5.7 Gibbston Character Zone - Rules

5.7.1 Zone Purpose

The Gibbston Character Zone incorporates terraced areas above the Kawarau River, lying between and including Chard Farm and Waitiri Peninsula. Soils and the microclimate within this area have enabled development for viticulture to the extent that this is an acclaimed wine producing area, and is part of the fast growing Central Otago viticultural area. It is also noted that there are other wine growing areas within the District.

There are significant and coherent visual and amenity values present: such as regulated rows of grapes interspersed among open pasture. The pattern of intensive cultivation contributes to the diversity of visual experience gained within the District.

There are also significant heritage values present, the history of the area being one of pastoral farming associated with early gold mining. A number of archaeological sites, historic buildings and structures, and mature trees and shelterbelts exist. Several more recent buildings, including wineries, also have landmark status, i.e. are of architectural merit or interest.

All of the above contribute to a distinctive “sense of place” for Gibbston and its being a gateway to the greater Queenstown environs.

The Gibbston area has experienced recent subdivision and this continues. The variety of allotment sizes which exist enables diversity in development. It also creates the potential for competing land uses, attracted to the intensive rural productive environment, which continues to consolidate within this area. Correspondingly, there is also the potential for interface effects between rural and non-rural activities.

By identifying the above special matters, the Special Character Area zoning status seeks to enable the integrated management of various activities on a positive basis, while establishing a long-term strategy for the sustainable management of natural and physical resources present.

5.7.2 District Rules

Attention is drawn to the following District Wide Rules, which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

(i) Heritage Protection - Refer Section 13
(ii) Transport - Refer Section 14
(iii) Subdivision, Development and Financial Contributions - Refer Section 15
(iv) Hazardous Substances - Refer Section 16
(v) Utilities - Refer Section 17
(vi) Signs - Refer Section 18
(vii) Relocated Buildings and Temporary Activities - Refer Section 19
(viii) Earthworks - Refer Section 22

Attention is also drawn to the need to obtain relevant consents from the Otago Regional Council relating to matters such as water use, discharge of contaminants to water, land or air, use of the beds of rivers and lakes, damming or diverting lakes and rivers, earthworks and vegetation clearance.

5.7.3 Activities

5.7.3.1 Permitted Activities

Any activity, which is not listed as a Prohibited, Non-Complying, Discretionary or Controlled Activity and which complies with all the relevant Site and Zone Standards, shall be a Permitted Activity.

5.7.3.2 Controlled Activities

The following shall be Controlled Activities, provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activity and they comply with all of the relevant Site and Zone Standards.

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.
i Buildings

(a) The addition to or alteration of an existing building provided:

(i) the addition or alteration does not increase the coverage of the building (calculated at the operative date of this District Plan) by more than 50 percent; and

(ii) the addition or alteration is contained within a residential building platform approved by resource consent

in respect of:

(a) external appearance;

(b) associated earthworks, access and landscaping;

(c) provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

(b) The construction of any new building contained within a residential building platform approved by resource consent; in respect of:

(i) external appearance;

(ii) associated earthworks, access and landscaping;

(iii) provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

ii Commercial Activities, limited to the following Retail Sales

(a) farm and garden produce grown, reared or produced on-site;

(b) handicrafts produced on the site; and

(c) wine from a winery or vineyard

in respect of:

(a) the layout of the site and location of buildings;

(b) vehicle access; and

(c) car parking.

iii Industrial Activities, limited to Wineries and Underground Cellars.

5.7.3.3 Discretionary Activities

The following shall be Discretionary Activities, provided that they are not listed as a Prohibited or Non-Complying Activity and they comply with all of the relevant Zone Standards:

i Buildings or Residential Building Platforms

(a) The addition, alteration or construction of:

(i) any building (except for winery buildings); and

(ii) any physical activity associated with any building such as roading, landscaping and earthworks:

Except any buildings authorised pursuant to Rule 5.7.3.2(i).
(b) The identification of a residential building platform of not less than 70m² in area and not greater than 1000m² in area.

(c) Farm buildings

ii Winery Buildings

The addition, alteration or construction of a winery building in respect of:

(i) location, scale, height and external appearance, as it effects the Gibbston Valley’s landscape and amenity values;

(ii) Landscaping;

(iii) parking and access, in respect of earthworks and the impact on the safety and efficiency of State Highway 6;

(iv) associated earthworks;

(v) provision of water supply, sewage treatment and disposal, electricity and telecommunications services; and

(vi) Proposed use

Except any winery buildings authorised pursuant to Rule 5.7.3.2(i)

iii Commercial Activities

Except for those retail sales listed as Controlled Activities under Rule 5.7.3.2 (ii).

iv Visitor Accommodation

v Airports

Airports other than the use of land and water for:

(a) emergency landings, rescues and fire fighting;

(b) activities ancillary to viticulture activities.

vi Commercial Recreational Activities

Any activity, which is not listed as a Prohibited or Non-Complying Activity and which complies with all the relevant Zone Standards, but does not comply with one or more of the Site Standards, shall be a Discretionary Activity with the exercise of the Council’s discretion being confined to the matter(s) specified in the standard(s) not complied with.

