

FORM 13**SUBMISSION ON A PUBLICLY NOTIFIED APPLICATION
CONCERNING RESOURCE CONSENT UNDER SECTION 96,
RESOURCE MANAGEMENT ACT 1991**

To: Dunedin City Council

Submission on: Resource Consent Application SUB-2016-34 10 Riccarton Road West
(legally described as Lot 1 DP10269 (CFR OTB/697) and Part Section 5-6
Block III East Taieri Survey District (CFR OTB1/698 Ltd))

Name of Submitter: New Zealand Fire Service Commission ('the NZFS Commission')

Address for service: C/- Beca Ltd
PO Box 13960
Christchurch 8141

Attention: Alice Burnett

Phone: (03) 550 0038

Email: alice.burnett@beca.com

This is a submission on an application submitted by Paterson Pitts for a land use consent to establish a dwelling at 326 Factory Road (legally described as Lot 1 DP10269 (CFR OTB/697) and Part Section 5-6 Block III East Taieri Survey District (CFR OTB1/698 Ltd))

The specific parts of the application that the NZFS Commission's submission relates to are:

The provision of sufficient water supply and access for firefighting purposes to the proposed development, which may impact upon the operations of the NZFS Commission.

Reason for submission:

In achieving the sustainable management of natural and physical resources under the RMA 1991, 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. The NZFS Commission has a responsibility under the Fire Service Act 1975 to provide for firefighting activities in a safe, effective and efficient manner. As such, the NZFS Commission monitors development occurring under the RMA 1991 to ensure that, where necessary, appropriate consideration is given to fire safety.

In the case of this application, the NZFS Commission notes that no mention has been made within the application of the provision of a firefighting water supply to any future dwellings (LUC02015-577 which was on a non-notified basis). As the proposed residential dwelling (previously consented) will not be connected to a reticulated water supply the NZFS Commission is therefore concerned that

there will be an insufficient supply of water for fire fighting available to the NZFS if it were required to respond to a fire emergency at these properties. This increases the risk to life, property and the surrounding environment should a fire emergency occur.

The NZFS Commission seeks to inform the applicant and the Council that should the application be granted, the best way to achieve this is to comply with the New Zealand Standard for the provision of a firefighting water supply, known as the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. This provides standards for the provision of a firefighting water supply in both reticulated and non-reticulated systems and access to these supplies in order to enable the NZFS to respond to a fire emergency efficiently and effectively. Further details on determining maximum fire size and the required quantity of firefighting water are outlined in Appendix H and J of the SNZ PAS 4509:2008.

The NZFS Commission also wishes to highlight the importance of providing adequate access to any on-site firefighting water supply that is installed. Firefighting appliances require a minimum access width and clearance height of 4 metres when attending a fire emergency in order to reach both the dwelling and the fire fighting water supply in a timely manner, as illustrated in Appendix B to this submission.

The NZFS Commission's submission is:

This is a **neutral** submission on behalf of the NZFS Commission. The NZFS Commission wishes to ensure that, if granted, the proposed land use activity can adequately provide for the operational requirements of the NZFS so that the NZFS can carry out its responsibilities in a safe, effective, and efficient manner as required by the Fire Service Act 1975.

It is important to the NZFS Commission that the proposed land use activity recognises the importance of emergency services to the health and safety, and the well-being of future occupants. The NZFS Commission considers that the proposed dwelling must be provided with an adequate fire fighting water supply in accordance with SNZ PAS 4509:2008 in order to reduce the fire risk.

The NZFS has qualified staff, experienced in this area, and would be happy to assist and advise on the fire safety aspects of the proposed land use activity.

The NZFS Commission seeks the following decision from the consent authority:

That, should the consent be granted, conditions be included on the consent stating the following:

1. *The minimum formed width of vehicular access to the dwelling shall not be less than four metres wide and have a vertical clearance of no less than four metres high to ensure New Zealand Fire Service appliances have sufficient vehicular access to the property.*
2. *The proposed dwelling must be provided with an adequate fire fighting water supply in accordance with SNZ PAS 4509:2008 in order to reduce the fire risk.*
3. *Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.*

That the following advice note be included in the consent:

ADVICE NOTE:

For more information on how to comply with Conditions 1 & 2 above on how to provide for NZFS operational requirements refer to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 (this can be retrieved from

<http://www.fire.org.nz/Business-Fire-Safety/Building-Design/Documents/NZFS-firefighting-water-supplies-code-of-practice.pdf>).

