

## SUPPLEMENTARY STAFF EVALUATION REPORT

**TO:** Environment & Planning Committee – TRMP

**FROM:** Mary Honey, Policy Planner, Environmental Policy

**FILE NO.:** R430-6-2

**SUBJECT:** **SUPPLEMENTARY SER 608A TO SER 608 OF HEARING 71**  
**Temporary Activities**  
Report prepared for meeting of 2 September 2016

**“In Committee”**

---

### **1. INTRODUCTION**

This supplementary report by Council staff has been prepared following the hearing of submitter presentations. It addresses issues and options where a change in staff recommendation is being made. It does not address issues raised during the hearings generally, although staff wish to acknowledge the value of the submitter contributions during the presentations. It should be noted that many of the issues raised by submitters did result in significant debate amongst staff. These key points will be raised during deliberations, using the original staff recommendation as a starting point for discussion.

This supplementary report addresses issues raised in evidence resulting from staff recommendations in Staff Evaluation Report (SER) 608 (Temporary Activities) relating to wildfire risk and temporary activities including events.

#### **1.1 Issues and Options**

Readers are referred to Staff Evaluation Report 608 issue discussion in paragraph A 2.2; the option discussion in paragraphs 3.2-3.3 and staff recommendation B.2 for background to this matter.

Three submitters C60.1089 (Nelson Forests Ltd), C60.4023 (Hancock Forest Management (NZ) Ltd) and C60.1196 (Waimea Rural Fire Authority (WRFA)) submitted on the issue of temporary events in high-risk wildfire areas.

In summary, the submissions, as clarified by the evidence, request that temporary events that are advertised for general public admission in high wildfire risk areas (as identified through the application of spatial layer on the planning maps) between 1 October – 30 April require a restricted discretionary level consent or are required to obtain a pre-approved fire preparedness plan from WRFA which includes provision for cancellation of an event when fire risk parameters are triggered. On clarification, the two submitters who have evidence are not concerned about fire risk preparedness and management in low risk areas or in high risk areas outside of the summer months (1 October – 30 April).

SER 606 requested the concerned submitters to provide the spatial map information showing the high and low risk wildfire areas in the district and detail of what would constitute an acceptable fire risk preparedness plan.

Submitter C60.1196 (WRFA) provided this information to Council before and at the hearing. The information is attached as Annexure 1-4.

A preliminary review by Council staff of the spatial map information provided by WRFA entitled 'Scrub Fuel Areas with One Way Egress Roads' shows that most of the District outside of urban areas is considered a high risk area and this includes areas where there is two-way road egress and valleys that are more than 500 metres in width. Discussion with WRFA confirms that the high risk area is based on scrub fuel area and commercial forestry rather than one-way egress.

On review of the submissions and all the evidence, the following four options are re-assessed in the context of the additional fire risk information.

### **Option 1**

Retention of the option recommended by staff in SAR 608, i.e:

Provide Permitted consent activity status for 'temporary events (in all areas) that are advertised for public admission subject to the condition that, from 1 October to 30 April, a fire preparedness plan is provided to the WRFA and adjacent landowners which provides sufficient detail to satisfy the purposes for which it is required and includes:

- (i) an evacuation plan;
- (ii) provision for on-site fire equipment that will be in a complete state of readiness at all times.'

The benefits and risks described in SER 608 report are similar to those set out for Option 2 below.

### **Option 2**

Amendment of Option 1 to specifically include reference to what WRFA considers an acceptable fire risk preparedness plan and referral to the WRFA of that plan for management in terms of its powers under the Forest Rural Fire Act 1977 (FRFA).

As mentioned in the SER 608 report, the benefits of this option are as follows:

1. Temporary events that are advertised for public admission in the district will be able to be held as a Permitted activity subject to limitations on duration, setbacks from neighbours and fire preparedness.
2. What constitutes appropriate fire preparedness will be clearly set out in the Permitted condition and thus clarify what is required.
3. The relevant stakeholders, adjacent landowners and the WRFA will be forewarned of the event and WRFA will have the opportunity to manage the event as it considers appropriate in terms of its powers under the FRFA.
4. Staff consider the FRFA more appropriate legislation than the RMA to regulate the risk of wild fire.
5. The option to consider the issue of fire risk and temporary activities once the draft Fire and Emergency Bill is finalised remains.

