

BEFORE THE INDEPENDENT HEARINGS PANEL

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

IN THE MATTER OF A submission by Fire and Emergency New Zealand on
the Proposed Private Plan Change 20 - Airport
Northern Precinct Extension to the Operative Waipā
District Plan

**Statement of evidence of Craig Sharman
on behalf of Fire and Emergency New Zealand (Submitter 17)**

Date: 7 March 2023

INTRODUCTION

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. 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 Fire and Emergency's submission on Proposed Private Plan Change 20 (**'PC20'**).

Code of conduct

5. I have read the code of conduct for expert witnesses in the Environment Court Practice Note 2023. 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. In my evidence, I provide:

- (a) The statutory role and responsibilities of Fire and Emergency where relevant in an RMA context and therefore Fire and Emergency's interests in PC20,
 - (b) A summary of Fire and Emergency's submission and relief sought,
 - (c) An outline of engagement undertaken with the plan change proponent's project team,
 - (d) The recommendations included in the section 42A Hearings Report that are relevant to the relief sought in Fire and Emergency's submission, and
 - (e) Fire and Emergency's response including a summary of the remaining matters of contention and commentary on this.
7. I have referred to and used as a basis for my evidence discussions with various Fire and Emergency representatives. Mr Blair Kiely, Group 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 Fire and Emergency New Zealand Act on 1 July 2017. The Fire and Emergency New Zealand Act 2017, among other matters, created a unified fire services organisation for New Zealand.
9. Fire and Emergency's interest in the PC20 is underpinned by its statutory objectives and functions.
10. The primary objective of Fire and Emergency is to reduce the incidence of unwanted fire and the associated risk to life and property. Fire and Emergency seek to:
- (a) protect and preserve life,
 - (b) prevent or limit injury,
 - (c) prevent or limit damage to property and land, and
 - (d) prevent or limit damage to the environment.¹
11. Fire and Emergency's main functions² are—

¹ Fire and Emergency New Zealand Act 2017 section 10(a)(b)

² Fire and Emergency New Zealand Act 2017 section 11(2)

- (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.
11. Fire and Emergency also has secondary functions³ to assist in matters to the extent that Fire and Emergency has the capability and capacity to do so and the capability to perform their main functions efficiently and effectively.
12. With the wider mandate and changing nature of Fire and Emergency response, the volume of incidents that Fire and Emergency responds to has grown, as has the range of incident types.
13. Fire and Emergency also faces broad challenges, such as the increasing frequency and severity of extreme weather events, increasing intensification of urban areas, and competing access to resources such as water and transport infrastructure. These challenges make the environment Fire and Emergency operates in more complex and puts greater demands on Fire and Emergency as an organisation.
14. Waipā District Council (**Council**) have a role in ensuring that Fire and Emergency, as an emergency service provider, can continue to operate effectively and efficiently in a changing urban and rural environment. This includes ensuring emergency service appliances and Fire and Emergency personnel can adequately access both built and natural environments across the district in the event of an emergency, and ensuring new development is adequately serviced by firefighting water supply.

³ Fire and Emergency New Zealand Act 2017 section 12(3)

FIRE AND EMERGENCY'S SUBMISSION AND RELIEF SOUGHT

15. Fire and Emergency's submission seeks to enable Fire and Emergency to carry out its requirements under the Fire and Emergency New Zealand Act 2017 more effectively in the protection of people, property and the environment in the event of an emergency.
16. To achieve their objectives, Fire and Emergency requires adequate water supply be available for firefighting activities. It is critical for Fire and Emergency that water supply infrastructure is in place prior to any development commencing and that this water supply has adequate capacity and pressures available to service the future developments.
17. In the urban areas of the district, water is sourced from the reticulated water supply network, however where reticulation is not available, limited (i.e. trickle fed), or does not meet the level of service required by the New Zealand Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008), alternative water sources and/or additional supply will generally be required. This may be in the form of dedicated onsite water tanks or ponds for firefighting.
18. Based on the Infrastructure Assessment prepared by Harrison Grierson, the assessment has determined that the Northern Precinct is capable of being serviced with firefighting water supply provided from the Pukerimu Water Supply scheme with onsite reservoirs and booster pumps. Section 4.1.4 assumes the development will be reticulated to meet an FW3 level of service for firefighting and further states that hydraulic modelling of the full water reticulation is to be carried out as part of the detailed design process to identify the locations of reservoirs and booster pump stations and the possibility of combined storage within the full development.
19. Fire and Emergency support the reticulated water supply network being designed for FW3 to the extent that this level of service would support and promote the use of sprinkler systems for fire detection and prevention in the Airport Business Zone. This is particularly important as the distance to the Northern Precinct (and wider Airport Business Zone) from the nearest fire

station would take responding fire appliances more than 10 minutes to arrive onsite before any additional fire suppression can take place.

