

**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)

**Legal submissions on behalf of the New Zealand Fire Service Commission
Strategic Direction - submitter # 438**

Date: 26 February 2016



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Introduction

- 1 The New Zealand Fire Service Commission (**Commission**) is a submitter on the Strategic Direction Chapter of the Proposed Queenstown Lakes District Plan (**Plan**). Its relevant submission point is 438.3.

The Commission

- 2 The Commission is the governing body for the New Zealand Fire Service (**NZFS**) and exercises the functions of the National Rural Fire Authority. The role of the Commission is set out in more detail in the evidence of Keith McIntosh (to be filed on Wednesday 2 March 2016).
- 3 The primary duty of the NZFS is to provide for the prevention, suppression and extinction of fire, and the safety of persons and property endangered by fire.
- 4 The role of NZFS has widened over time and it now plays a crucial role in providing responses to many types of non-fire emergencies such as hazardous substance emergencies, motor vehicle accidents, medical emergencies, civil emergencies and response to incidents in extreme weather. The Commission's role is much greater than fire response and management. It has a broader community purpose as illustrated through the evidence produced by Keith McIntosh. This role is expected to continue to expand.
- 5 Fire stations are an important community facility and serve as focal points for communities during emergencies (eg, weather related events and natural disasters). They also regularly host open days and school visits during which members of the community interact with NZFS personnel and seek information about fire safety matters (including smoke alarms, evacuation procedures, electric blankets, candles and kitchen fires).

- 6 Fire stations are part of the community infrastructure. This is reflected in the Plan through the definition of Community Activity:

Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

[emphasis added]

- 7 The nature of the existing and potential future fire stations in the Queenstown Lakes District is addressed in the evidence of Keith McIntosh.

Operational requirements

- 8 The optimal location of a fire station is at the centre of a defined turn-out area that takes in the community it serves and is strategically placed to meet or exceed response time National Service Delivery Guidelines set by the Commission.
- 9 Coupled with optimally located fire stations, the key enabler to ensuring effective NZFS operational capability is the provision of supporting infrastructure, namely well-designed transportation networks, sufficient firefighting water supplies, and access for NZFS vehicles.
- 10 To achieve effective operational capability and to ensure its statutory duties are enabled, the Commission requires:
- 10.1 The ability to construct and operate fire stations in locations which will enable effective response times to fires and other emergencies within each community area.
 - 10.2 The ability to provide training facilities for fire fighters and other emergency service workers as appropriate.
 - 10.3 Adequate water supply for all fire fighting activities.

- 10.4 Adequate access to new developments and subdivisions which ensure that the NZFS can respond to fire emergencies.

The issues

- 11 The Commission has three key concerns in its submission (which recur across a number of the Plan Chapters):
- 11.1 Ensuring that emergency services are provided for as key community services throughout the Plan. The concern is to ensure required infrastructure, such as fire stations, is provided for in a strategic sense through the Plan, as well as practically in terms of development controls.
- 11.2 The need to ensure access to, and an adequate supply of, water. This is to ensure that fires are able to be controlled and extinguished. This is not generally an issue where there is a reticulated water supply, but is an issue where there is no reticulated system. The Commission's submission in this regard is limited to the requirements in non-reticulated areas. The provision for water needs to be provided for in a strategic sense, as well as through appropriate development controls. The NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 (**Code of Practice**) sets out what is required in terms of water supply.
- 11.3 The need to ensure physical access to the fire. There are restraints in terms of issues such as the width of required access, gradients and the maximum distance from a fire that appliances are able to operate effectively within. Appropriate access for appliances needs to be provided for in a strategic sense, as well as through appropriate development controls on new developments. The Code of Practice details these necessary requirements.

Emergency management

12 Planning for emergencies is quite common within district plans. For example, controls are often found in plans addressing flooding and earthquakes through controls on the types of activity able to occur in ground shaking and flood plain areas (or additional requirements for development in those areas). In the context of the Plan this is addressed within the Strategic Direction Chapter though Objective 3.2.2.2:

Manage development in areas affected by natural hazards.

13 Supporting Policy 3.2.2.2.1 reads:

Ensure a balanced approach between enabling higher density development within the District's scarce urban land resource and addressing the risks posed by natural hazards to life and property.

14 It is submitted that planning for fire should be treated in a similar way. Although 'natural hazards' is not defined in the Plan, 'fire' is included within the definition of a 'natural hazard' in the RMA. It is submitted that planning for the response to fires should also be included within the Plan.

15 The Commission has sought this recognition in a range of ways through its submission on the Plan. This includes requirements for new subdivisions and residential activities in respect of physical access to those properties, and access to and provision of water, and the provision for the construction, operation and maintenance of fire stations in a range of zones throughout the area.

