

**BEFORE THE CHRISTCHURCH REPLACEMENT DISTRICT PLAN
HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991 and the Canterbury
Earthquake (Christchurch Replacement District Plan) Order
2014

AND the Christchurch Replacement District Plan

**STATEMENT OF EVIDENCE OF AINSLEY JEAN MCLEOD
ON BEHALF OF THE CROWN**

Proposal 14 Residential

Planning (matters relating to the New Zealand Fire Service Commission)

Dated the 20th day of March 2015

BUDDLEFINDLAY
NEW ZEALAND LAWYERS

Barristers and Solicitors
Christchurch

Solicitor Acting: **Cedric Carranceja/Jenna Silcock**
Email: cedric.carranceja@buddlefindlay.com / jenna.silcock@buddlefindlay.com
Tel 64 3 3791 747 Fax 64 3 3795 659 PO Box 322 DX WX11135 Christchurch 8140

Counsel Acting: **Paul Radich QC**
Tel 64 4 974 5951 Fax 64 4 974 5955 PO Box 10731 Wellington 6143

TABLE OF CONTENTS

1. INTRODUCTION	1
2. CODE OF CONDUCT	1
3. SCOPE	2
4. EXECUTIVE SUMMARY	3
5. THE COMMISSION'S PARTICULAR INTERESTS REGARDING THE REPLACEMENT PLAN.....	3
6. OBJECTIVES AND POLICIES – COMMUNITY FACILITIES	5
7. PROVISION FOR EMERGENCY SERVICE TRAINING ACTIVITIES	6
8. PROVISION FOR FIRE STATIONS.....	7
9. PROVISION FOR FIRE FIGHTING WATER SUPPLY	14
10. RELEVANT DEFINITIONS.....	16
11. CONCLUSION.....	17

1. INTRODUCTION

- 1.1 My full name is Ainsley Jean McLeod. I hold the position of Technical Director – Planning at Beca Limited, based in Christchurch. I have been in my current position since January 2009.
- 1.2 This is the second statement of evidence I have prepared on the Christchurch Replacement District Plan (“**Replacement Plan**”) in relation to planning matters of interest to the New Zealand Fire Service Commission (“**the Commission**”). My first brief of evidence was provided in respect of the Strategic Directions hearing, and I continue to support the views I expressed in that evidence¹. Rather than repeating that evidence, I will adopt that evidence for the purposes of this second statement of evidence.
- 1.3 A summary of my qualifications and relevant past experience, and my involvement in the Replacement Plan process on behalf of the Commission is provided in my initial statement of evidence.
- 1.4 My evidence builds on the evidence I gave in the Strategic Directions hearing and addresses planning matters on behalf of the Commission in respect of the Proposal 14 (Residential) of the Replacement Plan.
- 1.5 In the context of the Residential Proposal, I attended the non-residential activities mediation on 18 March 2015 on behalf of the Commission and have also had a number of meetings with Christchurch City Council (“**Council**”) to discuss how the Replacement Plan may address the Commission’s operational and property needs.

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court’s Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the hearings panel.
- 2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

¹ Statement of evidence of Ainsley McLeod dated 25 November 2014. My statement can be accessed under the heading ‘Submitter Evidence and Written Statements’ on the Hearing Panel’s website at <http://www.chchplan.ihp.govt.nz/Hearings/Hearing1/Pages/default.aspx>.

2.3 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. SCOPE

3.1 My evidence specifically addresses the elements of Part C of the Crown's submission that are of particular interest to the Commission as they relate to Proposal 14 and the associated relevant definitions. My evidence covers:

- (a) the Commission's particular interests regarding the Replacement Plan;
- (b) the objectives and policies of Proposal 14 as they relate to community facilities and non-residential activities;
- (c) the provision for emergency service training activities in Proposal 14;
- (d) the provision for fire stations in Proposal 14;
- (e) the provision for firefighting water supply, and associated access, in Proposal 14; and
- (f) relevant definitions.

3.2 Throughout my evidence I refer to the Commission's position in relation to particular provisions of the Replacement Plan. This should be understood to be within the context of the Crown's submission.

3.3 For the purposes of my evidence I rely upon the evidence of **Mr Alan Merry** for the Crown, including his evidence in respect of Proposal 3 in relation to the Commission's role, responsibilities and interests in the Replacement Plan².

3.4 I have read the evidence of **Ms Vicki Barker** and **Ms Sandra McIntyre** (also for the Crown) including the appendices to their evidence which detail their recommended amendments. I have also read the evidence of **Mr Andrew Macleod** and **Mr Scott Blair**, filed by the Council on 11 and 12

² Statement of evidence of Alan Merry dated 25 November 2014. This statement can be accessed under the heading 'Submitter Evidence and Written Statements' on the Hearing Panel's website at <http://www.chchplan.ihp.govt.nz/Hearings/Hearing1/Pages/default.aspx>.

