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Fire and Emergency’s Written Statement on Dunedin City Council’s Plan Change 1

This written statement is made on behalf of Fire and Emergency New Zealand (**‘Fire and Emergency’**) to the Hearing Panel for Hearing 2 of Dunedin City Council’s (**‘DCC’**) Plan Change 1 – Minor Improvements (**‘PC1’**).

This statement has been prepared jointly by Paul McGimpsey, Technical Director of Planning of Beca and James Knapp, Community Risk Manager / Inspector Otago District, Fire and Emergency. It supplements the original submission to PC1 made by Fire and Emergency [submitter ID: S257], prepared by Beca. It is also noted that a separate submission was made on behalf of Fire and Emergency, prepared by Patersons, relating to heritage/property matters for a fire station [submitter ID: S117]. Any statements within this document referring to ‘Fire and Emergency’s submission’ or the ‘original submission’ relate to submission S257 only.

It is understood that, because of the two submissions made on behalf of Fire and Emergency, Beca was not notified directly regarding the scheduling of Hearing 2 at the same time as other PC1 submitters. Due to this late notification, it has not been possible to supply evidence to the Hearing Panel. This written statement is therefore intended to provide an alternative means of supplementing the original Submission and responding to the related matters within the Section 42A Report.

Representatives from Beca and Fire and Emergency will attend the hearing to answer any questions from the Hearing Panel.

Context of Fire and Emergency’s submission

In order for Fire and Emergency to achieve its principal 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.

It is critical for Fire and Emergency that water supply infrastructure is in place prior to any development commencing, and that this water supply has adequate capacity and pressures available to service future growth. Adequate physical access to this water supply for new development (whether reticulated or non-reticulated) is also essential.

Adequate capacity and pressure for each development can be determined through the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (**‘Code of Practice’**)¹. The Code of

¹ The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 can be found here:
<https://fireandemergency.nz/assets/Documents/Files/N5a-SNZPAS-4509-2008-NZFS-Firefighting-water-supplies-Code-of-practice.pdf>



Practice is a non-mandatory New Zealand Standard that sets out the minimum requirements for firefighting water and access in order for Fire and Emergency to operate effectively and efficiently in an emergency.

In Dunedin, Fire and Emergency is aware of development where the capacity of the reticulated network is insufficient to provide an adequate firefighting water supply. For example, sprinklered non-residential buildings in the urban area which are having to provide additional static water source supplies on site to ensure that Fire and Emergency has a source of water with adequate capacity and pressures for fire suppression.

As such, Fire and Emergency considers that all subdivision and development should be subject to development standards within a district plan requiring all applicants to demonstrate that their development can be adequately serviced for firefighting water supply in accordance with the Code of Practice across all zones. If this does not become part of the consenting regime, there will likely be further development with inadequate firefighting water supply with potentially serious consequences for life and property. In the case of the 2GP, existing firefighting water supply provisions must be retained to provide for the health and safety of the local community, for both residential and non-residential built development.

Response to Section 42A officer's report matters

Fire and Emergency's submission related specifically to Change ID: PHS1, which relates to District Plan firefighting provisions, and discussed two key areas:

- Proposed amendments to Rule 9.3.3.2, which relates to options for new residential built development to demonstrate a connection to, or to deliver, a firefighting water supply which complies with the Code of Practice;
- Proposed amendments to multiple provisions within the District Plan to remove the requirement for all subdivisions, in all zones, to provide a firefighting water supply which complies with the Code of Practice. These amended provisions include the deletion of Rule 9.3.3.1 and related subdivision performance standards in all zones.

Each area is discussed in turn below, including matters of relevance within the Section 42A report.

Firefighting water supply for new residential buildings - Rule 9.3.3.2

Proposed changes to Rule 9.3.3.2 seek to improve the interpretation of the rule and provide clarity on the key design requirements and options available to residential developers to achieve compliance with the rule, and in turn, the Code of Practice.

As stated in the Section 32 (S32) Report, Fire and Emergency Otago Risk Reduction Team was originally consulted by DCC on the redrafting of Rule 9.3.3.2.

The S42A officer proposes further refinements to Rule 9.3.3.2 as a result of relief sought from other submitters. It is noted that these refinements have been discussed with DCC Three Waters representatives, who have also directly engaged with the local Risk Reduction Team.

Fire and Emergency support the recommendations of the S42A Author with regard to the further refinements to Rule 9.3.3.2.

