

Proposed Waikato District Plan – Outline Summary – Hearing 10: Residential Zone

To: The Hearings Panel
Date: 25 February 2020
From: Fire and Emergency New Zealand
Our Ref: 4394933
Copy: Ashley Cornor
Subject: Overview of the Statement of Evidence of Craig Sharman on behalf of Fire and Emergency New Zealand on the Proposed Waikato District Plan – Hearing 10: Residential Zone

Summary

My statement of evidence sets out a summary of planning evidence on behalf of Fire and Emergency New Zealand (Fire and Emergency) in relation to Fire and Emergency's submission points 378.21, 378.22, 378.23, 378.25, 378.27, 378.28, 378.29, 378.30, 378.66, 378.67, 378.68 and 378.73.

The intent of Fire and Emergency's submission is to ensure that the objectives, policies and rules of the Proposed Waikato District Plan (Proposed Plan) support Fire and Emergency in meeting its statutory obligations under the Fire and Emergency New Zealand Act 2017 (FENZ Act), Fire and Emergency New Zealand's Statement of Intent 2017 – 2021 (SOI); and Fire and Emergency's Statement of Performance Expectations 2019-2020 (SPE).

Submission 378.67 - Policy 4.2.21 Maintain Residential Purpose

Fire and Emergency sought to amend Policy 4.2.21 to refer to 'non-residential' activities rather than 'commercial' or 'industrial' activities:

4.2.21 Policy – Maintain residential purpose

*(a) Restrict the establishment of **non-residential** ~~commercial or industrial~~ activities, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character an amenity of residential zones are insignificant.*

The Reporting Officer disagrees with the relief sought by Fire and Emergency and notes that Policy 4.2.21 was specifically drafted to apply to 'commercial' or 'industrial' activities, and further notes that Policy 4.2.23 addresses non-residential activities.

Fire and Emergency accept the recommendation made by the Reporting Officer particularly given that Policy 4.2.23 (addressed below) covers the topic adequately from Fire and Emergency's perspective.

Submission 378.68 - Policy 4.2.23 Non-residential Activities

Fire and Emergency supports in part Policy 4.2.23 to the extent that this policy anticipates non-residential activities in the Residential Zone but considers that part iii) requires amendment to be consistent with the policy direction and to provide clear direction in relation to the appropriateness of some non-residential activities in the Residential Zone.

The following amendment has been sought as follows:

4.2.23 Policy – Non-residential activities

iii) Enabling non-residential activities that provide for the health, safety and well-being of the community and that service or support an identified local need.

The Reporting Officer has recommended acceptance of the suggested amendments to include 'safety' and 'non-residential' for the reasons set out in Fire and Emergency's submission and is of the opinion that inclusion of the word 'safety' better aligns with the wording in s5(2) of the RMA.

Fire and Emergency support the recommendation made by the Reporting Officer however note that the word 'safety' has not been included in the changes in Appendix 2 and needs to be.

Submission 378.66 - New Objective – Section 4.2 Residential Zone

Fire and Emergency sought to add a new objective to section 4.2 Residential Zone to recognise and provide for non-residential activities, specifically ones that contribute to the health, safety and wellbeing of the community, while managing their potential adverse effects. The proposed new objective is outlined below:

Objective 4.2.2(x) To recognise and provide for non-residential activities that contribute to the health, safety and wellbeing of the community while managing their potential adverse effects to ensure that the activities complement the amenity values of the District's residential areas.

In light of the existing objective and policy framework, the Reporting Officer does not consider that an additional objective as suggested is required, therefore has recommended that the Panel reject the relief sought.

Whilst Fire and Emergency still seek the relief sought, on balance the reasons for recommendation are understood, given the wider recommended policy framework that exists within Policy 4.2.20 and Policy 4.2.23 that is considered sufficient to recognise the need for non-residential activities in the zone.

Submission 378.21 – Provision for Emergency Services Training and Management Activities – Rule 16.1.2 Permitted Activities

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

The Reporting Officer considers that firefighter training is provided within the existing definition of 'Community activity' and the recommended definition of 'Community facility' (refer to paragraph 924 of Hearing Report 5: Definitions) as follows:

Community facility means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

The Reporting Officer therefore has recommended that no amendment is required.

Fire and Emergency disagree with the recommendation made by the Reporting Officer that emergency services training and associated activities are provided for under the definition of 'Community activity' and the recommended definition of 'Community facility'. I note that as per the recommendation made in Hearing 5 (definitions), the Officer's Report has recommended deletion of the term 'Community Activity' and the inclusion of the term 'Community Facility' as defined by the National Planning Standards.

Community facility means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

I do not consider that the definition of 'Community facility' nor 'community activity' as notified appropriately provides for emergency service training and management activities.

Furthermore, in respect of Fire and Emergency's submission which sought a definition for emergency services, the Hearing 5 Reporting Officer did not consider that 'emergency services' fit within the definition of 'Community Facility' and agreed with Fire and Emergency that it would be appropriate instead to adopt a separate definition of 'emergency services' as requested in Fire and Emergency's submission.

In addition to the above, the Reporting Officers for the Industrial Zone and Heavy Industrial Zone (Hearing 7) and Business and Business Town Centre Zones (Hearing 9) have accepted Fire and Emergency's submission to have 'emergency service training and management activities' included in the Proposed Plan as a permitted activity on the basis that such activities are suitable and anticipated in these zones and should be enabled as a permitted activity.

