

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
 Schedule of the Act
BETWEEN GIBBSTON VALLEY STATION LIMITED
 (ENV-2018-CHC-54)
 Appellant
AND QUEENSTOWN LAKES DISTRICT
 COUNCIL
 Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 27 November 2019

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court,
by consent, orders that:

- (1) the appeal is allowed to the extent that the Queenstown Lakes District
Council is directed to amend the text and the planning maps and legends
of the Proposed Queenstown Lakes District Plan, as set out in Appendix
1, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] This proceeding concerns an appeal by Gibbston Valley Station Limited (“GVS”) against parts of a decision of the Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 16 (Rezoning).

[2] The court has now read and considered the consent memorandum of the parties dated 21 October 2019, which proposes to resolve this appeal and the documents accompanying that memorandum.

Other relevant matters

[3] The Otago Regional Council gave notice of an intention to become a party under s274 of the Resource Management Act (‘the RMA’) and has signed the consent memorandum consenting to the relief sought.

[4] The court has made minor amendments to the consent order proposed in the joint memorandum. In that draft consent order filed by the parties, the map showing the agreed Gibbston Valley Resort Zone labels that zone as the “Gibbston Valley Special Zone”. It is clear from the context and from all other references to the new zone in the consent documentation that the parties intended this to read “Gibbston Valley Resort Zone”. This typographical error, the title of the map and the legend at Appendix 1 of this order, has been amended accordingly. The court is satisfied that these amendments do not alter the substance of the orders agreed by the parties.

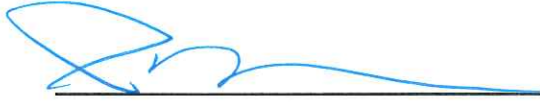
Orders

[5] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and



- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.

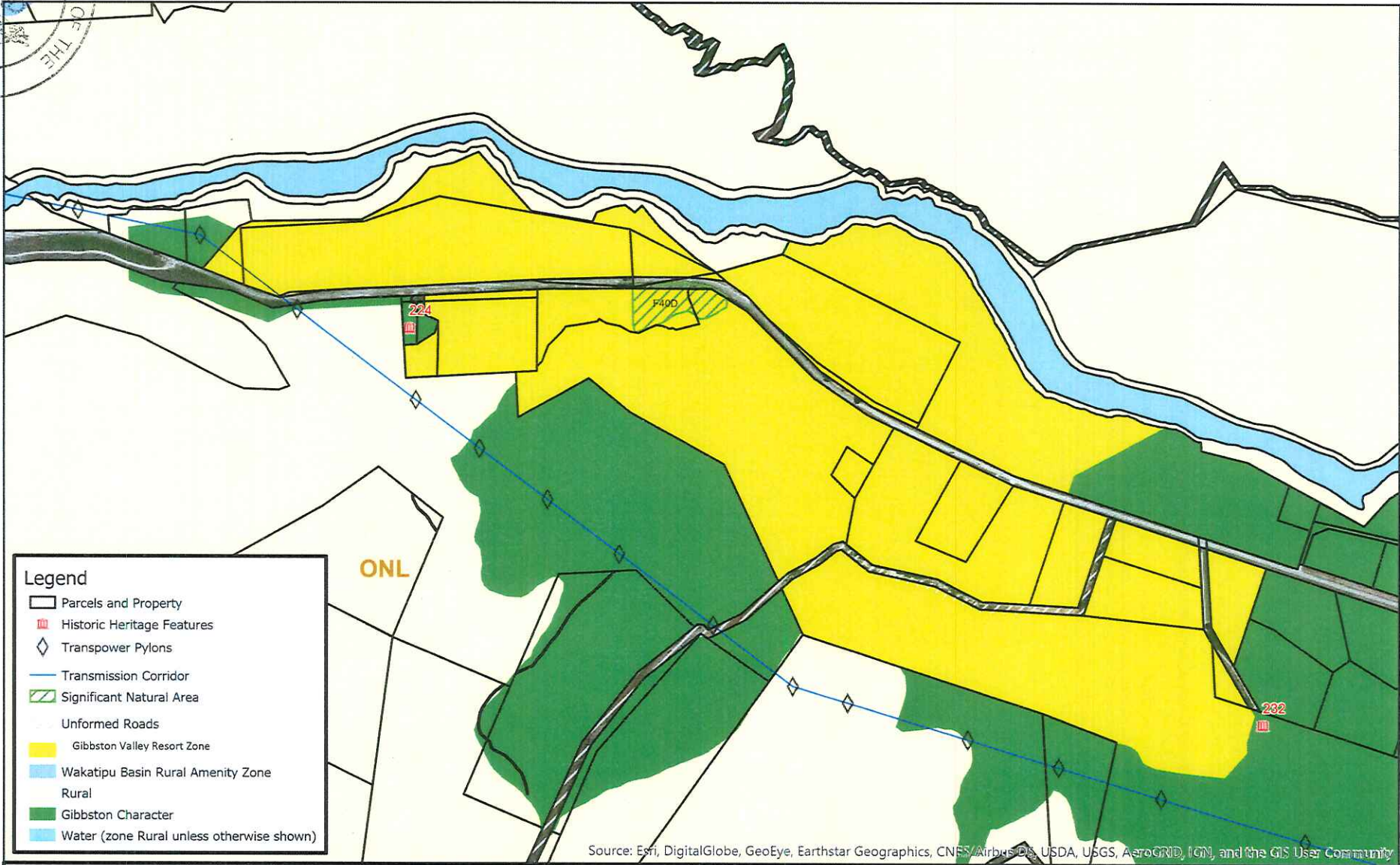


J J M Hassan
Environment Judge



APPENDIX 1





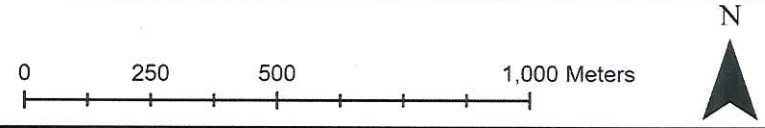
Legend

- Parcels and Property
- Historic Heritage Features
- Transpower Pylons
- Transmission Corridor
- Significant Natural Area
- Unformed Roads
- Gibbston Valley Resort Zone
- Wakatipu Basin Rural Amenity Zone
- Rural
- Gibbston Character
- Water (zone Rural unless otherwise shown)

ONL

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Extent of Gibbston Valley Resort Zone with PDP Stage 1 and 2 Decisions Zones



45 Gibbston Valley Resort Zone

45.1 Resort Zone Purpose

45.1.1 The purpose of the Gibbston Valley Resort Zone is to provide for the development of a resort principally for visitor accommodation with an overall focus on onsite visitor activities based on the rural resources of the Gibbston Valley, winery tourism, and appreciation of the landscape.

