

WAIMAKARIRI DISTRICT PLAN

COUNCIL PLAN CHANGE 43

OXFORD URBAN DESIGN

DECISION

FEBRUARY 2016

Submitter:

MainPower New Zealand Limited
C/- Resource management Group Limited
PO Box 908
Christchurch Box Lobby
Christchurch 8140

Attention: John Scheele

1. INTRODUCTION

- 1.1 Plan Change 43 (PC43) proposes for the Oxford Business 1 Zone greater urban design guidance in order to encourage good urban built outcomes that reflect the distinctive built form and character of the Oxford town centre (Business 1 Zone) when future development occurs.
- 1.2 PC43 seeks to amend or add provisions to Chapter 16 (Business Zones) and Chapter 31 (Health, Safety and Wellbeing – Rules) that relate to building and development including height limits, boundary setbacks, landscaping, location of car parking, glazing, building size, erection of dwellings on ground floor, fencing, site frontage, pedestrian access and modulation in the Oxford Business 1 Zone.
- 1.3 A hearing to receive the submission to the plan change was held on Wednesday 25 November 2015. The submitter did not attend this hearing. The hearing panel comprised Councillor Caroline Faass and Councillor Peter Allen.

2. STATUTORY FRAMEWORK

- 2.1 Most of the statutory issues have been addressed in the Section 32 report for this plan change. Relevant sections have been included below for completeness.
- 2.2 Full details of the proposal can be found in the Section 32 assessment that accompanied the notified amendments to the Waimakariri District Plan. The Section 32 evaluation meets the relevant requirements of Section 32(1) – (4). For this reason, opinions expressed in this report adopt the Section 32 evaluation, including associated proposed changes to the District Plan, as a basis for the further evaluation required under Section 32AA of the Act.
- 2.3 Section 74(1) requires the District Plan changes be in accordance with a territorial authorities functions under Section 31, its duty under Section 32 and the provisions of Part 2 of the Resource Management Act 1991 (the Act).
- 2.4 The requirements for processing District Plan changes are contained in Part 1 of Schedule 1 to the Act. Following public notification of the change and the lodging of submissions, the Council is required to hold a hearing of the submissions in accordance with Clause 8B of Schedule 1.

- 2.5 Following the hearing, the Council is then required to give its decision on the submissions (Clause 10, Schedule 1). The decision shall include the reasons for accepting or rejecting submissions.
- 2.6 In making decisions, the Panel must satisfy itself that the most appropriate methods are being used after having regard to the evidence presented at the hearing and in the submissions.

3. SUBMISSION

- 3.1 PC43 was publically notified on 18 July 2015. Submissions closed on 14 February 2015. No submissions were received during this period however one submission was received after 5.00pm on 14 August 2015, on 18 August 2015. This submission was from MainPower New Zealand Ltd (MainPower) and was prepared by Resource Management Group Ltd (RMG). Council accepted this late submission under Section 37(1)(b), 37A(1)(a) and 37A(1)(b) of the Act as it was considered that rejecting the late submission would not benefit the process and accepting the late submission would potentially benefit the process.
- 3.2 This submission was publically notified on 29 August 2015 and further submissions closed on the 11 September 2015. No further submissions were received.
- 3.3 A discussion on the submission is provided in Section 6 of Ms Thompson's hearing report. In Appendix II of the hearing report, Ms Thompson also provided a recommendation on the relief sought in the submission.

4. HEARING ATTENDEES

- 4.1 The panel heard from the following people:
- Shelley Thompson – Waimakariri District Council – Planning Officer
 - Trevor Ellis - Waimakariri District Council – in attendance with Shelley Thompson
- 4.2 It is noted that the submitter indicated they wanted to be heard however upon receipt of the hearing report they chose not to attend the hearing. It should be noted that the

submitter noted that they did not wish to formally withdraw from the process in order to retain their right of appeal.

