

Napier City Council
Emailed to: districtplanreview@napier.govt.nz

22 November 2024

Attention: Independent Hearing Panel

Written statement on behalf of Fire and Emergency New Zealand – Hearing Stream 2 of the Napier City Council Proposed District Plan

Fire and Emergency New Zealand (Fire and Emergency) made a submission (Submitter 288) on the Proposed District Plan (PDP). Fire and Emergency has opted not to attend Hearing Stream 2, scheduled to commence on Monday 2 December 2024 and requests that, in lieu of attendance, this written statement be tabled for the Panel's consideration.

Fire and Emergency sought several changes to the PDP. This statement confirms Fire and Emergency's position in relation to its submission points and the section 42A report recommendations relating to Hearing Stream 2.

There is a good level of agreement between the reporting officer's recommendations and Fire and Emergency's submission across the Hearing Stream 2 chapters. Fire and Emergency made 11 specific submission points on Hearing Stream 2 topics (subdivision and temporary activities). The provisions these submission points relate to are set out below:

- **Subdivision:** SUB-O3, SUB-O5, SUB-P8, SUB-P9, SUB-P12, SUB-P15, SUB-S3, SUB-S12, SUB-S14, SUB-AC1.
- **Temporary Activities:** TEMP-R4 (new provision).

The following sections set out Fire and Emergency's position on submission points where only partial acceptance has been recommended by the reporting officer.

Subdivision

SUB-S12: Transport, access, and connectivity

Fire and Emergency's submission and relief sought: Subject to the amendments sought in the Transport chapter for vehicle access (TPT-S4) Fire and Emergency supported SUB-S12 as it requires all new allotments to have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and maneuverability.

Fire and Emergency requested a new specific matter of discretion be included for subdivision activities where a subdivision is not able to comply with the transport standards, whereby consideration is given to the extent of consistency with the requirements of the Designers' guide to firefighting operations Emergency vehicle access F5-02 GD and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. The new matter of discretion sought is set out as follows:

Matters of discretion:

5. The extent of consistency with the requirements of the Designers' guide to firefighting operations Emergency vehicle access F5-02 GD and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

S42A recommendation: Ms Mills has recommended accepting the relief from Fire and Emergency to introduce an additional matter of discretion for SUB-S12. Ms Mills states that the matter of discretion to consider access consistent with the design requirements for vehicle access for firefighting services will become applicable where the PDP minimum standards for access are not met. Ms Mills considers that it paramount to enable firefighting safety as part of new subdivision.

However, Ms Mills considers “it inequitable to direct plan users to a paid secondary document to determine compliance”. Instead of specifically referencing the ‘New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008’ as a matter of discretion, Ms Mills has recommended the following wording:

5. ‘the extent to which emergency vehicles can enter and exit safely’.

Fire and Emergency’s response: The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 is freely and publicly available on Fire and Emergency’s website – link [here](#)). This is largely so that the standard can be used by the public. Fire and Emergency personnel are readily available to assist local government and developers free-of-charge in the interpretation of the SNZ PAS 4509:2008 and to assist in determining how compliance can be best achieved. Fire and Emergency also notes that the referencing of industry standards in planning provisions is common practice (e.g. subdivision and noise standards).

The intent of including reference to SNZ PAS 4509:2008 is that this document, along with F5-02 GD provides clear direction to plan users as to the access requirements for emergency service vehicles. This would provide Council with the ability as part of a resource consenting process to assess the level of risk to emergency vehicle access associated with any access related non-compliance. For instance, a non-complaint accessway width to the extent that an emergency vehicle would not be able to access a rear site during a fire or other emergency. Council could then require any unacceptable risk to be mitigated or this could provide the developer with the opportunity to propose mitigations to achieve better health, safety and wellbeing outcomes through design and site layout considerations that account for the operational requirements of emergency services.

Fire and Emergency requests that the Panel consider the relief sought based on the above.

SUB-S14: Water supply

Fire and Emergency’s submission and relief sought: Fire and Emergency strongly supported SUB-S14 insofar as it requires all new lots that require water to be connected to a public reticulated water supply where a supply is available. Importantly, where a new lot will not be connected to a public reticulated water supply or where an additional level of service is required that exceeds the level of service provided by the reticulated system, an applicant must demonstrate how an alternative and satisfactory water supply can be provided (including firefighting water supply).

Fire and Emergency requested an amendment to SUB-S14(3) to include reference to SNZ PAS 4509:2008. This is because SNZ PAS 4509:2008 is the appropriate standard for determining a satisfactory firefighting water supply.

