

**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
(Variation 1 - Arrowtown Design Guidelines 2016)

**STATEMENT OF EVIDENCE OF AINSLEY JEAN MCLEOD ON BEHALF
OF THE NEW ZEALAND FIRE SERVICE COMMISSION
(Submitter No. 18)**

the 28th day of October 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, on the Queenstown Lakes District Proposed District Plan (**proposed District Plan**), including Variation 1 – Arrowtown Design Guidelines 2016 (**proposed Design Guidelines**).
- 1.2 This is the fifth 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 on the proposed Design Guidelines; and
 - (b) the 'Section 42A Hearings Report', dated 12 October 2016, insofar as this report is 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.²
- 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 Variation 1. 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

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.

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

- (b) the inclusion of a suite of provisions that appropriately provide for emergency service facilities in the Rural Zone and Residential Zones, including the Arrowtown Residential Historic Management 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 submission and the Section 42A Hearings Report:

- (a) the revised Design Guidelines and Recommended Revised Provisions that accompany the Section 42A Hearing Report;
- (b) the Section 42A Hearing Report – Chapter 10 Arrowtown Residential Historic Management Zone dated 14 September 2016;
- (c) the operative Regional Policy Statement for Otago 1998 (**operative ORPS**);
- (d) proposed Regional Policy Statement for Otago 2015 (**proposed ORPS**) including the recent 'Decisions of Council' and accompanying 1 October version of the Proposed ORPS that incorporates Council decisions;
- (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;⁵
- (g) the New Zealand Fire Service Fire Station Design Guideline (February 2015);⁶ and
- (h) the New Zealand Fire Service Fire Station Design Manual version 3 (February 2016).⁷

1.7 I visited the site and surrounds of the Arrowtown Fire Station on 26 October 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 Prepared under the Crown Entities Act 2004.

⁶ Included as Attachment D to Mr McIntosh's statement of evidence dated 2 March 2016.

⁷ Included as Attachment E 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 referenced 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 – RELIEF SOUGHT

- 3.1 The Commission's submission addresses the aspects of the proposed Design Guidelines that may restrict or prevent the effective and efficient operation and development of the Arrowtown Fire Station. The submission seeks that the Arrowtown Fire Station be recognised as an essential community service by including exemptions for alterations and redevelopment in terms of:
 - (a) height and bulk of buildings and structures; and
 - (b) the configuration of parking and access.
- 3.2 No further submissions have been made in relation to the Commission's primary submission.
- 3.3 In the remainder of my evidence I provide some brief background information in relation to the Arrowtown Fire Station; summarise the Commission's submission on the proposed District Plan insofar as it relates to the Arrowtown Residential Historic Management Zone; and specifically address the relief sought in the Commission's

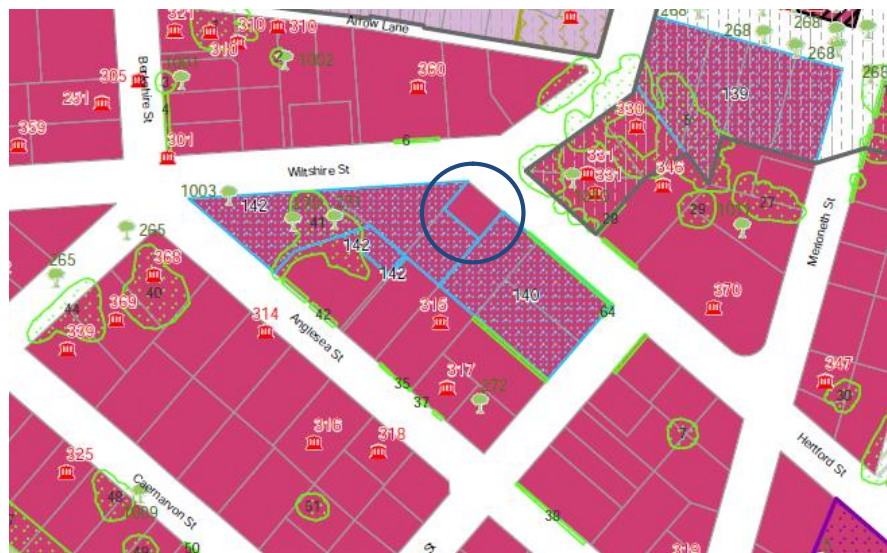
submissions. The specific amendments I support in my evidence are set out in the body of my evidence and presented in **Attachment A**.

