

Before the Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

Under the Resource Management Act 1991 (**RMA**)

In the matter of A submission by Fire and Emergency New Zealand on
the Proposed Waikato District Plan – Hearing 6 –
Village Zone

**Statement of evidence of Craig Sharman on behalf of Fire and
Emergency New Zealand (submitter 378)**

Date: 25 November 2019

Qualifications and experience

- 1 My full name is Craig Melville Sharman. I have practised as a planning professional for over 20 years. I hold a Bachelor of Resource and Environmental Planning from Massey University (1996) and a Master of Philosophy (Geography) from Massey University (1998). I have been a full member of the New Zealand Planning Institute since 2003.
- 2 I am currently employed by Beca Limited (**'Beca'**) in the position of Senior Associate – Planning and am the team leader for the Beca Hamilton Planning Team. I have been employed in this capacity with Beca since 2017. Prior to 2017 I have worked in a variety of planning roles within consultancies and local government.
- 3 Beca has a longstanding contract with Fire and Emergency New Zealand (**'Fire and Emergency'**), formerly the New Zealand Fire Service Commission, to review and respond to all notified plans, plan changes, resource consents and engineering codes of practice that may impact on Fire and Emergency's properties and operations across New Zealand. I have been involved in the delivery of planning advice given under this contract since early 2017 and, as such, am familiar with Fire and Emergency's role and responsibilities along with the way in which plans provide for the organisation's particular operational needs.
- 4 I was involved with the preparation of the submission and further submission on the Waikato District Council (**'WDC'**) Proposed Waikato District Plan (**'Proposed Plan'**). In preparing my evidence, I have reviewed the following documents to the extent that they relate to the relief sought by Fire and Emergency and refer to them where relevant:
 - Resource Management Act 1991 (RMA);
 - Section 42A report by WDC;

- Fire and Emergency New Zealand Act 2017 (**FENZ Act**);
- Fire and Emergency New Zealand's Statement of Intent 2017 – 2021 (**SOI**);¹
- Fire and Emergency Statement of Performance Expectations 2019-2020 (**SPE**); and
- The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (**Code of Practice**).

Code of conduct

- 5 I have read the code of conduct for expert witnesses in the Environment Court Practice Note. I agree to comply with this code of conduct. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might also detract from the opinions I express.

Scope of Evidence

- 6 My evidence addresses:
- The statutory role and responsibilities of Fire and Emergency where relevant in an RMA context and, therefore Fire and Emergency's interests in the Proposed Plan;
 - Fire and Emergency's submission on the Proposed Plan; and
 - The recommendations included in the section 42A Hearings Report that are relevant to the relief sought in Fire and Emergency's submission.
- 7 I have referred to and used as a basis for my evidence discussions with various Fire and Emergency representatives including Ashley Cornor, Senior Counsel. Mr Kevin Holmes,

¹ Prepared under the Crown Entities Act 2004

Hamilton Area Commander for Fire and Emergency will also attend the hearing to answer any queries.

Background and Statutory considerations

- 8 Fire and Emergency was established by the FENZ Act on 1 July 2017. The FENZ Act, among other matters, created a unified fire services organisation for New Zealand. Some organisations continue to provide independent fire response capability, such as industry brigades (which are privately established to protect specific premises, usually used for industrial or forestry purposes) and defence fire brigades (which generally operate in defence areas).
- 9 The FENZ Act sets out Fire and Emergency's objectives, functions and powers. Section 10 establishes its principal objectives and section 11 recognises the broader services of Fire and Emergency by outlining its main functions, as follows:

"10 FENZ's principal objectives

The principal objectives of FENZ are—

- (a) to reduce the incidence of unwanted fire and the associated risk to life and property;*
- (b) in relation to the main functions of FENZ under section 11 and the additional functions of FENZ under section 12, —*
 - (i) to protect and preserve life; and*
 - (ii) to prevent or limit injury; and*
 - (iii) to prevent or limit damage to property and land; and*
 - (iv) to prevent or limit damage to the environment.*

11 Main functions of Fire and Emergency

- (1) Fire and Emergency must carry out the main functions specified in subsection (2).*
- (2) The main functions are—*
 - (a) to promote fire safety, including providing guidance on the safe use of fire as a land management tool; and*
 - (b) to provide fire prevention, response, and suppression services; and*
 - (c) to stabilise or render safe incidents that involve hazardous substances; and*
 - (d) to provide for the safety of persons and property endangered by incidents involving hazardous substances; and*

(e) *to rescue persons who are trapped as a result of transport accidents or other incidents; and*

