

Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

3 September 2020

Attention: Hearing Commissioners

Dear Commissioners

Fire and Emergency New Zealand – Letter to be tabled at Hearing 18: Rural Zone

Fire and Emergency New Zealand (Fire and Emergency) has lodged a submission on the Proposed Waikato District Plan (submitter 378) and further submissions (submitter FS1114). Fire and Emergency has opted not to attend Hearing 18 – Rural Zone scheduled to commence Tuesday 29th September 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's reports for Hearing 18 – Rural Zone of the Proposed Waikato District Plan (PWDP) have been received. Fire and Emergency's response to the Officer's report recommendations on these submission points are set out below.

Section 42A Report - Landuse

Policy 5.3.9 – Non-Rural Activities

Fire and Emergency have sought to amend Policy 5.3.9 to provide clear direction in relation to the appropriateness of some non-rural activities in the Rural Zone. For instance, providing for emergency services that have a functional and operational need to be located in close proximity to the communities they serve.

The amendments sought to Policy 5.3.9 Non-rural activities, are as follows:

- (a) *Manage any non-rural activities, including equestrian centres, horse training centres, emergency service facilities, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values,*
- (b) *Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies; and*
- (c) Enable non-rural activities that provide for the health, safety and well-being of the community and that service or support an identified local need.*

Fire and Emergency also sought a new accompanying objective that the policy gives effect to, in order to better achieve the purpose of the RMA by providing for the health and safety of people and communities.

5.3.x To recognise and provide for non-rural activities that contribute to the health, safety and wellbeing of the community while managing their potential adverse effects to ensure that the activities complement the amenity values of the District's rural areas.

The 42A Reporting Officer has recommended that Policy 5.3.9 be deleted and replaced with the following:

5.3.9 Policy – other anticipated activities in rural areas

(a) Enable activities that provide for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural character and amenity values and are consistent with managing urban growth through a consolidated urban form.

(b) Activities subject to this policy include:

(i) Community activities including child care, education, health, and spiritual activities;

(ii) Recreation activities that require a rural or extensive open space setting including equestrian and horse training centres, gun clubs and shooting ranges, golf courses, and walking and cycling trails;

(iii) Emergency Service facilities;

(iv) Conservation activities.

Fire and Emergency accept the recommendation made by the section 42A Reporting Officer given the inclusion of a new policy to specifically recognise the importance of emergency services facilities has been recommended. This replacement Policy 5.3.9 adequately covers the concerns of Fire and Emergency, however, note that the section 42A Reporting Officer has not addressed the need for a new accompanying objective as set out in Fire and Emergency's submission. Fire and Emergency request that the hearing panel consider the need for a new objective to support the direction provided in the replacement policy.

Rule 22.1.2 – Permitted Activities - Emergency services training and management activities

Fire and Emergency seeks that Rule 22.1.2 be expanded to provide for 'emergency services training and management activities' as a permitted activity in order to better achieve the sustainable management purpose of the RMA and better enables Fire and Emergency to achieve its statutory function by facilitating firefighting and emergency response (including training for such circumstances).

The section 42A Reporting Officer has recommended acceptance of this submission point and has recommended defined terms for emergency services training and management activities which will be applied consistently across various zones where such activities will be located.

This recommendation is supported by Fire and Emergency.

Rule 22.1.3 Restricted Discretionary Activities Emergency service facilities

Fire and Emergency seeks that Rule 22.1.3 be expanded to provide for 'emergency service facilities', as currently no provision is made in the PWDP as notified, therefore defaulting to a non-complying activity.

The section 42A Reporting Officer agrees that Fire and Emergency facilities need to be located in reasonable proximity to various parts of the district. The section 42A Reporting Officer also acknowledges that there is a long history of rural volunteer fire fighting facilities being located in rural zones, generally on the periphery of small townships and settlements.

As such, the section 42A Reporting Officer has recommended that the submission be accepted and that the matters of discretion be aligned with those recommended in the section 42A report for the Residential Zone (Hearing 10).

This recommendation is supported by Fire and Emergency.

