

# **SUBMISSION ON THE PROPOSED NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY**

To: **Ministry for the Environment**  
Comments on: **Proposed National Policy Statement on Urban Development  
Capacity (Proposed NPS)**  
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*(Signature of person authorised to sign on behalf of New Zealand Fire Service Commission)*

Date **15 July 2016**

The New Zealand Fire Service Commission (the NZFS Commission) is the governing body that controls the New Zealand Fire Service (NZFS) and is the National Rural Fire Authority (NRFA). The Fire Service Act 1975 (FSA) establishes the NZFS Commission as a Crown entity and sets out the functions and powers of the NZFS Commission including its governance, management and operational arrangements for these organisations. The NZFS Commission has a mandated Vision of “leading integrated fire and emergency services for a safer New Zealand” as set out in the NZFS Commission’s Statement of Intent 2014 – 2018<sup>1</sup>. The NZFS Commission’s principal roles include the promotion and coordination of fire safety throughout New Zealand and the governance and operation of the NZFS. Section 20 of the FSA states the following:

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<sup>1</sup> <http://www.fire.org.nz/about-us/publications/Statement-of-Intent/Pages/NZFSCommissionStatementofIntent2014-2018.html>

*“20. Commission to promote fire safety*

- (1) It shall be a matter of prime importance for the Commission to take an active and co-ordinating role in the promotion of fire safety in New Zealand.*
- (2) In so promoting fire safety, the Commission shall be concerned to –*
  - (a) reduce continually the incidence of fire and the attendant risk to life and property:*
  - (b) achieve unity and completeness of fire safety law and practice.”*

The NZFS comprises five different regions with around 450 stations and approximately 8,300 Volunteer Firefighters and 1,700 Career Firefighters spread throughout the country.

In terms of the operation of the NZFS, its primary duty under section 170 of the FSA is to make provision for the prevention, suppression and extinction of fire, and the safety of persons and property endangered by fire in every fire district, including being maintained in a state of operational efficiency. Over time the role of the NZFS has widened to include responses to non-fire emergencies such as hazardous substances, vehicle accident, medical, civil and extreme weather emergencies. This broader role is reflected in the current review of the Fire Service and the Fire and Emergency New Zealand Bill.<sup>2</sup>

In achieving its statutory responsibilities, the NZFS Commission has a considerable interest in policies, plans and resource consent processes (including associated urban development) under the Resource Management Act 1991 (RMA) in terms of how such plan-making and decision-making achieves the RMA’s sustainable management purpose by enabling “*people and communities to provide for their social, economic, and cultural well-being and for their health and safety*”.<sup>3</sup>

In order to achieve the purpose of the RMA, and the NZFS Commission’s statutory responsibilities, the NZFS Commission considers that RMA policies and plans (including the Proposed NPS) must:

- (a) enable emergency services by providing for emergency service facilities (and associated training facilities and opportunities) in a manner that maximises coverage; meets response time goals;<sup>4</sup> and meets community expectations. This means that fire stations need to be located near the centre of their ‘catchment’ communities so that

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<sup>2</sup> <https://www.dia.govt.nz/Fire-Services-Review>; 2016 No 148-1.

<sup>3</sup> Section 5(2) of the RMA.

<sup>4</sup> New Zealand Fire Service Commission Strategic Plan 2012 – 2017. The New Zealand Fire Service Statement of Intent (2014 – 2018) and accompanying Statement of Performance Expectations also provides the New Zealand Government with response time targets.

emergency response times can be achieved at the edge of what is known as a ‘turn-out area’;<sup>5</sup>

- (b) ensure that appropriate water supplies (water volume and pressure) for firefighting are available to all urban and rural developments to enable efficient and effective responses to fire emergencies (noting that the importance of water for firefighting purposes is recognised by section 14(3)(e) of the RMA); and
- (d) provide for adequate access to subdivisions and developments (and associated water supplies) to ensure that fire appliances, and firefighters, are able to access fire emergencies and extinguish fires.<sup>6</sup>