(f) *to provide urban search and rescue services; and*

(g) *to efficiently administer this Act.*

(3) *Fire and Emergency must also—*

(a) *perform and exercise the functions, duties, and powers conferred or imposed on Fire and Emergency as a main function by or under this Act and any other enactment; and*

(b) *perform any other functions conferred on Fire and Emergency as a main function by the Minister in accordance with section 112 of the Crown Entities Act 2004.*

(4) *Subsection (3)(a) is subject to section 12.”*

10 Fire and Emergency’s additional functions are set out in section 12 and include:

- responding to medical emergencies;
- responding to maritime incidents;
- performing rescues;
- providing assistance at transport accidents;
- responding to severe weather-related events, natural hazard events and disasters;
- responding to incidents in which a substance presents a risk to people, property or the environment;
- promoting safety in hazardous substances management; and
- responding to other situations where Fire and Emergency has the capability to assist.

11 Fire and Emergency will assist with these additional functions, to the extent that it has the capability and capacity to do so, without prejudicing its ability to perform its main functions efficiently and effectively. To fulfil its statutory objectives and also community expectations, Fire and Emergency requires, amongst other matters, the ability to efficiently and effectively respond to emergencies.

12 Fire and Emergency’s interest in the Proposed Plan is underpinned by its statutory objectives and functions and the need to provide for:

- The ability to undertake training activities for firefighters, including live fire training and equipment training.
- The ability to establish fire stations throughout the district to respond to population growth and development and to enable efficient responses to emergencies.
- The ability to arrive quickly at emergencies and to effectively fight fires.

13 In the remainder of my evidence I specifically address the relief sought in Fire and Emergency's submission, in respect of matters covered by Hearing 6 Village Zone.

The Fire and Emergency Submission

14 In seeking to meet its statutory obligations, Fire and Emergency made a comprehensive submission across various sections of the Proposed Plan in support of, or seeking amendments to, existing provisions, and seeking additional provisions.

15 I have reviewed Council's section 42A report relating to the Village Zone and confirm full support and/or agreement to the changes proposed by Councils section 42A Reporting Officer, in so far as they relate to the Fire and Emergency submission for the following provisions:

15.1 Chapter 4 – Urban Environment

- New Objective within Section 4.3 (Sub 378.70)
- Amendment to Policy 4.3.8 (Sub 378.71)
- Amendment to Policy 4.3.11 (Sub 378.72)
- Amendment to Objective 4.4.1 (Sub 378.73)
- Policy 4.3.2 be retained (Sub 378.69)

15.2 Chapter 24 – Village Zone

- Rule 24.1.2 New Discretionary activity for 'Emergency service facilities' (Sub 378.46)
- Rule 24.2.1 Noise – General be retained (Sub 378.47)
- Rule 24.3.6.3 Building setback – Waterbodies (Sub 378.50)

16 The section 42A report recommends an amendment to Rule 24.1.1 New Permitted activity for 'Emergency services training and management activities' (Sub 378.45) that is partially supported for the reasons given below. Several other submission points are also discussed in more detail below (Sub 378.49, 378.51 and 378.52).

Emergency Services Training and Management Activity

17 In order to ensure an efficient and effective emergency response, firefighter training is an essential activity undertaken by Fire and Emergency. Fire and Emergency has both a SOI and SPE as referred to above. The SPE confirms a commitment to the Government that all firefighters achieve a certain level of training. Firefighter training may include live fire training and equipment training both on and off site.

18 Firefighter training is not provided for in the Proposed Plan as publicly notified, therefore is an activity defaulting to a non-complying activity in the Village Zone and across all other zones in the Proposed Plan. Fire and Emergency oppose the non-complying activity status given to firefighter training and have therefore sought a new permitted activity for 'Emergency service training and management activities' across the key zones of the Waikato District.

- 19 This is a key issue for Fire and Emergency and is a recurring theme across several Proposed Plan hearings. For wider context on this point, the relief sought across the district's zones are summarised in Table 1 below:

Table 1: Provision sought for 'Emergency service training and management activities':

Zone	Notified Activity Status	Activity Status Sought
Residential Zone	Default Non-complying	Permitted
Business Zone	Default Non-complying	Permitted
Business Town Centre Zone	Default Non-complying	Permitted
Industrial Zone	Default Non-complying	Permitted
Industrial Zone Heavy	Default Non-complying	Permitted
Rural Zone	Default Non-complying	Permitted
Country Living Zone	Default Non-complying	Permitted
Village Zone	Default Non-complying	Permitted
Reserves Zone	Default Non-complying	No submission made in this zone
Hampton Downs Motor Sport and Recreation Zone	Default Non-complying	No submission made in this zone
Te Kowhai Airpark Zone	Default Non-complying	No submission made in this zone
Rangitahi Peninsula Zone	Default Non-complying	No submission made in this zone
Business Tamahere Zone	Default Non-complying	No submission made in this zone

