

**BEFORE THE KAPITI COAST DISTRICT COUNCIL PROPOSED
DISTRICT PLAN HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991

AND the proposed Kapiti Coast District Plan (Chapter 7 –
Rural Environment)

**STATEMENT OF EVIDENCE OF AINSLEY JEAN MCLEOD ON BEHALF
OF THE NEW ZEALAND FIRE SERVICE COMMISSION
(Submitter No. 404 and Further Submitter No. 174)**

the 16th day of May 2016

1. INTRODUCTION

- 1.1 My full name is Ainsley Jean McLeod. I have been employed by Beca Limited for the past 16 years and hold the position of Technical Director of Planning. I hold the qualifications of a Bachelor of Arts (Geography and Anthropology) and a Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute.
- 1.2 I have over 20 years' experience in planning practice, during which time I have undertaken a broad range of both consenting and policy planning work including advice in relation to the preparation of policy documents from a national through to a territorial local authority level. I have also prepared, and processed, numerous applications for resource consent and notices of requirement for designations. I have acted as an expert witness on a number of occasions.
- 1.3 Beca has a longstanding contract with the New Zealand Fire Service Commission (**the Commission**) to review and respond to all notified plans, plan changes, resource consents and engineering codes of practice that may impact on the Commission's properties and operations of the New Zealand Fire Service (**the Fire Service**) across New Zealand. Since 2006, I have been responsible for the delivery of all planning advice given under this contract and as such am familiar with the Commission's role and responsibilities. Most recently, I have prepared and presented expert evidence on behalf of the Commission before the Independent Hearings Panel for the Christchurch Replacement District Plan and before the Hearings Panel for the proposed Queenstown Lakes District Plan. In this role, I have reviewed the submission and further submissions made by the Commission on the Proposed Kapiti Coast District Plan (**Proposed District Plan**).
- 1.4 I am providing planning evidence on behalf of the Commission in relation to Chapter 7 – Rural Environment. My evidence specifically addresses:
- (a) the Commission's submission on Chapter 7 – Rural Environment;

- (b) the Commission's further submissions where they relate to submissions that address matters in Chapter 7; and
 - (c) the 's42A Report: Part B – Chapter 7 –Rural Environment' dated 29 April 2016.
- 1.5 I acknowledge that my colleagues and representatives of the Commission have had a number of discussions with Kapiti Coast District Council (**Council**) officers in relation to firefighting and emergency response requirements over a number of years.
- 1.6 My evidence should be read in conjunction with the evidence of **Mr Gareth Hughes** who details the Commission's role, responsibilities and interests in the Proposed District Plan.
- 1.7 In preparing this evidence I have reviewed the following documents insofar as they relate to the content of the Commission's submissions:
- (a) the Section 42A Reports (Part A and Part B dated 11 February 2016 and 29 April 2016 respectively) including the recommended amendments version of Chapter 7 (**Revised Chapter**);
 - (b) 'Section 32 Analysis – Summary Report Rural Environment';
 - (c) Regional Policy Statement for the Wellington Region 2013 (**RPS**);
 - (d) 'Kapiti Coast District Council Subdivision and Development Principles and Requirements 2012';
 - (e) Pre-hearing meeting notes dated 29 July 2013;
 - (f) Submissions that specifically address rules relating to firefighting water supply and access for fire appliances in Chapter 7;
 - (g) NZS PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008 (**Code of Practice**).¹
 - (h) 'Emergency Vehicle Access Guidelines' published by the Fire Service in 2015;²

¹ Included as Attachment A to Mr Hughes' evidence.

