

Before the Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

Under the Resource Management Act 1991

In the matter of A submission by Fire and Emergency New Zealand on
the Proposed Waikato District Plan – Hearing 7 –
Industrial

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

Date: 9 December 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 7 Industrial Zones.

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 reports relating to the Industrial and Heavy Industrial Zones 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 20 – Industrial Zone

- Rule 20.2.3.1 Noise – General retained (Sub 378.103)
- Rule 20.3.1 Building height (Sub 378.105)

15.2 Chapter 21 – Heavy Industrial Zone

- Rule 21.2.3.1 Noise – General retained (Sub 378.109)

- Rule 21.3.1 Height – General retained (Sub 378.111)

16 The section 42A report recommends an amendment to Policy 4.6.4 (Sub 378.59) that is supported for the reasons given below. Several other submission points are also discussed in more detail below (Sub 378.102, 378.108, 378.106, 378.112, 378.107 and 378.113).

Submission Point [378.59] on Policy 4.6.4 ‘Maintain industrial land for industrial purposes’

17 Fire and Emergency supports in part Policy 4.6.4 to the extent that the provision anticipates ancillary non-industrial activities in the Industrial Zone but considers that the provisions focus on the management of effects, rather than an outcome that provides clear direction in relation to the appropriateness of some non-industrial activities in the Industrial Zones.

18 For instance, providing for emergency services that have a functional and operational need to be located in close proximity to the communities they serve. The amendments sought to these provisions better achieve the purpose of the RMA by providing for the health and safety of people and communities.

19 Fire and Emergency has sought amendment to Policy 4.6.4 Maintain industrial land for industrial purposes, with an additional clause (b) added as follows:

(b) Enable emergency services facilities that provide for the health, safety and well-being of the community and that service or support and identified local need.

Section 42A Report Recommendation regarding Submission 378.59

20 The Officer’s report has recommended **acceptance in part** of Fire and Emergency’s submission to recognise the functional and

operational need for emergency services to be located in the Industrial Zones to better provide for the health and safety of people and communities.

21 The Reporting Officer considers that as Policy 4.6.4 specifically relates to industrial activities and non-industrial activities only to the extent that they are ancillary to industrial use, it is considered appropriate to introduce a specific objective and policy for emergency service facilities, rather than amending Policy 4.6.4 by adding Fire and Emergency's requested clause (b).

22 The Reporting Officer recommends that the following objective and policy be added to Section 4.6:

4.6.16 Objective – Recognise the essential support role of emergency services training and management activities within industrial zones

Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people within the industrial zones.

4.6.17 Policy – Emergency services facilities and activities

Enable the development, operation and maintenance of emergency services training and management activities within the industrial zones.

23 This recommendation is supported by Fire and Emergency.

Submission Points [378.102] and [378.108] on Rule 20.1.1 (Industrial Zone) and 21.1.1 (Heavy Industrial Zone) Permitted Activities

24 Fire and Emergency has requested that provision be made in Rule 20.1.1 and 21.1.1 for 'emergency services training and management activities' and 'emergency service facilities' as

permitted activities, as the notified Proposed Plan has not provided for these types of activities in the Industrial or Heavy Industrial Zones (or any other zone in the District) and therefore defaulting to a non-complying activity status.

- 25 This matter is linked to the framework of provisions sought by Fire and Emergency for a number of zones, including Hearing 6 (Village Zone). It also links to a set of definitions to be applied consistently throughout the Proposed Plan as sought in Hearing 5. It is noted that there are supporting recommendations in this regard from the Section 42A report author for that hearing.

Section 42A Report Recommendation regarding Submission 378.102 and 378.108

- 26 The Reporting Officer considers that it is entirely appropriate for this type of activity to be permitted in both the Industrial Zone and Heavy Industrial Zone as effects of all activities undertaken by Fire and Emergency, particularly noise from sirens, fire trucks and vehicles used by employees or volunteers, are experienced infrequently and considers that these effects can be accommodated in the Industrial Zone where amenity levels are less than other zones, particularly residential zones.
- 27 The Reporting Officer notes the recommended definition of 'emergency services training and management activities' is considered in the earlier Hearing 5 (Definitions) and accordingly, this is reflected in a new permitted activity rule.
- 28 The Reporting Officer has recommended accepting Fire and Emergency's submission however, we note that the Reporting Officer appears to have misinterpreted Fire and Emergency's submission in that the Section 42A report states that provision be made for 'emergency services training and management activities' or 'emergency service facilities'. As such, the Officers Report has recommended that 'emergency services training and management activities' be included as permitted activities in the

Industrial and Heavy Industrial Zones, but has omitted to include 'emergency service facilities' as permitted activities in these zones. 'Emergency service facilities' refers to fire stations and other emergency response facilities (i.e. buildings) that do not otherwise fall within the meaning of the phrase 'emergency services training and management activities'.

