

## Form 5

### Submission on Private Plan Change to Kaipara District Plan

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Kaipara District Council

**Submission on:** Proposed Private Plan Change 83: The Rise Limited

**Name of Submitter:** Fire and Emergency New Zealand

This is a submission on the following proposed plan change (the **proposal**): Proposed Private Plan Change 83: The Rise Limited. The applicant requests to change the zoning of the Plan Change area (approximately 56.9 hectares) at Cove Road and Mangawhai Heads Road from Rural Zone to Residential Zone. This submission is written on behalf of Fire and Emergency New Zealand (Fire and Emergency).

Fire and Emergency could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Fire and Emergency's submission relates to is:

- Whether the proposal will require sufficient water supply infrastructure for firefighting to service the Plan Change area.

#### **Fire and Emergency's submission is:**

In achieving the sustainable management of natural and physical resources under the Resource Management Act 1991 (RMA), decision makers must have regard to the health and safety of people and communities. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment. The risk of fire represents a potential adverse effect of low probability but high potential impact. Fire and Emergency has a responsibility under the Fire and Emergency New Zealand Act 2017 to provide for firefighting activities to prevent or limit damage to people, property and the environment. As such, Fire and Emergency has an interest in plan changes to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements.

In order for Fire and Emergency to achieve their principal objectives which includes reducing the incidence of unwanted fire and the associated risk to life and property, protecting and preserving life, and preventing or limiting injury, damage to property, land, and the environment, Fire and Emergency requires adequate water supply and water pressure be available for firefighting activities.

The provision for adequate water supply for firefighting (whether reticulated or non-reticulated) is therefore critical for any new subdivision or land use. This essential emergency supply provides for the health, safety and wellbeing of people and the wider community, and therefore contributes to achieving the purpose of the RMA.

The proposal states that the rezoning of the site would mean rule 13.14.4 Water Supply would apply to any future development of the site. This discretionary rule states that where a public supply is not available water supplies to all developments shall meet the requirements of the Building Act. The Building Code only references water supply for firefighting in Clause C5 – Access and safety for firefighting operations: 'C5.5 Buildings must be provided with the means to deliver water for firefighting to all parts of the building'. It is not mentioned in G12 Water supplies.

It is proposed that the Council will have regard to whether there is an adequate standard of water supply and whether the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer. The KDC Engineering Standards reference the NZ Fire Service Water Supplies Code of Practice SNZ PAS 4509:2008 for reticulated water supplies but not for unreticulated areas (of which this Plan Change area is).

The Precinct has included a new rule (13.13X) that makes subdivision a restricted discretionary activity and therefore no longer subject to Residential Zone rule 13.11.1 (a controlled activity). Rule 13.11.1 included the following matter of control:

*“that site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which: ... sufficient firefighting water supply is available, taking into account a risk based assessment (refer to Note 8)”*

*Note 8: For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:*

- *Within 90 metres of an identified building platform on each lot; and*
- *Existing or likely to be available at time of development of the lot; and*
- *Accessible and available year-round; and*
- *May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.’ - (13.11.1 Matter of Control (ii)).*

This wording was agreed through Environment Court mediations between Kaipara District Council and Fire and Emergency New Zealand (ENV-2018-AKL-00012). Fire and Emergency consider that it is essential this reference to sufficient firefighting water supply is maintained through the plan change. This could be achieved through its inclusion as a matter of discretion. Fire and Emergency cannot identify any particularities to the plan change area that would warrant lesser consideration of firefighting water supply than the current District Plan.

**Fire and Emergency seek the following decision from the local authority:**

If Council are minded to approve the plan change, Fire and Emergency seek amendments to the Precinct provisions as discussed above to retain the wording agreed in ENV-2018-AKL-00012 that includes consideration of sufficient firefighting water supply for subdivision.

Fire and Emergency may wish to be heard in support of its submission.



Nola Smart

Signature of person authorised to sign on behalf of

**Fire and Emergency**

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