Of greater importance, we note that in the Village Zone (Hearing 6) – the Reporting Officer generally agreed with the reasons provided by Fire and Emergency on the basis that if provision were not made for training to occur, then there is potential for adverse effects on the community, as both the response time and manner in which an emergency is handled would suffer from a lower performance of the staff involved.

It was the Hearing 6 Reporting Officer's opinion that the community would generally anticipate training and management activities to occur in the Village Zone, especially if a corresponding service (such as a fire station) were located in the area. The Reporting Officer considered it would however be appropriate to include a restriction to the permitted activity rule (insofar as it relates to training only). On this basis, the Reporting Officer 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

This recommendation has been supported by Fire and Emergency for the Village Zone and would be supported in the Residential Zone should this be of concern.

Fire and Emergency seeks an appropriate level of consistency between the zones, particularly on definitional issues. Fire and Emergency therefore continue to seek that a new permitted activity for 'Emergency service training and management activities' is provided for within the Residential Zone, or at the very least that clarity is provided as to an activity status for this activity, that is cognisant of activity status within other similar zones.

Submission 378.22 – Provision for Emergency Service Facilities – Rule 16.1.3 Restricted Discretionary Activity

Fire and Emergency opposed the Restricted Discretionary Activity Rule 16.1.3 to the extent that no provision is made for emergency service facilities. As provision is not made under this rule, emergency service facilities would instead default to non-complying activities under Rule 16.1.5. Fire and Emergency considers that the default non-complying activity status is overly restrictive and inappropriate and therefore seeks the inclusion of 'emergency service facilities' as a restricted discretionary activity to provide for emergency services in the Residential Zone.

Fire and Emergency note that there are currently no fire stations located in the Residential Zone, however, as the Waikato district grows there may be a necessity to strategically locate a new fire station within the Residential Zone to maximise their coverage and response times so that they can efficiently and effectively provide for the health and safety of people and communities by being able to respond to emergency call outs in a timely way.

The Reporting Officer has rejected the relief sought by Fire and Emergency based on the same reasons given to reject provision for Emergency services training and management activities as a permitted activity. Fire and Emergency disagree with the Reporting Officer's recommendation on the same grounds as set out in submission 378.21 point above.

Fire and Emergency have sought a Restricted Discretionary activity status in the Residential Zone to ensure that Council have the discretion over what activities are deemed acceptable to be located in the Residential Zone on a case-by-case basis. Matters of discretion covering; necessity, reverse sensitivity, traffic/transport network, noise and amenity would, in my opinion, appropriately address any actual or potential effects on the environment that may be of concern to the Council or to neighbours and the consent authority can then decide whether to grant consent, grant consent with conditions or decline consent – as provided for in section 104C, RMA.

Should the panel be minded to re-consider this matter, I have set out Fire and Emergency's proposed matters of discretion for consideration:

Council's discretion shall be restricted to the following matters:

a. The extent to which it is necessary to locate the activity in the Residential Zone.

b. Reverse sensitivity effects of adjacent activities.

c. The extent to which the activity may adversely impact on the transport network.

d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood., with particular regard given to the bulk of the buildings.

e. The extent to which the activity may adversely impact on the noise environment.

Submission 378.30 Rule 16.4.4 Subdivision – Multi Unit Development

Fire and Emergency generally supports Rule 16.4.4 to the extent that subdivision in the form of multi-unit development in the Residential Zone is a Restricted Discretionary activity however have sought an amendment to a matter of discretion (iii) to refer to ‘water supply for firefighting purposes’.

The Reporting Officer has agreed with the relief sought by Fire and Emergency and considers it to be an important aspect of our community that adequate water supply points are provided for firefighting purposes. The Reporting Officer has suggested the below amendment:

(b) Council's discretion shall be restricted to the following matters;

(iii) Provision of Infrastructure (including for firefighting purposes) to individual residential units;

Fire and Emergency largely agrees with the recommendation however request that Fire and Emergency's wording as provided in their original submission be included in order to provide clarity as to the purpose of this provision and to be consistent with the subsequent recommendations. The requested amendment is as follows:

(iii) Provision of infrastructure (including water supply for firefighting purposes) to individual units;

Fire and Emergency would also like to raise concern as to whether Council's Reporting Officers are understanding the purpose of Fire and Emergency's submissions across the Proposed Plan chapters that seek the provision of water supply for firefighting purposes. I note that the Reporting Officer for the Residential Zone recognises that “it is an important aspect of our community that adequate water supply *points* (emphasis added) are provided for firefighting purposes”.

I am unsure as to what the Reporting Officer is referring to (potentially a connection) however this indicates that there is a lack of understanding surrounding the intent of the provision and its alignment with compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice).

Fire and Emergency would like to clarify and reiterate the purpose of seeking provision for water supply for Firefighting purposes in all of the district's zones and refer to paragraph 60 of Fire and Emergency's Statement of Evidence for Hearing 10.

Submission 378.27 Rule 16.4.1 Subdivision General – Provision of Water Supply

Fire and Emergency have sought through its submission that Rule 16.4.1 (General) 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:

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

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

The Reporting Officer considers that the matter of discretion for provision of infrastructure is quite brief and considers that it would be helpful if this were extended to cover new infrastructure and ongoing maintenance of new and existing infrastructure. The Reporting Officer has recommended the following amendment:

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

(x) Provision ~~of~~ for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes.

Fire and Emergency largely agree with the recommendation however request that a minor amendment is made to the wording in order to provide clarity and align with previous accepted wording as follows:

(x) Provision for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water ~~for~~ supply for firefighting purposes.

Thank you for your consideration.



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