

**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)

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

**Date:** 7 June 2016

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## 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 45,000L<sup>1</sup> 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

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<sup>1</sup> Noting that the Code of Practice refers to 45m<sup>3</sup> 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.<sup>2</sup>

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

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<sup>2</sup> 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/<br/>22.X.X/<br/>23.X.X]</u> | <p><b><u>Firefighting water supplies and access</u></b></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"> <li>• <u>The extent to which New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 can be met.</u></li> <li>• <u>The accessibility of water supply to fire service vehicles.</u></li> <li>• <u>Whether, and the extent to which, the building is assessed as a low fire hazard risk.</u></li> </ul> | <p><u>RD</u></p>      |

**Date:** 7 June 2016



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