

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Proposed District Plan

**SECTION 42A REPORT OF ELIZABETH JANE SIMPSON
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**Fire Fighting Water Supply and Access in:
Chapter 21 Rural
Chapter 22 Rural Residential and Rural Lifestyle
Chapter 23 Gibbston Character Zone
Chapter 24 Wakatipu Basin
Chapter 38 Open Space and Recreation**

18 March 2020

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

CONTENTS

	PAGE
1. PROFESSIONAL DETAILS	1
2. INTRODUCTION.....	1
3. GENERAL COMMENTS	3
4. ALLOW USE OF POTABLE WATER IN THE MAINTAINED WATER SUPPLY	3
5. REINSTATE REFERENCE TO NECESSARY COUPLINGS	5
6. INCLUDE RULES FOR NON-RESIDENTIAL HABITABLE BUILDINGS.....	6
7. ALLOW MORE DISCRETION FOR NON-CONFORMANCE.....	7
8. CONCLUSION	9

Appendix 1: Recommended Revised Provisions Variation to Chapter 21 Rural, Chapter 22 Rural Residential and Rural Lifestyle, Chapter 23 Gibbston Character Zone, Chapter 24 Wakatipu Basin and Chapter 38 Open Space and Recreation

Appendix 2: Summary of submissions and recommended decisions

Appendix 3: Memorandum of Counsel on behalf of the New Zealand Fire Service

1. PROFESSIONAL DETAILS

- 1.1 My full name is Elizabeth Jane Simpson. I hold the position of Senior Policy Planner, Urban Development at Queenstown Lakes District Council (**the Council or QLDC**). I have been in this position since March 2019.
- 1.2 I hold a Masters of Resource and Environmental Planning from Massey University (NZ, 2017) and an Honours Degree in Business and Environmental Management from Huddersfield University (UK, 2002). I am an Intermediate member of the New Zealand Planning Institute and an Associate member of the New Zealand Institute of Surveyors.
- 1.3 I have been employed in planning and development roles by Council since 2005. My current role includes coordinating and forming council policy on urban growth initiatives and the monitoring of development and housing capacity for the National Policy Statement – Urban Development Capacity (**NPS-UDC**). Prior to this, I was the Team Leader: Subdivision, Development Contributions and Property, which included the supervision and delivery of Council’s post subdivision approvals.
- 1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

2. INTRODUCTION

- 2.1 In this section 42A report, I provide recommendations to the Hearings Panel on the submissions and further submissions received on the Firefighting Variation to Chapters 21, 22, 23, 24 & 38 notified as part of Stage 3 of the Proposed District Plan (**PDP**).

- 2.2** A total of 17 submission points, with no further submission points were received on these provisions from three submitters. I have structured my evaluation of submission by way of the particular provisions submitted upon as follows:
- (a) General comments
 - (b) Allow use of potable water in the maintained water supply
 - (c) Reinstate reference to 'necessary couplings'
 - (d) Include rules for non-residential habitable buildings
 - (e) Allow more discretion for non-conformance
- 2.3** The specific submissions are addressed in each topic grouping are identified in the relevant sections of the report shown in Appendix 2.
- 2.4** For each topic, I summarise the key issue(s) and relief sought in the submissions, consider whether the relief sought better achieves the relevant provisions of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.
- 2.5** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:
- (a) Variations to Chapters 21, 22, 23, 24 and 38 Firefighting Section 32 evaluation (**S32**);
 - (b) PDP Stage 1 & 2 Decision Version (**PDP**);
 - (c) The Stage 3 Strategic evidence (**Strategic Evidence**);
 - (d) The Otago Regional Policy Statement operative and proposed (**RPS**);
 - (e) SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supply Code of Practice (**Code of Practice**).
- 2.6** Changes I recommend to the notified provisions in response to submissions are included in **Appendix 1**, which contains a 'clean' recommended chapter as the base. My recommendations for accepting or declining submissions are included in **Appendix 2** alongside a summary of the relief sought in the submissions.

