

BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2018] NZEnvC 211

IN THE MATTER

of the Resource Management Act 1991

AND

of an appeal pursuant to clause 14 of the  
First Schedule to the Act

BETWEEN

FIRE AND EMERGENCY NEW ZEALAND

(ENV-2018-AKL-00012)

Appellant

AND

KAIPARA DISTRICT COUNCIL

Respondent

Court: Environment Judge D A Kirkpatrick sitting under s 279 of the Act

Date of Decision: 24 OCT 2018

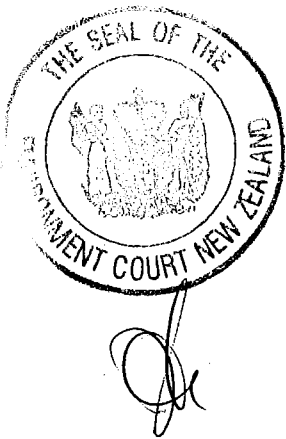
Date of Issue: 24 OCT 2018

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DETERMINATION OF THE ENVIRONMENT COURT

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- A: The Court orders, by consent, that Plan Change 4 to the Kaipara District Plan is amended as set out in **Annexure A** to this determination.
- B: The appeal is otherwise dismissed.
- C: There is no order as to costs.



## REASONS

### Introduction

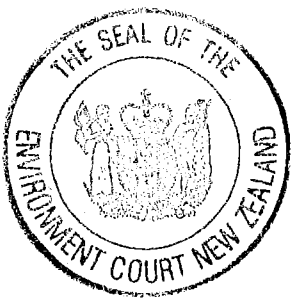
[1] This appeal relates to a decision made by the Kaipara District Council on Plan Change 4 to the Kaipara District Plan. Plan Change 4 concerns changes to the Fire Safety provisions for buildings and structures in the Rural, Residential, Business (Commercial and Industrial) and two Maori Purposes Zones in the District Plan.

[2] The plan change as notified proposed removal of the requirement to comply with the New Zealand Fire Service Firefighting Water Supplied Code of Practice SNZ PAS 4509:2008, but retention of the references to this Code of Practice in the subdivision rules. Plan Change 4 also proposed that an issue statement, objective, three policies and a method be added to Chapter 2 of the District Plan to address structural fires.

### Fire and Emergency New Zealand's Appeal

[3] Fire and Emergency New Zealand's (**FENZ's**) appeal challenged the following aspects of the Council's decision:

- (a) The decision to remove references to the Code of Practice in the following rules:
  - (i) The permitted activity performance standards for a new building in the Urban Land Use Rules (13.10.26 and 14.10.26);
  - (ii) The permitted activity performance standards for a new building in the Rural Land Use Rules (12.10.26, 15A.10.25 and 15B.10.25);
  - (iii) The permitted activity performance standard for the construction of a dwelling in the Maori Purposes: Maori Land Zone (Rule 15A.10.3b(c)).
  - (iv) The subdivision rules for the Rural, Residential Business (Commercial and Industrial) and Maori Purposes: Treaty Settlement Land Zones (Rules 12.15.4, 13.14.4, 14.13.4 and 15B.14.4);



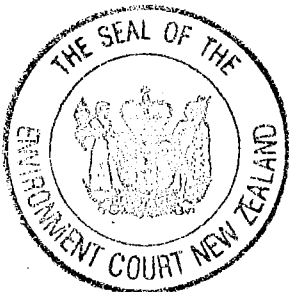
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- (b) The decision to remove the permitted activity performance standard requiring a building to be located at least 20m away from a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest from the Rural Land Use Rules (12.10.26, 15A.10.25 and 15B.10.25);
- (c) The decision to insert the following new provisions into the District Plan:
  - (i) Issue 2.3.14 to Chapter 2, and in particular, the commentary that follows the issue;
  - (ii) Policy 2.5.17(a)-(c) and the commentary to that policy;
  - (iii) Methods 2.6.2.5 -2.6.2.7; and
  - (iv) The decision to include guidance notes; and
- (d) The decision to amend Outcome 2.7.13.

#### **The agreement reached between the parties**

[4] The parties have agreed that the appeal can be resolved in its entirety by making the following amendments to the plan:

- (a) Amendments to the fire safety provisions in Chapter 2 (issue 2.3.14, Objective 2.7.13, Policies 2.5.17(a) to (c), Methods 2.6.2.5 to 2.6.2.7 and Outcome 2.7.13). The agreed amendments simplify the provisions and place greater emphasis on FENZ's role in educating on fire safety, and provide for consultation with FENZ where appropriate.
- (b) An amendment to the fire safety note in the rural land use Rules 12.10.26, 15A.10.25 and 15B.10.25. The revised advice note incorporates reference to the core matters provided for in notes 1 and 2 of the Operative Plan, but removes the particular emphasis placed on non-reticulated areas over five minutes driving distance from a fire station and also includes a recommendation for provisions of a sufficient water supply if a sprinkler system is not installed;
- (c) An amendment to the fire safety advice note in the urban Rules 13.10.26 to 14.10.26, which reflects the same changes made to the advice note in the rural fire safety rules, but excludes reference to a 20 metre setback from vegetation.