- (i) the New Zealand Fire Service Commission's Strategic Plan 2012 – 2017; and
- (j) the New Zealand Fire Service Commission's Statement of Intent 2014 – 2018.³

2. CODE OF CONDUCT

- 2.1 As noted in the Hearings Panel's Minute 9 dated 9 May 2016, I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's 2014 Practice Note. I have complied with the Practice Note when preparing my written statement of evidence, and will do so when I give oral evidence before the hearings panel.
- 2.2 My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise.
- 2.3 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. THE COMMISSION'S INTEREST IN THE PROPOSED DISTRICT PLAN AND SUBMISSION (AND FURTHER SUBMISSIONS) ON CHAPTER 7 – RURAL ENVIRONMENT

- 3.1 The Commission's interest in the Proposed District Plan is underpinned by its responsibility for providing an efficient and effective emergency service, including the promotion of fire safety throughout Kapiti Coast District, as provided by the Fire Service Act 1975 (**FSA**). Section 20 of the FSA states the following:

"20. Commission to promote fire safety

² Included as Attachment C to Mr Hughes' evidence.

³ Prepared under the Crown Entities Act 2004.

- (1) *It shall be a matter of prime importance for the Commission to take an active and co-ordinating role in the promotion of fire safety in New Zealand.*
- (2) *In so promoting fire safety, the Commission shall be concerned to –*
 - (a) *reduce continually the incidence of fire and the attendant risk to life and property:*
 - (b) *achieve unity and completeness of fire safety law and practice.”*

3.2 To achieve this, the Commission requires:

- (a) the ability to construct and operate fire stations in locations that will enable a rapid response to fire and other emergencies;
- (b) the ability to provide training opportunities and facilities for firefighters and other emergency service workers;
- (c) appropriate water supply for all firefighting activities to enable efficient and effective responses to fire emergencies; and
- (d) adequate access to subdivisions and developments (and associated water supplies) to ensure that fire appliances, and firefighters, are able to access fire emergencies and extinguish fires.

3.3 The Proposed District Plan provides an opportunity to deliver these outcomes, and therefore the requirements of the Commission, through the inclusion of appropriate provisions that enable emergency service facilities, firefighting water supply and fire appliance access. It is on this basis that the Commission’s submission on Chapter 7:

- (a) supports the Standards in Rule 7A.3.2 that relate to the provision of firefighting water supply subject to limited amendments; and
- (b) seeks amendments to Standard (2) in Rule 7A.1.4 to provide an access width and height clearance that is able to accommodate fire appliances.

3.4 I am not aware of any further submissions that respond to the Commission’s primary submission.

3.5 The Commission’s further submissions:

- (a) support the primary submission made by the Peter Gibson⁴ insofar as it seeks to clarify that Rule 7A.1.4 (Standard 2) does not require fire appliance access into buildings;
- (b) oppose the primary submission made by Peter Gibson⁵ that generally opposes the firefighting water Standards in Rule 7A.3.2; and
- (c) oppose the primary submission made by the Carter Family of Reikorangi⁶ to the extent that the submission opposes the firefighting water Standards in Rule 7A.3.2 and promotes a new standard.

3.6 In the remainder of my evidence I specifically address the relief sought in the Commission's submissions. In this regard, the consideration included in my evidence is made in the context of the statutory framework for decisions on the Proposed District Plan set out in the Resource Management Act 1991 (**RMA**) and the on-going guidance provided by the modified *Long Bay* test.⁷ The statutory framework is generally set out in the Section 42A Report: Part A and I will not repeat it here. I also acknowledge that the Hearings Panel is required to undertake a re-evaluation of changes to the proposal under section 32AA of the RMA and I therefore address the relevant matters in section 32(1)-(4) where appropriate to do so.

4. FIREFIGHTING WATER SUPPLY AND RULE 7A.3.2

The Proposed District Plan

4.1 The notified Proposed District Plan included the following Standards relating firefighting water supply in Rule 7A.3.2:

- "h) *A fire fighting water supply shall be provided which complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, including one of the following:*
- i) *A static water supply of at least 45,000 litres which is dedicated for fire fighting purposes and located within 90 metres of the fire risk; or*

⁴ Submission number 165.

⁵ Submission number 165.

