

**Before the Proposed Urban and Services Plan Changes for Whangarei  
District Council Hearings Panel**

**Under** the Resource Management Act 1991 (**RMA**)

**In the matter of** Plan Change 82 B, 88 A, 88B, 88D, 88E, 88G, 88H,  
88I, 109, 115, 136, 143, 148: Whangarei District Plan  
Changes: Urban and Services

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**Statement of evidence of Perri Nicole Unthank on behalf of Fire and  
Emergency New Zealand (submitter 165, X340)**

**Date:** 7 November 2019

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## Qualifications and experience

- 1 My full name is Perri Nicole Unthank. I am a Planner and hold the position of Senior Planner at Beca Limited (**Beca**).
- 2 I hold a Bachelor of Planning (honours) from the University of Auckland obtained in 2009. I am a full member of the New Zealand Planning Institute.
- 3 I have 10 years' experience in planning practice, during which time I have undertaken a broad range of both consenting and policy planning work including providing advice in relation to the preparation of plan changes. I have also prepared numerous applications for resource consents and notices of requirements for designations.
- 4 Beca has a longstanding contract with Fire and Emergency New Zealand (Fire and Emergency), formerly the New Zealand Fire Service Commission, to review and respond to all notified plans, plan changes, resource consents and engineering codes of practice that may impact on Fire and Emergency's properties and operations across New Zealand. I have been involved in the delivery of planning advice given under this contract since 2010 and, as such, am familiar with Fire and Emergency's role and responsibilities along with the way in which plans provide for the organisation's particular operational needs.
- 5 I was involved with the preparation of the submission and further submission on the Whangārei District Council ('**WDC**') Proposed Urban and Services Plan Change package ('**Proposed Plan Change**').
- 6 In preparing my evidence, I have reviewed the following documents to the extent that they relate to the relief sought by Fire and Emergency and refer to them where relevant:
  - Resource Management Act 1991 (RMA);

- Section 42A report (Parts 1-12) by WDC;
- Whangārei District Council Errata Report (Part 3, 5 and 8);
- Fire and Emergency New Zealand Act 2017 (FENZ Act);
- Fire and Emergency New Zealand's Statement of Intent 2017 - 2021;<sup>1</sup>
- Fire and Emergency Statement of Performance Expectations 2019-2020;
- the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (**Code of Practice**);
- New Zealand Fire Service, 'Emergency Vehicle Access Guidelines', dated May 2015; and
- Section 32 Reports.

### **Code of conduct**

7 While I am conscious that this is a first instance hearing before the Council, I confirm that I have read and am familiar with the code of conduct for expert witnesses in the Environment Court Practice Note 2014. I give my evidence in compliance with this code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might also detract from the opinions I express.

### **Scope of Evidence**

8 My evidence addresses:

8.1 the statutory role and responsibilities of Fire and Emergency where relevant in an RMA context and,

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<sup>1</sup> Prepared under the Crown Entities Act 2004

therefore Fire and Emergency's interests in the Proposed Plan Change;

8.2 Fire and Emergency's submission on the Proposed Plan Change; and

8.3 the recommendations included in the Section 42A Hearings Report that are relevant to the relief sought in Fire and Emergency's submission.

9 I have referred to and used as a basis for my evidence:

9.1 Discussions with Mr Brad Mosby, Whangārei-Kaipara Area Commander for Fire and Emergency. Mr Mosby is preparing a statement of evidence on technical Fire and Emergency matters which will be available to the Hearings Panel prior to the hearing. Mr Mosby will also attend the hearing to answer any queries.

### **Background and Statutory considerations**

10 Fire and Emergency was continued by the Fire and Emergency New Zealand Act ('**FENZ Act**') on 1 July 2017. The FENZ Act, among other matters, created a unified fire services organisation for New Zealand. Some organisations continue to provide independent fire response capability, such as industry brigades (which are privately established to protect specific premises, usually used for industrial or forestry purposes) and defence fire brigades (which generally operate in defence areas).

11 The FENZ Act sets out Fire and Emergency's objectives, functions and powers. Section 10 establishes its principal objectives and section 11 recognises the broader services of Fire and Emergency by outlining its main functions, as follows:

#### **"10 FENZ's principal objectives**

The principal objectives of FENZ are—

- (a) to reduce the incidence of unwanted fire and the associated risk to life and property;
- (b) in relation to the main functions of FENZ under section 11 and the additional functions of FENZ under section 12, —
  - (i) to protect and preserve life; and
  - (ii) to prevent or limit injury; and
  - (iii) to prevent or limit damage to property and land; and
  - (iv) to prevent or limit damage to the environment.

