

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED
DISTRICT PLAN HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991

AND the proposed Queenstown Lakes District Plan
(Chapter 7 – Low Density Residential, Chapter 8 –
Medium Density Residential, Chapter 9 – High
Density Residential, Chapter 10 – Arrowtown
Residential Historic and Chapter 11 – Large Lot
Residential)

**STATEMENT OF EVIDENCE OF AINSLEY JEAN MCLEOD ON BEHALF
OF THE NEW ZEALAND FIRE SERVICE COMMISSION
(Submitter No. 438 and Further Submitter No. 1125)**

the 30th day of September 2016



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1. INTRODUCTION

- 1.1 My full name is Ainsley Jean McLeod. I hold the position of Technical Director of Planning at Beca Limited (**Beca**). I am engaged by the New Zealand Fire Service Commission (**the Commission**) to provide expert planning evidence in relation to the Commission's submission, and further submissions, on the Queenstown Lakes District Proposed District Plan (**proposed District Plan**).
- 1.2 This is the fourth statement of evidence prepared by me, and filed by the Commission, in relation to the proposed District Plan. My qualifications and relevant experience have been set out in my first statement of evidence.¹
- 1.3 My evidence specifically addresses:
- (a) the Commission's submission, and further submissions, on Chapter 7 – Low Density Residential, Chapter 8 – Medium Density Residential, Chapter 9 – High Density Residential, Chapter 10 – Arrowtown Residential Historic and Chapter 11 – Large Lot Residential; and
 - (b) the 'Section 42A Hearings Reports', dated 14 September 2016, insofar as these reports are relevant to the relief sought by the Commission.
- 1.4 For the purposes of my evidence I rely upon the earlier evidence of **Mr Keith McIntosh** in relation to Chapter 3 – Strategic Direction. In his evidence Mr McIntosh details the Commission's role, responsibilities and property interests in the Queenstown Lakes District. He describes locational and design requirements for fire stations and sets out the typical activities that occur at fire stations. Mr McIntosh also confirms that there is a need to replace the Frankton fire station in the medium term.² I also understand that upgrading the Arrowtown fire station may be necessary in the future, and within the expected 'life' of the proposed District Plan.

¹ A McLeod, Statement of Evidence, Chapter 3 - Strategic Direction, 26 February 2016, paragraphs 1.1 to 1.3.

² K McIntosh, Statement of Evidence, Chapter 3 – Strategic Direction, 2 March 2016.

- 1.5 My evidence should also be read in conjunction with my earlier evidence and, to avoid repetition, I rely on that evidence insofar as it is relevant to the Commission's submissions on Chapter 7 through to Chapter 11, including my consideration of the relevant Objectives and Policies of the proposed Regional Policy Statement for Otago 2015 (**proposed ORPS**). In particular, my earlier evidence supports:
- (a) the inclusion of a new Objective, and accompanying Policies, in Chapter 3 to specifically enable emergency services;³ and
 - (b) the inclusion of a suite of provisions that appropriately provide for community activities, and particularly emergency service facilities, in the Rural Zone.⁴
- 1.6 In preparing this evidence I have reviewed the following documents insofar as they relate to the content of the Commission's submissions and the Section 42A Hearings Reports:
- (a) the Revised Chapters and Section 32 assessments that accompany the Section 42A Hearings Reports;
 - (b) the operative Regional Policy Statement for Otago 1998 (**operative ORPS**);
 - (c) the proposed RPS including the associated Section 42A Report on Decisions Requested and the summary of submissions received;
 - (d) the submission made by the Ministry of Education;⁵
 - (e) the New Zealand Fire Service Commission's Strategic Plan 2012 – 2017;
 - (f) the New Zealand Fire Service Commission's Statement of Intent 2014 – 2018;⁶
 - (g) the New Zealand Fire Service Fire Station Design Guideline (February 2015);⁷ and
 - (h) the New Zealand Fire Service Fire Station Design Manual version 3 (February 2016).⁸

³ A McLeod, Statement of Evidence, Chapter 3 – Strategic Direction, 26 February 2016.

