

Waipā District Council
101 Bank Street,
Te Awamutu 3800

31 March 2023

Attention: Independent Hearings Panel

Dear Independent Hearings Panel

Waipā District Council: Proposed Plan Change 26 – Residential Zone Intensification

Fire and Emergency New Zealand (Fire and Emergency) made a submission on Proposed Plan Change 26 – Residential Zone Intensification (PC26). Fire and Emergency have decided not to attend the hearing scheduled to commence 26 April 2023, and in lieu, request that this letter be tabled at the hearing for the Independent Hearing Panel's (the Panel's) consideration.

Fire and Emergency's submission addressed matters relating to activities required to be undertaken to enable an effective emergency response and to provide for the health and safety of people and communities in Waipā district. Issues of particular interest and relevance to Fire and Emergency broadly included:

- ensuring emergency service appliances and Fire and Emergency personnel can adequately access both built and natural environments across the district in the event of an emergency, and
- ensuring new development, including infill development, is adequately serviced by firefighting water supply, and
- maintaining and developing Fire and Emergency's property estate (e.g. fire stations) in strategic locations and at appropriate times to enable Fire and Emergency to continue to meet the demands and expectations of communities as they grow and change.

A number of requested changes were sought to the proposed policy framework (where there was scope to do so) to reinforce Fire and Emergency's concerns and to strengthen the ability for Council in its regulatory function to consider the impacts that medium density development can have on emergency services when assessing resource consent applications.

Mr Damien McGahan's section 42A Hearing Report (42A report) on PC26 has been received. There is general acceptance of the recommendations within Mr McGahan's 42A report. The outstanding matters of which Fire and Emergency would like the Panel the turn their minds to are set out below.

Setbacks

Fire and Emergency requires adequate access to new developments to ensure that they can respond in emergencies. This includes access in the event of fire, natural hazard, hazardous substances, medical or a rescue or assist.

As set out in section 1.2.4 of Fire and Emergency's submission, reducing the minimum building setbacks from boundaries and between buildings in the Medium Density Residential Zone to 1m on side boundaries from buildings on all sides increase the risk of fire spreading and can inhibit Fire and Emergency personnel

from getting to the fire source (or other emergency such as medical assistance). The difficulty of access may also increase the time for fire to burn, thereby increasing the heat radiation in a confined area.

Fire and Emergency acknowledge that Rule 2A.4.2.4 incorporates the medium density residential standards required by Part 2 of Schedule 3A of the RMA. Fire and Emergency also acknowledge that firefighting access requirements and building setback controls are managed through the New Zealand Building Code (NZBC) however consider it important that these controls are brought to the attention of plan users (i.e. developers) early on in the resource consent process so that they can incorporate the NZBC requirements early on in their building design. Fire and Emergency therefore requested that, as a minimum, an advice note is included with Rule 2A.4.2.4 directing plan users to the requirements of the NZBC. Kāinga Ora made a further submission in support of this point. A suggested advice note was provided below.

Advice note:

Building setback requirements are further controlled by the Building Code. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.

Fire and Emergency further requested that a new matter of discretion be included in 21.1.2A.8 to specifically consider the extent to which the non-compliance of 1m setback requirements compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs, aligning with the objectives and policies of the Medium Density Residential Zone. The suggested matter of discretion is provided below.

The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.

42A report recommendation

Mr McGahan considers that the advice note requested by Fire and Emergency relates to building setbacks and additional requirements under the NZBC. Mr McGahan considers that this is not required information and addresses only one aspect of the NZBC that may apply to building setbacks. On this basis, the request was rejected.

The relief sought in relation to 21.1.2A.8 was also rejected by Mr McGahan, for the reason that the addition “does not make sense”.

