

17 April 2025

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Dear Hearing Commissioners

## Fire and Emergency New Zealand – written statement at Hearing 11 of the proposed Far North District Plan – Energy, Infrastructure, Transport and Designations

Fire and Emergency New Zealand (Fire and Emergency) made a submission (S512) on the proposed Far North District Plan (PDP). Fire and Emergency has opted not to provide expert attendance at the hearing scheduled to commence Monday 28 April 2025 and requests that, in lieu of expert attendance, this letter be tabled for the Hearing Commissioners' consideration. Mitchell Brown, Community Risk Manager - Fire and Emergency, will attend the Hearing to respond to any operational technical questions.

Fire and Emergency sought several changes to the PDP and made specific submission points on Hearing 11 topics. The provisions that the submission points related to are set out below:

Chapter	Provision
Infrastructure	I-O1 to IO6, I-P1 to I-P14, I-R17
Transport	TRAN-P3, TRAN-R2, TRAN-S1, TRAN-Table 9

The Section 42A reports for the Infrastructure and Transport chapters have been reviewed. This statement confirms Fire and Emergency's position in relation to its submission points and the section 42A report recommendations where there remain unresolved issues.

### Infrastructure

#### I-R17 Construction and upgrading of above ground water supply, wastewater systems, or stormwater infrastructure

**Fire and Emergency's submission and relief sought:** Fire and Emergency supported the matters of discretion with the request that reference is also made to SNZ:PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) as it provides further detail on what is needed for suitable water supply.

**S42a recommendation:** The reporting officer has acknowledged that access to firefighting water supplies is important but does not consider it appropriate to reference third-party codes of practice in the PDP. Their response also acknowledges the additional complexity and cost of requiring all three waters infrastructure to comply with SNZ PAS 4509:2008 and as such recommend that it is retained as notified with no additions.

**Fire and Emergency's response:** Fire and Emergency requests reference to SNZ PAS 4509:2008 as it provides certainty, is effective and enforceable and, in my view, no different to a plan user being required to demonstrate compliance with other New Zealand Standard (i.e. noise standards, electrical code of practices) of the district plan. The Code of Practice is freely and publicly available, and Fire and Emergency personnel are readily available to assist local government and developers free-of-charge in the interpretation of the Code of Practice and to assist in determining how compliance can be best achieved.

Many district plans across the country refer to the Code of Practice through permitted activity standards, conditions, and/or assessment matters. In my experience, where needed applicants typically engage with local Fire and Emergency staff in the development of a proposal to discuss options for providing a firefighting

water supply in accordance with the Code of Practice. Demonstrating compliance with the Code of Practice (e.g. as part of a resource consent application) is typically by way of an email from Fire and Emergency staff confirming what is proposed will meet the requirements of the Code of Practice.

With regards to the cost and complexity, the wording from the original submission was aimed at limiting the proposed matter of discretion to where the activity was “for water supply” as opposed to all three waters infrastructure as suggested by the reporting planner. Fire and Emergency would accept alternative wording to make it clear that this matter of discretion is only applicable to construction and upgrading of water supply infrastructure.

## Transport

### TRAN-P3 safe, efficient and well-connected operation of the transport network

**Fire and Emergency’s submission and relief sought:** For Fire and Emergency to be able to respond to emergencies, it is important that the transportation network is designed, constructed and operated in a way that ensures a safe, efficient, effective, integrated, resilient and sustainable transport system. As such, amendments were sought to include reference to emergency access and the F5-02 GD Designers’ Guide to Firefighting Operations: Emergency Vehicle Access as per the below:

- b. the design of access ([including emergency response access](#)) and parking;
- c. vehicular access to and from sites, [including emergency appliances](#);

...

[Note: For further guidance on providing for emergency response access please see Fire and Emergency New Zealand F5-02 GD Designers’ Guide to Firefighting Operations: Emergency Vehicle Access](#)

**S42a recommendation:** The reporting planner agreed that it is important to consider emergency access to sites but did not support two separate references to emergency access and an explanatory note. They do not support the inclusion of notes unless necessary for interpretation of a provision and in this situation did not consider the Designers’ Guide critical to interpretation of this policy. Given this, the reporting planner has recommended amending TRAN-P3(b) per Fire and Emergency’s submission but retaining TRAN-P3(c) as notified and not including the explanatory note.

**Fire and Emergency’s response:** Fire and Emergency accept the reporting planner’s recommendation that one reference to emergency needs is sufficient within the subpoints of TRAN-P3 and that if limited to one point, this should be TRAN-P3(b).

With regards to the explanatory note, I accept that the Designers’ Guide is not critical to the policy’s interpretation at a high level, and instead becomes more important in its application through rules, standards and matters of discretion. I maintain that inclusion of the Designers’ Guide within the Transport chapter would support overall transport outcomes as a health and safety matter. Fire and Emergency consider it is important to use all levers available to create well considered and supportive legislation so that agencies (and departments within agencies) can work together across project processes to benefit the community and Council strategies and outcomes in more coordinated ways. As such, Fire and Emergency would support reference to the Designers’ Guide within the introduction to the chapter as an alternative approach to the current proposed explanatory note.

### TRAN-R2 vehicle crossings and access

**Fire and Emergency’s submission and relief sought:** Fire and Emergency strongly supported TRAN-R2 due to its inclusion of SNZ PAS 4509:2008 in TRAN-R2, PER-2.