⁶ Submission number 320.

⁷ *Long Bay – Okura Great Park Society v North Shore City Council* EnvC A078/2008, 16 July 2008, at [34], *High Country Rosehip Orchards Lit v Mackenzie District Council* [2011] NZEnvC 386 and *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

- j) *A fixed static pick-up suction source located within 90 metres of the fire risk in accordance with Appendix B of SNZ PAS 4509:2008; or*
- k) *At the time of construction, a minimum storage of 7,000 litres of water for fire fighting purposes should be provided to each habitable building connected to a domestic sprinkler installed in compliance with SNZ PAS 4509:2008.”*

4.2 The Section 32 Analysis summary report concludes, as a benefit, that “*the standards requiring adequate rural water supply for fire fighting purposes protects the health and safety of the occupants as well as the community*” and generally concludes that the Standards will efficiently achieve Objective 2.6 and the rural components of 2.11, 2.12 and 2.16.⁸

The Commission’s Submission

4.3 The Commission’s submission seeks:

- (a) the following amendment to Rule 7A.3.2 clause (i) (shown in [blue](#)):

“i) *A static water supply of at least ~~45,000~~ [20,000](#) litres which is dedicated for fire fighting purposes and located within 90 metres of the fire risk; or ...”*

- (b) the inclusion of an additional advice note as follows:

“Advice Note: At the point of installing a fire fighting water supply, best practice is to contact the NZ Fire Service in order to ensure that the most appropriate form of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509 is being adopted.”

Other Relevant Submissions

4.4 A number of the same, or similar, submissions have been made opposing clauses (h) to (k) in Rule 7A.3.2 and seeking their deletion on the basis that “*these matters are more of a community nature and a coordinated approach should be taken outside the RMA process*”.⁹

4.5 The submission made by Peter Gibson¹⁰ opposes clauses (i) to (k) in Rule 7A.3.2 on the basis that the requirements are excessive and may be ineffective. Mr Gibson queries whether such standards apply across New Zealand.

⁸ Page 60.

⁹ Submissions numbered 369, 380, 403, 411, 424, 425, 487, 492, 493, 495, 497 and 500.

¹⁰ Submission number 165.

4.6 The submission made by the Carter Family of Reikorangi¹¹ opposes the firefighting water Standards in Rule 7A.3.2.1 and seeks the following amendments (shown in [blue](#)):

“h) A fire fighting water supply shall be identified on the scheme plan that can be utilised by the new lots provided which complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, including one of the following:

~~i) A static water supply of at least 45,000 litres which is dedicated for fire fighting purposes and located within 90 metres of the fire risk; or~~

Compliance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice achieves compliance with this rule.

j) A fixed static pick-up suction source located within 90 metres of the fire risk in accordance with Appendix B of SNZ PAS 4509:2008; or

k) At the time of construction, a minimum storage of 7,000 litres of water for fire fighting purposes should be provided to each habitable building connected to a domestic sprinkler installed in compliance with SNZ PAS 4509:2008.”

4.7 The submissions made by Peter Gibson and the Carter Family of Reikorangi are opposed by the further submission made by the Commission.

4.8 The submission made by Hamish and Leigh Wells also seeks the deletion of Standards (h) to (k) in Rule 7A.3.2 on the basis that:

“These matters are relative to RISK and the RISK is a building fire, matters concerning buildings are best dealt with by the BUILDING ACT 2004, not the RMA.” [their emphasis]¹²

Section 42A Report Recommendation

4.9 The Section 42A Report addresses the Standards that relate to firefighting water supply in Rule 7A.3.2 at paragraph 575 as follows:

“I consider that it is not appropriate to require compliance with standards that are outside the PDP. For that reason, I consider that the standards should be deleted. However, I consider that it is appropriate to include’ a new matter of discretion relating to the ‘Provision of an adequate water supply for fire-fighting purposes’ and to add an advice note stating that applicants should consult with the New Zealand Fire Fighting Service on a specific method of complying with the Code of Practice, as part of preparing an application.”