⁴ A McLeod, Statement of Evidence, Chapter 21 – Rural, Chapter 22 – Rural Residential and Rural Lifestyle and Chapter 23 – Gibbston Character Zone, 21 April 2016.

⁵ Submission reference 524.

⁶ Prepared under the Crown Entities Act 2004.

⁷ Included as Attachment D to Mr McIntosh's statement of evidence dated 2 March 2016.

2. CODE OF CONDUCT

- 2.1 In accordance with the 'Minute and Directions of Hearings Commissioners on Procedures for Hearing of Submissions' dated 25 January 2016, I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's 2014 Practice Note. 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 My qualifications as an expert are reference above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise.
- 2.3 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. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. THE COMMISSION'S SUBMISSION, AND FURTHER SUBMISSIONS – RELIEF SOUGHT IN CHAPTER 7 THROUGH TO CHAPTER 11

- 3.1 The Commission's submission seeks:
- (a) the inclusion of specific reference to 'emergency service facilities' in the Objectives and Policies in Chapters 7, 8 and 9 that address community facilities and activities;⁹
 - (b) the inclusion of a definition of 'emergency services facilities';
 - (c) the retention of Policy 7.2.7.2 (renumbered 7.2.5.2) that seeks to ensure that development is consistent with infrastructure capacity;
 - (d) the retention of the Rules in Chapters 7 and 8 that provide for informal airports for emergency landings, rescues and firefighting as permitted activities;¹⁰

⁸ Included as Attachment E to Mr McIntosh's statement of evidence dated 2 March 2016.

⁹ Objective 7.2.6 and Policy 7.2.6.1 (renumbered 7.2.4 and 7.2.4.1), Objective 8.2.8 and Policy 8.2.8.1 (renumbered 8.2.7 and 8.2.7.1) and Objective 9.2.4 and Policy 9.2.4.1.

¹⁰ Rule 7.4.2 and Rule 8.4.2.

- (e) the retention of the Rules in Chapters 7, 8, 9 and 11 that provide for community facilities and/or activities as discretionary activities;¹¹
- (f) the inclusion of exemptions for fire stations from the Standards in 7.5, 8.5, 9.5, 10.5 and 11.5 that establish maximum building height and site coverage; and
- (g) the retention of Rule 10.4.17 (renumbered 10.4.13) that provides for community activities as a permitted activity.

3.2 I am not aware of any further submissions made in relation to the Commission's primary submission.

3.3 The Commission's further submissions:

- (a) support the primary submission made by the Ministry of Education that seeks an amendment to the Rules in 7.4, 8.4 and 9.4 to provide for community facilities and/or community activities as permitted activities in the Low, Medium and High Density Residential Zones;^{12 13}
- (b) oppose the primary submission made by Loris King that, in turn, opposes Objective 8.2.8 (renumbered 8.2.7) to the extent that the Objective may provide for commercial leasing;¹⁴
- (c) oppose the primary submission made by Gillian Crooks that seeks a reduced building height in Standard 8.5.1 as it applies to Arrowtown;¹⁵ and
- (d) oppose the primary submission made by Sue Wilson that seeks a reduced building height in the Medium Density Residential Zone.¹⁶

3.4 In the remainder of my evidence I provide some brief background information in relation to fire stations and specifically address the relief sought in the Commission's submissions. The specific amendments I support in my evidence are set out in the body of my evidence and presented in **Attachment A**.

¹¹ Rule 7.4.8, Rule 8.4.9, Rule 9.4.15 (renumbered 9.4.9) and Rule 11.4.9 (renumbered 11.4.6).

¹² Submission number 524.

¹³ I note that 'community activity' is defined as including 'fire stations'.

¹⁴ Submission number 230.

¹⁵ Submission number 648.

¹⁶ Submission number 58.