16 Those matters are dealt with in later stages of the hearing process. In summary, fire stations are essential in providing an emergency response to fire and other emergencies, as well as being a critical community facility. They need to be embedded within the communities they are servicing to ensure proximity and timely response. There is also a critical requirement to be able to access properties to attend fires in order to be able to put them out, and to have access to and adequate supplies of water to ensure they are able to put the fires out when they arrive.

- 17 The focus of these submissions is on seeking the inclusion of a new Objective (and Policies) within the Strategic Direction Chapter.

New objective sought

- 18 Through its submission on the Plan, the Commission sought to include the following Objective under Goal 1 (3.2.1) of the Strategic Direction Chapter:

Provision for comprehensive emergency services throughout the city, including for their necessary access to properties and the water required for firefighting.

- 19 It had sought for it to be included under Goal 3.2.1 which, as notified, reads:

Develop a prosperous, resilient and equitable economy.

- 20 Providing for the response to fire and other emergencies is considered to fall within this goal as that response relates specifically to the district's resilience.

- 21 The section 42A report prepared for the Strategic Direction Chapter does not discuss the Commission's submission or this new Objective. It does, however, recommend that the submission be rejected in the table attached to that report as Appendix 2, with no reasons given.

- 22 The Commission disagrees with this recommendation. The reasons for the rejection are unknown and therefore we are unable to directly respond to them. These submissions address the importance of the provision for emergency services throughout the district and the need for this to be recognised at the highest level in the Plan - through an Objective in the Strategic Direction Chapter and Policies as discussed below.

- 23 The importance of emergency services flows through the balance of the Plan as currently notified through the provision for community activities in most zones and as improved by the amendments requested by the Commission (which includes, for example, amendments to Objectives 8.2.8 and 9.2.4, and a change in activity status from discretionary to

permitted (refer Rule 8.4.9)). It is considered appropriate for recognition to be given at the Objective and Policy level in this Chapter.

- 24 This is consistent with the approach taken by the Commission on a national basis and is consistent with the recent decision on the Christchurch Replacement District Plan (Strategic Directions Chapter) where the following was included:

3.3.13 Objective - emergency services and public safety

Recovery of, and provision for, comprehensive emergency services throughout the city, including for their necessary access to properties and the water required for firefighting.

- 25 In deciding on the 'Strategic Directions' chapter (the first decision issued) the Christchurch Replacement District Plan Hearing Panel stated (page 71):

The critical importance of having an effective emergency series regime is embedded in the memories of the many who suffered the trauma of the Christchurch earthquakes. The challenge ahead is to ensure that effectiveness going forward... That includes the need to rebuild...It also requires necessary access to properties and adequate fire fighting water supply. Mr Merry [NZFS] also sought reference to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 2008. More appropriately, this should be considered in later hearings as to other proposals.

Therefore, we have determined we should include a specific objective on the topic of emergency services and public safety, addressing each of the elements identified by Mr Merry as required.

[emphasis added]

- 26 The provision of emergency services is at the heart of the statutory purpose of the RMA (refer section 5(2)):

...**sustainable management** means managing the use, development, and protection of natural a physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and culture well-being and for their health and safety while...

[emphasis added]

- 27 It is submitted that it is appropriate that the importance of emergency services, which contribute to sustainable management through enabling

the health and safety of people and communities to be provided for, should be recognised in the Strategic Direction Chapter of the Plan.

- 28 The latest round of proposed amendments to the RMA seek to include a new matter of national importance within section 6 (refer clause 5 of the Resource Legislation Amendment Bill 2015):

the management of significant risks from natural hazards.

- 29 While this is obviously only at Bill stage, it is an indication of the intention of government that natural hazards should be a matter of national significance that needs to be recognised and provided for. The Commission agrees. As set out above, fire is included within the definition of natural hazards (currently and in the Bill).

Relief sought

- 30 As outlined in the evidence of Ainsley McLeod, the Commission has refined the relief it is seeking in respect of this Chapter. It is now seeking the insertion of the following Objective and Policies under Goal 6 (3.2.6):

Objective

Provide for the health and safety of people and communities by enabling emergency services.

Policies

Enable the development and on-going use of emergency service facilities.

Provide adequate property access and firefighting water to ensure an efficient and effective emergency response.

- 31 This is consistent with the intent of the Commission's submission and is considered to be consistent with the form of the Strategic Direction Chapter.

- 32 Ainsley McLeod's evidence sets out the rationale for this amended relief and the required consideration of section 32. In summary, it is considered that this version has better regard to the proposed Regional Policy Statement for Otago 2015, is consistent with the priority given to firefighting water supply in section 14(3) of the RMA, the requirements

of the Code of Practice and the statutory obligations of the Commission, and better achieves the purpose of the RMA.

33 Planning evidence of Ainsley McLeod and strategic, technical and operational evidence of Keith McIntosh is called in support of these submissions.

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