

**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 15 (COMMERCIAL) AND PROPOSAL 16 (INDUSTRIAL)

Planning (matters relating to the New Zealand Fire Service)

Dated the 24th day of April 2015

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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 fourth 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 my second and third briefs of evidence were in relation to the Residential Proposal¹. I continue to hold the views I expressed in my earlier evidence and, to avoid repetition, I will adopt that evidence for the purposes of this fourth statement of evidence.
- 1.3 A summary of my qualifications, my relevant past experience, and my involvement in the Replacement Plan process on behalf of the Commission is provided in my first statement of evidence.
- 1.4 My evidence builds on the evidence I have previously given and specifically addresses planning matters on behalf of the Commission in respect of Proposal 15 (Commercial) and Proposal 16 (Industrial) of the Replacement Plan.
- 1.5 In the context of Proposals 15 and 16, I have had a number of meetings and discussions with Christchurch City Council (“**Council**”) to discuss how the Replacement Plan may address the Commission’s operational and property needs. I have also attended mediation on behalf of the Commission on the following issues:
 - (a) Infrastructure in Commercial and Industrial zones (Thursday 16 April).
 - (b) Types of activities in Commercial zones (Monday 20 April).

¹ My statement of evidence for the Residential hearing dated 20 March 2015 and 25 March 2015 can be accessed at <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential/> under the headings ‘*Submitter evidence*’ and ‘*Rebuttal evidence (Submitter)*’.

At the time of filing, my statement of evidence for the Strategic Directions hearing dated 25 November 2014 cannot be accessed on the website, but I understand it will be made available shortly at <http://www.chchplan.ihp.govt.nz/hearing/chapter-3-strategic-directions-and-strategic-outcomes/>.

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.
- 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 addresses the elements of Part C of the Crown's submission that are of particular interest to the Commission as they relate to Proposals 15 and 16. My evidence:
- (a) summarises the Commission's particular interests in Proposals 15 and 16 of the Replacement Plan; and
 - (b) considers these matters in relation to Council's evidence and the revised versions of Proposals 15 and 16 dated 8 April 2015.
- 3.2 In this regard, my evidence is focussed on the provision for firefighting water supply, and associated access, along with the provision for fire stations in Proposals 15 and 16.
- 3.3 Throughout my evidence I refer to the Commission's position in relation to the particular provisions of the Replacement Plan. This should be understood to be within the context of the Crown's submission.
- 3.4 For the purposes of my evidence I rely upon the evidence of **Mr Alan Merry** for the Crown in respect of Proposals 3 and 14². This evidence details the Commission's role, responsibilities and interests in the Replacement Plan.

² Mr Merry's statement of evidence dated 20 March 2015 for the Residential hearing can be accessed at <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential/> under the headings 'Submitter evidence'. At the time of filing, Mr Merry's statement of evidence for the Strategic Directions hearing dated 25 November 2014 cannot be accessed on the website, but I understand it will be made available shortly at <http://www.chchplan.ihp.govt.nz/hearing/chapter-3-strategic-directions-and-strategic-outcomes/>.

- 3.5 I have read the evidence of **Ms Jane Whyte** (also for the Crown) including **Attachment JW1** to her evidence that details her recommended amendments. I have also read the evidence of **Mr Mark Stevenson**, filed by the Council on 13 April 2015, and the Council's revised versions of Proposal 15 and 16 insofar as they relate to the Commission's interests.
- 3.6 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. In this regard, the Crown's submission seeks the inclusion of appropriate provisions in Proposals 15 and 16 to enable emergency service facilities, firefighting water supply and fire appliance access.
- 4.2 My evidence addresses the outcomes sought by the Crown, and of interest to the Commission, including the specific relief sought by the Crown in relation to Council's revised versions of Proposals 15 and 16.
- 4.3 My evidence concludes that the Council's revised versions of Proposals 15 and 16 appropriately address the outcomes sought by the Commission and confirms my support for the revised versions, insofar as they relate to the Commission's interests. I support the approach taken by Council in the revised versions as they better achieve the purpose of the Resource Management Act 1991 ("**RMA**") 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**").

5. THE COMMISSION'S PARTICULAR INTERESTS IN PROPOSALS 15 & 16

- 5.1 The Commission's responsibility for providing an efficient and effective emergency service, including the promotion of fire safety, as provided by the Fire Service Act 1975 ("**FSA**"), underpins its participation in the Replacement Plan process. To meet these responsibilities the Commission seeks that the Replacement Plan includes appropriate objectives, policies and rules that provide for fire stations and firefighter training facilities, water supply for

firefighting purposes and adequate access for fire appliances to enable an effective emergency response³.