One exception to the Zone's focus on visitor activities is the Vintners Village which provides small scale commercial and business activities for local convenience for the guests and residents of the resort, and also the wider community. Residential activity will be at a limited scale with a low average density (as a proportion of the developed resort) clustered throughout the Zone in enclaves surrounded by vineyards, horticulture and indigenous plantings, and open space. The Zone will also offer short and long-term accommodation for those working at the resort and in the wider Gibbston community.

The Structure Plan for the Zone in Schedule 45.7 will ensure that development is carried out in an integrated and planned manner, and that buildings and activities occur where the landscape can absorb change. In addition, the Structure Plan identifies the location of Productive and Landscape Plantings covering existing and proposed areas to be planted and managed as productive areas so as to maintain the values of productive soils, rural productivity and the rural working character values of the wider Gibbston area, as well as integrating buildings into the environment.

Productive and Landscape Planting, Landscape Management and Open Space and Recreation areas serve the purpose of both individually and collectively buffering and providing breathing space between the Activity Areas so as to maintain an overall rural working character and high visual amenity values. The Open Space and Recreation Area in particular seeks to maintain the open character and landscape character between the development nodes and the adjoining Rural Zone and Gibbston Character Zone.

45.1.2 Landscape Character of the Gibbston Valley Resort Zone

The landscape character of the Zone is defined by the following key attributes:

- a. A valley floor landform derived from a former river terrace that is predominantly used for pastoral farming and vineyards. The land cover of the valley floor is visually cohesive and has a rural working landscape pattern;
- b. The vegetation patterns of the valley floor are characterised by exotic amenity and shelter trees mostly clustered around buildings. As a result of this and the predominant pastoral and vineyard land cover, the landscape character is predominantly open;
- c. The hillslopes both within the Zone and beyond are characterised by low intensity pastoral farming which is differentiated from the valley floor by a lack of fencing, steep bluffs, rocky outcrops, active natural processes and the presence of indigenous vegetation comprising grey shrubland, and remnant kowhai within Significant Natural Area F40D. As viewed from State Highway 6, a steep bluff on the southern side of the State Highway and the deeply incised waterbody of Toms Creek divides the Zone into two visual catchments. In contrast, the northern side of the Zone from



State Highway 6 is predominantly open with uninterrupted views over the valley floor, across the Kawarau River Gorge to the Crown Range slopes;

- d. The topography, colour and texture of the hillslopes contribute to the distinction between the productive rural working character of the valley floor and the untamed character of the hillslopes;
- e. Existing buildings within the Zone are for the most part limited to the area around the Gibbston Valley Winery and are distinctive in terms of their appearance and affiliation with wine making and ancillary activities, and visitor accommodation.

45.1.3 The purpose of the various Activity Areas are summarised as follows:

- a. **Gibbston Valley Winery Area (AA1)** – to provide for further development around the existing Gibbston Valley Winery, accommodation and lodge development that primarily includes visitor accommodation, winery activities and commercial activity.
- b. **Paddock to Plate Area (AA2)** – to provide a development node to further build upon the existing Gibbston Valley Winery, viticulture and horticulture activities through the establishment of activities such as a wine education facility, visitor accommodation and commercial activity with productive landscaping alongside SH6.
- c. **Gibbston Valley Living Area (AA3)** – to provide for limited rural living opportunities, and visitor accommodation in a low density, rural living setting.
- d. **Vintners Village (AA4)** – to provide for a range of small scale commercial and convenience retail activities not only for the guests and residents of the resort, but also the wider community.
- e. **The Terrace Area (AA5)** – to provide for the establishment of primarily residential activity in a rural living setting.
- f. **Glenlee Area (AA6)** – to provide for visitor accommodation in a rural living setting with limited rural living opportunities.
- g. **Community Area (AA7)** – to provide for concerts and other entertainment and temporary activities.
- h. **The Basin Area (AA8)** – to provide a node of medium density residential activity principally for workers accommodation and activities to support the ongoing maintenance and operation of the resort.
- i. **Productive and Landscape Planting Areas (PL)** – to provide for either existing or proposed productive viticulture, or horticulture areas that also serve the ancillary purpose of mitigating visual effects of development from State Highway 6. These areas are described on the Structure Plan as:
 - Existing Productive Planting and Landscape Areas (PL(e));
 - Proposed Productive Planting and Landscape Areas (PL(p)).
- j. **Landscape Management Areas (LMA)** – to enhance those locations where indigenous revegetation is encouraged (particularly around watercourses) or where landscape management is needed to assist with mitigating the visual effects of development within AA2 and AA5.



- k. **Open Space & Recreation Area (OSR)** – to protect the elevated and highly legible escarpment located to the south of the Activity Areas with a no build area, and setting aside other areas within the Zone to provide for natural processes associated with flooding of Toms Creek by way of a no build area, open space, passive recreation activities, and opportunities for commercial recreation activities.

45.2 Objective and Policies

45.2.1 Objective – Visitor accommodation, viticulture, horticulture, commercial, tourism and limited residential activities developed in an integrated and planned manner with particular regard to the maintenance and enhancement of landscape, ecological values, soil values, productive land use and economic sustainability.

Policies

Structure Plan and Resort Development

- 45.2.1.1 Require development and activities to be located in general accordance with the Structure Plan so as to promote integrated and planned development and to avoid inappropriate development.
- 45.2.1.2 Provide for visitor accommodation as the principal visitor industry activity and maintain a low average density of residential development (as a proportion of the developed area) within the Zone.
- 45.2.1.3 Encourage a range of activities in appropriate locations as directed by the Structure Plan with commercial and retail activities focussed on those that are ancillary and complementary to onsite visitor activities and experiences.
- 45.2.1.4 Ensure that any additional use and development in the Open Space and Recreation Area in proximity to the Gibbston Character Zone, or the Rural Zone Outstanding Natural Landscape has particular regard to views from the Kawarau River and its margins, and does not compromise the landscape values of those areas.
- 45.2.1.5 Recognise that further use and development of the Open Space and Recreation Area adjoining Activity Area 5 may be appropriate providing that development is located where it will not:
- result in significant risk from flooding hazard from Toms Creek;
 - compromise landscape character and visual amenity values with particular regard to the important function of the Open Space and Recreation Area to maintain openness across the balance of the Zone;
 - result in a loss of rural working character and openness due to residential activity within the Zone and adjoining Gibbston Character Zone.
- 45.2.1.6 Require that any areas of Productive and Landscape Plantings and Landscape Management Areas are retained or are installed prior to the establishment of new buildings within each Activity Area shown on the Structure Plan, in order to maintain and enhance the values of significant soils, rural productivity and the landscape character of the Zone and landscape values of the wider Gibbston area.