### **11 Main functions of Fire and Emergency**

- (1) Fire and Emergency must carry out the main functions specified in subsection (2).
- (2) The main functions are—
  - (a) to promote fire safety, including providing guidance on the safe use of fire as a land management tool; and
  - (b) to provide fire prevention, response, and suppression services; and
  - (c) to stabilise or render safe incidents that involve hazardous substances; and
  - (d) to provide for the safety of persons and property endangered by incidents involving hazardous substances; and
  - (e) to rescue persons who are trapped as a result of transport accidents or other incidents; and
  - (f) to provide urban search and rescue services; and
  - (g) to efficiently administer this Act.
- (3) Fire and Emergency must also—
  - (a) perform and exercise the functions, duties, and powers conferred or imposed on Fire and Emergency as a main function by or under this Act and any other enactment; and
  - (b) perform any other functions conferred on Fire and Emergency as a main function by the Minister in accordance with section 112 of the Crown Entities Act 2004.
- (4) Subsection (3)(a) is subject to section 12.”

12 Fire and Emergency’s additional functions are set out in section 12 and include:

- 12.1 responding to medical emergencies;
- 12.2 responding to maritime incidents;
- 12.3 performing rescues;
- 12.4 providing assistance at transport accidents;
- 12.5 responding to severe weather related events, natural hazard events and disasters;

- 12.6 responding to incidents in which a substance presents a risk to people, property or the environment;
  - 12.7 promoting safety in hazardous substances management; and
  - 12.8 responding to other situations where Fire and Emergency has the capability to assist.
- 13 Fire and Emergency will assist with these additional functions, to the extent that it has the capability and capacity to do so, without prejudicing its ability to perform its main functions efficiently and effectively.
- 14 To fulfil its statutory objectives and also community expectations, Fire and Emergency requires, amongst other matters, the ability to efficiently and effectively respond to emergencies.
- 15 Fire and Emergency's interest in the Proposed Plan Change is underpinned by its statutory objectives and functions and the need to provide for:
- 15.1 The ability to undertake training activities for firefighters, including live fire training and equipment training.
  - 15.2 The ability to establish fire stations throughout the district to respond to population growth and development and to enable efficient responses to emergencies.
  - 15.3 The ability to arrive quickly at emergencies and to effectively fight fires.
- 16 In the remainder of my evidence I specifically address the relief sought in Fire and Emergency's submission.
- 17 In this regard, the evaluation included in my evidence is made in the context of the statutory framework for decisions on the Proposed Plan Change set out in the RMA.
- 18 I acknowledge that the Hearing Panel is required to undertake a re-evaluation of changes to the proposal under Section 32AA of

the RMA and I therefore address the relevant matters in Section 32(1)-(4) where appropriate to do so.

### **The Fire and Emergency Submission**

19 In seeking to meet its statutory obligations, Fire and Emergency made a comprehensive submission across various sections of the Proposed Plan Change in support of, or seeking amendments to, existing provisions and seeking additional provisions.

20 I have reviewed Council's Section 42A reports on these matters and confirm support and/or agreement to the changes proposed by Council in the Section 42A report, in so far as they relate to the Fire and Emergency submission, for the following:

20.1 Part 1

20.1.1 Definition group for 'Community activities' (Sub 165/2)

20.1.2 Definition of 'Emergency services' (Sub 165/3)

20.1.3 The objectives and policies for Hazardous Substances are retained (Sub 165/81, 165/82)

20.2 Part 2

20.2.1 Objective SUB-O4 Infrastructure (Sub 165/79)

20.2.2 Policy SUB-P5 Infrastructure (Sub 165/80)

20.3 Part 3

20.3.1 Objectives MU-O1, MU-O2 (Sub 165/11)

20.3.2 New MU Objective (Sub 165/12)

20.3.3 New MU Policy (Sub 165/13)

- 20.3.4 Policy MU-P2 (Sub 165/14)
- 20.3.5 Policy MU-P3 (Sub 165/15)
- 20.3.6 Rule MU-R6.4 Building frontages (Sub 165/18)
- 20.3.7 Rule MU-R18 Emergency services (Sub 165/17)
- 20.3.8 Rule MU-R20 New vehicle crossing (Sub 165/18(2))
- 20.3.9 Rule COM-R5.2 Building Frontages (Sub 165/21)
- 20.3.10 Rule COM-R27 Emergency services (Sub 165/23)
- 20.4 Part 4
  - 20.4.1 Objective LC-O1 Range of activities (Sub165/24)
  - 20.4.2 Rule LC-R3 Building setbacks (Sub 165/27)
  - 20.4.3 Rule LC-R6 Building frontages (Sub 165/28)
  - 20.4.4 Rule LC-R7 Verandahs (Sub 165/29)
  - 20.4.5 Rule LC-R26 New vehicle crossing (Sub 165/32)
  - 20.4.6 Objective NC-O1 Range of activities (Sub 165/33)
  - 20.4.7 Rule NC-R10 Verandahs (Sub 165/38)

- 20.5 Part 5
  - 20.5.1 Policy LI-P3 Non-industrial activities (Sub 165/41)
  - 20.5.2 Rule LI-R21 Emergency service (Sub165/43)
  - 20.5.3 Rule HI-R17 Emergency service (Sub 165/46)
  
