

**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 13 –
Queenstown Mapping

BETWEEN **GIBBSTON VALLEY
STATION**

Submitter (#827)

**SUMMARY OF PLANNING EVIDENCE OF BRETT JAMES GIDDENS
ON BEHALF OF
GIBBSTON VALLEY STATION (SUBMITTER #827)**

1. INTRODUCTION

- 1.1 My name is Brett Giddens; my qualifications and experience are detailed in my Evidence in Chief dated 12 June 2017. This summary sets out the key points within my Evidence in Chief. I have also read the rebuttal evidence of Mr Robert Buxton on behalf of the Council, and I have responded to his comments

2. OVERVIEW

- 2.1 Gibbston Valley Station (**GVS**) seeks rezoning of part of its land located on Gibbston Highway to provide for a range of uses, including viticulture/horticulture, residential, commercial, commercial recreation, and visitor accommodation.
- 2.2 The proposal has purposely been advanced as a sub zone within the Gibbston Character Zone (**GCZ**), rather than a new zone or replication of an existing zone; I consider that many of the planning provisions for the GCZ are important in the context of locale. In my opinion, taking this approach ensures that the overall intent of the GCZ is upheld. I have covered this in my section 32 evaluation. No issues have been raised from Council witnesses to this approach.
- 2.3 The sub zone is generally set out around the confines of a previously approved resource consent, with more specific assessment of the sub zone undertaken by GVS experts as part of the PDP process. The resource consent is useful in a contextual setting of what development can occur in the locality. I do not consider it helpful to analyse that consent process in detail; while some of the landscape concerns were finely balanced at that time, the Council found it appropriate to approve consent and it forms part of the environment I have considered in evaluating the proposal. This is a zone change request under a Proposed Plan, a document that should reflect the evolution (and reasonable future evolution) of development within the district, whereas the resource consent is essentially a snap shot in time.
- 2.4 The GVS proposal was informed by discussions with Council staff after the initial submission and has been more recently clarified to address concerns raised in Council evidence. Of note is that clarity has been provided around the density and types of activity to occur within the sub zone.

2.5 In my experience being involved with numerous proposals within the GCZ, the key planning issues I have encountered are landscape focussed with transportation being a key secondary issue. Dr Read for the Council is satisfied with the proposal from a landscape perspective.¹ Mr Mander appears relatively satisfied on traffic matters. Mr Davis and Mr Glasner are satisfied on ecological and infrastructure grounds, respectively

3. PLANNING MATTERS RAISED

3.1 Mr Buxton recommends that the proposal be rejected "*as the proposed zone could significantly increase the visitor, residential and commercial development that has been consented under the GCZ and would erode the distinctive character of the Gibbston Valley which is rural and based around viticulture*".² His primary issue appears to be density and site coverage, as well as the reliance placed on the approved resource consent. I note that the GCZ does not set a density in the zone or a minimum allotment size for subdivision, rather there is reliance on a discretionary consenting regime.

3.2 I do not entirely follow Mr Buxton's site coverage calculations set out in his summary as they do not appear to relate to the planning provisions put forward.³ I refer the Panel to my proposed planning provisions and structure plan that detail the proposed activities within each activity area (and the respective consenting requirements), and the controls on densities and coverage within each activity area. In my opinion, the proposal should not be looked at in isolation to the mitigating benefits that the Productive Planting Areas will provide. These areas have been specifically identified to also help give effect to some of the existing policies for the GCZ relating to viticulture and productive land uses. Similarly, the commercial activity rules outside of AA4 have been amended to relate to uses *ancillary to winery and viticultural activity* for a similar purpose.

3.3 In my opinion, the Panel needs to be satisfied that the rule framework provides for an adequate secondary assessment via the subsequent resource consent process that will follow. In my opinion, this has been achieved.

¹ Reference evidence summary of Dr Marion Read

² Paragraph 15 of Buxton Summary (undated)

³ Paragraph 17 and 18 of Buxton Summary (undated)

3.4 The queries raised by Mr Buxton in regard to needing an updated natural hazard assessment are addressed by Mr Gousmet. I have also updated the matters of control/discretion to include natural hazards as a “belts and braces” approach.

