

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 2 –
Rural, Rural Residential
and Rural Lifestyle,
Gibbston Character
Zone, Indigenous
Vegetation and
Biodiversity, and
Wilding Exotic Trees

**REPLY OF CRAIG ALAN BARR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

CHAPTER 23 GIBBSTON CHARACTER ZONE

3 June 2016

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1. INTRODUCTION

- 1.1 My name is Craig Barr. I prepared the s42A report for the Gibbston Character Zone Chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 7 April 2016.
- 1.2 I have reviewed the evidence and submissions filed by other expert witnesses and submitters both in advance of and during the Rural hearing, and attended the hearing except on 25 May 2016 where I was provided with a report of the information from submitters and counsel presented on that day.
- 1.3 This reply evidence covers the following issues:
- (a) Objectives and policies;
 - (b) Colour and material standards for buildings;
 - (c) New Zealand Transport Agency (**NZTA**);
 - (d) Fire fighting provisions;
 - (e) Height exemptions for frost fighting fans; and
 - (f) Constructing buildings associated with Residential Flats' Rule 23.4.11.
- 1.4 Where I am recommending changes to the provisions as a consequence of submitter evidence and the hearing of evidence and submissions before the Panel, I have included these changes in **Appendix 1 (Revised Chapter)**. I have attached a s32AA evaluation in **Appendix 2**.

2. OBJECTIVES AND POLICIES

- 2.1 Mr Brown for Queenstown Park Limited (806) and others¹ seek modifications to Objective 23.2.1 to acknowledge 'other activities' that rely on the rural resource. I accept the majority of these suggestions as they provide added direction and certainty without being too liberal in terms of the range or unconditional acceptance of. 'other activities'. I accept that a range of other

1 Trojan Helmet Limited (Submissions 443, 452, 437), Mount Cardrona Station Limited (407), Hogan Gully Farming Limited (456) Ayrburn Farm Estate Limited (430), Kawarau Jet Services Holdings Ltd (307), ZJV (NZ) Limited (343), Queenstown Wharves Limited (766), Mount Rosa Station Limited (377), Dalefield Trustees Limited (350), Skydive Queenstown Limited (122).

activities and rural living is contemplated in the Gibbston Character Zone. I have shown these changes in the Revised Chapter at **Appendix 1**.

- 2.2** In addition, I have recommended changes to policies 23.2.1.1 and 23.2.1.8 in line with Mr Brown's evidence because these will implement the recommended revised objective, and provide more effective direction associated with other appropriate activities that rely on the resources of the Gibbston Character Zone.
- 2.3** In my s42A report I recommended that Objective 23.2.1 be amended to replace the word 'inappropriate' with 'other'. Transpower (#805) through the hearing and in particular the summary of evidence presented by Ms Aileen Craw sought the reintroduction of the word 'inappropriate' as notified, because this would allow appropriate activities within the zone, such as regionally significant infrastructure, while discouraging land uses that are inappropriate in the zone.
- 2.4** While acknowledging this concern, I consider the recommended modifications outlined in paragraph 2.1 above, which include the introduction of the word 'appropriate' into the objective, goes some way to meeting Ms Craw's concerns. This is because the Objective, as amended, recognises that there will be situations where appropriate activities seek to locate within the Gibbston Character Zone, such as the National Grid and any necessary maintenance to this resource.
- 2.5** Related to this matter, the Panel enquired whether locational constraints of activities including utilities should be able to override the requirement to avoid, remedy or mitigate. In this instance, I do not consider Transpower are going this far, however, I note that at paragraph 172 of *Wakatipu Environmental Society Inc v Queenstown Lakes District Council*,² the Court stated that:

'The fundamental point in considering the siting of utilities in the outstanding natural landscapes (at least in this district) is that it should not be as of right. A policy that states:

Siting, where practicable, utilities away from skylines etc ...

2 *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* C180/99.

always leaves the door open for a utility operator to argue that it is not practicable to site a utility anywhere else. That is not a correct approach. The policy should be one that gives the Council the final say on location within outstanding natural landscapes.

2.6 While the Gibbston Character Zone is not an outstanding natural landscape, it nonetheless has substantial landscape values that require protection. Therefore, I do not consider location constraints faced by utilities or other development for that matter should be able to override the requirement to avoid, remedy or mitigate.