The risks of this option are as follows:

1. Inadequate plans may be provided, in which case, Council would need to consider whether the event is meeting the conditions of the Permitted activity.

2. The restrictive condition relating to fire preparedness and management may be disproportionate to the risk in low risk fire areas and in high risk fire areas outside of the summer months.

### **Option 3**

Option 3 is the same as Option 2 except that the necessity for a fire preparedness plan is limited to high fire risk areas as shown on a TRMP planning maps per the information provided by the WRFA to Council (attachments 2-4) during the summer months of 1 October – 30 April.

### **Option 4**

Provide for temporary events that are advertised for general public admission:

- (i) in high risk wild fire areas (identified through the application of spatial layer on the planning maps) between 1 October – 30 April as a restricted discretionary consent subject to a setback of 600m from internal boundaries and subject to the condition of obtaining a pre-approved fire preparedness and management plan from WRFA which includes provision for cancellation of an event when fire risk parameters are triggered;
- (ii) in low risk wildfire risk areas and in high risk wildfire areas between 1 May – 30 September without a condition relating to fire risk preparedness.

The benefit of this option is that, generally, council will have the ability to manage events that are advertised for general public admission in relation to fire preparedness and other named effects.

The risks of this option are as follows:

1. The option is being introduced into the Plan Change at a late stage and the general public has not had sufficient opportunity to comment on the high wildfire risk spatial map layer which constitutes most of the District.
2. Council has had limited opportunity to assess and refine the spatial map layer but will be using it as the basis for requiring Restricted Discretionary consent for an activity.
3. The national legislation regulating fire risks and emergencies are in the process of changing but, as yet, there is no clarity on the final content of the draft Fire and Emergency Bill currently before Parliament.

## **1.2 Preferred Option**

Staff recommend Option 3, i.e:

Provide Permitted consent activity status for temporary events (in all areas) that are advertised for public admission subject to the condition that, in high risk fire areas as shown on the TRMP Planning Maps, between 1 October to 30 April, a fire preparedness plan is provided to the Waimea Rural Fire Authority for management in terms of its powers under the Forest Rural Fire Act 1977 and to adjacent landowners 14 working days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required (the detail described in the condition reflects the WRFA advice set out in Attachment 1) and the activity is subject to a setback of 600m from internal boundaries.

Staff support this option for the following reasons:

1. What constitutes appropriate fire preparedness will be clearly set out in the Permitted condition and thus clarify what is required.

2. The relevant stakeholders, adjacent landowners and the WRFA will be forewarned of the event and WRFA will have the opportunity to manage the event as it considers appropriate in terms of its powers under the FRFA.
3. Staff consider the FRFA more appropriate legislation than the RMA to regulate the risk of wild fire.
4. The necessity for a fire preparedness plan will be limited to high fire risk areas as shown on the TRMP planning maps between 1 October – 30 April, only and this requirement is considered proportionate to risk.
5. The option to consider the issue of fire risk and temporary activities once the draft Fire and Emergency Bill is finalised remains.

**ATTACHMENTS:**

1. Waimea Rural Fire Committee – Suggested Reduction and Readiness Plan content required for temporary event consents.
- 2 – 4 Waimea Rural Fire Committee - Maps of scrub fuel areas with on- way egress roads.

## OPTION 3

### 2. RECOMMENDATIONS

#### 2.1 Recommendation 608A

Amendment to SER 608 Staff Recommendation B2 to:

- specifically include reference to what WRFA considers an acceptable fire risk preparedness plan and referral to the WRFA of that plan for management of fire risk in terms of its powers under the Forest Rural Fire Act 1977 (FRFA); and
- limit the necessity for a fire preparedness plan to high fire risk areas as shown on the TRMP planning maps during the summer months between 1 October - 30 April.

