

Chapter 23

Gibbston Character Zone

This table identifies provisions subject to and consequentially affected by appeals:

Provision Subject To Appeal (identified in red text in the relevant chapter/s)	Appellant Court Number	Consequentially Affected Provisions
Policy 23.2.1.9	Transpower New Zealand Limited ENV-2018-CHC-114 (further particulars received)	

Note: the annotations in this chapter reflect the Council's interpretation of the provisions affected by appeals.

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.

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| Policies | <p>23.2.1.1 Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the gibbon Valley while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.</p> <p>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.</p> <p>23.2.1.3 Ensure activities not based on the rural resources of the area occur only where the character and productivity of the gibbon Character zone and wider gibbon Valley will not be adversely impacted.</p> <p>23.2.1.4 Provide for a range of buildings allied to rural productive activity and worker accommodation.</p> <p>23.2.1.5 avoid or mitigate adverse effects of development on the landscape and economic values of the gibbon Character zone and wider gibbon Valley.</p> <p>23.2.1.6 Protect, maintain and enhance landscape values by ensuring all structures are located in areas with the potential to absorb change.</p> <p>23.2.1.7 avoid the location of structures, including water tanks, other than regionally significant infrastructure, on skylines, ridges, hills and prominent slopes.</p> |
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- 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.

Policy 23.2.1.9 and relief sought	Appellant Court Number	Consequentially Affected Provisions
Amend Policy 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 <u>remedied or mitigated to the extent practicable</u> minimised.	Transpower New Zealand Limited ENV-2018-CHC-114 (as per further particulars received)	

- 23.2.10 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
- 23.2.3.1 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

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 <i>Earthworks</i>	26 historic heritage	27 Subdivision
28 Natural hazards	29 <i>Transport</i>	30 Energy and Utilities
31 <i>Signs</i>	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 is permitted.
- 23.3.2.9 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

	Table 1: Activities	Activity Status
23.4.15	<p>Winery and Farm Buildings</p> <p>The construction, addition or alteration of a farm building or winery with control reserved to:</p> <ul style="list-style-type: none"> a. location, scale, height and external appearance, as it effects the Gibbston Valley’s landscape and amenity values; b. landscaping; c. parking and access, in respect of earthworks and the impact on the safety and efficiency of State highway 6; d. the location, scale and functional need of car parking; e. associated earthworks; 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. 	C
23.4.16	Visitor accommodation.	D
	Other Activities	
23.4.17	Non-commercial recreation and recreational activity.	P
23.4.18	Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
23.4.19	Informal airports, except as provided for in 23.4.18.	D
23.4.20	any activity not listed in Tables 1.	NC
23.4.21		

23.5 Rules - Standards

	Table 2: Standards for Buildings	Non- compliance Status
23.5.1	<p>Buildings, Materials and Colours</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 must have a light reflectance value not greater than 20%.</p> <p>23.5.1.2 all other surface** finishes except for schist must have a light reflectance value of not greater than 30%.</p> <p>23.5.1.3 In the case of alterations to an existing building where there is not 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>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>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visibility from public places and surrounding properties; lighting; landscape character; visual amenity.
23.5.2	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visibility from public places; landscape character; visual amenity; privacy, outlook and amenity from adjoining properties.
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>NC</p>

	Table 2: Standards for Buildings	Non- compliance Status
23.5.4	<p>Building Height</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
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>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. rural amenity; b. landscape character; c. privacy, outlook and amenity from adjoining properties.
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 sections of State highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p>	NC
23.5.7	<p>Setback of buildings from Water bodies</p> <p>The minimum setback of any building from the bed of a water body shall be 20m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. any indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
23.5.8	all fixed exterior lighting must be directed away from adjacent sites and roads.	NC

	Table 3: Standards for Commercial Activities	Non- compliance Status
23.5.9	<p>Commercial Recreation Activities</p> <p>Commercial recreation activity must be undertaken outdoors and must not involve more than 10 persons in any one group.</p>	D
23.5.10	<p>Retail Sales</p> <p>buildings in excess of 25m² gross floor area to be used for retail sales identified in Table 1 must be setback from road boundaries by a minimum distance of 30m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. landscape character and visual amenity; b. access; c. on-site parking.

Table 3: Standards for Commercial Activities		Non- compliance Status
23.5.11	<p>Home Occupation</p> <p>23.5.11.1 The maximum net floor area of home occupation activities must no exceed100m².</p> <p>23.5.11.2 goods, materials or equipment must not be stored outside a building.</p> <p>23.5.11.3 all manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the nature, scale and intensity of the activity in the context of the surrounding rural area; b. visual amenity from neighbouring properties and public places; c. noise, odour and dust; d. the extent to which the activity requires a rural location because of its affiliation to rural resources; e. screening and location of storage areas for waste materials, lighting, outdoor display areas and parking; f. access safety and transportation effects.
23.5.12		
23.5.13		

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.

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.