5.7.3.4 Non-Complying Activities

The following shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

i Factory Farming

ii Forestry Activities

iii Mining Activities

iv Building Platforms

The identification of any residential building platform less than 70m² or greater than 1000m² in area.

Any activity, which is not listed as a Prohibited Activity and which does not comply with one or more of the relevant Zone Standards, shall be a Non-Complying Activity.
5.7.3.5 Prohibited Activities

There shall be no Prohibited Activities.

5.7.4 Non-Notification of Applications

An application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

(i) Except as provided in (i)(a) all applications for Controlled Activities.

(a) Any application for consent for a farm building on an Outstanding Natural Feature shall be notified unless Council is satisfied that the adverse effects of the activity on the environment will be minor.

(ii) Application for the exercise of the Council’s discretion in respect of the following Site Standards:

(a) Access.

5.7.5 Standards

5.7.5.1 Site Standards

i Access

Each residential unit shall have legal access to a formed road.

ii Scale and Nature of Activities

The following limitations apply to all activities; other than residential, farming, viticultural and wine making activities, and those visitor accommodation activities which are Discretionary Activities:

(a) The maximum gross floor area of all buildings on the site used for any activity, other than discretionary retail, restaurant and café activities, and those activities listed above, shall be 100m²;

(b) No goods, materials or equipment shall be stored outside a building; and

(c) All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.

iii Minimum Setback from Internal Boundaries

The minimum setback from internal boundaries for buildings shall be 6m.

iv Deleted

5.7.5.2 Zone Standards

i Building Height

(a) The maximum height for any building, other than non-residential buildings ancillary to viticultural or farming activities, shall be 8m.

(b) The maximum height for any non-residential building ancillary to viticultural or farming activities shall be 10m.

Refer to the definitions of Height and Ground Level.

ii Setback from Roads

The minimum setback from road boundaries for buildings shall be 20m.
iii Noise

(a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity:

(i) daytime (0800 to 2000 hrs) 50 dB L_{Aeq}(15 min)
(ii) night-time (2000 to 0800 hrs) 40 dB L_{Aeq}(15 min)
(iii) night-time (2000 to 0800 hrs) 70 dB L_{A_{max}}

(b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

(d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

(e) The noise limits in (a) shall not apply to sound from bird scaring devices, agricultural vehicles, machinery or mobile portable agricultural machinery, wind machines and frost fighting devices whether stationary or not, operated in accordance with the manufacturer's specifications. Sound from these sources measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed 85 dB L_{A_{max}} at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.

iv Lighting

All fixed exterior lighting shall be directed away from adjacent sites and roads.

v Screening

Storage areas for waste materials, outdoor display areas and parking associated with commercial activities, wineries and other productive activities shall generally be positioned and managed to minimise any adverse visual effect.

5.8 Resource Consents - Assessment Matters – Gibbston Character Zone

5.8.1 General

(i) The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.

(ii) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out in Clause 5.8.2 below.

(iii) In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).

(iv) In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

(v) Where an activity is a Discretionary Activity because it does not comply with one or more relevant Site Standards, but is also specified as a Controlled Activity in respect of other matter(s), the Council shall
5.8.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited to, the following:

i. Landscape and Amenity Values - General

A) Effects on Gibbston Valley’s character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on Gibbston Valley’s character are avoided, remedied or mitigated, the following matters shall be taken into account:

(i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;

(ii) whether the scale and nature of the development will compromise the productive potential, amenity or character of the surrounding Gibbston Valley;

(iii) whether the development will degrade the amenity or character of the surrounding Gibbston Valley by causing over-domestication of the landscape.

B) Visibility of development

In considering whether the development will result in a loss of the viticultural or arcadian pastoral character of the landscape the Council shall have regard to whether and the extent to which:

(i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;

(ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;

(iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes;

(iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;

(v) the subject site and the wider visual amenity landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;

(vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;

(vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape particularly with respect to elements which are inconsistent with the existing natural topography;

(viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.

C) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters shall be taken into account:

(i) whether the proposed development maintains adequate and appropriate visual access to open space and views across
Arcadian pastoral landscape from SH6 and other public places; and from adjacent land where views are sought to be maintained:

(ii) whether the proposed development compromises the ability to undertake viticultural activities on surrounding land;

(iii) whether the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting, curb and channelling and impervious surfaces other than roads, particularly in relation to SH6 frontages;

(iv) whether landscaping, including fencing and entrance ways, are consistent with a traditional rural elements, particularly where they front SH6.

(v) The proposed use of the winery building, and whether a covenant has been placed on the winery building prohibiting or restricting any change to that use.

D) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters shall be taken into account:

(i) whether and to what extent there is the opportunity to utilise existing natural topography to ensure that the development is located where it is not highly visible when viewed from any public roads and other public places frequented by the public, or visible from SH6;

(ii) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise);

(iii) whether and to what extent development is concentrated in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state;

(iv) whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.

(v) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

E) Cumulative Effects of Development on the Landscape

In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the viticultural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:

(i) the assessment matters detailed in A) to D) above;

(ii) the nature and extent of existing development within the vicinity or locality;

(iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;

(iv) whether further development as proposed will visually compromise the existing viticultural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;

(v) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or
mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

Note: For the purposes of this assessment matter the term “vicinity” generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- State Highway 6, or
- from any other public road or public place frequented by the public and which is readily visible from that other public road or public place; or
- from adjacent or nearby residences.

The “vicinity or locality” to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this “vicinity”, will generally be 1.1 kilometre in either direction.

ii State Highway 6

(i) The extent to which the development is visible from the road in terms of its effects on rural and/or cultural character and vistas from the road.

(ii) The extent to which visual coherence can be maintained or enhanced by alternative locations and landscaping including planting and earthworks.

(iii) Whether the location of planting will obstruct views of Outstanding Natural Landscapes and Features.

iii Buildings

(i) Whether the building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.

(ii) Whether the building obscures natural features and vistas, and causes the loss of key viewpoints.

(iii) Whether the building is visually obtrusive from any public road, recreation area or public place.

(iv) Whether the building and associated activity causes a loss of the natural landscape pattern or existing vegetation pattern in the rural area.

(v) Whether the building is located in an area with a high potential to absorb change to the landscape.

(vi) Whether the bulk, design, external appearance and overall form of the building is appropriate to the rural and/or cultural context.

(vii) Whether the materials and colours to be used are consistent with the rural and/or cultural landscape of which the building will form a part.

(viii) Whether the colours for roofs and walls are of low reflectivity and derived from the landscape, with bright accent colours or highly reflective colours used only in small areas for visual interest.

(ix) Whether the local materials have been used in construction.

(x) Whether the road access and internal driveways are situated in the most appropriate position, avoid excessive cuts and fills, and do not compromise the visual values of the site.

(xi) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.
iv **General - Nature Conservation Values**

(a) The extent to which activities will result in opportunities for the protection and enhancement of indigenous bio-diversity or indigenous ecosystems.

(b) Any adverse effects of the activity on indigenous ecosystems from animal pests and domestic animals.

(c) Any need to avoid, contain, manage and/or monitor the adverse effects of introduced plant species/forms, which have potential to spread and naturalise.

(d) The extent to which the activity provides opportunities for making available information regarding indigenous ecosystems.

(e) The extent to which activities will protect and enhance the survival and well being of indigenous plants and/or animals that are rare, vulnerable or endangered, or significant within the District, Region or nationally.

(f) In the case of activities proposed in the vicinity of rock outcrops, the extent to which the activity will adversely affect, or provide opportunities to enhance, the protection of lizard populations and their habitat.

v **General – Natural Hazards**

Whether the activity will exacerbate any natural hazard, including erosion, sedimentation, subsidence and landslips.

vi **Controlled Activity and Discretionary Activity – All Buildings**

In addition to Assessment Matters i - v above:

(a) The extent to which any residential activity maintains and enhances rural character, heritage values, life-supporting capacity of soils, vegetation and water, infrastructure, traffic safety and public access to and along lakes and rivers.

(b) The extent to which the residential activity may adversely affect adjoining land uses.

(c) The extent to which any residential unit has the ability to:

   i supply potable water;

   ii connect to a reticulated public or community sewage treatment and disposal system, or otherwise can be provided with a suitable system for the treatment and disposal of domestic sewage effluent, in a manner, which avoids nuisance or danger to public health, or contamination of ground or surface waters; and

   iii connect to available telecommunication and electricity systems to domestic levels of service.