March 2015 respectively, and the Council's revised version of Proposal 14 dated 9 March 2015 insofar as they relate to the Commission's interests.

3.5 Other documents I have reviewed in preparing my evidence are listed in **Attachment AJM1**.

4. EXECUTIVE SUMMARY

4.1 The matters of particular interest to the Commission regarding the Replacement Plan are derived from its responsibility to provide an efficient and effective emergency service. The Crown's submission seeks:

- (a) the ability to construct and operate New Zealand Fire Service ("**NZFS**") fire stations in residential areas;
- (b) the ability to provide training facilities for firefighters in residential areas; and
- (c) appropriate water supply, and associated access, for all fire fighting activities.

4.2 My evidence addresses the outcomes sought by the Crown and of interest to the Commission, including specific relief that enables fire stations and firefighter training in residential areas and ensures that provision is made for firefighting water supply and associated emergency vehicle access.

4.3 My evidence concludes that further amendments to the provisions, as agreed at mediation, are necessary to appropriately provide for the matters listed above, and in order to be consistent with, and implement Objective 3.3.13 included in the decision of the hearings panel on Strategic Directions and Strategic Outcomes (and Relevant Definitions) dated 26 February 2015 ("**Strategic Directions decision**"). The amended provisions achieve the purpose of the Resource Management Act 1991 ("**RMA**") by enabling people and communities to provide for their health, safety and well-being.

5. THE COMMISSION'S PARTICULAR INTERESTS REGARDING THE REPLACEMENT PLAN

5.1 The Commission's responsibility for providing an efficient and effective emergency service, including the promotion of fire safety, across

Christchurch, as provided by the Fire Service Act 1975 (“FSA”), underpins its participation in the Replacement Plan process³.

5.2 To meet these responsibilities the Commission requires:

- (a) the ability to construct and operate NZFS fire stations in locations which will enable rapid response times to fires and other emergencies within each community area, particularly in the context of rebuilding following the earthquakes;
- (b) the ability to provide training facilities for fire fighters;
- (c) appropriate water supply for all fire fighting activities to enable efficient and effective responses to fire and other emergencies; and
- (d) adequate access to subdivisions and developments (and associated water supplies) to ensure that fire appliances, and firefighters, are able to access fire and other emergencies and extinguish fires.

5.3 The Replacement Plan provides an opportunity to facilitate the Commission’s requirement through the inclusion of appropriate objectives, policies and rules that provide for fire station facilities, fire safety, fire prevention, fire extinction, responding to other emergencies and associated training.

5.4 In the context of Proposal 14, and in order to meet the Commission’s responsibilities, the Crown submission seeks:

- (a) a policy approach that appropriately provides for non-residential activities, and particularly community facilities (including emergency service facilities), in residential zones;
- (b) the retention of permitted activity status for emergency service training facilities in residential zones;
- (c) permitted activity status for emergency service facilities in all residential zones (and defaulting to restricted discretionary status where built form standards cannot be met);

³ In particular, section 20 of the FSA states:

*“(1) It shall be a matter of prime importance for the Commission to take an active and co-ordinating role in the promotion of fire safety in New Zealand.
(2) In so promoting fire safety, the Commission shall be concerned to—
(a) reduce continually the incidence of fire and the attendant risk to life and property;
(b) achieve unity and completeness of fire safety law and practice.”*

- (d) the retention, with amendment, of the Built Form Standards that require the provision of a fire fighting water supply;
- (e) the retention of the Matter for Discretion relating to fire fighting water supply;
- (f) the retention of the definition of “emergency service facility” and “residential unit”; and
- (g) minor amendments to the definitions of “community facility” and “residential activity”.

5.5 In the remainder of my evidence I specifically address this relief sought by the Crown.

6. OBJECTIVES AND POLICIES – COMMUNITY FACILITIES

6.1 The Commission has a particular interest in the Crown submission on the residential objectives and policies insofar as they relate to the policy approach to non-residential activities, community facilities and particularly emergency service facilities, in residential zones. The Commission has sought, in a general sense, amendments to the objectives and policies to recognise the necessity of, and thus provision for, fire stations in the residential zones.

6.2 The Council's revised version of Proposal 14 responds to the Crown submission, in part, particularly through amendments to Policy 14.1.7.2 – Local Community Facilities and Services. These amendments generally achieve the relief sought by the Commission insofar as amended Policy 14.1.7.2 includes specific recognition of the need for emergency services to locate in residential areas and enables community facilities to meet “wider” community needs.

6.3 The Replacement Plan’s policy approach to non-residential activities and community facilities was discussed at the non-residential mediation on 18 March 2015. A number of submitters, and their representatives, have subsequently worked together to further refine the non-residential and community facilities objectives and policies. I have been involved in this process and I understand that this dialogue will continue after the submitters' evidence is filed.