- 20.6 Part 6
  - 20.6.1 Objective LDR-O5 Non-residential activities (Sub 165/47)
  - 20.6.2 Policy LDR-P9 Non-residential activities (Sub 165/48)
  - 20.6.3 Objective MDR-O4 Non-residential activities (Sub 165/50)
  - 20.6.4 Policy MDR-P9 Non-residential activities (Sub 165/51)
  - 20.6.5 Rule MDR-R3 Building setbacks (Sub 165/52)
  - 20.6.6 Objective HDR-O4 Non-residential activities (Sub 165/54)
  - 20.6.7 Policy HDR-P9 Non-residential activities (Sub 165/55)
  - 20.6.8 Rule HDR-R3 Building setbacks (Sub 165/56)
  - 20.6.9 Objective RES-O3 Non-residential activities (Sub 165/58)

- 20.6.10 Policy RES-P2 Non-residential activities (Sub 165/59)
- 20.6.11 Rule RES-R27 Notification (Sub 165/61)
- 20.7 Part 7
  - 20.7.1 Rule SPA-R4 Community activities (Sub 165/78)
- 20.8 Part 9
  - 20.8.1 Objective TRA-O4 Safety and efficiency (Sub 165/64)
  - 20.8.2 Rule TRA-R8 Crossings, access and parking areas (Sub 165/67)
  - 20.8.3 Rule TRA-R10 Road boundary landscaping (Sub 165/69)
  - 20.8.4 Objectives TWM-O1 and TWM-O2 Reticulated networks (Sub 1765/72)
  - 20.8.5 Policies TWM-P1, TWM-P2, TWM-P3, TWM-P4, TWM-P6 (Sub 165/74)
  - 20.8.6 Rule TWM-R5 Subdivision (Sub 165/75)
  - 20.8.7 TWM-REQ2 Information requirement (Sub 165/76)
  - 20.8.8 TWM-REQ1 Information requirement (Sub 165/77)
- 20.9 Part 10

20.9.1 Objective NL-O1 Provision of lighting (Sub 165/62)

20.9.2 Rule NL-R2 Any artificial lighting (Sub 165/63)

20.10 Part 11

20.10.1 Rule OS-R21 (recommended OSZ-R21)  
Emergency Services (Sub 165/71)

21 I have reviewed Council's Section 42A reports and proposed additional amendments as outlined in detail in subsequent paragraphs. Matters that recur across various parts of the Proposed Plan Change have been grouped to avoid repetition.

### **Emergency Services Activity**

22 For Fire and Emergency, the ability to provide for both existing and future fire stations throughout the Whangārei District is critical to ensure that emergencies are dealt with efficiently and effectively. Fire and Emergency has both a Statement of Intent 2017 - 2021 and a Statement of Performance Expectations 2019-2020 that prescribe key performance measures that necessitate that Fire and Emergency has a network of fire stations suitably operated and located within a district or city. Accordingly, this is a recurring theme across several Proposed Plan Change parts as this is a key issue for Fire and Emergency.

23 The ability to be able to develop emergency service facilities within communities in all areas of Whangārei, including existing, new and future areas of urban growth, is vital to ensure a timely response to emergency call outs, and to mitigate the adverse effects of fire and other emergencies. This will provide for the safety and well-being of communities and is consistent with the Fire and Emergency Statement of Intent as summarised in its submission.

- 24 Fire stations, which are the key building facility for Fire and Emergency, are included in the definition of 'Emergency Services'. The location of fire stations is primarily driven by proximity factors to ensure a suitable distribution of stations to ensure that emergency response times fall within the Fire and Emergency Statement of Intent. For this reason, fire stations can be required in a multitude of zones.
- 25 Mr Mosby's statement will set out the formal requirements for Fire and Emergency (including response times), and the operational considerations in the location of fire stations, including the value of community fire stations. That hearing evidence also set out the key functional requirements for fire stations and the day to day activities of both career and volunteer fire stations.
- 26 Mr Mosby will also outline the fleet, car parking, and vehicle access requirements for typical fire stations which provides a further understanding of this aspect of fire station operational requirements.
- 27 Table 1 below identifies Emergency Services activity status notified by WDC and the status proposed in the Fire and Emergency submission.

**Table 1: Proposed activity status for emergency services as notified by WDC and proposed by Fire and Emergency.**

<b>Activity Status</b>	<b>WDC notified activity status for Emergency Services</b>	<b>FENZ proposed status in submission</b>
<b>Permitted</b>	Mixed Use Commercial Local Commercial Light Industrial	Mixed Use Commercial Local Commercial Light Industrial City Centre Neighbourhood Commercial Rural Living Rural (Urban Expansion)

<b>Activity Status</b>	<b>WDC notified activity status for Emergency Services</b>	<b>FENZ proposed status in submission</b>
<b>Restricted Discretionary</b>		Low Density Residential Residential Medium Density Residential High Density Residential
<b>Discretionary</b>	Heavy Industrial Medium Density Residential High Density Residential Rural Living Rural (Urban Expansion)	Heavy Industrial
<b>Non-complying</b>	Waterfront Open Space City Centre Neighbourhood Commercial Low Density Residential Residential	Waterfront Open Space

28 The WDC position<sup>2</sup> for the activity status of Emergency Services remains as it was proposed in Proposed Plan Change, as further described below.