Section 42A Report Recommendation regarding Submission 378.45

- 20 The section 42A Reporting Officer **agrees in part** with Fire and Emergency's submission that if provision were not made for training to occur, then the ability for people and communities to provide for their well-being and for their health and safety is being compromised, as both the response time and manner in which an emergency is handled by Fire and Emergency would suffer from a

lower performance of the staff involved. It is the section 42A Reporting Officer's opinion that the community would generally anticipate training and management activities to occur, especially if a corresponding service (such as a fire station) were located in the area.

21 Fire and Emergency's submission states that training is generally undertaken between the hours of 7:00am-10:00pm. As such, the section 42A Reporting Officer's opinion is that this would be appropriate to include as a requirement for the permitted activity rule (insofar as it relates to training only).

22 On this basis the section 42A Reporting Officer has recommended the following amendment (underlined in red):

P9 Emergency services training and management activities Nil except Emergency services training shall be restricted to the hours of 7:00am-10:00pm

23 The ability to undertake emergency service training and management activities is vital to ensure that firefighters (both volunteer and career) achieve suitable training to be able to respond appropriately to emergency call outs, and to mitigate the adverse effects of fire and other emergencies. This will provide for the safety and well-being of communities and is consistent with the Fire and Emergency SOI and SPE as summarised in its submission.

24 The section 42A Reporting Officer (Sub 378.13 – Hearing 5: Definitions) has recommended accepting in part the submission point which seeks the inclusion of a new definition for 'Emergency Services Training and Management Activities'. This recommendation is subject to the Proposed Plan being amended throughout through other hearings (such as this one) to refer to 'emergency services training and management activities'. For ease of reference and clarity, a definition of 'emergency services training and management activities' is necessary within the

Definitions chapter of the Proposed Plan. The section 42A Reporting Officer (for Hearing 5) has also recommended the replacement of the term ‘health services’ with ‘ambulance services’ in the definition proposed by Fire and Emergency.

- 25 The section 42A Report (for Hearing 5) recommends that ‘Emergency services training and management activities’ is amended to read:

Emergency services training and management activities:
Means the training activities, operational support and other non-emergency activities Undertaken by the New Zealand Police, Fire and Emergency New Zealand, and hospital and ~~health~~ ambulance services.

- 26 This recommendation (Submission 378.45) is supported by Fire and Emergency.

Height Standards – Provision for Hose Drying Towers

- 27 Fire and Emergency has sought the inclusion of a specific exemption from the height rule (Rule 24.3.3.1) for hose drying towers associated with emergency service facilities in order to appropriately provide for the operational requirements of Fire and Emergency. Whilst referred to as ‘hose drying towers’, they serve several purposes being for hose drying, communications and training purposes on station. The frequency of hose drying towers being required at stations is dependent on locational and operational requirements of each station.

- 28 Table 2 below lists the 12 existing fire station sites in the Waikato District and their related zones under the Proposed Plan.

Table 2: Location of the 12 existing fire station sites in the Waikato District.

Fire Station	Address	Notified Zone
Port Waikato Fire Brigade	83 Maunsell Road	Village

(Auxiliary)		
Onewhero Voluntary Rural Fire Force	621 Onewhero-Tuakau Bridge Road	Reserve
Tuakau Volunteer Fire Brigade	Hall Street	Business Town Centre
Mercer Volunteer Fire Brigade	7 Roose Road	Business
Mangatangi Volunteer Fire Brigade	2084 Miranda Road	Village
Maramarua Voluntary Rural Fire Force	State Highway 2	Rural
Te Kauwhata Volunteer Fire Brigade	7 Baird Avenue	Business
Huntly Volunteer Fire Brigade	21 William Street	Business
Whitikahu Fire Brigade	1967 Orini Road	Rural
Ngaruawahia Volunteer Fire Brigade	56 Herschel Street	Industrial
Te Akau Voluntary Rural Fire Force	1145 Te Akau Road	Rural
Raglan Volunteer Fire Brigade	11 Wainui Road	Business

29 Fire stations are typically single storied buildings of approximately 8-9m in height and are usually able to comply with the height standards in a District Plan. However, some fire stations include a hose drying tower of between 12-15m in height. Fire and Emergency consider that the inclusion of an exemption for associated structures better provides for the health and safety of the community by enabling the efficient functioning of Fire and Emergency in establishing and operating fire stations. The exemptions sought to the height standards across the district's zones are set out in Table 3 below:

Table 3: Relief sought for hose drying towers associated with emergency service facilities.