¹¹ Submission number 320.

¹² Submission number 416.

4.10 The Revised Chapter therefore deletes Standards (h) to (k) and introduces the following in 'Matters over which Council will restrict its discretion':

"9. Provision of an adequate water supply for fire-fighting purposes.
Advice Note: Applicants should consult with the New Zealand Fire Fighting Service on a specific method of complying with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, as part of preparing an application."

4.11 The Section 42A Report does not give reasons for concluding that it is not appropriate to require compliance with a standard, nor does it give rationale for departing from the conclusion reached in the 'Section 32 Analysis – Summary Report' that the Standard address firefighting water supply is efficient and appropriate.

4.12 In all, I consider that the submissions set out above, and the Section 42A Report, raise the following questions (that I address in turn):

- (a) Whether the provision for firefighting water supply should be included in the Proposed District Plan; and
- (b) If included, the form such provisions should take (including whether this should be by reference to a Standard).

Whether the provision for firefighting water supply should be included in the Proposed District Plan

4.13 As set out above, submissions have sought the deletion of the Standards in clause (h) to (k) in Rule 7A.3.2 on the basis that:

- (a) firefighting water supply should be addressed outside of the RMA as such matters are more of a community nature; or
- (b) firefighting water supply should be addressed by the Building Act 2004.

4.14 I do not agree that the provision for firefighting water supply sits outside of the RMA, nor do I consider that the 'community nature' suggested by a number of submitters adequately sets out an alternative approach. On the contrary, I consider that the inclusion of provisions that require adequate water for firefighting purposes better achieves the sustainable management purpose of the RMA by managing the development of land in a way that enables people and communities to provide of their health and safety. Similarly, I

consider such provisions better manage the potential adverse effects of fires on the environment.¹³

4.15 Further, in my view the RMA directly signals the importance of firefighting water supply through its specific mention in section 14 (Restrictions relating to water) as follows:

“(3) A person is not prohibited by subsection (2) from taking, using, damming, or diverting any water, heat, or energy if –
...
(e) the water is required to be taken or used for firefighting purposes.”

4.16 I note that the RPS includes direct reference to section 14 of the RMA in Policy 17 and also includes the following relevant Policies:

“Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans
District and regional plans shall include policies and/or methods that recognise:

- (a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:*
...
- (ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater and the provision of emergency services; ...”*

“Policy 51: Minimising the risks and consequences of natural hazards – consideration

When considering an ... or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;*
...
- (d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;*
- (e) any risks and consequences beyond the development site;*
...
- (h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; ...”*

¹³ Noting that section 2 of the RMA defines 'environment' as including people, communities and physical resources, and section 3 of the RMA defines 'effect' as any potential effect of low probability which has a high potential impact.

4.17 Policy 7 directs that district plans include provisions to recognise the maintenance of public health and safety through the provision of essential services, including emergency services. It is my opinion that the provision of firefighting water supply in the Proposed District Plan is appropriate in order to give effect to Policy 7 on the basis that adequate water is necessary for the Fire Service (as an emergency service) to achieve its statutory obligations that are set out in the FSA.

4.18 Policy 51 also directs that the Proposed District Plan minimises the risks and consequences of natural hazards (including fire) on people, communities, their property and infrastructure. In this regard, the provision of adequate firefighting water supply serves to minimise the consequences of fire, including fire spread, and as such plan provisions requiring a firefighting water supply better give effect to Policy 51.

4.19 Further Policy 11.20 in the Proposed District Plan necessitates the provision of firefighting water supply as follows:

“Policy 11.20 – Water supply

All new subdivision, land use or development will have an adequate supply of water in terms of volume and quality for the anticipated end uses, including the provision of fire fighting supply. Where a new connection to the reticulated network is proposed, evidence may be required to support its viability.”

