

Appendix 1

Plan Change 2 Fire Rule - Summary for Notification

December 2014

**(includes Section 32 Evaluation Report for
Plan Change 2)**

Kaipara District Plan: Proposed Plan Change 2 - Fire Safety Rules SUMMARY

Kaipara District Council is proposing changes to the Fire Safety Rules in the Kaipara District Plan. Research has been undertaken into the Fire Safety Rules which have determined that these rules can be modified, allowing compliance with the New Zealand Fire Code by another method. The proposed amendments to the rules will ensure that the benefits to the communities of Kaipara District of being as fire safe as possible is balanced with the cost to homeowners of the additional requirements associated with the Fire Code. Council staff have been consulting with the New Zealand Fire Service over the proposed amendments to the Fire Safety Rules.

The amendments to the Fire Safety Rules are in **Proposed Plan Change 2** to the Kaipara District Plan. A Section 32 Evaluation Report is part of the Plan Change, and is attached to this Summary. Proposed Plan Change 2 is going through a full public process under Schedule 1 of the Resource Management Act 1991. The proposed Plan Change has a **submission period of Monday 08 December 2014 to 5pm on Friday 30 January 2015**. This will be followed by a Further Submission period, Hearings and then Council will make a decision. All submitters have appeal rights to the Environment Court.

Issues

The Fire Safety Rules in the District Plan have a number of requirements to ensure that fire safety issues are addressed. These requirements include that:

- a building does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes
- a building is located at least 20 metres away from shrub or forests (defensible space)
- water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.

To comply with the New Zealand Fire Code non-reticulated areas must have available either a sprinkler system or, if no sprinklers, a dedicated water supply of 45 cubic metres. The installation of a sprinkler system would require an additional expense; estimates suggest a minimum \$16,000. For reticulated areas there are requirements for certain water pressure and number of hydrants.

The dedicated water storage for fire fighting can be a pool or an existing water supply like a pond, lake, stream or river, provided they are no further than 90 metres away from the dwelling, and have a hard stand area. However, if none of these are available then additional water tanks must be installed.

Having a dedicated water supply for fire fighting represents a substantial additional expense to the build costs. Using tanks to accommodate this additional amount of water storage on small residential

sites (e.g. 600 square metres) is also difficult. A Land Use Resource Consent for a Restricted Discretionary activity is required if you do not comply with this rule.

The Kaipara District Plan also requires that at time of subdivision water supplies must comply with the Fire Code. Shared water storage can be provided, rather than individual water storage for every Lot. It is considered that the subdivision stage is the best time to consider these matters. It is not proposed to amend this provision in the District Plan.

How have Kaipara's neighbours responded to the Fire Code? Whangarei District Council has reference to the Fire Code in its Engineering Standards and it is considered at time of subdivision. The Far North District Council considers compliance with the Fire Code through a Resource Consent Assessment Matter when subdividing.

With compliance with the Fire Safety Rules, as currently drafted, applicants are having difficulty in either modifying their site layout to accommodate the additional water storage required or adding the sprinkler system to the house design. In addition, having substantial costs added to a build project is creating difficulties.

The Fire Service acknowledges that there are issues with enforcing the Fire Code for existing Lots, especially small residential Lots that do not have a reticulated water supply, like Mangawhai. The Fire Service has been working with Council and the community on this.

Short Term Solution

Council staff have worked with the Fire Service and determined flexible options to ensure buildings are fire safe, and that these options are applied on a case by case basis through the Resource Consent process, when applied for by applicants. The Fire Service has allowed 10 cubic metres of dedicated water supply for fire fighting, through a resource consent process.

Between 01 November 2013, when the District Plan was made operative, and 01 November 2014 a total of 82 resource consent applications had been received, seeking a reduction of water storage to 10 cubic metres. The solution of 10 cubic metres of dedicated water supply for fire fighting has been applied to all resource consents.

Long Term Solution

Council has investigated a Plan Change to modify how Council requires compliance with the Fire Code. The proposed Plan Change will re-draft the Fire Safety Rules so as to allow water storage to the same volume as achieved through resource consents. The amended rule will allow this volume of stored water for fire fighting as a Permitted Activity, without the need for a resource consent.

