

Proposed Waikato District Plan – Outline Summary – Hearing 7: Industrial and Heavy Industrial Zones

To: The Hearings Panel **Date:** 21 January 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 7: Industrial Zones

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 378.59, 378.102, 378.108, 378.106, 378.112, 378.107 and 378.113.

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 [378.59] - Policy 4.6.4 'Maintain industrial land for industrial purposes'

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.

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.

The Reporting Officer has recommended acceptance in part of Fire and Emergency's submission. 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).

On this basis, the section 42A Reporting Officer has recommended 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.

This recommendation is supported by Fire and Emergency.

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

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.

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.

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.

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’.

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 both ‘emergency services training and management activities’ and ‘emergency service facilities’.

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

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.

Fire and Emergency would like to clarify that while the intended purpose of Rules 20.3.4.2 and 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 [378.107] and [378.113] Rule 20.4.1 (Industrial Zone) and Rule 21.4.1 (Heavy Industrial Zone) Subdivision – General

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.

Fire and Emergency have therefore sought through its submission 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. This matter is linked to the framework of provisions sought by Fire and Emergency for a number of zones, including Hearing 6 (Village Zone).

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	<ul style="list-style-type: none"> (a) Subdivision must comply with all of the following conditions: <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; (iv) proposed lots must be connected to public-reticulated water supply and wastewater (b) Council's discretion is restricted to the following matters: <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	<ul style="list-style-type: none"> (a) Subdivision must comply with all of the following conditions: <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	<ul style="list-style-type: none"> (a) (b)Council's discretion is restricted to the following matters: <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]

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 connected to public-reticulated water supply or water supply sufficient for firefighting purposes.

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.

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.

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.

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

Thank you for your consideration.



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21 January 2020