5.2 In the context of Proposals 15 and 16, and in order to meet the Commission's responsibilities, the Crown's submission seeks:

- (a) the retention of the permitted activity rules that provide for community facilities (and therefore emergency service facilities⁴) in Commercial zones subject to amendments to the activity specific standards (where these apply) to provide an exemption from these standards for emergency service facilities;
- (b) the deletion of the "overlapping" discretionary activity rules for emergency service facilities in Commercial zones;
- (c) amendment to the Building Setback from Road Boundaries/Street Scene" Built Form Standards in Proposal 15 to provide an exemption from the requirement to build up to the boundary for emergency service facilities;
- (d) amendment to the Landscaping and Trees Commercial Retail Park Zone Built Form Standard to provide an exemption from the requirement to provide landscaping along road frontages for emergency services;
- (e) minor amendments to Policies 4 and 8 in Proposal 16 to clarify the provision of emergency services and their functional requirements;
- (f) the retention of permitted activity status for emergency service facilities in the majority of Industrial zones and an amendment to the Proposal 16 rules to similarly provide for emergency service facilities in the Industrial Office Zone as permitted activities;
- (g) amendment to the Landscaped Areas Built Form Standards in Proposal 16 to provide an exemption from the requirement to provide landscaping along road frontages for emergency service facilities;
- (h) the inclusion of further Built Form Standards that require the provision of a firefighting water supply, and access to it, across all Commercial and Industrial zones; and

³ Mr Merry's evidence (footnote 2) which details the role of the Commission and the New Zealand Fire Service.

⁴ In the case of the Commercial Retail Park Zone emergency service facilities are specifically provided for.

- (i) the inclusion of “default” restricted discretionary activity rules, and an associated Matter for Discretion, where the firefighting water supply Built Form Standards are not met.
- 5.3 The relief sought in the Crown submission is similar to that sought in relation to Proposal 14 (Residential) and as such, is also addressed in my statements of evidence given in regard to Proposal 14.
- 5.4 I am not aware of any submissions or further submissions that oppose the relief sought and I note that the Order of St John⁵ has made a submission seeking similar outcomes.
- 5.5 For completeness I also record that the issue of firefighting water supply in relation to the Commercial Core Zone in North Halswell was traversed at the infrastructure expert witness conferencing on 2 April 2015. At this conferencing the parties agreed that it is expected that the requirements can be met through the design of water supply upgrades in the area.
- 5.6 In the remainder of my evidence I address the relief sought by the Crown specifically in relation to Mr Stevenson’s evidence and the Council’s revised versions of Proposal 15 and 16.

6. COUNCIL’S REVISED VERSION OF PROPOSALS 15 AND 16

- 6.1 I have reviewed the Council’s revised versions of Proposal 15 and 16 against the relief sought by the Crown that is of particular interest to the Commission⁶. The Council’s revised versions achieve the relief sought by the Commission as described in paragraph 5.2 above.
- 6.2 In regard to the provisions for fire stations, the Council’s revised versions include specific permitted activity rules for emergency service facilities in all Commercial and Industrial zones, along with limited exemptions from built form standards that may inhibit the development of such stations.
- 6.3 It is my understanding that there are currently three existing fire stations located in the Commercial and Industrial zones⁷ and one new fire station is proposed in an Industrial zone. The number of fire stations in Commercial and Industrial 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.

⁵ Submission of Order of St John, South Island Regional Trust Board, 8 October 2014 (Submitter Ref: 785)

⁶ As summarised in paragraph 5.2 above and as detailed in the Crown’s submission.

⁷ Notified version of the Planning Maps.

- 6.4 I have noted in earlier evidence 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.
- 6.5 This approach would provide for (as a permitted activity) the repair and redevelopment of fire stations on existing sites, but does not provide for new fire stations on new sites in the Industrial and Commercial zones. As such, the scheduling approach would not provide for the redevelopment of the Commission’s facilities following the earthquakes as previously described by Mr Merry. Further, it is not possible to schedule the new sites because the Commission has not confirmed nor acquired the specific sites. On this basis, I consider it appropriate for the zone-based rules to provide for fire stations.
- 6.6 Mr Stevenson⁸ considers that enabling emergency services is consistent with, and the most appropriate method to achieve Objective 3.3.13 in the Strategic Directions decision. I agree with his opinion and support these provisions being included in the revised versions of Proposals 15 and 16 for the following reasons:
- (a) Emergency services must be strategically located within and throughout communities to maximise their coverage and minimise their 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 way⁹. As a result the potential for adverse effects associated with fire, and other hazards, may be avoided or mitigated.
 - (b) Any adverse effects of such facilities can be appropriately managed by the amended Built Form Standards that are appropriate for each of the zones.
 - (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.
 - (d) The amended provisions better achieve the Objectives in the Strategic Directions decision by enabling recovery and meeting community needs (Objective 3.3.1) and by providing for

⁸ Evidence of Mr Stevenson dated 13 April 2015, Paragraphs 8.8 and 8.9.