2.7 I have also recommended a change to Policy 23.2.1.7 to replace 'and' with 'including' so that the matters specified are not just limited to structures and water tanks. This recommended change will broaden the policy and remove any misconception that it only applies to water tanks.

3. COLOUR AND MATERIAL STANDARDS FOR BUILDINGS

3.1 Rule 23.5.1 controls the colour and light reflectance value of permitted buildings. Submissions received on the equivalent rules in Chapter 21 and 22 have led to recommended modifications to clarify that cladding materials that cannot be measured by way of light reflectance value, but are suitably recessive, are deemed to comply with the rule. I prefer this phrasing over the identification of selected materials because it is likely that some materials that would be appropriate would not be specified in the rule. That may result in a situation where the use of an otherwise appropriate cladding would require a resource consent as the rule is silent on that material.

3.2 Similar submissions were not made on Rule 23.5.1 in the Gibbston Character Zone. However, I consider that the recommended changes are as much to do with clarity as to providing for a range materials, such as schist, that were not contemplated. I have therefore amended Rule 23.5.1 in **Appendix 1**. I note that if the Panel take the view that this modification is not a simple clarification, then it is outside the scope of submissions and there is no ability to make this change to Chapter 23.

4. NEW ZEALAND TRANSPORT AGENCY (NZTA)

4.1 At the hearing the NZ Transport Agency (#719) raised an outstanding matter regarding its request to include minimum noise attenuation for habitable buildings within 80 metres of the seal edge, where the posted speed limit is 70 km/hr or greater.³ I continue to maintain, as set out the section 42A report, that the best way to manage this is through the resource consent process

4.2 I also consider that because of the emphasis of the Landscape Policy in Chapter 6⁴ and the Landscape Assessment Matters in Chapter 23.7 that there is an emphasis on ensuring residential development is not located near roads. This is in order to encourage the maintenance of the landscape values within the Gibbston Character Zone. In addition the Assessment Matters in 23.7.2.1 and 23.7.3.4 consider the extent to whether a development would detract from views of State Highway 6.

5. FIREFIGHTING PROVISIONS

5.1 I maintain my recommendation set out in my s42A report that the best method to manage firefighting in the Rural Zone is via the conditions of resource consents. I also reaffirm, as was my evidence when asked at the hearing on 3 May, that the proposed rules in the Rural Residential Zone (Rule 21.5.X on page 22-11) could be applied across the Rural Zone and Gibbston Character Zone if it is their desire to do so.

6. HEIGHT EXEMPTIONS FOR FROST FIGHTING FANS

6.1 In my s42A report I recommended exempting the blades of frost fans from Rule 23.5.1, and to exempt frost fans from Rule 23.5.4 and the 10 metre height limit for farm or winery buildings. The Panel queried whether there should be a height limit placed on frost fans so as to not permit an unintended adverse effect.

6.2 Having reviewed a range of information including plan changes in other Districts and the *Approaches to manage identified issues associated with the*

3 Evidence of Anthony MacColl.

4 Policies 6.3.1.10, 6.3.2.1 and 6.3.2.4, as recommended through the Council's Right of Reply, dated 7 April 2016.

Wine industry information on the Quality Planning website⁵ the typical height of the tower of a frost fan is approximately 10.5 metres, and a total height of 15 metres including blades. I note that statutory responses have been to limit the height of the tower only⁶ at 12 metres, or to limit the entire structure including blades to 15 metres.⁷

- 6.3** It is my preference that the tower only is specified because this is where the bulk of the structure is attributed, and I consider that it is reasonable to recommend the height is limited to 12 metres. A recommended revision of Rule 23.5.4 is included in **Appendix 1**.

7. CONSTRUCTING BUILDINGS ASSOCIATED WITH RESIDENTIAL FLATS' RULE 23.4.11

- 7.1** The Chair identified a potential drafting error in Rule 22.4.6 (Rural Lifestyle Zone) which identifies a Residential Flat as a permitted activity. The corresponding rule in the Gibbston Character Zone is 23.4.11. The rule states:

23.4.11 Residential Flat (activity only, the specific rules for the construction of any buildings apply).

- 7.2** The Chair queried whether a resource consent would be required to build the Residential Flat, and whether this was intended through the drafting.
- 7.3** The relevant rules that identify the status of the construction or alteration of a building as a permitted activity are:
- (a) Rule 23.4.5 where the building is located within a building platform; and
 - (b) Rules 23.4.6 and 23.5.1.3 for alterations to existing buildings not located within a building platform, up to an area of 30% of the existing ground floor area within a ten year period.