3. GENERAL COMMENTS

3.1 The submission made by Fire and Emergency New Zealand (**3288**) (**FENZ**) supported the inclusion of new policy matter 23.2.1.14 in the Gibbston Character Zone and that it be retained as notified.

3.2 I recommend that this submission point be accepted.

4. ALLOW USE OF POTABLE WATER IN THE MAINTAINED WATER SUPPLY

4.1 Waterfall Park Developments Limited (**3063**) (**WPL**) contends that the varied standards in the four relevant chapters are too restrictive, in particular the requirement to exclude potable water supply from the maintained water supply of at least 45,000 litres for firefighting purposes.

4.2 As a consequence, WPL seeks that the following words be deleted from Rules 21.7.5.1, 22.5.13.1, 23.5.9.1, 24.5.19a and 38.10.11.1:

“(excluding potable storage volume requirements for domestic use)”

4.3 WPL supported its position with the following four reasons as to why the increased storage requirement was unnecessary:

- (a) Point 1: That storage of water for firefighting and the storage of water for potable supply are generally contained within the same tanks and therefore it is sensible to combine the water storage requirements in the same tank(s).
- (b) Point 2: The use of the words ‘*potable storage*’ is ambiguous as the PDP does not include any standard requirements for potable water storage, referring to Rule 27.7.15.3¹ of the Subdivision and Development Chapter which has a supply but not a storage requirement.
- (c) Point 3: There is little evidence to suggest a 20,000 litre storage requirement is inadequate.

¹ Rule 27.7.15.3 requires that where no communal owned and operated water supply exists, lots shall be provided with a potable water supply of at least 1000 litres per day per lot.

- (d) Point 4: The submitter questions the requirement to separate the potable water storage from the firefighting water storage given that it would be unlikely that the potable water supply would be in use at the same time that the firefighting supply was required.

4.4 With regard to Point 1 and Point 4, the first standard in each of the varied rules requires a maintained water supply of at least 45,000 litres for firefighting excluding the domestic potable water supply. There is no requirement for separate tanks. It is acknowledged that there is likely to be a need for a minimum of two tanks because my understanding is that the largest water tank readily available is 30,000 litres. A single tank can be dual use, as the tank could contain two outlet connections, one for firefighting and one for potable supply. There would simply be a requirement for the firefighting storage amount not to be less than 45,000 litres at any time. Any water required to be available and stored for potable use needs to be in excess of the firefighting reserve. In the event that the tanks were used for firefighting purposes, there would be available access to all the water including any surplus to the 45,000 litres normally used for potable supply, because it is not physically separated. Therefore, I consider that this not a matter that requires any changes to the variation as notified.

4.5 In response to Point 2 regarding 'potable storage', I concur with the submitter that there is no requirement in the PDP for potable water storage². Private potable water supplies usually have storage tanks to ensure that the potable water supply can flow freely at a reasonable pressure and also where there are volume restrictions, to limit the flow rate of water to the daily supply allowance. I consider it would be unusual to not have a storage tank for potable water supply but there may be some circumstances where it is feasible. In my view, as this part of the relief seeks to remove inconsistencies with Rule 27.7.15, the requested change continues to achieve the intent of the notified variation, and does not change the cost and benefit analysis undertaken in the s32 evaluation. I recommend that the relief sought by the submitter is accepted in part.

2 PDP Rule 27.7.15.1, 2 and 3.

- 4.6** Accordingly, I recommend that Rules 21.7.5.1, 22.5.13.1, 23.5.9.1, 24.5.19.a and 38.10.11 are amended to delete the word storage from the text (amendments shown as struck out):

“(excluding potable volume ~~storage~~ requirements for domestic use)”

- 4.7** With regard to Point 3, I note that the 45,000 litres standard has come from the Code of Practice. The Code of Practice, whilst non-mandatory, is a National Standard that has been designed to assist the New Zealand Fire Service carry out their main functions as established in the Fire and Emergency New Zealand Act 2017. The 45,000 litre figure included in the Code of Practice is one maintained from an earlier 2003 Code of Practice and was derived from fire engineering considerations explained in the Memorandum of Counsel on behalf of the New Zealand Fire Service Commission submission in June 2016³. As neither the PDP nor RPS contain any reasons (by way of specific direction or rule) to contradict the standard recommended by the Code of Practice, and in the absence of submitter evidence demonstrating why there should be a departure, I consider the 45,000 litre standard be retained.