4.20 In terms of whether the Building Act 2004 should address firefighting water supply, as stated in **Mr Hughes’** evidence, the provision of water for firefighting is not specifically required by any current building legislation. He notes:

“Clause C5 of the New Zealand Building Code outlines the access requirements for buildings and means for moving water around buildings. However, it does not cover provision of firefighting water to the site.

Clause G12 of the Building Code provides water supplies to buildings. However, it does not specify the need for the provision of firefighting water.”¹⁴

4.21 In all, and for the reasons set out above, it is my conclusion that it is necessary, and appropriate, for the Proposed District Plan to address the provision for firefighting water supply. While not explicitly stated, on the basis that the Revised Chapter retains reference to water

¹⁴ Statement of evidence of Mr Hughes, dated 16 May 2016, paragraphs 29 & 30.

supply for firefighting purposes, it can be concluded that the Section 42A Report is in agreement in this regard.

The form of provisions for Firefighting Water Supply

4.22 As set out in detail above, submissions made by the Commission and by the Carter Family of Reikorangi have sought amendments to the Standards in clause (h) to (k) in Rule 7A.3.2. While not specifically sought as relief in a submission that I am aware of, the Section 42A Report recommends that the Standards be deleted and replaced with a new 'matter over which Council will restrict its discretion' on the basis that "*it is not appropriate to require compliance with standards that are outside the PDP*".

4.23 I do not agree with rationale given in the Section 42A Report because I consider that the RMA clearly enables a New Zealand Standard to be included in a Plan in a manner that requires compliance and, in my opinion, the inclusion of Standards in plans is common practice. I note that in other Chapters of the Proposed District Plan rules require compliance with various other New Zealand Standards, for instance:

- (a) NZS 6801:2008 Measurement of Environmental Sound;
- (b) NZS 6802:2008 Acoustics – Environmental Noise;
- (c) NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas;
- (d) NZS 6808:2010 Acoustics – Wind Farm Noise; and
- (e) NZS 2272: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz; and
- (f) NZS 2772.2:2011 Radiofrequency Fields – Principles and Method of Measurement and Computation – 3kHz to 300GHz.

4.24 My understanding is that section 75(5) of the RMA expressly provides for the incorporation of material by reference under Part 3 of the First Schedule to the RMA and Clause 30 of the First Schedule allows for the incorporation of certain documents by reference in a plan (including Standards). It is my opinion that Clause 30 enables the

inclusion of the Code of Practice as a Standard in Rule 7A.3.2 given its status as a New Zealand Standard.

4.25 The Environment Court has also made it clear that New Zealand Standards are deserving of respect. In *McIntyre v Christchurch City Council* [1996] NZRMA 286 (at 11) the Court stated that:

“In practice, New Zealand standards are prepared by committees of people well qualified in the subject, and with consultation with interested sections of the community. The standards are generally accorded respect.”

4.26 In terms of the effect of deleting clauses (h) to (k) in favour of a ‘matter over which Council will restrict its discretion’, I consider that it is appropriate to require compliance with the Code of Practice via a Standard in the Plan rather than including firefighting water supply as one of the matters weighed under section 104C because:

- (a) New Zealand Standards are accorded respect;
- (b) a ‘matter over which Council will restrict its discretion’ relies on the discretion of Council officers and decision-makers to evaluate the extent of fire hazard or potential adverse effects; and
- (c) the Code of Practice is dissimilar to the majority of ‘matters over which Council will restrict its discretion’ that either require evaluation or are directly relevant to Council interests, such as roads and infrastructure.

4.27 I consider that, while supported by the submission made by the Commission (subject to limited amendments), the prescriptive nature of the Standards in clause (h) to (k) in Rule 7A.3.2 may have given rise to the concerns expressed in the Section 42A Report and the submissions made by Mr Gibson and the Carter Family of Reikorangi.