In particular, the following should be noted:

- *For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.*
- *For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.*
- *The reserve capacities and flow rates stipulated in the above conditions are relevant only for single-family dwellings. In the event that any proposed dwelling provides for more than single-family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.*

The NZFS Commission wishes to be heard in support of their submission.

If others make a similar submission, the NZFS Commission will consider presenting a joint case if a hearing is held.



*(Signature of person authorised to
sign on behalf of New Zealand
Fire Service Commission)*

13 June 2016

Appendix A

Alternative methods to achieve compliance with SNZ PAS 4509:2008 ('the NZFS Code'):

The NZFS Commission highly recommends that the best method to comply with the NZFS Code is the installation of a domestic sprinkler system in accordance with *Fire Sprinkler Systems for Houses NZS 4517:2010*, particularly in remote areas located some distance from the nearest NZFS fire station. Domestic sprinklers provide a highly effective means of early fire suppression which minimises the risk of loss of life, property damage and negative effects on the environment. Domestic sprinklers quickly apply water directly to the source of the fire and are the most reliable method to control a fire. Water usage by sprinklers is a lot less than that used by attending fire appliances, as water is only delivered onto the area of the fire rather than all sprinklers activating simultaneously. This contains the fire using minimum amounts of water. The systems are easily installed at the point of construction and are designed to be visually discreet. The NZFS Code recommends that a standard dwelling with an installed domestic sprinkler system requires a minimum dedicated water supply of 7,000 litres. This water storage can be provided within a proposed potable water tank through including a reserve supply with a cut-off valve to maintain 7,000 litres at all times as shown in the figure below.

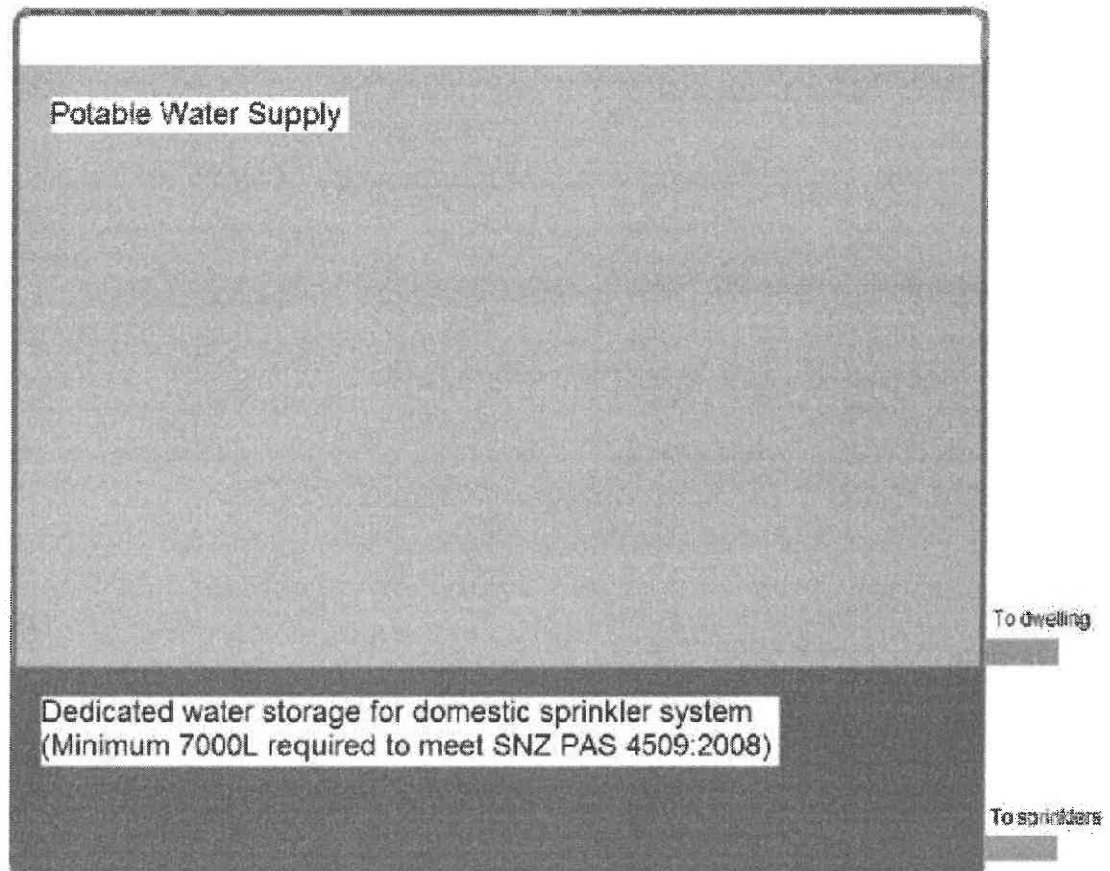
Another means of complying with the NZFS Code is the installation of a dedicated firefighting water supply to be used by the NZFS in the event of an emergency. The NZFS recommends a 20,000 litre fire-fighting water supply be made available for a single family dwelling. In the event that the proposed dwelling provides for more than single family occupation, then the Applicant should consult with the NZFS as a static fire fighting water supply greater than 20,000 litres will be required. It is essential that the tanked fire fighting water supply is located within 90m of the proposed dwelling. As well as the minimum water storage, the NZFS Code identifies other associated requirements, such as a compliant 100 mm female round thread coupling with an on/off valve, and a hard-standing surface within 6 metres of the coupling for fire appliances to park on.