4. STATUTORY ASSESSMENT

4.1 As set out in the section 32 evaluation appended to my evidence, I consider that the establishment of a sub zone within the existing GCZ, along with associated provisions and rules, to be a more efficient and effective method of achieving sustainable management than the provisions in the PDP relating to the GCZ.

4.2 In my opinion, the proposed sub zone enables appropriate development to occur within the GCZ and is appropriate for inclusion within the PDP.

DATED 28 August 2017

Brett Giddens

Gibbston Valley Sub Zone

Activity Area Evaluation Summary

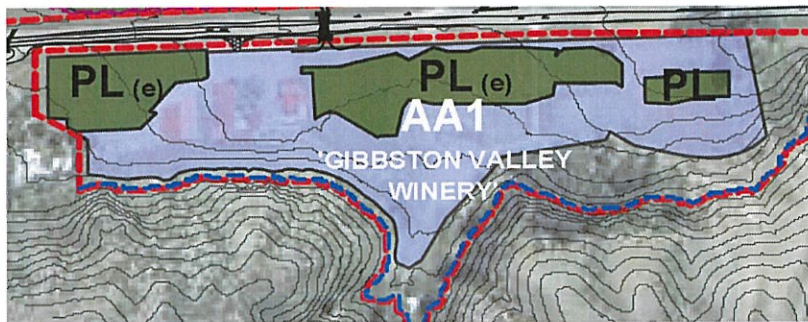
NOTE: the details provided below are in some instances paraphrased from the proposed planning provisions. This document is intended as a general overview only and the planning provisions for the Gibbston Valley Sub Zone (**Sub Zone**) should be treated as being those accurate.

General Overview:

- Any activity not listed in the planning provisions in Chapter 23 for the Gibbston Character Zone (**GCZ**) (Tables 1 to 3) are non-complying (23.4.1).
- The use of land or buildings for residential activity in the GCZ is discretionary, unless provided for by any other rule (23.4.7). The new sub zone provides exceptions and a lesser activity status built around matters of control/discretion, and specific built form and density standards.
- Building platforms are required for residential activity *outside* of sub zone and are discretionary under 23.4.9.
- The construction of a building within a building platform is permitted (23.4.5).
- The exterior alteration of lawfully established buildings (including in the activity areas of the sub zone) will be permitted (23.4.6), subject to the standards in Table 2.
- Industrial activities (23.4.12) are non-complying (23.4.1) unless they are for wineries or underground cellars less than 300m².
- Visitor accommodation in the GCZ (outside of the specific sub zone activity areas) is discretionary (23.4.25).
- Winery and farm buildings are controlled subject to standards (23.4.24).
- Farming is permitted (23.4.2)
- Commercial recreation activities with groups no more than 10 are permitted (23.5.9).

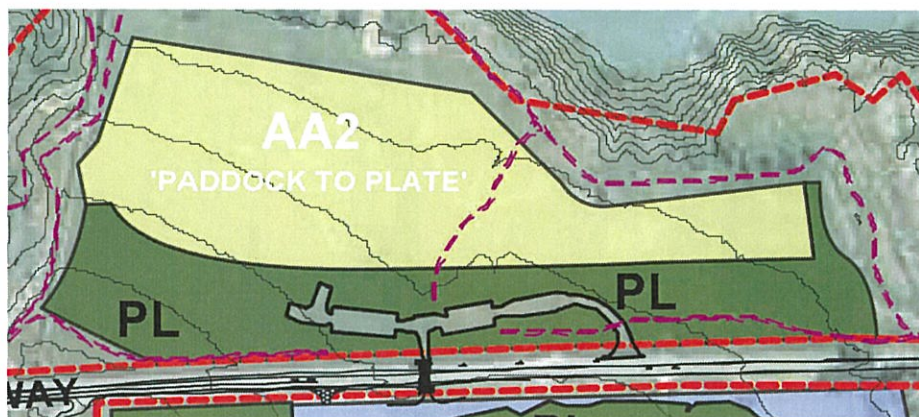
NOTE: where a matter is written in **bold blue**, it refers to a rule/control in the GCZ provisions in Chapter 23 in the PDP.