#### Residential Zones

29 Fire and Emergency is seeking that Emergency Services be a Restricted Discretionary Activity in all Residential zones<sup>3</sup>.

30 Mr Burgoyne, on behalf of WDC, responds to these submission points in Part 6 of the Section 42A Report<sup>4</sup>. Mr Burgoyne acknowledges emergency services serve a vital function but also

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<sup>2</sup> Section 42A Hearing Report Parts 1, 3, 4, 5, 6, 7, 11

<sup>3</sup> Sub 165/49, 165/53, 165/57, 165/60,

<sup>4</sup> Paragraphs 45, 85,

states that they generate adverse effects that can negatively impact residential character. He considers residential zones should be primarily for residential activities and encourages emergency services to locate other zones where the effects are more appropriate.

31 Mr Burgoyne identifies that residential zones should remain predominantly for residential activities. Fire stations are located in strategic locations to maximise the coverage area and therefore minimise response times. Without distributing fire stations geographically in this manner Fire and Emergency will be unable to achieve the Statement of Intent response times. However, given the relative scarcity of fire stations required, a Restricted Discretionary Activity status will not result in a proliferation of emergency services or affect the predominance of residential activities in the residential zones.

32 I recognise that residential environments are more sensitive in terms of actual and potential adverse effects and am therefore satisfied that the notification tests of the RMA apply, enabling public participation when that is justified on the basis of environmental effects. A Restricted Discretionary activity status enables a site by site assessment to occur as part of the required resource consent process. From a planning perspective I consider both the Restricted Discretionary Activity status, and that the notification tests of the RMA apply to emergency services in all Residential zones, appropriate for the reasons set out in this statement.

33 Whilst there is potential for adverse effects from the establishment and operation of fire stations, the adverse effects are definable and well understood. Actual and/or perceived adverse effects from fire stations are minor and relate to visual effects, noise, illumination and transportation. The actual or potential effects can be adequately predicted and subsequently managed by standards. A Restricted Discretionary activity status enables this to occur in a robust manner to avoid, remedy and

mitigate these potential effects on nearby residential uses. It also enables consent conditions to be imposed that reflect the specific characteristics of a site and of a surrounding residential neighbourhood.

- 34 In recognition of the potential transport effects on the local road network, it is recommended fire stations in residential areas be limited to roads classified as arterial, regional or national. Unlike local or collector corridors, these transport corridors typically accommodate higher volumes of traffic (including a higher proportion of larger vehicles), have a higher ambient noise environment and have a lower anticipated amenity than a local street. As identified by Mr Mosby, fire stations are often located on prominent arterial roads in any event, as these allow for quicker travel time to emergencies, and therefore better response times.
- 35 The other potential effects can be addressed through matters of discretion for external appearance of the building, landscaping, and car parking provision. Effects such as noise are addressed in other parts of the Whangārei District Plan. As Fire and Emergency is not a Requiring Authority it is subject to the district plan zoning rules and controls for facilities that it seeks to establish and operate. As will be outlined by Mr Mosby, Fire and Emergency is conscious of meeting these requirements so that new and existing facilities are sited in their optimal locations operationally, and in keeping with the surrounding environment as much as possible. A design process is undertaken to where possible integrate fire stations into local communities.
- 36 Activities in the residential zones are subject to development controls which guide the bulk and location of buildings, along with site layout and design. In addition, noise standards apply across the Whangārei District Plan. Any fire station in a residential area would be required to comply with the development controls.

37 For the reasons set out above, I propose the following rule in place of Rules LDR-R43, MDR-R22, HDR-R23, RES-R27  
Emergency services:

*Activity Status: ~~Non-complying~~ Restricted Discretionary*

*Where:*

1. *Located on an arterial, regional or national road;*
2. *Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, exception within 5m of a road boundary where the maximum height is 1.2m.*

*Matters for Discretion:*

1. *Layout of buildings and outdoor space used for ancillary activities.*
2. *Mitigation measures to manage adverse effects on adjoining Living or Green Space Zones.*
3. *The functional and operational requirements of emergency services.*
4. *The design of vehicle parking and access.*

*Activity Status when compliance not achieved: Non-complying*

### Commercial Zones

38 Emergency services are a Non-complying activity in the Neighbourhood Commercial zone, as notified. Fire and Emergency sought a Permitted Activity status for Emergency Services in the Neighbourhood Centre zone<sup>5</sup> in recognition that fire stations must be strategically located throughout and within communities to maximise coverage and response and as the actual or potential effects of fire stations can be minor.

