

South Waikato District Council
Torphin Crescent
Tokoroa 3240

30 September 2020

Email: julie.cathie@southwaikato.govt.nz

Attention: Hearing Commissioners

Dear Commissioners

Fire and Emergency New Zealand – Letter to be tabled at the Hearing for Proposed District Plan Change 1 - Putaruru Urban Growth and Proposed Plan Change 2 - Infrastructure Management

Fire and Emergency New Zealand (Fire and Emergency) has lodged a submission on Plan Change 1 — Putaruru Urban Growth and Plan Change 2 —Infrastructure Management. Fire and Emergency has opted not to attend the Hearing scheduled to commence Wednesday 14th October 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's reports for Hearing for Proposed District Plan Change 1 - Putaruru Urban Growth and Proposed Plan Change 2 - Infrastructure Management have been received. Fire and Emergency's response to the Officer's report recommendations on these submission points are set out below.

Change A - Amendments to Objectives and Policies

Change A1 - Amend Objective 4.2.7

Fire and Emergency supports the proposed amendment to Objective 4.2.7 to the extent that it ensures the efficient and effective provision of infrastructure for new growth areas is important. In respect of Fire and Emergency, this is particularly in terms of ensuring suitable water supply (for firefighting purposes) and access (for emergency vehicles).

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change A2 - Add new Objective 4.2.10

Fire and Emergency supports in part new Objective 4.2.10 to the extent that it ensures that new urban development is efficiently serviced and integrated to mitigate adverse effects on existing network utilities and infrastructure. However, Fire and Emergency consider that the health, safety and wellbeing of people and communities also needs to be considered. The amendments sought to Objective 4.2.10 better achieves the purpose of the Resource Management Act 1991 (RMA) by providing for the health and safety of people and communities.

Fire and Emergency have sought to further amend Objective 4.2.10 as follows:

4.2.10 To ensure that new urban development is efficiently serviced and integrated to mitigate adverse effects on existing network utilities, infrastructure and the health, safety and wellbeing of people and communities.

The s42A Reporting Officer considers that the amendment sought by Fire and Emergency aligns with the sustainable management purpose of the RMA and emphasises the key role of an adequate water supply in the vital public safety role played by Fire and Emergency. As the objective would still remain relatively concise, the s42A Reporting Officer has recommended that this submission be accepted.

This is supported by Fire and Emergency.

Change A5 – Add a new Policy 4.3.18

Fire and Emergency support new policy 4.3.18 on the basis that it requires that land within the Putaruru Growth Cells will not be developed for urban use until the provision of network utilities and infrastructure to service the land is secured through private developer agreements or other appropriate legal mechanisms. It is important to Fire and Emergency that developments are appropriately serviced, and sufficient water supply and site access is provided for before habitable buildings are constructed.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change A6 – Add a new Policy 4.3.19

Fire and Emergency support new policy 4.3.19 on the basis that it requires each Putaruru Growth Cell to be developed and serviced to provide sufficient capacity in network utilities and infrastructure for the scale and density of residential and or business development anticipated for the entire Growth Cell. As above, it is important to Fire and Emergency that developments are appropriately serviced, and sufficient water supply and site access is provided for before habitable buildings are constructed.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change A7 – Add the following bullet points to Other Methods 4.4.2

Fire and Emergency support the new method that requires "*Water efficiency requirements in Council's Water Supply and other Bylaws and the Regional Infrastructure Technical Specifications (July 2018)*". The Regional Infrastructure Technical Specifications provide for consistency within the region which Fire and Emergency supports.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change A9 – Add new Policy 4.3.20

Fire and Emergency support new policy 4.3.20 as it ensures that new subdivisions within Putaruru Growth Cells do not compromise their efficient servicing, or their integration with the existing urban area as new neighbourhoods. It is important to Fire and Emergency that Council ensure that sufficient capacity in the reticulated water network is sufficient for any new subdivision and does not compromise the capacity available to existing urban areas.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change A11 - Add new fifth bullet point to 4.4.1 District Plan Methods

Fire and Emergency support the addition of a fifth new bullet point to 4.1.1 methods that implement the objectives and policies in Sections 4.1 and 4.2 above. Fire and Emergency support the provision for specific rules for Putaruru Growth Cells, specifically rules that relate to water and wastewater limitations and those that promote integration of growth areas with the town's existing neighbourhoods and with network utilities and infrastructure.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change B - Amendments to District Rules

Change B1, B2, B4, B6 – Add a new Rule 8.1.3b), 8.3.1j), Rule 8.3.3t), Rule 8.3.3u)

Fire and Emergency support in part Changes B1, B2, B4 and B6, which insert new Rules 8.1.3b), 8.3.1j), 8.3.3(t) and 8.3.3(u) respectively. However, Fire and Emergency have sought an amendment to each of these rules to refer to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008) to provide greater clarity as to the need for developers to ensure that sufficient water supply for firefighting purposes is provided for.

