

6. CLEARANCE OF POTENTIAL FIRE HAZARDS FROM PROPERTIES

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The purpose of this report is to provide advice on the steps taken to minimise the risks of fire hazards arising from properties with long grass and vegetation adjoining Council assets. This information was requested by the Parks, Gardens and Waterways Committee at its Financial Plan meeting on 14 February 2003.

The Local Government Act 1974 provides as follows:-

Section 650. Removal of Scrub, Etc., Likely to Constitute a Fire Hazard—

- (1) The council may, by notice in writing under the hand of the Chairman or the [[principal administrative officer]], require the occupier or, in any case where there is no occupier, the owner of any land within the district-
 - (a) To cut down or otherwise eradicate and to remove any broom, gorse, scrub, weeds, undergrowth, dry grass, or other growth on that land, whether standing or growing or not; or
 - (b) To remove or destroy any accumulated refuse or flammable waste material on the land-- which in the opinion of the Chairman or [[principal administrative officer]] or an authorised officer of the New Zealand Fire Service, or, in the case of land in a rural fire district under the Forest and Rural Fires Act 1977, a rural fire officer, is likely to become a source of danger from fire.
- (2) Within 10 days after service of the notice, the occupier or owner, as the case may be, may apply to a [[District Court]] for an order setting aside the notice. Pending the determination of the application, the notice shall be deemed to be suspended.
- (3) On the hearing of the application, the Court, whose decision shall be final, shall determine whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.
- (4) In the case of a notice which is not set aside as aforesaid, if the occupier or owner fails to do any such act in compliance therewith within 14 days from the service thereof or, where application as aforesaid has been heard, within 14 days after being notified of the decision of the Court, he commits an offence against this Act, and the council may, by its officers or agents, enter upon the land and do that act and recover the cost from him.
- (5) The said cost shall be a charge upon the land.

(Similar provisions are included in the Local Government Act 2002 Section 183 except that the time frame for completing the work has been extended from 14 days to 1 month)

The sections of concern are mainly within the urban area of the City or at the interface of urban and rural. The urban sections are often empty and derelict and the long grass or other potential hazard is as much a risk to any building on the section as it is to neighbouring properties. Sections abutting the rural area are often subdivisions awaiting development.

Enforcement Officers in the Environment Services Unit have a programme each year to visit all known problem sections to check the current status and, if the section has not been developed or the grass mown, action is taken in accordance with the above provisions of the Act. If there is long grass on rural sections adjoining built-on residential sections then a 10 metre "smoulder" zone is asked for on the rural section.

Action is also taken when complaints are received (261 from 1 October 2002 to 28 February 2003), but in many cases these relate to sections already under action.

Chairman's

Recommendation: That the information be received.