

Appendix 9

**Plan Change 2 - Update and Summary Report
(sent to Submitters and Practitioners)**

Fire Safety within the Kaipara District – Plan Change 2 update and Summary of Proposed new Approach

Introduction

Plan Change 2 – Fire Safety was notified in response to implementation and compliance issues that caused some frustration within the Kaipara Community.

Council has investigated the Fire Safety Rules further and is considering a new approach and would like your thoughts on the scope of that new approach. This means that Plan Change 2 will need to be withdrawn. Council is seeking comments on this proposed new approach prior to a formal notification process under the Resource Management Act 1991.

Background

Plan Change 2 – Fire Safety, as proposed, set out to modify the Fire Safety Rules in the District Plan to allow for onsite water storage of 10,000 litres for residential activities and 45,000 litres for commercial activities as an alternative to meeting the water volume requirements in the New Zealand Fire Service Water Supply for Fire Fighting Code of Practice SNZ PAS 4509:2008 (the 'Code'). This Plan Change was in response to issues around the implementation of the current District Plan Fire Safety Rules and the enforceability of rules outside of a resource consent process, which caused some frustration within the community.

The 10,000 litres of water for residential activities, was the standard volume that had been imposed as a resource consent condition since the District Plan became operative in November 2013. Therefore 10,000 litres was used as the basis for residential activity being a permitted activity under Plan Change 2. In order to obtain a resource consent for reducing the volume of water to 10,000 litres (for residential activities) an applicant was required to consult and obtain from the New Zealand Fire Service written approval. This written approval then needed to be submitted to Council as part of that resource consent application.

Plan Change 2 and Submissions Received

Plan Change 2 was notified on 08 December 2014 and the submission period closed on 30 January 2015. Council received 121 submissions to Plan Change 2, including two late submissions. The submitters raised process and legal issues. Overall the majority of submitters sought as relief in their submissions that:

- 1 *“The Council not adopt the proposal; and*
- 2 *Council reconsiders the whole matter of including the Fire Service Rules in its District Plan de novo as a new proposal; and*
- 3 *Council prepares a new Section 32 Evaluation Report that is compliant with the Act; and*
- 4 *Council notifies the proposal in full compliance with the provisions of the RMA, this included the s32 Evaluation report, notification and how the Code of Practice was incorporated into the District Plan; and*
- 5 *Council holds public meetings throughout the District to explain to the public the objectives of the proposal, the assessment of the proposal and the implications of the proposal.”*

Other submitters specifically requested that the Plan Change be withdrawn.

Advice was sought on legal issues raised by submitters. The legal advice confirmed that Council had not acted illegally in terms of all matters raised including the notification of Plan Change 2, the Section 32 Evaluation Report and the way the Fire Rules were incorporated into the District Plan through the original District Plan Review Process that commenced with the notification of the Proposed District Plan on 21 October 2009.

Council staff have since been reconsidering how fire safety could be managed throughout the District to ensure people are fire safe.

Since receiving submissions Council has investigated the following:

District Plan

- Approaches on how structural fires are currently addressed – i.e. smoke alarms, building design, education, sprinklers, reticulated water supply (fire hydrants) and onsite water storage.
- Establishing whether there was another way to **implement the existing rules without the need for resource consent**. This included looking at a Memorandum of Understanding between the New Zealand Fire Service and the Kaipara District Council setting out a process that can use the alternative provisions in clause 4.4 of the Code and providing guidance documents.
- Evaluating the Code of Practice, in particular the Code of Practice's alternative provisions for calculating firefighting water supply. This provision has been tested using three past building and resource consents which have been peer reviewed to determine whether such a provision is more flexible or more onerous. The assessment of building projects under the alternative provisions within the Code, uses the information supplied for a building consent and the application of some assumptions.
- Council has looked at other District Plan approaches to fire safety rules, particularly the Gisborne District Plan and the Proposed Whakatane District Plan.
- How the Fire Safety Rules fit within the District Plan framework i.e. issues, objectives and policies, including differentiating structural fires and wildfire from each other.
- The cost of obtaining resource consents, and additional costs to supply the required amount of water, both 45,000 litres as required by the Code and 10,000 litres as imposed on most resource consents.
- Vehicle access requirements for fire service vehicles and how this fitted with the rest of the District Plan Rules.
- Whether or not to retain the 20 metre Setback from the dripline of a tree provision.
- The applicability of all provisions in the Rules within different zones that assist to provide fire safety such as the setback requirements between buildings.

Other Methods

- Other methods that could be used rather than rules in the District Plan to ensure people are fire safe. Particularly for buildings that are situated some distance from a fire service station, or buildings that are situated close to a fire service station but do not have access to a reticulated water system. This includes reliance on the Building Code provisions. Other methods could include Council providing public

static water supplies (in tanks) at strategic locations within settlements where there is a fire service but no reticulated water system with fire fighting capacity. This supply would be accessible only to the Fire Service at the time that it was required; or providing fire appliances (trucks) which could carry greater volumes of water than currently is the case.