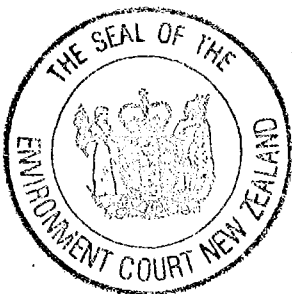
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- (d) Amendment to the restricted discretionary assessment criteria in the fire safety Rules 12.10.26, 13.10.26, 14.10.26, 15A.10.25 and 15B.10.25. This amendment deletes the assessment criteria which related to performance standards which the Panel deleted from those rules. It inserts a single assessment criterion relating to accessibility for fire service vehicles. There had been a pre-existing assessment criteria relating to this, but the new wording is amended to provide for a risk-based assessment of accessibility;
- (e) An amendment to the subdivision controlled activity assessment criteria in Rules 12.12.1, 13.11.1, 14.11.1 and 15B.11.1 to include the availability of a sufficient fire-fighting water supply as a matter over which Council reserves its control, together with an accompanying advice note which provides guidance as to what will generally be considered a sufficient fire-fighting water supply for a single residential dwelling. This is a consequential amendment to the deletion of the subdivision rule referencing the Code of Practice (rules 12.15.4, 13.14.4, 14.13.4 and 15B.1.4.4). Its purpose is to ensure that adequate water supply for fire-fighting purposes is still a matter over which Council has retained its control. The assessment criteria and advice note recognise that there may be flexibility in how a sufficient water supply can be provided for.

### Scope

[5] The parties submit that allowing the appeal to the extent sought is reasonable and fairly within the scope of the FENZ's submission.

[6] They propose that the test to be applied as to whether the amendments are sought are in scope is that set out in *Toomey v Thames-Coromandel District Council*,<sup>1</sup> which is as follows:



[14] An appeal from a decision on a submission on a proposed plan must be on a provision or matter referred to in that submission.<sup>2</sup> The scope of the relief sought on appeal must be fairly and reasonably within the scope of the original submission or the proposed plan provisions or somewhere in between.<sup>3</sup>

[7] In support of their position that the amendments sought are within scope the parties submitted that:

- (a) The parties submitted that FENZ's submission directly addressed the proposed wording of the Chapter 2 provisions as well as the wording of the fire safety Rules 12.10.26, 13.20.26, 14.10.26, 15A.10.26 and 15B.10.26.
- (b) Although the submission did not directly address the restricted discretionary assessment criteria in Rules 12.10.26, 13.10.26, 14.10.26, 15A.10.25 and 15B.10.25, it did address the performance standards relevant to those rules.
- (c) The agreed amendment to the subdivision controlled activity assessment criteria in Rules 12.12.1, 13.11.1, 14.11.1 and 15B.11.1 is a consequential amendment to the removal of the rule referring to the Code of Practice in the subdivision rules for those zones. It is designed to ensure that notwithstanding the deletion of references to the Code of Practice, that the Council still retains control with respect to assessing the sufficiency of water supplies for firefighting purposes.
- (d) Although FENZ's submission did not directly refer to the above rules, the overarching concern expressed in its submission is the need to ensure that provision is made in the District Plan for adequate water supply for firefighting purposes. As such, the parties have submitted that the proposed amendments fall within the scope of the FENZ's submission and is also logical and foreseeable consequential amendment to the Panel's decision to remove references to the Code of Practice in Rules 12.15.4, 13.14.4, 14.13.4 and 15B.14.4.

### Section 274 parties

[8] Eighty-nine parties joined this appeal under s 274 of the Act. When the parties filed their consent memorandum the Council advised that it had not been able to obtain a signature from all the s 274 parties.

[9] In response, the Court directed as follows:



<sup>1</sup> [2017] NZEnvC 199.

<sup>2</sup> Clause 14(2), Schedule 1 to the RMA.

<sup>3</sup> *Re Vivid Holdings Limited* [1999] NZRMA 467.

If a s 274 party wishes to participate they are to advise the Court of their position on the consent documents and their reasons for disagreement (if any) within 10 working days (e.g. by 14 September 2018)

In the event that no responses are received, the Court will proceed to consider the consent documents.

If responses are received the other parties to this matter have a further 10 days to file a response. If there is a dispute between the parties, the Court will decide on the further steps to be taken in order to resolve this matter.

[10] No responses were received from any party within the timeframe set by the Court. Accordingly, I will proceed to consider the consent documents.

### **Consideration**

[11] Having considered the parties' consent memorandum, I am satisfied that the parties have considered the issues raised in the Council's decision, including whether there is scope for the agreement reached between them.

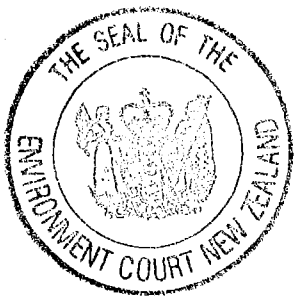
[12] In the circumstances of this case I am prepared grant the amendments sought by the parties on the grounds that an agreement has been reached between them. Accordingly, this determination does not represent a reasoned decision of the Court, but confirms the agreement reached between the parties by consent.

### **Determination**

[13] The Court orders, by consent, that Plan Change 4 to the Kaipara District Plan is amended as set out in **Annexure A** to this determination.

[14] The appeals are otherwise dismissed.

[15] There is no order as to costs.



A handwritten signature in black ink, appearing to read "D A Kirkpatrick", is written over a horizontal line.

**D A Kirkpatrick**  
**Environment Judge**

## "A"

### Agreed Amendments to the Decisions Version of the Fire Safety Rules (Land Use)

#### Amend ISSUE 2.3.14

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

Fires can be significant events that threaten life and property and can have significant adverse environmental effects. The scale of risk to life, property and the environment fire poses is affected by:

- The probability of an event unwanted fire occurring; and
- The variable ability of FENZ fire services across the district to respond to fires in buildings, given the variable distances and travel times involved

It is important to ensure that communities living in settlements both with and without a reticulated water supply are educated and aware of the fire hazard risks and safety and mitigation measures recommended in order to minimise adverse effects to life, property and the environment.

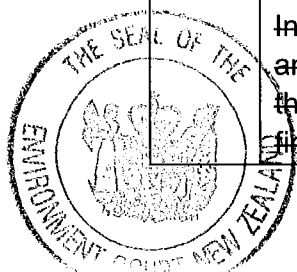
Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and, alternative measures that may be available in these settlements to minimise risk.

