

# Form 13

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## Submission on application concerning resource consent that is subject to public notification by consent authority

### *Section 95A Resource Management Act 1991*

**To:** Ōpōtiki District Council

**Submission on:** Application for Resource Consent for Land Use – 19A Baird Road, Ōpōtiki

**Reference:** RC2024-31

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

This is a submission on an application from Te Pou Oranga O Whakatōhea to establish and operate a Residential Care Facility, including ancillary office and support facilities (RC2024-31). The proposal involves the change in land use.

Fire and Emergency New Zealand (Fire and Emergency) is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA).

Fire and Emergency is neutral to the application, subject to the matters raised in its submission being addressed. This includes:

- The provision of firefighting water supply, and
- Access for fire appliances.

#### **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<sup>1</sup>. As such, Fire and Emergency monitors development occurring under the RMA to ensure that, where necessary, appropriate consideration is given to fire safety and to the general safety of the public.

In order for Fire and Emergency to achieve their principle objective 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 be available for firefighting activities and adequate formed access to ensure that Fire and Emergency can respond to emergencies efficiently.

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<sup>1</sup> Fire and Emergency New Zealand Act 2017 section 10(a)(b)

This submission seeks to enable Fire and Emergency to carry out its requirements under the Fire and Emergency New Zealand Act 2017 more effectively in the protection of people, property, and the environment in the event of an emergency.

### Firefighting Water supply

The site is located within a reticulated water supply area, with the closest fire hydrants located along State Highway 2 and Baird Road. The resource consent application is silent on the provision of firefighting water supply, and it is unknown if the proposed building will be sprinklered.

*New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008* (SNZ PAS 4509:2008) sets out the firefighting water supply requirements which enable Fire and Emergency to respond efficiently in the event of a fire emergency. SNZ PAS 4509:2008 includes matters such as the location of fire hydrants in proximity to the fire hazard, water flow rates and pressure, and water supply in relation to building classification. The standard is publicly available, free of charge at:

<https://fireandemergency.nz/assets/Documents/Files/N5a-SNZPAS-4509-2008-NZFS-Firefighting-water-supplies-Code-of-practice.pdf>

Based on the application information currently available, it appears that the proposed activity is likely to be a FHC1 hazard category and given the floor area (subject to fire cell information) it is likely that the water supply classification is FW3, as determined by SNZ PAS 4509:2008. This means that adequate firefighting water supply to respond to a non-sprinklered building within a reticulated area requires a water flow of 1500 litres per minute located within 135m (of the building), with additional waterflow of the same flow rate within 270m, and this is to be serviced by a maximum of three fire hydrants.

These requirements are also reflected within the Ōpōtiki District Plan (the Plan). This application has been assessed as a discretionary activity per rule 8.3.4.1 of the Plan. It is noted that Chapter 8 Rural Zone states that additional controls may apply within other Chapters of the Plan, including Chapter 17.

Chapter 17 – Infrastructure and Network Services includes 17.6.1 ‘Standards for Network Utilities’ which will be used as a guideline when assessing applications for discretionary activities. Standard 17.6.10 sets out water supply requirements, which includes:

*17.6.10.2 All water supply systems shall be designed and constructed to:*

- 1. Adequately service each lot or development, including the provision of a firefighting water supply for any habitable building in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*
- 2. Be compatible with other utility systems.*
- 3. Avoid the likelihood of contamination or leakage.*
- 4. Ensure principal water mains are not less than 100mm in diameter.*

### ADVICE NOTE:

*Under the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, where a building is located more than 135m from the nearest road that has reticulated water supply (including hydrants), access should have a minimum formed width of 4m, a height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ramps of 1 in 8).*

There are several hydrants located along Baird Road and State Highway 2, which are the two closest roads to the habitable building at 19A Baird Road. However, there is no hydrant located within 135m of the habitable dwelling, and Fire and Emergency has concern that adequate firefighting water supply is not provided at this location.

SNZ PAS 4509:2008 includes options for the provision of adequate firefighting water supply, and includes alternative supply considerations, such as the provision of on-site storage.

Fire and Emergency seek that fire water supply in accordance with SNZ PAS 4509:2008 is supplied to the site within the resource consent process.

### Access

The adequacy of a firefighting water supply includes not only an assessment of the water supply that must be available, but also the locations, connections, and access to the water source to enable the water supply to be used. As such, certain provisions must be followed to ensure the accessibility and usability of alternative firefighting water sources for firefighting purposes.

Access widths, surface, and gradients where the water source (i.e. water tanks) are located should support the operational requirements of fire appliances. In general, this includes:

- The road gradient should not exceed 16%,
- The roading surface should be sealed and trafficable at all times,
- The minimum roading width should not be less than 4m, and
- The height clearance along accessways (for example trees, hanging cables and overhanging eaves) must exceed 4m.

For a fire appliance to be effective it needs to be able to park in an area as close as possible to both the available water source and the structure to be protected. This area is called the 'hardstand', an area that should be a minimum of 4m in width and 11m in length.

The habitable building at 19A Baird Road is accessed via a formed sealed driveway which is legalised as a Right of Way (ROW), and which is shared with one neighbouring property. As outlined within the Applicant's Assessment of Environmental Effects (AEE), the ROW has a legal width of 10m, and the formed access (carriageway) varies between 2.5m and 3m wide.

The AEE notes that the formed access width is less than what the Ōpōtiki District Council Code of Practice requires for an accessway used by two lots, which should have a carriageway width of 4m. It is also noted within the 'Advice Note' to the Parking and Access provisions (8.6.9.1) within the Rural Zone Standards of the Plan that *Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note).*

The application does not propose to widen the carriageway. Fire and Emergency seek the upgrading of the access width (carriageway) to a minimum width of 4m to ensure adequate emergency response.

### **Fire and Emergency seek the following decision from the consent authority:**

This resource consent application, being a Land Use change, has potential implications for Fire and Emergency operations in terms of provision of water supply for firefighting purposes and emergency vehicle access. Fire and Emergency therefore support the inclusion of consent conditions which ensure adequate emergency response.

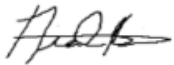
As such, Fire and Emergency request that, should the Council be minded to grant the consent, the following condition of consent be imposed on the application:

#### *Firefighting water supply and access*

*Prior to operation, the Residential Care Facility shall be provided with a firefighting water supply and access that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*

Fire and Emergency may **wish to be heard** in support of its submission, and would be more than happy to work with the applicant on opportunities to implement fire risk management measures should there be a desire to do so.

Fire and Emergency does not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.



Signature of person authorised to sign on behalf of  
**Fire and Emergency**

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