⁹ Enabling the Commission to achieve its responsibilities under the FSA.

“comprehensive emergency services throughout the city” (Objective 3.3.13).

- (e) The amended provisions provide a consistent, and city-wide, approach that achieves the purpose of the RMA by enabling people and communities to provide for their health, safety and wellbeing.

6.7 In terms of the provision for firefighting water supply, and access to it, the Council’s revised versions introduce Built Form Standards that require water supply for fire fighting in accordance with the New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) (“**Code of Practice**”) across all zones.

6.8 I have noted that there are minor differences in the notification clause that applies to the water supply for fire fighting in the Built Form Standards across the various zones in both Proposals. Further, this notification clause is not included in the Built Form Standard in the Commercial Mixed Use Zone (Rule 15.7.3.8). This matter was discussed with Mr Stevenson at the infrastructure mediation, and it was agreed that the same clause should apply to the Built Form Standards throughout Proposals 15 and 16 in a manner that is also consistent with Proposal 14. On this basis I suggest the following:

“Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.”

6.9 Mr Stevenson considers that the additional standards are “consistent with Objective 3.3.13 of the Strategic Directions chapter and Chapter 6 as decided by the Hearings Panel”¹⁰ and supportive of emergency services. I agree with his opinion and support the fire fighting water supply Built Form Standards, and associated “default” provisions, included in the revised versions of Proposals 15 and 16 for the following reasons:

- (a) The importance of firefighting 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.

¹⁰ Evidence of Mr Stevenson dated 13 April 2015, paragraph 10.14.

- (c) The provision of firefighting water supply, and access for fire appliances, is embedded in a New Zealand Standard (the New Zealand Firefighting Water Supplies Code of Practice).
- (d) It is relatively common practice for district plans to address water supply for firefighting¹¹.
- (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 decision¹².
- (g) The provisions achieve the purpose of the RMA by providing for the health, safety and wellbeing of people and communities.

6.10 I also acknowledge that the approach taken to the matters of interest to the Commission in the revised versions of Proposals 15 and 16 is consistent with the Council's approach in relation to Proposal 14 (reflected in the 26 March version of Proposal 14).

6.11 As a final matter I note that the Council's revised version includes the consolidation of rules that apply across "sub-zones". I support this approach and consider that it better achieves the Statement of Expectations in Schedule 4 to the Canterbury Earthquake (Christchurch Replacement Plan) Order 2014 by improving the conciseness, clarity and ease of use of Proposals 15 and 16.

7. CONCLUSION

7.1 The Crown's submission, insofar as it relates to the Commission's interests, seeks the inclusion of appropriate provisions in Proposals 15 and 16 to enable emergency service facilities, firefighting water supply and fire appliance access.

7.2 In my opinion the Council's revised versions of Proposals 15 and 16 appropriately address the outcomes sought by the Commission and as such

¹¹ The records maintained by Beca in relation to the way in which the Commission's interests are addressed in district plans across New Zealand indicate 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.

¹² The Strategic Directions decision at paragraphs 287 and 288.

achieve the purpose of the RMA and implement Objective 3.3.13 of the Strategic Directions decision.

A handwritten signature in blue ink, appearing to read 'Ainsley Jean McLeod', with a long horizontal flourish extending to the right.

Ainsley Jean McLeod

24 April 2015

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

- (a) Canterbury Regional Policy Statement 2013;
- (b) NZS PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008);
- (c) New Zealand Fire Service Commission Strategic Plan 2012-2017;
- (d) The submission of the Order of St John, South Island Regional Trust Board (submitter number 875);
- (e) The Section 32 Evaluation;
- (f) The Statement of Expectations included in Schedule 4 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014;
- (g) The Expert Conferencing Statement (Infrastructure) dated 2 April 2015; and
- (h) Independent Hearings Panel Christchurch Replacement District Plan - Decision 1 Strategic Directions and Strategic Outcomes (and Relevant Definitions).