5. REINSTATE REFERENCE TO NECESSARY COUPLINGS

- 5.1** FENZ’s submission also sought to amend Rules 21.7.5.1, 22.5.13.1, 23.5.9.1 and 24.5.19 to include the wording ‘*and any necessary couplings*’. No justification or evidence was provided with the submission to support the relief sought. It is my understanding that the reference to ‘couplings’ was removed across Chapters 21, 22, 32 and 24 as it was considered the words ‘outlet connection’ were more appropriate.
- 5.2** My understanding and experience is that couplings and outlet connections are distinct pieces of hardware and both are important in enabling fire trucks to connect to the water supply. I consider that including the wording ‘*and any necessary couplings*’ to be appropriate because this will remove doubt as to whether the notified provisions

3 Appendix C – refer to paragraphs 10 – 13 of the memorandum.

intended to include couplings. I recommend that the relief sought by the submitter be accepted.

- 5.3** I recommend Rules 21.7.5.1, 22.5.13.1, 23.5.9.1 and 24.5.19 are amended to include the reference to couplings and to read as follows (amendments shown as underlined):

“A maintained water supply of at least 45,000 litres and any necessary couplings (excluding potable volume)”

6. INCLUDE RULES FOR NON-RESIDENTIAL HABITABLE BUILDINGS

- 6.1** FENZ submitted on Chapters 21, 22, 23 and 24 to amend Rules 21.7, 22.5.13, 23.5.9 and 24.5.19 to include the following new provision:

“All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008”

- 6.2** I understand this would be a standalone separate rule to those that have been varied in Stage 3.

- 6.3** The submission does not provide an explanation as to why the new rule is sought, however, as the notified provisions are specific to residential buildings, the inclusion would appear to ensure that the PDP requires non-residential habitable buildings to comply with the Code of Practice.

- 6.4** A review of the PDP Definitions (Chapter 2), the RMA, Code of Practice and the Building Act 2004, found no definition of ‘*non-residential habitable buildings*’, so it has been assumed for the purposes of the s42A analysis that ‘*non-residential habitable buildings*’ relates to all possible non-residential use of buildings that could occur within the Rural, Rural Residential, Rural Lifestyle, Wakatipu Basin and Gibbston Zones.

- 6.5** A review of Chapters 21, 22, 23 and 24 identified that all non-residential buildings have either controlled, restricted discretionary, discretionary or non-complying activity status. With controlled and restricted discretionary activities; Rule 23.4.15 includes control over water supply which is sufficient to cover firefighting and Rule 24.4.18 retains control over Infrastructure for non-residential buildings. With discretionary or non-complying activities, Council has full discretion as to whether to grant consent and what conditions to impose if consent is granted.
- 6.6** Whilst there are no explicit rules, the matters of discretion/control and the objectives and policies already provide for adequate firefighting provision. It is acknowledged by FENZ in their submission that it is not possible to include a standardised rule for non-residential activities as water supply requirements are dependent on the size of the building and fire cell. Adding in a direct reference to the Code of Practice would not achieve greater certainty as permitted activity standards must be unambiguous, free from discretion, and not subject to verification by a third party. Retaining the rules as either controlled, restricted discretionary, discretionary or non-complying activity status will continue to ensure that Council has full discretion when imposing appropriate firefighting water supply conditions that are appropriate to the non-residential activity.
- 6.7** Therefore, I recommend that the relief sought by the submitters is rejected

7. ALLOW MORE DISCRETION FOR NON-CONFORMANCE

- 7.1** Wayfare Group Limited (**3343**) (**WGL**) submitted on Chapters 21 and 38. Specifically, the submission seeks to delete or withdraw rules 21.7.5 and 38.10.11, no justification was provided with the submission to support the relief sought. Therefore, I recommend that the relief sought by the submitter is rejected.