Aside from the installation of domestic sprinkler systems or dedicated static water storage tanks, there are other water sources that can achieve compliance with the NZFS Code. Such alternative sources can be water from any year-round source such as dams, swimming pools, stream water, seawater, etc., provided that source is adequately available for use by the NZFS and it meets the other requirements of the NZFS Code that includes a hard-standing area for fire appliances. Hard stand areas are required to have a minimum width of 4.5 metres.

The NZFS have qualified staff, experienced in this area, and would be happy to assist and advise on the matters covered in this submission. The NZFS is committed to working with developers to identify the most effective form of compliance for each individual situation.

Figure 1:

Water storage option for domestic sprinklers



Appendix B: Access for Fire Appliances in Rural Areas



**FIRE
SERVICE**
New Zealand Fire Service

If we can't get to you,
we can't help you.

Delays in an emergency can be devastating



If a fire breaks out, many rural property owners face an increased risk due to their remote location and the distance from the nearest fire brigade.

Even when we arrive, our response can be compromised by our fire appliances not being able to gain access onto driveways due to overhanging branches or narrow gates and fence lines. There are also issues with no clear pathways to water resources on properties.

Remember the 4x4 Rule

In an emergency it's critical our fire appliances and crews can get to you as soon as possible.

Access to driveways and water supplies

MUST have a width and height
clearance of at least four metres.

If you ever have to call 111, always quote your RAPID number and ensure it is clearly displayed on your mailbox.



**FIRE
AUTHORITY**
New Zealand Fire Authority



**FIRE
SERVICE**
New Zealand Fire Service

RMA Form 13
Submission on publicly notified application concerning resource consent
Section 96 Resource Management Act 1991

To: Dunedin City Council
PO Box 5045
Dunedin 9058

Name of submitter: Otago Regional Council

This is a submission in opposition of
resource consent applications: SUB-2016-34

Applicant: JP and DS Sebelin

Brief Description of Application: Subdivide 10 Riccarton Road West, Mosgiel into two 19.6 ha lots, a restricted discretionary activity under the operative plan, and non-complying under rule 16.7.4.1 (in effect) of the proposed second generation district plan (2GP).

Submission overview

The specific parts of the application that this submission relates to are:

- planning principles
- natural hazards
- recognition of Otago Regional Council (ORC) flood protection management regulations

This submission is:
The ORC opposes this application.

Decision requested

The Otago Regional Council seeks the decision that Dunedin City Council (DCC) decline consent unless it is satisfied that:

1. Granting consent will not compromise the integrity of subdivision rule 16.7.4.1 which became operative on 26 September 2015 , and
2. Any natural hazards can be appropriately mitigated.

The Otago Regional Council wishes to be heard in support of this submission.



