



Porirua City Council  
PO Box 3942  
Wellington 6011

19 November 2021

## Attention: Hearing Commissioners

Dear Commissioners

### Proposed Porirua District Plan Hearing: Hearing Stream 3

Fire and Emergency New Zealand (Fire and Emergency) made a submission on the Proposed Porirua District Plan (PDP) (submitter 119). Fire and Emergency's submission to the PDP addressed Natural Hazards, Historic Heritage and Notable Trees, among other matters. Fire and Emergency has opted not to attend Hearing Stream 3 scheduled to commence Monday 3 December 2021 and requests that in lieu of attendance, this letter be tabled for the Commissioners' consideration.

The Section 42A reports for Hearing Stream 3 have been received. The majority of the Reporting Officer's recommendations in relation to Fire and Emergency's submission points have been accepted, namely submission points 119.14, 119.15, 119.31, 119.32, 119.33, 119.34, 119.35, 119.36, 119.38, 119.40, 119.41 and 119.42. Fire and Emergency's response to the remaining matters are set out below.

### Natural Hazards

#### Fire hazards (Introduction)

Fire and Emergency sought through its submission [119.29] that fire be added to the list of hazards addressed in the 'Introduction' section of the PDP. The Reporting Officer has indicated the reasons why wildfires are not addressed in the PDP as a natural hazard overlay as outlined in the Natural Hazards s32 evaluation. The s32 evaluation indicates that fire hazards are best addressed through the response provisions under the Civil Defence Emergency Management (CDEM) Group Plan prepared under the CDEM Act 2002. The CDEM Act provides the framework under which natural hazards are to be managed, and sets out the duties, responsibilities and powers of central and local government, lifeline utilities and emergency services.

The Reporting Officer has accepted (in part) Fire and Emergency's submission to the extent that they agree that some reference note relating to fire hazards is required, as the hazard is addressed throughout the PDP in various ways. However, rather than including it as part the list of hazards addressed in the 'Introduction' chapter as requested by Fire and Emergency, the Reporting Officer considers that a sentence could be added to the fifth paragraph indicating that fire risks are addressed through zone and transport provisions (such as requirements for firefighting water supply and access in zone provisions and the Transport chapter). The amendment is as follows:

*...Fire risk is addressed through requirements for firefighting water supply and access in various zone provisions and the Transport Chapter.*

This amendment is supported by Fire and Emergency.

#### Policy approach in medium and high-hazard areas (NH-P2 and NH-R8)

Fire and Emergency through its submission [119.30] supported the reduction in risk to people and property posed by hazards and requested that the NH-P2 be retained as notified. Fire and Emergency also opposed

a number of suggested amendments to the policy through its further submission including the removal of NH-P2(1) [FS54.9] which appropriately recognises that there may be an operational and functional need for hazard sensitive activities (e.g. fire stations) to locate in High Hazard Areas in some instances.

Fire and Emergency also sought through its submission [119.37] that the consent category for NH-R8 is amended from non-complying to restricted discretionary. Fire and Emergency considers that a restricted discretionary activity status is more appropriate, with matters of discretion linked to those set out in NH-P2.

The Reporting Officer has recommended that Fire and Emergency's submission be rejected. The Reporting Officer considers that the policy setting (e.g. NH-P2) needs to remain a "high bar" that recognises there is a high level of risk in these areas that needs to be addressed, and as such does not agree with any reduction in activity status in NH-P8.

Fire and Emergency disagrees with the recommended amendments to NH-P2 to the extent that it restricts the provision for an activity that may have a critical operational and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option. As indicated in Fire and Emergency's submission, the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is paramount to the health, safety and wellbeing of people in the community. Fire stations therefore need to be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively provide for the health and safety of people and communities. In this regard it is noted that Fire and Emergency is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. For this reason, fire stations may in some circumstances need to be located within High Hazard Areas of the Natural Hazard Overlay.

Fire and Emergency requests that NH-P2(1) be retained as notified as this will allow Council to assess applications on a case-by-case basis, regardless of what zone they are located in. Further, Fire and Emergency request that the Commissioners give further consideration to the activity status of NH-R8. Fire and Emergency considers that a restricted discretionary activity status will ensure that Council has the discretion over activities deemed acceptable to be located in High Hazard Areas on a case-by-case basis. The matters of discretion should cover functional or operational need and the nature and extent of the hazard risks to people or property to appropriately address any actual or potential effects on the environment that may be of concern. The consent authority can then decide whether to grant consent, grant consent with conditions or decline consent – as provided for in S104C, RMA. Alternatively, a discretionary activity status would be considered acceptable, should the Commissioners deem this more appropriate.

#### NH-R7 - Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings within the Medium Hazard Area in a Natural Hazard Overlay

Fire and Emergency sought through its submission [119.36] an amendment of activity status for NH-R7 from discretionary to restricted discretionary and matters of discretion linked to those within NH-P3.

The Reporting Officer states that Fire and Emergency has not provided a substantive reason for this requested change in activity status, apart from noting an example of an existing fire station located in a medium hazard zone. The Reporting Officer considers that discretionary activity status is appropriate for hazard-sensitive activities in medium hazard areas as outlined in the Natural Hazards s32 evaluation.

While Fire and Emergency considers that a restricted discretionary activity status would ensure that Council has the appropriate level discretion over activities deemed acceptable to be located in Medium Hazard Areas on a case-by-case basis, this recommendation is accepted in this instance.

Definitions ('Hazard-Sensitive Activities')

Fire and Emergency sought through its submission [119.76] that 'emergency service facilities' are removed from the definition of 'Hazard-Sensitive Activities'.

The Reporting Officer does not agree with the removal of emergency service facilities from being classified as a hazard-sensitive activity and has therefore rejected Fire and Emergency's submission point. The Reporting Officer considers that Emergency service facilities are hazard-sensitive as they can be rendered unusable or ineffective in a hazard event where their services would likely be needed the most by the community. Furthermore, in some cases these facilities have staff residing onsite either temporarily or permanently which gives them a similar vulnerability to residential activities.

While Fire and Emergency consider that the on-site activities of fire stations are not sensitive in nature and are complimentary and supportive of being located in areas with proximity to natural hazards, the recommendation by the Reporting Officer is generally accepted.

**Historic Heritage**

Demolition of historic heritage items

Fire and Emergency requested a change to Policy HH-P14 through submission [119.36] to include reference to the partial demolition of heritage buildings as a permitted activity. This is because firefighters may be required to partially demolish buildings in order to gain access to properties in the event of an emergency. The Reporting Officer has recommended that Fire and Emergency's submission be accepted in part. The recommended amendments as set out in the Officers report are supported by Fire and Emergency.

Yours sincerely,



Signature of person authorised to sign on behalf of

**Fire and Emergency**

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