- 45.2.1.7 Ensure the retention or installation of plantings within the Productive and Landscape Plantings, and the Landscape Management Areas provide for the following outcomes associated with the development of each identified Activity Area:
- a. Activity Area 1: Retention and installation of viticulture plantings within PL3 to maintain productive plantings and to assist with the visual integration of winery buildings and development;
 - b. Activity Area 2: Installation of viticulture plantings within PL1 and installation of horticulture and viticulture within PL2 to provide for productive plantings that also serve the ancillary purpose of mitigating visual effects of development from State Highway 6. Exotic and indigenous planting within LMA1 to enhance biodiversity, visual amenity values and assist with the visual integration of the use and development within AA2;
 - c. Activity Area 3: Installation of viticulture plantings within PL5 to provide for productive plantings and the visual integration of buildings and development as viewed from State Highway 6;
 - d. Activity Area 4: Retention and enhancement of horticulture plantings within PL8. Installation within PL5 and retention within PL6 of viticulture plantings to provide for productive plantings and the visual integration of buildings and development as viewed from State Highway 6;
 - e. Activity Area 5: Indigenous vegetation plantings within LMA2 for the principal purpose of mitigating the potential adverse effects of buildings, and visually integrating use and development within AA5 and the wider Open Space and Recreation Area as viewed from State Highway 6. The plantings shall comprise grey shrubland species that in addition to enhancing indigenous biodiversity, are anticipated to have a maximum height in the order 3 to 5 metres that serve the purpose of mitigating foreground development within AA5 without obscuring views over the Open Space and Recreation Area to the Crown Range slopes; and
 - f. Activity Area 6: Viticulture plantings within PL6 and PL7 for the purpose of productive plantings and the visual integration of buildings and development as viewed from State Highway 6.

Buildings

- 45.2.1.8 Require the external appearance of buildings to maintain or enhance overall landscape character of the Zone through sympathetic and innovative design, cladding, materials and colours.
- 45.2.1.9 Provide for a range of external building colours that are not as recessive as required generally for rural environments, but are fitting within the existing development nodes in Activity Area 1, including red and creams, and provide for these and similar colour schemes for buildings to be continued in Activity Areas 1, 2 and 4.
- 45.2.1.10 Avoid buildings within the No Build Area as shown on the Structure Plan so as to maintain landscape values.
- 45.2.1.11 Avoid or mitigate adverse effects of buildings and development within the Productive and Landscape Planting Areas as shown on the Structure Plan, so as to safeguard soil



productive values and their contribution to the rural productivity, economic values and landscape character of Gibbston Valley.

- 45.2.1.12 Ensure land within the Zone and the adjoining Gibbston Character Zone used for rural productive activities is not unreasonably compromised by the:
- a. Inappropriate location of residential activity and visitor accommodation; or
 - b. Inadequate sound insulation and mechanical ventilation of buildings used for residential activity and visitor accommodation.

Landscape and Amenity

- 45.2.1.13 Avoid, remedy or mitigate the adverse effects of utilities, including water tanks on skylines, ridges, hills, prominent slopes and views from the Kawarau River.
- 45.2.1.14 Maintain the overall sense of openness within the Zone, particularly in respect of views from State Highway 6.
- 45.2.1.15 Avoid or mitigate the adverse effects of buildings on the landscape character of the Zone through implementing the Structure Plan, productive landscape plantings, enhancement of landscape management areas, retention of open space and building design, materials and colours.
- 45.2.1.16 Ensure that the cumulative effects of development occurring within the Open Space and Recreation Area (located outside of the No Build Area) will not further degrade landscape character and visual amenity values within the Zone and wider Gibbston Valley landscape.
- 45.2.1.17 Provide for service activities that are ancillary to activities undertaken within Activity Areas AA1, AA2, AA4 and AA8, while ensuring that adverse visual effects can be avoided, remedied or mitigated when viewed from State Highway 6.
- 45.2.1.18 Enhance or restore indigenous biodiversity within the Landscape Management Areas and promote the protection of cultural heritage features, including through the integration of these features with development.
- 45.2.1.19 Ensure that the location and direction of lights does not cause excessive glare to other properties, roads or public places and avoids unnecessary degradation of the night sky.
- 45.2.1.20 Where development within Activity Area 2 exceeds a building coverage of 8,000m², ensure that buildings and development are undertaken in a manner that maintains the overall rural character of the Zone, including the retention or enhancement of visual amenity values through locating and designing buildings where the landscape can absorb development.
- 45.2.1.21 Where building heights within Activity Area 2 exceed 5.5 metres within that area shown on the Structure Plan, encourage buildings to not be visible from the Kawarau River, and where buildings may be visible, ensure that their visibility does not detract from the values of the Kawarau River Outstanding Natural Landscape.

Activities



- 45.2.1.22 Avoid the adverse effects of buildings and development on rural productive values within the Productive and Landscape Planting areas shown on the Structure Plan, taking into account that these areas have values for productive viticulture due to the combination of the following environmental attributes:
- a. land classified as land use capability IIIe in accordance with the New Zealand Land Resource Inventory;
 - b. the degree of significance these areas have for productive viticulture in Gibbston;
 - c. favourable topography and elevation;
 - d. adequate aspect and sun hours; and
 - e. a reduced risk of damage from frost.
- 45.2.1.23 Provide for development and activities that maintain or enhance Gibbston's history in viticulture, tourism and recreation, while providing opportunities to enhance the sense of community for residents.
- 45.2.1.24 Provide for the establishment of visitor accommodation and limited residential activity within appropriate locations in the Zone in general accordance with the Structure Plan as a method of providing for the needs of visitors, residents and workers.
- 45.2.1.25 Provide for the operation and growth of wineries and associated facilities, including the establishment of new activities that support rural productivity, diversification and viticulture tourism including small scale breweries, and supporting ancillary activities, such as bottling plants and storage facilities.
- 45.2.1.26 Control access and egress to development to ensure safe and efficient movement of traffic on roads and for users of trails, walkways and cycleways.
- 45.2.1.27 Avoid industrial activities that are not ancillary to visitor activities, winery, and rural productive activities within the Zone.
- 45.2.1.28 Ensure that commercial and retail activities, in particular those in Activity Area 4 are of a small scale that does not undermine the role and function of Frankton and Queenstown town centres.
- 45.2.1.29 Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:
- a. retention and establishment of a mix of small scale commercial and business activities within Activity Area 4;
 - b. principal role of Activity Area 4 that provides local convenience for residents and visitors;
 - c. role and function of town centres and commercial zones that provide for large scale retailing; and
 - d. safe and efficient operation of the transport network.