- 6.4 Ms Barker⁴ has included proposed amendments to these objectives and policies as **Appendix VAB2** to her evidence. It is my understanding that these represent her opinion at the time her evidence was filed, but that further revisions may be addressed at the hearing as a result of on-going discussions between submitters.
- 6.5 I have had input to, and reviewed, Ms Barker's amendments to the non-residential and community facilities Objective 14.1.7 and associated policies. These amendments also achieve the relief sought by the Commission and I support these amendments for the following reasons:
- (a) they are consistent with, and implement, Objectives 3.3.11 and 3.3.13 in the Strategic Directions decision;
 - (b) they provide greater clarity and direction for non-residential activities in residential zones by providing some degree of separation between different types of non-residential activities and particularly by recognising and enabling community facilities;
 - (c) the recognition of the need for facilities, such as fire stations, to be located in residential zones enables, in turn, the Commission to meet its responsibilities as set out in Mr Merry's first statement of evidence⁵; and
 - (d) the provisions achieve the purpose of the RMA by providing for the health, safety and wellbeing of people and communities.

7. PROVISION FOR EMERGENCY SERVICE TRAINING ACTIVITIES

- 7.1 The Crown's submission has sought the retention of permitted activity status for emergency service training activities as included in notified Proposal 14 and set out in the activity status tables that apply to the residential zones⁶. The same relief has also been sought by South Island Regional Trust Board of the Order of St John ("**St John**")⁷. I am not aware of any other submitters, or further submitters, who have an interest in these rules.

⁴ Statement of Evidence of Vicki Barker dated 20 March 2015, Attachment VAB2.

⁵ Statement of evidence of Alan Merry dated 25 November 2014, in relation to Proposal 3: Strategic Directions, see paragraphs 5.1 – 5.9.

⁶ Rule 14.2.2.1(P11), Rule 14.2.3.1(P11), Rule 14.4.2.1(P9), Rule 14.5.2.1 (P9) and Rule 14.6.2.1(P10).

⁷ Submitter number 785.

- 7.2 The Council's revised version of Proposal 14 retains these provisions but Mr Blair does not address these specific provisions, or related submissions, in his statement of evidence.
- 7.3 Mr Merry has described firefighter training that is currently undertaken at fire station sites, at purpose built facilities, and at other sites across Christchurch⁸. On the basis of this description it is likely that the majority of training undertaken within Christchurch is either off-site (at facilities owned and operated by others) and temporary in nature, or at fire station sites. The proposed provisions would enable off-site activities without the need for consent.
- 7.4 As a preliminary matter I note that the Rules for training activities⁹ list the permitted activity as "*Temporary Military or Emergency Service Training activities*". I consider that it is not entirely clear whether the rule permits all emergency service training activities or only temporary activities. I have assumed that the intent of the Rules is to provide for temporary activities and I consider that there may be some benefit in redrafting the Rules to clarify this.
- 7.5 I support the retention of Rules 14.2.2.1(P11), 14.2.3.1(P11), 14.4.2.1(P9), 14.5.2.1 (P9) and 14.6.2.1(P10) because:
- (a) the provisions enable the Commission to meet its statutory obligations, including by providing the necessary skills to ensure firefighters deliver a safe, efficient and effective service;
 - (b) any potential adverse effects on the environment would be limited given the typical receiving environment and temporary nature of the activities; and
 - (c) emergency services training have a significant benefit to the community in terms of enabling people and communities to provide for the health, safety and wellbeing, and the provisions are therefore consistent with the purpose of the RMA.

8. PROVISION FOR FIRE STATIONS

- 8.1 The Crown's submission opposed the lack of provision for emergency service facilities in the residential zones and sought that such facilities be

⁸ Statement of Evidence of Alan Merry dated 20 March 2015, paragraphs 8.1 – 8.3.

⁹ Rules 14.2.2.1(P11), 14.2.3.1(P11), 14.4.2.1(P9), 14.5.2.1 (P9) and 14.6.2.1(P10).

provided for as permitted activities in each of the residential zones' activity status tables. I acknowledge that a similar submission has been made by St John¹⁰.

