Statement of Proposal

Revocation of the Fire Prevention Bylaw 2005 and replacement with the Fires in the Open Air Bylaw 2015

September 2015
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1 Introduction

In accordance with Section 160 of the Local Government Act 2002 (LGA), Council has reviewed the Fire Prevention Bylaw 2005. Council now proposes to revoke the bylaw and replace it with the Fires in the Open Air Bylaw 2015.

The Draft Fires in the Open Air Bylaw 2015 is based on the New Zealand Standard model bylaw.

2 Purpose

A purpose of the Civil Defence Emergency Management Act 2002 is to improve and promote the sustainable management of hazards. Additionally, in accordance with the Forest and Rural Fires Act (FRFA), the Whangarei District Council is a Rural Fire Authority and has responsibilities which include fire reduction, readiness, response, recovery, enforcement in respect to illegal fires and cost recovery.

The FRFA applies only in rural areas (except state areas and any fire safety margins of these areas); however the Fire Prevention Bylaw 2005 is used for the same purposes in urban and rural areas.

In rural areas the FRFA is used to restrict the use of fire and take action in the event of uncontrolled or dangerous fires. The Fire Prevention Bylaw 2005 extends these powers and functions across the district regardless of the fire authority status, ensuring a single set of rules and guidelines applies to all residents.

Additional powers in both the FRFA and the Fire Prevention Bylaw enable Council to control open fires by issuing permits and declaring restrictions across the district and taking action to control dangerous fires.

Council engages a contractor to carry out this role.

3 Discussion

The draft bylaw is written in a manner which will be more easily understood and also aligns with similar provisions under the FRFA. It is similar in scope to the existing bylaw but with separate clauses relating to prohibited and restricted fire seasons. Also included are new clauses relating to public notice of restricted or prohibited fire season (clause 7), Revocation or suspension of permits (clause 8), Fees for permits (clause 9), Council may extinguish fires (clause 10), Live ashes (clause 11) and Storage of combustible materials (clause 12). The table below details changes from the Fire Prevention Bylaw 2005:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Title</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Interpretation</td>
<td>Includes new definitions of prohibited and restricted fire seasons, incinerator, incinerator fire, ethnic cooking fire.</td>
</tr>
<tr>
<td>4</td>
<td>Fires in the open</td>
<td>Clarifies circumstances when fires cannot be lit in an open fire season.</td>
</tr>
<tr>
<td>5</td>
<td>Restricted fire season</td>
<td>This clause permits Council to prescribe a restricted fire season and enables granting of permits during this period.</td>
</tr>
<tr>
<td>6</td>
<td>Prohibited fire season</td>
<td>This clause permits Council to prescribe a prohibited fire season and enables granting of permits during this period.</td>
</tr>
<tr>
<td>7</td>
<td>Public notice of restricted or prohibited fire season</td>
<td>Similar to clause 5.2 of the 2005 bylaw.</td>
</tr>
<tr>
<td>8</td>
<td>Revocation or suspension of permits</td>
<td>Similar to clause 5.1 of the 2005 bylaw.</td>
</tr>
<tr>
<td>9</td>
<td>Fees for permits</td>
<td>Clarifies that Council may specify fees for the issue of any permit under the bylaw.</td>
</tr>
<tr>
<td>10</td>
<td>Council may extinguish fires</td>
<td>New clause which clarifies that Council may enter on property and extinguish fires and may recover costs incurred in extinguishing fires. Reflects existing powers under the Forest and Rural Fires Act 1977(7).</td>
</tr>
<tr>
<td>11</td>
<td>Live ashes</td>
<td>New clause which imposes restrictions on where live ashes can be placed.</td>
</tr>
<tr>
<td>12</td>
<td>Storage of combustible</td>
<td>New clause which restricts the storage or stacking of combustible</td>
</tr>
</tbody>
</table>
Copies of the Fire Prevention Bylaw 2005 and the proposed Fires in the Open Air Bylaw 2015 are attached.

4 Summary of Information

Public submissions are invited in respect to the proposed revocation of the Fire Prevention Bylaw 2005 and the proposed Fires in the Open Air Bylaw 2015.

