

Website Section 32 Evaluation Report Summary Extract

Purpose and Scope of Proposed Plan Change 4 Fire Safety Rules (Land Use)

Introduction

Below is an **EXTRACT** taken directly and un-amended from the Section 32 Evaluation Report (**Sections 1.2 and 1.3**) that sets out the purpose and scope of Proposed Plan Change 4 Fire Safety Rules (Land Use) (Section 1.2) and what is proposed in terms of planning provisions and what this means to property owners (Section 1.3). The purpose of this extract is to provide an overview reference document of new planning provisions that are proposed to be added to the District Plan and the amendment of existing Fire Safety Rules (Land Use) and **assist those who may wish to make submissions to Plan Change 4 in respect of these provisions.**

The reader is advised that the full Section 32 Evaluation Report contains **all the reasons** why the Council considers the provisions of Proposed Plan Change 4 Fire Safety Rules (Land Use), as contained in sections 1.2 and 1.3 set out below, are the most appropriate planning provisions for the Kaipara district in respect of structural fires. The reader is encouraged to read and consider the full contents of the Section 32 Evaluation Report when making submissions.

Purpose and scope of Proposed Plan Change (Section 1.2)

The purpose of the Plan Change is to provide a policy framework for managing the risk of structural fires to life, property and the wider environment and to amend existing rules from the District Plan that are considered a disproportionate mitigation action to the risk posed by structural fire events. It is also considered that there are other methods and legislation (for example the Building Act 2004) that address the risk of structural fires and their spread other than including direct reference to the Code of Practice.

The scope of this Plan Change in respect of structural fires includes the following:

- The addition of a new issue to Chapter 2;
- The addition of a new Objective to Chapter 2;
- The addition of three new Policies and an Explanatory Statement in respect of these Policies to Chapter 2;
- The addition of four new Other Methods to Chapter 2;
- The addition of a new Outcome to Chapter 2;
- The amendment of Fire Safety Rules (Land Use) 12.10.26; 13.10.26; 14.10.26; 15A.10.25 and 15B.10.25;
- Amendment of the Dwelling Infrastructure Rule 15A.10.3b(c); and
- Retaining reference to the Code of Practice as a matter that will be considered at the time of subdivision in Rules 12.15.4; 13.14.4; 14.13.4 and 15B.14.4.

Submissions can be made on the new text that is proposed to be included in Chapter 2 and the amendment of Fire Safety Rules (Land Use) 12.10.26; 13.10.26; 14.10.26; 15A.10.25 and 15B.10.25 and the Dwelling Infrastructure Rule 15A.10.3b(c). Submissions can also be made on the rules that specify that the Code of Practice will be retained and considered at the time of subdivision.

Proposal - Plan Change 4 Fire Safety Rules (Land Use) and what it means (Section 1.3)

The proposal is to add an issue, an objective and three policies to Chapter 2 - *District Wide Resource Management Issues* - as the District Plan does not contain a specific policy framework for 'structural fires'. An issue of 'fire' is included in Chapter 7 - *Natural Hazards* - where the focus is on 'wild fires' that can occur naturally but not 'structural fires'.

It is also proposed to amend existing Fire Safety Rules (Land Use) in the Rural; Residential; Business (Commercial and Industrial); Maori Purposes: Maori Land and Maori Purposes: Treaty Settlement Land Zones. In all the rules for these zones sub-clause (c) is proposed to be deleted. Sub-clause (c) reads as follows:

"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". This sub-clause has been removed because the 1971 'Model Bylaw for Fire Prevention' no longer exists and was not replaced by an updated Bylaw.

In all rules, sub-clause (b) is proposed to be deleted and replaced with an Advice Note. Sub-clause (b) reads as follows:

"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;"

It is considered that implementing the Code of Practice at a land use stage for new development is a disproportionate action to mitigate the risk posed by structural fires events and in particular does not capture sites which already have been developed. It is considered that implementation of the Code of Practice is more appropriate at subdivision stage where the issue of appropriate provision of water for fire fighting purposes should be addressed upfront. It is considered that for existing sites, particularly where there are no reticulated water supplies that have sufficient capacity for fire fighting purposes, an Advice Note is a more appropriate measure.