The NZFS Commission supports the overall intent of the Proposed NPS to require local authorities to take a long-term urban planning approach to meeting urban growth demands and needs and considers that this approach will assist the NZFS and other emergency service providers to strategically plan for service delivery and long term asset investment and management. However, the NZFS Commission considers that limited amendments to the Proposed NPS are necessary to provide for emergency services in a manner that achieves the purpose of the RMA by:

- (a) better enabling people and communities to provide for their well-being, health and safety; and
- (b) better enabling the management of the actual and potential adverse effects of fire (being an effect of relatively low probability but high potential impact).

The following Table 1 sets out the NZFS Commission’s submission in detail, and particularly how the matters set out above should be achieved in the context of the Proposed NPS.

The NZFS Commission would welcome the opportunity to discuss its submission with the Ministry for the Environment.

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<sup>5</sup> The NZFS 50 year Station Location and Resourcing Plan uses a National Risk Resourcing Model to identify optimum locations for fire stations.

<sup>6</sup> The design requirements for both water supply and access to this supply are contained within the New Zealand Standard ‘New Zealand Fire Service Firefighting Water Supplies Code of Practice’ NZS PAS 4509:2008.

**Table 1: NZFS Commission, Submission on the Proposed NPS – Specific Relief Sought**

Proposed NPS Provision	Comment	Decision sought
<p><i>Preamble (2<sup>nd</sup> Paragraph)</i></p>	<p>The NZFS Commission supports the reference in the Preamble to good quality physical and social infrastructure on the basis that the NZFS Commission requires good quality water supply, access and roading networks to meet its statutory obligations.</p> <p>Similarly, on the basis that emergency service facilities would fall within the definition of ‘social infrastructure’, the NZFS Commission supports the recognition of the importance of such infrastructure to cities.</p> <p>It is considered that these matters are critical to achieving the purpose of the RMA.</p> <p>That said, while the quality of infrastructure and social infrastructure is recognised as important in the context of the Preamble, the NZFS notes that the subsequent Objectives and Policies do not address ‘quality’ of infrastructure, nor do they provide for ‘social infrastructure’.</p>	<p><b>Retain</b> the 3<sup>rd</sup> sentence in the 2<sup>nd</sup> paragraph of the Preamble that reads:</p> <p><i>“They have good quality physical and social infrastructure ...”</i></p>
<p><i>Preamble (3<sup>rd</sup> Paragraph)</i></p>	<p>The NZFS Commission considers that it is not clear what is meant by ‘critical infrastructure’ and whether this term would encompass the provision of water supplies for firefighting purposes or emergency service facilities. For the avoidance of doubt, the NZFS Commission considers that the emergency services are ‘critical infrastructure’ on the basis that such services are essential to support urban development that achieves the purpose of the RMA.</p> <p>The NZFS Commission considers that the second sentence of paragraph 3 of the Preamble has the effect of inappropriately truncating the purpose of the RMA (section 5(2)) by failing to reference ‘health and safety’. The NZFS Commission considers that this sentence should be amended to recognise that urban planning should also enable people and communities to provide for their health and safety.</p>	<p><b>Clarify</b> the meaning of the term ‘critical infrastructure’ in a manner that confirms that emergency services fall within this terms such that planning for growth and change enables emergency service organisations to similarly plan for, and respond to, that growth in a manner to provides for the health and safety of people and communities.</p> <p><b>Amend</b> the 2<sup>nd</sup> sentence of the 3<sup>rd</sup> paragraph as follows:</p> <p><i>“Ideally urban planning should enable people and communities to provide for their social, economic and cultural wellbeing <u>and their health and safety</u> through development, while managing its effects.”</i></p>