Zone	Notified Activity Status for 'Emergency service facilities'	Activity Status Sought for 'Emergency service facilities'	Building Height Infringement result (Hose Drying Tower)	Amendment sought (Hose Drying Tower)
Residential Zone	Default Non-complying	Restricted Discretionary	Discretionary	Exclusion from standard up to 15m
Business Zone	Default Non-complying	Restricted Discretionary	Discretionary	Exclusion from standard up to 15m
Business Town Centre Zone	Default Non-complying	Restricted Discretionary	Discretionary	Exclusion from standard up to 15m
Industrial Zone	Default Non-complying	Permitted	Restricted Discretionary	No exclusion – already provides for max. height of 15m
Industrial Zone Heavy	Default Non-complying	Permitted	Restricted Discretionary	No exclusion – already provides for max. height of 15m
Rural	Default Non-complying	Restricted Discretionary	Discretionary	Exclusion from standard up to 15m
Country Living Zone	Default Non-complying	Discretionary	Discretionary	Exclusion from standard up to 15m
Village Zone	Default Non-complying	Discretionary	Discretionary	Exclusion from standard up to 15m
Reserves Zone	Default Non-complying	No submission made in this zone	Discretionary	No submission made
Hampton Downs Motor Sport and Recreation Zone	Default Non-complying	No submission made in this zone	Restricted Discretionary	No submission made

Te Kowhai Airpark Zone	Default Non-complying	No submission made in this zone	RD subject to matters of discretion D if cannot comply	No submission made
Rangitahi Peninsula Zone	Default Non-complying	No submission made in this zone	Restricted Discretionary	No submission made
Business Tamahere Zone	Default Non-complying	Restricted Discretionary	Discretionary	Exclusion from standard up to 15m

Section 42A Report Recommendation regarding Submission 378.49

- 30 The section 42A Reporting Officer recommends that the relief sought for the Village Zone height standards be rejected for the reason that Fire and Emergency have sought in submission 378.46 that emergency service facilities are sought by the submitter as a discretionary activity and that hose drying towers can be assessed as a part of the resource consent process and do not need to be specifically exempted from the height rules.
- 31 It should be noted that whilst Fire and Emergency have sought a discretionary activity status for emergency service facilities in the Village Zone, this is largely due to there being no provision for restricted discretionary activities within this zone. Fire and Emergency have largely sought restricted discretionary activity statuses where possible across the districts zones as shown in Table 3 above.
- 32 Whilst the establishment of additional fire stations within the Village Zone is unlikely, there are two existing fire stations within the zone as shown in Table 3 above.
- 33 Inclusion of an exemption for 'hose drying towers associated with emergency service facilities' is a specific exemption that will not have unintended consequences for any other activities. Such an exemption is also considered to be justified on the basis that fire stations are a key component of Fire and Emergency's ability to

respond to emergencies, and that their location is dictated by response times as set within the Fire and Emergency SOI and SPE. The establishment and operation of emergency facilities is important in enabling for people and communities to provide for their well-being and ensuring that their health and safety is not compromised. The provision of hose drying towers is necessary at some stations following the use of the hoses, in preparation for further emergency responses (Fire and Emergency do have other methods of drying hoses including taking them off-site).

- 34 It is considered that the exemption sought will contribute to enabling Fire and Emergency to more effectively achieve its statutory obligations under the FENZ Act; to better give effect to the Waikato Regional Policy Statement (3.12 Built environment), and achieve the purpose of the RMA by enabling people and communities to provide for their health, safety and well-being by enabling an effective network of fire stations around the district. Further, that the exemption will apply in relatively few situations only, that the effects of the exemption can be largely anticipated, and that the effects do not differ from the effects of a number of activities that may be anticipated through rural and semi-rural environments.

Rule 24.4.1 and 24.4.2 Subdivision – Provision of Water Supply

- 35 Fire and Emergency's main functions under the FENZ Act include to provide fire prevention, response, and suppression services. Fire and Emergency is seeking appropriate water supply throughout the Waikato District to facilitate efficient and effective responses to fire and other emergencies which includes adequate access (vehicle and water supply) to development to ensure that fire appliances, and firefighters, are able to access and suppress fires. Specifically, Fire and Emergency seeks that provision shall be made for sufficient water supply and access to water supplies for fighting purposes consistent with the Code of Practice.