Firefighting water supply for non-residential subdivisions - Rule 9.3.3.1 (and related changes)

The operative DCC Second Generation District Plan ('2GP') currently requires all subdivisions to provide a firefighting water supply which is compliant with the Code of Practice. These provisions are set out in Rule 9.3.3.1 and the relevant subdivision performance standards in all zones.

There are no existing provisions within the 2GP which require non-residential land use development (i.e. where subdivision consent is not required) to provide a firefighting water supply. This is an existing regulatory gap within the 2GP which has the potential to increase the fire safety risk of the occupants of new non-residential

buildings/activities, as well as neighbouring occupants, buildings and vegetation, arising from any fire spread beyond the source of a fire.

PC1's proposed removal of the requirement for all subdivisions to deliver a compliant firefighting water supply would exacerbate this existing gap in the 2GP policy and rule framework. Fire and Emergency's submission sought to address this gap through seeking the retention of the subdivision firefighting water supply performance standards for all activities and the introduction of new firefighting water supply development performance standards for all non-residential activities.

The Section 42A('S42A') officer considered that the relief sought to add new firefighting water supply provisions to be out of scope. Fire and Emergency accepts that this relief sought is out of scope and will not pursue this relief any further.

Fire and Emergency does still seek retention of the existing firefighting water supply performance standards for all subdivision activities, as currently required under Rule 9.3.3.1 and the related rules until the subdivision zone chapters. This will ensure that due consideration has been given to firefighting water supply in subdivision consent applications which provide for future non-residential buildings (which in some instances may go on to be constructed as a permitted activity). This will ensure that the fire safety risks to the future occupants of such buildings, and the occupants of neighbouring buildings, will continue to be mitigated through the District Plan. In contrast, the deletion of these existing provisions for non-residential development have the potential to result in significant adverse health and safety effects on the Dunedin community.

Whilst the retention of these requirements would not extend to non-residential land use development (where no subdivision consent is involved), they would retain an opportunity for firefighting water supply, and access to that supply, to be considered through the subdivision consent process.

The Section 32 ('S32') Report considered the removal of the requirement for non-residential subdivisions to demonstrate that an adequate firefighting water supply can be provided, to be a 'minor improvements' on the basis that:

- *"Rule 9.3.3(1) applies to subdivision even though development may not occur at the time of subdivision. Development, rather than subdivision, is what the Code relates to and where risk to health and safety materialises. This issue was raised via the regular Plan user survey.*
- *"In addition, the rule applies to all subdivision, not just subdivision that may result in new residential buildings, which conflicts with the direction in Policy 9.2.2.8"*

Fire and Emergency considers that the provision of a firefighting water supply should not be wholly deferred to land use development resource consent stage. This is particularly the case where a District Plan does not require the consideration of firefighting water supply at land use stage, as is the case with the 2GP. Moreover, subdivision consents can provide for future built development as a permitted activity, where relevant performance standards are met. Accordingly, in some cases, the subdivision consent stage is the only opportunity to secure an adequate firefighting water supply to service development.

In response to the intent to align with Policy 9.2.2.8, Fire and Emergency does not believe that the DCC has provided sufficient justification for the resource consent process to disregard the health and safety effects on future occupants (and neighbouring occupants) arising from new non-residential buildings.

As such, it is contended that the deletion of 9.3.3.1 (and related consequential changes with respect to non-residential subdivisions) has not been suitably justified in the S32 Report and will have adverse effects in terms of potentially increasing the fire risk in new non-residential subdivisions and subsequent land use development. Fire and Emergency therefore strongly oppose the deletion of 9.3.3.1 and the related consequential changes in this context.

It should also be noted that whilst local Fire and Emergency representatives were consulted on the changes to 9.3.3.2, they were not fully appraised of DCC's intentions to remove 9.3.3.1 (and consequential

amendments) and the consequences of such an amendment. Fire and Emergency representatives were not advised of the fact that incorporating the requirements of 9.3.3.1 into “a new matter of discretion and assessment guidance for *subdivision resource consent applications*” would be limited to “subdivision activities that may result in new *residential* buildings”.

Relief sought

In conclusion, the relief sought by Fire and Emergency is that:

- The Hearing Panel rejects the deletion of 9.3.3.1, and all relevant consequential changes to the subdivision performance standards.
- Supports the amendments to 9.3.3.2.

Representatives from Fire and Emergency and Beca would welcome any questions from the Hearing Panel on Wednesday 20 August.

Signatures



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on behalf of
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on behalf of
Fire and Emergency New Zealand