⁵ Refer to <http://www.qualityplanning.org.nz/index.php/planning-tools/industry-guidance-notes/wine-industry/approaches-to-manage-identified-issues-associated-with-the-wine-industry>; <http://www.nzfrosthfans.com/frostboss.html>;

⁶ Hurunui District Council District Plan. Plan Change 18 Frost Fan Control. Operative 13 July 2011.

⁷ Western Bay of Plenty District Council. Plan Change 56 Frost Protection Fans – Height and Cumulative Noise. Operative 27 June 2015.

7.4 Therefore, the construction and alterations to buildings used as a Residential Flat are provided for under these two scenarios as a permitted activity.

7.5 Alterations to a building, whether for a Residential Flat or the Residential Unit that would not comply with Rule 23.5.1 would be a restricted discretionary activity and the construction of buildings not within a building platform would be a discretionary activity pursuant to Rule 23.4.10.

7.6 Also relevant is the relationship between a Residential Flat and a Residential Unit. A Residential Flat is part of a Residential Unit, as defined in the definition of Residential Unit in Chapter 2. The Definition of Residential Unit is:

Means a residential activity (including a dwelling) which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

7.7 Therefore, Rule 23.4.11 is not technically necessary because a Residential Flat is part of a Residential Unit. The reason why it was identified as a separate rule in the PDP is because under the Operative District Plan a Residential Flat requires resource consent as a controlled activity, and it was intended to make it clear that these are now permitted.

7.8 In summary, the rules in this instance are considered to be drafted adequately and no modifications are suggested

8. RULE 23.5.1.3 EXTERIOR ALTERATIONS TO BUILDINGS

8.1 Rule 23.5.1.3 permits the exterior alteration of buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period. The Panel sought clarity that this applies to extensions of buildings only where there is no registered building platform and that this extension is not about allowing buildings going outside of a building platform. I confirm that this is the intent and upon reflection of the submissions I now appreciate the submission of the New Zealand Institute of Architects and

Southern Women in Architecture (238), who opposed this rule on the basis building should be discouraged to located outside of building platforms.

8.2 I recommend the revised wording with red underlined illustrating the changes. I consider that this matter is related to clarity however if the Panel consider that this is a substantive change I consider that there is scope with Submission 238 to do so.

8.3 The construction and exterior alteration of buildings are permitted:

Rule 23.5.1.3

In the case of alterations to an existing building not located within a building platform, where there is not an approved building platform on the site, it does not increase the coverage by more than 30% in a ten year period.

9. CONCLUSION

9.1 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.

Craig Barr
Acting Policy Planning Manager
3 June 2016

APPENDIX 1
23 GIBBSTON CHARACTER ZONE REVISED CHAPTER

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.

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.

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.

Comment [CB1]: Submitter 805 and 806

Comment [CB2]: Submitter 377

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.

Comment [CB3]: Submitter 805 and 806

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.

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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.~~

Comment [CB4]: Submitter 805.

Comment [CB5]: Submitter 805.

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.

Comment [CB6]: Grammatical change.

Comment [CB7]: Submitter 806

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:

- 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.

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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. 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)
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.

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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.

Comment [CB8]: Clarification.

23.3.2.910 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

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
	<u>Buildings</u>, 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

Comment [CB9]: Clarification

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Rule	Table 1 - Activities	Activity
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
	Commercial Activities	
23.4.12	Home Occupation that complies with the standards in Table 3.	P
23.4.13	Industrial Activities limited to wineries and underground cellars, not exceeding 300m ² .	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 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
23.4.15	Commercial recreation activities that comply with the standards in Table 3.	P
23.4.16	<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; Lighting, <u>including car parking areas.</u> Screening and location of storage areas for waste materials, outdoor display and signage areas and parking. 	C
23.4.17	Visitor Accommodation.	D

Comment [CB10]: Submitter 490 and FS 1155.

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Rule	Table 1 - Activities	Activity
	Other Activities	
23.4.18	Informal Airports.	D
23.4.19	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
23.4.20	Non-commercial recreation and recreational activity.	P

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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

Comment [CB11]: Clarification and Submitter 238

Comment [CB12]: Submitter 12.

