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# POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** 05 December 2018

**TOPIC NAME:** Natural Hazards

**SCOPE DESCRIPTION:** Managing Wildfire Risk

**TOPIC LEAD:** Robert Love

**PREPARED BY:** Robert Love

## EXECUTIVE SUMMARY



<p><i>Summary of Preferred Option Endorsed by DPC for Further Engagement:</i></p>	<p><i>Option 2A: All new principal buildings should be setback from existing vegetation stands.</i></p> <p><i>Option 2B: Non NES-PF (National Environmental Standards for Plantation Forestry) plantation forestry and other vegetation should be setback from existing principal buildings and non-rural zones.</i></p> <p><i>Option 2F: Restrict the placement of shelter belts and amenity plantings near neighbouring principal buildings.</i></p> <p><i>Option 2H: Include in the matters of control and discretion the ability for the Consent Planner to assess the wild fire risk of amenity and landscape plantings.</i></p>
<p><i>Summary of Feedback Received:</i></p>	<p><i>Generally supportive of the proposed provisions, with comments seeking the inclusion of accessway protection setbacks, and the enabling of pasture improvement in Outstanding Natural Landscapes (ONLs).</i></p>
<p><i>Recommended Option Post Engagement:</i></p>	<p><i>To maintain the existing preferred options, but to also include the potential for an accessway setback to be developed, and to consider enabling improved pasture within the Port Hills ONL.</i></p>
<p><i>DPC Decision:</i></p>	<p><i>“That the Committee notes the report.”</i></p> <p><i>“That the preferred options previously endorsed by DPC be amended to include the potential for an accessway setback to be developed, and to consider enabling improved pasture within the Port Hills Outstanding Natural Landscape.”</i></p> <p><i>“That the updated Preferred Options described above progresses to the ‘Drafting and Section 32 Evaluation Phase.’</i></p> <p><i>“That the Committee notes the updated summary plan.”</i></p>

## 1.0 Introduction

### 1.1 Overview of Preferred Option Endorsed by DPC

#### Option 2a: Setbacks from new principal buildings to existing vegetation

This option has two components, the first being the setback to existing NES-PF defined plantation forestry, and the second being the setback to existing significant vegetation.

This option would see:

- Any dwelling being setback from an existing NES-PF defined plantation by 40 metres;
- All other principals buildings setback from existing NES-PF defined plantations by 30 metres;
- Dwellings and other principal builds to be setback from existing non- NES-PF defined vegetation by 30 metres.

#### Option 2b: Setbacks of new or replanted non NES-PF defined plantations to principal buildings and non-rural zones

As per the above option, a rule within the district plan would assist in keeping a suitable distance between non NES-PF plantations and existing buildings (excluding accessory buildings) and non-rural zones. The distance of this setback should be consistent with the value adopted in Option 2a.

#### Option 2f: Provisions restricting the placement of amenity plantings and shelter belts within 30 metres of existing buildings (dwellings)

This option addresses the potential for a reciprocal setback to that suggested in Option 2e. This setback would apply to any new shelter belt or amenity plantings. Any setback distance considered under a provision such as this should be consistent with the other setbacks distances. This option does have another part, in that it would restrict the placement of vegetation near another person's building so as to not increase the wild fire risk on them.

#### Option 2h: Additional matters of control and discretion for activities requiring consent.

This option would see the inclusion of additional matters of control and discretion for land use consents relating to the consideration of wild fire risk. In essence this would allow a Consents Planner when assessing a land use consent for a building to assess the fire risk by examining the layout of the landscaping and the plants used. Presently, there is no ability to make this assessment. However, this option would only capture activities which have triggered consent requirement

## 2.0 Summary of Feedback Received

### 2.1 Landowner/ Public Feedback

The following comments were received from this group:

- Would like to see buffers between dry vegetation types in the form of enabling green crops in areas of high fire risk. The plan should enable this form of land use and development.

- There was support for setbacks, but there were concerns about how smaller properties would be affected by this, and if a suitable building platform would still be a permitted activity. This was linked with only applying these rules on properties over a certain size.
- It was suggested that particular vegetation species be targeted and restricted, and to enable them to be replaced by fire retardant species.
- A comment requested that accesses to property were at least four metres in width, and strong enough to hold fire appliances.
- More education of property owners needs to occur to highlight their own wild fire risk and appropriate vegetation types.
- Any setback should be applied across the entire Rural Zone.
- That the following vegetation forms should be included: shelter belts, exotic plantations, and any vegetation stand with more than 25 trees.

## 2.2 Partner/Stakeholder Feedback

### ***Canterbury Regional Council***

This Partner had the following comments:

- They had no further comment on top of what has already been sent, other than they support the management of wildfire risk through using setbacks for new vegetation or new principal buildings.