**S42a recommendation:** The reporting planner considered that the most relevant statutory document pertaining to this issue is the emergency responder access requirements in the Building Code, as opposed to the Code of Practice referenced in TRAN-R2, PER-2 as notified. For consistency with their other recommendations, they do not consider that reference to a third-party code of practice is appropriate in the

PDP, particularly as part of a permitted activity standard. As an alternative, they propose a note referring to the Building Code with respect to emergency responder access, with the wording below. They consider that this would be helpful for plan users to clarify that this is the relevant statutory tool for regulating emergency access to sites, rather than the PDP.

*Note: Emergency responder access requirements are further controlled by the Building Code. Plan users should refer to the Building Code to ensure compliance can be achieved at building consent stage. Granting of a resource consent does not imply that waivers of Building Code requirements will be granted. Fire and Emergency New Zealand publishes guidance in the context of Building Code requirements.*

**Fire and Emergency's response:** Fire and Emergency disagree with the reporting planner's opposition to referencing third-party codes of practice as per the reasoning provided for I-R17.

Fire and Emergency disagree that the relevant statutory tool for regulating emergency access to sites is the Building Code rather than the RMA. I consider that there are emergency access matters that should be addressed for resource management purposes under the RMA. The adjacency of the Building Code and RMA is not unique to emergency matters and several topics are covered under both legislations to respond to different elements and purposes. It is for these reasons that Fire and Emergency seeks provisions relating to emergency access under the RMA. These relate to controlling an effect on the building, its occupants and other nearby buildings, (and their occupants), in this case the effects of fire or other emergency, rather than the direct performance of the building and this is an acceptable provision to include to combat a very clear, potentially significant, effect under the RMA and provide for communities' health and safety. It is our view that, as part of this, the control of access to and around development is a legitimate matter for district plan rules. SNZ PAS 4509:2008 provides key information on the requirements for accessways to provide for emergency services. This includes a minimum 4m carriageway width, minimum 4m height clearance and maximum gradient of 16%.

A recent legal opinion on behalf of Auckland Council for amendments to the transport provisions to the Auckland Unitary Plan<sup>1</sup> agreed that emergency access is a relevant resource management matter as it relates to health and safety, and as such there is scope for inclusion in district plans. It also found that emergency access can be considered an element of a well-functioning urban environment.

The reporting planner's proposed note can be accepted as a minimum and interim measure noting it has limited statutory backing and Fire and Emergency would still appreciate reference to SNZ PAS 4509:2008. This support is with the understanding that the further matters and specifics Fire and Emergency have recommended elsewhere in the Transport Chapter are required to provide greater clarity and direction for plan users beyond this note (see TRAN-Table 9).

#### TRAN-S1 requirements for parking

**Fire and Emergency's submission and relief sought:** Fire and Emergency sought inclusion of emergency responder access as a matter of discretion to respond to the delays have experienced from carparking.

**S42a recommendation:** The reporting planner notes the issues that Fire and Emergency face but with the removal of minimum parking requirements considers that the standard no longer controls activities that could impact or mitigate any delays in response times. They recommend maintaining the matter of discretion as notified.

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<sup>1</sup> Hearing on Plan Change 79: Amendments to the transport provisions to the Auckland Unitary Plan – Operative in Part. Opening legal submission on behalf of the Auckland Council. 13 October 2023.

**Fire and Emergency's response:** Fire and Emergency understand that the scope of TRAN-S1 has been amended but note that the standard continues to control all on-site car parking and manoeuvring areas in TRAN-S1(6). When considering the assessment criteria related to *potential for adverse effects on the safety and efficiency of the transport network, including effects on vehicles, pedestrians and cyclists* Fire and Emergency maintain that emergency responder access is a key element of a safe and efficient transport network that parking and manoeuvring arrangements can affect. As such, Fire and Emergency still request the amendment from their original submission.

#### TRAN-Table 9 requirements for private accessways

**Fire and Emergency's submission and relief sought:** Fire and Emergency submitted that Table 9 contradicted with TRAN-R2's requirement for compliance with SNZ PAS 4509:2008 and in doing so impacted Fire and Emergency's ability to complete their functions. The relief sought was to amend the table to align with SNZ PAS 4509:2008 including minimum carriageway widths, height clearances, and gradients for private accessways.

**S42a recommendation:** The reporting planner agreed with Fire and Emergency about the inconsistencies between TRAN-R2, PER 2 and TRAN-Table 9. However, as noted for TRAN-R2, PER 2 their recommendation is to remove reference to SNZ PAS 4509:2008, thereby removing the inconsistency and allowing TRAN-Table 9 to remain as notified. They reiterated that the Building Code is the correct statutory tool for managing emergency responder access.

**Fire and Emergency's response:** Fire and Emergency oppose this suggested relief as it permits access arrangements that may hinder effective and efficient emergency response. As detailed in our response above for TRAN-R2, the statutory tool for managing emergency responder access is not solely the Building Code with district plans provisions also required to respond to health and safety matters. Fire and Emergency maintain their original submission relief sought.

Fire and Emergency request that the relief detailed in this written statement be considered further by the Panel. Further questions beyond operational matters able to be discussed at the hearing with the Fire and Emergency representative can be directed to the undersigned.

Yours sincerely,



**Graeme Roberts**

Technical Director - Planning

on behalf of

**Beca Limited**

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