4.28 I agree that the provisions are prescriptive and, while I understand that the Commission does not disagree with the requirements set out in the notified provisions, I support the more recent, consistent approach nationwide whereby the Commission seeks that the Code of Practice is referenced in whole in District Plans rather than provisions which interpret it or add new requirements. Such an approach:

- (a) is consistent with the recent decisions of the Independent Hearings Panel in relation to the Christchurch Replacement Plan;
- (b) would address Mr Gibson's query in relation to whether the Standards apply across New Zealand; and
- (c) is closely aligned to the relief sought in the submission made by the Carter Family of Reikorangi (notwithstanding that this relief was opposed by the further submission of the Commission).

4.29 In his evidence, **Mr Hughes** sets out the requirement for the Code of Practice under the FSA and notes that its purpose is to provide direction on what constitutes a sufficient supply of water for firefighting in urban districts and that it is intended for use by territorial authorities, water supply authorities, developers and the Fire Service.

4.30 The Code of Practice provides techniques to define a sufficient firefighting water supply that may vary according to the circumstances. It is based on an assessment of the minimum water supplies needed to fight a fire and to limit fire spread according to specific fire hazards for different buildings. The firefighting water supplies required to address the fire hazard may be established by use of tables within the Code, or by calculation (and approval by the NZFS). The Code of Practice is written to deliberately provide flexibility as to how the fire fighting water supplies can be provided.

4.31 The flexible approach in the Code of Practice maximises the opportunity for plan users to develop a case specific means to achieve compliance. In my opinion, the inclusion of a Rule that interprets the Code of Practice, as included in the Proposed District Plan, presents some risk that the provisions of the Proposed District Plan may be more prescriptive, restrictive or enabling than is intended by the Standard itself. For instance, clauses (h) to (k) do not contemplate situations where a site is located near an alternative static water source such as a pond or lake or situations where a new development that contains multiple habitable buildings may be more appropriately, and able to be, served by a single firefighting water supply source. It may be that this latter scenario is the "community nature" suggested in a number of submissions.

4.32 On the basis of the above, I support the following amendments to Rule 7A.3.2 (amendments shown in [blue](#) are made to the notified version of Chapter 7):

“h) A fire fighting water supply shall be provided which complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, ~~including one of the following:~~

~~i) A static water supply of at least 45,000 litres which is dedicated for fire fighting purposes and located within 90 metres of the fire risk; or~~

~~j) A fixed static pick-up suction source located within 90 metres of the fire risk in accordance with Appendix B of SNZ PAS 4509:2008; or~~

~~k) At the time of construction, a minimum storage of 7,000 litres of water for fire fighting purposes should be provided to each habitable building connected to a domestic sprinkler installed in compliance with SNZ PAS 4509:2008~~

Advice Note: Applicants may consult with the New Zealand Fire Service in order to determine a specific method to comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.”

4.33 In my opinion the amended Standards set out above:

- (a) provides greater flexibility; certainty of consent requirement and choice to achieve compliance for plan users;
- (b) is consistent with the reference to the whole of the Code of Practice in the Council’s ‘Subdivision and Development – Principles and Requirements’ 2012;¹⁵
- (c) better enables the Commission to achieve its statutory obligations under the FSA;
- (d) better gives effect to Policies 7 and 51 of the RPS;
- (e) better implements Policy 11.20 – Water supply;
- (f) is consistent with the conclusion reached in the ‘Section 32 Analysis – Summary Report’ and
- (g) is the most appropriate way to achieve the purpose of the RMA by enabling people and communities to provide for their health, safety and well-being by managing a potential adverse effect of relatively low probability but high consequence.

¹⁵ Page 67.

5. FIRE APPLIANCE ACCESS AND RULE 7A.1.4

5.1 The Commission's submission seeks amendments to Standard (2) in Rule 7A.1.4 to provide an access width that is able to accommodate fire appliances as follows:

"2. All habitable buildings shall have ~~a~~an access way designed and built for the entry and exit of fire fighting vehicles and shall meet the following minimum requirements:

- a) ~~2.5~~ 4 metres in width
- b) ~~2.8~~ 4 metres in unobstructed height (i.e. clear from vegetation, buildings and structures)."