45.2.1.30 In Activity Area 8, provide for a node of medium density residential activity principally for workers accommodation and avoid activities that would diminish the principal role of Activity Area 8 for worker accommodation.

45.2.1.31 Ensure development can be appropriately serviced through:

- a. the provision of adequate wastewater treatment and disposal;
- b. stormwater disposal;
- c. potable water; and
- d. provision of water (including storage) for firefighting purposes.

45.3 Other Provisions and Rules

45.3.1 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
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	39 Wahi Tupuna	Planning Maps

45.3.2 Interpreting and Applying the Rules

45.3.2.1 A permitted activity must comply with all the rules (in this case Chapter 45 and any relevant district wide rules).

45.3.2.2 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.

45.3.2.3 All references to the Structure Plan mean the Gibbston Valley Resort Zone Structure Plan located in Schedule 45.7.

45.3.2.4 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.



45.3.2.5 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

45.4 Rules – Activities

	Table 1 Activities	Activity
	Gibbston Valley Resort Zone	
	Buildings	
45.4.1	<p>Buildings in Activity Areas AA1, AA2, AA3, AA4, AA5, AA6, AA7 and AA8.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. Compatibility with landscape character as anticipated by the Zone. b. Visual amenity values, particularly when viewed from State Highway 6. c. Landform modification, landscaping and planting with particular reference to the need for mitigation of the effects of buildings from State Highway 6. d. The location of vehicle parking and internal access. e. Infrastructure, including fire-fighting, water and wastewater. f. The effects of natural hazards in regard to building location and the design of any necessary hazard mitigation. g. Attenuating noise in critical listening environments associated with existing or potential intensification of vineyards (i.e. frost fans or audible bird scaring devices) within the Zone. <p>In addition to (a) to (g), in AA1, AA2, AA4 and AA7:</p> <ul style="list-style-type: none"> h. The size and location of signs when viewed from State Highway 6. i. Screening and location of storage areas for waste materials. 	C
45.4.2	Buildings in the Open Space and Recreation Activity Area (OSR), located outside of the No Build Area as shown on the Structure Plan, except for Farm Buildings as provided for in Rule 45.4.26.	D



	Table 1 Activities Gibbston Valley Resort Zone	Activity
45.4.3	Buildings in the Productive Landscape Planting Areas (PL), Landscape Management Areas (LM) and the No Build Area of the Open Space and Recreation Area (OSR) as shown on the Structure Plan.	NC
	Residential Activity	
45.4.4	Residential Activity in Activity Areas AA3, AA5, AA6 and AA8 that comply with the standards in Table 2.	P
45.4.5	Residential Activity in Activity Areas AA1, AA2, AA4, AA7, PL, LM and OSR.	NC
45.4.6	Residential Visitor Accommodation in AA1, AA2, AA3, AA4, AA5 and AA6 unless otherwise stated.	P
45.4.7	Homestays in Activity Areas AA3, AA5 and AA6 that comply with the standards in Table 2.	P
45.4.8	Residential Visitor Accommodation and Homestays in AA8.	NC
	Visitor Accommodation	
45.4.9	Visitor accommodation in Activity Areas AA1, AA2, AA3, AA5, and AA6, that comply with the standards in Table 2.	P
45.4.10	Visitor Accommodation in AA4, AA7 and OSR.	D
45.4.11	Visitor Accommodation in AA8.	NC
	Other Business Related Activities	
45.4.12	Commercial Recreation Activities in Activity Areas AA1, AA2, AA4, PL and OSR subject to compliance with the standards in Table 2.	P
45.4.13	Commercial Activities and Retail Sales within Activity Area AA4, subject to compliance with the standards in Table 2.	P



	Table 1 Activities Gibbston Valley Resort Zone	Activity
45.4.14	Commercial Activity and Retail Sales that are ancillary to winery, viticulture, horticulture or visitor activity within Activity Areas AA1 and AA2. Discretion is restricted to: <ul style="list-style-type: none"> a. The relationship of the commercial activity to winery, viticulture, horticulture and visitor activity. b. Scale and nature of the activity. c. Hours of operation. d. The size and location of signs when viewed from State Highway 6. e. The location of vehicle parking and internal access. 	RD
45.4.15	Appliance Stores, Electronic and Electrical Goods Stores, Service Stations, Furniture and Floor Covering Stores.	NC
45.4.16	Commercial Activities, other than those provided for in Rules 45.4.9, 45.4.10 and 45.4.12 to 45.4.14.	NC
45.4.17	Service Activities in AA1, AA2, AA4 and AA8. Discretion is restricted to: <ul style="list-style-type: none"> a. The relationship of the service activity to winery, viticulture, horticulture and visitor activity. b. Scale and nature of the activity. c. Hours of operation. d. The size and location of signs when viewed from State Highway 6. e. The location of vehicle parking and internal access. f. Compatibility with landscape character as anticipated by the Zone. g. Visual amenity values, particularly when viewed from State Highway 6. 	RD
45.4.18	Service Activities in locations not identified in Rule 45.4.17.	NC
45.4.19	Home Occupation that complies with the standards in Table 2.	P
45.4.20	Industrial Activities in AA1, AA2 and AA4, not exceeding 300m ² in gross floor area, limited to wineries, breweries or underground cellars.	P
45.4.21	Panel beating, spray painting, motor vehicle repair or dismantling except where such activities are undertaken as ancillary to a farming activity, residential activity or as a permitted home occupation.	NC



	Table 1 Activities Gibbston Valley Resort Zone	Activity
45.4.22	Industrial Activities other than provided for in Rule 45.4.20.	NC
	Rural Activities	
45.4.23	Domestic Livestock	P
45.4.24	Farming	P
45.4.25	<p>Farm Buildings</p> <p>Farm Buildings within Activity Areas AA1 and AA2.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. Compatibility with landscape character as anticipated by the Zone. b. Visual amenity values, particularly when viewed from State Highway 6. c. The location of vehicle parking and internal access. 	C
45.4.26	<p>Farm Buildings</p> <p>Farm Buildings within the OSR Areas.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Compatibility with landscape character as anticipated by the Zone. b. Visual amenity values, particularly when viewed from State Highway 6. c. The location of vehicle parking and internal access. d. Flood hazard risk from Toms Creek. 	RD
45.4.27	Farm Buildings within PL, AA3, AA4, AA5, AA6, AA7 and AA8.	D