~~The ability to respond is greatest in those areas that have a public reticulated water supply and a fire emergency station within the settlement or close by.~~

~~Settlements that do not have a public reticulated water supply nor a close by fire service are more at risk. In these settlements and other rural parts of the district, reliance can be placed on utilising domestic water supplies (both on the site and on properties adjacent to the site) or other static water supplies such as lakes, streams, the sea and swimming pools.~~

~~In settlements without a reticulated water supply that do not have a dedicated firefighting supply, Council should work with FENZ on a settlement-by-settlement basis, to assess the need for dedicated community-based water storage and/or the provision of mobile water storage. Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and alternative measures that may be available in these settlements to minimise risk.~~

~~In the remaining rural areas of the district, there is a recognition that even with utilising any stored water on site and/or any dedicated water storage for firefighting purposes that these measures may not be sufficient to save a building by the time FENZ or any fire service arrives at the site. Reliance will be placed on education to highlight the~~



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|  | <del>need to give consideration to a fire event on an on-going basis.</del> |
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**Amend - OBJECTIVE 2.4.15**

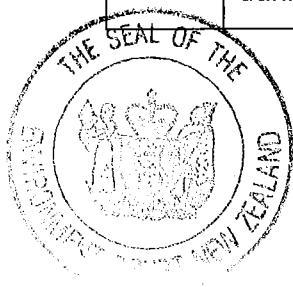
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| 2.4.15 | To encourage and promote fire safety measures to minimise fire risk to life, property and the environment <u>from fire</u> . |
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**Amend - POLICY 2.5.17**

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| 2.5.17 | <p><b><u>To assess fire risks and encourage investigation of potential fire safety measures during the development and subdivision process.</u></b></p> <p><del>(a) — To ensure the provision of water to new reticulated sites within the Reticulated Services Boundary will adhere to the Engineering standards.</del></p> <p><del>(b) — For non-reticulated settlements the council will actively work with FENZ on a settlement by settlement basis to determine the approach to be taken for the provision of water firefighting purposes.</del></p> <p><del>(c) — In remaining areas of the district encourage education on fire hazard and on fire risk reduction measures.</del></p> <p><u>The District Plan should prompt an awareness during development and subdivision processes of the need to consider fire hazards and risk, and how they are mitigated by means that include reinforcing FENZ educational programmes these can be mitigated to avoid adverse effects to life, property and the environment. Fire and Emergency New Zealand provides advice and education that may assist in designing appropriate safety and mitigation measures.</u></p> <p><del>For settlements where there is no reticulated water supply, Council will work with FENZ to determine the desirability of a particular community providing static supplies for firefighting purposes in the form of water storage tanks (at strategic locations); water tankers and/or portable dams.</del></p> <p><del>For the remaining rural areas, reliance will be placed on public education.</del></p> |
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**Amend current method - 2.6.1 DISTRICT PLAN METHODS**

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| 2.6.1.5 | Undertaking consultation with Tangata Whenua, New Zealand Historic Places Trust, Department of Conservation, <u>Fire and Emergency New Zealand</u> and other agencies during the consenting process, where appropriate. |
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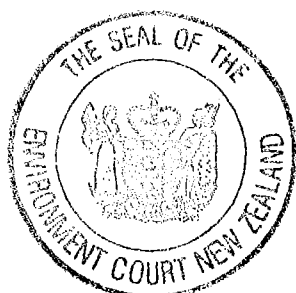


**Amend - 2.6.2 OTHER METHODS**

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| 2.6.2.5 | In non-reticulated settlements, Council will <del>actively engage with FENZ to investigate the provision of additional water supply and to establish the desirability of providing community water tanks or volunteer fire brigades with mobile tankers or portable dams</del> <u>require an assessment of fire risk and an investigation into the availability of water supply for safety and mitigation purposes. Reference should be made to patterns of existing water supplies and mitigation measures.</u> |
| 2.6.2.6 | <del>In the rural areas of the district, The Council will actively promote and support Fire and Emergency New Zealand's public education initiatives</del> which prompts the recognition of fire risk and the need for mitigation measures, <del>including the installation of sprinkler systems.</del>  |
| 2.6.2.7 | <del>Council will support FENZ fire safety education initiatives across the district.</del>  |

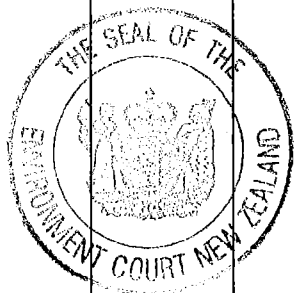
**Amend - 2.7.13 OUTCOMES**

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| 2.7.13 | A community which is educated <del>to the on</del> fire risk mitigation <del>appropriate to their particular area and that the risks to life, property and the surrounding environment from fire are minimised, as far reasonably practicable and has safety and mitigation measures in place, taking into account the degree of risk.</del> |
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## Amend Rule 12.10.26

| Rule     | Parameter   | Rural Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria  |
|----------|-------------|---|--|--|
| 12.10.26 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, <del>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 scrub or shrubland, woodlot or forest</del> <u>Fire and Emergency New Zealand recommends:</u></p> <ul style="list-style-type: none"> <li>• <u>That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</u></li> <li>• <u>That a fire sprinkler system is installed in accordance with either the:</u> <ul style="list-style-type: none"> <li>○ <u>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</u></li> <li>○ <u>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</u></li> <li>○ <u>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</u></li> </ul> </li> <li>• <u>That a sufficient water supply is provided if a sprinkler system is not being installed.</u></li> </ul> <p><u>Fire and Emergency New Zealand can be contacted for further advice</u></p> | Restricted Discretionary   | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p> |