3.5 The consideration included in my evidence is made in the context of the statutory framework for decisions on the proposed District Plan set out in the Resource Management Act 1991 (**RMA**) and the on-going guidance provided by the modified *Long Bay* test.¹⁷ I also acknowledge that the Hearings Panel is required to undertake a re-evaluation of changes to the proposed District Plan under section 32AA of the RMA and I therefore address the relevant matters in section 32(1)-(4) where appropriate to do so.

4. FIRE STATIONS – BACKGROUND

4.1 There are currently 6 volunteer fire stations in Queenstown Lakes District. Of these, the following are located in Residential Zones in the notified proposed District Plan:

| Fire Station | Address | Zone (as notified in the Proposed District Plan) |
|-----------------------------------|------------------------------|---|
| Queenstown Volunteer Fire Brigade | 3 Isle Street, Queenstown | High Density Residential Zone |
| Frankton Volunteer Fire Brigade | 54 Douglas Street, Frankton | Low Density Residential Zone |
| Arrowtown Volunteer Fire Brigade | 2 Hertford Street, Arrowtown | Arrowtown Residential Historic Management Zone |

4.2 Mr McIntosh’s earlier evidence confirms that there is a need to replace the Frankton fire station in the medium term.¹⁸ I understand that upgrading may also be necessary at the Arrowtown fire station within the expected ‘life’ of the proposed District Plan and that no other new, or significant upgrades to, fire stations are currently planned in Queenstown Lakes District. That said, the Commission’s submission seeks that the proposed District Plan enables the development of fire stations throughout the District in a manner that enables it to respond to population growth and changes while continuing to meet emergency response time targets. In this regard, I have concluded, in my earlier evidence, that it is appropriate for the proposed District Plan to contemplate a scenario where there might be a change in circumstances, particularly given the ‘life’ of a district

¹⁷ *Long Bay – Okura Great Park Society v North Shore City Council* EnvC A078/2008, 16 July 2008, at [34], *High Country Rosehip Orchards Ltd v Mackenzie District Council* [2011] NZEnvC 387 and *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

¹⁸ K McIntosh, Statement of Evidence, Chapter 3 – Strategic Direction, 2 March 2016. paragraphs 30 to 32.

plan and the current fire service review that will bring together urban and rural fire services together into one unified fire services organisation.^{19 20}

4.3 As described by Mr McIntosh,²¹ the location of new fire stations is determined to maximise coverage; meet response time goals;²² and meet community expectations. This means that fire stations need to be located near the centre of their 'catchment' communities so that emergency response times can be achieved at the edge of what is known as a 'turn-out area'.²³ Similarly, volunteer fire stations are typically located at the centre of the township they serve. This means that, in order to enable an efficient and effective emergency response, fire stations may need to be located in a range of different zones, including residential zones.

4.1 Fire stations are designed to meet the resilience requirements of Building Importance Level 4²⁴ and to achieve the functional requirements of an operational fire station such as office/accommodation areas, height and length for fire appliance parking, setback from road frontages, staff parking, crossing width; hose drying and training towers (in some circumstances). These requirements, and a description of the typical scale of a fire station, are set out in:

- (a) the New Zealand Fire Service Fire Station Design Guideline (February 2015); and
- (b) the New Zealand Fire Service Fire Station Design Manual version 3 (February 2016).²⁵

4.2 Mr McIntosh, in his earlier evidence, also describes the typical activities that occur at Queenstown Volunteer Fire Stations, including the number of "call-outs" at the Queenstown and Frankton fire stations. He states that:

¹⁹ <https://www.dia.govt.nz/Fire-Services-Review>.

²⁰ A McLeod, Statement of Evidence, Chapter 21 – Rural, Chapter 22 – Rural Residential and Rural Lifestyle and Chapter 23 – Gibbston Character Zone, 21 April 2016, paragraph 4.6.

²¹ K McIntosh, Statement of Evidence, Chapter 3 – Strategic Direction, 2 March 2016, paragraphs 33 to 39.

²² New Zealand Fire Service Commission Strategic Plan 2012 – 2017. The New Zealand Fire Service Statement of Intent (2014 – 2018) and accompanying Statement of Performance Expectations also provides the New Zealand Government with response time targets (as set out in the Commission's submission).