The proposed amended rule will ensure that the benefits to the communities of Kaipara District of being as fire safe as possible is balanced with the cost to homeowners of the additional fire fighting requirements. The rules, as currently drafted, allow no flexibility for how compliance with the Fire Code is achieved.

Proposed Plan Change 2

For dwellings in all Zones, where reticulated water supply is not available, the proposed amended Fire Safety Rule will allow dwellings the option of storing 10 cubic metres of water for fire fighting as a Permitted Activity, no resource consent required.

For commercial and industrial activities in the Residential and Business Zones, the amended Fire Safety Rule allows the option of 45 cubic metres of water for fire fighting as a Permitted Activity.

Commercial and industrial activities in the Rural Zone, Maori Purposes Zone and Treaty Settlement Zone have not been given another water storage option in the proposed amended Fire Safety Rules. This is because the District Plan provides a flexible approach in relation to the bulk and location of commercial and industrial activities in these Zones, including allowing potentially large structures. Given the wide variety of commercial and industrial activities that can locate in these Zones, it is considered that each activity needs to be determined on a case by case basis through a resource consent regarding their fire safety requirements.

A Section 32 Evaluation Report is part of the Plan Change, and is attached to this Summary. This Evaluation Report is a requirement under the Resource Management Act 1991. The Evaluation Report has assessed other reasonably practicable options, efficiency and effectiveness of options, alternates, and costs and benefits of the options.

Consultation with the New Zealand Fire Service has been a key part of this process.

December 2014

Kaipara District Operative District Plan

Section 32 Evaluation Report

Proposed Plan Change 2 – Fire Safety Rules

Proposed Plan Change 2

Proposed Plan Change 2 (the “plan change”) amends Rules 12.10.26, 13.10.26, 14.10.26, 15A.10.25 and 15B.10.25 of the Kaipara District Operative District Plan (“district plan”). The plan change deletes clause c) from the rules, adds a new clause d) and adds further wording to b) and other clauses, as below (deletions in ~~strike through~~, additions underlined).

It is proposed to amend Rules **13.10.26** (the Residential Zone) and **14.10.26** (the Business Zone) to read as follows:

Any **building** is permitted if:

- a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes; and
- b) Water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, except that where a reticulated water supply is not available:
 - (i) in relation to a site containing a dwelling (including any building accessory to a dwelling), the minimum water storage volume (separate to any domestic (potable) supply) shall be 10m³ or;
 - (ii) in relation to a site containing a building used for a commercial or industrial activity (separate to any other water supply), the minimum water storage volume shall be 45m³; and
- ~~c) — The use of buildings shall at all times be in accordance with the fire safety requirements specified in New Zealand Standard NZS 9231:1971 ‘Model Bylaw for Fire Prevention’; and~~
- ~~c)~~ The building is located at least 20m away from naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest; and
- ~~ed)~~ Any water tank for fire fighting purposes that is constructed of combustible material shall be situated no less than 6m from any building on the site.

Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the dripline of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.

Note 2: Table 2 in SNZ PAS 4509:2008, in situations where there is not a reticulated water supply, requires a water storage volume of 45m³ for dwellings and 180m³ for buildings used for commercial and industrial activities. For bi) above allows that this may be reduced to a 10m³ minimum storage volume at all times to be retained for fire fighting purposes for dwellings and associated accessory buildings. For bii) above allows for a reduction to 45m³ for buildings used for commercial or industrial purposes within commercial and industrial zones.

It is proposed to amend Rules **12.10.26** (Rural Zone), **15A.10.25** (Maori Purposes Zone) and **15B.10.25** (Treaty Settlement Zone) to read as follows:

Any **building** is permitted if:

- a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes; and
- b) Water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, except that where a reticulated water supply is not available:
 - (i) in relation to a site containing a dwelling (including any building accessory to a dwelling), the minimum water storage volume (separate to any domestic (potable) supply) shall be 10m³; and
- ~~c) — The use of buildings shall at all times be in accordance with the fire safety requirements specified in New Zealand Standard NZS 9231:1971 'Model Bylaw for Fire Prevention'; and~~
- ~~d)~~ The building is located at least 20m away from naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest; and
- ~~e)~~ Any water tank for fire fighting purposes that is constructed of combustible material shall be situated no less than 6m from any building on the site.

Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the dripline of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.

Note 2: Table 2 in SNZ PAS 4509:2008, in situations where there is not a reticulated water supply, requires a water storage volume of 45m³ for dwellings. For bi) above allows that this may be reduced to a 10m³ minimum storage volume at all times to be retained for fire fighting purposes for dwellings and associated accessory buildings.

Current District Plan Provisions

The district plan recognises fire as a natural hazard issue. Parts 7.4.1 and 7.4.3 of Chapter 7 Natural Hazards in the plan are:

7.4.1 There is risk to life, property and the environment from hazards including fire; flooding in low lying areas; coastal erosion; landslips; and storm damage.

The Kaipara District is susceptible to a range of natural hazards many of which have the potential to cause significant property damage along with social and economic disruption to communities (e.g. wildfire). Climate change has the potential to exacerbate these hazards in some areas (e.g. coastal locations and adjacent to waterways). Minimising the adverse effects of the various hazards, particularly on people, property and associated infrastructure, is an important part of sustainable resource management.

7.4.3 Inappropriately located activities and development increase the likelihood of significant property damage caused by hazards, such as wild fire, land instability and subsidence.

Human activity and development can increase this risk when they occur in or near areas prone to natural hazards. Certain natural features (such as sand dunes and wetlands) function to absorb the effects of natural hazards but may lose their protective role due to human intervention, thereby exacerbating the risks from natural hazards, e.g. draining wetlands may lead to increased downstream flooding. Certain activities can contribute to increasing the hazard threat especially in high risk areas. Such activities include:

- *Clearance of vegetation by mechanical or other means in areas exposed to the elements and/or with poor soil structures;*
- *Earthworks, in sensitive foreshore and riparian areas;*
- *Erection of structures, especially buildings, in flood plains; and*
- *Locating structures (especially dwellings) in close proximity to bush or shrubland areas or conversely allowing forestry activities close to existing residential buildings (locating property and residential activity in proximity to wild fire hazard areas).*

The above Issues lead to the following relevant Objectives:

- 7.5.1 To control subdivision and development so that it does not induce natural hazards or exacerbate the effects of natural hazards.
- 7.5.3 To improve public awareness of natural hazards as a means of helping the community to avoid such hazards.

- 7.5.4 To consider natural hazards at the time of any subdivision, land use development or when there is a significant change in land use proposed (for example a new Growth Area).

The Objectives are supported by the following relevant Policies:

- 7.6.1 By considering the potential for development, subdivision and land use activities including:
- a) Vegetation clearance;
 - b) Draining of wetlands;
 - c) Changes in overland flow paths and storm water;
 - d) Changes to riparian margins;
 - e) Earth works;
 - f) Buildings and building setbacks; and
 - g) Land reclamation;

to exacerbate any natural hazard on-site or off-site, and avoiding such activities, unless it can be demonstrated that the adverse effects can be mitigated, remedied or avoided.

- 7.6.5 By making information on known natural hazards available to the public to assist them with making informed resource management decisions.

There are no Rules in Chapter 7 relating to natural hazards. However, there are Rules to manage the effects of fire in Part B – Zone Chapters. These include (but are not limited to) the fire safety Rules 12.10.26 (Rural Chapter), 13.10.26 (Residential Chapter), 14.10.26 (Business Chapter), 15A.10.25 and 15B.10.25 (Maori Purpose Chapters). These rules are intended to achieve the objectives and policies by managing access for fire service vehicles or equipment for fire fighting purposes, water supply for fire fighting, the use of buildings and the separation of buildings from vegetation that may be a fire hazard. These fire safety rules are identical in each chapter and read as follows (this is subsequently referred to as “the Rule”):

Any **building** is permitted if:

- a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes;
- b) Water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008;
- c) The use of buildings shall at all times be in accordance with the fire safety requirements specified in New Zealand Standard NZS 9231:1971 ‘Model Bylaw for Fire Prevention’; and

- d) The building is located at least 20m away from naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest.

Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the dripline of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.

Where an activity is not permitted by the Rule a Restricted Discretionary Activity consent is required. Under the Rule Council has restricted its discretion over the following matters when considering and determining an application for resource consent:

- i) The extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained);
- ii) Whether and the extent to which the building is assessed as a low fire hazard and risk;
- iii) Any mitigation measures proposed to reduce the fire risk;
- iv) The adequacy of the water supply; and
- v) The accessibility of the water supply to fire service vehicles.