5. THE ISSUES

- 5.1 The hearing commenced at 9:15am.
- 5.2 The panel discussed the appropriateness of the acceptance of the late submission outlined in Section 3 of the hearing report and accepted this approach.
- 5.3 Councillor Faass queried whether there was anything in the plan change that could affect Te Ngāi Tūāhuriri Rūnanga given they did not respond to the First Schedule consultation. Ms Thompson noted that in her opinion, PC43 would not specifically affect Te Ngāi Tūāhuriri Rūnanga.
- 5.4 The main topic of discussion was the appropriateness of exemption Rule 31.20.2.2 proposed in the hearing report. Proposed new Rule 31.20.2.2 was derived following the submission by MainPower which sought an exemption for utilities from proposed new Rule 31.20.1.6 (Urban Design Guidelines). The PC43 hearing report recommended the exemption be provided to utilities however it recommended the following amended wording: *"Rule 31.20.2.2 - The maintenance, repair and minor upgrading of an existing utility is exempt from complying with Rule 31.20.1.6 (Oxford Urban Design Guidelines)."*
- 5.5 We discussed the appropriateness of the term 'minor upgrading' within proposed Rule 31.20.2.2. Councillor Faass noted that determining whether some upgrades were minor or more than minor is a subjective and it would be preferable to have this determination clearer and therefore not open to interpretation.
- 5.6 A definition of 'Minor Upgrading' in the District Plan was referred to, which states the following:
- "Minor Upgrading means, in relation to Rules 30.1.2.3 and 27.1.2.2, increasing the carrying capacity, efficiency or security of electricity and associated telecommunication facilities, and utilising the existing support structures or structures of a similar scale or character, and includes the:*
- a. addition of circuits and/or conductors;*
 - b. reconductoring of the line with higher capacity conductors;*

- c. *resagging of conductors;*
- d. *addition of longer or more efficient insulators;*
- e. *addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods); and*
- f. *replacement or alteration of existing telecommunication antennas.*

Minor upgrading shall not include an increase in the voltage of the line."

- 5.7 In regard to this definition of 'Minor Upgrading' our discussion centred on how this would relate to the inclusion of the term for the utilities exemption (proposed Rule 31.20.2.2). The definition of 'Minor Upgrading' only relates to exemption Rules 30.1.2.3 and 27.1.2.2 and only in relation to increasing the carrying capacity, efficiency or security of electricity and associated telecommunication facilities and utilising the existing support structures or structures of a similar scale or character. It therefore does not apply to all other utilities which proposed exemption Rule 31.20.2.2 would also relate to. There was some discussion regarding what type of minor upgrade works could be undertaken that would increase *"the carrying capacity, efficiency or security of the electricity and associated telecommunication facilities"* and it was concluded this could be interpreted and applied quite broadly and therefore would not provide particular certainty. Furthermore, the definition includes *"utilising the existing support structures or structures of a similar scale or character"* which suggests that 'Minor Upgrading' to structures could be similar to the application of existing use rights (Section 10A of the Act).
- 5.8 It was concluded that the definition of 'Minor Upgrading' did not need to be amended to include reference to Rule 31.20.2.2 as it would not provide greater clarity or certainty as to what was deemed a minor upgrade to a utility. Instead, whether proposed works constitute 'minor upgrade' would be determined as required and would be similar to the application of existing use rights (*"same or similar in character, intensity, and scale"*).
- 5.9 It was noted that the Urban Design Report (April 2014) prepared for the Oxford Town Centre Strategy states that the above ground power pole and powerlines in Oxford reduce the attractiveness of the street scene and ideally they should be located underground. Therefore, it was queried whether providing an exemption to this rule to minor upgrades of power poles and lines would remove the Council's ability to request them to relocate underground when possible. However it was acknowledged by the

Panel that the proposed urban design Rule 31.20.1.6 would only apply to sites and therefore not road reserve areas, which is where powerlines are located.

- 5.10 There was also some general discussion around the presence of Pearson Park on Main St of Oxford (Business 1 Zone) and the relevance of Reserve Management Plans. It was queried whether this plan change was at all encouraging intensification of business activities within the Business 1 Zone as it was noted retail activities are established in 'nodes' along Main St, extending out into the Residential 2 Zone. Ms Thompson noted that the current retail rules in the District Plan require retail activities outside the Business 1 Zone to obtain resource consent if permitted activity thresholds cannot be met, while retail activities are permitted in the Business 1 Zone (thereby enabling business activities).
- 5.11 There was acknowledgement of the current 15m height limit in Oxford Business 1 Zone and the 8m limit proposed by PC43. It was concluded that 8m was a more appropriate height limit for Oxford given no buildings exceed two-storeys. There was also some general discussion around what is meant by modulation in proposed new Rule 31.20.1.6(i), and this was briefly explained by Mr Ellis.
- 5.12 There was some general discussion around the purpose of proposed new Figure 31.3. Figure 31.3 shows the area that the urban design Rule 31.20.1.6 relates to in terms of areas where buildings have road frontage. It differs slightly from the areas with road frontage in the Oxford Business 1 Zone, with only the length of the first property on side roads being subject to the building frontage rule, and properties located one property further from the Main Street are not subject to the proposed building frontage rule 31.20.1.6. It is considered that the purpose of this requirement is to ensure that corners of intersections with Main St are subject to the urban design controls of proposed Rule 31.20.1.6. It was also noted that Dalley Lane is within the Business 1 Zone area but its corners are not included – it was concluded that this was due to it being a private lane.
- 5.13 Councillor Allen noted that the word 'height' needed to be added to after the word 'maximum' in proposed Rule 31.20.1.6(b). It was noted that this could be done via a First Schedule amendment to the District Plan therefore, separate from this decision, as it comprised a minor correction only.
- 5.14 Councillor Faass referred to Rule 31.23.2, which is shown below with PC43 amendments shown **underlined in bold italics**:

"Rule 31.23.2 - Any building in the Key Activity Centre Areas and the Oxford Business 1 Zone that:

- a. has a net floor area of 450m² or greater; or*
- b. is located on a site with a road frontage or public open space frontage of 20m or greater in length*

is a discretionary activity."

5.15 Councillor Faass noted that existing Rule 31.23.2(b) needed clarification as it was unclear whether the road frontage needs to be 20m in length as well as the public open space frontage or if this only applies to public open space frontage. It was confirmed by Ms Thompson that the 20m length does apply to road frontage also and stated that would be best amended by adding two commas as shown below also via in **bold underlined text**, as a First Schedule minor amendment:

- "b. is located on a site with a road frontage₁ or public open space frontage₁ of 20m or greater in length"*

5.16 It was queried broadly how the character of the Oxford town centre is reflected in the proposed rules. We note that proposed Rule 31.20.1.6, the key urban design rule, reflects the character of the buildings in the Oxford town centre and therefore will manage development so that the existing character of the area is retained.

5.17 The relevance of the National Policy Statement on Electricity Transmission 2008 (NPSET) was discussed. It was concluded, with assistance with Ms Thompson, that as the NPSET only applies to the National Grid it is not relevant to the proposal or the submission from MainPower, as the National Grid does not run through the Oxford town centre.

5.18 The outcome of this plan change must give effect to the Canterbury Regional Policy Statement (CRPS). The Section 32 report that accompanies the Plan Change proposal notes that Objective 5.2.1 and Policies 5.3.1 and 5.3.2 of Chapter 5 (Land use and infrastructure) are relevant to the proposal. We are of the view that PC43 is aligned with these provisions and that overall the proposal is not inconsistent with other elements of CRPS.

- 5.19 We are also of the view that the proposal will achieve the outcomes sought by the District Plan.
- 5.20 As per Section 74(2)(b)(i) of RMA, 'other documents' were taken into consideration, however most were not considered relevant (as outlined in the Section 32 report). The Oxford Town Centre Strategy was discussed at a high level and it was considered PC43 was in accordance with this.
- 5.21 The Council presented a Section 32 (evaluation) report to accompany the Plan Change proposal which concluded the PC43 is necessary to achieve the purpose of the Act. While there has been a minor amendment to the proposal following preparation of this report (the addition of the utilities exemption - Rule 31.20.2.2), we are of the view that on balance, the Section 32 assessment remains valid and no further Section 32 evaluation is required as per Section 32AA of the Act. We consider that the proposed amendment is supportable in the context of the submission received and will achieve the purpose of the relevant objectives and policies of the District Plan (both proposed by PC43 and existing). We therefore conclude that PC43, with the proposed amendment, is aligned with the relevant statutory documents and Plans that it is required to have regard to, or give effect to. We consider that the Plan Change proposal represents the most appropriate means of achieving the objectives of the District Plan and the purpose and principles of the Act.
- 5.22 The hearing was closed at 10.08am.

6. OVERALL ASSESSMENT AND DECISION

- 6.1 The Plan Change proposes to introduce urban design guidelines for the Oxford Business 1 Zone. One submission was received and this was accepted in part. The hearing report included a proposed amendment to reflect the relief sought by this submission. We are of the view that amending proposed Rule 31.20.2.2 would be within the scope of the submission.
- 6.2 As such, PC43 be **approved** as notified subject to the following amendments:

Rule 31.20.2.2 - The maintenance, repair and minor upgrading of an existing utility is exempt from complying with Rule 31.20.1.6 (Oxford Urban Design Guidelines).