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<sup>5</sup> Sub 165/39

- 39 In Part 4 of the Section 42A hearing report<sup>6</sup> it is recommended emergency services retain a non-complying activity status as the zone is intended to provide for small scale retail activities that meet the day to day needs of communities and is not appropriate for emergency services.
- 40 Fire stations are located in strategic locations to maximise the coverage area and minimise response times. Fire stations provide an essential service to the community, including for residential and commercial properties (including small-scale commercial centres as characterised by the Neighbourhood Commercial zone) which can mean it's necessary to locate stations within or adjoining to those areas.
- 41 The actual or potential effects of fire stations are minor and can be adequately predicted and subsequently managed by standards. Therefore, I recommend a controlled activity<sup>7</sup> status to enable potential effects to be adequately considered, such as bulk and scale of the building, design of parking areas and landscaping and screening of outdoor areas whilst recognising the importance of emergency services to the urban operations. As outlined previously in my evidence, effects such as noise or illumination are managed through other provisions within the Plan. I recommend the following rule be inserted in place of Rule NC-R33:

*Activity Status: ~~Non-complying~~ Controlled*

*Where:*

- 1. Any individual activity is less than 1,000m<sup>2</sup> GFA per site.*

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<sup>6</sup> Paragraphs 263, 277 and 309

<sup>7</sup> I consider this more appropriate than a Restricted Discretionary activity classification in commercial zones, as the receiving environment is inherently less sensitive than in residential zones.

2. Any outdoor area associated with the activity is not located between the front of the building and the road.
3. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, exception within 5m of a road boundary where the maximum height is 1.2m.

Activity status when compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjoining Living or Green Space Zones.
2. Layout of buildings and outdoor space.
3. The functional and operational requirements of emergency services.
4. The design of vehicle parking and access.

42 A number of supporting changes to the Neighbourhood Commercial Zone development controls were recommended in the Fire and Emergency submission. I do not comment on these specifically but seek the changes be incorporated should the Hearings Panel accept the proposed change in activity status for Emergency Services in the Neighbourhood Commercial Zone.

#### Rural Zones

43 As part of consequential amendments WDC proposes to change Emergency Services in the Rural Living Zone ('**RLZ**') and Rural (Urban Expansion) Zone ('**RUEZ**') from a permitted to a Discretionary Activity. Fire and Emergency submitted in opposition to this change seeking the retention of a permitted activity<sup>8</sup>.

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<sup>8</sup> Sub 165/4

- 44 Ms McGrath and Mr Pickering on behalf of WDC respond to these submission points in Part 1 of the Section 42A Hearing Report<sup>9</sup>. They identify the change from a permitted to discretionary status for the RLZRUEZ to be consistent with other residential zones and to encourage emergency services to locate in industrial and business zones.
- 45 The RUEZ anticipates a rural residential character in advance of future intensification to residential activities and the provision of a reticulated network. As previously identified Fire and Emergency consider fire station capacity and demand in areas of growth to assess their ability to meet their response obligations in an emergency and determine locations for fire stations. This potentially includes the RUEZ and the RLZ.
- 46 For the rural zones I consider it is appropriate to include the provision of emergency services as a permitted activity. There are a number of reasons for this:
- 46.1 In my opinion the actual and potential adverse effects resulting from a fire station when it is located in a rural environment would result in less than minor effects. Fire stations in the rural area are typically small in scale and usually have only 1-2 appliance bays. These buildings would be similar to, if not smaller than, other buildings typically found in a rural environment such as farm vehicle and machinery sheds, barns / woolsheds, and milking sheds.
- 46.2 Fire stations in rural areas could be located by themselves away from other buildings, or in proximity to other rural community facilities such as halls and sports grounds. While fire stations are distinct looking to easily

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<sup>9</sup> Paragraph 114

identify their use, I do not consider that their placement in a rural environment will detract or diminish rural amenity. Communities anticipate seeing fire stations within the environment.

46.3 Most fire stations in rural areas are volunteer stations and are not permanently manned. Therefore, they are not generators of high traffic movements or other potential adverse effects such as noise.

46.4 Emergency services can provide for their on-site servicing, and this includes the management of stormwater and wastewater to avoid, remedy or mitigate adverse effects.

46.5 Fire stations in rural locations will not compromise the ability of the land to provide for rural activities and will not create reverse sensitivity effects for existing uses.

47 These zones can be near to residential areas, where I have recommended a restricted discretionary activity. The rural zones have a lower density and rural character, and generally are less sensitive to environmental effects of fire stations given the range of land uses that predominate therefore it is appropriate to provide for emergency services as a permitted activity in the RUEZ and RLZ.

### **Hours of Operation**

48 Fire and Emergency submitted on Rules COM-R8, LC-R10 and NC-R7 Hours of operation seeking that the effects of an activity, rather than the activity itself be restricted between the hours of 2200 and 0600<sup>10</sup>.