	Table 1 Activities Gibbston Valley Resort Zone	Activity
45.4.28	<p>Mining or Mining Activity</p> <p>Limited to gravel and schist extraction for use within the Gibbston Valley Resort Zone that does not exceed a volume of 5,000m³ and an area of 5,000m² over a 12 month period.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Duration, nature and scale. b. Noise. c. Hours of operation. d. Methods of dust suppression and erosion and sedimentation control. e. Mitigation of landscape and visual amenity effects when viewed from State Highway 6 and adjoining properties. f. The location of vehicle parking and internal access. g. Rehabilitation of the affected area including landform and vegetation. 	RD
45.4.29	<p>Mining or Mining Activity</p> <p>Not provided for in Rule 45.4.28.</p>	NC
45.4.30	Factory Farming	PR
	Other Activities	
45.4.31	Any activity not listed in Table 1	D
45.4.32	Recreation and Recreational Activity	P
45.4.33	Informal Airports	D
45.4.34	Informal Airport for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
45.4.35	<p>Access and Parking</p> <ul style="list-style-type: none"> a) The extent of carparking shown in PL2 on the Structure Plan. b) Internal access to any Activity Area. 	P



45.5 Rules - Standards

	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status																				
	Structure Plan and Integrated Development																					
45.5.1	<p>Structure Plan</p> <p>Development shall be undertaken in general accordance with the Structure Plan for the Gibbston Valley Resort Zone.</p>	NC																				
45.5.2	<p>Integrated Development</p> <p>Productive and Landscape Planting and Landscape Management Areas</p> <p>Horticulture, viticulture, ecological or mitigation plantings shall be retained or installed to the percentage coverage specified prior to the establishment of buildings in the Activity Areas as set out as follows:</p> <table border="1" data-bbox="379 936 1248 1986"> <thead> <tr> <th>Activity Area</th> <th>Planting or Landscape Area</th> <th>Required Planting</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>AA1</td> <td>PL3 (1.78ha)</td> <td>Viticulture planting</td> <td>PL3: 80% (1.42ha)</td> </tr> <tr> <td>AA2</td> <td>PL1 (6.42ha) PL2 (3.68ha) LMA1 (2.16ha)</td> <td>PL1: Viticulture planting PL2: Horticulture and/or Viticulture planting LMA 1: Indigenous and exotic plantings</td> <td>PL1: 60% (3.85ha) PL2: 80% (2.95ha) - excluding the extent of the carparking area shown on the Structure Plan. LMA1: 50% (1.08ha)</td> </tr> <tr> <td>AA3</td> <td>PL5 (5.94ha)</td> <td>Viticulture planting</td> <td>PL5: 80% (4.7ha)</td> </tr> <tr> <td>AA4</td> <td>PL5 (5.94ha) PL6 (4.0ha) PL8 (0.9ha)</td> <td>Viticulture planting Viticulture planting Horticulture planting</td> <td>PL5: 80% (4.7ha) PL6: 80% (3.2ha) PL8: 80% (0.7ha)</td> </tr> </tbody> </table>	Activity Area	Planting or Landscape Area	Required Planting	Percentage	AA1	PL3 (1.78ha)	Viticulture planting	PL3: 80% (1.42ha)	AA2	PL1 (6.42ha) PL2 (3.68ha) LMA1 (2.16ha)	PL1: Viticulture planting PL2: Horticulture and/or Viticulture planting LMA 1: Indigenous and exotic plantings	PL1: 60% (3.85ha) PL2: 80% (2.95ha) - excluding the extent of the carparking area shown on the Structure Plan. LMA1: 50% (1.08ha)	AA3	PL5 (5.94ha)	Viticulture planting	PL5: 80% (4.7ha)	AA4	PL5 (5.94ha) PL6 (4.0ha) PL8 (0.9ha)	Viticulture planting Viticulture planting Horticulture planting	PL5: 80% (4.7ha) PL6: 80% (3.2ha) PL8: 80% (0.7ha)	NC
Activity Area	Planting or Landscape Area	Required Planting	Percentage																			
AA1	PL3 (1.78ha)	Viticulture planting	PL3: 80% (1.42ha)																			
AA2	PL1 (6.42ha) PL2 (3.68ha) LMA1 (2.16ha)	PL1: Viticulture planting PL2: Horticulture and/or Viticulture planting LMA 1: Indigenous and exotic plantings	PL1: 60% (3.85ha) PL2: 80% (2.95ha) - excluding the extent of the carparking area shown on the Structure Plan. LMA1: 50% (1.08ha)																			
AA3	PL5 (5.94ha)	Viticulture planting	PL5: 80% (4.7ha)																			
AA4	PL5 (5.94ha) PL6 (4.0ha) PL8 (0.9ha)	Viticulture planting Viticulture planting Horticulture planting	PL5: 80% (4.7ha) PL6: 80% (3.2ha) PL8: 80% (0.7ha)																			



Table 2 – Standards – Gibbston Valley Resort Zone				Non-compliance status
AA5	LMA2 (2.8ha)	Indigenous plantings	LMA2: 60% (1.6ha)	
AA6	PL6 (4.0ha)	Viticulture planting	PL6: 80% (3.2ha)	
	PL7 (2.4ha)	Viticulture planting	PL7: 80% (1.9ha)	
<p>For the purposes of interpreting and implementing Rule 45.5.2 the following means:</p> <ol style="list-style-type: none"> I. Installed means that the plantings shall be planted with adequate infrastructure established to help maintain the plantings. II. Establishment of buildings means completion of foundations. 				
45.5.3	<p>Integrated Development</p> <p>State Highway 6 underpasses</p> <ol style="list-style-type: none"> a. Prior to the completion of buildings in AA2, Underpass 1 as shown on the Structure Plan, shall be completed. b. Prior to the completion of buildings in AA5, Underpass 2 as shown on the Structure Plan, shall be completed. <p>For the purposes of interpreting and implementing Rule 45.5.3, the following means:</p> <ol style="list-style-type: none"> I. “Completion of buildings” means no later than the issue of the Code Compliance Certificate for any buildings. 			NC
45.5.4	<p>Integrated Development</p> <p>Access from State Highway 6</p> <p>Where development within the Gibbston Valley Resort Zone requires access from State Highway 6, access shall be from those points shown on the Structure Plan.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Landscape character and visual amenity effects when viewed from State Highway 6. b. Efficiency and operation of State Highway 6. c. Safety. 			RD
Standards for Buildings				



