

Upper Hutt City Council
879-881 Fergusson Drive
Upper Hutt 5018

21 April 2023

Attention: Commissioners

Dear Commissioners

Fire and Emergency Hearing letter to be tabled (Hearing – Intensification Planning Instrument) – Upper Hutt City Council.

Fire and Emergency New Zealand (Fire and Emergency) made a submission on the Intensification Planning Instrument (IPI) (submitter 56). Among other topics, Fire and Emergency has opted not to attend the Hearings scheduled to commence on Wednesday 26 April and requests that in lieu of attendance this letter be tabled for the Hearing Panel's consideration.

The s42a report for the IPI has been received. Fire and Emergency's response to the report recommendations are set out below.

Submission Point 56.4

The officer has recommended rejecting the submission point on including a new access standard that specifies the access standards for firefighting appliances. To enable the consideration of an appropriate firefighting appliance access standard, the officer suggested Fire and Emergency provide additional information to:

- 1 Demonstrate the need for the requested standard within the zones affected by the IPI in Upper Hutt;
- 2 Provide an evaluation of the requested standard pursuant to sections 77I, 77J, 77L, 77O, 77P and 77R of the RMA with respect to qualifying matters;
- 3 Consider refining the requested new standard so it fits within the limitations of the matters that can be included within and IPI pursuant to sections 80E and 80G of the RMA.
- 4 The necessity for the standard in addition to the existing water supply standards that must be met for firefighting purposes via the Council's Code of Practice for Civil Engineering Works, and the Building Act/Code requirements for building access and escape routes for firefighting and evacuation purposes.

Response to Information Request 1

With regards to the first point, high and medium density development will be enabled in the residential and commercial zones affected by the IPI. Fire and Emergency outlined under section 1.2 'Emergency service access' of the original submission the need for a firefighting appliance access standard, which has been summarised below:

Fire and Emergency requires adequate access to new developments, associated structures and the natural environment to ensure that they can respond in emergencies. This includes access in the event of fire, natural hazard, hazardous substances, medical or a rescue or assist event.

Within the urban environment, the NPS-UD encourages higher residential densities, more varied housing typologies such as larger multi-unit development as well as a more compact urban form generally. Intensification and infill housing in Upper Hutt are already challenging traditional access to properties for fire and other emergencies. This includes both vehicle access to the source as well as physical access by Fire and Emergency personnel to perform rescues and duties, where obstructions and site layout inhibit the use of lifesaving appliances such as ladders, hoses, and stretchers. It's also relevant that as well as providing for access for emergency personnel, Council needs to be mindful of its obligations to ensure safe egress for residents, often occurring at the same time as emergency personnel need to secure access for response.

Response to Information Request 2 and 3

The changes consequential to the NPS-UD will create new challenges for emergency services. Fire and Emergency consider it is vital for the health, safety, and wellbeing of communities that the needs of emergency services are taken into account as new urban development is being planned. It is also important that future development areas are designed to be well-functioning and resilient to ensure that communities / residents are able to evacuate in the event of an emergency. As such, Fire and Emergency are not seeking for emergency service access to become a qualifying matter. However, if emergency services cannot access people / property in the event of an emergency, this will not enable and provide for well-functioning and resilient communities and will not therefore achieve Policy 1 of the NPS-UD. Furthermore, ensuring Fire and Emergency can adequately respond to emergencies ensures the health and safety of communities is maintained, as required by both the NPS-UD and Part 2 of the RMA.

Response to Information Request 4

Regarding the Building Act requirements for building access for firefighting purposes, the Building Act relates to fire emergencies only but does not address the broad other services Fire and Emergency provides.

The Building Act is focussed on the building itself and components required to make the building structurally sound and safe for those who use it (section 3). This includes ensuring people can escape a building on fire.

Part C of the Building Code deals with protection from fire. The focus of that document is on the 'design and construction' of the building - i.e., built features that address fire safety issues. Of particular note Clauses 5.3-5.8 require the structural features that allow fire service vehicles to deploy near the building that give firefighters the ability to safely get to the fire and back out of the building, and that ensure clear information about the fire safety systems in the building and any hazardous substances present. There is also a requirement that there is the means for getting firefighting water around (i.e. within) a building. These requirements do not apply to detached dwellings or household units in multi-unit dwellings, as specified in Part C5.

In terms of access, Clause C5 is potentially the most relevant part of the Building Code. However, while clause C5 outlines the access requirements for buildings it does not cover provision of, and access to the building or the site more generally.

It is for this reason Fire and Emergency seeks provisions relating to access under the RMA. The provisions proposed relate to controlling an effect on the building, its occupants and other nearby buildings, (and their occupants), in this case the effects of fire, rather than the direct performance of the building and this is an acceptable provision to include to combat a very clear, potentially significant, effect under the RMA.

Submission points S56.27 and S56.30

The officer has recommended rejecting the submission points requesting a new restricted discretionary rule to be inserted into the General Residential Zone and High Density Residential Zone. The officer considers it is appropriate for the Council to retain full discretion over the potential effects of establishing a fire station within the residential zones, such as transportation safety, noise, and reverse sensitivity effects.

Fire and Emergency consider the environmental effects of a fire station are highly consistent and well understood, and therefore can be adequately managed through a restricted discretionary status.

In regard to noise effects, generally, Fire and Emergency has assessed that noise generated from the operation of an emergency service facility is capable of meeting the noise limits in NZS 6802:2008 Acoustics - Environmental noise (Table 3 – Guideline residential upper noise limits). Furthermore, under the NOISE chapter, any activity not capable of meeting the permitted activity standards is considered a non-complying activity under NOISE-R6. These permitted activity standards would apply regardless of the activity status of the proposed emergency service facility. Noise from emergency vehicles, including noise from sirens, is regulated by the Land Transport (Road User) Rule 2004.35 once these appliances are on the road network. Further regulation of noise from emergency vehicles by Council may overlap or contradict those regulations. Consequently, in relation to potential noise effects from emergency services facilities, Fire and Emergency consider that Council does not need to exercise specific control over noise from new emergency services facilities.

Fire and Emergency consider point 4 of the proposed matters of discretion, “the extent to which the adverse effects of the activity can be avoided, or appropriately remedied or mitigated” provides the necessary scope for Council to consider the effects on transportation safety. However, to resolve the Officer’s concerns Fire and Emergency suggest the inclusion of an additional matter of discretion relating to transportation effects.

Emergency service facilities shall still be controlled by the relevant zone performance standards (such as height, setbacks, etc.). The permitted activity standards in conjunction with the proposed matters of discretion enable Council to appropriately manage reverse sensitivity effects within the residential environment. In particular, the first three suggested matters of discretion provides Council scope to consider impacts on the character, amenity, and function of residential zones and other activities enabled within the area.

Providing for emergency services facilities through a specific rule would provide greater certainty to Fire and Emergency to allow efficient and effective emergency services to be established across the Upper Hutt district. The matters of discretion proposed by Fire and Emergency would provide Council with suitable control over the environmental effects of a new emergency services facility, while also allowing for consideration of the functional and operational need for an emergency service facility to be located within the zone.

Yours sincerely,



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Planner

on behalf of

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