Furthermore, Fire and Emergency requested an additional matter of discretion relating to the extent of non-compliance where compliance with SNZ PAS 4509:2008 cannot be achieved. Fire and Emergency considered that this should be a matter that is carefully considered in relation to the health, safety and wellbeing of future occupiers of the subdivision and the ability or not for Fire and Emergency to respond in a fire emergency. This would also ensure that where water supply servicing cannot be met under SUB-S14, Council would have suitable discretion as to the extent a new allotment is able to be provided with a suitable firefighting water supply. The following amendments to SUB-S14 was sought:

SUB-S14: Water supply

1. All new allotments created that require water must be connected to a public reticulated water supply where a supply is available.
2. At the time of subdivision, sufficient land for water tobies must be set aside.
3. Where a new lot will not be connected to a public reticulated water supply or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided (including firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008).

Matters of discretion:

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5. The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008.

S42A recommendation: Ms Mills has recommended that the relief above be accepted in part. Ms Mills considers that it is crucial that all new lots requiring water are connected to a public reticulated water supply where available and, where not available, a satisfactory alternative, including a firefighting water supply, must be provided. However, Ms Mills states that “it is ineffective to direct plan users to a secondary document that charges to view (SNZ 4509:2008)”. Instead, Ms Mills recommends amending the wording of the matter of discretion as follows:

SUB-S14: Water supply		
All zones	<ol style="list-style-type: none"> 1. All new allotments created that require water must be connected to a public reticulated water supply where a supply is available. 2. At the time of subdivision, sufficient land for water tobies must be set aside. 3. Where a new lot will not be connected to a public reticulated water supply or <p>where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided (including firefighting water supply).</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The adequate and safe supply of water to service sites; 2. Infrastructure servicing; 3. Public health and safety, and 4. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure. 5. <u>The capacity of firefighting water supply.</u>

Fire and Emergency’s response: As indicated above, SNZ PAS 4509:2008 is freely and publicly available on Fire and Emergency’s website.

SNZ PAS 4509:2008 is the standard for determining firefighting water supply requirements. This is the current standard and would need to be referred to, for an applicant to determine and demonstrate whether SUB-S14 can be complied with in relation to providing a satisfactory firefighting water supply.

SNZ PAS 4509:2008 would also be used to determine whether additional firefighting water supply would be required over and above what can be provided by the reticulated water supply network. There will be scenarios where developments across the urban zones will require higher firefighting water supply flows, for example, a large, non-sprinklered building with a fire cell of 1,000-1,199m² and a fire hazard category 4 (FHC4) would require FW7 which is unlikely to be provided by Council’s reticulated network alone. In this case, an applicant would need to consider upgrades to the reticulated network, the provision of additional

onsite storage of firefighting water supply or consider installing sprinklers to meet the minimum requirements of SNZ PAS 4509:2008. This is calculated in Tables 1 and 2 of SNZ PAS 4509:2008.

Similar to Fire and Emergency's position in relation to SUB-S12, inclusion of reference to SNZ PAS 4509:2008 would provide Council with the ability to assess the level of risk to the future occupiers and to the environment associated with any non-compliance associated with an unsatisfactory firefighting water supply. Council could then require any unacceptable risk to be mitigated, or this could provide an applicant with the opportunity propose mitigations to achieve better health, safety and wellbeing outcomes through design and alternative firefighting water supply solutions.

Fire and Emergency requests that the Panel consider the relief sought based on the above.

SUB-AC1: General, applies to all subdivision (including boundary adjustments)

Fire and Emergency's submission and relief sought: Fire and Emergency requested SUB-AC1(i)(i), which relates to the ability for the site to 'effectively and efficiently meet firefighting requirements', directly reference SNZ PAS 4509:2008 to determine the extent to which the subdivision meet firefighting requirements. The following amendment to SUB-AC1 was sought:

SUB-AC1 General, applies to all subdivision (including boundary adjustments)

Stormwater and infrastructure

...

i. When the site is not proposed to be connected to a public water supply:

- i. the ability for the site to effectively and efficiently meet firefighting requirements [in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008](#), and*

S42A recommendation: Ms Mills has recommended rejecting the relief sought by Fire and Emergency for similar reasons as above, including that it is inappropriate to reference a standard that is not freely available.

Fire and Emergency's response: For the same reasons as set out above, Fire and Emergency requests that the Panel consider the relief sought.

Temporary Activities

Fire and Emergency's submission and relief sought: To ensure an efficient and effective emergency response, firefighter training is an essential activity undertaken by Fire and Emergency. Firefighter training may include live fire training (i.e. burning and putting out fires) and equipment training, both on and off site. The annual Statement of Performance Expectations (SPE) confirms a commitment to the Government that all firefighters achieve a certain level of training.

As emergency response and firefighting training is not specifically provided for in the PDP, Fire and Emergency sought provision for emergency services training activities as a permitted activity across all zones within the Temporary Activities Chapter as a 'catch all' approach. Fire and Emergency considers that this relief better achieves 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).

