

Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

13 April 2021

Attention: Hearing Commissioners

Dear Commissioners

Fire and Emergency New Zealand – Letter to be tabled at Hearing 27: Natural Hazards and Climate Change

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 27 – Natural Hazards and Climate Change scheduled to commence Monday 10th May 2021 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The s42A Reporting Officer's reports for Hearing 27 of the Proposed Waikato District Plan (PWDP) have been received. Fire and Emergency's response to the Officer's reports and the associated recommendations on these submission points are set out below.

Hearing 27B – Objectives, Policies and General Submission

The submission made by Fire and Emergency sought to retain the provisions as proposed in Variation 2 to the Proposed District Plan (Stage 1). The s42A Reporting Officer has recommended accepting in part Fire and Emergency's submission, to the extent that this is consistent with the changes as recommended below, and by the section 42A authors dealing with specific natural hazards.

Retain Objective 15.2.1 Resilience to natural hazard risk

Fire and Emergency sought to retain Objective 15.2.1 - Resilience to natural hazard risk as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission be accepted in part, subject to a minor change to the objective to clarify the intended outcomes. This minor change is supported by Fire and Emergency.

It is noted that subsequent Policies 15.2.1.1-3 do not appear to have been assessed. Fire and Emergency requests that these policies are given due consideration prior to a decision being made.

Policy 15.2.1.4 – New infrastructure and utilities in areas subject to significant risk from natural hazards

Fire and Emergency sought to retain Policy 15.2.1.4 as notified. The s42A Reporting Officer has recommended that Fire and Emergency's submission be accepted. The amendments made to Policy 15.2.1.4 as a consequence of other submissions are supported by Fire and Emergency.

Policy 15.2.1.6 - Managing natural hazard risk generally

Fire and Emergency sought to retain Policy 15.2.1.6 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted. Fire and Emergency note that no further amendments have been recommended as a result of other submissions.

Objective 15.2.2 - Awareness of natural hazard risks

Fire and Emergency sought to retain Objective 15.2.2 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted. Fire and Emergency note that no further amendments have been recommended as a result of other submissions. Fire and Emergency support the re-location of Objective 15.2.2 in Chapter 15.

Policy 15.2.2.1 - Natural hazard risk information

Fire and Emergency sought to retain Policy 15.2.2.1 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted. No amendments are recommended as a result of submissions, however if the Panel are of a mind to accept in part the submission made by Waikato Regional Council, the s42A Reporting Officer has recommended additional text. Fire and Emergency would support this amendment to include reference to the projected effects of climate change.

Policy 15.2.2.2 – Awareness of Community Response Plans

Fire and Emergency sought to retain Policy 15.2.2.2 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted. No amendments are recommended as a result of the submissions made.

Hearing 27C: Flood Hazards and Defended Areas

Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River

Fire and Emergency sought to retain Policy 15.2.1.10 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted in part, subject to minor changes. The minor amendments are considered acceptable by Fire and Emergency.

It appears that 15.2.1.11 has not been assessed. Fire and Emergency request that this policy is given due consideration prior to a decision being made.

Policy 15.2.1.12 Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas

Fire and Emergency sought to retain Policy 15.2.1.12 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted in part, subject to some minor changes. The minor amendments are considered acceptable by Fire and Emergency.

Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas

Fire and Emergency sought to retain Policy 15.2.1.13 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission in support be accepted, subject to a minor typographical error amendment. This is supported by Fire and Emergency.

Policy 15.2.1.14 Hazardous substances within floodplain and flood ponding areas

Fire and Emergency sought to retain Policy 15.2.1.14 as proposed. The s42A Reporting Officer has recommended accepting in part Fire and Emergency's submission to the extent that I have recommended Policy 15.2.1.14 be retained with amendments. Both suggested amendments are considered acceptable by Fire and Emergency.

Policy 15.2.1.15 Flood ponding areas and overland flow

Fire and Emergency sought to retain Policy 15.2.1.15 as proposed. The s42A Reporting Officer has recommended accepting in part Fire and Emergency's submission, subject to amendments made as a result of other submissions. The recommended amendments to Policy 15.2.1.15 are considered acceptable by Fire and Emergency.

Rules 15.4 and 15.4.1 Flood Plain - Permitted activities

Fire and Emergency sought to retain Rule 15.4 as proposed. The s42A Reporting Officer has accepted this in part, subject to a number of recommended amendments as a result of accepting other submission points. The recommended amendments to 15.4.1 (P8) are considered acceptable by Fire and Emergency.

Rule 15.5.4 High Risk Flood Areas - Non-complying activities

Fire and Emergency sought to retain Section 15.5, subject to a minor amendment to 15.5.4 NC3 to change "emergency services facilities" to "emergency service facilities" to better align with the proposed definition. The s42A Reporting Officer agrees that it is appropriate to make this minor change as it is consistent with the definition. Consequently, the s42A Reporting Officer has recommended that Fire and Emergency's submission point be accepted. This is supported by Fire and Emergency.