For the Fire Safety Rules (Land Use) for the Residential, Commercial and Industrial Zones, it is proposed to delete sub-clause (d) and Note 1. Sub-clause (d) and Note 1 read as follows:

"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."*

It is considered that sub-clause (d) and Note 1 are not generally urban issues and to retain such a provision is unnecessary and onerous, particularly where planting occurs that will be closer than 20m as part of residential amenity. It is considered that this provision relates more to wildfire situations in the rural areas.

The following sets out what is proposed under this Plan Change.

1 Add to Chapter 2 as Issue 2.3.14

“2.3.14 Potential adverse effects to life, property and environment from fires in buildings and structures

The risk to life, property and the environment is affected by the reporting of and responding to fires in buildings. The District is served by a number of volunteer fire fighting forces that need to assemble before a fire appliance is sent to the site of an incident. Response times vary depending on the distance of the incident to the fire station concerned. Firefighting appliances carry a limited water supply and an additional water supply is often required at the source of the fire to put out fires. Additional water supplies are variable across the district. In respect of the various settlements in the district, not all have reticulated water supplies that have sufficient capacity for fire fighting purposes. In addition, static water supplies such as lakes, streams, the sea and swimming pools may be too far from source of the fire for practical use. Dwellings located in the rural heartland and in some settlements where there is no reticulated water supply, provide for their own domestic water needs storing water in tanks which is often insufficient as an additional source for firefighting. Given service levels for the rural heartland of the Kaipara district, it is likely that stored water onsite dedicated for fire fighting purposes, may not even be used by the Fire Service to save the buildings by the time the fire truck arrives on the site. Where there may be a domestic water tanks onsite dedicated for fire fighting purposes, special couplings are required by the Fire Service to enable this water to be used. In rural areas the issue of reporting and responding to a fire can mean that the dedicated water supply for fire fighting purposes may not prevent the loss of a building.”

2 Add to 2.4 District-wide Objectives as Objective 2.4.15

“2.4.15 *To encourage and promote fire safety measures for buildings and structures to minimise fire risk to life, property and the environment.”*

3 Add the following Policies to Section 2.5

“2.5.17(a) *To ensure new reticulated sites within the Reticulated Services Boundary are provided with an adequate supply of water for fire fighting for the reasonably anticipated land use;*

2.5.17(b) *To promote in non-reticulated areas that there is an adequate alternative supply of water for fire fighting purposes for the reasonably anticipated land use;*

2.5.17(c) *To encourage education on fire hazard and on fire risk reduction measures.*

The District Plan can promote measures at land use and subdivision stages to assist in minimising fire risk spread for the community. However, provisions in a District Plan are not the only method of minimising fire risk. The Building Code contains measures that are applied at the time a building consent is lodged. Council or the community for areas where there is no reticulated water supply can provide static supplies for fire fighting purposes in the form of tanks situated at strategic locations that can service a wider area.”

4 Add the following to Other Methods

“2.6.2.5 Investigate the provision of additional water supply for fire fighting purposes in non-reticulated residential areas where there is a fire service (e.g. Mangawhai, Kaiwaka and Te Kopuru) e.g. Community water tanks or providing volunteer fire brigades with mobile tankers or portable dams;

2.6.2.6 Implementation of the Building Code at the time of building consents;

2.6.2.7 Promote the installation of Sprinkler Systems by including an Advice Note on all Building Consents;

2.6.2.8 Support New Zealand Fire Services Fire Safety Education Initiatives.”

5 Add the following to Outcomes

“2.7.13 A community where the risks to life and the surrounding environment from fire is minimised.”

6 Amend Rules 12.10.26; 15A.10.25 and 15B.10.25 to read: (These are the Rural Rules)

“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;~~
- ~~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~~
- ~~db) 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.

