

## Plan Change 14 Hearing – Fire and Emergency New Zealand

*Presenting Tuesday 26<sup>th</sup> May 2020 at 4pm*

Good afternoon, I am Nicolle Vincent, a planner from Beca Limited, based in the Southern Regional Team. I hold a Master of Planning from Otago University. Today I have with me Genevieve Doube, senior planner at Beca and Steven Jones from Fire and Emergency New Zealand (FENZ). Mr. Jones is an Assistant Area Manager for Central and North Otago. We also have with us Fire Risk Management Officer, John Smalls.

While I am conscious that this is a hearing before the Council, I confirm that I have read and am familiar with the code of conduct for expert witnesses in the Environment Court Practice Note 2014. I give my evidence today in compliance with this code. Other than when I state I am relying on the advice of another person; this evidence is within my area of expertise. While we have not submitted written evidence in addition to our submission, and instead will read it aloud, I am able to provide this at the request of the Commissioners. Today we will speak to the submission lodged on behalf of FENZ regarding Plan Change 14. I will first speak to the key submission points raised, address the Section 42A Report Writers comments, and address the applicant's response.

Firstly, FENZ and the Central Otago District Council have had a Memorandum of Understanding in place for approximately ten years. The MoU notes that at the time when a dwelling is erected on any building platform, domestic water and fire fighting storage is to be provided. It makes reference to the various key aspects of the Fire Fighting Water Supply Code of Practice. This includes the volume and source of water required for firefighting, the various types of connections and coupling points, hard stand areas and accessibility. FENZ is grateful to the Council for continuing to implement the MOU and providing FENZ with confidence that applicants who construct a residential dwelling will provide water for firefighting purposes.

### 1. Certainty of the MoU

The MoU is good to have, as the District Plan currently has limited rules and standards relating to firefighting requirements. This means that outside of the MoU and Subdivision Standards, Council has limited ability to enforce the requirement for firefighting water supply to be provided to newly created lots.

Additionally, applicant's may not be aware of the MoU, when undertaking development or applying for resource consent, so they may be unaware of the requirements under the Code of Practice. Having these provisions in the plan means that these requirements are clear and up-front providing certainty for applicants and developers in relation to costs and requirements.

### 2. Adequate water supply and access for firefighting activities

FENZ seeks from the Decision Makers that Rule 4.7.2(ii)(vi) be amended, as outlined in our submission. to require applicants to demonstrate a water supply that complies with the Code of Practice for firefighting purposes including water volume, pressure, flows and accessibility.

### *Wording of submission point -*

For an application for resource consent made under Rule 4.7.2 (ii) such subdivision shall provide: *A water supply connection to newly created lots of dwellings, that complies with the provisions set out in the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.*

### 3. Section 42a Report

Council has recommended the Plan Change is refused; however, they have also commented in relation to the FENZ submission, identifying that the amendment appears appropriate. The report writer also identifies that the FENZ submission will provide for the fire fighting water supply, and general water supply, as requested by other submitters. We agree with the Report writers' comments that the proposed amendment to the Rule is appropriate, given that residential activities on the upper parts of the site will rely on water tanks for a fire fighting water supply. The lower areas of the plan change area will be serviced by the Cromwell Reticulated network. FENZ acknowledge that the Applicants have identified that water supply will be connected to the site via this network, and will be provided to the upper part of the site to a rural supply standard through individual 30m<sup>3</sup> reserve storage tanks, with FENZ compatible couplings located within 90m of the dwelling, installed by the lot owner at the time of building a dwelling. FENZ does have a concern with regard to the ability for a fire appliance to access these higher areas of the structure plan area.

The Council recommends rejecting the Plan Change on the basis that PC14 is not consistent with the function of the Council to achieve integrated management of natural and physical resources; and is not in accordance with the purpose and relevant principles of the RMA. Given the specific focus of the FENZ submission relating to fire safety, I do not have an opinion on whether this is the case. PC14 provides an opportunity to better facilitate these activities by including provisions which will enable people and communities to provide for their health and safety with regard to fire safety, prevention and extinction.