²³ The NZFS 50 year Station Location and Resourcing Plan uses a National Risk Resourcing Model to identify optimum locations for fire stations.

²⁴ Clause A3 New Zealand Building Code, Building Regulations 1992, Schedule 1.

²⁵ <http://www.fire.org.nz/business-fire-safety/building-design/Documents/Fire-Station-Design-Manual.pdf>

- “51.1 During the day, the fire station is generally quiet, except for the need to respond to an emergency.*
- 51.2 The Queenstown Volunteer Fire Brigade responded to over 300 emergency incidents, including fires, road accidents, medical emergencies, rescues, hazardous substance incidents, environmental disasters, farm accidents, and public assistance in 2014/15, some in support of Frankton station. Frankton responded to 119 in the same period.*
- 51.3 The brigade is notified of an emergency callout by the siren operating at the fire station, as well as the back- up pager system. Members of the brigade will respond to the call. They arrive at the fire station, generally by car, parking on the street adjacent to the station. They proceed into the station and put on their protective gear. They then board either the fire appliance or crew van. The responding crew members would leave the station, through the front roller doors of the appliance bay that close on departure. Crews return the vehicles to the station once the callout is complete.*
- 51.4 A volunteer brigade usually trains one evening per week (7pm – 9pm) to maintain a state of operational readiness.⁸*
- 51.5 Due to the variety of emergencies that a brigade responds to, training involves various firefighting exercises both indoors and outdoors.*
- 51.6 Outdoor training generally involves exercises using the fire appliance, the portable pump, the unrolling, rolling, connecting and spraying water by members of the Brigade. Other exercises include ladder work and motor vehicle accident scene management, rope work, and carrying out breathing apparatus training scenarios.*
- 51.7 The brigade is responsible for ensuring the appliances and equipment used for firefighting are maintained in a state of operational readiness and efficiency. During training evenings, firefighters also carry out routine testing and checking of their equipment to ensure that it is operationally ready to attend an emergency incident.”*
- 4.3 On the basis of my understanding of the activities that occur at fire stations in Queenstown Lakes District, I consider that the potential adverse effects associated with such activities are limited to intermittent noise and traffic movements associated with emergency response, firefighter training and intermittent use for community events or open days.
- 4.4 In terms of fire station buildings, and associated site layout, I consider that any potential adverse effects are limited to the external appearance of the building and those derived from the necessary operational requirements, for example:

- (a) while typically single storey, a fire station height must accommodate fire appliances and, in some circumstances, must make provision for hose drying; and
- (b) it is necessary for outdoor areas to provide a sufficient, and well-designed, area for fire appliance manoeuvring, training and equipment cleaning activities.

5. OBJECTIVES AND POLICIES

5.1 The Commission's submission is generally supportive of the Objectives and Policies in Chapters 7, 8 and 9 that address community facilities and/or activities, but seeks the specific inclusion of 'emergency service facilities' in the relevant Objectives and Policies.²⁶ The Commission also seeks the inclusion of a definition of 'emergency service facilities'.²⁷

5.2 The Chapters 7 and 8 Section 42A Hearings Reports do not specifically address the relief sought by the Commission in relation to the Objectives and Policies, but recommend that the submission be rejected. The Chapter 9 Section 42A Hearings Report concludes:

"12.2. In relation to community facilities, the NZFS (438) has proposed a new definition of 'Emergency Service Facility'; and seeks that notified Objective 9.2.4 be amended to include reference to Emergency Service Facilities, for the purpose of enabling fire stations to be located in every zone. I note that the NZFS have also sought inclusion of a new definition of "Emergency Service Facility" to support this. As discussed in the s42A report for the LDRZ, a definition of "Emergency Service Facility" has not been recommended. I concur with the recommendation of Ms Amanda Leith on this matter."