General Conclusion

The issue of fire safety for the community is a complex one that requires a multi-pronged approach particularly in the Kaipara District, where not all settlements have reticulated water supply available for fire fighting purposes, and many rural areas are a considerable distance from a fire station, and rely on voluntary fire fighters. Response times to fires that occur a considerable distance from a fire brigade are unlikely to save a building from burning down. This is further complicated by the current rule requiring a particular coupling that only the Fire Service can use once on the site when attending a fire. A homeowner cannot use this water while waiting for the Fire Service to arrive at their property to extinguish or retard the progress of the fire.

District Plan Rules are one method that needs to be considered within a framework of other methods such as the Building Code requirements that provide for the safe escape of people in the event of a fire and the provision of public static water supplies in settlements where there is no reticulated water supply. To these can be added smoke alarms, sprinklers, and education initiatives, such as those that appear regularly on TV.

The general conclusion of the above investigations have led Council to conclude that a Plan Change is still required. A new Plan Change should be notified which takes a different approach to that proposed in Plan Change 2.

Therefore it is proposed to withdraw Plan Change 2. It is also proposed to notify a new Plan Change that addresses the fire safety of people given the circumstances found in the Kaipara District.

When contemplating the intended outcomes of a new Plan Change, Council has been considering how to keep people, property and the surrounding environment fire safe while striking a balance between the level of risk and the cost of the method, and in particular the role of the District Plan. At this stage the Council is considering what a Plan Change might contain in order to achieve the right balance.

It is considered at this stage that:

- The Code of Practice should be removed from the Land Use Rules, but retained within the Subdivision Rules and Engineering Standards;
- Introducing supporting issues, objectives, and policies for managing structural fires throughout the district as these are currently missing; and
- Use of other Methods for managing structural fires in the District Plan.

Other Methods may include:

- Investigate provision of community water tanks in non-water reticulated residential areas – this is opposed to individual onsite water supplies e.g. Mangawhai, Kaiwaka and Te Kopuru;
- Reliance on the implementation of the Building Code at the time of building consents. All building consent assessments are currently being assessed against the Building Code;
- Promote the installation of sprinkler systems by including an ADVICE NOTE on all building consents,

especially for areas some distance from a fire service station;

- Support New Zealand Fire Services Fire Safety Education Initiatives;
- Support the ongoing use of water tankers that attend fires;
- Include an advice note within the District Plan promoting the use of sprinkler systems in new buildings, especially for areas some distance from a fire service station; and
- Removal of the 20 metre dripline setback provisions from the residential and business zones but retained in the rural and Maori purpose zones.

Further to this Council acknowledges that property owners are required to provide their own water for domestic use, which may also be available in the event of a fire.

This change in approach will mean that owners of dedicated water supplies that have been put in place since the rules have been implemented have a choice to use the dedicated water supply for domestic use or left for the purpose originally intended i.e. for firefighting purposes.

Proposed New Approach to the Fire Rules – what does it mean to me?

Zone	Reticulated water	Non-Reticulated water with effective fire service	Non-Reticulated water without effective fire service
Residential	<ul style="list-style-type: none"> ✓ Reticulated water supply provides sufficient water. ✓ No District Plan requirements. ✓ Communities include Dargaville, Ruawai, Maungaturoto and Baylys. 	<ul style="list-style-type: none"> ✓ Council to put in communal water storage for New Zealand Fire Service use. ✓ No District Plan requirements. ✓ Communities include Mangawhai, Kaiwaka and Te Kopuru. 	<ul style="list-style-type: none"> ✓ District Plan advises house builders to install sprinklers. ✓ Communities include Paparoa, Tinopai, Whakapirau and Pahi.
Rural	<ul style="list-style-type: none"> ✓ Reticulated water supply provides sufficient water. ✓ No District Plan requirements. 	<ul style="list-style-type: none"> ✓ District Plan advises house builders to install sprinklers. 	<ul style="list-style-type: none"> ✓ District Plan advises house builders to install sprinklers.

Please Note: Effective Fire Service means if your building is within a 5 minute drive from a New Zealand Fire Service Station.

In Kaipara District there are New Zealand Fire Safety Stations in the following locations: Dargaville, Te Kopuru, Ruawai, Maungaturoto, Kaiwaka and Mangawhai.

Rural Fire Services cannot attend to structural fires, like a house. There are Rural Fire Services based in the following locations: Paparoa and Tinopai.

Your Comments and Feedback are Valued

Council would like your thoughts on the direction being considered for inclusion in a new Plan Change. Please provide this by return email by **Thursday 30 June 2016**.

Could we ask you that if you do not like any aspect of the suggested approach, please provide us with your reasons. We hope that you take this opportunity to influence the direction of the Plan Change prior to a formal Plan Change being notified. You are advised that any comments and feedback you make will be valued. Council wants to get fire safety rules in the District Plan right.

Council will be holding a **drop in session** at the Mangawhai Council Offices, at Unit 6 The Hub, 6 Molesworth Drive, Mangawhai, on Wednesday 22 June 2016 between 3.00pm and 6.00pm. Please feel free to come a long and discuss any concerns or ideas you have on this subject with Council staff.

Kaipara District Council