- 3.4 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**). 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. **ARROWTOWN FIRE STATION - BACKGROUND**

- 4.1 The Arrowtown Fire Station is located at 2 Hertford Street. A fire station has been located at this site since 1897.⁸ The site is zoned Arrowtown Residential Historic Management Zone (**ARHMZ**) in the Proposed District Plan and is surrounded on three sides by land that is designated for the purpose of 'Recreation Reserve'. The Council is the requiring authority for this designation.

Proposed District Plan Map 28 – Arrowtown (site shown in blue circle)



- 4.2 The Arrowtown Fire Station is also located in Neighbourhood 4 - Central Terrace (Wiltshire Street to Stafford Ridge) as shown on the following Plan:

⁸ <http://www.fire.org.nz/About-Us/All-Regions/Region-5/Pages/Arrowtown-Volunteer-Fire-Brigade.html>

Neighbourhood 4 – Central Terrace (Plan 8) (site shown in blue circle)⁹



- 4.3 The Arrowtown Fire Station building covers the majority of the subject site and is a single storey building that includes 2 bays to accommodate fire appliances along with ancillary offices and training spaces. A Council car parking area is located to the immediate north west of the site and a community swimming pool is immediately to the south and south west. There is a narrow hardstand area at the front of the building that provides for fire appliance entry to, and exit from, the building. The fire station is shown in the following photographs.¹⁰

Photo 1: Arrowtown Fire Station (from Hertford Street looking north west towards Wiltshire Street)



⁹ Proposed Design Guidelines, page 27.

¹⁰ Taken on 26 October 2016.

Photo 2: Arrowtown Fire Station (from Wiltshire Street looking south)



- 4.1 The Commission has a national goal for all fire stations to meet an agreed national standard for seismic resilience,¹¹ being a minimum standard of greater than 67% of the new building standard for a Building Importance Level 4.¹² It is my understanding that, in order to achieve this, the Arrowtown Fire Station will require substantial upgrading or redevelopment in coming years. Such redevelopment will need to achieve the functional requirements of an operational fire station, described in the earlier evidence of Mr McIntosh, such as office/accommodation areas, height and length for fire appliance parking, setback from road frontages, staff parking, crossing width; hardstand areas and hose drying towers (in some circumstances).

5. PLANNING CONSIDERATION

- 5.1 As set out earlier, the Commission's submission seeks that the Arrowtown Fire Station be recognised as an essential community service through the inclusion of exemptions in the proposed Design Guidelines to provide for the functional and operational requirements of the New Zealand Fire Service in any redevelopment of the fire station.
- 5.2 The Section 42A Hearing Report recommendation is as follows:

¹¹ Set out in the New Zealand Fire Service Commission's Statement of Intent 2012 – 2015.

¹² Clause A3 New Zealand Building Code, Building Regulations 1992, Schedule 1.

“12.26 Ms Rachel Law, the section 42A reporting officer to Chapter 10, addresses the New Zealand Fire Service submission to Chapter 10 (Arrowsmith Residential Historic Management Zone) as follows:

9.1 The New Zealand Fire Service (NZFS (438)) have submitted in relation to notified Rules 10.5.1: Building Height, 10.5.3: Building Coverage, and 10.5.4: Combined Building Coverage and Hard Surfacing, in particular seeking exemptions from these standards for fire station drying towers (height) and for fire station buildings (coverage). Whilst I acknowledge that community services such as the fire service have special requirements to enable their establishment and operation within the ARHMZ, being located within the ARHMZ requires a balance between these requirements and the potential effects upon the residential amenity and historic values of the surrounding area.