#### 2.2 Reasons

Temporary events that are advertised for general public admission in the district will be a Permitted activity subject to limitations on duration, setbacks from neighbours and fire preparedness in high fire risk areas during the summer months for the reasons that:

- (i) what constitutes appropriate fire preparedness will be clearly set out in the Permitted condition and thus clarify what is required;
- (ii) the relevant stakeholders, adjacent landowners and the WRFA will be forewarned of the event and WRFA will have the opportunity to manage the event as it considers appropriate in terms of its powers under the FRFA;
- (iii) staff consider the FRFA more appropriate legislation than the RMA to regulate the risk of wild fire;
- (iv) the necessity for a fire preparedness plan will be limited to high fire risk areas as shown on the TRMP planning maps between 1 October – 30 April only and this is proportionate to the risks;
- (v) the option to consider the issue of fire risk and temporary activities once the draft Fire and Emergency Bill is finalised remains.

### 3. Plan Amendments

Amend proposed conditions 17.5.2.1(r) and 17.6.2.1(r) as follows:

- (p) *An event which is advertised for general public admission meets the following conditions:*
- (i) *for any one site, the zone noise limits are exceeded for not more than two days within any 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm;*
  - (ii) *the activity is set back 600 metres from adjoining internal boundaries;*
  - (iii) *any temporary building or structure that is used is removed at the end of the event;*
  - (iv) *should the event be located in the high fire risk area as shown on the TRMP planning maps and occurs between 1 October and 30 April, a fire preparedness plan is provided to the Waimea Rural Fire Authority for management in terms of its powers under the Forest Rural Fire Act 1977 and adjacent landowners fourteen working days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required including:*

~~an evacuation plan, and (b) provision for on-site fire equipment that will be in a complete state of readiness at all times.”~~

- ~~(a) the location, time and duration of the event and the number of people expected to attend the event;~~
- ~~(b) risk reduction measures including: briefing information for participants; management of spark hazardous activities (including smoking, lighting of fires and barbecues); length and dryness of grass; and a cancellation procedure for the event if the Build Up Index (BUI) of the nearest remote access weather station forecasts or has a BUI reading of 80 or more or a Fire Weather Index forecasts or reads 24 or higher;~~
- ~~(c) fire readiness measures including water and equipment for firefighting; number of people on site trained in firefighting to NZQA or NZ Fire Service TAPS module standards; location of safe site areas; an evacuation plan with a stay/go procedure and at least two escape routes to safe areas; a plan of how emergency services will access the site; an emergency notification process for organisers and attendees and a tested communication plan for phone or radio for communication with emergency services.~~

**Note:** Other legislation or requirements relating to health, food safety, building, traffic management and fire risk management may need to be complied with.

#### **4. Other Actions**

Council review the TRMP temporary activity fire preparedness provisions once the draft Fire and Emergency Bill is finalised.

## OPTION 4

### 2. RECOMMENDATIONS

#### 2.1 Recommendation 608A

Amend temporary event proposed conditions 17.5.2.1(r) and 17.6.2.1(r) to provide for temporary events that are advertised for general public admission:

- (i) in low risk wildfire risk areas - without a condition relating to fire risk preparedness;
- (ii) in high risk wildfire areas (identified through the application of spatial layer on the planning maps) between 1 October – 30 April, as a restricted discretionary activity subject to the condition of obtaining a pre-approved fire preparedness plan from WRFA which includes provision for cancellation of an event when fire risk parameters are triggered; and a setback of 600m from internal boundaries.

#### 2.2 Reasons

Council will have the ability to manage the risk of fire for events that are advertised for general public admission that will take place between 1 October and 30 April in high risk wildfire areas as shown on the TRMP planning maps.

