. provision of water supply, sewage treatment and disposal; g. lighting, including car parking areas; h. screening and location of storage areas for waste materials, outdoor display and signage areas and parking.	
<b>23.4.16</b>	Visitor accommodation.	D
	<b>Other Activities</b>	
<b>23.4.17</b>	Non-commercial recreation and recreational activity.	P
<b>23.4.18</b>	Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
<b>23.4.19</b>	Informal airports, except as provided for in 23.4.18.	D
<b>23.4.20</b>	Any other activity not listed in Table 1, except for Plantation Forestry where the Resource Management (Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017) Regulation 2017 prevails.	NC
<b>23.4.21</b>	Residential Visitor Accommodation and Homestays.	P

## 23.5 Rules - Standards

	Table 2: Standards for buildings	Non- compliance
<b>23.5.1</b>	<b>Buildings , Materials and Colours</b>  Any building, including any structure larger than 5m <sup>2</sup> , 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:  All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;  23.5.1.1 Pre-painted steel, and all roofs must have a light reflectance value not greater than 20%.  23.5.1.2 all other surface** finishes except for schist must have a light reflectance value of not greater than 30%.  23.5.1.3 23.5.1.3 In the case of alterations to an existing building where there is not	RD  Discretion is restricted to: a. external appearance; b. visibility from public places and surrounding properties; c. lighting; d. landscape character; e. visual amenity.

	<p>an approved building platform on the site, it does not increase the building coverage by more than 30% in a ten year period.</p> <p>Control is reserved to all of the following:</p> <p>Except these standards do not apply to the blades of frost fighting devices.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** 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%.</p>	
<b>23.5.2</b>	<p><b>Building size</b></p> <p>The ground floor area of any building must not exceed 500m<sup>2</sup>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. external appearance;</li> <li>b. visibility from public places;</li> <li>c. landscape character;</li> <li>d. visual amenity;</li> <li>e. privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>23.5.3</b>	<p><b>Building Height</b></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
<b>23.5.4</b>	<p><b>Building Height</b></p> <p>The maximum height of any farming or winery building shall be 10m, other than frost fighting towers which must not exceed 12m in height.</p>	NC
<b>23.5.5</b>	<p><b>Setback from Internal Boundaries (any building)</b></p> <p>The minimum setback of buildings from internal boundaries shall be 6m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. rural amenity;</li> <li>b. landscape character;</li> <li>c. privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>23.5.6</b>	<p><b>Setback from Roads (any building)</b></p> <p>The minimum setback of buildings from road boundaries shall be 20m, except the minimum setback of any building for sections of State highway</p>	NC

	6 where the speed limit is 70 km/hr or greater shall be 40m.	
<b>23.5.7</b>	<b>Setback of buildings from Water bodies</b>  The minimum setback of any building from the bed of a water body shall be 20m.	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. any indigenous biodiversity values;</li> <li>b. visual amenity values;</li> <li>c. landscape character;</li> <li>d. open space;</li> <li>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.</li> </ul>
<b>23.5.8</b>	All fixed exterior lighting must be directed away from adjacent sites and roads.	NC

	<b>Table 3: Standards for Commercial Activities</b>	<b>Non - Compliance</b>
<b>23.5.9</b>	<b>Commercial Recreation Activities</b>  Commercial recreation activity undertaken outdoors and involving not more than 10 persons in any one group.	D
<b>23.5.10</b>	<b>Retail Sales</b>  Buildings in excess of 25m <sup>2</sup> gross floor area to be used for retail sales identified in Table 1 must be setback from road boundaries by a minimum distance of 30m.	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. landscape character and visual amenity;</li> <li>b. access;</li> <li>c. on-site parking.</li> </ul>



	Table 3: Standards for Commercial Activities	Non - Compliance
<b>23.5.11</b>	<b>Home Occupation</b>  23.5.11.1 The maximum net floor area of home occupation activities must not exceed 100m <sup>2</sup> .  23.5.11.2 Goods, materials or equipment must not be stored outside a building.  23.5.11.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. the nature, scale and intensity of the activity in the context of the surrounding rural area;</li> <li>b. visual amenity from neighbouring properties and public places;</li> <li>c. noise, odour and dust;</li> <li>d. the extent to which the activity requires a rural location because of its affiliation to rural resources;</li> <li>e. screening and location of storage areas for waste materials, lighting, outdoor display areas and parking;</li> <li>f. access safety and transportation effects.</li> </ul>
<b>23.5.12</b>	<b>Residential Visitor Accommodation</b>  23.5.12.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.  23.5.12.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.  23.5.12.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.  23.5.12.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.  Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 23.5.12.1 to 23.5.12.4.	D

	Table 3: Standards for Commercial Activities	Non - Compliance
<b>23.5.13</b>	<p><b>Homestay</b></p> <p>23.5.13.1 Must not exceed 5 paying guests on a site per night.</p> <p>23.5.13.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>23.5.13.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 23.5.13.1 to 23.5.13.3.</p>	D

## 23.6 Rules - Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written approval 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 23.4.15) except where the access is directly onto a State highway.

## 23.7 Rules - Assessment Matters (Landscape)

The following assessment matters apply to any discretionary or activity within the Gibbston Character zone where 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.
- 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 (i.e. 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**

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.