Section 32 Evaluation

Introduction

Section 32 of the Resource Management Act 1991 requires that any plan change or variation must be supported by an evaluation as to the costs and benefits of the proposal. Section 32 states:

32 Requirements for preparing and publishing evaluation reports

(1) An evaluation report required under this Act must—

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced;*
 - and
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a);*
 - and
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection—*
- (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
 - (b) *at the same time as the proposal is publicly notified.*
- (6) *In this section,—*
- objectives** means,—
- (a) *for a proposal that contains or states objectives, those objectives;*
 - (b) *for all other proposals, the purpose of the proposal*

proposal means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;*
- (b) *for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

S32(1)(a) Evaluation - Objectives

The plan change does not propose or amend any objectives. The plan change amends a rule only. This is the “proposed option”.

S32(1)(b)(iii) Summarise the reasons for deciding on the provisions

The Rule being amended was introduced into the reviewed Kaipara District Plan, which was made operative on 1 November 2013. Since then, administration of the Rule has shown that amendments are required to allow for more efficient achievement of the Rule’s objective in managing fire safety.

Part b) of the Rule refers to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. This Rule was introduced via the submission process on the then Proposed Kaipara District Plan. In general, that standard is appropriate as it has been prepared specifically for fire safety purposes. However one part of the standard has been shown to be unnecessary. That is the part that requires, in respect of dwellings and associated buildings, 45m³ of water storage for fire fighting purposes.

Between the date the district plan was made operative on 1 November 2013 and 18 August 2014 a total of 79 applications seeking a reduction of water storage to 10m³ had been received and processed by Council. After consultation with the New Zealand Fire Service (“NZFS”) all applications were approved.

NZFS is satisfied that a 10m³ volume, provided it is additional to any potable supply, is sufficient for fire fighting purposes.

In circumstances where applications are always approved it is considered permitted activity status is warranted. The plan change therefore allows a 10m³ minimum storage volume at all times to be retained for fire fighting purposes for dwellings and associated accessory buildings. No reduction in volume for other activities may be made without a resource consent and all other parts of SNZ PAS 4509:2008 will continue to apply.

Commercial and Industrial Activities in the Rural and Maori Purposes Maori Land and Maori Purposes Treaty Settlement Zones

The District Plan provides a flexible approach in relation to the location of commercial and industrial activities in zones, as well as the business zone. Commercial and industrial activities within specified thresholds are permitted activities in the Rural, Maori Purposes: Maori Land and Maori Purposes: Treaty Settlement zones. These zones are all Rural in nature and are generally not located within urban areas in the District. It is not considered appropriate that an amendment to the Fire Safety Rule in respect of provision of water for commercial and industrial activities be made for these zones. Small workshops can contain substances that are flammable while some larger buildings may not use or store substances that may be flammable or explosive.

There are also a wide variety of commercial activities that locate in the Rural Zone, some of which will trigger the Fire Safety rules. For cottage/craft type industry that operates from a small workshop in an accessory building and for commercial businesses that operate from a bedroom converted into a study within these Zones, it is not considered that such industrial and commercial enterprises will

trigger the Fire safety Rules and will therefore not need to be assessed through the resource consent process. However, it is considered that, for fire fighting purposes, the majority of commercial and industrial activities wishing to locate and operate in the above referred to zones need to be individually assessed where triggered by the Fire Safety rule through the resource consent process to determine what fire fighting capabilities are appropriate in each particular situation.

For commercial and industrial activities that may be established either within or adjacent to 'urban' areas, it is considered that a reduced water provision is appropriate for these activities given that there are New Zealand Fire Service fire brigades in Dargaville, Mangawhai, Maungaturoto, Ruawai, Kaiwaka and Te Kopuru.

It is to be noted that Commercial Activity and Industrial Activity has been defined in the District Plan as follows:

“Commercial Activity: The use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, restaurants, take-away food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.”

“Industrial Activity: The use of land or buildings for the primary purpose of manufacturing, fabricating, processing, packaging or storage of goods and the servicing and repair of goods and vehicles.”