20. However, Fire and Emergency note that existing developments in other precincts which are serviced, in many cases, have been designed without installation of sprinkler systems (regardless of size), nor have they provided sufficient additional firefighting water supply where required.
21. Fire and Emergency recognise that Chapter 15 of the Waipā District Plan (**WDP**) requires subdivision and development to connect to the reticulated network, however, as the plan change area is not located in the urban limits, rule 15.4.2.18 does not apply. The default rule 15.4.2.23 applies to subdivision and development where water is not supplied by Council or a private community supply, or water is supplied by Council but is a restricted flow supply. This rule is unlikely to be applicable as the plan change area will be serviced and has been assumed to be reticulated for FW3. Further, this rule sets out the prescribed minimum requirements for residential dwellings (FW2) and therefore would not be appropriate for commercial or industrial developments.
22. As such, there does not appear to be a requirement in the WDP or the PC20 provisions that requires subdivision and development in the Business Airport Zone to provide a firefighting water supply in accordance with SNZ PAS 4509:2008. As it is understood that further details on how the Northern Precinct can be serviced will be investigated during the resource consent/detailed design process, there is a risk that the resource consent process will not adequately address firefighting water supply servicing or require additional levels of service, if and when required.
23. To manage fire risk in the Airport Business Zone, Fire and Emergency considers that all subsequent subdivision and development should be subject to development standards within the WDP requiring all developments to demonstrate that they can be adequately serviced for firefighting water supply in accordance with the SNZ PAS 4509:2008. If this does not become part of the consenting regime, there will likely be development with inadequate firefighting water supply with potentially serious consequences for life and property, with this risk increasing as a result of climate change impacting on existing water

sources, and other environmental and demographic changes across communities of which fire will present a greater and more frequent risk.

24. Fire and Emergency requested through its submission that Council do not enable development within the proposed zone extension of the Airport Business Zone unless it is matched with the delivery of key water strategic infrastructure (reservoirs, network extensions or upgrades), or development is not enabled where there is potential or known infrastructure capacity constraints in relation to the water supply network (unless the development itself includes necessary upgrades).

25. Fire and Emergency also sought a specific rule in the WDP via PC20 requiring all development and subdivision in the Airport Business Zone to provide additional firefighting water supply in accordance with SNZ PAS 4509:2008. This would include the provision of additional supply over and above what is provided via the reticulated network where a higher level of service is required. This was sought under rule 15.4.2.87 as set out below:

Airport Business Zone

15.4.2.87 All development and subdivision in the Airport Business Zone shall comply with:

...

e. Water supply for firefighting purposes, to be provided in accordance with the New Zealand Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note: SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice sets out a number of options to provide water for the New Zealand Fire Service's operational requirements and shall be used as a guide when designing firefighting water protection.

CONSULTATION WITH THE PROPONENT'S PROJECT TEAM

26. A meeting was held with Nick Grala and Scott King (Harrison Grierson) and Fire and Emergency representatives Daryl Trim, George Jensen and Rob Goldring and Fire and Emergency planning consultant, Alec Duncan (Beca) on 20 December 2022.

27. At this meeting, it was agreed in principle that the requested performance standard was suitable, albeit Mr Grala indicated that the placement of the performance standard could be better positioned within the Airport Business Zone provisions so that it is not missed and clearly linked to permitted activities. This was agreed by all parties and has been reflected in Mr Grala's Statement of Evidence dated 28 February 2023.

SECTION 42A REPORT RECOMMENDATIONS

28. I have reviewed the section 42A report by Nick Williamson, Consultant Planner, Align Ltd.
29. Mr Williamson agrees that the circumstances of the PC20 site may lead to it falling within a gap between the rules, although Mr Williamson indicates there is no intention to have any less of a standard of firefighting water supply that is appropriate for industrial development.
30. Mr Williamson notes that the proposed wording suggested by Fire and Emergency would require compliance with a code of practice, which may or may not be suitable for permitted activities depending on the level of discretion contained in the code. Mr Williamson notes that an alternative may be to place the requirement in Section 21 of the WDP as an Assessment Criteria, mimicking Rule 21.1.15.21:

21.1.15.21	Water supply for firefighting purposes where there is no, or restricted flow Council water supply	(a) The extent of consistency with the New Zealand Fire Service Code of Practice. (b) The potential for spread of fire to other buildings or properties. (c) Whether other fire mitigation measures are proposed.
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31. Mr Williamson invited the proponent to comment as to which location in the WDP would be more fit for purpose so that Council's technical staff can also review and respond. However, I note that Mr Grala in his evidence has already included a new rule within Section 10 that adopts the relief sought by Fire and Emergency as follows:

Rules - Firefighting

10.4.2.12A All habitable buildings within the Northern Precinct buildings within the Northern Precinct must be designed in accordance with NZ Fire Service Fire-Fighting Water Supply Code of Practice (SNZ PAS 4509:2008) and achieve at least a FW3 level of service.

