

NELSON CITY COUNCIL

Nelson Resource Management Plan

Plan Change 26
Firefighting Provisions

Report of Hearing and Decisions on Submissions

Hearings Commissioner
Sylvia Allan

TABLE OF CONTENTS

1. INTRODUCTION	1
2. OFFICER’S REPORT	1
3. HEARING	2
4. DECISIONS SUMMARY	2
5. DISCUSSION	4
6. DECISIONS AND REASONS FOR DECISIONS	5
6.1 Decision on Topic RUr.28.1 – Permitted activity standards	5
6.2 Decision on Topic AP15 – Assessment criteria	7
7. SECTION 32 FURTHER EVALUATION	8

APPENDIX 1 – CONSOLIDATED AMENDMENTS TO PLAN CHANGE 26

COMMISSIONER DECISION ON PROPOSED PLAN CHANGE 26 – NELSON RESOURCE MANAGEMENT PLAN

FIREFIGHTING PROVISIONS

1. INTRODUCTION

- 1.1 I, Sylvia Allan, was appointed by Nelson City Council on 27th April 2011 as a Hearings Commissioner, to hear, consider and decide the submissions and further submissions on proposed Plan Change 26 to the Nelson Resource Management Plan.
- 1.2 The hearing was conducted in accordance with the requirements of the Resource Management Act 1991 (RMA), including the First Schedule to the Act. This report provides the record of the hearing and decisions in terms of Clause 10 of the First Schedule.
- 1.3 Proposed Plan Change 26 relates to provisions for water availability for firefighting in the Rural Zone to bring the requirements in line with the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008 (the Code of Practice), and to clarify some provisions. In summary, the change involves:
- a rewritten rule RUr.28.1 f) to clarify how compliance with permitted activity standards can be achieved (including reference to a sprinkler system), to increase the on-site water storage requirements where there is no sprinkler system, to clarify the location of tanks, and to increase the fire hose connection size (increasing draw-down capacity);
 - a rewritten rule RUr.28.1 g) to enable a proportion of on-site water storage to be available to a specified maximum for domestic use; and
 - changes to assessment criterion p) in rule RUr.28.4 (for discretionary activities) to align with the greater on-site water storage requirement and also to specify that commentary on the suitability of a lesser requirement can only be provided by a NZ Fire Service Risk Management Officer, and the addition of a further assessment criterion, q), which refers to the Code of Practice noted above.
- 1.4 Plan Change 26 arose from submissions and comments made on earlier plan changes by the NZ Fire Service, requesting recognition of the 2008 Code of Practice. It also brings the requirements of the Nelson Resource Management Plan into better alignment with the NCC Land Development Manual 2010.
- 1.5 The Proposed Plan Change was publicly notified on 25th September 2010. Two submissions (one with several parts) were received. The decisions requested were summarised and notified for further submissions on 30th January 2011. One of the original submitters made further submissions on all parts of the other original submission.

2. OFFICER'S REPORT

- 2.1 A comprehensive Planning Officer's Report (Section 42A Report) was prepared for the hearing and provided to submitters and further submitters. This included a description of statutory background of the RMA and the relevant context of the Nelson Regional Policy Statement and the Nelson Resource Management Plan.

- 2.2 The Report provided discussion and recommendations in relation to the various submission points included in the original and further submissions.
- 2.3 As well as the Planning Officer's Report, a Section 32 Report – an evaluation of alternatives, benefits and costs in relation to the Proposed Plan Change – was available.

3. HEARING

- 3.1 A hearing on Plan Change 26 was held on 15th July 2011 at the offices of the Nelson City Council. The two submitters had indicated to the Council that they did not wish to be heard. The hearing therefore provided an opportunity for any questions by the Commissioner relating to the Section 42A report.
- 3.2 Council officers in attendance were:
- Ms Debra Bradley (Planning Adviser and author of the Section 42A Report)
Mr Matt Heale (Principal Adviser, Resource Management Plan)

4. DECISIONS SUMMARY

As the person with delegated authority to hear and determine submissions on Proposed Plan Change 26 to the Nelson Resource Management Plan, I have given careful consideration to the generalities and details of the Proposed Plan Change, the advice from Council officers, the nature and content of the written submissions and further submissions, the evidence and/or verbal submissions of submitters who appeared at the hearing, and have determined pursuant to clauses 10(1) and (2) and Clause 16(2) of the First Schedule of the RMA:

1. that Proposed Plan Change 26 should be approved subject to the amendments set out in this Report and compiled in Appendix 1 of this Report;
2. to adopt the Section 32 Report included in the Planning Officer's Report, subject to any modifications set out in section 7 of this Report;
3. to accept in whole or in part, or to reject the submissions as set out in the Decisions Summary Table below; and
4. that these decisions be publicly notified and advice served on submitters pursuant to clauses 10(4)(b) and 11(1) and (3) of the First Schedule to the RMA.