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
45.5.5	<p>Building size</p> <p>In AA1, AA2, AA3, AA4, AA5, AA6, AA7 and AA8, the maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Compatibility with landscape character as anticipated by the Zone. Visual amenity values, particularly when viewed from State Highway 6. Scale, nature and external appearance of the building. Degree of visibility from State Highway 6 and methods of mitigation to reduce visibility, including landscaping. 	RD
45.5.6	<p>Building Height in AA2</p> <p>Within that part of AA2 shown on the Structure Plan as limited to 5.5m the maximum building height shall be 5.5m.</p> <p>Discretion is restricted to the following:</p> <ol style="list-style-type: none"> Compatibility with landscape character as anticipated by the Zone. Visual prominence, with particular regard to visibility from the Kowarau River. <p>The maximum building height shall be 7m.</p>	RD NC
45.5.7	<p>Building Height</p> <p>The maximum building height shall be:</p> <ol style="list-style-type: none"> AA1: 8m AA3: 5.5m AA4: 5.5m AA5: 7m AA6: 7m AA7: 5.5m AA8: 7m PL and OSR: 7m 	NC



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
	<p>The following maximum heights apply to buildings in all Activity Areas where the building is used for the following activities:</p> <ul style="list-style-type: none"> i. 12 metres for any temporary concert stage or temporary structures in AA7. j. 12 metres for frost fighting towers. 	
45.5.8	<p>External appearance of Buildings in AA3, AA5, AA6, AA7 and AA8</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, including:</p> <ul style="list-style-type: none"> a. Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%. b. All other surface** finishes except for schist, must have a light reflectance value of not greater than 30%. <p>* Excludes soffits, windows and skylights.</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 effect as achieving a light reflectance value of 30%.</p> <p>Except these standards do not apply to the blades of frost fighting devices.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. Compatibility with landscape character as anticipated by the Zone. ii. Visual prominence. 	RD
45.5.9	<p>External appearance of Buildings in AA1, AA2 and AA4.</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> <ul style="list-style-type: none"> a. All roofs shall have a reflectance value not greater than 30%. b. All other surface** finishes except for schist, must have a light reflectance value of not greater than 40%, with the exception of Spanish Quarter White which has a light reflectance value of 84%. 	RD



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
	<p>*Excludes soffits, windows and skylights.</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 effect as achieving a light reflectance value of 30%.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> i. Compatibility with landscape character as anticipated by the Zone. ii. Visual prominence. 	
45.5.10	<p>Glare</p> <p>All fixed exterior lighting shall be directed away from adjacent sites and roads.</p>	NC
45.5.11	<p>Setback from Internal Boundaries</p> <p>The minimum setback of buildings from internal boundaries shall be as follows:</p> <ol style="list-style-type: none"> a. AA 1, AA 2, AA 4, AA 7: nil. b. AA 3, AA 5, AA 6 and AA 8: 2m. c. OSR, LMA and PL areas, and those parts of AA1 and AA5 that adjoin the Gibbston Character Zone: 15m. <p>Note: this standard does not apply to duplexes where units contain a common wall.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> i. Reverse sensitivity effects. ii. Building location. iii. Visual prominence. iv. Functional need for buildings to locate within setbacks. 	RD
45.5.12	<p>Setback from Roads</p> <p>The minimum setback of buildings from State Highway 6 shall be 40m, with the exception of the following:</p> <ol style="list-style-type: none"> a. AA1: 10m b. AA5: 15m 	RD



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The degree of additional visibility the departure from the standards has from views from State Highway 6. ii. Landscaping and earthworks to mitigate visual effects. iii. Effects from road noise. 	
45.5.13	<p>Building Coverage in AA2</p> <p>The ground floor area of buildings in AA2 shall not exceed 8,000m².</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Compatibility with landscape character as anticipated by the Zone. With particular reference to the capacity of the landscape in AA2 to absorb additional development and the retention of rural character overall. 	RD
45.5.14	<p>Building Coverage</p> <p>The ground floor area of all buildings shall not be exceeded in the following Activity Areas:</p> <ul style="list-style-type: none"> a. AA1: 8,000m² b. AA2: 10,300m² c. AA3: 17,500m² d. AA4: 2,500m² e. AA5: 12,500m² f. AA6: 5,000m² g. AA7: 1,000m² coverage for non-residential buildings h. AA8: 2,300m² 	NC
	Other Standards	
45.5.15	<p>Residential Activity</p> <p>Residential Units shall not exceed the following:</p> <ul style="list-style-type: none"> a. AA3: 20 Residential Units. b. AA5: 50 Residential Units. c. AA6: 8 Residential Units. d. AA8: no limit on the number of Residential Units, but the number of 	NC



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
	bedrooms must not exceed 90.	
45.5.16	<p>Residential Activity within visitor accommodation buildings</p> <p>Within those visitor accommodation buildings in AA3, AA5 and AA6 where residential activity is not provided for by Rule 45.5.15, residential activity shall be limited to:</p> <ul style="list-style-type: none"> a. Not more than 180 nights per year; and b. Residential activity undertaken by the owners of the buildings. 	NC
45.5.17	<p>Homestay</p> <ul style="list-style-type: none"> a. Must not exceed 5 paying guests on a site per night. b. The Council must be notified in writing prior to the commencement of a Homestay activity. c. Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice. <p>Control is reserved to:</p> <ul style="list-style-type: none"> i. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period. ii. The management of noise, rubbish and outdoor activities. iii. The keeping of records of Homestay use, and availability of records for Council inspection. iv. Monitoring requirements, including imposition of an annual monitoring charge. 	C
45.5.18	<p>Commercial and Retail Activities in AA4</p> <ul style="list-style-type: none"> a. Individual Retail activities shall not exceed 300m² gross floor area; b. Individual Office activities shall not exceed 200m² gross floor area; c. Rules 45.5.18 (a) and (b) exclude Hotels and Taverns. <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
45.5.19	<p>Home Occupation</p> <p>a. The maximum net floor area of home occupation activities shall be 50m².</p> <p>b. No goods, materials or equipment shall be stored outside a building.</p> <p>c. 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:</p> <p>i. The nature, scale and intensity of the activity in the context of the surrounding area.</p> <p>ii. The extent to which the activity requires a rural location because of its affiliation to rural resources.</p> <p>iii. Screening and location of storage areas for waste materials.</p> <p>iv. Access safety and transportation effects.</p>	RD
45.5.20	<p>Commercial recreation activity undertaken outdoors shall not involve more than 10 persons in any one group.</p> <p>Control is limited to:</p> <p>i. Nature and scale of the activity.</p> <p>ii. Hours of operation.</p> <p>iii. Proximity of the activity to established living accommodation outside of the Gibbston Valley Resort Zone.</p> <p>iv. The extent and location of signage.</p> <p>v. Noise.</p>	C
45.5.21	<p>Commercial recreational activity undertaken outdoors shall not involve more than 10 persons in any one group.</p> <p>Discretion is restricted to:</p> <p>i. Nature and scale of the activity.</p> <p>ii. Hours of operation.</p> <p>iii. Proximity of the activity to established living accommodation outside of the Gibbston Valley Resort Zone.</p> <p>iv. The extent and location of signage.</p> <p>v. Noise.</p>	RD