Dated at Rangiora this 10th Day of February 2016

A stylized, cursive handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.A cursive handwritten signature in black ink, featuring a large, prominent 'A' and 'C' at the beginning, followed by several loops and a long horizontal stroke at the end.

Councillor Peter Allan (Hearing Chair) and Councillor Caroline Faass

APPENDIX I:

DISTRICT PLAN AMENDMENTS

PROPOSED AMENDMENTS TO DISTRICT PLAN

Note: For the purposes of this plan change, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as **~~bold strikethrough~~**.

Chapter 2. Maori

Retain Objective 2.1.1

Retain Policies 2.1.1.1 and 2.1.1.2

Chapter 12. Health Safety and Wellbeing

Retain Objectives 12.1.1 and 12.1.4

Retain Policies 12.1.1.1, 12.1.1.4, 12.1.1.7 to 12.1.1.11, 12.1.1.15 to 12.1.1.18, 12.1.4.1 and 12.1.4.2

Chapter 13. Resource Management Framework

Retain Objective 13.1.1

Retain Policies 13.1.1.1 and 13.1.1.4

Chapter 15. Urban Environment

Retain Objective 15.1.1

Retain Policies 15.1.1.1 and 15.1.1.2

Chapter 16. Business Zones

Retain Policy 16.1.1.1

Add new Environmental Results Expected, after Business 1 Zone (Rangiora and Kaiapoi):

Environmental Results Expected

The following environmental results are expected from the implementation of the objectives, policies and methods of Chapter 16 Business Zones.

Business 1 Zone (Oxford):

- a. Location of car parking to the rear of a building or buildings for sites with road frontage identified by Figure 31.3.**
- b. The size and scale of new buildings complement existing buildings.**
- c. Buildings contribute to a quality streetscape and have active frontages.**

Amend Policy 16.1.1.3 as follows:

Policy 16.1.1.3

Provide for development and activities within the Business 1 Zones **of Kaiapoi, Rangiora, Pegasus and Woodend** where the following characteristics of the Zone are observed:

Location	<ul style="list-style-type: none"> - Defines the town centres of Kaiapoi, Rangiora, Pegasus, Oxford and Woodend - Redevelopment and intensification opportunities within Kaiapoi, Rangiora, Oxford and Woodend - Compact, including medium to high building density
Pedestrian focus on primary shopping streets	<ul style="list-style-type: none"> - Interconnected network of public car parking, pedestrian areas, lanes and footpaths - Public open spaces - High level of safety, taking into account Crime Prevention Through Environmental Design (CPTED) principles - Buildings and businesses directly accessed from the street, lanes and public spaces - Verandahs and covered shopping areas
Vehicle focus	<ul style="list-style-type: none"> - Provision for car parking, private and public - Interconnected network of roads, car parking, pedestrian areas, footpaths, lanes and public spaces - Public off-street parking - Little on-site parking
Amenities	<ul style="list-style-type: none"> - Landscaping, plantings and public open spaces - Street and pedestrian treatments, including street furniture - Lighting, taking into account Crime Prevention Through Environmental Design (CPTED) principles - Minimal odour - Low level noise - Signage mostly small scale - Public facilities
Parking	<ul style="list-style-type: none"> - Public off-street parking - Limited private off-street parking - Limited duration on-street parking - Public parking pedestrian connections with footpaths, lanes and public spaces

Built environment and built form	<ul style="list-style-type: none"> - Defined building heights, predominantly two storey - Absence of setbacks on identified streets and limited setbacks on other streets - Mostly continuous business display frontages on primary shopping streets - High intensity of use from the street side - Historic buildings and settings defined by heritage values within Kaiapoi, Rangiora, and Woodend and Oxford - Mostly older buildings on main shopping streets, with the exception of Pegasus - New buildings sympathetic to existing built form and building styles - Functional and adaptable buildings - In Pegasus new buildings and development within a compact and identifiable centre - In the commercial centre of Pegasus, no building setback, with development required to be along the full street frontage with verandahs - In the outer commercial area of Pegasus, building setback is required
Distribution of floorspace	<ul style="list-style-type: none"> - Largest total area of retail, office, administrative floorspace in each town
Function	<ul style="list-style-type: none"> - Community focal point for: - government services; - professional services; - office/finance; - retail; - emergency services; and - household services - An area with safe, convenient, pleasant, attractive environments where people can enjoy extended visits to gather, socialise, and do business