### 4. Applicants Evidence

The Applicant's Evidence notes that they believe the submission point is already provided for in existing Council Processes. I will read out each of the reasons the applicant has listed and include our response at the end. I am happy to answer questions pertaining to this after Mr. Jones has spoken.

- It would affect subdivision throughout the district, not just within the site.
- It would only cover controlled activity subdivision, not discretionary and non-complying subdivision which are subject to different rules in the plan and which comprise the great majority of rural subdivision in the district; and
- It does not cover fire protection standards for new dwellings on existing rural allotments where subdivision does not take place (but a land use consent is still required)
- All rural (and urban) subdivision are subject to NZS4404, the Council's engineering code of practice for subdivision and land development. The Council's application of this standard already incorporates the provisions of SNZ PAS 4509:2008 as they apply to rural subdivision and land development. Council has also recently entered into a memorandum of understanding with FENZ such that Council will impose the requirements of SNZ PAS 4509:2008 as conditions of consent on all rural subdivision and land use consents for rural dwellings. In my experience, for

at least the last 12 years the Council has been doing this in any case under its amendments to NZS4404.

- FENZ's submission is therefore already well provided for by existing Council processes at the subsequent subdivision resource consent stage and there is no need to incorporate this into the plan change itself.

It is our understanding that Rural Resource Area 5 is a new zoned proposed as part of PC14 to create a zone for the proposed Structure Plan area. The rule would relate to any area zoned Rural Resource Area 5 which is limited to the proposed Structure Plan area. This means that the amended rule will only affect subdivision within the Rural Resource Area 5 and not throughout the District in general.

We acknowledge that the applicant has identified this will only cover controlled subdivision, not discretionary and non-complying. While it is correct that the amendment to the Rule has been placed under the Controlled Subdivision section of the plan, it is incorrect that the rule will not cover discretionary and non-complying activities. We understand that in the original application, where a controlled standard cannot be met, the proposal will be a discretionary activity under Rule 4.7.4(iii). The Council would then have full discretion as to the effects of the breaches. Within this, water supply is a matter of discretion and it is here that the Council would apply the principles of the MoU. However, in the revised planning provisions circulated on Monday 25<sup>th</sup> May 2020, it would now be a non-complying activity under Rule 4.7.5(x). The same consideration for range of effects would apply to non-complying activities.

Typically, the MoU would cover new dwellings on existing allotments, where subdivision has not been proposed. The wording in the MoU specifies "at the time a dwelling is erected on a building platform...". Based on previous experience, the Council is able to use the MoU when resource consent is applied for. Additionally, 'fire protection standards' may be considered under the Building Act which is outside of this scope.

Again, while we acknowledge there are positives in having the MoU, having the certainty of provisions in the District Plan is FENZ's preferred option. In addition to this, the MoU represents the views of the New Zealand Fire Service, which was Fire and Emergency New Zealand's predecessor.

The Code of Practice provides flexibility and enables a range of solutions to achieve water for firefighting purposes. In addition, it provides guidance on the volume but also flows, and importantly access. The MoU has identified a specific way of achieving the COP which does not enable the full range of options to be available. It is preferable for applicants to have flexibility to choose the most appropriate method of firefighting water.

Additionally, Council's *Engineering Code of Practice for Subdivision and Land Development* NZS4404 makes reference to the Firefighting Water Supplies Code of Practice SNZ PAS 4509:2003, which has since been updated.

Mr. Jones and Mr. Smalls of Fire and Emergency will now speak to the technical aspects of FFWS and the examples in Central Otago.

In summary, FENZ would like to see the inclusion of a provision related to firefighting water supply in the plan, to provide a level of certainty for firefighting water supply. If the commissioners are to grant the Plan Change, then we seek for this to be included.

We will now take any questions.

Thank you for your time today.

A handwritten signature in black ink, appearing to read 'Nicolle Vincent', with a large, stylized flourish at the end.

**Nicolle Vincent**

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