Proposed NPS Provision	Comment	Decision sought
<i>Preamble (6<sup>th</sup> Paragraph)</i>	<p>The NZFS Commission supports the 6<sup>th</sup> paragraph of the Preamble that states:</p> <p><i>“It is important that planning provides good accessibility between housing and businesses, and the social infrastructure necessary in a successful city.”</i></p> <p>As set out above, and on the basis that emergency service facilities would fall within the definition of ‘social infrastructure’, the NZFS Commission particularly supports the recognition of the importance of such infrastructure to cities. The NZFS Commission also supports the recognition of the importance of good accessibility because accessibility is critical to the NZFS being able to achieve its responsibility to respond effectively and efficiently to fire, and other, emergencies.</p> <p>That said, the NZFS Commission is concerned that accessibility (particularly for emergency services) and the importance of social infrastructure is not addressed in the subsequent Objectives and Policies of the Proposed NPS.</p>	<p><b>Retain</b> the 6<sup>th</sup> paragraph of the Preamble that reads:</p> <p><i>“It is important that planning provides good accessibility between housing and businesses, and the social infrastructure necessary in a successful city.”</i></p>
<i>Definition – Development capacity</i>	<p>The NZFS Commission supports the definition of ‘development capacity’ to the extent that the definition requires the provision of adequate infrastructure to be taken into account when assessing urban development capacity. Subject to an amendment to the definition of ‘infrastructure’ the NZFS Commission considers that the definition of ‘development capacity’ appropriately enables a consideration of adequate water supply, road networks and access for emergency services.</p>	<p><b>Retain</b> the definition for ‘development capacity’.</p>

Proposed NPS Provision	Comment	Decision sought
<p><i>Definition – Infrastructure and new definition of ‘Social infrastructure’</i></p>	<p>The NZFS Commission generally supports the definition of ‘infrastructure’, but seeks a limited amendment to ensure that ‘infrastructure’ includes water for firefighting purposes and social infrastructure (including emergency services facilities). This amendment is considered necessary to reflect the relative priority given to firefighting water in section 14(3)(e) of the RMA and, as a consequence, enables the essential need for firefighting water as part of urban development to be contemplated when the Proposed NPS is given effect to by local authorities. It would also ensure that adequate provision is made for emergency services facilities in areas of urban expansion or intensification. It is considered that the amendment proposed better achieves the purpose of the Act in terms of providing for the health and safety of communities and mitigating the effects of fire events.</p>	<p><b>Amend</b> the definition of ‘infrastructure’ as follows:</p> <p><b>“Infrastructure means:</b></p> <ul style="list-style-type: none"> <li>• <i>network infrastructure for water supply (including water for firefighting purposes), wastewater, stormwater, transport, and passenger transport services; and</i></li> <li>• <i>social infrastructure.”</i></li> </ul> <p><b>Insert</b> a new definition of ‘social infrastructure’ as follows:</p> <p><b>“Social infrastructure means ‘community infrastructure’ as defined in section 197(2) of the Local Government Act 2002 and emergency services facilities”.</b></p>
<p><i>4. National Significance</i></p>	<p>The NZFS Commission considers that the ‘National Significance’ statement has the effect of inappropriately truncating the purpose of the RMA (section 5(2)) by failing to reference ‘health and safety’. The NZFS Commission considers the ‘National Significance’ statement should be amended to recognise that urban planning should also enable people and communities to provide for their health and safety and, as such, provide for social and physical infrastructure that in turn enables emergency services to effectively plan for, and respond to, change and development in a manner that achieves the NZFS Commission’s statutory responsibilities and the purpose of the RMA.</p>	<p><b>Amend</b> ‘4. National Significance’ statement as follows:</p> <p><i>“This National Policy Statement is about the national significance of the contribution that urban areas make to the social, economic and cultural wellbeing of people and communities, <u>their health and safety</u>, and the need to enable urban development and change in order to provide for this.”</i></p>
<p><i>OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.</i></p>	<p>The NZFS Commission considers that Objective OA1 has the effect of inappropriately truncating the purpose of the RMA (section 5(2)) by failing to reference ‘health and safety’. The NZFS Commission considers that this Objective should be amended to recognise effective and efficient urban areas are those that also enable people and communities to provide for their health and safety, including through effectively and efficiently providing for emergency services and emergency response.</p>	<p><b>Amend</b> Objective OA1 as follows:</p> <p><i>“OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing <u>and for their health and safety.</u>”</i></p>