1 Setting

10 Riccarton Road is a green field site used for rural activities such as stock grazing. The Owhiro Stream crosses the property entering at the north east boundary and exits at its south west boundary where it passes under Riccarton Road West. A scheduled drain under the ORC's '*Flood Protection Management Bylaw 2012*' runs up the property from its southern boundary where it connects with the the Owhiro Stream. This stream is identified in the bylaw as drain '04'.



Figure 1 Proposed subdivision location

The subdivision as proposed would result in a fragmentation of an existing large block of undeveloped, productive rural land.

2 Natural Hazards

2.1 Risk

ORC describes the natural hazard characteristics of the property in its report '*Flood hazard on the Taieri Plain – updated 2015*'¹. To the true right of the Owhiro Stream, the property is within Area 19² while the area to the true left is within Area 22³.

In the 2GP, these areas are classified as being a 'Hazard 3 (flood)' overlay zone, with a risk classified as 'low'⁴. While ORC has not opposed these areas being classified as 'Hazard 3', property within this zone should still be considered appropriately to determine if site specific risk from natural hazards, which while 'low', may have consequences that are, at the least, moderate.

The property is identified on the ORC's natural hazards database as being located within an area of alluvial fan classified as 'active floodwater-dominated' and within a

¹ <http://www.orc.govt.nz/Documents/Publications/Natural%20Hazards/2015/>

² Area 19 – East of the Lower Pond, Page 62

³ Area 22 – Alluvial fans on flanks of coastal hills, Page 72

⁴ See Table 11.1 'Risk Guidance', Chapter 11 of 2GP.

mapped 'Otago flood hazard area (see appended natural hazards report). There is also a possible susceptibility to liquefaction.

3 Assessment of Application

It is important to assess the application against the objectives and policies of the operative and proposed Regional Policy Statements as well as the operative district plan and the proposed 2GP.

3.1 Regional Policy Statement

There is no assessment of the current Regional Policy Statement (RPS) nor the proposed RPS in the application.

Policy 11.5.3 of the current RPS guides restricting development on sites or areas recognised as being prone to significant hazards unless adequate mitigation can be provided.

While the application notes the property is subject to flooding hazards, it does not provide any assessment of this risk nor any proposed mitigation. It does refer to an assessment used for recent land use consents (for the proposed dwellings) but again, this is not provided with this subdivision application. It is appropriate to assess the risks from natural hazards with a subdivision proposal to determine if that site is suitable for people to develop and live on. If subdivision is granted, then the assessment of natural hazards can inform any assessment of land use applications for structures such as residential dwellings and residents health and safety.

In this case ORC's natural hazards assessment indicates the while there is an immediate threat from flooding on the property from the Owhiro Stream, the proposed building platforms indicated in the application appear to be outside of the immediate area of potential risk. However, there is a residual risk which should be mitigated by ensuring any building platforms are each located on an appropriately high point of ground.

3.2 Proposed Regional RPS

3.2.1 Risk

Objective 3.2 the proposed RPS requires the following:

- Managing natural hazard risk (Policy 3.2.4) based on:
 - the risk posed, likelihood and consequences
 - implications of residual risk
 - community's tolerance of that risk
- Avoiding increased risk (Policy 3.2.6) including:
 - avoiding activities that significantly increase risk

- Reducing existing natural hazard risk (Policy 3.2.7) by:
 - discouraging activities that increase risk
 - considering the use of exit strategies for areas of significant risk
 - reassessing natural hazard risk, and community tolerance of that risk, following significant natural hazards events.

The subdivision of land (for the purpose of building two new residential dwellings) which is an undeveloped green field area of land is inconsistent with Policy 3.2.6 of the proposed RPS. Granting of the subdivision also encourages an activity that will increase the risk by allowing a change in the use of an undeveloped area. This is inconsistent with Policy 3.2.7

As sought in 3.1, any building platforms should be located on appropriately high ground to ensure any natural hazard risk and residual risk is managed so that the likelihood and consequence is 'low' as per Table 11.1 of the 2GP.

3.2.1 Urban Growth

Objective 3.8 of the proposed RPS requires that urban growth is well designed and integrates effectively with adjoining urban and rural environments.

