

Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

16th March 2020

Attention: Sandra Kelly

Dear Sandra

Fire and Emergency New Zealand – Letter to be tabled at Hearing 12: Country Living 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 12 – Country Living Zone scheduled to commence Monday 7th April 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's reports for Hearing 12 – Country Living 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 5: Objectives and Policies

Submission 378.63 on Section 5.6 Country Living Zone

Fire and Emergency have sought to add a new objective that recognises the role of emergency services in the Waikato District as follows:

5.6.x To recognise and provide for non-residential 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 Country Living areas.'

The Reporting Officer agrees with the concerns of Fire and Emergency raised in its submission and accepts that the PWDP does not give the necessary recognition to this service. However, the Officers report has recommended that the proposed objective should be reworded as a new policy given that the overarching objective for the Country Living Zone is broad in its approach. The Reporting Officer considers that there is also a risk that the general nature of the objective sought may not be helpful in providing guidance to the activities that are appropriate in the Country Living Zone and arguably, urban activities that provide for the "health and safety" of the communities could include medical centres and gyms, yet the Country Living Zone is not the most appropriate location for these activities.

A stand-alone policy to specifically recognise fire and emergency facilities and activities has been recommended as a more appropriate approach as follows:

5.6.8A Policy – Emergency services

(a) Enable the operation, use and development of emergency service activities and facilities.

This recommendation is supported by Fire and Emergency.

Submission 378.64 on Policy 5.6.2 – Country Living character

Fire and Emergency have sought to retain Policy 5.6.2 and also include additional wording to Policy 5.6.2 (e) as follows:

5.6.2 Policy – Country Living character

(e) Requires activities within the Country Living Zone to be self-sufficient in the provision of water supply (including for firefighting purposes), wastewater and stormwater disposal, unless a reticulated supply is available.

It is the Reporting Officers view that the additional wording requiring a site to be 'self-sufficient' in the provision of water supply for firefighting purposes places a large burden on the property owner to have a water tank with the capacity to be used in such an event. The Reporting Officer considers this to be an unreasonable request due to the cost of installation and having a tank of water onsite not being able to be used for anything other than firefighting. The Reporting Officer notes that much of the Country Living Zone is already developed and it would be unreasonable to expect property owners to retrofit a water supply solely for the purpose of firefighting, which (hopefully) is a rare event. As well, a requirement to have a water supply with sufficient volume and pressure to meet firefighting standards is unlikely to be practicable. The Officers report recommends that the panel reject Fire and Emergency's submission.

Fire and Emergency disagree with the recommendation made by the Reporting Officer that the additional wording requiring a site to be self-sufficient in the provision of water supply for firefighting purposes places a large burden on the property owner to have a water tank with the capacity to be used in such an event. As the Reporting Officer points out, given that much of the Country Living Zone is already developed, this requirement would only apply to new development and would not require existing development to comply with the policy retrospectively, unless re-development occurs that requires resource consent.

In addition, Fire and Emergency disagree with the Reporting Officer that it is impracticable and unlikely for many of the properties within the Country Living Zone to connect to a water supply with sufficient volume and pressure to meet firefighting standards. While it is understood that the majority of the Country Living Zone locations are not serviced by reticulated water supply, this does not mean a 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 water supply that will meet the requirements set out in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice). I note that the Code of Practice provides for both reticulated and non-reticulated water supply.

Based on the above, Fire and Emergency therefore request that the panel accept submission 378.64.

Submission 378.65 on Policy 5.6.8 Non-residential activities

Fire and Emergency have sought to amend Policy 5.6.8 by replacing 'commercial or industrial' with 'non-residential' and adding in a safety and functional need aspect as follows:

5.6.8 Policy – Non-residential activities

(a) Limit the establishment of ~~commercial or industrial~~ non-residential activities within the Country Living Zone unless they:

(ii) Provide for the health, safety and well-being of the community and that service or support an identified local need.

The Reporting Officer considers this to be an unnecessary change as the policy is to manage commercial or industrial activities within the Country Living Zone and the effects that these may generate. The Reporting Officer considers that the policy is also focused on limiting commercial and industrial activities to retain the rural character of the zone and there are commercial or industrial activities that can have a functional need within the Country Living Zone that may establish through the consenting process that do not provide for the 'safety' of the community (for example childcare activities, cafés etc.).

The Reporting Officers considers that to add a safety element to the policy would limit an activity to only establish if it provides for the health and well-being, and the safety of the community. This is not the intent of the policy. The Officers report recommends that the panel reject Fire and Emergency's submission.