- 8.2 Over the last month Mr Merry and I have met with the Council to discuss the Council's approach in the Replacement Plan to providing for fire stations across the District, and particularly in the residential zones. We have also met with St John to discuss the Replacement Plan's approach to emergency service facilities.
- 8.3 Through these discussions, it is my understanding that existing fire station sites will be listed as "scheduled" permitted activities (subject to standards) across all zones in a future phase of the Replacement Plan process as part of Proposal 6 (General Rules and Procedures) which is yet to be notified.
- 8.4 This approach would provide for (as a permitted activity) the repair and redevelopment of fire stations that has been described by Mr Merry¹¹ where the redevelopment occurs on existing sites, including those within residential zones (subject to specified standards). As such, the scheduling approach would achieve the relief sought in the Crown submission insofar as it relates to existing fire station sites.
- 8.5 That said, scheduling does not provide for new fire stations on new sites in the residential zone and the Commission therefore continues to seek amendments to the provisions of Proposal 14 to provide for such circumstances, particularly in the context of the redevelopment of the Commission's facilities following the earthquakes¹².
- 8.6 It is my understanding that the Commission is currently seeking to develop two new fire stations on new sites in residential zones¹³ as part of the Commission's reconfiguration of its fire station network in Christchurch. The number of fire stations in residential zones may increase or decrease as a result of new zonings, or changes to zonings, through future phases of the Replacement Plan process and the Hearings Panel's decision-making. In order to enable the development of these fire stations land use consent for a non-complying activity would be required under the notified provisions of the Replacement Plan.

¹⁰ Submitter number 785.

¹¹ Statement of evidence of Alan Merry dated 25 November 2014, at paragraphs 6.1 to 6.9.

¹² Described in the statement of evidence of Alan Merry dated 25 November 2014, in relation to Proposal 3: Strategic Directions, Paragraphs 6.1 – 6.12.

¹³ Residential Suburban and Residential Suburban Density Transition zones as notified in Phase 1 and shown on the Phase 1 planning maps.

- 8.7 In discussions with Council the possibility of scheduling the new sites was considered and dismissed because the Commission has not confirmed nor acquired the specific sites. Therefore, the Council is unable to provide for the new fire stations through scheduling and mapping those sites in a particular location.
- 8.8 In order to address this Mr Blair has suggested the inclusion of a further permitted activity (P27)¹⁴ that specifically provides for two new fire stations on new sites in the relevant zones, subject to activity specific standards that relate to road access. This is included in the Council's revised version of Proposal 14.
- 8.9 Prior to the release of the revised version of Proposal 14, I confirmed in discussion with Mr Blair that the proposed permitted activity rule would adequately provide for two new fire stations and that further fire stations would have a discretionary activity status.
- 8.10 That said, I do not support the Council's version of Proposal 14, insofar as it relates to the provision for fire stations, for the following reasons:
- (a) it does not include "default" provisions that would provide for a third or fourth fire station as a discretionary activity, or address situations where the standards are not met. This would mean that such fire stations would be a non-complying activity;
 - (b) it has simply copied and inserted the new Rule P27 into all residential zones in a manner that does not make sense (for example Rule 14.3.2.1 P20 for the Medium Density Zone) because the inserted rules include specific reference to one fire station establishing in the Residential Suburban Zone and one in the Residential Suburban Density Transition Zone, with the outcome being that fire stations could not be permitted activities in other residential zones;
 - (c) it includes a more permissive regime for ambulance stations (for example Rules P28 and RD27 where ambulance stations are permitted activities, defaulting to restricted discretionary).
- Therefore, the Council's revised version of the Proposal does not take a consistent approach to the provision of emergency service facilities notwithstanding that existing ambulance stations may also

¹⁴ Revised version of Proposal 14 dated 9 March at page 29.

be scheduled in a future phase. These rules do not limit road access or the number of ambulance stations, as is proposed for fire stations; and

- (d) it would undermine the ability for emergency services to co-locate because each service would be constrained by differing standards.

8.11 Mr Blair records his agreement to the new Rule P27 for fire stations in his evidence¹⁵ before going on to discuss ambulance stations. He does not traverse the potential effects of fire stations. That said, Mr Blair has agreed *“that the effects of ambulance stations are essentially the same as any other activity”* with the exception of the use of sirens after hours. He has proposed (as set out in the Council's revised version of Proposal 14) that ambulance stations be permitted subject to the following activity specific standard:

“a. Ambulance vehicles from ambulance stations located on a local road shall not use their sirens between the hours of 2200 and 0700 while they are on the local road on which the ambulance station is situated, or on a local road feeding from that local road – unless the call out it is attending to is on those local roads”.

8.12 Where this standard is not met, a restricted discretionary activity status consent would be required. Mr Blair¹⁶ has promoted an additional assessment matter that relates to ambulance sirens.

8.13 Mr Macleod, for the Council, has acknowledged the inclusion of further non-residential activities as permitted activities in the Council's revised version of the Proposal, including fire stations and ambulance stations and concluded that activity standards that limit scale and intensity appear to be set at *“reasonable thresholds ... which will allow them to play a role in the re-establishment of vibrant and well serviced communities”*¹⁷.

8.14 In my opinion the inconsistency in approach to emergency service facilities can, and should, be addressed by including a single permitted activity to provide for “emergency service facilities” without a limitation as to numbers of such facilities. My reasons for forming this view are set out in paragraph 8.19 below.

¹⁵ Evidence of Mr Scott Blair at paragraphs 10.7 – 10.9, pages 80- 82.