Fire and Emergency's response

Fire and Emergency acknowledge that the NZBC is complex however do not agree with Mr McGahan's reasoning. The advice note sought refers broadly to the NZBC and no specific clause of the NZBC is specified. The intent of the advice note is to indicate to plan users that, while the district plan may only require a 1m setback, dependent on the typology and use of building(s) proposed, the NZBC may require a greater setback in some instances to enable emergency service ingress/egress to buildings. The relief sought in the form of an advice note is an attempt to avoid resource consents being granted and at NZBC consent stage finding that the development is no longer in general accordance with the resource consent due to changes required to the design / layout in order to comply with the NZBC.

Fire and Emergency request that the Panel consider the value of this advice note (noting that there will be no requirement to provide information on this at resource consent stage) but may assist in avoiding compliance issues at building consent stage.

Fire and Emergency also request that the Panel consider the inclusion of a specific matter of discretion to 21.1.2A.8 that applies to proposals that do not comply with setback requirements in the Medium Density Residential Zone.

Fire and Emergency note that notified assessment criteria (i) *The extent to which the building precludes the ability to access the rear of the site or dwelling*, goes some way in addressing Fire and Emergency's concern but access to all sides of the building is paramount to Fire and Emergency when fighting a fire and building access is often located along side boundaries and not necessarily the rear of the site. A non-compliant setback which would be less than 1m could have significant adverse consequences for emergency services in Waipā district if sufficient discretion is not provided to Council during the resource consent process to consider these risks and decline or require mitigation to address such risk accordingly.

Fire and Emergency request that the Panel consider the adoption of the requested relief above, or an amendment is made to notified provision 21.1.2A.8(i), a suggested amendment below:

(i) The extent to which the building precludes the ability to access the front, side and rear of the site or dwelling, with particular regard given to emergency service access.

Vehicle crossings

Fire and Emergency requires all sites to provide a minimum vehicle crossing width of no less than 3.5m at site entrances, provided tight turns are not required. This is prescribed in the Designers' Guide to Firefighting Operations Emergency Vehicle Access F5-02 GD. Fire and Emergency therefore requested through its submission that Rule 15.4.2.3 be amended to include a vehicle crossing minimum width of 3.5m in the Medium Density Residential Zone in order to provide for emergency vehicle access.

Should an application not comply with the minimum requirements, resource consent will be required as a restricted discretionary activity and will provide Council the ability to assess a development in accordance with the existing matters of discretion. This amendment gives effect to the objectives and policies that seek to provide for a well-functioning and resilient community.

42A report recommendation

Mr McGahan has recommended that Fire and Emergency's relief be rejected as the provisions only relate to vehicle crossing widths, access widths increase in size depending on the number of lots served. Mr McGahan considers that it is unlikely a small vehicle crossing will be sought for a large access width, hence why a range is provided. Mr McGahan also does not consider the introduction of the Medium Density Residential Zone necessitates the revision of this standard.

Fire and Emergency's response

Fire and Emergency understand Mr McGahan's reasoning insofar that access width requirements vary and as such a minimum to maximum vehicle crossing range (3m – 5.5m) is provided to address this. Fire and Emergency also note that the minimum width of vehicle access to rear lots is 4m (Rule 15.4.2.4). However, while it may be "unlikely" that a small vehicle crossing will be sought for a large access width, the rule does technically allow the access width to be as narrow as 3m for residential developments, regardless of how many dwellings they serve. Further, introducing the Medium Density Residential Zone to Rule 15.4.2.3 provides scope to necessitate the revision of this standard if adequate consideration has not been given to its practical implementation.

Fire and Emergency note that there may be circumstances where a 3m vehicle crossing width may be suitable for residential developments for example, where a dwelling is road fronting and Fire and Emergency are able to operate the fire appliance from the street and access the property on foot with equipment. However, where there are rear lots or buildings on long sections located remotely from street boundaries, Fire and Emergency may need to access the property with their vehicles in order to get closer to the building

and operate the fire appliance from a suitable hardstand. This is why Fire and Emergency need to be provided with a clear vehicle crossing no less than 3.5m in width.