36 Communities have an expectation that when a fire occurs, that Fire and Emergency will be able to respond to that fire and have the appropriate resources, including water supply, to extinguish that fire, minimising the risk of harm to people, damage to development and other adverse effects on the environment. While the risk of fire is of low probability it has a high potential impact. The presence of firefighting water supply as part of development greatly mitigates this risk. Requiring private water supply systems to comply with the Firefighting Water Supplies Code of Practice (where no Council reticulated water supply is available) will enable Fire and Emergency to provide for the health and safety of existing communities along with future occupiers of proposed developments, who may be unaware of inadequacies with the water supply.

37 Fire and Emergency have therefore sought through its submission that Rule 24.4.1 (General) and 24.4.2 (Te Kowhai and Tuakau) be amended to require all new lots to be connected to a water supply that is sufficient for firefighting purposes, with applications becoming a discretionary activity where such supply is not available. The relief sought is set out below:

Amend Rule 24.4.1 and 24.4.2 as follows:

(a) Subdivision must comply with all of the following conditions:

x. Proposed lots must be connected to water supply sufficient for firefighting purposes.

(b) Council's discretion is restricted to the following matters:

x. Provision of infrastructure, including water supply for firefighting purposes.

Section 42A Report Comment regarding Submission 378.51 and 378.52

- 38 The section 42A Reporting Officer has recommended that the relief sought in submission 378.51 and 378.52 be **accepted in part** with an additional matter of discretion added to 2.4.1 RD1 to enable consideration of firefighting water supply where practicable.
- 39 The section 42A Reporting Officer states in their report that many of the properties within the Village Zone are not serviced and are in reasonably isolated locations, and a requirement to connect to a water supply with sufficient volume and pressure to meet firefighting standards is unlikely to be practicable.
- 40 I disagree with the recommendation made by the section 42A Reporting Officer that it is impracticable and unlikely for many of the properties within the Village Zone to connect to a water supply with sufficient volume and pressure to meet firefighting standards. While it is understood that the majority of the Village Zone locations are not serviced by reticulated water supply, this does not mean a development cannot provide water supply through alternative means such as water tank storage, bores or if required a sprinkler system to compensate for an inability to connect to some form of water supply that will meet the requirements set out in the Code of Practice. I note that the Code of Practice provides for both reticulated and non-reticulated water supply.
- 41 The phrase 'where practicable' is problematic as it implies that in some circumstances, non-compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 is appropriate. Fire and Emergency do not consider this to be the case and given the breadth of possible solutions within the Code of Practice, compliance with the Code of Practice is always necessary and practicable.

42 Fire and Emergency through other submissions have also sought amendments to Chapter 14: Infrastructure and Energy Service Connections for Subdivisions Rule 14.3.1.8 that requires all new lots created as part of a subdivision (other than a utility allotment, access allotment or reserve allotment) to be designed and located so that provision is made for access and service connections up to the boundary of the lot and this includes water supply and vehicle access. These submission points are being dealt with through future hearings with unknown outcomes at this point.

43 The amendment sought to Rule 14.3.1.8 is as follows:

“14.3.1.8(3) Within all zones, except the Rural and Country Living Zones, the water supply required under Rule 14.3.1.8(1)(b) must be adequate for firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Compliance with this Code of Practice can typically be achieved through connection to a Council reticulated water supply.

14.3.1.8(4) Within the Rural and Country Living Zones, provision shall be made for an adequate supply of water and access to water supplies for firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.”

44 It is considered that the inclusion of this standard is consistent with the priority given to firefighting water supply in section 14(3) of the RMA; better enables Fire and Emergency to achieve its statutory obligations under the FENZ Act; gives effect to the Waikato Regional Policy Statement, and achieves the purpose of the RMA by enabling people and communities to provide for their health, safety and well-being by managing a potential adverse effect of relatively low probability but high consequence.

45 In my opinion, I consider that the amendment sought to Rule 24.4.1 and 24.4.2 be accepted as per Fire and Emergency’s

original submission. However, should the panel prefer to retain the recommended wording from the section 42A report, I would suggest the following amendment to provide further clarity and to link effectively with Rule 14.3.1.8:

- (a) Subdivision must comply with all of the following conditions:
- (b) Council's discretion is restricted to the following matters:

viii. The provision of water supply for firefighting purposes
~~where practicable; and~~

46 In preparing this hearing evidence I have considered the submission by Fire and Emergency and consider the amendments proposed are appropriate, particularly to recognise the contribution of emergency services in providing for the health, safety and wellbeing of communities.

Date:

25 November 2019



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Craig Sharman