### 3 Plan Amendments

Amend proposed Permitted activity conditions 17.5.2.1(r) and 17.6.2.1(r) as follows:

- (p) *An event which is advertised for general public admission and is held in a low risk wild fire area as shown on the planning maps meets the following conditions:*
  - (i) *for any one site, the zone noise limits are exceeded for not more than two days within any 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm;*
  - (ii) *the activity is set back 600 metres from adjoining internal boundaries;*
  - (iii) *any temporary building or structure that is used is removed at the end of the event;*
  - (iv) *from 1 October to 30 April, a fire risk preparedness and management plan is provided to the Waimea Rural Fire Authority and adjacent landowners which provides sufficient detail to satisfy the purposes for which it is required and includes:*
    - (a) *an evacuation plan; and*
    - (b) *provision for on-site fire equipment that will be in a complete state of readiness at all times.*

**Note:** *Other legislation or requirements relating to health, food safety, building, traffic management and fire risk management may need to be complied with.*

- 2. Insert new Restricted Discretionary activity rule 17.5.2.5B:

#### **17.5.2.5B Restricted Discretionary Activities (Land Use - Events)**

*An event that does not comply with condition (p) of 17.5.2.1 is a Restricted Discretionary activity if it meets the following conditions:*

- (a) *the activity meets the permitted activity condition 17.5.2.1(p)*

(b) should the event occur between 1 October and 30 April, a fire preparedness plan is provided to Council, the Waimea Rural Fire Authority and to adjacent landowners fourteen working days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required and includes:

~~an evacuation plan, and (b) provision for on-site fire equipment that will be in a complete state of readiness at all times."~~

- (i) the location, time and duration of the event and the number of people expected to attend the event
- (ii) risk reduction measures including: briefing information for participants; management of spark hazardous activities (including smoking, lighting of fires and barbecues); length and dryness of grass; and a cancellation procedure for the event if the Build Up Index (BUI) of the nearest remote access weather station forecasts or has a BUI reading of 80 or more or a Fire Weather Index forecasts or reads 24 or higher;
- (iii) fire readiness measures including water and equipment for fire-fighting; people on site trained in firefighting to NZQA or NZ fire Service TAPS module standards; location of safe site areas; an evacuation plan with a stay / go procedure and at least two escape routes to safe areas; a plan of how emergency services will access the site; an emergency notification process for organisers and attendees and a tested communication plan for phone or radio for communication with emergency services.

A resource consent is required and may include conditions.

3. Insert new Restricted Discretionary rule 17.6.2.5B

#### **17.6.2.5B Restricted Discretionary Activities (Land Use - Events)**

An event that does not comply with condition (p) of 17.6.2.1 is a Restricted Discretionary activity if it meets the following conditions:

- (a) the activity meets the permitted activity condition 17.6.2.1(p);
- (b) should the event occur between 1 October and 30 April, a fire preparedness plan is provided to the Council, the Waimea Rural Fire Authority and to adjacent landowners fourteen working days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required and includes:  
~~an evacuation plan, and (b) provision for on-site fire equipment that will be in a complete state of readiness at all times."~~
  - (i) the location, time and duration of the event and the number of people expected to attend the event
  - (ii) risk reduction measures including: briefing information for participants; management of spark hazardous activities (including smoking, lighting of fires and barbecues); length and dryness of grass; and a cancellation procedure for the event if the Build Up Index (BUI) of the nearest remote access weather station forecasts or has a BUI reading of 80 or more or a Fire Weather Index forecasts or reads 24 or higher;
  - (iii) fire readiness measures including water and equipment for fire-fighting; people on site trained in firefighting to NZQA or NZ fire Service TAPS module standards; location of safe site areas; an

evacuation plan with a stay / go procedure and at least two escape routes to safe areas; a plan of how emergency services will access the site; an emergency notification process for organisers and attendees and a tested communication plan for phone or radio for communication with emergency services.

A resource consent is required and may include conditions.

#### **4. Other Actions**

Council review the TRMP temporary activity fire preparedness provisions once the draft Fire and Emergency Bill is finalised.