- 7.2** WGL also requested that additional information is provided to clarify how the proposed rules are to be interpreted and applied. Proposed Rule 21.7.5 requires that all new buildings for residential activities, which do not have access to a reticulated water supply must have either a sprinkler system, or adequate water supply and access for firefighting purposes. Discretion can then be applied to the extent to which the Code of Practice can be met in regards to: adequacy of the water supply, accessibility to fire service vehicles, and the extent to which the building is assessed as a low fire risk.
- 7.3** The same standards apply to Chapter 38, except that Chapter 38 is an Open Space and Recreation Zone which has no permitted habitable buildings, instead the water supply and access standards apply to new buildings over 20m² area.
- 7.4** The notified provisions standardise the approach to managing risk from fire in rural areas with insufficient water supply which provides clarity and consistency across all the rural chapters. It is my view that the notified provisions are clear in their intent, therefore I recommend that the rules be retained as notified.
- 7.5** The submitter also requested that the following assessment matter be added (presumably to the pre-variation version of the rules):
- "whether the location and functional need of the activity may justify non-conformance with SPZ PAS 4509:2008 being complied with".*
- 7.6** Rules 21.7.5 and 38.10.11 as varied include matters of discretion which enable Council to assess the extent to which SNZ PAS 4509:2008 is complied with, including the adequacy of the water supply, accessibility of the firefighting water connection point for fire service vehicles, and whether the building is a low fire risk.
- 7.7** In my view, the notified provisions already provide the discretion sought, and the revised wording is neither more efficient nor effective. I also consider the rules are clear in their intent and application. This view is supported by FENZ who support the inclusion of new policy matter 38.10.11 in the Open Space and Recreation Zone, therefore I

recommend that the rules be retained as notified. I recommend that the relief sought is rejected.

8. CONCLUSION

8.1 On the basis of the analysis set out in this report, I recommend that the changes within the Recommended Provisions, in **Appendix 1** be accepted by the Hearings Panel, and that submission points be accepted or rejected by the Hearings Panel as set out in **Appendix 2**.

A handwritten signature in black ink, enclosed in an oval. The signature appears to read 'E. J. Simpson'.

ELIZABETH JANE SIMPSON

18 March 2020

APPENDIX 1
Recommended Revised Provisions

Chapter	Rule	Original Notified Version: Black text and <u>Underlined</u> text for additions and strike through text for deletions.	Recommended changes: Red text and <u>Underlined</u> text for additions and strike through text for deletions.
21 – Rural Zone	21.7.5.1	A <u>maintained</u> water supply of 45,000 litres and any necessary couplings (excluding potable storage volume requirements for domestic use) with an outlet <u>connection point that can provide 1500L/min (25 L/s)</u>	A <u>maintained</u> water supply of 45,000 litres and any necessary couplings (excluding potable storage volume requirements for domestic use) with an outlet <u>connection point that can provide 1500L/min (25 L/s) and any necessary couplings.</u>
22 – Rural Residential and Rural Lifestyle Zones	22.5.13.1	A <u>maintained</u> water supply of at least 20 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings	A <u>maintained</u> water supply of <u>at least</u> 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings <u>and any necessary couplings.</u>
23 – Gibbston Character Zone	23.5.9.1	A <u>maintained</u> water supply of <u>at least 45,000 litres (excluding potable volume requirements for domestic use)</u> with an outlet <u>connection point that can provide 1500L/min (25 L/s).</u>	A <u>maintained</u> water supply of <u>at least 45,000 litres (excluding potable storage volume requirements for domestic use)</u> with an outlet connection point that can provide 1500L/min (25 L/s) <u>and any necessary couplings.</u>
24 – Wakatipu Basin Zone	24.5.19.a	A <u>maintained</u> water supply of <u>at least 45</u> 20 ,000 litres (<u>excluding potable volume requirements for domestic use)</u> with an outlet <u>connection point that can provide</u>	A <u>maintained</u> water supply of <u>at least 45</u> 20 ,000 litres (<u>excluding potable storage volume requirements for domestic use)</u> with an outlet connection point that can