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

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

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23.5.3	Building Height The maximum height of any residential building, residential accessory building or commercial building other than for a farming or winery building shall be 8m.	NC
23.5.4	Building Height 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.	NC
23.5.5	Setback from Internal Boundaries (any building) The minimum setback of buildings from internal boundaries shall be 6m. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • Rural Amenity. • Landscape character. • Privacy, outlook and amenity from adjoining properties. 	RD
23.5.6	Setback from Roads (any building) 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.	NC
23.5.7	Setback of buildings from Water bodies The minimum setback of any building from the bed of a water body shall be 20m. Discretion is restricted to all of the following: <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	All fixed exterior lighting shall be directed away from adjacent sites and roads.	NC

Comment [CB15]: Submitter 12.

	Table 3: Standards for Commercial Activities	Non - Compliance
23.5.9	Commercial Recreation Activities Commercial recreation activity undertaken outdoors and involving not more than 10 persons in any one group.	D
23.5.10	Retail Sales Buildings in excess of 25m ² 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. Discretion is restricted to all of the following:	RD

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	Table 3: Standards for Commercial Activities	Non - Compliance
	<ul style="list-style-type: none"> • Landscape character and visual amenity. • Access. • On-site parking. 	
23.5.11	<p>Home Occupation</p> <p>23.5.11.1 The maximum net floor area of home occupation activities shall be 100m².</p> <p>23.5.11.2 No goods, materials or equipment shall be stored outside a building.</p> <p>23.5.11.3 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.

Comment [CB16]: Submitter 719.

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 where the landscape is relevant.

23.7.1 Effects on landscape character:

The following shall be taken into account:

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- 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 (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.

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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.

APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Assessment

Note:

The relevant provisions from the Revised Chapter are set out below, showing:

- 1) 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.
- 2) 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.
- 3) Black underlined text for additions and ~~black strike through~~ text for deletions, Appendix 1 to Craig Barr's s42A report, dated 7 April 2016.

The section 32AA assessment then follows in a separate table underneath each of the provisions.

Recommended Amendments to Objective 23.2.1 and Policies 23.2.1.1 and 23.2.1.8	
<p>Objective 23.2.1</p> <p>Protect <u>The economic viability, character and landscape values of the Gibbston Character Zone are</u> protected by enabling viticulture <u>and other appropriate</u> activities <u>that rely on the rural resource</u> and controlling <u>managing</u> the adverse effects resulting from inappropriate <u>other</u> activities locating in the Zone.</p>	
<p>Policy 23.2.1.1</p> <p>Enable viticulture activities <u>and provide for other appropriate activities that rely on the rural resource</u> 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>Policy 23.2.1.8</p> <p>Recognise that <u>Have regard to</u> the establishment of complementary activities such as commercial recreation or visitor accommodation <u>and rural living that</u> may be complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.</p>	

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> The changes to the objective and the policies advance other activities such as commercial or rural living opportunities. While these are not adverse in principle, the proliferation of these or the approval of an inappropriate activity has the potential for adverse effects on the productive, amenity and landscape values of the 	<ul style="list-style-type: none"> This changes more accurately contemplate the broad range of activities that seek to locate and utilise the resource of the Gibbston Character Zone. The change to include the word appropriate recognises appropriate established infrastructure in the Gibbston Character Zone including the 	<ul style="list-style-type: none"> The changes are effective in so far that they provide the policies with and therefore assist decision makers with a more comprehensive understanding of the types of activities that seek to locate within the Gibbston Character Zone.

Gibbston Character Zone.	National Grid. • The amended policies 23.2.1.1 and 23.2.1.8 are not considered too liberal and would be tempered by the other policies ensuring existing activities and infrastructure are not impinged upon.	
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Recommended updated Policy 23.2.1.7

Policy 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.

Costs	Benefits	Effectiveness & Efficiency
• None identified.	• This change will ensure the policy is not unintentionally limited to only 'water tanks'.	• This change is effective because it improves the grammar and effectiveness of the policy.

Recommended updated Rule 23.5.4

Building Height

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.~~

Costs	Benefits	Effectiveness & Efficiency
• None, except for persons who seek to utilise the rule to establish a frost fighting tower greater than 12 metres height. Given the research undertaken this is unlikely	<ul style="list-style-type: none"> • This change will ensure there are no unintended adverse effects arising from the absence of a height limit. • The change will constrain any perverse use of a permitted baseline argument. 	• This change is effective as it provides an exemption for frost fighting fans while constraining the potential for unintended consequences in the absence of a height maximum.