AA1 (Gibbston Valley Winery)



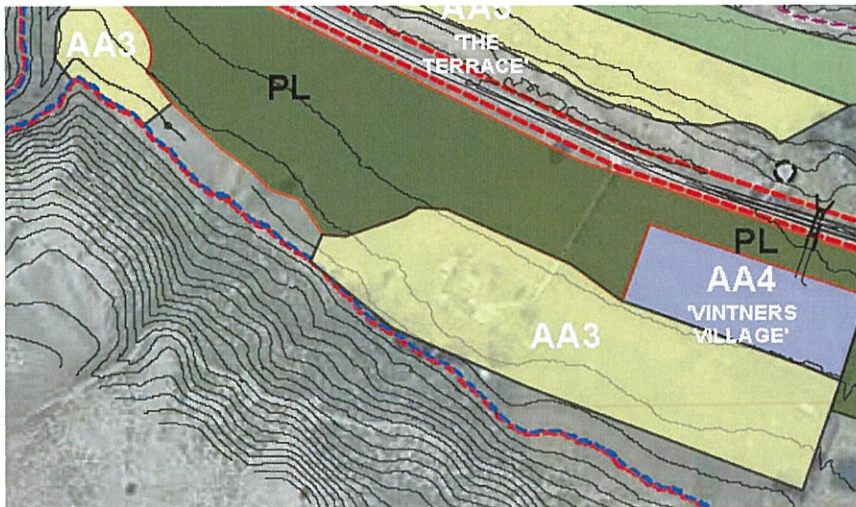
- Controlled activity for buildings in AA1 (23.4.12).
- Controlled activity for visitor accommodation in AA1 (23.4.14). This rule links back to compliance with visitor accommodation densities in 24.4.21.
- Commercial activities *ancillary to winery and viticultural activity* in AA1 is restricted discretionary activity (23.4.17). If the commercial activity is not “ancillary” then it will be Non-Complying (23.4.1).
- Maximum of 50 visitor accommodation units permitted (24.4.21) [breach is full discretionary].
- Maximum building coverage in AA1 of 5,000m² for buildings containing visitor accommodation and 7,200m² for buildings containing all other activities (23.5.9) [breach is non-complying].
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. Structure plan shows two access locations to AA1.
- **Maximum building height 8m (23.5.4)**
- **Minimum building setback from SH6 is 40m (23.5.6)**
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

AA2 (Paddock to Plate):



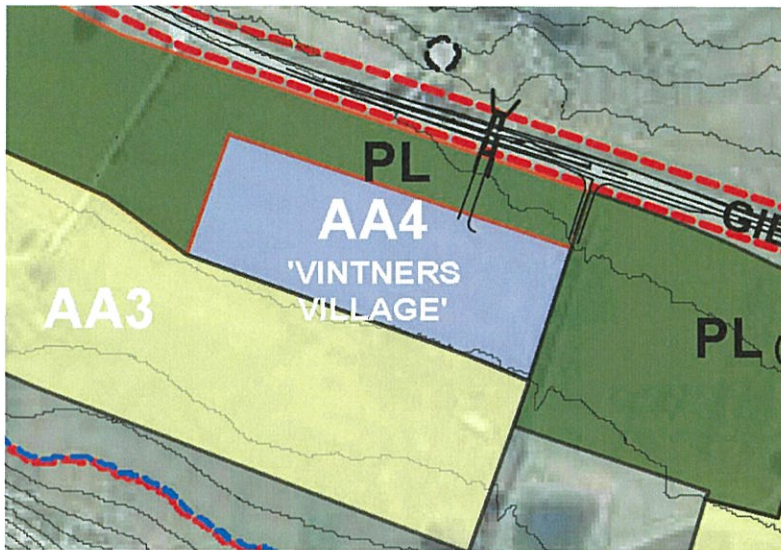
- Controlled activity for buildings in AA2 (23.4.12).
- Controlled activity for visitor accommodation in AA2 (23.4.14). This rule links back to compliance with visitor accommodation densities in 24.4.21.
- Commercial activities *ancillary to winery and viticultural activity* in AA2 are restricted discretionary activity (23.4.17). If the commercial activity is not “ancillary” then it will be Non-Complying (23.4.1).
- Maximum of 100 visitor accommodation units permitted (24.4.21) [breach is full discretionary].
- Maximum building height is 7m (23.5.3) [breach is non-complying].
- Maximum building coverage in AA2 of 5,000m² for buildings containing visitor accommodation and 5,300m² for buildings containing all other activities (23.5.9) [breach is non-complying].
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. AA2 has one access location from SH6.
- Building platforms are not required for residential activity in AA3 providing the density requirements are met (23.4.15).
- **Minimum building setback from SH6 is 40m (23.5.6)**
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