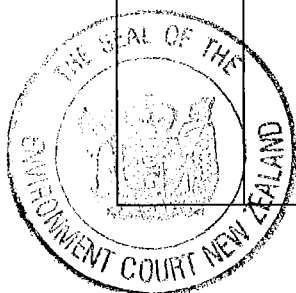


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|  |  | <p>(<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p><u>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><b>Note 2:</b></p> <p><del>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:</del></p> <p><del>NZS 4517 (Fire Sprinkler Systems for Houses); or</del></p> <p><del>NZS 4541 (Automatic Fire Sprinkler Systems); or</del></p> <p><del>NZS 4515 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>).</del></p> |  |  |
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## Amend Subdivision Assessment Criteria (12.12.1)

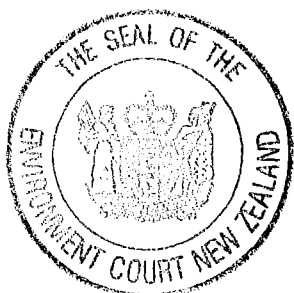
| Rule    | Type of Subdivision       | Terms for Subdivision   | Matters for Control  |
|---------|---------------------------|---|--|
| 12.12.1 | General Rural Subdivision | <p><b>Subdivision</b> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1) Rural Zone (excluding Overlay Areas)</p> <p>.....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 12.15;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of</p> |



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|  |  |  | <p><u>water from sources that are:</u></p> <ul style="list-style-type: none"> <li>• <u>Within 90 metres of an identified building platform on each lot; and</u></li> <li>• <u>Existing or likely to be available at time of development of the lot; and</u></li> <li>• <u>Accessible and available year-round; and</u></li> <li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li> </ul> |
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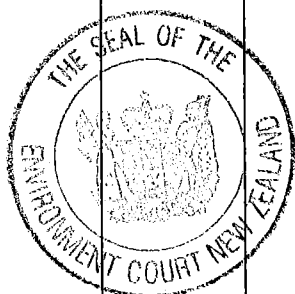
**No amendment to Subdivision 12.15.4 – Water Supply**

| Rule    | Parameter    | Rural Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|---------|--------------|--|--|---------------------|
| 12.15.4 | Water Supply | <p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>a) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>b) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004.</p> | Discretionary Activity   |                     |

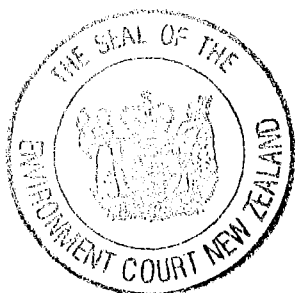


## Amend Rule 13.10.26

| Rule     | Parameter   | Residential Activity Standard  | Permitted Performance | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria   |
|----------|-------------|--|-----------------------|--|---|
| 13.10.26 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p><b>Note 1:</b> 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</p> |                       | Restricted Discretionary Activity                                      | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p> <p>i) <del>The extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained);</del></p> |

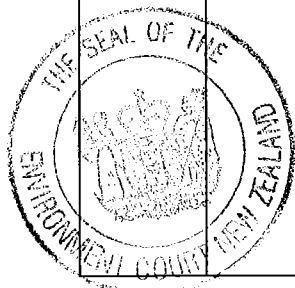


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|  |  | appropriate from scrubland and other similar vegetated areas. |  | <p>ii) Whether and the extent to which the building is assessed as a low fire hazard and risk;</p> <p>iii) The degree of fire risk to dwellings arising from the proximity of the woodlot or forest;</p> <p>iv) Any mitigation measures proposed to reduce the fire risk;</p> <p>v) The adequacy of the water supply; and</p> <p>vi) The accessibility of the water supply to fire service vehicles.</p> |
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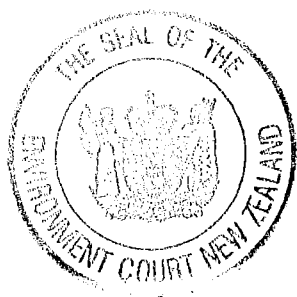
## Amend Controlled Residential Subdivision Criteria (13.11.1)

| Rule    | Type of Subdivision             | Terms for Subdivision   | Matters of Control  |
|---------|---------------------------------|---|---|
| 13.11.1 | General Residential Subdivision | <p><b>Subdivision</b> within the Residential Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1)....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 13.14;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>....</p> <p><b>Note 8:</b> <u>For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from</u></p> |





|  |  |  |   |
|--|--|--|---|
|  |  |  | <p><u>sources that are:</u></p> <ul style="list-style-type: none"><li>• <u>Within 90 metres of an identified building platform on each lot; and</u></li><li>• <u>Existing or likely to be available at time of development of the lot; and</u></li><li>• <u>Accessible and available year-round; and</u></li><li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li></ul> |
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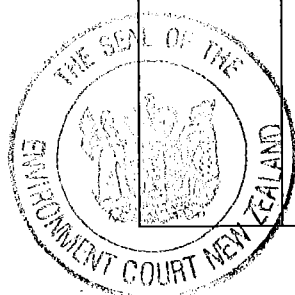
## No amendment to Subdivision – Water Supply – 13.14.4

| Rule    | Parameter    | Residential Permitted Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|---------|--------------|--|--|---------------------|
| 13.14.4 | Water Supply | <p>(1) Where a Council water supply is available:</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p> | ....   | ....                |

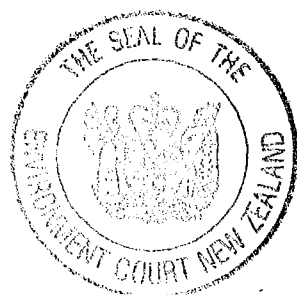


## Amend Rule 14.10.26

| Rule     | Parameter   | Rural Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria  |
|----------|-------------|---|--|--|
| 14.10.26 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p><b>Note:</b> <del>In the interests of the protection of life and the</del></p> | Restricted Discretionary Activity                                      | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) <u>The accessibility for fire service vehicles, taking into account a risk-based assessment</u></p> <p>ii) <del>The extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained);</del></p> <p>iii) <del>Whether and the extent to</del></p> |