9.2 I consider that community activities should be subject to the same built form controls as other development within the ARHMZ so that the potential effects of any non-compliances can be assessed. Notified objective 10.2.3 and its associated policy seek to 'provide' or 'enable' the establishment of community activities where impacts can be avoided and where a development is compatible with its context. Thus, NZFS could apply for a drying tower that is designed in a manner that is sympathetic to the heritage values that the ARHMZ maintains, such as potentially limiting the size or using materials that would be compatible with those used traditionally in the ARHMZ. As such, I recommend no changes to the abovementioned provisions on this basis.

12.27. I agree with the conclusion reached by Ms Law and note that any future development involving alterations and additions to the existing Arrowsmith Fire Station should be considered through a resource consent process, which will require consideration of the ADG 2016. For this reason, I reject the relief sought by the New Zealand Fire Service under primary submission points 18.1 to 18.5.”

5.3 I agree with the Section 42A Hearing Report to the extent that I am also of the view that any substantial redevelopment of the Arrowsmith Fire Station should be considered through a resource consent process.¹³ However, setting aside the new rule in Chapter 10 supported in my earlier evidence, the unavoidable outcome of the Section 42A Hearing Reports recommendation on Chapter 10 and the proposed Design Guidelines is that any redevelopment of the Arrowsmith Fire Station would 'default' to non-complying activity

¹³ In my earlier evidence I concluded that a specific rule that provides for emergency service facilities as a restricted discretionary activity (including exemptions from the standards) in the ARHMZ is the most appropriate way to implement the relevant Objectives of the proposed District Plan; ultimately giving effect to the Proposed ORPS and achieving the purpose of the RMA.

status because such redevelopment would be highly unlikely to meet Standards 10.5.1, 10.5.3 and 10.5.4.

- 5.4 As a consequence any application for resource consent for the redevelopment of the Arrowtown Fire Station would be subject to the 'gateway test' in section 104D of the RMA and, should any adverse effects be considered more than minor, tested against the Objectives and Policies of the proposed District Plan, including Policy 10.2.1.2 that requires buildings to be designed and located in a manner that is consistent with the outcomes sought by the proposed Design Guidelines.
- 5.5 Having regard to the Fire Station Design Guideline and Fire Station Design Manual, I consider that the proposed Design Guidelines are incompatible with the functional and operational requirements of a fire station (for instance, in relation to garaging and hardstand areas; and building scale and form) such that it is a real possibility that an application for non-complying resource consent for a fire station redevelopment in the ARHMZ would be declined.
- 5.6 In my opinion, this 'non-complying activity' scenario:
- (a) is inconsistent with the proposed new Chapter 3 Objective and Policies sought by the Commission in relation to Chapter 3;¹⁴
 - (b) does not appropriately implement Objective 3.2.6.3 and Objective 10.2.3 (and accompanying Policies);¹⁵ and
 - (c) does not ultimately give effect to the 'enabling' and 'protecting' direction given in renumbered Policies 4.1.7 and 4.1.13 of the proposed ORPS that state the following:

"Policy 4.1.7 Reducing existing natural hazard risk

Reduce existing natural hazard risk to people and communities, including by all of the following: ...

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

"Policy 4.1.13 Hazard mitigation measures, lifeline utilities, and essential and emergency services

¹⁴ Memorandum of Counsel regarding revised relief New Zealand Fire Service Commission Strategic Direction, 24 March 2016.

¹⁵ As included in Council's Right of Reply dated 7 April 2016.