AA3:



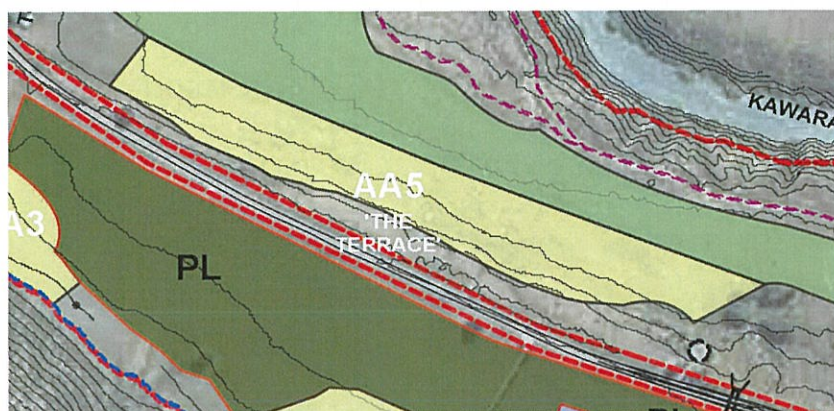
- Maximum of 50 residential units permitted (24.4.20) [breach is full discretionary].
- Maximum building coverage in AA3 of 350m² per residential unit as an average (23.5.9) [breach is non-complying]. This equates to a maximum site coverage in AA3 of 17,500m² in the 7.08ha AA3.
- Restricted discretionary activity for buildings in AA3 (23.4.13). Vine cover fronting AA3 is expected outcome to mitigate views from SH6.
- Residential building platforms are not required (23.4.15) providing that maximum densities of development complied with.
- Maximum building height is 5.5m (23.5.3) [breach is non-complying]
- Minimum setback from SH6 from AA3 is 75m (23.5.6) [breach is non-complying].
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. Two access locations from SH6 shown on Structure Plan.
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

AA4 (Vintners Village):



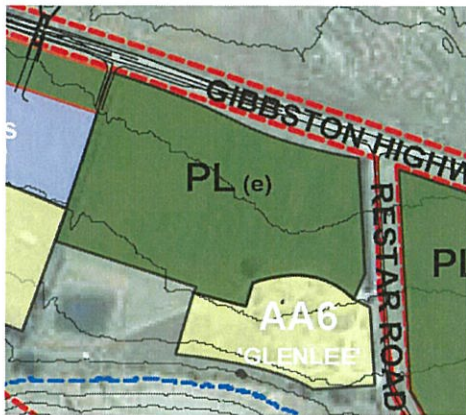
- Restricted discretionary activity for buildings in AA4 (23.4.13). Commercial buildings to have rural character and aesthetic (assessment matter).
- Commercial activities and retail sales in AA4 is restricted discretionary activity (23.4.18). Note that in this area, commercial activities do not need to be ancillary to winery and viticultural activity. Activity status allows for notification and refusal if activity inappropriate.
- Maximum building height is 5.5m (23.5.3) [breach is non-complying]
- Maximum building coverage in AA4 of 2,500m² for buildings (23.5.9) [breach is non-complying].
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. Two access locations from SH6.
- **Minimum building setback from SH6 is 40m (23.5.6)**
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

AA5 (The Terrace):