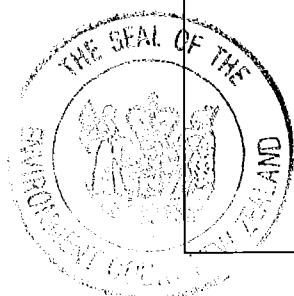


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|  |  | <p><del>surrounding environment, in all areas particularly non-reticulated areas over five minutes driving distance from a fire station, it is recommended that subject to the use of the building, a fire sprinkler system is installed in accordance with either the:</del></p> <p><del>NZS 4517 (Fire Sprinkler Systems for Houses); or</del></p> <p><del>NZS 4541 (Automatic Fire Sprinkler Systems); or</del></p> <p><del>NZS 4515 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>).</del></p> |  | <p><del>which the building is assessed as a low fire hazard and risk;</del></p> <p>iii) <del>The degree of fire risk to dwellings arising from the proximity of the woodlot or forest;</del></p> <p>iv) <del>Any mitigation measures proposed to reduce the fire risk; The adequacy of the water supply;</del></p> <p>v) <del>The adequacy of the water supply; and</del></p> <p>vi) <del>The accessibility of the water supply to fire service vehicles.</del></p> |
|--|--|--|--|---|



## Amend Subdivision – 14.11.1

| Rule    | Type of Subdivision                   | Terms for Subdivision   | Matters for Control   |
|---------|---------------------------------------|---|---|
| 14.11.1 | General Business Subdivision Serviced | <p><b>Subdivision</b> within the Business Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 14.13;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"> <li>• <u>Within 90 metres of an identified building</u></li> </ul> |

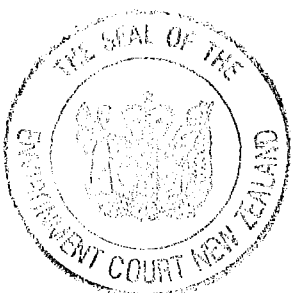


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|--|--|--|---|
|  |  |  | <ul style="list-style-type: none"> <li>• <u>platform on each lot; and</u></li> <li>• <u>Existing or likely to be available at time of development of the lot; and</u></li> <li>• <u>Accessible and available year-round; and</u></li> <li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li> </ul> |
|--|--|--|---|



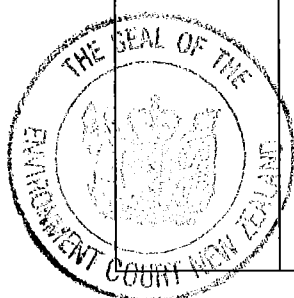
## No amendment to Subdivision 14.13.4 (Water Supply)

| Rule    | Parameter    | Business: Commercial and Industrial Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|---------|--------------|---|--|---------------------|
| 14.13.4 | Water Supply | <p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p> | ...  | ...                 |



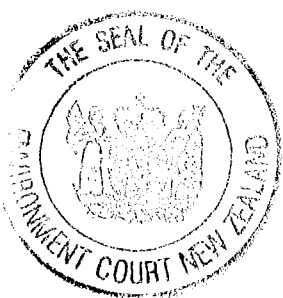
## Amend Rule 15A.10.25

| Rule      | Parameter   | Maori Land Permitted Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria   |
|-----------|-------------|---|--|---|
| 15A.10.25 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>◦ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>◦ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>◦ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p><u>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</u></p> <p><u>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> | Restricted Discretionary Activity                                      | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) <u>The accessibility for fire service vehicles, taking into account a risk-based assessment.</u></p> <p><del>i) The extent of consultation that has been undertaken with the New Zealand Fire Service and</del></p> |



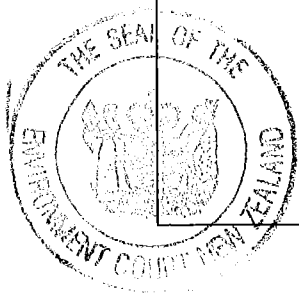


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|--|--|---|--|
|  |  | <p><b>Note 1:</b> For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the drip line of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</p> | <p>their response (or whether their written approval has been obtained); ii) Whether and the extent to which the building is assessed as low fire hazard and risk;</p> <p>iii) The degree of risk to dwellings arising from the proximity of the woodlot or forest; iv) Any mitigation measures proposed to reduce the fire risk; v) The adequacy of the water supply; and vi) The accessibility of the water supply to fire service vehicles.</p> |
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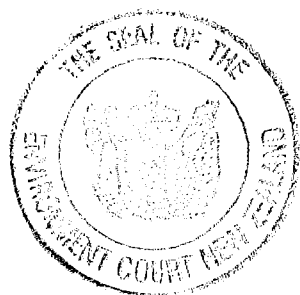


## No amendment to Rule 15A.10.3b

| Rule      | Parameter               | Maori Land Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|-----------|-------------------------|--|--|---------------------|
| 15A.10.3b | Dwelling Infrastructure | <p>(3) Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> <li>- Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval floor level; and</li> <li>- In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>- 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>- 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>- 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>- 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> <p>b) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>- 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 dwelling;</li> <li>- All dwellings are</li> </ul> | Discretionary Activity   | ....                |



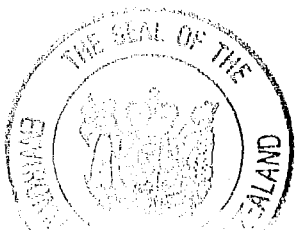
|  |  |   |  |  |
|--|--|---|--|--|
|  |  | <p>provided, within their net site area, with a connection to the Council water supply; and</p> <ul style="list-style-type: none"> <li>– The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</li> <li>– All water pipelines vested with Council shall be protected by an Easement in favour of Council;</li> </ul> <p>c) Where a public supply is not available, water supplies to all dwellings shall:</p> <ul style="list-style-type: none"> <li>– Meet the requirements of the Building Act 2004</li> </ul> <p>[...]</p> |  |  |
|--|--|---|--|--|