¹⁶ Evidence of Mr Scott Blair at paragraph 10.9, page 82.

¹⁷ Evidence of Mr Andrew Macleod at paragraph 6.6, page 13.

- 8.15 In proposing a single permitted activity I have considered the merits of the activity specific standards in the 9 March version that apply to fire stations and ambulance stations respectively and whether these, or any further standards, would be necessary or appropriate. In this regard, it is my opinion that the effects of emergency service facilities, particularly in terms of the scale and intensity referred to by Mr Macleod, can be appropriately managed by the Built Form Standards that apply to the residential zones along with district-wide standards that apply to access design and parking (Proposal 7: Transport) and noise (Proposal 6: General Rules and Procedures).
- 8.16 I consider that there is some merit in retaining a standard that requires access to a road, other than a local road, in order to address potential effects on amenity values in residential neighbourhoods serviced by local roads. In the context of fire stations, where efficient and effective vehicle access to the transport network is essential for swift response, such a standard is consistent with the Commission's approach to the development and operation of fire stations. However, through discussion with St John, I understand that such a standard may be unduly constraining in the context of ambulance stations and on this basis I have not suggested the inclusion of such a standard.
- 8.17 I do not support the inclusion of a standard that manages vehicle siren noise on local roads, as included in Rule P28 of the Council's revised version of Proposal 14. In my opinion it is very unusual to manage emergency vehicle operations in this manner and I am not aware of any district plan that seeks to do this. It is more common practice to include an exemption for emergency service vehicles from any noise standard. It is my understanding that vehicle noise, including the use of sirens fitted to emergency vehicles, is regulated by the Land Transport (Road User) Rule 2004¹⁸ and that further regulation may overlap or contradict those regulations or have significant safety implications.
- 8.18 At the non-residential activities mediation on 18 March 2015 Mr Blair agreed to include a single permitted activity across the residential zones for "emergency service facilities". It is anticipated that this will be reflected in Mr Blair's rebuttal evidence.

¹⁸ Made under the Land Transport Act 1998.

- 8.19 I support the agreed approach, being the inclusion of a single permitted activity status for emergency service facilities across all residential zones and, in my opinion, no activity specific standards are necessary. However, emergency service facilities that cannot meet the Built Form Standards would default to a restricted discretionary activity. I support the agreed approach for the following reasons:
- (a) Emergency services 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 way¹⁹. As a result the potential for adverse effects associated with fire hazard and other emergencies may be avoided or mitigated. This is reflected in the historic distribution of fire stations in Christchurch. This is demonstrated by the current list of scheduled fire stations in the operative District Plan where seven existing stations are located in residential zones²⁰.
 - (b) The adverse effects of such facilities can be appropriately managed by the Built Form Standards, particularly when considered against the considerable benefit gained by having such facilities located within the communities they protect.
 - (c) The Commission does not enjoy the benefit of requiring authority status under the RMA and therefore cannot secure designations to provide for fire stations, despite such facilities being considered critical infrastructure.
 - (d) This approach provides for consistent treatment of emergency service facilities that are consistent with the scale and character of other community facilities that are permitted in the residential zones. There is no rationale for distinguishing the two emergency services in the context of Proposal 14.
 - (e) The provisions provide a better opportunity for co-location, as opposed to listing the facilities as separate activities.

¹⁹ Enabling the Commission to achieve its responsibilities under the FSA.

²⁰ Christchurch City District Plan (operative), Part 9 General City Rules, 3.0 Scheduled Activities.

- (f) The amended rule is the most appropriate to achieve the Objectives in the Strategic Directions decision by:
 - (i) enabling recovery and meeting community needs (Objective 3.3.1);
 - (ii) being clear and concise without unnecessary development controls that have the potential to be more onerous than the operative plan (Objective 3.3.2); and
 - (iii) providing for “comprehensive emergency services throughout the city” (Objective 3.3.13).
- (g) The amended provisions achieve the purpose of the RMA by enabling people and communities to provide for the health, safety and wellbeing, and any potential adverse effects are managed through the existing Built Form Standards in the Replacement Plan.
- (h) A default to restricted discretionary is consistent with the Council’s approach to similar community facilities and ambulance stations, as indicated in the Council's revised version of Proposal 14 and Mr Blair’s evidence²¹.

8.20 The specific amendments supported by my evidence are presented in **Attachment AJM2**. In this regard I note that there is significant duplication of the same rules across all of the residential zones. The Statement of Expectations in the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014²² for the Replacement Plan signals that the Replacement Plan should be clear, use concise language and be easy to use.²³ In my opinion there is some opportunity for Proposal 14 to be more concise by altering the structure to avoid duplication in terms of the activity status tables (and particularly the default provisions) and also various standards, such as those that address firefighting water supply.

8.21 There is also a potential issue with the definition of residential activities and how this might overlap with the living accommodation component of fire stations. I address this in detail at paragraph 10.1 below.