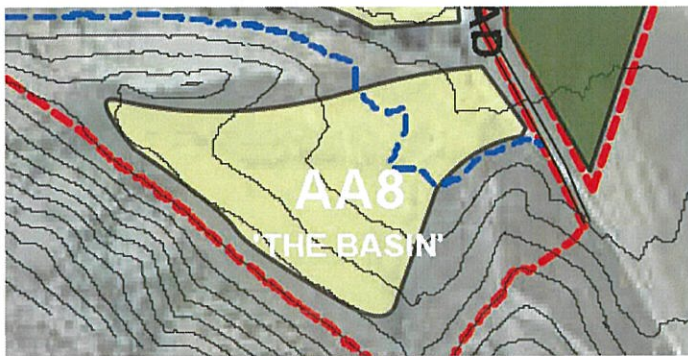
- Restricted discretionary activity for buildings in AA5 (23.4.13).
- Residential building platforms are not required (23.4.15) providing maximum densities of development complied with.
- Maximum of 50 residential units permitted (24.4.20) [breach is full discretionary]
- Maximum building height is 7m (23.5.3) [breach is non-complying]
- Minimum setback from SH6 from AA5 is 15m (23.5.6) – this is to ensure buildings are encouraged to be tucked into the topography [breach is non-complying]
- Maximum building coverage in AA5 of 250m² per residential units as an average (23.5.9) [breach is non-complying].
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. One access from SH6.
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**
- **Golf course is permitted (commercial recreation activity).**

AA6 (Glenlee):



- Controlled activity for buildings in AA6 (23.4.12).
- Residential building platforms are not required (23.4.15) providing maximum densities of development complied with.
- Maximum of 20 residential units permitted (24.4.20) [breach is full discretionary].
- Maximum building height is 5.5m (23.5.3) [breach is non-complying]
- Maximum building coverage in AA6 of 250m² per residential units as an average (23.5.9) [breach is non-complying]. Therefore, 5,000m² maximum site coverage.
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. Possible access from Resta Road or through other SH6 access locations.
- **Minimum building setback from SH6 is 40m and from Resta Road (other legal road) is 20m (23.5.6)**
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

AA8 (The Basin):



- Controlled activity for buildings in AA8 (23.4.12).
- Workers accommodation in AA8 is a controlled activity. This needs to be the primary activity in this location.
- Workers accommodation in AA8 not to exceed 90 rooms (24.4.22) [breach is discretionary].
- Maximum building height is 7m (23.5.3) [breach is non-complying]
- Maximum building coverage in AA8 of 2,300m² for all buildings (23.5.9) [breach is non-complying]
- Access from SH6 from an approved NZTA access point (23.5.10) [breach or change discretionary and will require NZTA approval]. Access from Resta Road or other approved locations from SH6.
- **Minimum building setback from SH6 is 40m and from Resta Road is 20m (23.5.6)**
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

Productive Landscape Areas

- Non-complying for buildings in these areas that are not farming or resort maintenance related (23.4.16).
- **Maximum ground floor area of any building is 500m² (23.5.2) [breach is restricted discretionary]. Note building would have to be farming or resort maintenance related.**
- **Minimum setback from internal boundaries is 6m (23.5.5) [breach is restricted discretionary].**
- **Minimum setback from waterbodies is 20m (23.5.7) [breach is restricted discretionary].**
- **All fixed exterior lighting to be directed away from adjacent roads (23.5.8) [breach is non-complying].**

Subdivision

- No residential building platforms required for subdivision within AA3, AA5 and AA6 of the sub zone (27.5.1.1) where the density requirements under Rule 24.4.20 are met. If densities increased then building platforms would be required.
- Subdivision is restricted discretionary activity (27.4.3) if in accordance with the Structure Plan (27.7.22). Various matters of discretion.
- **No minimum allotment size for subdivision (27.5.1) in GCZ.**
- **Subdivision of land containing a heritage feature is discretionary (27.5.1.4)**
- **All typical standards relating to infrastructure, access and roading apply (as per current GCZ).**
- **Exclusion for non-notification of restricted discretionary activity subdivisions does not apply (27.9.1) as site/activity adjoins or has access onto a state highway (27.9.2).**
- **NZTA approval required for access onto SH6 that are declared limited access roads (27.10.1.1).**

APPENDIX A

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.

Black underlined text for additions and ~~black-strike-through~~ text for deletions highlighted in yellow, Appendix 1 to Brett Giddens Evidence in Chief for Gibbston Valley Station (submitter 827) updated 18 July 2017, dated 28 August 2017

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.

The purpose of the Gibbston Valley Sub Zone is to provide for the development of a resort comprising of a range of visitor, residential, winery, recreation, and viticulture/horticulture activities. Development controls are imposed in the sub zone to maintain the overall scenic and environmental qualities of the Gibbston valley. To achieve this, integrated planning in accordance with a Structure Plan is required.