- 29 Fire and Emergency would like to clarify that permitted activity status for both 'emergency services training and management activities', **and** 'emergency service facilities' are sought as per their original submission. Fire and Emergency therefore request that provision should also be made for 'emergency service facilities' as follows:

20.1 Land Use – Activities (Industrial Zone):

20.1.1 Permitted Activities

(P16) Emergency service facilities (Activity-specific conditions – Nil)

21.1 Land Use – Activities (Heavy Industrial Zone):

21.1.1 Permitted Activities

(P10) Emergency service facilities (Activity-specific conditions – Nil)

Submission Points [378.106] and [378.112] Rule 20.3.4.2 (Industrial Zone) and 21.3.4.2 (Heavy Industrial Zone) Building setback - Waterbodies

- 30 Fire and Emergency support Rules 20.3.4.2 and 21.3.4.2 as it requires that buildings are to be setback from waterbodies. The Reporting Officer has indicated that Fire and Emergency's reason to have these rules retained in the Industrial and Heavy Industrial Zones is 'at odds' with the purpose of the rules however

recommends accepting the submission points by Fire and Emergency to retain Rule 20.3.4.2 and 21.3.4.2.

- 31 Fire and Emergency would like to clarify that while the intended purpose of Rules 20.3.4.2 21.3.4.2 is to primarily manage adverse amenity impacts on water bodies and future proof opportunities for the future vesting of esplanade reserves, these rules inadvertently also provide mitigation to flood hazard risk to buildings therefore safeguarding the wellbeing of communities in accordance with the purpose of the RMA and the purpose of Fire and Emergency in the effective protection of lives, property and the surrounding environment.

Submission Points [378.107] and [378.113] Rule 20.4.1 (Industrial Zone) and Rule 21.4.1 (Heavy Industrial Zone) Subdivision – General

- 32 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.
- 33 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.

34 Fire and Emergency have requested additional clauses in RD1 and RD2 in Rule 20.4.1 and 21.4.1 Subdivision – General, to require newly created lots to connect to public-reticulated water supply or water supply sufficient for firefighting purposes, and an associated matter of discretion addressing the provision of infrastructure, including water supply for firefighting purposes.

35 It is noted that Pareoranga Te Kata [FS1035] and Counties Power Limited [FS1134] support this request.

Section 42A Report Recommendation regarding Submission 378.107 and 378.113

36 The Reporting Officer has recommended acceptance of Fire and Emergency’s submission on Rules 20.4.1 and 21.4.1 subject to the following amendments:

20.4.1 Subdivision - General [378.113, 378.107, FS1388.74, 302.22, 405.64]

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) proposed lots must have a minimum net site area of 1000m²; (ii) proposed lots must have an average area of at least 2000m²; and (iii) no more than 20% rear lots are created; (iv) proposed lots must be connected to public-reticulated water supply and wastewater <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) the extent to which a range of future industrial activities can be accommodated; (ii) amenity values; and (i) provision of infrastructure and (v) the extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure. [405.65, 945.13]
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21.4.1 Subdivision – General [378.113, FS1388.74, 302.22]

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) proposed lots must have a minimum net site area of 1000m²; (ii) proposed lots must have an average net site area of at least 2000m²; and (iii) no more than 20% rear lots are created; and (iv) proposed lots must be connected to public-reticulated water supply and wastewater
RD2	<p>(a) (b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) the extent to which a range of future activities can be accommodated; and (ii) amenity values (iii) provision of infrastructure; and (iv) the extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure. [405.65]

- 37 Fire and Emergency support in part the recommended amendments to Rules 20.4.1 and 21.4.1 however disagree with the omission of the wording '*or water supply sufficient for firefighting purposes*' from (iv) that requires proposed lots to be connected to public-reticulated water supply **or** water supply sufficient for firefighting purposes.
- 38 While it is understood that the majority of the Industrial Zone locations in the Waikato District are serviced by reticulated water supply, this does not mean a development must provide water supply via public reticulation – particularly in the instance where public reticulated water supply is not available.
- 39 The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice) provides for both reticulated and non-reticulated water supply i.e. through alternative means such as water tank storage, bores or if required a sprinkler system to compensate for an inability to connect to reticulated water supply that will meet the requirements set out in the Code of Practice.
- 40 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.
- 41 Fire and Emergency recommend further amendment to Rules 20.4.1(iv) and 21.4.1(iv) to better reflect the intention of Fire and Emergency's original submission for both the Industrial and Heavy Industrial Zone subdivision provisions as follows:

RD1

Subdivision must comply with all of the following conditions:

...

(iv) proposed lots must be connected to ~~public reticulated water~~ supply sufficient for firefighting purposes and public reticulated wastewater

- 42 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:

9 December 2019



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Craig Sharman