5.3 In considering the merits of the proposed 'emergency service facilities' definition, the Chapter 7 Section 42A Hearings Report concludes:

"The New Zealand Fire Service (NZFS) (438) has stated that it supports the definition of 'Community Activity' however also propose a new definition of 'Emergency Service Facility'. The submitter states that the inclusion of this definition is necessary to acknowledge the key role that emergency services have within the community and to distinguish this from a community activity. I acknowledge the

²⁶ Objective 7.2.6 and Policy 7.2.6.1 (renumbered 7.2.4 and 7.2.4.1), Objective 8.2.8 and Policy 8.2.8.1 (renumbered 8.2.7 and 8.2.7.1) and Objective 9.2.4 and Policy 9.2.4.1.

²⁷ Addressed later in my evidence.

importance of these services; however I do not see a need to distinguish this from a community activity. The definition of 'Community Activity' includes "the use of land and buildings forhealth, welfare, care, safety..." and also specifically mentions police stations and fire stations. For the purposes of administering the RMA, I consider that the definition of 'Community Activity' is sufficient."

5.4 In recommending the rejection of the Commission's submission on the Objectives and Policies, I consider that the Section 42A Hearings Reports:

- (a) inappropriately rely on, and give weight to, conclusions reached in relation to the merits of including a definition of 'emergency service facilities', whereas I consider that an objective or policy may include undefined terms, particularly where these terms may be commonly understood or defined by other legislation;²⁸
- (b) give no consideration to the proposed ORPS and the distinct, enabling and detailed policy approach taken to emergency services and lifeline utilities in that document;²⁹
- (c) fail to consider the proposed new Chapter 3 Objective and Policies sought by the Commission in relation to Chapter 3;³⁰
- (d) fail to consider the conclusion reached by the Council's planning witness' in relation to Chapter 3, which concludes:

"5.27 The New Zealand Fire Service (#438) have filed legal submissions noting that I did not give reasons for my recommendation to reject that an additional objective should be included in the chapter, as follows:

Provision for comprehensive emergency services throughout the city, including for their necessary access to properties and the water required for firefighting.

5.28 I consider that this objective is too fine grained for a strategically focussed chapter and is better addressed in the lower order chapters."³¹

5.5 In my opinion a broader consideration of the most appropriate approach to emergency services in provisions of the proposed District

²⁸ For instance, 'emergency services' are defined in the Civil Defence Emergency Management Act 2002.

²⁹ My earlier evidence (A McLeod, Statement of Evidence, 26 February 2016, paragraph 4.4) sets out the relevant policies of the Proposed ORPS and also concludes that these policies can be given significant weight on the basis that no submissions have sought to significantly amend or 'dilute' their content. The Otago Regional Council website indicates that decisions on submission on the proposed ORPS are expected in early October 2016.

³⁰ Memorandum of Counsel regarding revised relief New Zealand Fire Service Commission Strategic Direction, 24 March 2016.

³¹ Reply of M Paetz, Strategic Direction and Urban Development Chapters, 7 April 2016.

Plan is necessary and will consequentially influence the need for a definition of 'emergency service facilities', rather than the other way around.

5.6 In this regard, I continue to hold the opinion expressed in my earlier evidence, that it is necessary for the proposed District Plan to include a specific policy approach for emergency services that both provides for, and protects, emergency service facilities and associated emergency service operations and functions, in order to have regard to, and in the future 'give effect to', the proposed ORPS.³² My earlier evidence supports the following proposed new Chapter 3 Objective and Policies (as revised by Memorandum of Counsel for the Commission):

*"3.2.6.X **Objective** – Emergency services are enabled in order to provide for the health and safety of people and communities.*

Policies

3.2.6.X.1 Enable the development and on-going use of emergency service facilities in urban areas throughout the District.

3.2.6.X.2 Require adequate property access and appropriate access to, and supplies of, firefighting water to protect lives and buildings and to ensure an efficient and effective emergency response.