## Amend Rule 15B.10.25

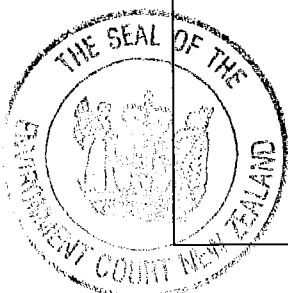
| Rule      | Parameter      | Treaty Settlement Land<br>Permitted Activity<br>Performance Standard   | Activity<br>Status if the<br>Activity does<br>not meet the<br>Performance<br>Standard | Assessment<br>Criteria  |
|-----------|----------------|--|---|---|
| 15B.10.25 | Fire<br>Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p> | Restricted Discretionary Activity   | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The <u>accessibility for fire service vehicles, taking into account a risk-based assessment</u></p> <p>i) The <del>extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained); ii) The degree of fire risk to dwellings arising from the proximity of the</del></p> |

|  |  |  |   |
|--|--|--|---|
|  |  | <p><u>Plantation Forestry) Regulations 2017.</u></p> <p><b>Note 1:</b> For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the drip line of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</p> | <p>woodlot or forest ;</p> <p>iii) Any mitigation measures proposed to reduce the fire risk; iv) The adequacy of the water supply; and v) The accessibility of the water supply to fire service vehicles.</p> |
|--|--|--|---|

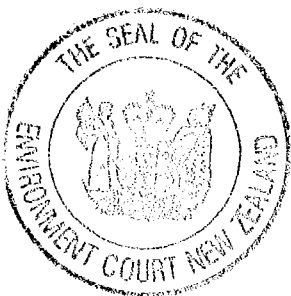


## Amend Subdivision Assessment Criteria (15B.11.1)

| Rule     | Type of Subdivision           | Terms for Subdivision  | Matters for Control  |
|----------|-------------------------------|--|--|
| 15B.11.1 | Treaty Settlement Subdivision | <p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 15B.14;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— The ability of the proposed lots to be able to be able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example</p> |

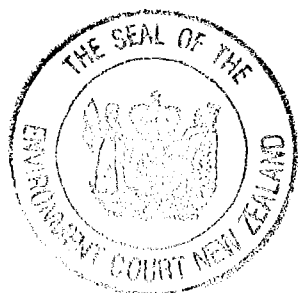


|  |  |  |   |
|--|--|--|---|
|  |  |  | <p><u>of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</u></p> <ul style="list-style-type: none"> <li>• <u>Within 90 metres of an identified building platform on each lot; and</u></li> <li>• <u>Existing or likely to be available at time of development of the lot; and</u></li> <li>• <u>Accessible and available year-round; and</u></li> <li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li> </ul> |
|--|--|--|---|



## No amendment to Subdivision 15B.14.4

| Rule     | Parameter    | Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|----------|--------------|---|--|---------------------|
| 15B.14.4 | Water Supply | <p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p> | Discretionary Activity   | ....                |





"B"

## Agreed Amendments to the Decisions Version of the Fire Safety Rules (Land Use) – Clean Version of Provisions

### ISSUE 2.3.14

|        |   |
|--------|---|
| 2.3.14 | <p><b>Potential adverse effects to life, property and the environment from fires.</b></p> <p><i>Fires can be significant events that threaten life and property and can have significant adverse environmental effects. The scale of risk fire poses is affected by:</i></p> <ul style="list-style-type: none"> <li><i>The probability of an unwanted fire occurring; and</i></li> <li><i>The ability of fire services across the district to respond to fires, given the variable distances and travel times involved</i></li> </ul> <p><i>It is important to ensure that communities living in settlements both with and without a reticulated water supply are educated and aware of the fire hazard risks and safety and mitigation measures recommended in order to minimise adverse effects to life, property and the environment.</i></p> <p><i>Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and, alternative measures that may be available in these settlements to minimise risk.</i></p> |
|--------|---|

### OBJECTIVE 2.4.15

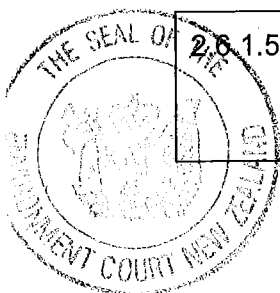
|        |   |
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| 2.4.15 | To encourage and promote fire safety measures to minimise risk to life, property and the environment from fire. |
|--------|---|

### POLICY 2.5.17

|        |  |
|--------|--|
| 2.5.17 | <p><b>To assess fire risks and encourage investigation of potential fire safety measures during the development and subdivision process.</b></p> <p><i>The District Plan should prompt an awareness during development and subdivision processes of the need to consider fire hazards and risk, and how these can be mitigated to avoid adverse effects to life, property and the environment. Fire and Emergency New Zealand provides advice and education that may assist in designing appropriate safety and mitigation measures. Where a public reticulated water supply exists, the Building Code standards outline legal requirements for fire safety and risk mitigation.</i></p> |
|--------|--|

### 2.6.1 DISTRICT PLAN METHODS

|         |  |
|---------|--|
| 2.6.1.5 | Undertaking consultation with Tangata Whenua, New Zealand Historic Places Trust, Department of Conservation, Fire and Emergency New Zealand and other agencies during the consenting process, where appropriate. |
|---------|--|