		1500L/min (25 L/s) and any necessary couplings;	provide 1500L/min (25 L/s) and any necessary couplings <u>and any necessary couplings;</u>
38 – Gibston Character Zone	38.10.11. 1	A <u>maintained</u> water supply of 45,000 (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s); and	A <u>maintained</u> water supply of 45,000 (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) <u>and any necessary couplings;</u> and

APPENDIX 2

Summary of submissions and recommended decisions

No.	Organisation	On Behalf Of	Point No.	Position	Submission Summary	Provision	Planner Recommendation
3063		Waterfall Park Developments Limited	3063.1	Oppose	That the variations to rule 21.7.5.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	2.2-Variation to Chapters 21,22,23,24,38 - Firefighting	Accept in part
3063		Waterfall Park Developments Limited	3063.2	Oppose	That the variations to rule 22.5.13.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	2.2-Variation to Chapters 21,22,23,24,38 - Firefighting	Accept in part
3063		Waterfall Park Developments Limited	3063.3	Oppose	That the variations to rule 23.5.9.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	2.2-Variation to Chapters 21,22,23,24,38 - Firefighting	Accept in part
3063		Waterfall Park Developments Limited	3063.4	Oppose	That the variations to rule 24.5.19.a be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	2.2-Variation to Chapters 21,22,23,24,38 - Firefighting	Accept in part
3063		Waterfall Park Developments Limited	3063.5	Oppose	That the variations to rule 38.10.11.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	2.2-Variation to Chapters 21,22,23,24,38 - Firefighting	Accept in part
3288	BECA	Fire and Emergency New Zealand	3288.12	Oppose	That variation to 21.7.5.1 be amended as follows: A maintained water supply of at least 45,000 litres and any necessary couplings (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s).	2.2.1-Variation to Chapter 21 - Rural Zone	Accept
3288	BECA	Fire and Emergency New Zealand	3288.13	Oppose	That a new rule be added to 21.7 as follows: All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	2.2.1-Variation to Chapter 21 - Rural Zone	Reject
3288	BECA	Fire and Emergency New Zealand	3288.14	Oppose	That rule 22.5.13.1 be amended as follows: A maintained water supply of at least 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25L/s) and any necessary couplings.	2.2.2-Variation to Chapter 22 - Rural Residential and Rural Lifestyle	Accept
3288	BECA	Fire and Emergency New Zealand	3288.15	Oppose	That a new rule be added to 22.5.13 as follows: All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	2.2.2-Variation to Chapter 22 - Rural Residential and Rural Lifestyle	Reject
3288	BECA	Fire and Emergency New Zealand	3288.16	Support	That Rule 23.2.1.14 be retained as notified.	2.2.3-Variation to Chapter 23 - Gibbston Character Zone	Accept
3288	BECA	Fire and Emergency New Zealand	3288.17	Oppose	That Rule 23.5.9.1 be amended as follows: A maintained water supply of at least 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25L/s) and any necessary couplings.	2.2.3-Variation to Chapter 23 - Gibbston Character Zone	Accept
3288	BECA	Fire and Emergency New Zealand	3288.18	Oppose	That a new rule be added to 23.5.9 as follows: 23.5.9.X All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	2.2.3-Variation to Chapter 23 - Gibbston Character Zone	Reject
3288	BECA	Fire and Emergency New Zealand	3288.19	Oppose	That rule 24.5.19 be amended as follows: A maintained water supply of at least 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.	2.2.4-Variation to Chapter 24 - Wakatipu Basin	Accept
3288	BECA	Fire and Emergency New Zealand	3288.20	Oppose	That a new rule be added to 24.5.19 as follows: 24.5.19(e) All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	2.2.4-Variation to Chapter 24 - Wakatipu Basin	Reject
3288	BECA	Fire and Emergency New Zealand	3288.21	Support	That Rule 38.10.11 be retained as notified.	2.2.5-Variation to Chapter 38 - Open Space and Recreation	Accept
3343		WAYFARE GROUP LIMITED	3343.22	Oppose	That the proposed amendments for Rule 38.10.11 be deleted/withdrawn, additional information is provided to clarify how the proposed rules are to be interpreted and applied, and an additional assessment matter to allow for consideration of "whether the location and functional need of the activity may justify non-conformance with SPZ PAS 4509:2008 being complied with".	2.2.1-Variation to Chapter 21 - Rural Zone	Reject
3343		WAYFARE GROUP LIMITED	3343.23	Oppose	That the proposed amendments for Rule 21.7.5 be deleted/withdrawn, additional information be provided to clarify how the proposed rules are to be interpreted and applied, and an additional assessment matter to allow for consideration of "whether the location and functional need of the activity may justify non-conformance with SPZ PAS 4509:2008 being complied with".	2.2-Variation to Chapters 21,22,23,24,38 - Firefighting	Reject