Rule 22.2.1.1 P1 Noise – General

Fire and Emergency sought to retain Rule 22.2.1.1 P1 as notified. The section 42A Reporting Officer has recommended amendments to Rule 22.2.1 in response to other submissions, however, these amendments do not alter the intension of P1 therefore adequately covers the concerns of Fire and Emergency.

This recommendation is supported by Fire and Emergency.

Rule 22.3.4.1 Height – Building General

Fire and Emergency supports the height standard of Rule 22.3.4.1, however, has sought that the 10m height limit be increased to 15m for hose drying towers associated with an emergency service facility in order to appropriately provide for the operational requirements of Fire and Emergency.

The section 42A Reporting Officer considers that such structures are clearly linked to the operation of these facilities and are integral to providing for the community's health and safety. Further, the section 42A Reporting Officer considers that, given the visually lightweight nature of such structures, the generally larger landholdings in rural areas (and therefore greater dwelling setbacks from site boundaries), and the important role that such facilities play in community safety, and therefore it is recommended Fire and Emergency's submission be accepted.

It is noted that this relief is consistent with that recommended by other section 42A Reporting Officers given in relation to the provision for hose drying in other zones, including Residential Zones (Hearing 10), where amenity effects are more sensitive.

This recommendation is supported by Fire and Emergency.

Rule 22.3.7.5 Building setback - Waterbodies

Fire and Emergency supports the building setback in Rule 21.3.4.2 P1 and considers that the standard will safeguard the wellbeing of communities in accordance with the purpose of the RMA which includes enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, and the purpose of Fire and Emergency in the effective protection of lives, property and the surrounding environment.

The section 42A Reporting Officer recommended that the submission of Fire and Emergency is accepted only in part as amendments to the standards have been made that requires setbacks only to apply once the waterbody is over a certain size, as follows:

P1 22.3.7.5 Building setback – water bodies

(a) Any building *other than provided for under Rules P2 or P3* must be set back a minimum of:

(i) 32m from the margin of any;

A. Lake *with a size of 8ha or more*; and

B. Wetland;

(ii) ~~32m~~ 23m from the bank of any river *with an average width of 3m or more* (other than the Waikato River and Waipa River);

- (iii) ~~28m~~ 37m from the banks of the Waikato River and Waipa River; ~~and~~
- (iv) 12m from the bank of any river with an average width of 3m or less;
- (v) 12m from the margin of any lake with a size of less than 8ha; and
- (vi) ~~23m~~ 32m from mean high water springs.

This recommendation is supported by Fire and Emergency as the intent of the submission has been met.

Section 42A Report - Subdivision

Rule 22.4.1.2 General subdivision

Fire and Emergency generally support Rule 22.4.1.2 as subdivision of land in the Rural Zone is a restricted discretionary activity. However, Fire and Emergency requires that either proposed lots shall be connected to public-reticulated water supply, or water supply sufficient for firefighting purposes (in non-reticulated locations) be provided. Subdivision that does not comply is a non-complying activity. This is set out below:

Amend Rule 22.4.1.2 as follows:

(a) Subdivision must comply with all of the following conditions:

x. Proposed lots must be connected to water supply sufficient for firefighting purposes.

(b) Council's discretion is restricted to the following matters:

x. Provision of infrastructure, including water supply for firefighting purposes.

The section 42A Reporting Officer agrees with the intent of this submission, however, notes that much of the Rural Zone is not serviced, therefore a requirement in the rule to connect to a water supply with sufficient volume and pressure to meet firefighting standards is unlikely to be practicable. The section 42A Reporting Officer is therefore concerned about the practical application of such a rule and what this means for a subdivision consent.

The section 42A Reporting Officer notes that this issue was addressed in the Country Living Zone hearing section 42A Reporting Officer (Ms Chibnall) who also agreed that there were issues in terms of what was needed in order to ensure that this rule is met, and recommended that a new matter of discretion be added for the provision of infrastructure, including water supply accessible for firefighting.

The section 42A Reporting Officer further notes that in most rural locations (with the exception of those that have access to trickle feed supply) most landowners will have at least 25,000 – 50,000L of water available for their water supply. However, notes that it is not always practical during summer months to require a rural landowner to hold a significant amount of rainwater for firefighting purposes and if not used or un-replenished, the water risks becoming stagnant in the tank.