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<sup>10</sup> Sub 165/22, 165/30, 165/37

- 49 WDC considers the cross-boundary effects on sites near Residential Zones should be managed, as addressed in Part 3<sup>11</sup> and Part 4<sup>12</sup> of the Section 42A Hearing Report. In Part 3 Ms Brownie identifies that the 50m setback only applies to a portion of the commercial zone with available locations in other parts of the zone. In Part 4 Mr Cook similarly suggests there are sufficient other locations within the Local Commercial zone that a fire station could be developed. In the Neighbourhood Commercial and Local Commercial Zone, Mr Cook recommends deleting the rules but retaining the restriction through other provisions in the zones.
- 50 The proposed changes affect Rule LC-R23 which provided for emergency services as a permitted activity in the Proposed Plan Change and was supported by Fire and Emergency<sup>13</sup>. However, the proposed restriction to hours of operation effectively changes emergency services to a Discretionary Activity given the nature of fire stations and 'after hours' use.
- 51 I agree with Ms Brownie and Mr Cook that the effects of developments close to residential properties should be considered. However, neither Ms Brownie nor Mr Cook identify any specific effects they are concerned about and instead appear to make a broad generalisation.
- 52 Within the Section 32 Report it identifies that restricting the hours of operation will have '*positive outcomes for both the developing site and adjacent sites*' and '*are not considered to have significant impacts on economic growth and employment as activities can be designed to meet the rules*'.

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<sup>11</sup> Paragraph 353

<sup>12</sup> Paragraphs 186, 287

<sup>13</sup> Sub 165/31

- 53 Land zoned commercial is predominantly in a large area close to Whangārei city centre. In this area it could be possible to locate activities with night time components 50m from residential zoned land. The Local Commercial Zone is small in scale and spread throughout the urban area. These zones are predominantly a single strip of parcels on either side of a road or surrounding an intersection. The Neighbourhood Commercial Zone is smaller in scale with only a few properties clustered in each zone area. The properties surrounding both zones are almost exclusively residential.
- 54 Given the small scale of the Local Commercial and Neighbourhood Commercial zones the vast majority of sites are located within 50m of the residential zones and in some areas, there are no properties that are not within 50m of the residential land, for example at Maunu Road.
- 55 Fire and Emergency cannot control when or where emergencies arise, including outside of business hours. At both career and volunteer stations, activities may be required between 2200 and 0600 during an emergency call out. Therefore, it is not possible to design fire stations to comply with the rules by removing night time activities.
- 56 Activities that are permitted in the Local Commercial and Neighbourhood Commercial zones include residential activities, commercial and retail activities. In the Local Commercial zone entertainment facilities, recreational facilities and community facilities are also permitted. Activities permitted in the Commercial zone include industrial activities, commercial services, retail, recreational facilities, drive throughs, service stations and motor vehicle sales.
- 57 Unlike the other activities, emergency services are not open to the public but rather serve the community. Night time activities are limited to small numbers of regular staff and effects that could potentially arise from the operation of fire stations between 2200

and 0600 include noise and illumination, activities which are managed by other provisions within the Plan and that will be comparatively transient in terms of their duration. These provisions are coupled with landscaping and screening requirements adjacent to residentially zoned land.

58 For these reasons I consider it acceptable for fire stations to be located throughout the Commercial, Local Commercial and Neighbourhood Commercial zones, including within 50m of residentially zoned land. I recommend a separate rule provides for these activities and does not exclude them from being located within 50m of residentially zoned activities. In the Local Commercial and Commercial Zones this would retain the permitted activity status, subject to compliance with standards. In the Neighbourhood Commercial zone the activity status is currently non-complying however I have recommended a controlled activity in Paragraph 41.

59 In addition to the proposed changes to the rules, Fire and Emergency submitted similar changes to Policy COM-P5<sup>14</sup> to restrict activities which create adverse effects on residential areas, rather than restricting activities based on hours of operation. I support the proposed change for the reasons outlined above and to ensure a clear and concise policy framework exists to support these activities, but proposed amended wording as follows:

COM-P5

~~2. Restricting hours of operation near zone boundaries.~~  
Restricting activities that will create significant adverse effects on nearby Living Zones from night time operations.

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<sup>14</sup> Sub 165/19

## **Building Design**

### Location

- 60 As proposed, Rule COM-R3 requires a setback from road boundaries of 1m for 50% of the street frontage.
- 61 The Fire and Emergency submission sought an exclusion to this rule for emergency services, in a similar manner to that afforded service stations<sup>15</sup>.
- 62 In Part 3 of the Section 42A report<sup>16</sup>, Ms Brownie recommended these be rejected because Rule COM-R3 only requires the 1m setback for 50% of the site enabling space to accommodate fire appliances outside of the building on the other 50% of the site.
- 63 Fire appliances exiting a site in an emergency require good sightlines to enable a rapid and safe exit. If 50% of the station building is located within 1m of the site frontage this may reduce visibility and increase potential risks for a vehicle exiting the site and for other road users, including pedestrians.
- 64 Given the unique role that emergency services perform in a community and the requirement for a fast exit in emergencies, it is recommended a larger setback be permitted to improve visibility from the site, enabling a quick, safe egress from the site.

