

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 10 –
Residential Zone

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

Date: 25 February 2020

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 Blair Kiely,

¹ Prepared under the Crown Entities Act 2004

Assistant Area Manager 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 10 Residential 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 Residential Zone and confirm full support and/or agreement to the changes proposed by Councils Reporting Officer, in so far as they relate to the Fire and Emergency's submission for the following provisions:

15.1 Chapter 4 – Urban Environment

- Amendment to Objective 4.4.1 (Sub 378.73)

15.2 Chapter 24 – Village Zone

- Retain Rule 16.3.9.3 – Building setbacks – Waterbodies (Sub 378.26)
- Retain Rule 16.2.1.1 Noise – General (Sub 378.23)
- Amend Rule 16.3.3.1 Height – Building General (Sub 378.25)

- Amend Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (Sub 378.28)
- Amend Rule 16.4.3 Subdivision - Te Kauwhata West Residential Area (Sub 378.29)

16 Several other submission points are discussed in more detail below.

Submission 378.67 - Policy 4.2.21 Maintain Residential Purpose

17 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 and amenity of residential zones are insignificant.

18 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.

19 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

20 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.

- 21 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.
- 22 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

- 23 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.

- 24 The Reporting Officer considers that Objective 4.2.20 which addresses the purpose of the Residential Zone i.e. it is primarily for residential activities and use and Policy 4.2.21 which seeks to maintains residential purpose and seeks to restrict commercial or industrial activities provides for activities such as emergency services if they have an operational need to locate in the Residential Zone and the effects on the amenity are insignificant.
- 25 Furthermore, the Reporting Officer states that Policy 4.2.23 Non-residential activities, in particular policy (a)(iii), enables activities that provide for the health and wellbeing of the community and notes that they have recommended that the panel accept amendments to Policy 4.2.23 to include 'safety' within the policy as per Fire and Emergency's submission point 378.68 above.
- 26 In light of the above 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.
- 27 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.
- 28 I further note that the Reporting Officer has recommended that the panel accept amendments sought by Fire and Emergency to Policy 4.2.23 to include the words 'non-residential' and 'safety' within this policy. This recommendation is supported by Fire and Emergency.

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

- 29 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.

30 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 |

- 31 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.

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

- 33 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.

- 34 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'.

- 35 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.

- 36 I do not consider that the definition of 'Community facility' nor 'community activity' as notified appropriately provides for emergency service training and management activities.
- 37 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.
- 38 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.
- 39 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.
- 40 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

- 41 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.
- 42 Fire and Emergency consider that provision for emergency service training and management activities in the Residential Zone is essential in order to better achieve the sustainable management purpose of the Act and better enable Fire and Emergency to achieve its statutory function by facilitating firefighting and emergency response (including training for such circumstances).
- 43 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.
- 44 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.

- 45 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.

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

- 47 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

- 48 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.

- 49 Fire and Emergency considers that the default non-complying activity status is overly restrictive and inappropriate. Fire and Emergency therefore seeks the inclusion of 'emergency service facilities' as a restricted discretionary activity to provide for emergency services in the Residential Zone for the following reasons:
- Fire stations must be strategically located within and throughout communities 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, thus avoiding or mitigating the potential for adverse effects associated with fire hazard and other emergencies.
 - The actual or potential effects of fire stations are minor and can be adequately predicted and subsequently managed by conditions of consent and subsequent matters for control.
 - Restricted Discretionary activity status better implement the Objectives and Policies of the Proposed Plan (as amended by Fire and Emergency's submission).
 - Restricted Discretionary activity status better achieves the purpose of the RMA and better enables Fire and Emergency to meet its statutory obligations.
- 50 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.

Table 2: Relief sought for the provision of emergency service facilities across the district.

| Zone | Notified Activity Status for 'Emergency service facilities' | Activity Status Sought for 'Emergency service facilities' |
|---|--|--|
| Residential Zone | Default Non-complying | Restricted Discretionary |
| Business Zone | Default Non-complying | Restricted Discretionary |
| Business Town Centre Zone | Default Non-complying | Restricted Discretionary |
| Industrial Zone | Default Non-complying | Permitted |
| Industrial Zone Heavy | Default Non-complying | Permitted |
| Rural | Default Non-complying | Restricted Discretionary |
| Country Living Zone | Default Non-complying | Discretionary |
| Village Zone | Default Non-complying | Discretionary |
| 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 | Restricted Discretionary |

- 51 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.
- 52 Fire and Emergency disagree with the Reporting Officer's recommendation on the same grounds as set out in paragraphs 33-37 above.
- 53 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.

- 54 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

- 55 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'.

- 56 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* (emphasis added) 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;

57 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;

58 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".

59 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 Code of Practice.

60 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 with the following statements:

- 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.

- 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.

- 61 Fire and Emergency consider that the inclusion of this wording 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.

Submission 378.27 Rule 16.4.1 Subdivision General – Provision of Water Supply

62 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:

Amend Rule 16.4.1 as follows:

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

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

63 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:

64 (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.

65 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.

66 It is considered that the inclusion of this wording 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.

67 It should also be noted that 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.

68 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 February 2020



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Craig Sharman