3.2.6.X.3 Enable emergency services training activities."³³

5.7 My support for the proposed new provisions is on the basis that a number of Policies in the proposed ORPS directly address emergency services³⁴ and that these Policies may be given significant weight because no submissions have sought to substantially alter the Policies that relate to emergency services. This means that these Policies are unlikely to be substantially amended by decision-makers and will therefore need to be given effect to in their current form.

5.8 In terms of the relief sought by the Commission in the Residential Zones provisions I consider that the following proposed ORPS Policy 3.2.7 is particularly relevant:

"Policy 3.2.7 Reducing existing natural hazard risk

³² A McLeod, Statement of Evidence, 26 February 2016, paragraph 4.6.

³³ Memorandum of Counsel regarding revised relief New Zealand Fire Service Commission Strategic Direction, 24 March 2016.

³⁴ A McLeod, Statement of Evidence, 26 February 2016, paragraph 4.4.

Reduce existing natural hazard risk, including by:

...

(f) Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services; ...”

- 5.9 That said, I acknowledge fire stations are included in the definition of ‘community activity’ and I also consider that the proposed District Plan Objectives and Policies for community activities in Chapters 7, 8 and 9 are generally consistent with proposed ORPS Policies that address emergency services.
- 5.10 Should the proposed new Chapter 3 Objective and Policies for emergency services supported in my earlier evidence be accepted by the Hearings Panel, I consider that including specific mention of emergency service facilities in the context of the Objectives and Policies in Chapters 7, 8 and 9 is unnecessary duplication. Further, should that acceptance occur, I consider that emergency services would be sufficiently distinguished in the context of the proposed new Chapter 3 Objective and Policies, and therefore a more generic approach to community activities in the Objectives and Policies in Chapters 7, 8 and 9 would not preclude the subsequent rules that implement the Policies providing an activity specific approach to emergency service facilities in a manner that better has regard to (and in the future ‘gives effect to’) the proposed ORPS (including Policy 3.2.7).
- 5.11 I also have some concern in relation to the proposed amendments to Objective 7.2.6 (renumbered 7.2.4) that have been made in response to the Hearings Panel’s 4th Procedural Minute. I consider that the redrafting proposed significantly changes the outcomes sought by the Objective.
- 5.12 I am of the view that the Objective, as notified, is underpinned by the concept that community activities (and this would include fire stations), are best located within the communities they serve and, as such, deliver benefits to that catchment community. Whereas, the redrafted Objective suggests that the ‘driver’ for the location of community activities is the management of effects on residential amenity. The following table sets out the notified and redrafted Objective alongside the redrafted Objective 8.2.8 (renumbered 8.2.7).

In my opinion the new Objective 8.2.7 is the most appropriate and I support the same wording in the new Objective 7.2.6 and Objective 9.2.4.

| Notified Objective 7.2.6 | Redrafted Objective 7.2.4 | New Objective 8.2.7 |
|--|---|--|
| Provide for community activities and facilities that are generally best located in a residential environment close to residents. | Community activities are best located where adverse effects on residential amenity are managed. | Community activities are generally best located in a residential environment close to residents. |

6. EMERGENCY SERVICES – ACTIVITY STATUS

- 6.1 The Commission’s submission seeks exemptions for fire stations from the Standards in 7.5, 8.5, 9.5, 10.5 and 11.5 that establish maximum building height and site coverage and the Commission’s further submission supports the primary submission made by the Ministry of Education that seeks an amendment to the Rules in 7.4, 8.4 and 9.4 to provide for community facilities and/or community activities as permitted activities in the Low, Medium and High Density Residential Zones.
- 6.2 The Section 42A Hearings Reports recommend that these submissions be rejected for a range of reasons that can be generally summarised as follows:
- (a) community activities should be subject to the same built form controls so that the potential adverse effects of development can be assessed on a case-by-case basis and the requirements of the fire service should be balanced with the potential effects on residential amenity;
 - (b) in terms of the Large Lot Residential Zone, an increased building coverage can lead to the inability to employ low impact stormwater disposal methods and dominance effects;
 - (c) the relevant Objectives, and associated Policies, seek to 'enable' or 'ensure' the establishment of community activities where impacts can be “avoided”;