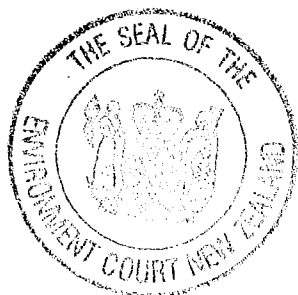


## 2.6.2 OTHER METHODS

|         |  |
|---------|--|
| 2.6.2.5 | In non-reticulated settlements Council will require an assessment of fire risk and an investigation into the availability of water supply for safety and mitigation purposes. Reference should be made to patterns of existing water supplies and mitigation measures. |
| 2.6.2.6 | The Council will actively promote and support Fire and Emergency New Zealand's public education initiatives which prompt the recognition of fire risk and the need for mitigation measures.  |

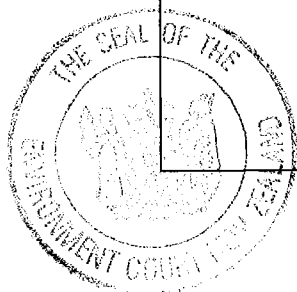
## 2.7 OUTCOMES

|        |   |
|--------|---|
| 2.7.13 | A community which is educated on fire risk and has safety and mitigation measures in place, taking into account the degree of risk. |
|--------|---|



## Rule 12.10.26

| Rule     | Parameter   | Rural Permitted Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria  |
|----------|-------------|--|--|--|
| 12.10.26 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>◦ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>◦ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>◦ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p> | Restricted Discretionary   | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p> |

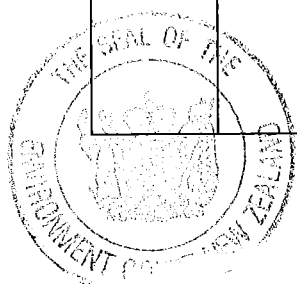


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|  |  | Plantation Forestry) Regulations<br>2017. |  |  |
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## Subdivision Assessment Criteria (12.12.1)

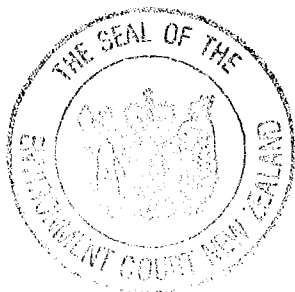
| Rule    | Type of Subdivision       | Terms for Subdivision   | Matters for Control   |
|---------|---------------------------|---|---|
| 12.12.1 | General Rural Subdivision | <p><b>Subdivision</b> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(2) Rural Zone (excluding Overlay Areas)</p> <p>.....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 12.15;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of</p> |



|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90 metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at time of development of the lot; and</li> <li>• Accessible and available year-round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li> </ul> |
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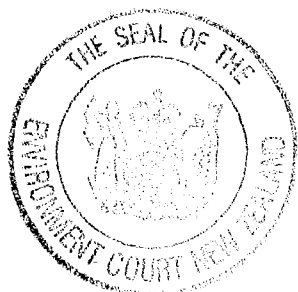
#### Subdivision 12.15.4 – Water Supply

| Rule    | Parameter    | Rural Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|---------|--------------|--|--|---------------------|
| 12.15.4 | Water Supply | <p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>(a) Meet the requirements of the Building Act 2004</p> | Discretionary Activity   |                     |



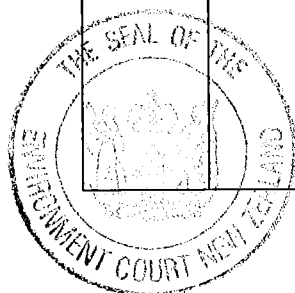
## Rule 13.10.26

| Rule     | Parameter   | Residential Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria  |
|----------|-------------|---|--|--|
| 13.10.26 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> | Restricted Discretionary Activity                                      | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p> |



## Controlled Residential Subdivision Criteria (13.11.1)

| Rule    | Type of Subdivision             | Terms for Subdivision   | Matters of Control  |
|---------|---------------------------------|---|---|
| 13.11.1 | General Residential Subdivision | <p><b>Subdivision</b> within the Residential Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1)....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 13.14;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water includes 10,000 litres of water from sources that are:</p> |



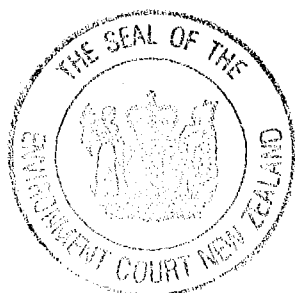


|  |  |  |   |
|--|--|--|---|
|  |  |  | <ul style="list-style-type: none"> <li>• Within 90 metres of an identified building platform on each lot; and</li> <li>• Existing or anticipated to be available at time of development of the lot; and</li> <li>• Accessible and available year-round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li> </ul> |
|--|--|--|---|



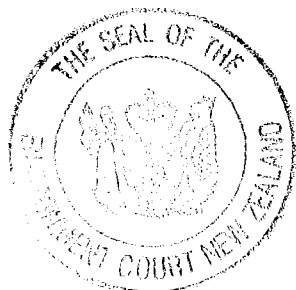
## Subdivision – Water Supply – 13.14.4

| Rule    | Parameter    | Residential Permitted Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|---------|--------------|--|--|---------------------|
| 13.14.4 | Water Supply | <p>(1) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</li> <li>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004</li> </ul> | ....   | ....                |



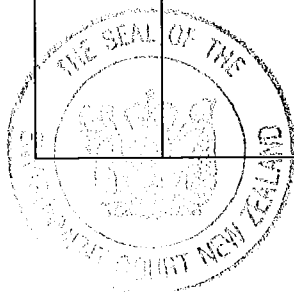
## Rule 14.10.26

| Rule     | Parameter   | Rural Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria   |
|----------|-------------|---|--|---|
| 14.10.26 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>◦ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>◦ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>◦ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> | Restricted Discretionary Activity                                      | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> </ul> |



## Subdivision – 14.11.1

| Rule    | Type of Subdivision                   | Terms for Subdivision   | Matters for Control  |
|---------|---------------------------------------|---|--|
| 14.11.1 | General Business Subdivision Serviced | <p><b>Subdivision</b> within the Business Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 14.13;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> |

