

**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 (Chapter 3 -
Strategic Direction)

**Memorandum of Counsel regarding revised relief
New Zealand Fire Service Commission
Strategic Direction - submitter # 438**

Date: 24 March 2016



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Introduction

- 1 At the hearing on Thursday 17 March 2016 the Panel requested that the New Zealand Fire Service Commission (**Commission**) consider the relief sought and file amended relief with the Panel.
- 2 The Panel also directed the Commission to consider the issue of regionally significant infrastructure and its provision within the Proposed Plan.
- 3 This memorandum sets out the Commission's amended relief and its initial position on regionally significant infrastructure.

Amended relief

- 4 The following relief is now sought by the Commission in the Strategic Direction Chapter (shown in mark-up from the previous objective and policies pursued):

3.2.6.X Objective – Emergency services are enabled in order to ~~Provide~~ for the health and safety of people and communities ~~by enabling emergency services.~~

Policies

3.2.6.X.1 Enable the development and on-going use of emergency service facilities in urban areas throughout the District.

3.2.6.X.2 ~~Provide~~ Require adequate property access and appropriate access to, and supplies of, firefighting water to protect lives and buildings and to ensure an efficient and effective emergency response.

3.2.6.X.3 Enable emergency services training activities.

- 5 It is considered that this amended relief better reflects the Commission's position and the balance of the Strategic Direction Chapter.
- 6 The objective allows for emergency services to be enabled to provide for the health and safety of people and communities and the three policies provide the specifics. Each of the policies addresses one of the Commission's specific concerns discussed in terms of the development of facilities in urban areas, the requirement for adequate access and

water supplies to protect lives and buildings and the ability to undertake training activities.

- 7 As discussed at the hearing, it is considered that this objective and its policies fall within the scope of the Commission's submission and are able to be granted by the Panel. They have been fairly and reasonably raised in the Commission's submissions.¹

Regionally significant infrastructure

- 8 Regionally significant infrastructure is addressed in the Strategic Direction Chapter through objective 3.2.1.7, as amended by the Council's memorandum of 18 March 2016 (which removed the reference to regionally significant):

Efficient and effective operation, maintenance, development and upgrading of the District's infrastructure, including designated airports, key roading and communication technology networks.

- 9 Policy 3.2.1.7.1, put forward in the section 42A report is also adopted in the Council's memorandum:

Safeguard the efficient and effective operation of regionally significant infrastructure from new incompatible activities.

- 10 The section 42A report also recommended a new definition of regionally significant infrastructure:

Regionally significant infrastructure

Means:

- a) Renewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by a electricity operator ; and
- b) Electricity transmission infrastructure; and
- c) Telecommunication and radio communication facilities; and

¹ See for example *Countdown Properties (Northlands) Limited v Dunedin City Council* [1994] NZRMA 145 (HC), pages 38-41.

- d) Roads classified as being of national or regional importance; and
- e) Designated airports.

11 The Commission's position on regionally significant infrastructure is:

11.1 it would be preferable for fire stations and other Commission activities to be distinguished from regionally significant infrastructure (for the reasons set out below); but

11.2 the Commission would nevertheless not object to the definition being expanded to cover fire stations, if the relevant plan provisions satisfactorily address its interests.

12 Although fire stations and the related water and transport infrastructure are considered to be essential to performing the Commission's role, a role that is considered to be regionally significant, its operations are not considered to fall within the scope of regionally significant infrastructure as currently included within the Proposed Plan:

12.1 The Commission's facilities are not an interconnected network which differentiates them from the other infrastructure listed in the definition. Although there is some overlap, each station services its own geographical area. Although this is similar in a sense to an airport, which is included as regionally significant infrastructure, it is considered to be different as each fire station is effectively standalone and not integrated into a wider network that provides a connection from point A to point B like an airport does.

12.2 The infrastructure in question (other than the fire stations) is not within the Commission's control. The infrastructure is either under the control of the Council in terms of road networks (or NZTA) and reticulated water supplies, or private individuals (in terms of non-reticulated water and property access). That provides a further difference between the Commission's concerns and those of 'regionally significant

infrastructure' providers and a further basis for different treatment within the Proposed Plan.

12.3 Those water and transport networks, in terms of Council infrastructure are already provided for within the Plan for different purposes, such as the management of the cost of that infrastructure as discreet from their importance to contributing to enabling emergency response.

13 Although a case could be made for the inclusion of fire stations as regionally significant infrastructure, that is just part of the Commission's concerns and training, property access and access to, and supply of, water would still need to be provided for separately.

14 It is considered more appropriate to address fire stations, access to property and adequate supplies of water, and training facilities through a separate set of complete provisions within the Proposed Plan as opposed to trying to expand the scope of regionally significant infrastructure to encompass these components.

15 As a final note, the Proposed Regional Policy Statement for Otago 2015 (**Proposed RPS**) separates regionally significant infrastructure and emergency services. There may be some implications in terms of giving effect to that policy statement if the activities are grouped together within the Proposed Plan.

16 The relevant provisions of the Proposed RPS are set out in the evidence of Ainsley McLeod, filed on 26 February 2016 at paragraph 4.4. These are policies under objectives 3.2 and 3.4 which relate to minimising the risk that natural hazards pose to Otago's communities (objective 3.2) and good quality infrastructure and services meet community needs (objective 3.4).

17 In contrast, regionally significant infrastructure (and nationally significant infrastructure) is addressed through objective 3.5 and its related policies, none of which address emergency services.

- 18 This higher level differentiation of activities needs to be carefully considered.
- 19 If the Panel considers that fire stations and/or the other components discussed above should be considered as regionally significant infrastructure, the Commission reserves its position to provide further submissions on that point.

Date: 24 March 2016



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