For the reasons set out above, the section 42A Reporting Officer has recommended acceptance in part of Fire and Emergency's submission insofar as recommending that a new matter of discretion be added to Rule 22.4.1.2 RD1 (b) as set out below:

(b) Council's discretion is restricted to the following matters:

...

(vii) The provision of infrastructure, including water supply accessible for firefighting.

Fire and Emergency accept in part the recommendation to only include the provision of water supply as a matter of discretion for all rural subdivisions.

Fire and Emergency are also seeking in subsequent Hearing 22 - Infrastructure, a new provision requiring that provision be made for an adequate supply of water and access to water supplies for firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice).

Fire and Emergency disagree with the recommendation made by the section 42A Reporting Officer that it is impracticable and unlikely for many of the properties within the Rural Zone to connect to a water supply with sufficient volume and pressure to meet firefighting standards. For Fire and Emergency, the key point is that for any subdivision of land or construction of buildings where a water supply does not meet the Code of Practice for firefighting water supply, then the situation is less safe for the occupants of those buildings. Fire and Emergency consider that the provision of water supply for firefighting promotes the purpose of the RMA which includes the need to enable people and communities to provide for their social, economic, and cultural well-being and for **their health and safety**.

Fire and Emergency would like to clarify that this standard would only apply to new developments in the Rural Zone and would not require existing properties to comply with the standard. While it is understood that the majority of the Rural Zone locations are not serviced by reticulated water supply, this does not mean that new development cannot provide water supply through alternative means such as water tank storage, bores or if required a sprinkler system to compensate for an inability to connect to some form of reticulated water supply. It is noted that the Code of Practice provides for both reticulated and non-reticulated water supply, and as such, non-reticulated water supplies are still capable of meeting the requirements set out in the Code of Practice which should be used as a guide when designing firefighting water protection. Fire and Emergency staff are available to assist a landowner or Council to interpret the Code of Practice.

Fire and Emergency note that the concerns raised above by Council were addressed in the evidence of Fire and Emergency presented at Hearing 6: Village Zone, which similarly are locations typically non-reticulated in terms of water supply. However, I do acknowledge that the section 42A Reporting Officer may not have had the benefit of reviewing this evidence prior to the drafting of their recommendations report.

For the reasons set out above, Fire and Emergency do not accept the proposed wording as recommended in the section 42A report, and seek that the wording requested in Fire and Emergency's original submission be adopted in order to adequately address Fire and Emergency's operational requirements and that this be made consistent across the various zones. As above, Fire and Emergency would be satisfied with a matter of discretion regarding water supply for all rural subdivisions.

Rule 22.4.1.5 Rural hamlet subdivision

As above, Fire and Emergency has sought amendments to Rule 22.4.1.5 RD1 to include provision for lots to be connected to water supply sufficient for firefighting purposes, with applications becoming a non-complying activity where such supply is not available. This is set out below:

Amend Standard 22.4.1.5 as follows:

(a) *Subdivision must comply with all of the following conditions:*

xi. Proposed lots must be connected to water supply sufficient for firefighting purposes.

(b) *Council's discretion is restricted to the following matters:*

Provision of infrastructure, including water supply for firefighting purposes.

For the reasons set out for Rule 22.4.1.2 General subdivision above, the section 42A Reporting Officer has recommended that the Panel accept in part the submission from Fire and Emergency insofar as recommending that a new matter of discretion be added to Rule 22.4.1.5 RD1(b) as follows:

(b) *Council's discretion is restricted to the following matters:*

...

(vii) the provision of infrastructure, including water supply accessible for firefighting.

For the reasons set out under Rule 22.4.1.2 General subdivision, Fire and Emergency do not accept the proposed wording as recommended in the section 42A report, and seek that the wording requested in Fire and Emergency's original submission be adopted for the matter of discretion in order to adequately address Fire and Emergency's operational requirements.

Should you have any queries or seek clarification on the above, please contact me on the details below.

Yours sincerely



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on behalf of

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