Note 2:

“In the interests of the protection of life and the surrounding environment, in all areas particularly non-reticulated areas over five minutes driving distance from a fire station, it is recommended that subject to the use of the building, a fire sprinkler system is installed in accordance with either the:

- NZS 4517 (Fire Sprinkler Systems for Houses); or
- NZS 4541 (Automatic Fire Sprinkler Systems); or
- NZS 4515 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m²).”

7 Amend Rules 13.10.26 and 14.10.26 to read: (These are the urban rules)

*“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.~~*

Note 1:

“In the interests of the protection of life and the surrounding environment, in all areas particularly non-reticulated areas over five minutes driving distance from a fire station, it is recommended that subject to the use of the building, a fire sprinkler system is installed in accordance with either the:

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- NZS 4541 (Automatic Fire Sprinkler Systems); or*
- NZS 4515 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m²).”*

8 Chapter 15A.10.3b(c) is a rule that relates to dwelling infrastructure in the Maori Purposes Maori Land Chapter. This Chapter provides for land that is owned by Maori and administered by the Maori Land Court under Te Ture Whenua Act 1993.

Amend Rule 15A.10.3b(c) to read:

- “c) Where a public supply is not available, water supplies to all dwellings shall:*
- meet the requirements of the Building Act 2004; and*
 - be adequate for fire fighting purposes ~~in accordance with the New Zealand Fire Service’s Code of Practice SNZ PAS 4509:2008;~~”*

9 Retain reference to the Code of Practice as a performance standard for subdivision in the Rural, Residential, Business (Commercial and Industrial) and Maori Purposes: Treaty Settlement Zones where the following is stated in Rules 12.15.4; 13.14.4; 14.13.4 and 15B.14.4:

“1) Where a Council water supply is available:

- a) the written approval of **Council’s** Asset Manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the **subdivision**;*
- b) all **allotments** are provided, within their **net site area**, with a connection to the Council water supply; and*
- c) all water pipelines vested with Council shall be protected by an Easement in favour of Council.*

2) Where a public supply is not available, water supplies to all developments shall:

- a) meet the requirements of the Building Act 2004; and
- b) be adequate for fire fighting purposes taking into account the New Zealand Fire Service's Code of Practice SNZ PAS 4509:2008."

10 Retain reference to the Kaipara District Council Engineering Standards 2011.

The Kaipara District Council Engineering Standards 2011 in s8 Water Supply and Reticulation contains the following statements which by reference are also District Plan rules:

"8.2 Design Requirements

The following requirements shall be met:

- a) *Water supplies to all developments shall meet the requirements of the Building Act; and*
- b) *Reticulated water supplies to all developments shall:*
 - (i) *include an isolation valve installed immediately after the meter on every new connection;*
 - (ii) *have an approved backflow preventer installed on every new commercial or industrial connection;*
 - (iii) *be adequate for fighting purposes in accordance with New Zealand Fire Service's Code of Practice SNZ PAS 4509:2008.."*

11 Retain reference to the Code of Practice in the subdivision provisions in Rules 12.15.4; 13.14.4; 14.13.4 and 15B.14.4.

12 Setbacks from Vegetation

It is considered that retaining the 20m setback for dwellings from "*naturally occurring or deliberately planted area of scrubland or shrubland, woodlot or forest*" in residential and business zones is inappropriate. For residential zones in particular, standard amenity involves planting shrubs and trees to beautify sections. It is also to be noted that settlements have fire brigades.

It is considered appropriate for the setback to vegetation provisions to remain in the rural areas as this provision relates more to wildfire effects that may present a risk to life and property. It is also to be noted that fire services response times to fire events in the rural areas is a factor of distance from a fire brigade and the response times are longer before an appliance reaches the site of a fire event. It is therefore considered appropriate that the setback provision be retained in the Rural and two Maori Purposes Zones.

Below is a table that sets out what Proposed Plan Change 4 means to property owners who wish to build on their properties.

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 and Business Zones	<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 NZFS 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 and the two Maori Purposes Zones	<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 five minute drive from a NZFS station. (Source: Refer point 8 Page 3 of Attachment 5.)

In Kaipara district there are NZFS stations in the following locations: Dargaville, Te Kopuru, Ruawai, Maungaturoto, Kaiwaka and Mangawhai.