²¹ For instance, see the Evidence of Mr Blair at paragraph 10.9, page 82.

²² See Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

²³ See Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, clause (i).

9. PROVISION FOR FIRE FIGHTING WATER SUPPLY

- 9.1 The Crown's submission supports, subject to amendments, the Built Form Standards requiring firefighting water supply (and access to it) across all residential zones through reference to the Firefighting Water Supplies Code of Practice²⁴. The submission also supports the “default” restricted discretionary rules that apply where these Standards are not met and the associated Matters of Discretion in clause 14.9.25.
- 9.2 The submission seeks minor amendments to these Standards to:
- (a) reflect that the Code of Practice is concerned with availability and proximity of water supply (including access to the supply) rather than a connection to a reticulated supply; and
 - (b) in the case of Residential Banks Peninsula and Residential Conservation Zones, reflect the intent and inherent flexibility, of the Code of Practice by deleting the requirement for sprinkler systems in circumstance where a reticulated water supply is not available.
- 9.3 I am not aware of any other submissions or further submissions that specifically address these Built Form Standards.
- 9.4 Mr Merry has detailed the Commission’s responsibility under the FSA to provide for firefighting activities in a safe, effective and efficient manner. He has described the content and role of the Code of Practice and has set out the importance of adequate water supply and access to Fire Service operations²⁵.
- 9.5 The Council's revised version of Proposal 14 has incorporated the changes sought to the Built Form Standards with the exception of Standard 14.5.3.8 (that applies to the Residential Zone). Mr Blair does not address these specific provisions in his statement of evidence. On the basis that this “exception” has not been addressed in Council’s evidence, I have assumed that this is an omission rather than a deliberate departure from the approach taken elsewhere in the revised version of Proposal 14. For completeness I record that the following amendment is sought to Standard 14.5.3.8:

²⁴ Standards 14.2.3.13, 14.3.3.18, 14.4.3.9, 14.5.3.8, 14.6.3.19, 14.7.4.15 and 14.8.3.15 (notified version of the Replacement Plan).

²⁵ Statement of evidence by Alan Merry dated 25th November 2014, Paragraphs 7.7 – 7.20.

~~“1. Provision shall be made for sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council’s urban reticulated system (where available) in accordance consistent with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008), whereby:~~

~~a. All residential units must be connected to the Council’s urban reticulated system that provides sufficient fire fighting water supply; or~~

~~b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available to serve the residential unit, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for fire fighting that is in compliance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008 rule 2. below must be provided.~~

~~2. Each residential unit shall have a sprinkler system installed (to an improved standard in accordance with SNZ PAS:4509:2008) in the building plumbed to ensure 7000 litres of water is always available to the sprinkler system in the event of a fire.”~~

9.6 I note that Mr Macleod’s Independent Planning Assessment²⁶ has suggested that Standard 14.2.3.13 could be deleted and would be better addressed as a residential subdivision issue. Mr Macleod has not given reasons for his opinion and has not addressed this in his evidence. I do not agree with his conclusion because addressing fire fighting water supply, and access to it, only at the point of subdivision would not address risk comprehensively, for instance in the case of development on sites that do not require subdivision.

9.7 It is my opinion that the Built Form Standards, and associated “default” provisions relating to firefighting water supply, as presented in the Council’s revised version of Proposal 14 (subject to the amendment detailed in paragraph 9.5 above) achieve the relief sought in the Crown’s submission. I support these provisions and the amendments to them for the following reasons:

(a) The importance of fire fighting water supply is recognised in section 14(3)(e) of the RMA.

(b) Adequate water supply and access for fire appliances is critical to enabling the Commission to meet its statutory obligations.

²⁶ Evidence of Mr Andrew Macleod, Attachment 1 at page 17.

- (c) The provision of firefighting water supply, and access for fire appliances, is embedded in a New Zealand Standard (the Code of Practice).
- (d) It is relatively common practice for district plans to address water supply for fire fighting²⁷.
- (e) The provisions appropriately mitigate hazards and manage the potential adverse effects of fires and other events on the environment, including people and communities.
- (f) The provisions are consistent with Objective 3.3.13 of the Strategic Directions decision including the direction in the body of the decision²⁸.
- (g) The provisions achieve the purpose of the RMA by providing for the health, safety and wellbeing of people and communities.