Policy 3.8.3 requires that subdivision, use and development of rural land is managed to avoid fragmentation of land where primary production capacity may be lost and creating unplanned demand for provision of infrastructure.

ORC's concern is that while the application makes an argument based on the current subdivision allowance of 15 hectare minimum site, it does so setting up a decision that will set an undesirable precedent.

ORC understands this is the first application assessed against rule 16.7.4.1. Therefore, if the applicants' argument is accepted and consent is granted, the argument could be used against proposed 2GP rule 16.7.4.1 once the operative district plan's rule 18.5.1(i) ceases to be in effect.

The effect of having to allow further consents to be granted in 'exception' to Rule 16.7.4 would result in a cumulative effect on land productively and infrastructure demand over time, clearly contrary to objective 3.8 and policies of the proposed RPS.

3.3 Proposed Dunedin District Plan: 2GP

In respect to the proposed subdivision, the most relevant proposed policy is 16.2.1.7 of the 2GP which requires:

"Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision."

While the application makes an argument that the 'consented dwellings qualify as a surplus dwelling subdivision, it would seem this is unusual in that it would be more appropriate to have a subdivision consent considered, if not first, at least along with the required land use consents for the dwellings. As the land use consent application

specifically applied for two proposed dwellings, and both have yet to be built, this is not a situation of a surplus dwelling subdivision, particularly as it is an undeveloped site with no historic residential use. The intent of 'surplus dwelling' can be seen in Policy 16.2.1.10 (conditions of allowing the subdivision of surplus dwelling) of the 2GP provision (b) which requires it to be:

'habitable and in good condition'

ORC's understanding is this means that the dwelling already existed as a result of historical, residential land use. This situation does not apply to this application. Therefore, ORC considers the application does not qualify as a surplus dwelling subdivision and is not consistent with policy 16.2.1.7 and cannot be granted in accordance with Policy 16.2.1.10.

4 Other regulations

A significant omission from the application is that the property features an ORC scheduled drain as shown in figure 1. Both the scheduled drain, and the Owhiro Stream form part of the Lower Taieri Flood Management Protection Scheme. The Flood Protection Management Bylaw 2012 (the Bylaw) controls activities which may affect the scheduled drain.

While the section of the Owhiro Stream which runs through the property is not scheduled under the Bylaw, ORC has sought a designation (as part of the 2GP review) for the Owhiro Stream. The designation, which affects this property, was notified on 26 September 2015 and a hearing was held 12 May 2016. The designation took effect upon public notification of the 2GP.

Regardless of the DCC's decision on this application, the ORC draws to the applicants' attention any potential activities on or around the scheduled '04' drain and Owhiro Stream are subject to the Bylaw and the proposed designation of the Owhiro Stream. The applicants should contact the ORC if they have any questions how this may affect their subdivision proposal or any other future activities.

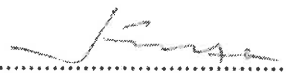
5 Conclusion

The applicants' proposal will result in allowing two dwellings (already consented) to be built on two separate lots of land. While ORC understands the land use consents have already been granted, it is important to consider the proposed subdivision of land based on the existing environment and characteristics.

While ORC's assessment of the natural hazard risk demonstrates the risk to the indicated building platforms can be mitigated, granting of the subdivision does result in an increase in risk and residual risk to both the land owner(s) and the community.

ORC is also concerned that as this application, if not the first, is one of early applications to be considered under rule 16.7.4 as a non-complying activity, granting of consent could set a dangerous precedent. While ORC appreciates consideration must be also given to the current district plan's rule (18.5.1(i), it must be recognised that this rule was developed at a time when there was less pressure on the fragmentation of rural land and associated infrastructure. DCC must give appropriate weight to the strong

direction the community has requested in the development of both the proposed RPS and 2GP in respect to development and use of land in rural areas.


.....
Fraser McRae
Director Policy, Planning and Resource Management

13 June 2016

.....
Date

Address for service of submitter: Otago Regional Council
Private Bag 1954
DUNEDIN
Telephone: (03) 474 0827
Fax: (03) 479 0015
Email: warren.hanley@orc.govt.nz
Contact person: Warren Hanley
Resource Planner - Liaison

A copy of this submission has been sent to:

JP and DS Sebelin
c/- Patterson Pitts Group
PO Box 5933
Moray Place
Dunedin 9058

Kirstyn Lindsay

From: katheb@xtra.co.nz
Sent: Monday, 13 June 2016 01:45 p.m.
To: resconsent.submission@dcc.govt.nz
Subject: Resource consent application submission - 548306

This resource consent application submission has been made via the Council website on **13 Jun 2016 1:44pm**. The details are listed below.