*COM-R3*

*Activity Status: Permitted*

*Where:*

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<sup>15</sup> Sub 165/20

<sup>16</sup> Paragraph 342

2. The building is for an emergency service or is within 1m of a road boundary for at least 50% of the site frontage for any front site.

## **Transport**

### Parking

- 65 Fire and Emergency submitted seeking the minimum number of carparks be limited to on duty employees only, rather than a calculation of all employees<sup>17</sup>. This is in reflection of the shift nature of fire service work. It also needs to be noted that many fire stations are not permanently manned; volunteer stations tend to only have people present during training times or when responding to an emergency.
- 66 In Part 9 of the Section 42A Hearing Report<sup>18</sup> Mr Burgoyne opposes the change and considers the distinction is not made for other activities and would present monitoring complications.
- 67 I understand from Mr Mosby of Fire and Emergency that the onsite parking demand is identified to include emergency response staff, operational management and support. The number of appliance bays and size of supporting space determines the number of staff on duty at any time. As identified, career stations are occupied 24 hours a day with multiple staff shifts with operational management and administration usually occur during standard business hours. The number of employees on site at any one time will therefore be less than the total employees at the station.
- 68 Mr Burgoyne is correct the Proposed Plan Change does not define any other parking standards by the number of 'on-duty'

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<sup>17</sup> Sub 165/65

<sup>18</sup> Paragraph 291

staff. However, I identify the following instances in TRA-Appendix 1<sup>19</sup> which requires minimum parking spaces based on employees 'on site':

Activities within the Oil Refinery Precinct	1 permanent parking space per employee on site at any time
Activities within the Port Zone	0.75 parking spaces per employee engaging in port-related activities on-site at any time
Forestry	1 per 2 employees on-site
Mineral Extraction	4 per 5 employees on-site

69 Whilst the term on-duty was proposed, I recognise the other provisions refer to 'on-site'. I consider the use of an 'on-duty' provision to be the same as 'on-site' which is an appropriate measure from a planning perspective to measure actual parking demand at an emergency service facility. I therefore request the proposed change to TRA Appendix 1 as per the Fire and Emergency submission:

*Emergency Services: 1 car park per 1 on site employee*

### Setbacks

70 The Fire and Emergency submission<sup>20</sup> seeks clarification on the relationship between TRA-R9 and zone-based rule setbacks given the apparent lack of clarity created.

71 In Part 9 of the Section 42A Hearing Report<sup>21</sup> Mr Burgoyne outlines that TRA-R9 applies in addition to the zone setbacks and that where either is not achieved, consent would be required.

72 TRA-R9 requires all buildings to be set back at least 0.5m from the strategic road protection area. TRA Appendix 4 identifies the

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<sup>19</sup> Section 42A Recommended Track Changes, dated October 2019

<sup>20</sup> Sub 165/68

<sup>21</sup> Paragraph 189

strategic road protection areas as either 2m to 5.4m from the site frontage or 11 to 12.5m from the centre of the Road. The strategic road protection area applies to properties across many zones including the City Centre Zone, Mixed Use Zone, High-Density Residential Zone, Waterfront Zone, Commercial Zone and Local Commercial Zone.

73 Setbacks in the commercial and centres zones requires buildings to be located within a set distance (i.e. a maximum) of the road boundary, including:

73.1 City Centre Zone: within 0.5m of road boundaries (CCZ-R4)

73.2 Mixed Use Zone: within 1m of road boundaries (MUZ-R4)

73.3 Commercial Zone: within 1m of road boundaries (COMZ-R3)

73.4 Local Commercial Zone: within 0.5m of the road boundary (LCZ-R3)

74 The requirement within the zones outlined above require a maximum setback from the road boundary where TRA-R9 requires a larger minimum setback. Where these sites have a strategic road protection area it is not possible to comply with both and any proposed building design would trigger the requirement for a consent.

75 The Section 32 Report indicates the strategic road protection area requires a setback to protect strategic roads for future widening. This indicates it is intended to take predominance in the rule hierarchy over the zone setback rules. However, as currently written there is no hierarchy identified within the Whangārei District Plan for the rules. Therefore, there is no certainty for

applicants or guidance to confirm the intended setback at these sites and inform an appropriate design.

- 76 In my view the simplest way to resolve this issue is to add guidance as to the intended hierarchy of these two rules and to add a permitted activity to the zone setback rules to be consistent with the strategic road protection area setbacks. This change is recommended to remove the automatic trigger for a resource consent at these sites.

### **Three Waters Management**

- 77 Fire and Emergency submitted on TWM-O4<sup>22</sup> to request private three water systems to be provided in accordance with the WDC Environmental Engineering Standards (2010) ('EES 2010').
- 78 In Part 9 of the Section 42A Hearing Report<sup>23</sup> Mr Burgoyne outlines it is not appropriate to include reference to EES 2010 as it is being reviewed and the replacement version is not proposed to be incorporated into the District Plan.
- 79 Fire and Emergency's main functions under the FENZ Act include to provide fire prevention, response, and suppression services. Fire and Emergency is seeking appropriate water supply throughout Whangārei to facilitate efficient and effective responses to fire and other emergencies which includes adequate access (vehicle and water supply) to development to ensure that fire appliances, and firefighters, are able to access and suppress fires. Specifically, Fire and Emergency seeks that provision shall be made for sufficient water supply and access to water supplies for fighting purposes consistent with the Code of Practice.