32. Mr Williamson has accepted Fire and Emergency's submission for reasons that, while the WDP does contain standards to ensure adequate firefighting water supply is available, the nature of PC20 falls within a gap between rules. Further amendments to PC20 will ensure that the standards are applied consistently district wide.

FIRE AND EMERGENCY'S RESPONSE

33. Fire and Emergency support the adoption of a performance standard to apply to all future subdivision and development. Fire and Emergency further supports the proposed new location of the firefighting water supply performance standard by Mr Grala, bringing it to near the top of the Airport Business Zone chapter.
34. In response to Mr Williamson's comment regarding requiring compliance with a code of practice, which may or may not be suitable for permitted activities depending on the level of discretion contained in the code, I note that requiring permitted activities to comply with SNZ PAS 4509:2008 would be no different to other rules in the WDP relating to other codes such as NZS 6801:2008 – Acoustics – Environmental Sound, NZS 6803:1999 Acoustics – Construction Noise, New Zealand Electrical Code of Practice 34:2001, or any other New Zealand Standard which requires compliance in order to remain a permitted activity under the WDP.
35. It should be noted that the method for determining required water supply for developments is set out in Table 1 and Table 2 of the SNZ PAS 4509:2008.
36. Fire and Emergency largely agree with the recommended rule by Mr Grala which varies from Fire and Emergency's original recommended rule, however request that amendments are made to the wording in order to fix errors, provide clarity and align with previous accepted wording as shown in red:

10.4.2.12A All ~~habitable~~ buildings (excluding accessory buildings and utility structures up to 50m² in GFA) within the Northern Precinct ~~buildings within the Northern Precinct~~ must be designed in accordance with NZ Fire Service Fire-Fighting Water Supply Code of Practice (SNZ PAS 4509:2008) ~~and achieve at least a FW3 level of service.~~

37. Fire and Emergency are concerned that the inclusion of the word 'habitable' may be interpreted as 'live in' and connected with dwellings only. I note that the standalone word 'habitable' is not defined in the WDP however 'habitable room' is defined and directly relates to dwelling and similarly with 'living area'.
38. As the intent is that all buildings provided for in the Airport Business Zone are to be provided with firefighting water supply, Fire and Emergency seek that the word 'habitable' be removed to avoid misinterpretation at implementation during the resource consent process.
39. It is however not Fire and Emergency's intent that by removing the word 'habitable', that 'all buildings' including the likes of pump sheds and small accessory buildings be captured by this rule. An amendment has been included in the rule which excludes 'accessory buildings and utility structures up to 50m² in GFA' to mitigate this.
40. I note that the WDP defines accessory building as:

'Accessory building' means a BUILDING, the use of which is clearly incidental to the use of the principal LAND USE or BUILDING on that SITE, or to any permitted use of the land if not built upon and includes, but is not limited to; a carport, garage (excluding a garage which is integrated into and forms part of a DWELLING), workshop, and shed.

For the avoidance of doubt, an ACCESSORY BUILDING shall not include BUILDINGS which are capable of being lived in independently.

41. I do however note that the National Planning Standards 2019 defines 'Accessory building' as *"means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit"*. This definition will need to be adopted by the WDP and it appears as though this has not been adopted as part of Proposed Plan Change 26: Residential Zone intensification.
42. Similarly, the definition of 'building' will need to be adopted by the WDP which differs to what currently exists in the WDP.
43. In terms of 'utility structures', this is defined by the WDP as:

'Utility structure'

means any structure associated with a UTILITY SERVICE excluding the generation of matter or energy transmitted by the UTILITY SERVICE and includes any aerials, ANTENNAE and satellite dishes, ELECTRIC LINES and TELECOMMUNICATION LINES, TRANSFORMERS, SUBSTATIONS, compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths, and similar structures, whether for private or public purposes.

44. The intent of the 50m² GFA threshold acknowledges the increased level of fire risk associated with a greater building footprint, use and associated fire hazard category.
45. Fire and Emergency request that the wording 'buildings within the Northern Precinct' be removed as this is a duplication and expected that this is in error.
46. Finally, while Fire and Emergency recognise the intent of the term 'and achieve at least a FW3 level of service', Fire and Emergency are concerned that this may be incorrectly interpreted as the minimum standard connected to compliance whereby this is unlikely to be the case with larger commercial buildings that PC20 will enable. I acknowledge the term 'and' is inclusive and would indicate that this may not be the case, however a development being designed in accordance with SNZ PAS 4509:2008 would achieve this in itself therefore the terms purpose in the rule in void.
47. 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.

07 March 2023



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Craig Sharman