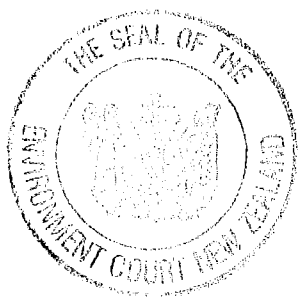


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|--|--|--|--|
|  |  |  | <ul style="list-style-type: none"> <li>• Within 90 metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at time of development of the lot; and</li> <li>• Accessible and available year-round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li> </ul> |
|--|--|--|--|



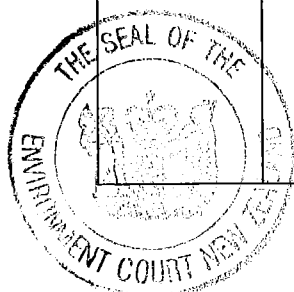
## Subdivision 14.13.4 (Water Supply)

| Rule    | Parameter    | Business: Commercial and Industrial Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|---------|--------------|---|--|---------------------|
| 14.13.4 | Water Supply | <p>(1) Where a Council water supply is available :</p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</li> <li>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004</li> </ul> | ...  | ...                 |

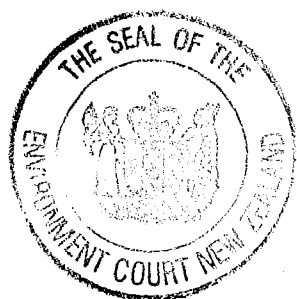


## Rule 15A.10.25

| Rule      | Parameter   | Maori Land Permitted Activity Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria   |
|-----------|-------------|--|--|---|
| 15A.10.25 | Fire Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>◦ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>◦ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>◦ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p> | Restricted Discretionary Activity                                      | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> </ul> |



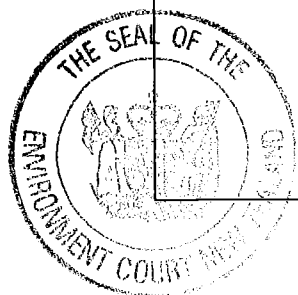
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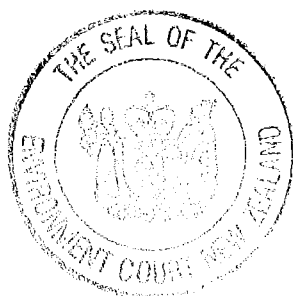


## Rule 15A.10.3b

| Rule      | Parameter               | Maori Land Permitted Activity Performance Standard  | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|-----------|-------------------------|---|--|---------------------|
| 15A.10.3b | Dwelling Infrastructure | <p>(1) Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> <li>- Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval floor level; and</li> <li>- In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>- 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>- 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>- 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>- 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> <p>b) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>- 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 dwelling;</li> </ul> | Discretionary Activity   | ....                |

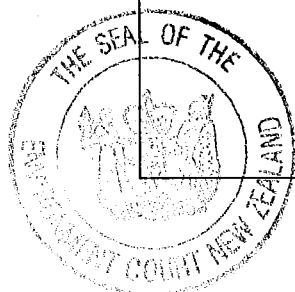


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|--|--|---|--|--|
|  |  | <ul style="list-style-type: none"> <li>- All dwellings are provided, within their net site area, with a connection to the Council water supply; and</li> <li>- The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</li> <li>- All water pipelines vested with Council shall be protected by an Easement in favour of Council;</li> </ul> <p>c) Where a public supply is not available, water supplies to all dwellings shall:</p> <ul style="list-style-type: none"> <li>- Meet the requirements of the Building Act 2004</li> </ul> <p>[...]</p> |  |  |
|--|--|---|--|--|



## Rule 15B.10.25

| Rule      | Parameter      | Treaty Settlement Land<br>Permitted Activity<br>Performance Standard   | Activity<br>Status if the<br>Activity does<br>not meet the<br>Performance<br>Standard | Assessment<br>Criteria   |
|-----------|----------------|--|---|--|
| 15B.10.25 | Fire<br>Safety | <p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>◦ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>◦ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>◦ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p> | Restricted Discretionary Activity   | <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p> |

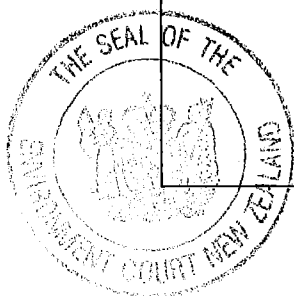


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|  |  | Plantation Forestry) Regulations<br>2017. |  |  |
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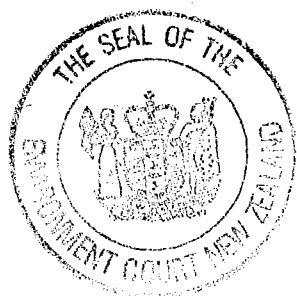


## Subdivision Assessment Criteria (15B.11.1)

| Rule     | Type of Subdivision           | Terms for Subdivision  | Matters for Control  |
|----------|-------------------------------|--|--|
| 15B.11.1 | Treaty Settlement Subdivision | <p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p> | <p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 15B.14;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>- The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>- The ability of the proposed lots to be able to be able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>- <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>- Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> |



|  |  |  |   |
|--|--|--|---|
|  |  |  | <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"><li>• Within 90 metres of an identified building platform on each lot; and</li><li>• Existing or likely to be available at time of development of the lot; and</li><li>• Accessible and available year-round; and</li><li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li></ul> |
|--|--|--|---|



## Subdivision 15B.14.4

| Rule     | Parameter    | Performance Standard   | Activity Status if the Activity does not meet the Performance Standard | Assessment Criteria |
|----------|--------------|--|--|---------------------|
| 15B.14.4 | Water Supply | <p>(1) Where a Council water supply is available:</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p> | Discretionary Activity   | ....                |