The Structure Plan for the Gibbston Valley Sub Zone contains a number of activity areas that identify where built form and the range of activities noted above are to occur. In addition, the Structure Plan identifies areas to be planted and managed as productive areas of the landscape which serve the ancillary purpose of mitigating the effects of built form and activities from State Highway 6.

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.

Commented [CB1]: Submitter 805 and 806

Commented [CB2]: Submitter 377

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GIBBSTON CHARACTER ZONE 23

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.
- 23.2.1.2 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 23.2.1.3 Ensure activities not based on the rural resources of the area occur only where the character and productivity of the Gibbston Character Zone and wider Gibbston Valley will not be adversely impacted.
- 23.2.1.4 Provide for a range of buildings allied to rural productive activity and worker accommodation.
- 23.2.1.5 Avoid or mitigate adverse effects of development on the landscape and economic values of the Gibbston Character Zone and wider Gibbston Valley.
- 23.2.1.6 Protect, maintain and enhance landscape values by ensuring all structures are 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.**
- 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.
- 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.

Commented [CB3]: Submitter 805 and 806

Commented [CB4]: Submitter 805.

Commented [CB5]: Submitter 805.

Commented [CB6]: Grammatical change.

Commented [CB7]: Submitter 806

23.2.2 Objective - **Sustain-t** 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.

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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.

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.

23.2.5 Objective – Visitor, residential, winery, and recreation activities development within the Gibbston Valley Sub-Zone in an integrated manner with particular regard for landscape, heritage, ecological and productive land use qualities.

23.2.5.1 Require development and activities to be located in accordance with the Gibbston Valley Sub Zone Structure Plan so as to promote integrated development and prevent inappropriate development of sensitive parts of Gibbston.

23.2.5.2 Require the external appearance of buildings to have appropriate regard to landscape values.

23.2.5.3 Protect and, where practicable, enhance sensitive ecological areas and heritage features.

23.2.5.4 Ensure that open space or productive landscape planting is maintained and/or enhanced in accordance with the Structure Plan.

23.2.5.4 Manage the location and extent of commercial activity to be contained within the Vintners Village (Activity Area AA4).

23.2.5.4 Short and long-term accommodation for workers is to be the primary activity undertaken in activity area AA8 of the Gibbston Valley Sub Zone.

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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.
- 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.

Commented [CB8]: Clarification.

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23.3.2.10 The Gibbston Valley Sub Zone is a subset of the Gibbston Character Zone and all rules applicable to the Gibbston Character Zone apply, unless specifically stated to the contrary.

23.3.2.911 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
	Buildings, 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

Commented [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

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Rule	Table 1 - Activities	Activity
	Gibbston Valley Sub Zone	
23.4.12	<p>Buildings in Activity Areas AA1, AA2, AA6 and AA8</p> <p>With the exercise of Council's control limited to the implementation of design criteria and parameters to control:</p> <ul style="list-style-type: none"> • location, scale, height, and external appearance, as it effects the landscape and amenity values for the Gibbston Valley Sub Zone. • the effect on visual values of the area including coherence with surrounding buildings and landscape values. • landscaping. • mitigation to soften views from State Highway 6. • provision of water supply, sewage treatment and disposal. • ecological and heritage values. • natural hazards. • access and vehicle parking. • associated earthworks. 	C

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Rule	Table 1 - Activities	Activity
23.4.13	<p data-bbox="284 577 715 600">Buildings in Activity Areas AA3, AA4, and AA5</p> <p data-bbox="284 629 986 685">With the exercise of Council's discretion limited to the implementation of design criteria and parameters to control:</p> <ul data-bbox="316 719 914 1122" style="list-style-type: none"> • location, scale, height, and external appearance, as it effects the landscape and amenity values for the Gibbston Valley Sub Zone. • curtilage areas for any residential units. • landscaping. • the effect of visual values of the area including coherence with surrounding buildings and landscape values. • mitigation to soften views from State Highway 6. • provision of water supply, sewage treatment and disposal. • signage for commercial activities. • natural hazards. • access and vehicle parking. • associated earthworks. <p data-bbox="284 1178 906 1200">Assessment Matter: in AA3, AA4 and AA5, the following are anticipated:</p> <ul data-bbox="316 1234 986 1424" style="list-style-type: none"> • recessive building materials. • a generally lower level of built form. • commercial buildings in AA4 with a rural character and aesthetic. • an effective cover of vine plantings between AA3 and State Highway 6 (as shown on the Structure Plan) to soften the prominence of buildings in AA3 when viewed from the highway. 	RD