5.2 The Section 42A Report does not specifically address the Commission's submission and does not list the submission in the Table of Recommendations appended to the Report. However, the following amendments have been recommended in response to the Council's submission and to correct a typographical error:

"2. All habitable buildings shall have a formed vehicle access designed and built for the entry and exit of fire fighting vehicles and shall meet the following minimum requirements:

- c) ~~2.5~~ 3 metres in width; and
- d) 2.8 metres in unobstructed height (i.e. clear from vegetation, buildings and structures)."

5.3 The Section 42A Report concludes that the amendment to provide for 3 metres width "is appropriate so that the standard is consistent with the district-wide standard under Rule 11P.1.14.3 which requires that all accesses be a minimum width of 3 metres".¹⁶

5.4 As set out in the evidence of **Mr Hughes**, the width and height clearance provided for in Rule 7A.1.4 Standard 2 do not provide adequate access for fire appliances and therefore may not achieve the access requirements required by the Code of Practice or the Emergency Vehicle Access Guidelines. I understand that adequate access onto a property is necessary to enable the Fire Service reach an emergency in order to extinguish fires, or address other emergencies, in a manner that accords with community expectations and the Commission's statutory obligations.

5.5 **Mr Hughes** has confirmed that the minimum width requirement at an entrance is 3.5 metres and the minimum height is 4 metres. I

¹⁶ Paragraph 296.

understand that the 3.5 metre figure differs to the width sought in the Commission's submission. This change reflects the most recent minimum standard included in the Emergency Vehicle Access Guidelines that were published in 2015 and after this submission was made.

5.6 I understand that the minimum width and height requirements, along with gradient and gradient transition needs, for fire appliances were a matter for discussion with a Council officer on 29 July 2013.

5.7 I do not support the Revised Chapter version of Rule 7A.1.4 Standard 2. I consider that aligning a Standard that is specific to access requirements for fire appliances with the general access requirements has the effect of making Standard 2 in Rule 7A.1.4 redundant in a manner that has the potential to give rise to a situation where emergency services cannot reach a fire hazard or other emergency. I support further amendment to Standard 2 to reflect the minimum width and height requirements described by **Mr Hughes** set out in the Emergency Vehicle Access Guidelines document, being a 3.5 metre minimum width and a 4 metre minimum height. In my opinion this further amendment:

- (a) aligns with the minimum requirements of the Code of Practice and the Emergency Vehicle Access Guidelines;
- (b) better enables the Commission to achieve its statutory obligations under the FSA;
- (c) better gives effect to Policy 7 of the RPS; and
- (d) is the most appropriate way to achieve the purpose of the RMA by enabling people and community to provide for their health, safety and well-being by better enabling the management of a potential adverse effect of relatively low probability but high consequence through the provision of adequate access for emergency services to a fire hazard or other emergency.

6. CONCLUSION

- 6.1 It is my conclusion that it is appropriate to include provisions that require water supply for firefighting purposes in the Proposed District Plan. I consider that the most appropriate way to provide for water supply for firefighting, and achieve the purpose of the RMA is to make further amendments to Rule 7A.3.2 to include direct reference to compliance with the Code of Practice. In this regard, I have concluded that it is contemplated by the RMA and is common practice to include New Zealand Standards in rules in district plans.
- 6.2 I also support further amendment to the Standard in 7A.1.4 that establishes access standards for fire appliances. I have concluded that the amendments recommended in the Section 42A Report do not provide sufficient width and height clearance for fire appliances and I support further amendments to align the Standard with the minimum requirements set out in the Code of Practice and the Emergency Vehicle Access Guidelines.



Ainsley Jean McLeod

16 May 2016