Proposed NPS Provision	Comment	Decision sought
<p><i>OB1: To ensure plans and regional policy statements are based on a robust, accurate and frequently-updated evidence base.</i></p>	<p>The NZFS Commission supports Objective OB1 to the extent that the Objective requires a robust evidence base upon which plans and regional policy statements are based. The NZFS Commission considers that Objective OB1 will assist emergency, and other essential service providers, to understand the drivers and related assumptions informing planning for growth in a manner that will support emergency service long-term service delivery planning and asset investment decisions.</p>	<p><b>Retain</b> Objective OB1.</p>
<p><i>OC1: To promote coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land use and infrastructure planning, and responsive planning processes.</i></p>	<p>Subject to the Proposed NPS including specific recognition of water for firefighting purposes and the need to provide for emergency services facilities, the NZFS Commission supports Objective OC1 to the extent that it requires coordination within and between local authorities and infrastructure providers on the basis that a coordinated approach will assist in ensuring that new development is provided with adequate water supply, transport infrastructure, and emergency services facilities which will in turn assist the NZFS to achieve its statutory obligations.</p>	<p><b>Retain</b> Objective OC1.</p>

Proposed NPS Provision	Comment	Decision sought
<p>PA1: By decision-makers:</p> <ul style="list-style-type: none"> <li>• <i>Providing for an urban form that maximising the potential for social and economic exchange within the urban area.</i></li> <li>• <i>Providing for the efficient use of resources, having particular regard to scarce urban land and infrastructure.</i></li> <li>• ..</li> </ul>	<p>The NZFS Commission generally supports Policy PA1 to the extent that the Policy requires particular regard to be given to infrastructure provision and its efficient use. However, the NZFS Commission supports limited amendments to Policy PA1 to:</p> <p>(a) clarify whether the second bullet implies that infrastructure is 'scarce' or whether the Policy is directed to efficiency of, and adequacy of, infrastructure; and</p> <p>(b) include a further clause that addresses the importance of social infrastructure or emergency services in a manner that reflects the "social infrastructure necessary in a successful city" that is emphasised in the Preamble.</p> <p>The NZFS Commission considers the amendments proposed:</p> <p>(a) improve the clarity of the Proposed NPS;</p> <p>(b) better enable the NZFS to achieve its statutory responsibilities;</p> <p>(c) better reflect the importance of 'social infrastructure' to successful urban development;</p> <p>(d) better implement Objective OA1; and therefore</p> <p>(d) better achieve the purpose of the RMA.</p> <p>It is noted that the amendments proposed may benefit from the inclusion of a new definition of 'social infrastructure' (including emergency services) as suggested above. Alternatively, the relief sought by the NZFS Commission could be confined such that Policy PA1 makes reference to emergency services only. In this regard 'emergency services' is defined in the Civil Defence Emergency Management Act 2004 and the Proposed NPS could rely on this definition.</p> <p>The NZFS Commission specifically supports the suggested amendments being included in the group of Policies PA1 – PA3 because providing for emergency services in the context of urban development is critical in all urban areas, as opposed to those identifies as high or medium growth areas.</p>	<p><b>Amend</b> Policy PA1 as follows.</p> <p><i>"PA1: By decision-makers:</i></p> <ul style="list-style-type: none"> <li>• <i>Providing for an urban form that maximising the potential for social and economic exchange within the urban area <u>and enables the provision of social infrastructure, including emergency services.</u></i></li> <li>• <i>Providing for the efficient use of resources, having particular regard to scarce urban land and <u>the adequacy of infrastructure.</u></i></li> <li>• <i>..."</i></li> </ul>