Rule 15.6 Defended Area (Residual Risk)

Fire and Emergency sought to retain Section 15.6 as proposed. The s42A Reporting Officer agrees with Fire and Emergency that the rule framework is sufficiently robust to ensure that the objective and policy framework can be achieved for the Defended Areas. The s42A Reporting Officer has therefore recommended that the submission in support of Rule 15.6 from Fire and Emergency be accepted.

Further Submission - Rule 15.6.3 Defended Area - Discretionary activities

Waikato Regional Council requested a new discretionary activity rule for emergency or critical community service facilities within the Defended Area. Fire and Emergency supported in part this request on the basis that its overarching objective is to help build resilient communities through providing and contributing to a safer environment for New Zealanders through reducing consequences from emergencies. However, Fire and Emergency do not support the requested amendment to the 'emergency service facility' definition and consider that 'critical community service facility' should have its own definition to avoid uncertainty.

While the s42A Reporting Officer supports a more resilient community, the s42A Reporting Officer does not consider that increased regulation for emergency service facilities is required within defended areas. The s42A Reporting Officer considers that the rule for building and earthworks within 50m of the stopbanks will adequately control new activities in close proximity to the stopbanks. In respect to the use of the term "emergency or critical community service facility", the s42A Reporting Officer agrees with Fire and Emergency New Zealand that this term is inappropriate.

Overall, the s42A Reporting Officer recommends that the further submission from Fire and Emergency on the above point be rejected and that Rule 15.6.3 go unchanged with no additional rule for emergency or critical community service facilities. The reasoning behind this recommendation is supported by Fire and Emergency and it is agreed that the rule for building and earthworks within 50m of the stopbanks will adequately control new activities in close proximity to the stopbanks. Further, Fire and Emergency can confirm that they as an organisation have adequate protocols and mitigation strategies in place when deciding whether locating within the wider Defended Areas is necessary when selecting new sites for emergency service facilities.

Hearing 27D: Coastal Hazards

Rule 15.9.3 – Non-Complying Activities

Fire and Emergency sought a minor amendment to NC3 to more accurately align the terminology used in the rule with the definition for 'Emergency Service Facility' in Chapter 15.14. The s42A Reporting Officer agrees that the use of a defined term in the rules should be precise, therefore has recommended that amending the rule to refer to 'Emergency Service Facility' be accepted. This is supported by Fire and Emergency.

Rule 15.10 – High Risk Coastal Hazard (Inundation) Area

Fire and Emergency sought to retain Section 15.10 as proposed. The s42A Reporting Officer supports Fire and Emergency's submission and has recommended that it be accepted by the panel. There are no recommended amendments in this section.

Policy 15.2.1.16 – Development in the Coastal Sensitivity Areas

Fire and Emergency sought to retain Policy 15.2.1.16 as proposed. The s42A Reporting Officer has recommended that the panel accept in part Fire and Emergency's submission to the extent that the policy has been amended in response other submissions. The recommended amendments are supported by Fire and Emergency.

Policy 15.2.1.17 – Setbacks from the coast

Fire and Emergency sought to retain Policy 15.2.1.17 as proposed. The s42A Reporting Officer has recommended that the panel accept Fire and Emergency's submission. There are no recommended amendments in this section.

Rule 15.7 – Coastal Sensitivity Areas - Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast)

Fire and Emergency sought to retain Section 15.7 as proposed. The s42A Reporting Officer has recommended that the panel accept Fire and Emergency's submission. There are no recommended amendments in this section.

Rule 15.8 – Coastal Sensitivity Area (Inundation)

Fire and Emergency sought to retain Section 15.8 as proposed. The s42A Reporting Officer has recommended that the panel accept Fire and Emergency's submission. There are no recommended amendments in this section.

Policy 15.2.1.7 - Soft hazard protection

Fire and Emergency sought to retain Policy 15.2.1.7 as proposed. The s42A Reporting Officer has recommended that the panel accept Fire and Emergency's submission. There are no recommended amendments in this section.

Policy 15.2.1.8 – Limitations on hard protection works for coastal hazard mitigation

Fire and Emergency sought to retain Policy 15.2.1.8 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission be accepted in part on the basis that the recommended amendments to the structure and content of Policy 15.2.1.8(a) and (c) sought by Waikato Regional Council under submission point [2102.49] and [2102.50] and presented in the track changed

version in Section 28.5 be accepted. The recommended amendments are considered acceptable by Fire and Emergency.