### ***Mahaanui Kurataiao Limited***

This Partner did not comment.

### ***Arthurs Pass Association***

This stakeholder had the following comments:

- They were supportive of the preferred option, including setbacks for new vegetation from existing principal buildings, and vice versa.
- Supportive of any approach that would allow the flexibility of individual assessments, as in some cases a variance from the rule is required. This ability will strike the right balance between restricting either the location of vegetation, or buildings and the freedom for a landowner to plant or build on their own property.

### ***Selwyn District Council (Property and Commercial)***

This stakeholder believed the setbacks were reasonable and would achieve the goal of defensible spaces.

### ***Fire and Emergency New Zealand***

This stakeholder commented saying they would like to see vegetation setbacks from accessways to ensure egress routes are clear. As currently they attend fires where accessways are not clear, meaning they have had to pull back from the fire, sacrificing the structure.

### ***Canterbury District Health Board***

This stakeholder supports the recommendation of a wildfire setback of 30 metres.

## 3.0 Analysis of Feedback Received

### 3.1 Accessway setbacks:

#### ***Analysis***

FENZ has requested that provisions be included into the district plan that requires vegetation be setback from accessways. This is to ensure clear points of egress are maintained when attempting to fight wildfires. While this request has merit, ultimately any effect by not having a clear accessway lays with the property owner. Therefore, the property owner has the ability to reduce the risk on themselves. A better course of action regarding this aspect would be the education of landowners around the fire risks on their own property, rather than regulating this aspect. This is consistent with the underlying principle of the RMA that the effects of an activity on oneself should be disregarded when making an assessment.

However, there are situations where properties may be located to the rear of other properties with access only along a narrow corridor linking to the road. These accessways are bordered by neighbouring land owners, who may decide to plant along these access ways. In these situations there is merit in including some form of provision to maintain clear and safe ways of egress for properties located to the rear. This could be in the form of restricting new plantings in relation to the location of existing neighbouring accessways. The actual distance of setback would be developed through the drafting stage in consultation with FENZ. However, it would not be envisioned that a setback would be comparable to the built structure setback of 30 metres, it may be closer to five metres.

#### ***Conclusion***

To develop new vegetation setbacks from existing accessways as part of the preferred option.

### 3.2 Enabling the greening of ONL areas:

#### ***Analysis***

Currently there are no restrictions on the 'greening' or improving of pasture within ONLs. However, this may change as the ONL and/or Indigenous Vegetation workstreams move through the district plan process. If restrictions on pasture type are placed into the Proposed District Plan, this would create situations where rank dry grass can make up significant parts of the ONL. This type of vegetation can have a significant wildfire risk.

By introducing greener crops the wildfire risk can be reduced. However, this does come with a potential adverse effect on landscape and indigenous biodiversity values of that particular area. Therefore a potential conflict arises between managing the natural hazard of wildfire, the landscape values of an ONL and indigenous biodiversity, all section 6 matters (matters of national importance).

In the Selwyn situation, there may be a case that there be no restriction on pasture type within the Port Hills ONL. This being due to its heavily modified landscape and its significant population number when

compared to the High Country ONL. This concession would enable land owners to lower the wildfire risk in this area of high consequence.

### **Conclusion**

To maintain close communication with the ONL and Vegetation and Ecosystems Topic Lead to ensure integration between these three topics, and to consider enabling improved pasture within the Port Hills ONL area.

## **3.3 Restrictions verses appropriate property size**

### **Analysis**

Comments were made that they would not like to see restrictions placed on residential development which would render a plot of land unable to be built on as a permitted activity due to neighbouring vegetation setback restrictions.

While this may be an issue for unusually shaped or historically small (where a grandfather clause exists) plots of land these would be rare in the greater context. The smallest parcel of land within the Rural Zone (Inner Plains Area) that can be subdivided, and built on as a permitted activity is four hectares. This area of land should provide ample space to be able to accommodate a building platform as a permitted activity.

Additionally, these provisions do not prohibit the building of structures near vegetation, they only require a resource consent to be applied for, where wildfire risk can then be assessed.

### **Conclusion**

To not include any allowance for property size in relation to the application of these setback provisions.

## **4.0 Recommended Option Post Engagement**

The Project Team recommends that:

- The Preferred Option previously endorsed by DPC is amended as follows:
  - To develop vegetation setbacks for neighbouring accessways; and
  - Explore the potential for enabling improved pasture within the Port Hills ONL in consultation with the ONL Topic Lead.
- The updated Preferred Option described above progresses to the 'Drafting and Section 32 Evaluation Phase'.