	Table 2 – Standards – Gibbston Valley Resort Zone	Non-compliance status
	vi. Carparking.	
45.5.22	<p>Frost Fans on sites adjoining AA6 and AA8</p> <p>Within Activity Areas AA6 and AA8, any room within a residential unit or visitor accommodation that is normally used for sleep shall be designed and constructed to achieve an indoor noise level no greater than 35dB LA_{eq} (15min). The design shall be based on an external noise level incident on the facade of 55dB LA_{eq} (15min) using the frequency spectrum of a frost fan.</p> <p>Discretion is restricted to:</p> <p>i. Avoiding or mitigating adverse noise effects from frost fans on adjacent sites, including potential intensification of vineyards.</p>	RD

45.6 Non-Notification of Applications

Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:

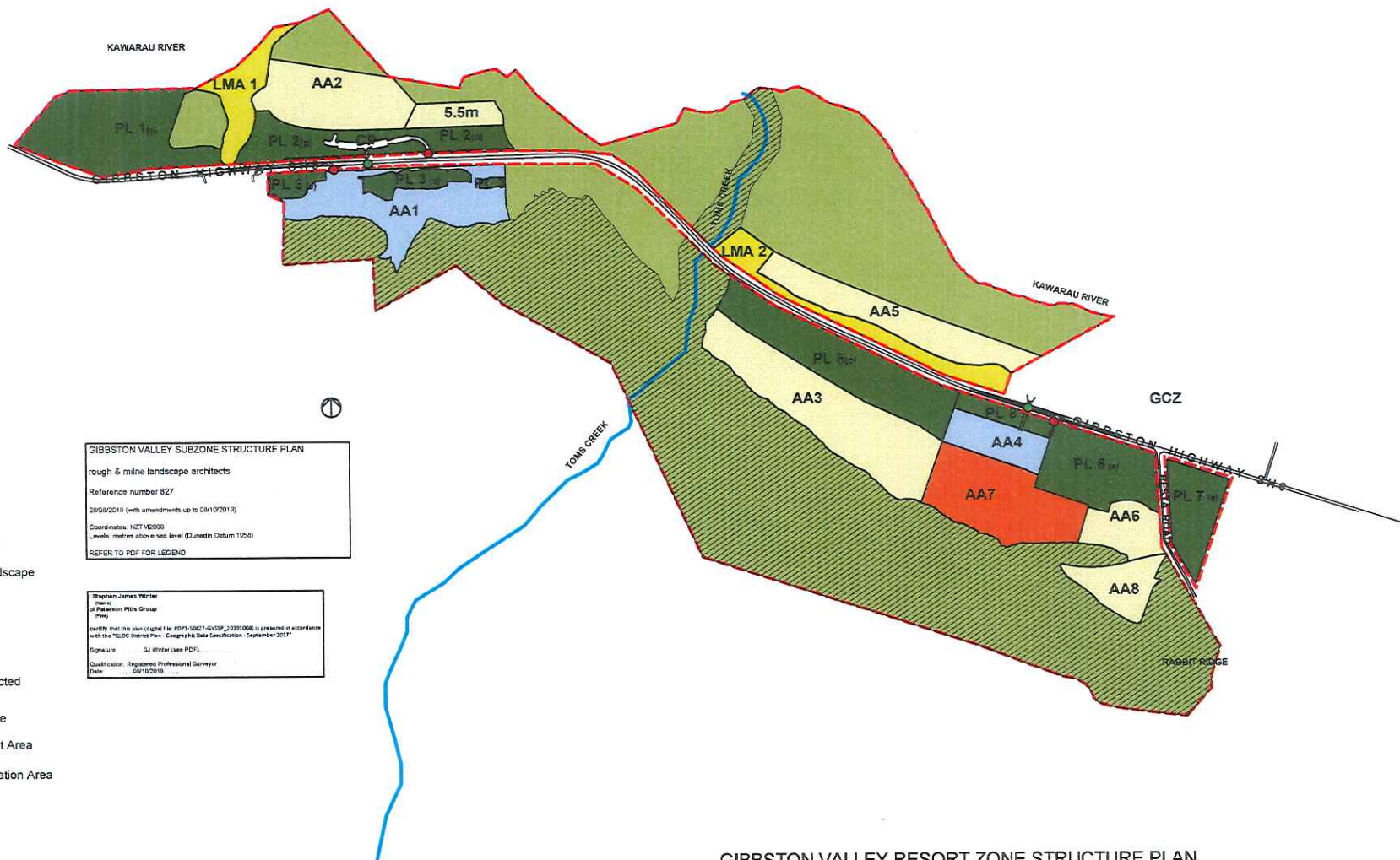
- a. Rule 45.4.28 Mining and Mining Activity.
- b. Rule 45.5.4 Access from State Highway 6.
- c. Rule 45.5.5 Building Size.
- d. Rule 45.5.11 Setback from internal boundaries.
- e. Rule 45.5.12 Setback from Roads.
- f. Rule 45.5.22 Frost Fans on sites adjoining AA6 and AA8.