The s42A Reporting Officer notes that the Regional Infrastructure Technical Specifications (RITS) was adopted by Council on 12 July 2018 and is to be referenced in the District Plan by Change B25 of PC1, requiring new and upgraded water supplies in the District's towns to provide urban firefighting capacity that meets Fire and Emergency requirements. We note that this change has been supported by Fire and Emergency in its submission.

Based on this, the s42A Reporting Officer considers that specifically referring to SNZ PAS 4509:2008 in the urban subdivision rules does not give its contents any additional status, greater legal enforceability, or alter the vital nature of adequate firefighting for communities. The s42A Reporting Officer is however of the opinion that the only thing it would add in terms of better achieving the District Plan's objectives and policies, is to provide additional relevant information for the Plan reader.

The s42A Reporting Officer further notes that the Operative District Plan already refers to SNZ PAS 4509:2008 in Subdivision Rule 10.7.5(d)(ii) which mandates the use of its rural provisions for use in Rural Residential zones. However, notes that this reflects a slightly different situation to now, since the Council Code of Practice that preceded RITS did not implement SNZ PAS 4509:2008 in relation to Rural Residential areas. The s42A Reporting Officer notes that water supply standards for urban areas have always included provision for firefighting, and the standards now implemented by RITS represent best practice in this regard.

In relation to Fire and Emergency's requested amendment that refers to: "*the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or any replacement code of practice approved under S.72 of the Fire and Emergency New Zealand Act 2017)*", the s42A Reporting Officer refers to Clause 31 that specifies that amendments to, or replacements of the incorporated material (e.g. updates or replacements of SNZ PAS 4509:2008), only have legal effect as part of the Plan if an approved variation or change to the plan states that it has that effect. The s42A Reporting Officer notes that it is for

this reason that the new references to RITS to be inserted by Change B25 of Plan Change 1 are to the version of RITS as at its approval by Council in July 2018.

The s42A Reporting Officer therefore considers it inappropriate for the reference to replacement codes of practice to be part of any new wording approved by the Hearings Panel in response to Fire and Emergency's submission.

In the light of the above, the s42A Reporting Officer considers that Fire and Emergency's submission can be accepted, if the Hearings Panel concur that it adds some value as extra information for Plan users or alternatively, that it be inserted as an advice note), as follows:

Proposed Rule 8.1.2b)iii) (Change B1) to read:

"Potable water supply connections, management and treatment for domestic, and/ or commercial purposes, and compliance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008) for fire fighting purposes for the entire growth cell".

Proposed Rule 8.3.1(j)(vi) (Change B2) to read:

"The availability of sufficient water and wastewater infrastructure, including water supply for fire fighting in accordance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008), to service future subdivision and/or development throughout Putaruru, including in the residential Growth Cells identified by this Plan".

Proposed Rule 8.3.3(t)(i) (Change B4) to read:

"The availability of sufficient water and wastewater infrastructure, including water supply for fire fighting in accordance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008), to service future subdivision and/or development throughout Putaruru, including in the residential Growth Cells identified by this Plan".

Proposed Rule 8.3.3(u)(i) (Change B6) to read:

"The availability of sufficient water and wastewater infrastructure, including water supply for fire fighting in accordance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008) to service future subdivision and/or development throughout Putaruru, including in the residential Growth Cells identified by this Plan".

Fire and Emergency appreciate that RITS is being adopted through Plan Change 1 and that any development is subject to meeting SNZ PAS 4509:2008 through its implementation. However, Fire and Emergency consider that referencing SNZ PAS 4509:2008 in the matters of discretion will require that early consideration is given to the requirements of SNZ PAS 4509:2008 and that this can be achieved, prior to the granting of resource consent.

Fire and Emergency accept the removal of reference to any replacement code of practice approved under s72 of the Fire and Emergency New Zealand Act 2017 and support the inclusion of reference to SNZ PAS 4509:2008 in the new rules, should the Hearings Panel consider appropriate.