APPENDIX 3: Memorandum of Counsel from NZFS

**Before the Queenstown Lakes District Council Proposed District Plan
Hearings Panel**

Under the Resource Management Act 1991

In the matter of the Proposed Queenstown Lakes District Plan (Chapters 21 -
Rural, 22 - Rural Residential and Rural Lifestyle and 23 -
Gibbston Character Zone)

**Memorandum of Counsel on behalf of
the New Zealand Fire Service Commission
submitter # 438**

Date: 7 June 2016

50-64 Customhouse Quay, Wellington 6011
PO Box 2791, Wellington 6140
DX SP20002, Wellington
Tel +64 4 472 6289
Fax +64 4 472 7429

Solicitor on the record
Contact solicitor

Kerry Anderson
Emma Manohar

kerry.anderson@dlapiper.co.nz
emma.manohar@dlapiper.co.nz

Tel +64 4 474 3255
Tel +64 4 918 3016

Introduction

- 1 At the hearing on Tuesday 24 May 2016 the Hearing Panel requested further information from the New Zealand Fire Service Commission (**Commission**) in respect of its submission.

- 2 In particular:
 - 2.1 How the NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 (**Code of Practice**) applies to multi-unit dwellings or more than one dwelling on the property.

 - 2.2 Whether the Code of Practice addresses proximity of tanks to fire risk.

 - 2.3 How the 45,000L¹ figure is derived and whether building consent is required for tanks containing 45,000L or connected 20,000L tanks.

 - 2.4 Provision of a re-drafted standard in respect of firefighting water supplies.

- 3 We now understand that the Panel is commencing deliberations on this tomorrow and that the Council's reply was made available on the afternoon of Friday 3 June 2016. We were previously unaware of this timing and acknowledge concerns raised by the Chair this afternoon in respect of the timing of the provision of this material.

- 4 We do, however, consider it appropriate to file this information as requested by the Panel and note that it was requested by the Panel with the Council's reporting planner present. It does not introduce new information or change the position of the Commission in any way, this

¹ Noting that the Code of Practice refers to 45m³ which is 45,000L. We have referred to litres (L) throughout for ease of reference.

memorandum simply provides confirmation of matters discussed verbally at the hearing.

Treatment of multiple unit developments

- 5 As discussed at the hearing, Table 1 and Table 2 of the Code of Practice establish the required firefighting water supply for residential dwellings. Each detached single family home with a sprinkler system installed to an approved standard is classified as FW1, and each non-sprinklered house, including single family dwellings and multiple-unit dwellings, but excluding multi-storey apartment blocks is classified as FW2.
- 6 This applies regardless of building footprint. While concerns were raised with the adequacy of the 45,000L volume for larger multiple-unit developments in the Queenstown Lakes district, the Code of Practice assumes that the requirements of the Building Act 2004 have been complied with and that each individual apartment or dwelling is fire separated. Therefore it only requires fire-fighting water for one unit (being 45,000L) due to this fire separation.
- 7 Multiple storey apartment blocks are classified by fire hazard category and floor area of the largest fire cell.