(d) Whether the access to the lot from the carriageway is of a standard necessary to ensure the safe and efficient operation of the carriageway.

vii **Controlled Activity – Retail Sales**

(a) The extent to which buildings and structures are located to mitigate against the loss of landscape values.

(b) The location and design of vehicle access, parking and loading areas to protect the safe and efficient movement of vehicles on adjoining roads.

(c) The extent to which the size, location and design of parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such so as to encourage cars to park on-site and not on adjoining roads.
viii Discretionary Activity – Commercial Activities

(a) The extent to which the commercial activity may:

(i) result in levels of traffic generation or pedestrian activity, which is incompatible with the character of the surrounding rural area, or adversely affect safety.

(ii) have adverse effects in terms of noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.

(iii) result in loss of privacy.

(iv) result in levels of traffic congestion or reduction in levels of traffic.

(b) The extent to which the commercial activity mitigates any adverse effects in terms of additional traffic generation.

(c) The effect the commercial activity may have on the life supporting capacity of soils and water.

(d) The extent to which the scale of the proposed activity and the proposed use of buildings are compatible with the character of the Gibbston Character zone and the scale of other buildings and activities within the zone.

ix Discretionary Activity - Visitor Accommodation Activities

(a) Any adverse effects of the proposed visitor accommodation in terms of:

(i) noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density rural environment.

(ii) loss of privacy and remoteness.

(iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.

(iv) pedestrian safety in the vicinity of the activity.

(v) any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

(b) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.

(c) Any potential adverse effects of the activity on the quality of ground and/or surface waters.

x Discretionary Activity – Airports

(a) The extent to which noise from aircraft is/will:

(i) compatible with the character of the surrounding area.
(ii) adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors.

(iii) adversely affect the quality of the experience of people partaking in recreational and other activities.

(b) The cumulative effect of a dispersed number of airports.

(c) Convenience to and efficient operation of existing airports.

(d) The visual effect of airport activities.

(e) The frequency and type of aircraft activities.

(f) Assessment of helicopter noise pursuant to NZS 6807: 1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels specified in Table 1 do not override the noise limits specified in Rule 5.7.5.2(iii).

(i) Discretionary Activity – Commercial Recreational Activities

(a) The extent to which the recreational activity will result in levels of traffic or pedestrian activity which are incompatible with the character of the Gibbston Valley area.

(b) Any adverse effects of the proposed activity in terms of:

(i) noise, vibration and lighting, which is incompatible with the levels acceptable in a low-density rural environment.

(ii) loss of privacy or a sense of remoteness or isolation.

(iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.

(iv) pedestrian safety in the vicinity of the activity.

(v) litter and waste.

(vi) any cumulative effect from the activity in conjunction with other activities in the vicinity.

(c) The extent to which any proposed buildings will be compatible with the character of the Gibbston Valley, including the scale of other buildings in the surrounding area.

(d) The extent to which the nature and character of the activity would be compatible with the character of the Gibbston Valley environment.

(e) The extent to which any operation has been audited and certified in accordance with the relevant Code of Practice.

(f) Any potential adverse effects of the activity on the quality of ground and/or surface waters.

(g) The effect of the recreational activities on the life-supporting capacity of soils.

(h) The extent to which the proposed activity will result in a loss of privacy, amenity values or sense of security for residents within the rural environment.

(i) The extent to which the recreational activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.

(j) The extent to which the use of the land for the recreational activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.
(k) The extent to which the activity may cause a visual distraction to drivers on arterial routes.

xii Site Standard - Access

(a) The extent to which alternative formed access can be assured to the residential unit in the long-term.

(b) The extent to which the level and nature of the use of the residential unit will make it unlikely that access by way of a formed road will ever be necessary.

xiii Site Standard - Scale and Nature of Activities

(a) The extent to which:

(i) the scale of the activity and the proposed use of buildings are compatible with the scale of other buildings and activities in Gibbston Valley.

(ii) the character of the site will remain dominant.

(iii) materials and equipment associated with the activity need to be stored outside of a building.

(iv) all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with the activity need to be carried outside of a building.

(v) noise and visual impact.

(vi) adverse effects of likely traffic generation and the ability to mitigate such effects.

(iv) be compatible with the character of the Gibbston Valley environment including scale of buildings in the surrounding environment.

(ii) impact on the landscape and visual amenity values of Gibbston Valley.

(iii) adversely affect views from properties in the vicinity.

(iv) have an adverse effect on other sites in the surrounding area, in terms of loss of privacy.

(v) overshadow adjoining sites and result in reduced sunlight and daylight admission.

(b) Whether the adverse effects of increased height could be mitigated through site layout, increased separation distances between the building and adjoining sites or the provision of screening.

(c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.