Change B7 – Add new Rule 8.3.4u)

Fire and Emergency support new Rule 8.3.4u) and the addition of new matters of control and restricted discretion, particularly:

- subsection (i) where consideration is given to the extent to which the application demonstrates that a habitable building site meeting the requirements of Rule 23.4.11 (Natural Hazards standards including minimum floor levels and building setbacks from waterways) can be provided on each residential allotment.
- Subsection (v) which considers where a staged development is proposed, the extent to which the initial stages are in terms of proximity to approved connection points with trunk water services, with subsequent stages forming successive extensions to those networks.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is supported by Fire and Emergency.

Change B10 - Add a new Rule 10.4.1c)

Fire and Emergency support new Rule 10.4.1c) to the extent that it requires all habitable building sites to be at least 0.5m above the 1% AEP design flood level.

Fire and Emergency considers that new rule 10.4.1c) manages the risk of changes to existing land use and development in areas at significant risk from natural hazards. This achieves the purpose of the RMA by providing for the safety and wellbeing of people and communities and addresses the risk to property across the South Waikato District.

The s42A Reporting Officer has recommended accepting Fire and Emergency's submission.

This is Supported by Fire and Emergency.

Change B17- Add new Rule 22.3.2A

Fire and Emergency support new Rule 22.3.2A to the extent that provision is made for Emergency Service Facilities in the Putaruru Growth Cell 4 as a controlled activity.

Provision for Emergency Service Facilities is important for the following reasons:

- Fire stations must be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively provide for the health and safety of people and communities by being able to respond to emergency call outs in a timely way, thus avoiding or mitigating the potential for adverse effects associated with fire hazard and other emergencies;
- The actual or potential effects of fire stations are minor and can be adequately predicted and subsequently managed by conditions of consent and subsequent matters for control;
- Controlled activity status better implements the Objectives and Policies of the District Plan (as requested amended by this submission); and
- Controlled activity status better achieves the purpose of the RMA and better enables Fire and Emergency to meet its statutory obligations.

The s42A Reporting Officer has accepted Fire and Emergency's submission, subject to an amendment to Clause (b) of the rule sought by Submission 5.16. As this amendment does not relate to the matters of interest to Fire and Emergency, this is supported by Fire and Emergency.

Change B25 - Replace the words "Council's Code of Practice for Subdivision and Development (November 2009)" with the words "the Regional Infrastructure Technical Specifications adopted by Council in July 2018 (RITS)"

Fire and Emergency support this change. The RITS provide for consistency throughout the region which Fire and Emergency strongly supports. The RITS also provide appropriately for provision for water supplies for firefighting purposes and access to private properties for emergency service vehicles.

The s42A Reporting Officer notes that as no submissions or further submissions in opposition have been received, the alterations concerned must already be "treated as operative" under Section 86F of the RMA. As such, Fire and Emergency's submission must therefore be allowed.

Change D - Amendments to District Rules

Change D1, D2, D3 - Add new performance standard 18.4.13, 22.4.12 and 27.4.13

Fire and Emergency have sought amendments to PC2 to exclude water taken from Council's reticulated water network for the purpose of emergencies or training and refers to both section 48 Fire and Emergency Act and section 14(3)(e) of the RMA. Adopting these points would mean that standards 18.4.13, 22.4.12, and 27.4.13 would read (additions underlined):

No activity, or combination of activities on a site shall have either:

- a) *A requirement for water from Council's reticulated supply exceeding 10m³ per connection per day (this does not include water required to be taken or used for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017 (RMA s14(3)(e));...*

The s42A Reporting Officer generally agrees with the submissions of Fire and Emergency and the associated reasons as they relate to PC2 as set out in Fire and Emergency's submission.

However, where the s42A Reporting Officer disagrees is the reference to s14(3)(e) of the RMA. Section 14 of the RMA relates to the taking, use, damming of water (amongst other things). The s42A Reporting Officer considers that this is not a matter the Operative District Plan needs to turn its mind to as:

1. Section 30(e) of the RMA allocates the control of taking, use, damming and diversion of water to Regional Authorities; and,
2. The definition of water in the RMA excludes water "...in any form while in any pipe, tank or cistern."

As Plan Change 2 relates to water already consented for municipal use and within pipe, the s42A Reporting Officer considers that the provision does not apply. The s42A Reporting Officer accepted in part insofar as the relief sought in performance standards 18.4.13 by not referring to section 14(3)(e).

This is supported by Fire and Emergency.

Should you have any queries or seek clarification on the above, please contact me on the details below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alec Duncan', written in a cursive style.

Alec Duncan

Planner

on behalf of

Beca Limited

Direct Dial: +64 7 960 7259

Email: alec.duncan@beca.com