- (d) discretionary activity status is appropriate given the range of uses encompassed within the 'Community Activity' definition and the variable possible effects;
- (e) although community activities are provided for in the zones, this is qualified by the need to demonstrate the community activity is best located in a residential environment and controlled or restricted discretionary activity status may elevate community activities such that the zone appears more enabling of it;
- (f) it would be extremely difficult to draft satisfactory matters of discretion give the varied nature of community activities;
- (g) “large scale facilities” will need to be carefully scrutinised to ensure they are compatible with the environment and therefore the provisions do not provide support for community activities as of right; and
- (h) a drying tower could be designed in a manner that is sympathetic to the heritage values in the Arrowtown Residential Historic Management Zone, such as potentially limiting the size or using materials that would be compatible with those used traditionally in the ARHMZ.

6.3 In considering the matters raised in the Section 42A Hearings Reports, I firstly note that:

- (a) I do not agree that the Objective and Policy framework requires adverse impacts to be “avoided”, rather, my understanding is that the policy approach in this regard is confined to residential amenity effect and also allows for the mitigation of effect (for example Policy 7.2.6.1)³⁵;
- (b) the relevant rules apply to all facilities, rather than just “large scale facilities” and if it is only larger facilities that require scrutiny a more appropriate and efficient approach would be to include a permitted activity rule for smaller scale community activities, noting that the Section 42A Hearings Reports and accompanying section 32 evaluations do not give adequate consideration to this approach;

³⁵ Renumbered 7.2.4.1.

- (c) while the Section 42A Hearing Report expresses concern in relation to stormwater management and site coverage in the Large Lot Residential Zone, this is not a matter addressed in the Objectives, Policies or matters over which the Council has restricted the exercise of discretion;
- (d) limiting the height, or significant changes to the design, of a hose drying tower is unlikely to be possible given the operational purpose of such a structure.

6.4 Further, it is my opinion that the Section 42A Hearings Reports:

- (a) give no consideration to the proposed ORPS and the distinct, enabling and detailed policy approach taken to emergency services and lifeline utilities in that document, including Policy 3.2.7(g);
- (b) fail to consider the proposed new Chapter 3 Objective and Policies sought by the Commission in relation to Chapter 3; and
- (c) do not appropriately implement Objective 3.2.6.3 (and accompanying Policies);³⁶ and
- (d) do not appropriately implement the Policies in the respective chapters.

6.5 That said, I accept the conclusions reached in the Section 42A Hearing Report to the extent that the potential adverse effects of emergency service facilities in the Residential Zones are best managed through a resource consent process. However, I consider that the grouping of emergency services alongside all community activities, which gives rise to the conclusion that adverse effects must be managed through a discretionary activity resource consent, fails to recognise that:

- (a) the adverse effects of fire stations, and similar facilities, can be easily predicted (as set out earlier in my evidence and described in the Fire Station Design Guideline and Fire Station Design Manual), and therefore managed by conditions of consent; and

³⁶ As included in Council's Right of Reply dated 7 April 2016.

- (b) the proposed District Plan must have regard to, and ultimately give effect to, Policy 3.2.7 of the proposed ORPS by enabling the development, upgrade, maintenance and operation of emergency service facilities.
- 6.6 In my opinion, the effects of emergency service facilities are predictable and able to be managed by conditions of consent, such that a full discretionary activity status is inappropriate and unduly restrictive, particularly in the context of the clear direction given by Policy 3.2.7 of the proposed. On this basis, it is my view that it is appropriate to distinguish emergency services in the Residential Zones' Rules.
- 6.7 I therefore support the inclusion of new restricted discretionary activity Rules in Chapter 7 through to Chapter 11 that are specific to emergency services and that enable a full case-by-case consideration of potential adverse effects without the additional, and unnecessary, regulation by virtue of full discretionary activity status (including through any breach of Standard). In my opinion, such an approach enables a comprehensive consideration of effects, while also specifically recognising the benefits, and operation needs, of fire station.
- 6.8 It is my conclusion that new restricted activity Rules in the Residential Zones:
- (a) enable the Commission to achieve its statutory obligations under the Fire Service Act 1975 (**FSA**);
 - (b) implement the proposed new Objective and Policies supported in my earlier evidence (and as amended by a Memorandum of Counsel for the Commission following the Chapter 3 hearing);
 - (c) have regard to (and in the future 'gives effect to') the proposed ORPS;
 - (d) manage potential adverse effects on the environment of relatively low probability, but high consequence; and
 - (e) achieve the purpose of the RMA by enabling people and community to provide for their health, safety and well-being.