Fire and Emergency request that the Panel consider increasing the minimum vehicle crossing width to 3.5m to ensure that emergency service vehicles can access residential sites, particularly rear lots to adequately give effect to the objectives and policies of the Medium Density Residential Zone. In particular, objective 2A.3.1 to provide for a well-functioning urban environment that enables all people provide for their.... health and safety and give effect to various other transportation policies that require a well-functioning transport network.

Should the Panel wish to retain the 3m vehicle crossing width, Fire and Emergency would support an amendment to the notified assessment criteria that relates to Subdivision in the Medium Density Residential Zone, specifically 21.1.15.6(c) as follows:

(c) The extent to which the proposal achieves suitable access and manoeuvring for all lots, with particular regard given to emergency service access.

Infrastructure Capacity Assessment

Fire and Emergency strongly supports new Rule 15.4.2.19 that requires an infrastructure capacity assessment to be required where it is proposed to establish more than two dwellings on a site located within a qualifying matter overlay or overlays to ensure that there is sufficient capacity in the infrastructure network to deal with the additional demand being placed on the existing network from developments.

It is paramount to Fire and Emergency that the infrastructure capacity assessment includes an assessment of the flows in relation to firefighting water supply and that flow be in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008) to ensure the proposed development can be adequately serviced.

Fire and Emergency therefore requested that a definition for infrastructure capacity assessment be included and that the definition include the requirement for a suitably qualified and experienced person to demonstrate that the proposed subdivision or development can be adequately serviced in accordance with SNZ PAS 4509:2008.

42A report recommendation

Mr McGahan considers that, as PC26 introduces the requirements for an infrastructure capacity assessment, a definition of what this entails would be beneficial. Mr McGahan indicates that the District Plan defines a suitably qualified and experienced person in relation to preparation of landscaping plans, so the request to define who is suitably qualified and experienced to prepare an infrastructure capacity assessment is considered logical. Mr McGahan has recommended a definition that was created in conjunction with Councils Engineers. The new definitions recommended are as follows:

Infrastructure Capacity Assessment means an assessment of the capacity of an existing water, wastewater, or stormwater network to determine if there is enough capacity for a proposed development, or to define the requirements for network upgrades that would need to be implemented for the development to be approved. The exact requirements for an Infrastructure Capacity Assessment should be discussed and agreed with WDC on a case-by-case basis.

A Suitably Qualified and Experienced Person to prepare an Infrastructure Capacity Assessment means a Chartered Engineer (or equivalent) experienced in the planning and design of three waters networks who is competent to carry out the assessment of development impacts on three waters networks. It should be noted that Council may require the use a nominated Consultant to carry out hydraulic modelling on behalf of Council for the purpose of a capacity assessment, but developers may wish to engage their own Engineer to assess on their own behalf.

Fire and Emergency's response

Fire and Emergency support the new definition insofar that it gives greater clarity as to what a infrastructure capacity assessment is, however through its submission, Fire and Emergency requested that the definition included the requirement for a suitably qualified and experienced person to demonstrate that the proposed subdivision or development can be adequately serviced in accordance with SNZ PAS 4509:2008. Only part of this request has been adopted in the recommended definition. As drafted, the exact requirements of an infrastructure capacity assessment are left to Council to determine on a case-by-case basis, and this may or may not include firefighting water supply.

Fire and Emergency recognise the intent of leaving the exact requirements open for discussion in that each development will likely have varying levels of impact on the three waters infrastructure. Further, Fire and Emergency are cognisant that the Council will want to avoid the definition reading like a rule with specified requirements and that the best place for this may be within the new Rule 15.4.2.19.

Given that all three water infrastructure networks have been identified as being constrained across the district, Fire and Emergency consider that all developments subject to Rule 15.4.2.19 should by default be required to assess all three waters, available firefighting water supply and that Council should be able to list what the requirements will be, unless agreed otherwise.

Fire and Emergency request that the Panel consider this further, and whether an amendment to Rule 15.4.2.19 be made to address this.

Thank you for giving consideration to the contents of this letter and the matters raised.

Yours sincerely



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