Decisions Summary Table – Proposed Plan Change 26

The table below summarises the matters that were raised in submissions and the decisions sought, and the further submissions. It states the decision made in respect of each submission. Further discussion and reasons are set out in the next section of this report.

Topic	Submitter Name	Submission Number	Statement Number	Decision Sought	Decision
RUr.28.1 permitted activity	Cameron Gibson & Wells	1	1	Clause f): Amend '150m' to '90m' unless the greater distance has been agreed with the NZFS.	Accept

Topic	Submitter Name	Submission Number	Statement Number	Decision Sought	Decision
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	1	<i>Support. Consistent with Code of Practice</i>	Accept
	Cameron Gibson & Wells	1	2	Clause f) i): Define 'sprinkler system' in accordance with the Code of Practice.	Accept
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	2	<i>Support. Enables clarification.</i>	Accept
	Cameron Gibson & Wells	1	3	Clause f) ii): Reconsider the requirement for a 100mm connection. If the clause is to remain in some form, clarification of the outlet/valve/threaded fitting size is required.	Reject
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	3	<i>Oppose. The change requested would not enable the NZFS to respond in relation to a building fire.</i>	Accept
	Cameron Gibson & Wells	1	4	Clause f) ii): Amend to "Tanks shall be located more than 6m and less than 90m from the building."	Accept
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	4	<i>Support. Provides clarification.</i>	Accept
	Cameron Gibson & Wells	1	5	Clause f) ii): Expresses concern about the residential standard also applying to commercial and industrial – usually more would be needed.	Accept
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	5	<i>Supports in part. Consistent with NZFS original submission.</i>	Accept
	Cameron Gibson & Wells	1	6	Clause g): Amend to "Where a house has 45,000 litres of water storage for fire fighting purposes".	Accept
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	6	<i>Support. Consistent with Code of Practice</i>	Accept

Topic	Submitter Name	Submission Number	Statement Number	Decision Sought	Decision
	New Zealand Fire Service Commission	2	1	Approve Proposed Plan Change 26, with the deletion of the sentence "These firefighting water supply requirements also apply for a building used or intended to be used for commercial or industrial activities, and" from clause f) of RUr.28.1.	Accept
RUr.28.4 assessment criteria	Cameron Gibson & Wells	1	7	Clause p): Only include the proposed change if the NZFS has confirmed that it has the necessary resource to perform this role in a timely manner.	Accept in part
	<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	7	<i>Support in Part. Further submission clarifies the submission above.</i>	Accept

Consolidated Amendments to Plan Change 26

Appendix 1 shows the text of Plan Change 26 as notified, with further changes as a result of the decisions set out in this report shown as tracked changes in colour.

5. DISCUSSION

- 5.1 This is a small set of technical changes which affects parts of a single rule (RUr.28) in the Rural Zone in the Nelson Resource Management Plan. There are no changes to the objectives, policies, methods or status of activities.
- 5.2 The Plan Change resulted from discussions with the NZ Fire Commission and the Council's in-house advisors, which were translated into modifications to the existing rules in the Plan.
- 5.3 The changes are in general accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) and the Council's own Land Development Manual 2010. They are essentially an update and clarification of the present rule.
- 5.4 The water storage requirements for firefighting are associated with those for domestic use storage on-site, leading to some level of efficiency. The ability in the proposed new rules to comply by providing a sprinkler system is also likely to lead to an improvement in hazard response, as the rules now provide an incentive for people building houses to install such systems.
- 5.5 The small number of submissions received were generally supportive of the change, and suggested some further improvements to the wording.

- 5.6 The decisions which follow are grouped accordingly, and follow the order and the numbering as set out in the Officer's Report, and in the Decisions Summary Table set out above. A brief discussion and reason is provided in relation to each decision.