Fire and Emergency accept the recommendation made by the Reporting Officer given that the inclusion of a new policy to specifically recognise the importance of emergency services facilities and activities has been recommended. This new Policy 5.6.8A adequately covers the concerns of Fire and Emergency.

Submission 378.1 in Policy 5.6.9 Existing non-residential activities

Fire and Emergency seeks to retain Policy 5.6.9. The Reporting Officer agrees that Policy 5.6.9 is important to retain as it recognises that non-residential activities may already be established in the Country Living Zone and enables their redevelopment and expansion.

The Officers report recommends that the panel accept Fire and Emergency submission.

Submission 378.38 on Rule 23.1.1 – New Permitted Activity for ‘Emergency Services Training and Management’

Fire and Emergency sought the inclusion of ‘Emergency services training and management activities’ to be a permitted activity. The reasons given for the inclusion are that the rules should be expanded to provide for emergency services training and management activities in order to better achieve the sustainable management purposes of the Act. The inclusion would also enable Fire and Emergency to achieve its statutory function by facilitating firefighting and emergency response.

The Reporting Officer agrees with this rationale, as it is important that this service be supported throughout the district and accepts that there may be adverse effects, but they are likely to be temporary in nature. Given that call-outs cannot be predicted or managed, training activities can be managed and therefore I recommend inclusion of a standard regarding hours for training as follows:

23.1.1 Permitted Activities

P5 Emergency services training and management activities.

Activity-specific conditions

(a) Emergency services training shall be restricted to the hours of 7:00am-10:00pm.

This recommendation is supported by Fire and Emergency.

Submission 378.39 on Rule 23.1.2 – New Discretionary Activity for ‘Emergency Service Facilities’

Fire and Emergency sought to add as a discretionary activity ‘emergency service facilities’. The Reporting Officer agrees with the reasons provided, in that emergency services facilities must be strategically located within and throughout communities to maximise their coverage and response times. This allows them to 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 way.

However, the Reporting Officer considers that a controlled activity status for the physical structure of the buildings would be more appropriate and reflects the permitted activity status for the ‘activity’. The Reporting Officer notes that Rule 23.2.1.1 P1 enables noise generated by emergency sirens to be a permitted activity with no limits on the noise levels. The actual or potential effects of fire stations can be adequately managed by conditions of consent. The Reporting Officer also notes that the recommendation of the Section 42A hearing report for Hearing 6 Village Zone recommended that this be a discretionary activity, however, considers that so long as the building meets the bulk and location standards for the zone, the matters of control will adequately address any other effects.

The Officers report recommends that the panel accepts in part Fire and Emergency’s submission.

23.1.1A Controlled Activities

(1) The activities listed below are controlled activities:

C1 Construction of Emergency service facilities, that complies with all the Land Use – Building rules in Rule 23.3

Matters of Control

(a) Council's control shall be restricted to

the following matters:

(i) Effects on amenity

(ii) Effects on Character

(iii) Road efficiency and safety

(iv) Building design

(v) Site layout and design

(vi) Privacy on other sites

This recommendation is supported by Fire and Emergency.

Submission 378.40 on Rule 23.2.1.1. Noise – General

Fire and Emergency sought to retain Rule 23.2.1.1 as notified. The Officers report has recommended that the panel accept Fire and Emergency's submission in part, as the Reporting Officer has recommended amendments to Rule 23.2.1 in response to other submissions.

This recommendation is supported by Fire and Emergency.

Submission 378.42 on Rule 23.3.4.1 Height

Fire and Emergency sought a height exemption for emergency service facilities and hose-drying towers up to 15m. Given that the Reporting Officer has recommended a controlled activity status for the emergency service facilities, the height of emergency service facilities and hose-drying towers will be assessed as part of the resource consent process.

The Reporting Officer is mindful that the activity status would be discretionary for being over height, however it is the Reporting Officers opinion that a 15m tall tower in the Country Living Zone needs careful consideration as to its placement on a site. The Reporting Officer therefore considers that a 15m height limit for hose drying towers associated with an emergency service could be a controlled activity to match the activity status for the facility and will provide certainty that the consent will be granted and allow consideration of the location and bulk of the structure. The Reporting Officer is also mindful that hose drying towers may not be the current method for managing hoses and has invited Fire and Emergency to provide some advice on this. The Officers report has recommended that the panel accept in part the submission from Fire and Emergency as follows:

23.3.4.1 Height – Building General

C1

a) The maximum height of hose drying towers associated with emergency services must not exceed 15m.