Add new Policy 16.1.1.4, as follows:

Policy 16.1.1.4

Provide for development and activities within the Business 1 Zone of Oxford while enhancing the following characteristics:

<u>Location and Aspect</u>	<ul style="list-style-type: none"> - <u>Defines the town centre of Oxford</u> - <u>Views to Mountains</u>
<u>Pedestrian environment</u>	<ul style="list-style-type: none"> - <u>Footpaths with convenient and safe connections between the two sides of Main Street.</u> - <u>Buildings and businesses directly accessed from the street and public open space</u> - <u>High level of safety, taking into account Crime Prevention Through Environmental Design (CPTED) principles</u>

<u>Transport Function</u>	- <u>Interconnected network of roads, car parking, footpaths, and public spaces</u>
<u>Amenity</u>	<ul style="list-style-type: none"> - <u>Street enhancements including landscaping and street furniture</u> - <u>Public open spaces and facilities</u> - <u>Signage mostly small scale</u>
<u>Parking</u>	- <u>On-site parking located to the rear of buildings</u>
<u>Built form</u>	<ul style="list-style-type: none"> - <u>Predominantly small scale buildings</u> - <u>Buildings set towards the front of the site</u> - <u>Significant glazing of shop fronts</u>
<u>Distribution of floorspace</u>	- <u>Largest total area of retail and administrative floorspace in Oxford</u>
<u>Function</u>	<ul style="list-style-type: none"> - <u>Community focal point for:</u> - <u>business;</u> - <u>retail;</u> - <u>administration;</u> - <u>entertainment;</u> - <u>service.</u>

Reason

The Business 1 Zones are located within the centre of the District's main towns and provide the dominant focal point for the business sector and for the towns and their surrounding areas including the Rural Zones. The dominant activities that occur in the town centres are business, retail, administrative, recreational, entertainment and service orientated. The amenity, environmental quality and built form of the town centres arises from the appropriate management of buildings and public spaces, including the transport network as well as the mix of activities that locate there. ~~This policy~~ Policies 16.1.1.3 and 16.1.1.4 recognises and provides for the role of the town centre as the focal point for the community and seeks to ensure town centre amenity, built form design and environmental standards that are compatible with business, retail, and service activities while at the same time providing a pleasant, attractive, and safe environment for the community.

CROSS REFERENCE: Policies 12.1.1.1 and 12.1.1.4, 15.1.1.1 and 15.1.1.3

Amend Method 16.1.1.3.2 as follows:

Controls on retail activity outside the Business 1 Zones and the "Town Centre" at Pegasus

Standards for pedestrian facilities and built form on nominated frontages.

Amend Method 16.1.1.3.3 as follows:

Town Centre Development Strategy 16.1.1.3.3

Adopted Rangiora Town Centre Strategy, Oxford Town Centre Strategy and Kaiapoi Town Centre Plan which set out a number of strategic directions for the future development and management of the Rangiora, Oxford and Kaiapoi town centres.

Amend and renumber Policy 16.1.1.4, as follows: **Policy 16.1.1.5**

Provide for dwellinghouse development within the Key Activity Centre areas of Rangiora and Kaiapoi, and the Woodend and Oxford Business 1 Zones, that:

- a. ensures business activities are predominant within the site and across the zone;
- b. locates above buildings used for business activities to maximise ground floor business space; and
- c. achieves high levels of amenity, including mitigation of reserve sensitivity effects between business and residential activity.

Chapter 18. Constraints

Retain Objective 18.1.1

Amend Policy 18.1.1.1(e) as follows:

- e. maintain and enhance the environmental characteristics of adjoining zones, and the environment of the zone within which the proposal is located, as set out in Policies 14.1.1.2, 14.1.1.3, 14.1.2.1, 15.1.1.1, 16.1.1.1, 16.1.1.3, 16.1.1.4, 16.1.1.5, 16.1.1.7, 16.1.1.8, 17.1.1.2, 17.1.1.3 and 17.1.1.2.5;

Retain Policy 18.1.1.1 (h), (i) and (w)

Chapter 31. Health, Safety and Wellbeing - Rules

Retain Rule 31.1.1.15

Amend Table 31.1 to read as follows:

<p>All Business 2, 3, 5 and 6, Zones and the Woodend Business 1 Zone, other than:</p> <p>(a) the Business 1 Zone at Pegasus, and</p> <p>(b) any Business 4 Zone, and</p> <p>(c) the Business 4 Zones at Rangiora and Kaiapoi,</p> <p>where the site is adjacent to a Residential Zone or a Rural Zone boundary</p>	<p>The zone boundary, or where the zone boundary is a road, the road boundary</p>	<p>10m</p>
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Amend Rule 31.1.1.27 to read as follows:

31.1.1.27 Any structure in a Business 4 ~~or 2 or 6~~ Zone shall not exceed a height of 15m, **except:**

- a. ~~for the Business 1 Zone in Pegasus, where any structure shall not exceed a height of 10m.~~

- ~~b. the Business 1 Zone (Rangiora and Kaiapoi), where any structure shall not exceed a height of 12m.~~

Add Rule 31.1.1.28 to read as follows:

31.1.1.28 Any structure in a Business 1 Zone shall not exceed a height of:

- a. 8m in Oxford;**
- b. 10m in Pegasus;**
- c. 12m in Rangiora and Kaiapoi; and**
- d. 15m in Woodend.**

Amend exemption 31.1.2.9 as follows:

- 31.1.2.9 Within any Business 1, 2, 4 or 5 Zone, the following structures are exempt from complying with structure height Rules 31.1.1.27 to 31.1.1.342:
- a. structures less than 10m² floor area and less than 3m in height;
 - b. poles and masts up to 6m in height;
 - c. lines, wires and utility support structures carrying up to 110kV lines up to 18.5m in height;
 - d. antennas which do not project more than 2m above the highest point of the rest of the structure;
and
 - e. non-lattice support structures for radio communication facilities up to 18.5m in height, where the support structure does not exceed a diameter of 0.5m at a point 4m above ground level.

Amend exemption 31.1.2.10 as follows:

- 31.1.2.10 Sites within the Business 1 Zone (Rangiora, Oxford and Kaiapoi), which share a boundary with a Residential Zone and where that zone boundary is along a road, shall be exempt from Rule 31.1.1.35.

Amend exemption 31.1.2.11 as follows:

- 31.1.2.11 Within the Business 1 Zone (Rangiora, Oxford and Kaiapoi) the following are exempt from complying with structure height Rule 31.1.1. 27 ~~(b)~~8:
- a. any decorative feature, steeple, finial, chimney, clock tower, spire or partial storey where located on a building on a corner site, provided that it is located at the road frontage corner and does not exceed 50% of the length of either road frontage.

Amend Rule 31.4.1 to read as follows:

- 31.4.1 Except as provided for by Rules 31.1.2, 31.2, 31.4 any land use which does not comply with one or more of Rules 31.1.1.10 to 31.1.1.5661, is a discretionary activity.

Amend Rule 31.5.5 to read as follows:

- 31.4.5 The erection of any dwellinghouse at ground floor level within the Business 1 Zone at Kaiapoi, Rangiora, ~~and~~ Woodend ~~and Oxford~~ is a non-complying activity.

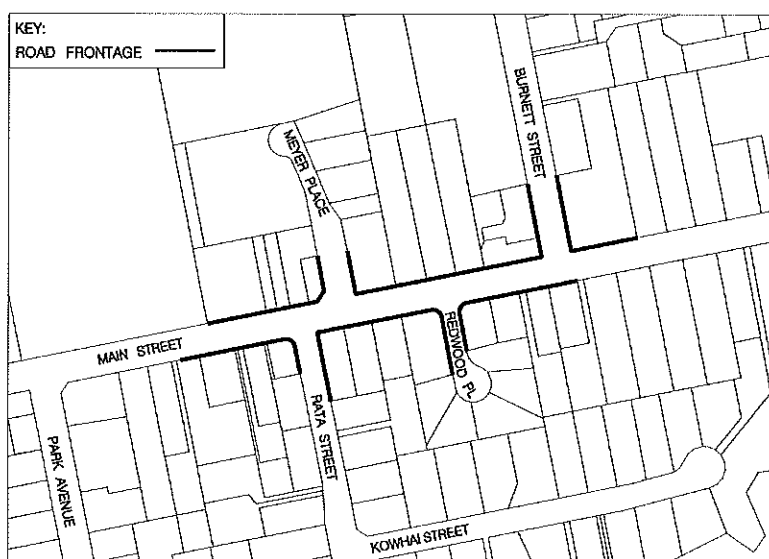
Add new Rule 31.21.1.6 as follows:

31.21.1.6 Buildings in the Oxford Business 1 Zone with road frontage shown by Figure 31.3, shall:

- a. locate road facing walls within 4m of the road boundary;**
- b. limit any front fencing to a maximum of 0.9m;**
- c. be landscaped along the length of the road boundary, except where set back less than 2m from the road boundary or where necessary to provide pedestrian and vehicle access;**
- d. position any on-site car parking to the rear of the building;**
- e. occupy the full frontage of the site, except where necessary to provide pedestrian and vehicle access to the rear of the site;**
- f. contain clear glazing to a minimum of 60% and a maximum of 90% of the ground floor road frontage for the display of goods and services;**
- g. contain clear glazing to a minimum of 20% and a maximum of 80% on any upper floor road frontage;**
- h. include pedestrian access directly from the road frontage; and**
- i. demonstrate modulation where frontages exceed 8m in length.**

Add new Figure 31.3 as follows:

Figure 31.3: Oxford Building Frontages



Amend Rule 31.24.2 as follows:

31.24.2 Any building in the Key Activity Centre Areas and the Oxford Business 1 Zone that:

- a. has a net floor area of 450m² or greater; or
 - b. is located on a site with a road frontage or public open space frontage of 20m or greater in length
- is a discretionary activity.

Amend points x and xvi of 31.24.2 x, as follows:

x. the effects of the proposal on the characteristics of the zone as set out in:

- Policies 16.1.1.1, 16.1.1.3, **16.1.1.4**, 16.1.1.5 and 16.1.1.7 for Business Zones, or

xvi. in addition to matters i to xiv listed above, and in respect to the Key Activity Centres of Rangiora and Kaiapoi and the Oxford Business 1 Zone:

- the extent to which the proposal addresses the road frontage, public open space and provides for pedestrian and vehicular connectivity within a site, between sites, roads and public open spaces and considers the relationship of buildings with sunlight and daylight to the street;
- the extent to which the proposal contributes to the built character of the town centre, taking into account height, location of doors for primary pedestrian access and glazing provision;
- the provision of façade modulation and articulation, and the avoidance of blank walls;
- the extent to which the proposal complements heritage buildings or the setting of heritage buildings;
- the extent to which the proposal provides pedestrian verandahs along road frontages, taking into account weather protection for pedestrians;

- the design, including plantings, hard paving, and fences and intended use of land adjacent to the road frontage;
- the location and design of vehicle access, maneuvering areas and any effects on adjoining activities, sites and the transport network;
- the avoidance of car parking between the building and any road;
- safety and security as it applies to public open spaces, roads and footpaths;
- the extent to which building materials and colour appropriately relate to existing buildings and town centre character;
- the effects of shading by buildings on roads and public open space; and
- the design guidelines for the Business 1 Zones of Rangiora and Kaiapoi.

Add new Rule 31.21.2.2 to read as follows:

31.21.2.2 The maintenance, repair and minor upgrading of an existing utility is exempt from complying with Rule 31.21.1.6 (Oxford Urban Design Guidelines).

Amend any consequential renumbering throughout the District Plan as necessary.

APPENDIX II:

DECISION ON SUBMISSION

Ref	Relief Sought	Recommendations and reasons	Amendment to plan
1	<p>Add an exemption for utilities and utility structures to the end of proposed Rule 31.21.1.6:</p> <p><u>Rule 31.21.1.6 shall not apply to the retention, maintenance, repair or upgrade of any utility or utility structure established prior to 18 July 2015.</u></p>	<p><u>Recommendation</u> Accept in part</p> <p><u>Reasons</u> Utility structures should be exempt from this urban design rule as I do not consider it was the intention to capture utilities in this rule and, as noted in the submission, in many cases it would be impractical for them to comply.</p> <p>The following exemptions relevant to utilities are either currently in the District Plan, or proposed as part of PC43:</p> <ul style="list-style-type: none"> • Rule 31.1.2.5 (<i>In current District Plan</i>) – Exemption for structures from complying with Rules 31.1.1.15 – 31.1.1.17 which relate to setbacks: <ul style="list-style-type: none"> ◦ (h) Structures less than 10m² floor area and less than 3m in height; and ◦ (i) The replacement, maintenance and minor upgrading of any utility structure. • Rule 31.1.2.9 (<i>Proposed in PC43</i>) – The following are exempt from structure height Rules 31.1.1.27 to 31.1.1.32 within any Business 1, 2, 4 or 5 Zone: <ul style="list-style-type: none"> ◦ (a) Structures less than 10m² floor area and less than 3m in height; ◦ (b) Poles and masts up to 6m in height; and ◦ (c) Lines, wires and utility support structures carrying up to 110kV lines up to 18.5m in height. • Rule 31.1.2.10 (<i>Proposed in PC43</i>) – Exemption from Rule 31.1.1.35 which relates to the requirements for screening between zones. • Chapter 30 (Utilities) (<i>In current District Plan</i>) does not contain any relevant exemptions for utility structures. • Rule 27.1.2.2 – Exemption from waterway setbacks: The replacement, maintenance and minor upgrading of an existing utility 	<p>Add new rule:</p> <p><u>Rule 31.21.2.2 - The maintenance, repair and minor upgrading of an existing utility is exempt from complying with Rule 31.21.1.6 (Oxford Urban Design Guidelines).</u></p>