6. DECISIONS AND REASONS FOR DECISIONS

6.1 Decisions on Topic RUr.28.1 – Permitted activity standards

Submitter Name	Submission Number	Statement Number	Decision Sought	Decision
Cameron Gibson & Wells	1	1	Clause f): Amend '150m' to '90m' unless the greater distance has been agreed with the NZFS.	Accept
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	<i>1</i>	<i>Support. Consistent with Code of Practice</i>	Accept
Cameron Gibson & Wells	1	2	Clause f) i): Define 'sprinkler system' in accordance with the Code of Practice.	Accept
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	<i>2</i>	<i>Support. Enables clarification.</i>	Accept
Cameron Gibson & Wells	1	3	Clause f) ii): Reconsider the requirement for a 100mm connection. If the clause is to remain in some form, clarification of the outlet/valve/threaded fitting size is required.	Reject
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	<i>3</i>	<i>Oppose. The change requested would not enable the NZFS to respond in relation to a building fire.</i>	Accept
Cameron Gibson & Wells	1	4	Clause f) ii): Amend to "Tanks shall be located more than 6m and less than 90m from the building."	Accept
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	<i>4</i>	<i>Support. Provides clarification.</i>	Accept
Cameron Gibson & Wells	1	5	Clause f) ii): Expresses concern about the residential standard also applying to commercial and industrial – usually more would be needed.	Accept
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	<i>5</i>	<i>Supports in part. Consistent with NZFS original submission.</i>	Accept

Submitter Name	Submission Number	Statement Number	Decision Sought	Decision
Cameron Gibson & Wells	1	6	Clause g): Amend to "Where a house has 45,000 litres of water storage for fire fighting purposes".	Accept
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	6	<i>Support. Consistent with Code of Practice</i>	Accept
New Zealand Fire Service Commission	2	1	Approve Proposed Plan Change 26, with the deletion of the sentence "These firefighting water supply requirements also apply for a building used or intended to be used for commercial or industrial activities, and" from clause f) of RUr.28.1.	Accept

Discussion

The submissions and further submissions generally seek to clarify and improve on the permitted activity standards as set out in the Proposed Plan Change.

Submission 1.3 relates to the coupling for a fire hose to the tank. The submitter raises concern about the availability of the larger connections and thus the practicality of the rule. The further submission on this matter does not share the concern about availability and emphasises the importance of the higher flow rates when fires in buildings occur. The Officer's Report advises on further information on this matter received from the Waimea Rural Fire Brigade, and that organisation's support for the larger fitting.

Submissions 1.5 and 2.1 both refer to industrial and commercial buildings and raise concern that there is an implication that the water supplies and storage provisions are the same as for residential buildings. The rules that apply in the Rural Zone for permitted activities mean that most industrial or commercial activities would require a resource consent. In this case new criterion q) would apply and this would provide an appropriate requirement. For smaller activities, which may be permitted, firefighting requirements will be considered under the Building Act, so removing references to commercial and industrial buildings does not leave a gap – rather it provides for a single consistent approach, either under the Building Act, or under a resource consent.

Reasons for Decision

The application of the Code of Practice through the permitted activity provisions in the Nelson Resource Management Plan, and in relation to discretionary activities, provides for the safety of people and communities in rural areas. This is a RMA Part 2 matter and Plan Change 26 generally seeks to achieve this purpose.

The specific additional changes requested by the submitters, and generally supported through further submissions, are relevant to the achievement of the RMA purpose overall, and also to objectives of both the Nelson Regional Policy Statement and the Resource Management Plan. All but one of these submissions is thus accepted.

Submission 1.3, to the extent that is seeking to retain the status quo in relation to the coupling provision to a fire hose, is not accepted. The Fire Service Commission, as a further submitter, has

emphasised the importance of the larger connection when fighting fires in structures in rural areas, and this has been backed up by the local rural firefighters' organisation.

Modifications to Proposed Plan Change 26

In RUr.28.1 f) change 150m to 90m and add the words "to an approved standard in accordance with SNZ PAS 4509:2008" in brackets after the word "installed" in i).

In RUr.28.1 f) ii), delete the last sentence and reword the penultimate sentence to read "Tanks shall be located more than 6m and less than 90m from the building, and".

In RUr.28.1 g), in the second sentence replace the word "supply" with the word "storage".

6.2 Decisions on Topic RUr.28.4 – Assessment criteria

Submitter Name	Submission Number	Statement Number	Decision Sought	Decision
Cameron Gibson & Wells	1	7	Clause p): Only include the proposed change if the NZFS has confirmed that it has the necessary resource to perform this role in a timely manner.	Accept in part
<i>NZ Fire Service Commission</i>	<i>Further submission X1</i>	<i>7</i>	<i>Support in Part. Further submission clarifies the submission above.</i>	Accept

Discussion

Submission 1.7 raises the issue of whether the reference in RUr.28.4 p) to the Risk Management Officer of the NZ Fire Service, whose written commentary is needed in relation to considering reductions from the permitted standard, is appropriate. The submitter has a concern that the person may not have the capacity to provide commentary within a reasonable time.