Separation distances

- 8 We can confirm that the Code of Practice only refers to maximum distances between water supplies and buildings and is silent on minimum distances. The approach now generally taken by the NZFS in this regard, particularly with the increasing prevalence of plastic tanks, is to require a 6m minimum separation distance through agreement or resource consent conditions.
- 9 As this is outside the provisions of the Code of Practice, the Commission appreciates that there may be some concern with the scope of this relief. It is however, considered to be within the scope of the general ambit of the Commission's submission and available to the Panel if it should wish to include provision for such a minimum distance.

45,000L requirement

10 The 45,000L figure included within the Code of Practice has been maintained from an earlier version of the Code of Practice, SNZ PAS 4509:2003. The figure is derived from fire engineering consideration of the following factors:

10.1 Heat release rate modelling for fully developed fires (used to determine the 'water supply classification' in Table 1 of the Code of Practice and its predecessor).

10.2 The minimum required water flow within 270m of the proposed building (separated into two segments: an inner and outer 135m), which was 12.5L/s in the earlier version of the Code of Practice.²

10.3 Conservative assumptions about the extinguishing capability of the available water and fire duration, both of which are affected by the assumed rate of heat release from a fire.

11 If the justification for this figure remains of concern to the Panel, it can be addressed in evidence ahead of the next relevant topic (likely to be subdivision and development) if that would assist. This would also allow the Council to call evidence in response if required.

12 Schedule 1, clause 23 of the Building Act 2004 provides an exemption to the need for building consent in the following circumstances:

Building work in connection with a tank or pool and any structure in support of the tank or pool (except a swimming pool as defined in section 2 of the Fencing of Swimming Pools Act 1987), including any tank or pool that is part of any other building for which a building consent is required, that—

- (a) does not exceed 500 litres capacity and is supported not more than 4 metres above the supporting ground; or

² This remains the case in relation to FW2 buildings in the current Code of Practice.

- (b) does not exceed 1 000 litres capacity and is supported not more than 3 metres above the supporting ground; or
- (c) does not exceed 2 000 litres capacity and is supported not more than 2 metres above the supporting ground; or
- (d) does not exceed 4 000 litres capacity and is supported not more than 1 metre above the supporting ground; or
- (e) does not exceed 8 000 litres capacity and is supported not more than 0.5 metres above the supporting ground; or
- (f) does not exceed 16 000 litres capacity and is supported not more than 0.25 metres above the supporting ground; or
- (g) does not exceed 35 000 litres capacity and is supported directly by ground.

13 Whether or not any given water tank will fall within this exemption will depend on its elevation as well as its size. However, any tank over 35,000L will not fall within this exemption and will require building consent accordingly. This does not impact on the Commission's submission in anyway but was simply a matter on which the Panel had sought clarification.

New standard

14 In light of the discussion with the Panel around the enforceability of a permitted activity, the Commission now seeks the following general standard across all zones. The difference between this standard and that discussed at the hearing with the Panel is the non-compliance activity status of restricted discretionary as that aligns with the Commission's original submission and enables decline, whereas controlled status was discussed.

15 This revised relief is considered to be consistent with the relief sought in the Commission's submission (being a requirement to comply with the Code of Practice or obtain resource consent as a restricted discretionary activity and related matters of discretion). Therefore there are no scope concerns with this amended relief.

Table 2	General Standards	Non-compliance Status
<u>[21.X.X/ 22.X.X/ 23.X.X]</u>	<p><u>Firefighting water supplies and access</u></p> <p><u>Where there is no reticulated water supply, new buildings (excluding accessory buildings that are not habitable buildings) shall have a dedicated firefighting water supply of 45,000L and comply with the other requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u></p> <p><u>Discretion is restricted to all of the following matters:</u></p> <ul style="list-style-type: none"> • <u>The extent to which New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 can be met.</u> • <u>The accessibility of water supply to fire service vehicles.</u> • <u>Whether, and the extent to which, the building is assessed as a low fire hazard risk.</u> 	<p><u>RD</u></p>

Date: 7 June 2016



.....
 Kerry M Anderson / Emma L
 Manohar
 Counsel for the New Zealand Fire
 Service Commission