Personal information

Name Charles and Katherine Bradfield Brookes
Address 57 Riccarton Rd West 9092 Mosgiel
Contact phone 489 3577
Fax
Email address katheb@xtra.co.nz

Submission details

Consent number Sub-2016-34
Position I am neutral towards this application
Wish to speak? No
Present jointly to hearing? Yes
Parts of application that submission relates to Amenity Values and Character (8.13.5), Transportation (8.13.7)

Reasons for submission Despite taking a neutral stance, we believe that additional dwellings and farm buildings will detract from our rural outlook. The proposed boundary adjustment could provide an opportunity for the Council to purchase from the Sebelins the four metre reserve required for any widening of Riccarton Road, instead of taking land from the southern side of the road. We believe that this would be a fair concession as it would have minimal impact on the Sebelin's amenity and would enable us to retain the trees and wall which currently provide us with some privacy and shelter. We also have concerns about the safety of using the present Riccarton Road entrance to access the properties given the number of commercial vehicles already using this driveway.

Desired decision Grant the resort consent but negotiate with Sebelin's re purchase of road reserve.

Kirstyn Lindsay

From: Brian Miller
Sent: Wednesday, 8 June 2016 03:09 p.m.
To: resconsent.submission@dcc.govt.nz
Subject: Resource consent application submission - 547648

This resource consent application submission has been made via the Council website on **08 Jun 2016 3:09pm**. The details are listed below.

Personal information

Name Brian Miller
Address 77 Riccarton Road West Mosgiel 9092 Dunedin
Contact phone 03 4897779
Fax
Email address b.a.miller@actrix.co.nz

Submission details

Consent number SUB-2016-34
Position I oppose this application
Wish to speak? Yes
Present jointly to hearing? Yes

Parts of application that submission relates to

There would appear to be some confusion on this resource consent. As this property has been used before, as part of three resource consents and two variations to resource consents. That were processed on a non notified basis under a different applicants name and an address of 57 Riccarton Road. The present application that is under the name of a different applicant from the non- notified applications, and under a different address of 10 Riccarton Road . It would appear that the ownership of this property has been the same for the three non-notified, and this notified application, and it would appear that the ownership of this property has not signed any affected persons as required under the RMA for the non-notified application that used the address of 57 Riccarton Road. Could the confusion please be clarified on the multiple use of this property for various resource consents. The parts of this application that my submission refers to are: We are affected by the activities that the present drive way is being used for. (1) The drive that gives access to this property has considerable use by heavy traffic, utes, vans and cars to access a neighboring nursery that appears to be using this drive way for commercial and industrial purposes seven days a week. This driveway is not suitable for this purpose. I note that a requirement of this application is for a 5 metre seal where the driveway meets Riccarton Road. Why was this not a condition of the three non-notified resource consent at 57 Riccarton Road? (2) This resource consent gives the council the opportunity to take the required amount from the Riccarton Road frontage of this property for road reserve for future road widening purposes. (3) It is unfortunate that the establishment of the residential activities were done on a non- notified basis . As it would appear that no consideration was given to the high class soil resource on this property. As this property has both high class soil and soils that are not

classed as high class, any residential activity should have been based on the soils other than high class. The size of the two property's as being applied for will make it extremely difficult to for these property's to operate an economic return if any buildings are allowed on the high class soils on either property.

**Reasons for
submission**

(1) The application is for a rural activity. But the drive way is being used for commercial and industrial activities. (2) This application gives the council the opportunity to take land for road reserve that would have no effect on the amenity of the property. (3) The application gives an opportunity to have any buildings build on any area that does not contain high class soils.

**Desired
decision**

A condition that the drive way only be used for the purposes for access to the property(s) on this application. (2) that sufficient land from the applicants property fronting Riccarton Road will be taken for future road widening purposes. (3) That the high class soils be keep clear of any residential buildings.