10. RELEVANT DEFINITIONS

- 10.1 As mentioned in paragraph 8.21 above, the notified definition of “residential activity” may inadvertently “capture” fire stations, given their living accommodation component. This, in turn, serves to confuse activity status and inappropriately apply Built Form Standards, such as those that require outdoor living spaces. In order to clarify this I have promoted the inclusion of an exemption for fire stations in the residential activity definition. The amendment is set out in **Attachment AJM2**. The Crown's submission has also sought a minor amendment to this definition to clarify that habitable accessory buildings are a residential activity. This has the effect of ensuring that the Code of Practice would apply to such buildings. This matter is addressed by in Ms McIntyre’s evidence. She has concluded, and I agree, that the minor amendment would provide further clarity for plan users.
- 10.2 The Commission supports the definition of “community facility” insofar as it includes emergency service facilities but is concerned that the definition, as notified, is constraining in that it fails to recognise that facilities may serve the public, rather than just being for the use of the public (for instance, in

²⁷ The records maintained by Beca in relation to the way in which the Commission’s interests are addressed in district plans across New Zealand indicates that approximately 70% of district plans currently include at least some reference to firefighting water supply. Of these plans, over half apply the requirement for a firefighting water supply in a regulatory sense across the entire district.

²⁸ The Strategic Directions decision at paragraphs 287 and 288.


the case of fire stations). The Crown's submission sought to clarify this, along with other matters, in an amended definition. This is addressed in detail in Ms Barker's evidence.

10.3 The Council's revised version of Proposal 14 includes an amendment to the definition of "community facility" that achieves the relief sought in the Crown's submission. In my opinion the definition better provides for the range of functions of community facilities, including emergency service facilities and the service they provide the community. On this basis I support the Council's amended version of the definition.

11. CONCLUSION

11.1 The Crown's submission, insofar as it relates to the Commission's interests, seeks the inclusion of appropriate provisions that enable community facilities (including fire stations), firefighting water supply and fire appliance access.

11.2 In my view the amendments to the Council's revised version of Proposal 14 included in **Attachment AJM2** appropriately address the outcomes sought by the Commission and as such better achieve the purpose of the RMA and implement Objective 3.3.13 of the Strategic Directions decision.



Ainsley Jean McLeod

20 March 2015

**ATTACHMENT AJM1: DOCUMENTS REVIEWED IN PREPARING
THIS EVIDENCE**

- (a) Canterbury Regional Policy Statement 2013 ("**RPS**");
- (b) The Land Use Recovery Plan 2013 ("**LURP**");
- (c) NZS PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice ("**Code of Practice**");
- (d) New Zealand Fire Service Commission Strategic Plan 2012-2017;
- (e) The Land Transport (Road User) Rule 2004
- (f) Submissions of a number of parties, including the submission of the Order of St John, South Island Regional Trust Board (**St John**);
- (g) The Section 32 Evaluation;
- (h) The Statement of Expectations included in Schedule 4 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014; and
- (i) Independent Hearings Panel Christchurch Replacement District Plan - Decision 1 Strategic Directions and Strategic Outcomes (and Relevant Definitions)

ATTACHMENT AJM2: RECOMMENDED AMENDMENTS TO PROVISIONS

Key: Amendments to Council’s 9 March version of Proposal 14. Amendments supported in evidence are presented as **red** tracked changes

14.2.2.1 Permitted Activities (Residential Suburban and Residential Suburban Density Transition Zones)

Activity		Activity specific standards
<u>P27</u>	<u>Fire stations</u>	<p>a. There shall be no more than two new fire stations in addition to those listed in [reference schedule].</p> <p>b. One fire station shall be in the Residential Suburban Zone and one shall be in the Residential Suburban Density Transition Zone.</p> <p>c. Each fire station shall:</p> <p>i. have access to two separate roads at least one of which shall be a collector road or a minor arterial road;</p> <p>ii. have fire engine or egress via a collector road or an arterial road.</p>
<u>P28</u>	<u>Ambulance stations</u>	Ambulance vehicles from ambulance stations located on a local road shall not use their sirens between the hours of 2200 and 0700 while they are on the local road on which the ambulance station is situated, or on a local road feeding from that local road – unless the call out it is attending to is on those local roads.
<u>P27</u>	<u>Emergency service facilities</u>	a. Nil

14.2.2.3 Restricted Discretionary Activities

Activity		Activity specific standards
<u>RD 27</u>	<u>Ambulance stations that do not meet the permitted activity standards</u>	a. 14.9.X Ambulance sirens

14.3.2.1 Permitted Activities (Medium Density Zone)

Activity		Activity specific standards
<u>P20</u>	<u>Fire stations</u>	<p>a. There shall be no more than two new fire stations in addition to those listed in [reference schedule].</p> <p>b. One fire station shall be in the Residential Suburban Zone and one shall be in the Residential Suburban Density Transition Zone.</p> <p>c. Each fire station shall:</p> <p>i. have access to two separate roads at least one of which shall be a collector road or a minor arterial road;</p> <p>ii. have fire engine or egress via a collector road or an arterial road.</p>
<u>P21</u>	<u>Ambulance stations</u>	Ambulance vehicles from ambulance stations located on a local road shall not use their

		sirens between the hours of 2200 and 0700 while they are on the local road on which the ambulance station is situated, or on a local road feeding from that local road – unless the call out it is attending to is on these local roads.
<u>P20</u>	<u>Emergency service facilities</u>	<u>a. Nil</u>