Policy 15.2.1.9 Natural features and buffers providing natural hazard protection

Fire and Emergency sought to retain Policy 15.2.1.9 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission be accepted in part, on the basis that the addition of subsection (b) requested in the submission point [2102.51] from the Waikato Regional Council is accepted, and that the further submission from Waikato Regional Council [FS3031.38] be accepted. The recommended amendments are considered acceptable to Fire and Emergency.

Hearing 27E: Chapter 15: Natural Hazards and Climate Change – Land Stability, Liquefaction, Mine Subsidence

Policy 15.2.1.21 – Stormwater management in areas subject to risk of land instability or subsidence

Fire and Emergency sought to retain Policy 15.2.1.21 as proposed. The s42A Reporting Officer has recommended that Policy 15.2.1.21 be retained as notified. This is supported by Fire and Emergency.

Policy 15.2.1.22 Liquefaction-prone land risk assessment

Fire and Emergency sought to retain Policy 15.2.1.22 as proposed. The s42A Reporting Officer has recommended that Fire and Emergency's submission be rejected on the basis that further amendments have been recommended to wording to be consistent with the terminology used in Policy 15.2.23 that also addresses liquefaction and additional text to make it clear that the required assessment needs to confirm land suitability. The recommended amendments are considered acceptable by Fire and Emergency.

Policy 15.2.1.23 Control activities on land susceptible to damage from liquefaction

Fire and Emergency sought to retain Policy 15.2.1.23 as proposed. It is recommended that the submissions from Fire and Emergency be accepted and that the policy be retained as notified. This is supported by Fire and Emergency.

Policy 15.2.1.20 – Development of land in the Mine Subsidence Risk Area

Fire and Emergency sought to retain Policy 15.2.1.20 as proposed. The submissions from Fire and Emergency are recommended to be accepted and that the policy be retained as notified. This is supported by Fire and Emergency.

Section 15.11 sets out the Mine Subsidence Risk Area Rules

Fire and Emergency sought to retain Section 15.11 as proposed. For the reasons outlined in the s42A Report, the submissions from Fire and Emergency are recommended to be rejected. The recommended amendments to the rule framework for mine subsidence is considered appropriate by Fire and Emergency and as such is supported.

Hearing 27F: Fire, Climate Change and Definitions

Policy 15.2.1.18 – Residential Development and Subdivision

Fire and Emergency sought to retain Policy 15.2.1.18 as proposed in its original submission. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission in part, subject to amendments to the policy in response to other submissions.

Through its further submission, Fire and Emergency supported a number of other submitters including Counties Power Limited [2123.2, 2123.3 and 2123.4], Kainga Ora Homes and Communities [2094.13], Waikato Regional Council [2102.42] and Federated Farmers of New Zealand [2173.20].

In reviewing the considerations given by the s42A Reporting Officer, it is considered that the recommended amendments to Policy 15.2.1.18 are an improvement to the notified version and addresses the risk of fire and give better effect to the policy direction.

Objective 15.2.3 - Climate Change

Fire and Emergency sought to retain Objective 15.2.3 as proposed. The s42A Reporting Officer has recommended rejecting Fire and Emergency's submission, given that a number of amendments are being recommended to the objective in response to other submissions. The recommended amendments are supported by Fire and Emergency.

Policy 15.2.3.1 – Effects of climate change on new subdivision and development

Fire and Emergency sought to retain Policy 15.2.3.1 as proposed. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission in part, subject to amendments made in response to other submissions. The recommended amendments are supported by Fire and Emergency.

Policy 15.2.3.2 - Future land use planning and climate change

Fire and Emergency sought to retain Policy 15.2.3.2 as proposed. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission. There are no amendments recommended in this section.

Policy 15.2.3.3 Precautionary approach for dealing with uncertainty

Fire and Emergency sought to retain Policy 15.2.3.3 as proposed. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission. There are no amendments recommended in this section.

Policy 15.2.3.4 - Provide sufficient setbacks for new development

Fire and Emergency sought to retain Policy 15.2.3.4 as proposed. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission. There are no amendments recommended in this section.

Policy 15.2.3.5 - Assess the impact of climate change on the level of natural hazard risks

Fire and Emergency sought to retain Policy 15.2.3.5 as proposed. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission, subject to a number of amendments to 15.2.3.5(c). The recommended amendment is considered acceptable by Fire and Emergency.

Chapter 15.14 Definitions

Fire and Emergency sought to retain the definition for 'Emergency Service Facilities' in Section 15.14 Definitions as proposed through its original submission. The s42A Reporting Officer has recommended accepting Fire and Emergency's submission in part, to the extent that the definition be retained, subject to the amendments recommended below:

'Emergency service facility' means a ~~fire station, ambulance station, police station~~ facility used by emergency services, or an emergency co-ordination facility.'

Fire and Emergency accepts the above recommended definition, subject to the definition be applied consistently across the district plan to maintain consistency.

Yours sincerely



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on behalf of

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