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		<p>is exempt from Rules 27.1.1.1 and 27.1.1.2.</p> <p>Therefore, these exemptions (other than Rule 27.1.2.2) would only apply to utilities in the Oxford Business 1 Zone in relation to setbacks, height and screening between zones. There is no exemption to proposed Rule 31.21.1.6. I consider that existing utilities should be exempt from this urban design rule as I do not consider it was the intention to capture such activities in this rule and, as noted in the submission, in many cases it would be impractical for them to comply.</p> <p>I recommend a number of amendments with regards to the wording of the exemption:</p> <ul style="list-style-type: none"> • In terms of including 'upgrade', I consider that could potentially result in major upgrades, such a full replacement of a utility in a greater scale, character intensity of what existed previously (and therefore where existing use rights would not apply), being exempt from the urban design rule. This has potential to allow utilities to be established that are unsuitable from an urban design perspective. I therefore consider it more appropriate to only allow an exemption for 'minor upgrades' only. This way, upgrades of a more than minor scale can be captured by the urban design rule and controlled through the resource consent process where possible. • Furthermore, including the term '<i>retention</i>' is unnecessary as existing use rights (as per Section 10A of the RMA) would apply to the retention of existing utilities anyway. I concur that the '<i>maintenance</i>' and '<i>repair</i>' of existing utilities should also be exempt from the rule. • I do not consider it necessary to include both '<i>utility</i>' and '<i>utility structures</i>' to in this exemption as the District Plan definition of 	

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		<p>'utility' includes 'any service, facility or structure'. It would therefore be appropriate to include the term 'utility' only.</p> <ul style="list-style-type: none"> I do not consider it necessary to include 'established prior to 18 July 2015' as the exemption should apply to all existing utilities, regardless of whether they were established before or after the notification of this urban design rule. If a new utility is constructed in the future, then the erection of it would not be exempt from the urban design rule however the maintenance, repair and minor upgrade would be. I therefore think it more appropriate to word the exemption to apply to 'any existing utility' as opposed to 'any utility established prior to 18 July 2015'. It is noted that while the rule does not specifically state that the rule applies to new buildings only, this is inherent in the rule as existing use rights would apply to existing buildings. This is supported Table 4 of the Section 32 report where it notes that the proposed amendments would ensure that 'new development' would not adversely affect the character and amenity of the town centre and that the enhancement of the town centre will only occur once 'development' occurs in accordance with proposed amended provisions. <p>In terms of the most appropriate location in Chapter 31 for this exemption, I consider Rule 31.21.2 (Exemptions) would be a more appropriate given this is where an existing exemption to the rules of Chapter 31.21 is already. This would also be consistent with the District Plan's structure of having exemptions listed separately, not within the rule it is seeking exemption from.</p> <p>I have considered the wider implications of providing an exemption to Rule 31.21.1.6 for the maintenance, repair and minor upgrade of <i>all</i> existing utilities, as opposed to having an exemption specific to electricity transmission associated utilities with the functions of MainPower only. I</p>	

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		<p>do not foresee any unintended consequences where utilities that should comply with the urban design guidelines would be exempt from doing so.</p> <p>Given these points, I consider a more appropriate wording for this exemption, as a new Rule 31.21.2.2, would be:</p> <p><u>The maintenance, repair and minor upgrading of an existing utility is exempt from complying with Rule 31.21.1.6 (Oxford Urban Design Guidelines).</u></p>	