14.2.2.3 Restricted Discretionary Activities

Activity	Activity specific standards
<u>RD 17</u> <u>Ambulance stations that do not meet the permitted activity standards</u>	b. 14.9.X Ambulance sirens

14.4.2.1 Permitted Activities (Residential Banks Peninsula Zone)

Activity	Activity specific standards
<u>P21</u> <u>Fire stations</u>	a. There shall be no more than two new fire stations in addition to those listed in [reference schedule]. b. One fire station shall be in the Residential Suburban Zone and one shall be in the Residential Suburban Density Transition Zone. c. Each fire station shall: i. have access to two separate roads at least one of which shall be a collector road or a minor arterial road; ii. have fire engine or egress via a collector road or an arterial road.
<u>P22</u> <u>Ambulance stations</u>	Ambulance vehicles from ambulance stations located on a local road shall not use their sirens between the hours of 2200 and 0700 while they are on the local road on which the ambulance station is situated, or on a local road feeding from that local road – unless the call out it is attending to is on these local roads.
<u>P21</u> <u>Emergency service facilities</u>	<u>a. Nil</u>

14.4.2.3 Restricted Discretionary Activities

Activity	Activity specific standards
<u>RD 13</u> <u>Ambulance stations that do not meet the permitted activity standards</u>	c. 14.9.X Ambulance sirens

14.5.2.1 Permitted Activities (Residential Conservation Zone)

Activity	Activity specific standards
<u>P20</u> <u>Fire stations</u>	a. There shall be no more than two new fire stations in addition to those listed in [reference schedule]. b. One fire station shall be in the Residential Suburban Zone and one shall be in the Residential Suburban Density Transition Zone.

		c. Each fire station shall: i. have access to two separate roads at least one of which shall be a collector road or a minor arterial road; ii. have fire engine or egress via a collector road or an arterial road.
P21	Ambulance stations	Ambulance vehicles from ambulance stations located on a local road shall not use their sirens between the hours of 2200 and 0700 while they are on the local road on which the ambulance station is situated, or on a local road feeding from that local road – unless the call out it is attending to is on those local roads.
P20	Emergency service facilities	a. Nil

14.5.2.3 Restricted Discretionary Activities

Activity		Activity specific standards
RD 12	Ambulance stations that do not meet the permitted activity standards	d. 14.9.X Ambulance sirens

14.5.2.4 Discretionary Activities

Activity	
D9	Ambulance stations which do not meet one or more of the requirements specified in RDx

Standard 14.5.3.8 Water Supply for fire fighting

~~1. Provision shall be made for~~ Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban reticulated system (where available) in accordance consistent with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008), ~~whereby:~~

- ~~a. All residential units must be connected to the Council's urban reticulated system that provides sufficient fire fighting water supply ; or~~
- ~~b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available to serve the residential unit, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for fire fighting that is in compliance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008 rule 2, below must be provided.~~

~~2. Each residential unit shall have a sprinkler system installed (to an improved standard in accordance with SNZ PAS:4509:2008) in the building plumbed to ensure 7000 litres of water is always available to the sprinkler system in the event of a fire."~~

14.6.2.1 Permitted Activities (New Neighbourhood Zones)

Activity		Activity specific standards
P17	Fire stations	a. There shall be no more than two new fire stations in addition to those listed in [reference schedule]; b. One fire station shall be in the Residential Suburban Zone and one shall be in the Residential Suburban Density Transition Zone. c. Each fire station shall:

		i. have access to two separate roads at least one of which shall be a collector road or a minor arterial road; ii. have fire engine or egress via a collector road or an arterial road.
<u>P18</u>	<u>Ambulance stations</u>	Ambulance vehicles from ambulance stations located on a local road shall not use their sirens between the hours of 2200 and 0700 while they are on the local road on which the ambulance station is situated, or on a local road feeding from that local road - unless the call out it is attending to is on those local roads.
<u>P17</u>	<u>Emergency service facilities</u>	<u>a. Nil</u>

14.6.2.3 Restricted Discretionary Activities

Activity		Activity specific standards
<u>RD 23</u>	<u>Ambulance stations that do not meet</u>	e. 14.9.X Ambulance sirens

14.6.2.4 Discretionary Activities

Activity	
<u>D7</u>	<u>Ambulance stations which do not meet one or more of the requirements specified in RDx</u>

Definition – Residential Activity

“Residential activity

means the use of land and/or buildings for the purpose of living accommodation and includes:

- a. a residential unit or a family flat; including habitable accessory buildings);
- b. emergency and refuge accommodation; and
- c. sheltered housing;

but does not include:

- d. guest accommodation; and
- e. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
- f. accommodation associated with a fire station.”