Part c) of the Rule refers to the New Zealand Standard NZS 9231:1971 'Model Bylaw for Fire Prevention'. This Rule was part of the Proposed Kaipara District Plan when notified. However it is now redundant. NZS 9231:1971 has been withdrawn without replacement. It is not required to meet the district plan objectives.

In recent consultation the New Zealand Fire Service has raised a concern about tanks, usually plastic tanks, constructed of combustible material. If located close to a fire such tanks can be damaged to the extent they lose the water necessary for fire fighting. A further clause d) is therefore introduced by this plan change, setting a minimum 6m distance from any building for any tank constructed of combustible material.

S32(1)(b)(i) Evaluation - Other reasonably practicable options

Other reasonably practicable options have been identified as follows:

- Option 1 Status Quo – leave the Rule as-is
- Option 2 Delete either the entire Rule or parts b) and c) of the rule
- Option 3 Provide for a more discretionary approach involving a NZFS approval option
- Option 4 Lengthen the Rule by providing more detail on what is or is not permitted.

These options are analysed, where relevant, below.

S32(1)(b)(ii) Evaluation - efficiency and effectiveness

Option 1 is not efficient. The current rule requires applications to be made for a lesser water storage volume than is required by the Rule. A lesser storage volume of 10m³, where a dwelling and accessory buildings only is involved, is sufficient and effective to meet the objective of the Rule in providing adequately for fire safety.

Option 2 would remove the current requirement for resource consents. SNZ PAS 4509:2008 is referred to in the Kaipara District Engineering Standards 2011 and would continue to apply in some circumstances. However this will not cover some common situations, such as the establishment of a dwelling where no reference to the Engineering Standards needs to be made. As there are parts of the Rule that remain relevant and which have not proven to be an issue in their implementation, they should remain to ensure continuing effectiveness in achieving objectives.

Option 3 would be practicable and efficient. The current process, which has involved obtaining NZFS approval for departures from SNZ PAS 4509:2008, is efficient, albeit being part of a resource consent process. However it is not (legally) possible to have a third party approval process as a standard for a permitted activity rule and this effectively prohibits a more efficient process than is currently conducted. This effectively rules out Option 3 from further consideration.

Option 4 could provide further clarification by extracting from SNZ PAS 4509:2008 other matters that are particularly relevant, and perhaps providing further clarification. However the particular purpose of this plan change is to address current issues in administration. Overall, this is a rule that has only recently been introduced and it is not considered necessary, for efficiency or effectiveness, for the rule to extend beyond its currently proposed changes.

The one exception to this is the proposed clause d). That matter relates directly to a fire safety concern. It is considered appropriate to add it to the rule as it more effectively achieves the objectives. Clause d) should have little effect on the efficiency of the rule as it is usually possible to locate tanks at least 6m from a building. Alternatively, a non-combustible tank material can be used.

S32(2)(a)&(b) Evaluation - identify, assess and, if practicable, quantify the benefits and costs of the environmental, economic, social, and cultural effects

S32(1)(c) provides that the evaluation should contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. It is considered that the plan change's main effects are economic. They allow a less expensive option (than Option 1) in enabling smaller water storage volumes and avoid the necessity to apply for resource consents to achieve those volumes. In relation to safety, minimum safety standards will be retained, and in respect of the proposed clause d) will potentially be improved.

Option 2 will compromise personal and property safety.

Option 4, if suitably framed, may not have adverse environmental, social or cultural effects but could introduce complexity that requires further examination and costs in implementation.

S32(2)(c) Evaluation - assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

As the plan change addresses issues that have become well known through administration of the current rule it is considered there is sufficient and certain information.

S32(3) Evaluation - an amending proposal is relevant to the objectives of the amending proposal

In the main, the Plan Change clarifies and implements current practices which are conducted in a way that achieve the Rule's purposes in ensuring adequate fire safety. The newly introduced clause d) also relates to the objectives by improving provision for safety from fire.

S32(4) Evaluation - national environmental standards

There are no relevant national environmental standards.

Consultation and reference to other specialist reports/evaluations

Council has consulted on the plan change with the New Zealand Fire Service.

The main reference document is New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

An analysis has been carried out of resource consents received in respect of the Rule.