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Rule	Table 1 - Activities	Activity
23.4.14	<p>Visitor accommodation within Activity Areas AA1 and AA2.</p> <p>With the exercise of Council's control limited to:</p> <ul style="list-style-type: none"> • the density of visitor accommodation units as set out in Rule 24.4.21. • hours of operation. • location, scale, height and external appearance, as it effects the landscape and amenity values for the Gibbston Valley Sub Zone. • landscaping. • access and vehicle parking. • associated earthworks. • provision of water supply, sewage treatment and disposal. • lighting, including car parking areas. • screening and location of storage areas for waste materials, outdoor display and signage areas and parking. 	C
23.4.15	Residential activity outside of a residential building platform within Activity Areas AA3, AA5 and AA6, that complies with the density in Rule 24.4.20.	P
23.4.16	Buildings within Productive Landscape Areas (PL) as shown on the Structure Plan, other than those necessary for the purpose of farming and resort maintenance activities that comply with the standards in Table 1 and 2.	NC
23.4.17	<p>Commercial activity ancillary to winery and viticultural activity within Activity Areas AA1 and AA2</p> <p>With the exercise of Council's discretion limited to:</p> <ul style="list-style-type: none"> • scale and nature of the activity. • hours of operation. • the relationship of the commercial activity to winery and viticultural activity. • signage. • vehicle parking and access. 	RD
23.4.18	<p>Commercial activity and retail sales within Activity Area AA4</p> <p>With the exercise of Council's discretion limited to:</p> <ul style="list-style-type: none"> • scale and nature of the activity. • hours of operation. • signage. • vehicle parking and access. 	RD

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Rule	Table 1 - Activities	Activity
23.4.19	<p>Workers accommodation in Activity Areas AA8</p> <p>With the exercise of Council's control limited to:</p> <ul style="list-style-type: none"> vehicle parking and access. screening and location of storage areas for waste materials, and parking. setbacks in between buildings to ensure appropriate access to sunlight. the provision of useable communal outdoor areas. provision of water supply, sewage treatment and disposal. measures to ensure that short and/or long-term accommodation for workers is the primary activity in AA8. 	C
	Commercial Activities	
23.4.2012	Home Occupation that complies with the standards in Table 3.	P
23.4.2113	Industrial Activities limited to wineries and underground cellars, not exceeding 300m ² .	P
23.4.2214	<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
23.4.2315	Commercial recreation activities that comply with the standards in Table 3.	P

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Rule	Table 1 - Activities	Activity
23.4.2416	<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; • <u>Lighting, including car parking areas.</u> • Screening and location of storage areas for waste materials, outdoor display and signage areas <u>and parking.</u> 	C
23.4.2517	Visitor Accommodation.	D
	Other Activities	
23.4.2618	Informal Airports.	D
23.4.2719	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
23.4.2820	Non-commercial recreation and recreational activity.	P

Commented [CB10]: Submitter 490 and FS 1155.

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23.5 Rules - Standards

	Table 2: Standards for buildings	Non-compliance
23.5.1	<p>Buildings, outside of the Activity Areas of the Gibbston Valley Sub Zone</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, 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.</p> <p>Except these standards do not apply to the blades of frost fighting devices.</p> <p>Control Discretion is reserved restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visibility from public places and surrounding properties. • Lighting. • Landscape character. • Visual amenity. <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	RD
		<p>Commented [CB11]: Clarification and Submitter 238</p> <p>Commented [CB12]: Submitter 12.</p> <p>Commented [CB13]: Clarification for better consistency with the RMA.</p> <p>Commented [CB14]: Clarification. Refer to Part 3 of the Reply.</p>
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. 	RD