S42A recommendation: Mr Sajan considers it appropriate to provide for such activities within the Temporary Activities chapter and has recommended including a new rule for temporary emergency services training activities in all zones as a permitted activity, subject to meeting the yards, height, and height in relation to boundary standards of the underlying zone or overlay/precinct and the noise standards in NOISE-R7.

Further, Mr Sajan considers it would be advantageous to understand from Fire and Emergency what duration would be required for such exercises and the hours they are likely to be undertaken before Mr Sajan provides a recommendation on standards to restrict the duration of temporary emergency services training activities. The below rule is recommended by Mr Sajan, subject to further clarification from Fire and Emergency.

TEMP-R4: Temporary emergency services training activities	
<p>TEMP-R4A</p> <p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone or precinct/overlay; and The noise limits in NOISE-R7 — Noise generated from temporary noise events are met. 	<p>TEMP-R4B</p> <p>Activity status where activity conditions are not met: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> Quality living environments; Safe and efficient integrated transport network; Resilience and infrastructure; and Effects on the environment.] _ _ _

Fire and Emergency’s response: Fire and Emergency does not support the permitted activity standards in the form recommended by Mr Sajan. While Fire and Emergency recognise that effects from temporary activities in the district need to be managed where adverse effects may result, the nature and purpose of temporary emergency services training activities must be carefully considered.

The intent of the permitted activity status is to ensure the district plan does not unduly restrict emergency services training or unintentionally require Fire and Emergency (or any other emergency service provider) to need to obtain resource consent to undertake temporary emergency services training activities across the district.

To provide some context in terms of the type and nature of emergency services training activities, these would be:

- Live fire training: Fire and Emergency may undertake live fire burns on-site at fire stations or off-site where Fire and Emergency may, with agreement with landowners, utilise decommissioned buildings (i.e. a dwelling) to practice live fire suppression and rescue training.
- Multi storey building emergency response training: Emergency services will often take opportunities to utilise decommissioned buildings (i.e. former Kainga Ora housing) prior to their re-construction or demolition to undertake training within the buildings to practice forced entry and other emergency response and rescue training activities.
- Volunteer brigade training: This may include training using pumps, hoses and ladders and running emergency response drills so that brigades are trained and ready to respond at any time to a fire or other emergency. This can occur both on-site at fire stations or off-site (such as in the road corridor or open space in Council owned parks and reserves). This can include engine noise from the running of fire appliances or the operation of generators over a short period of which training drills are being undertaken. Brigades may also participate in Urban Search and Rescue (USAR) first responder training.
- Line rescue and swift water rescue training: Fire and Emergency in the past have utilised locations such as the open space on Napier Hill and Park Island Cemetery to undertake specialised equipment training.
- Civil defence training: Fire and Emergency form part of the Civil Defence Emergency Management (CDEM) Group. This training includes all emergency services and is vital so that the CDEM group (and the associated operational systems and capabilities) are ready to respond to save lives and protect property during a state of emergency such as Cyclone Gabrielle in February 2023.

As part of temporary emergency services training activities, Fire and Emergency would generally not construct buildings or structures for training purposes. On this basis, Fire and Emergency requests that TEMP-R4A(1) be removed.

While temporary emergency services training activities will in some cases generate elevated noise (i.e., the running of fire appliances, pumps and generators and use of equipment), this would be temporary, and Fire and Emergency would only undertake 'noisy' activities for short time periods and would consider the potential for noise to cause disruption. Fire and Emergency also notes it has a general responsibility under section 16 of the RMA to avoid unreasonable noise. Fire and Emergency recognises that the NOISE-R7 standards for temporary noise events offer higher noise limits however due to the nature and purpose emergency services training activities, request that TEMP-R4A(2) be removed.

In response to Mr Sajan's question as to what duration would be required for such exercises and the hours they are likely to be undertaken, these activities are generally undertaken between the hours of 7am – 10pm. However, it is important to note that some training activities, such as USAR training can extend outside of these hours due to the nature of the exercises and the types of events these teams train for. It is for this reason, along with the value of training to the community, that a duration is not imposed.

Given the crucial importance of emergency services to the community, providing for temporary emergency services training activities for Fire and Emergency operational personnel through the PDP is vital so that personnel are well-trained, are familiar with their obligations and procedures when working with other agencies (such as police and ambulance) and have the capabilities to respond to fire and other emergencies across the district when needed.

Provision for temporary emergency services training activities across the district is therefore sought as a permitted activity, with no specific standards, to enable Fire and Emergency to meet its obligations under the Fire and Emergency New Zealand Act 2017 and achieve the purpose of section 5 of the RMA.

Fire and Emergency would be happy to provide the Panel with more information about the types of training activities that brigades may undertake in the district.

Yours sincerely



Alec Duncan

Senior Planner

on behalf of

Beca Limited

Phone Number: +6479607259
Email: alec.duncan@beca.com