Proposed NPS Provision	Comment	Decision sought
<p><i>PA3 When considering the effects of urban development, decision-makers must:</i></p> <ul style="list-style-type: none"> <li>• <i>Recognise and provide for the contribution that urban development will make to the ability for people and communities and further generations to provide for their social, economic and cultural wellbeing.</i></li> <li>• ...</li> </ul>	<p>Further to The NZFS Commission’s submission on Objective OA1, the NZFS Commission considers that it is important that Policy PA3 does not truncate the purpose of the RMA (section 5(2)) by failing to reference ‘health and safety’. The NZFS Commission considers that this Policy should be amended to recognise that urban development also has the ability to contribute to the health and safety of communities.</p>	<p><b>Amend</b> Policy PA3 as follows:</p> <p><i>“PA3 When considering the effects of urban development, decision-makers must:</i></p> <ul style="list-style-type: none"> <li>• <i>Recognise and provide for the contribution that urban development will make to the ability for people and communities and further generations to provide for their social, economic and cultural wellbeing <u>and health and safety</u>.</i></li> <li>• ...”</li> </ul>
<p><i>PB3: In carrying out the assessments required under policy PB1, local authorities must estimate the sufficiency of development capacity provided by its plans and proposed and operative regional policy statements, having particular regard to:</i></p> <ul style="list-style-type: none"> <li>• ...</li> <li>• <i>The actual and likely availability of infrastructure.</i></li> <li>• ...</li> </ul>	<p>The NZFS Commission generally supports Policy PB3 to the extent that it requires local authorities (in undertaking housing and business assessments) to have particular regard to the actual and likely availability of infrastructure. However, the NZFS Commission supports a further amendment such that the capacity of infrastructure is also considered. This is because, in the case of water for firefighting purposes, the availability of water alone is not a sufficient indicator of whether there is a constraint to urban development, rather the volume and pressure of a water supply is also critical (as set out in the New Zealand Standard - New Zealand Fire Service Firefighting Water Supplies Code of Practice NZS PAS 4509:2008.</p>	<p><b>Amend</b> Policy PB3 as follows:</p> <p><i>“PB3: In carrying out the assessments required under policy PB1, local authorities must estimate the sufficiency of development capacity provided by its plans and proposed and operative regional policy statements, having particular regard to:</i></p> <ul style="list-style-type: none"> <li>• ...</li> <li>• <i>The actual and likely availability of, <u>and capacity of, infrastructure</u>.</i></li> <li>• ...”</li> </ul>

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<p><i>PB4: In carrying out the assessments required under policy PB1, local authorities must consult with the infrastructure providers, community and social housing providers, the property development sector and any other stakeholders as they see fit.</i></p>	<p>The NZFS Commission generally supports Policy PB4 to the extent that it requires consultation with various parties when housing and business assessments are undertaken. However, given the specific, and statutory responsibilities of the NZFS (in terms of both emergency response and water supplies capacity) it is considered appropriate for Policy PB4 to also require consultation with the NZFS Commission. An alternate approach would be to require consultation with emergency services generally (rather than the NZFS Commission specifically).</p>	<p><b>Amend</b> Policy PB4 as follows:  <i>“PB4: In carrying out the assessments required under policy PB1, local authorities must consult with the infrastructure providers, community and social housing providers, the property development sector and any other stakeholders, <u>such as the New Zealand Fire Service Commission as they see fit.</u>”</i></p>
<p><i>PC3: The relevant local authorities and infrastructure providers will work together to, as far as possible, ensure coordinated land use planning and infrastructure provision, including expected levels of service for infrastructure.</i></p>	<p>The NZFS Commission supports Policy PC3 because it requires a coordinated approach to land use planning and infrastructure provision, including the appropriate level of service. It is considered that reference in this Policy to appropriate levels of service enables the adequacy of water supplies for firefighting purposes to be considered (subject to the relief sought in relation to the definition of ‘infrastructure’).</p>	<p><b>Retain</b> Policy PC3.</p>