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<sup>22</sup> Sub 165/73

<sup>23</sup> Paragraph 399

80 The EES 2010 requires reticulated networks to be consistent with the Code of Practice. The EES 2010 is referenced in other parts of the Proposed Plan Change<sup>24</sup> as well as in other (operative) parts of the Whangārei District Plan<sup>25</sup> and was therefore recommended as the best way of requiring private water supply networks to comply with the Firefighting Water Supplies Code of Practice.

81 Communities have an expectation that when a fire occurs that Fire and Emergency will be able to respond to that fire and have the appropriate resources, including water supply, to extinguish that fire, minimising the risk of harm to people, damage to development and other adverse effects on the environment. While the risk of fire is of low probability it has a high potential impact. The presence of firefighting water supply as part of development greatly mitigates this risk, as Mr Mosby will explain. Requiring private water supply systems to comply with the Firefighting Water Supplies Code of Practice will enable FENZ to provide for the health and safety of existing communities along with future occupiers of proposed developments, who may be unaware of inadequacies with the water supply.

82 Should references to the EES 2010 not be incorporated within the Proposed Plan Change, I recommend direct references to the Firefighting Water Supplies Code of Practice be incorporated into TWM-REQ2 and TWM-O4 as follows:

*TWM-O4 – Private Systems*

*Ensure that private three waters systems are provided where connections are not provided to public reticulated networks and*

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<sup>24</sup> TWM-REQ2

<sup>25</sup> For example: Rural Production Zone, Rural Village Zone, Marsden Primary Centre, Rural (Urban Expansion) Zone

that the water supply system complies with the Firefighting Water Supplies Code of Practice SNZ 4509:2008.

*TWM-REQ2 – Information Requirement – On-site Three Waters Management*

*Notes:*

1. *Additional information on details to be provided is contained within the Whangarei District Council Engineering Standards.*
2. *Sufficient water demand includes compliance with the Firefighting Water Supplies Code of Practice SNZ 4509:2008.*
3. *Evidence of a satisfactory water supply will be assessed as part of the building consent application. Applicants are advised to consult with ~~the~~ Fire and Emergency New Zealand ~~Fire Service~~, Northland Health and the Northland Regional Council, and to refer to the Drinking Water Standards for New Zealand 2005 (Revised 2008).*

**Industrial Objectives and policies**

83 Objectives LI-O3 and HI-O3 as notified sought to enable ancillary and supporting activities within the respective zones. Policy HI-O4 provided for supporting and ancillary activities. Fire and Emergency submitted in support of these objectives and policies<sup>26</sup> and no other party sought changes to these objectives or subsection 1 to Policy HI-O4.

84 Part 5 of the Section 42A report recommends retaining the objectives as proposed<sup>27</sup>, however in the attached track changes

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<sup>26</sup> Sub 165/40, 165/44, 165/45

<sup>27</sup> Paragraph 67

to Part 5 the reference to supporting activities is removed from both objectives. This is also removed from the policy.

85 I consider it is important for the objectives and policies to include supporting activities alongside ancillary activities to recognise the benefits that supporting activities provide to the predominant activities of the zone. These activities differ from ancillary activities as they represent larger portions of individual land uses and, in that sense, are not ancillary. However, supporting services can provide important services to the local industrial community.

86 I recommend Objective LI-O3, HI-O3 and subsection 1 to Policy HI-O4 are retained as notified.

#### **Part 1: Consequential Amendments**

87 WDC has identified matters that shall be assessed for discretionary activities in HPW-R6 which includes the effects of and functional need of emergency services to locate within the RPZ zone (sub clause w).

88 Fire and Emergency requested deletion of the RPZ reference to enable the effects and functional needs to be considered in all instances where a discretionary consent is sought<sup>28</sup>.

89 In Part 1 of the Section 42A report Ms McGrath recommends rejecting the change as the provision was intended to relate to only the RPZ<sup>29</sup>.

90 As proposed, new emergency services would trigger discretionary activity consent in a number of zones. HPW-R6 as proposed applies to all discretionary activities within the Plan. I recognise that for Discretionary Activities any relevant effects can be

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<sup>28</sup> Sub 165/1

<sup>29</sup> Paragraph 110

considered. However, the identified list provides guidance for discretionary activities.

- 91 The location and design of fire stations is identified through the functional requirements for fire stations and I therefore consider it appropriate that this matter be considered across the entire plan, rather than in a single zone.

**Conclusion**

- 92 I have considered the submission by Fire and Emergency and consider the amendments proposed are appropriate, particularly to recognise the contribution of emergency services in providing for the health, safety and wellbeing of communities.

**Date:** 7 November 2019



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**Perri Nicole Unthank**