Protect the functional and operational requirements of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by all of the following: ...”¹⁶

- 5.7 I continue to hold the view that a new restricted discretionary activity Rule in Chapter 10 that is specific to emergency services is the most appropriate approach to ultimately giving effect to the proposed ORPS and implementing the relevant Objectives and Policies by enabling a case-by-case consideration of potential adverse effects without the additional, and unnecessary, regulation and risk imposed by a ‘non-complying activity status. As I have stated in my earlier evidence, the potential adverse effects of fire stations are predictable such that they can be appropriately managed through matters over which the Council restricts the exercise of its discretion. In my opinion, such an approach enables a comprehensive consideration of effects, while also specifically recognising the benefits, and operational needs, of the fire station.¹⁷
- 5.8 That said, I support further amendment to the Chapter 10 restricted discretionary activity rule set out in my earlier evidence through the addition of a further matter over which the Council restricts the exercise of its discretion, in conjunction with amendments to the proposed Design Guidelines, to:
- (a) better implement Objective 10.2.1 (and accompanying Policies);
 - (b) ultimately give effect to renumbered Policy 5.2.3 of the proposed ORPS; and
 - (c) protect the heritage character of Arrowtown from inappropriate development of the Arrowtown Fire Station.
- 5.9 The amendments I support are set out in Appendix A.


6. CONCLUSION

- 6.1 I continue to support a new restricted activity Rule for emergency services in the ARHMZ for the reasons set out in my earlier

¹⁶ Proposed ORPS Incorporating Council Decisions, 1 October 2016. I give substantial weight to these policies on the basis that no submissions have sought to significantly amend or ‘dilute’ their content and given that decisions have been made on submissions on the proposed ORPS.

¹⁷ A McLeod, statement of evidence, 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, dated 30 September 2016, paragraph 6.6.

evidence.¹⁸ I also support further amendment to this rule to make specific reference to the proposed Design Guidelines alongside amendment to these Guidelines to acknowledge the functional and operational needs of the New Zealand Fire Service. It is my conclusion that such amendments ultimately give effect to the proposed ORPS, enable the Commission to meet its statutory obligations and achieve the purpose of the RMA.

A handwritten signature in blue ink, appearing to read 'Ainsley Jean McLeod', with a stylized, flowing script.

Ainsley Jean McLeod

28 October 2016

¹⁸ A McLeod, statement of evidence, 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, dated 30 September 2016, paragraph 6.8.

Attachment A: Amendments to Chapter 10 and the Proposed Design Guidelines

The following additions are proposed to the proposed District Plan (amendments supported in earlier evidence shown in black, further amendments supported in this evidence shown in blue)

Amend the Rule 10.4 to include the following additional activity:

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity Status
<u>10.4.x</u>	<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 requirements</u>● <u>community safety and resilience</u>● <u>screening and landscaping</u>● <u>privacy, sunlight access and outlook impacts on adjacent properties</u>● <u>consideration of these matters shall be guided by the Arrowtown Design Guidelines 2016.</u> <p><u>The Standards in 10.5 do not apply to emergency service facilities</u></p>	<u>RD</u>

The following additions are proposed to the proposed Design Guidelines (shown in blue)

Include the following additional paragraph in 4.6 Existing Buildings and New Construction

“A fire station has been located at its Hertford Street site, in the ARHMZ, since 1897. While any redevelopment of the existing fire station should not detract from the character of the ARHMZ, it is recognised that the operational and functional requirements of a fire station may constrain the ability to achieve all of the following design outcomes.”

Amend 4.7.3 Guidelines: Building Composition (Larger Footprints) to include the following additional clause:

“(x) Redevelopment of the fire station in Hertford Street may require some variation in scale and form in order to accommodate the operational and functional requirements of a fire station.”

Amend 4.14.1 Guidelines: Parking, Driveways and Garages to include the following additional clause:

“4.14.1.x The need to accommodate fire appliances, and their safe and efficient operation, necessitates garaging, hardstand areas and a wide vehicle crossing at the fire station site in Hertford Street.”

Amend 4.29.1.1 Guidelines: Possible Variations to including the following additional clause:

“x) Departure from these design guidelines are appropriate to accommodate any redevelopment of the fire station in Hertford Street, where such departures are demonstrated to be necessary in order to accommodate the operational and functional requirements of a fire station.”