45.7

Structure Plan



LEGEND

- - - Resort Zone Boundary
- ~ Water course
- Underpass on SH6
- CP** Car Park
- Access points from SH6
- PL 1 Existing Productive Landscape Planting
- PL 2 Productive Landscape Planting
- AA** Activity Area
- 5.5m** Activity Area with Restricted Building Height
- GCZ** Gibbston Character Zone
- LMA Landscape Management Area
- Open Space and Recreation Area
- No Build Area

GIBBSTON VALLEY SUBZONE STRUCTURE PLAN
 rough & milne landscape architects
 Reference number 827
 29/06/2019 (with amendments up to 08/10/2019)
 Coordinates: NZTM2000
 Levels: metres above sea level (Dunedin Datum 1955)
 REFER TO PDF FOR LEGEND

Stephen James Winter
 Partner
 of Palmerston Potts Group
 (Firm)
 I certify that this plan (digital file: PDF158627-GVSRP_20191008) is prepared in accordance
 with the "GIS Data Specification - Geographic Data Specification - September 2017"
 Signature: S.J. Winter (see PDF)
 Qualification: Registered Professional Surveyor
 Date: 09/10/2019

GIBBSTON VALLEY RESORT ZONE STRUCTURE PLAN
 SCALE 1:10,000@A3 08/10/2019



Variation to Earthworks Chapter 25:

Underlined text for additions and strike through text for deletions.

Amend Chapter 25 by inserting the following into Rule 25.5.5 (Table 25.2 – Maximum Volume)

25.5.5	Queenstown Town Centre Zone	500m ³
	Wanaka Town Centre Zone	
	Local Shopping Centre Zone	
	Business Mixed Use Zone	
	Airport Zone (Queenstown)	
	Millbrook Resort Zone	
	<u>Gibbston Valley Resort Zone</u>	



Variation to Subdivision and Development Chapter 27:

Underlined text for additions and ~~strike through~~ text for deletions.

Amend Chapter 27 by inserting the following into Section 27.3 Location – Specific objectives and policies:

Gibbston Valley Resort Zone

27.3.13 Objective – Subdivision that provides for visitor accommodation, viticulture, horticulture, commercial, tourism and limited residential activities developed in an integrated and planned manner with particular regard to the maintenance and enhancement of landscape, ecological values, soil values, productive land use and economic sustainability

Policies

27.3.13.1 Enable subdivision that provides for integrated and planned development in general accordance with the Gibbston Valley Resort Structure Plan located in Section 27.13.

Amend Chapter 27 by amending Rule 27.5.1 as follows:

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

Zone		Minimum Lot Area
Gibbston Valley Resort Zone		No Minimum

27.7 Rules - Location Specific Standards

[Add following rule and Gibbston Valley Resort Zone Structure Plan. Note. Subdivision in general accordance with the Structure Plan would be a controlled activity pursuant to Rule 27.7.1]

27.7.X [i.e. Following Rule 27.7.9] Gibbston Valley Resort Zone



27.7.X	<u>Gibbston Valley Resort Zone</u> <u>Any subdivision of the Gibbston Valley Resort Zone that is not in general accordance with the Gibbston Valley Resort Zone Structure Plan contained in Section 27.13.</u>	D
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27.13 Structure Plans and Spatial Layout Plans

Add Gibbston Valley Resort Zone Structure Plan at 27.13.X.

Variation to Signs Chapter 31:

Underlined text for additions and strike through text for deletions.

31.14 Rules – Activity Status of Signs in Special Zones

The rules relating to signs in this table are additional to those in Table 31.4 and are subject to the standards in Table 31.15. If there is a conflict between the rules in Table 31.4 and the rules in this table, the rules in this table apply.



Table 31.14 – Activity Status of signs in Special Zones		Jacks Point Zone outside of Village Activity Areas and residential Activity Areas	Waterfall Park Zone	Millbrook Resort Zone Gibbston Valley Resort Zone
31.14.1	Signs for commercial activities and community activities Control is reserved to the matters set out in Rule 31.17.	C	C	C
31.14.2	Identification of a signage platform for a commercial activity or community activity Control is reserved to the matters set out in Rule 31.17.	C	C	C
31.14.3	Signs for visitor accommodation Control is reserved to the matters set out in Rule 31.17.	D	D	C
31.14.4	Signs not associated with commercial activities, community activities or visitor accommodation	P	P	P
31.14.5	Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive	D	D	D



Variation to Chapter 35 Temporary Activities:

Underlined text for additions and strike through text for deletions.

[Add new Policy to provide for medium to larger scale temporary events in Activity Area 7 of the Gibbston Valley Resort Zone]

35.2.1.9 Permit medium and large scale concerts and other temporary events within Activity Area 7 of the Gibbston Valley Resort Zone, subject to controls on event duration, frequency and hours of operation.

[Add new permitted rule to provide for medium to larger scale temporary events in Activity Area 7 of the Gibbston Valley Resort Zone]

35.4.X	<p><u>Temporary Events in Activity Area 7 of the Gibbston Valley Resort Zone, provided that:</u></p> <ul style="list-style-type: none">a. <u>the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down);</u>b. <u>the event does not operate outside of the hours of 0800 to 0000 (midnight). Set up and pack down outside of these hours is permitted;</u>c. <u>Activity Area 7 shall not be used for any temporary event more than 15 times in any calendar year;</u>d. <u>all temporary structures and equipment are dismantled and removed within 10 working days of the completion of the event; and</u>e. <u>for the purpose of this rule the relevant noise standards of the Zone do not apply.</u>	P
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Variation to Chapter 36 Noise:

Underlined text for additions and strike through text for deletions.

Table 1 - Permitted Activities

36.4.5	In the Rural Zone, and the Gibbston Character Zone <u>and the Gibbston Valley Resort Zone</u> , sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.	P
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36.5 Rules – Standards

Table 2: General Standards

Rule Number	Standard				Non-Compliance Status
	Zones sound is received in	Assessment location	Time	Noise limits	
36.5.1	<u>Gibbston Valley Resort Zone - AA1, AA2, AA4, AA7, PL, LMA and OSR Activity Areas</u>	Any point within the notional boundary of a residential unit	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min) 75 dB LAFmax	NC
36.5.2	<u>Gibbston Valley Resort Zone – AA3, AA5, AA6 and AA8.</u>	Any point within any site	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min)	NC

Table 3: Specific Standards



Rule Number	Specific Standards				Non-Compliance Status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.7	<p>Audible Bird Scaring Devices</p> <p>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).</p> <p>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.</p> <p>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.</p> <p>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.</p>	36.5.7.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located, or any residential unit or visitor accommodation activity within the <u>Gibbston Valley Resort Zone</u> .	Hours of daylight but not earlier than 0600h	65 dB LAE shall apply to any one event	NC
		36.5.7.2 In any public place	At any time	90 dB LAE Received from any one noise event	
36.5.8	<p>Frost fans</p> <p>Sound from frost fans.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity, or any residential unit or visitor accommodation activity within the <u>Gibbston Valley Resort Zone</u>.</p>	At any time	55 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min)	