The further submission from the NZ Fire Service Commission indicates that if the person referred to is specified, then the responsibility will be clear, resulting in timely responses. The submission provides a name that Nelson City can refer applicants to for pre-lodgement advice.

I consider that it is appropriate to have a reference to a role in the NZ Fire Service Commission referred to, in preference to the present situation where the Council has to approve a person as suitably qualified and experienced to advise on water supply requirements for firefighting.

Submission 1.7 is equivocal, and is therefore accepted in part.

Reason for Decision

The retention of the criterion with the wording included in the Proposed Plan Change provides greater certainty for applicants when preparing an application, and is thus more efficient and effective than the previous situation.

Modifications to Proposed Plan Change 26

Nil

7. SECTION 32 FURTHER EVALUATION

I have reviewed the Section 32 evaluation carried out by the Council, dated 25th September 2010. I confirm that I agree with the analysis as undertaken, and no changes to it are required.

The further changes made in the decisions will further improve clarity and consistency with the Code of Practice, and therefore add a level of efficiency beyond that recognised in the Section 32 analysis provided with the Proposed Plan Change.

Signed: 

Hearings Commissioner

Date: 19 September 2011

APPENDIX 1 – CONSOLIDATED AMENDMENTS TO PLAN CHANGE 26

PLAN CHANGE 26

Amendments to RUr.28 following Decisions on Submissions

Delete the existing clauses f) and g) of the permitted rule of RUr.28.1 (Buildings - all) as follows:

- f) ~~in the case of a residential unit or a building used or intended to be used for commercial or industrial activities (unless it is connected to a community supply with its own fire fighting water storage), a water tank with a storage capacity of at least 23,000 litres of water is available to the site for fire fighting purposes (which must be fitted with a 50mm female 'Camlock' controlled by a valve), or a water source capable of delivering a minimum of 19 litres per second for a minimum of 20 minutes is available within 150m of the building and is accessible by a portable pump, and~~
- g) ~~in the case of a new residential unit, short term living accommodation unit or papakainga, 15,000 litre minimum storage is available to the site for household water use (unless the unit is connected to a community supply with its own storage for periods of minimum flow). (The fire fighting storage tank, as required under condition (f), should be kept full of water solely for that purpose).~~

and replace with new clauses f) and g) of RUr.28.1 (Buildings - all) by adding the following:

RUr.28.1

Permitted

Permitted if:

- f) a residential unit, (unless it is connected to a community supply with its own firefighting water storage, or a water source capable of delivering a minimum of 25 litres per second for a minimum of 30 minutes is available within 15090m of the building and is accessible by a portable pump) has either:
 - i) a sprinkler system installed (to an approved standard in accordance with SNZ PAS 4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire, or
 - ii) water tanks with a storage capacity of at least 45,000 litres available to the site for firefighting purposes. Tanks must be fitted with a 100mm female Screw Thread controlled by a valve. Tanks ~~should not be located directly beside a house, but must be within~~ shall be located more than 6m and less than 90m ~~off~~ from the building., and

~~These firefighting water supply requirements also apply for a building used or intended to be used for commercial or industrial activities, and~~

- g) a new residential unit, short term living accommodation unit or papakainga has 15,000 litres of water storage available to the site for use as a domestic water supply during periods of minimum flow (unless the unit is connected to a community supply with its own storage for periods of minimum flow). Where a house has 45,000 litres of water ~~supply~~storage for firefighting purposes, this domestic water storage capacity can be a proportion of that total, but at least 23,000 litres needs to be stored permanently for firefighting purposes only, and

Amend clause p) of RUr.28.4 as follows:

RUr.28.4

Assessment criteria

- p) in buildings without sprinkler systems, whether a lesser amount of water storage than 45,000 ~~23,000~~ litres, or no storage is required, for rural firefighting purposes for a particular building, due to proximity to a water source, as assessed by a New Zealand Fire Service Fire Risk Management Officer, ~~suitably qualified and experienced person approved by the Council~~. Confirmation should be provided in writing.

Add clause q) to RUr.28.4 as follows:

- q) the extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).