(b) The matters over which control will be reserved:

(i) Location on the site

(ii) Dominance on adjoining sites

(iii) Design

This recommendation is partly supported by Fire and Emergency (in respect of hose drying towers), but the remainder of the relief sought in the submission point is in regard to 'emergency service facilities' more generally. As described in the submission, fire stations are typically 8-9 metres in height which exceeds the notified version of the standard. The submission point sought an exclusion from the height standard, both in respect of the overall emergency service facility and the hose drying tower. This relief is still sought and given the recommendation above in respect of the activity status for 'emergency service facilities', Fire and Emergency consider that granting of this relief is important for the sake of consistency. The following amendment is proposed:

C1

a) The maximum height of emergency service facilities and hose drying towers associated with emergency services must not exceed

15m.

(b) The matters over which control will be reserved:

(i) Location on the site

(ii) Dominance on adjoining sites

(iii) Design

To clarify the purpose and use of hose drying towers, whilst referred to as 'hose drying towers' they serve several purposes being for hose drying, communications and training purposes on station. The frequency of hose drying towers being required at stations is dependent on locational and operational requirements of each station. As such, not all new fire stations have hose drying towers, and this reflects the different types of hoses used around the country (with some not needing towers), and also that fire stations operate as a regional network and so hoses are taken to other stations for drying on occasion.

Submission 378.43 on Rule 23.3.7.5 Building setback – Waterbodies

Fire and Emergency have sought to retain Rule 23.3.7.5 as notified. The Reporting Officer has recommended amendments in response to other submissions, and accordingly recommends that the panel accept in part the submission from Fire and Emergency.

This recommendation is supported by Fire and Emergency.

Submission 378.44 on Rule 23.4.2 General Subdivision

Fire and Emergency support Rule 23.4.2 as subdivision of land in the Country Living Zone is a Restricted Discretionary activity, however, Fire and Emergency requires that proposed lots shall be connected to public-reticulated water supply or water supply sufficient for firefighting purposes.

Fire and Emergency have sought that the rule be amended to require all new lots to be connected to a water supply that is sufficient for firefighting purposes, with applications becoming a non-complying activity where such supply is not available. Fire and Emergency sought to amend Standard 23.4.2 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:

(i) Provision of infrastructure, including water supply for firefighting purposes.

The Reporting Officer considers that, given that much of the Country Living Zone is not serviced, a requirement to connect to a water supply with sufficient volume and pressure to meet firefighting standards is unlikely to be practicable.

The Reporting Officer sees value in including an assessment criterion to require the assessment of the provision of infrastructure, which is quite broad in its applicability and would include adequate roads, power, as well as consideration of water supply for firefighting purposes where practicable. The Officers report has therefore recommended that the relief be accepted in part, with an additional matter of discretion added to 23.4.1 RD1 to enable consideration of firefighting water supply where practicable, as follows:

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

...

(iii) The provision of infrastructure, including water supply for firefighting where practicable.

As outlined in Submission 378.64 above, Fire and Emergency disagree with the recommendation made by the Reporting Officer that it is impracticable and unlikely for many of the properties within the Country Living Zone to connect to a water supply with sufficient volume and pressure to meet firefighting standards.

Fire and Emergency would like to clarify that this standard would only apply to new developments in the Country Living Zone and would not require existing properties to comply with the standard. While it is understood that the majority of the Country Living 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 water supply that will meet the requirements set out in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice). I note that the Code of Practice provides for both reticulated and non-reticulated water supply.

The phrase 'where practicable' is also considered problematic as it implies that in some circumstances, non-compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 is appropriate. Fire and Emergency do not consider this to be the case and given the breadth of possible solutions within the Code of Practice, compliance with the Code of Practice is always necessary and practicable.

In my opinion, I consider that the amendment sought to Rule 23.4.2 be accepted as per Fire and Emergency's original submission. However, should the panel prefer to retain the recommended wording from the Officers report, I would suggest the following amendment to provide further clarity and to link effectively with Rule 14.3.1.8:

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

...

(iii) The provision of infrastructure, including water supply for firefighting ~~where practicable~~ purposes.

Fire and Emergency appreciates the opportunity to be involved in the Waikato District Plan review process, in the interests of enabling people and communities to provide for their social and economic wellbeing, and for their health and safety with regard to fire safety, fire prevention, fire extinction and other emergency response activities.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alec Duncan'.

Alec Duncan
Planner

on behalf of

Beca Limited

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