7. EMERGENCY SERVICES – DEFINITION

- 7.1 In terms of the inclusion of a definition of ‘emergency service facilities’, it is my opinion that such a definition is **not essential** in the context of the proposed District Plan, including as a consequence of the changes suggested in this, and my earlier, evidence. The reason for my conclusion in this regard is because I consider that emergency services are generally, and commonly, understood to be health, police and fire related services.
- 7.2 That said, I note that the proposed ORPS includes a definition of ‘emergency services’ that directly references the Civil Defence Emergency Management Act 2002 and I consider there may be sufficient benefits in terms of consistency, clarity and ease of use of the proposed District Plan to justify the inclusion of a similar definition. It is on this basis, and as a consequence of the amendments I continue to support in the context of Chapter 3, that I support the inclusion of a definition of ‘emergency services’, as opposed to ‘emergency service facilities’.

8. INFORMAL AIRPORTS

- 8.1 As a final matter, the Commission’s submission also supports, and seeks the retention of, Rules in Chapters 7 and 8 that provide for informal airports for emergency landings, rescues and firefighting as permitted activities;³⁷. The Section 42A Hearings Reports do not recommend amendments to these provisions.
- 8.2 In my opinion, these Rules appropriately provide for firefighting and emergency response in a manner that enables the Commission to achieve its statutory obligations and its stated vision and outcomes set out in the Commission’s Statement of Intent 2014 – 2018 and better achieves the purpose of the RMA by providing for the safety of people and communities.

³⁷ Rule 7.4.2 and Rule 8.4.2.

9. CONCLUSION

- 9.1 For the reasons set out above, it is my opinion that, should the Hearings Panel accept the amendments to Chapter 3 suggested in my earlier evidence, emergency service facilities need not be distinguished in the Objectives and Policies of the Residential Zones, but that specific rules for emergency services should be included in the Residential Zone Chapters in order to have regard to (and ultimately give effect to) the proposed ORPS, enable the Commission to meet its statutory obligations and achieve the purpose of the RMA.



Ainsley Jean McLeod

30 September 2016

Attachment A: Amendments to Chapter 7 through to Chapter 11 supported in evidence

The following additions are proposed to the proposed District Plan (shown in black)

Amend Chapter 2 – Definitions to include the following:

“Emergency Services has the same meaning as defined in section 4 of the Civil Defence Emergency Management Act 2002.”

Amend the Rules in 7.4, 8.4, 9.4, 10.4 and 11.4 to include the following additional activity:

| | Activities located in the [Low Density Residential Zone/Medium Density Residential Zone/High Density Residential Zone/Arrowtown Residential Historic Management Zone/Large Lot Residential Zone] | Activity Status |
|---|---|------------------------|
| <p><u>[7.4.x/8.4.x/9.4.x/10.4.x/11.4.x]</u></p> | <p><u>Emergency service facilities</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> ● <u>vehicle manoeuvring, parking and access: safety, efficiency</u> ● <u>location, design and external appearance of buildings</u> ● <u>locational, functional and operational requirement</u> ● <u>community safety and resilience</u> ● <u>screening and landscaping</u> ● <u>privacy, sunlight access and outlook impacts on adjacent properties</u> <p><u>The Standards in [7.5/8.5/9.5/10.5/11.5] do not apply to emergency service facilities</u></p> | <p><u>RD</u></p> |