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	<ul style="list-style-type: none"> • Visual amenity. • Privacy, outlook and amenity from adjoining properties. 	
23.5.3	<p>Building Height</p> <p>The maximum height of any residential building, residential accessory building or commercial building other than for a farming or winery building shall be 8m.</p> <p>The following maximum heights shall also apply to the respective Activity Areas in the Gibbston Valley Sub-Zone, as shown on the Structure Plan:</p> <ul style="list-style-type: none"> • AA2: 7m • AA3: 5.5m • AA4: 5.5m • AA5: 7m • AA6: 5.5m • AA8: 7m 	NC
23.5.4	<p>Building Height</p> <p>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.</p>	NC
23.5.5	<p>Setback from Internal Boundaries (any building)</p> <p>The minimum setback of buildings from internal boundaries shall be 6m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity. • Landscape character. • Privacy, outlook and amenity from adjoining properties. 	RD
23.5.6	<p>Setback from Roads (any building)</p> <p>The minimum setback of buildings from road boundaries shall be 20m, except the minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p> <p>Within the Gibbston Valley Sub Zone, the minimum setback from State Highway 6 for building within AA3 shall be 75m, and within AA5 shall be 15m.</p>	NC
23.5.7	<p>Setback of buildings from Water bodies</p> <p>The minimum setback of any building from the bed of a water body shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Any indigenous biodiversity values. • Visual amenity values. • Landscape character. 	RD

Commented [CB15]: Submitter 12.

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	<ul style="list-style-type: none"> • Open space. • Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. 	
23.5.8	All fixed exterior lighting shall be directed away from adjacent sites and roads.	NC
23.5.9	<p>Building Coverage within Gibbston Valley Sub-Zone</p> <p>The following maximum building coverage shall apply to buildings within the Activity Areas of the Sub Zone:</p> <ul style="list-style-type: none"> • AA1: 5,000m² coverage for buildings containing visitor accommodation and 7,200m² coverage for buildings containing all other activities. • AA2: 5,000m² coverage for buildings containing visitor accommodation and 5,300m² coverage for buildings containing all other activities. • AA3: Average coverage of 350m² per residential unit. • AA4: 2,500m² coverage for all buildings. • AA5: Average of 250m² per residential unit. • AA6: Average of 250m² per residential unit. • AA8: 2,300m² coverage for all buildings <p>For the purpose of this Rule, building coverage includes all buildings, accessory, utility and service buildings, but excludes bridges, roads, access ways and parking areas.</p>	NC
23.5.10	<p>Residential density in AA3, AA5 and AA6</p> <p>In the following activity areas, the total number of residential units shall not exceed:</p> <ul style="list-style-type: none"> • AA3: 50 • AA5: 50 • AA6: 20 	D
23.5.11	<p>Visitor accommodation density in AA1 and AA2</p> <p>In the following activity areas, the total number of visitor accommodation units shall not exceed:</p> <ul style="list-style-type: none"> • AA1: 50 • AA2: 100 	D
23.5.12	Workers accommodation in Activity Area AA8 greater than 90 rooms.	D
23.5.13	Access from State Highway 6	D

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	<p>Development within the Gibbston Character Sub Zone shall only be accessed from those points shown on the Structure Plan as authorised by the New Zealand Transport Agency.</p> <p>Note: if amendments or changes to those access points are required, the application shall be served on the New Zealand Transport Agency as an affected party.</p>	
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	Table 3: Standards for Commercial Activities	Non - Compliance
23.5.149	<p>Commercial Recreation Activities</p> <p>Commercial recreation activity undertaken outdoors and involving not more than 10 persons in any one group.</p>	D
23.5.1540	<p>Retail Sales</p> <p>Buildings in excess of 25m² 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.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Landscape character and visual amenity. • Access. • On-site parking. 	RD
23.5.1611	<p>Home Occupation</p> <p>23.5.168.1 The maximum net floor area of home occupation activities shall be 100m².</p> <p>23.5.168.2 No goods, materials or equipment shall be stored outside a building.</p> <p>23.5.168.3 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. 	RD

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	Table 3: Standards for Commercial Activities	Non - Compliance
	<ul style="list-style-type: none"> • Screening and location of storage areas for waste materials, lighting, outdoor display areas and parking. • Access safety and transportation effects. 	

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.

Commented [CB16]: Submitter 719.

23.6.3 Controlled Activities in the Gibbston Valley Sub Zone

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:

- 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.

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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.

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

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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.