In accordance with Section 160 of the Local Government Act 2002 (LGA), Council has reviewed the Fire Prevention Bylaw 2005 and proposes to revoke this bylaw and replace it with the Fires in the Open Air Bylaw 2015.

Public submissions are invited in respect to this proposal.

A purpose of the Civil Defence Emergency Management Act 2002 is to improve and promote the sustainable management of hazards. Additionally, in accordance with the Forest and Rural Fires Act (FRFA), the Whangarei District Council is a Rural Fire Authority and has responsibilities which include fire reduction, readiness, response, recovery, enforcement in respect to illegal fires and cost recovery.

The FRFA applies only in rural areas (except state areas and any fire safety margins of these areas); however the Fire Prevention Bylaw 2005 is used for the same purposes in urban and rural areas.

In rural areas the FRFA is used to restrict the use of fire and take action in the event of uncontrolled or dangerous fires. The Fire Prevention Bylaw 2005 extends these powers and functions across the district regardless of the fire authority status, ensuring a single set of rules and guidelines applies to all residents. Additional powers in both the FRFA and the Fire Prevention Bylaw enable Council to control open fires by issuing permits and declaring restrictions across the district and taking action to control dangerous fires.

The proposed Fires in the Open Air Bylaw 2015 is written in a manner which will be more easily understood and also aligns with similar provisions under the FRFA. It is similar in scope to the existing bylaw but with separate clauses relating to prohibited and restricted fire seasons. Also included are new clauses relating to public notice of restricted or prohibited fire season (clause 7), Revocation or suspension of permits (clause 8), Fees for permits (clause 9), Council may extinguish fires (clause 10), Live ashes (clause 11) and Storage of combustible materials (clause 12).

A full summary of the proposed changes can be found in the Statement of Proposal above.

The consultation period will commence on Monday 5 October 2015 and will conclude at 5pm on Friday 6 November 2015.

Hearings are planned for the meeting of Council on Wednesday 25 November 2015 with a final agenda item to be considered at the meeting of Council on Wednesday 16 December 2015.

Copies of Council’s statement of proposal for the revocation of the Fire Prevention Bylaw 2005 and replacement with the Fires in the Open Air Bylaw 2015 may be inspected at Council offices at Forum North and Ruakaka and at public libraries in Whangarei, Kamo and Onerahi and the mobile library.

The Statement of Proposal and a submission form will be available on Council's website www.wdc.govt.nz/submissions.

Alternatively submissions on the proposed amendment may be made in writing to Council. Submitters should indicate whether or not they wish to present their submission to Council in person.

The submission should be addressed to:
Fire Prevention Bylaw Review Submission
Whangarei District Council
Private Bag 9023
Whangarei 0148

or email to mailroom@wdc.govt.nz
Submission Form: Review of the Fire Prevention Bylaw

Thank you for taking this opportunity to comment on this bylaw review. We welcome your feedback.

**Points to remember when making a submission**

- Please print clearly. The form should be easy to read and be understood, and may need to be photocopied.
- We will respond in writing to every submission received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- All submissions are considered public under the Local Government Official Information and Meetings Act, and may be published and made available to elected members and the public.
- Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

**How to get this form to us**

Mail to: Fire Prevention Bylaw Review Submission
Whangarei District Council
Private Bag 9023
WHANGAREI 0148
Fax to: 09 438 7632
Email to: mailroom@wdc.govt.nz

The consultation period begins at 8am on Monday 5 October 2015 and concludes at 5pm on Friday 6 November 2015

Please enter your details below

First name(s) ____________________________________________
Last name _______________________________________________
Postal address ____________________________________________

Best daytime phone number ____________________________ Mobile __________________

Email ________________________________________________

I am writing this submission (✓ box) ☐ as an individual ☐ on behalf of an organisation

Name of organisation ______________________________________

**Do you wish to be heard in support of your submission? (✓ box)** ☐ Yes ☐ No

Please write your comments below
If you wish to comment on any specific clause, please include the heading and page number.

_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________