

## 2. PROPOSED ABOLITION OF BOTTLE LAKE RURAL FIRE DISTRICT AND CHANEYS RURAL FIRE DISTRICT

<b>Officer responsible</b> Anne Greenup, Parks & Waterways Manager	<b>Author</b> Keith Marshall, DDI 941-8781
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The purpose of this report is to recommend that the Council resolve to make an application to the National Rural Fire Authority (NRFA) for the abolition of both the Bottle Lake Rural Fire District and the Chaneys Rural Fire District. Once abolished these areas will then form part of the Christchurch Territorial Area for which the Council is the Fire Authority.

Section 10 of the Forest and Rural Fires Act 1977 provides that the Council is the Fire Authority for that part of its district which does not fall within the Christchurch Fire District (which is administered by the New Zealand Fire Service) or which is not administered by the Minister of Conservation. In terms of that Act this area is known as the Christchurch Territorial Area. Within this area there are two Rural Fire Districts, the Chaneys Rural Fire District and the Bottle Lake Rural Fire District. Both of these Districts are also administered by the Council.

### CONTEXT

The Bottle Lake RFD, the Chaneys RFD and Christchurch City Council territorial area are administered and managed by the Council as though they were one single area. However, the Forest and Rural Fires Act provides that Rural Fire Districts are separate legal entities in themselves.

Should the NRFA choose, it may, under the Rural Fire Management Code of Practice, audit each of the two Rural Fire Districts and the Christchurch Territorial Area separately. This could result in the Council having to resource and equip all three areas on the basis that they were separate entities. At the present time the Council has been successful in having all three areas treated as one entity for audit purposes and has managed its resources on that basis.

The three areas require separate documentary administration on the part of both the Council and the NRFA.

### HISTORY

Prior to local authority amalgamation in 1989, the Waimairi District Council administered the Chaneys Rural Fire District and the Christchurch City Council administered the Bottle Lake Rural Fire District. Those districts were established to provide fire protection specifically for the Chaneys Plantation and the Bottle Lake Plantation respectively.

Those plantations still require specific fire protection today. However, the same level of protection can be provided by the Council under the Act without the need to have the two rural fire districts.

### CONSULTATION PROCESS

The proposal has been put to the Selwyn Plantation Board, the New Zealand Fire Service Transalpine District and Environment Canterbury. All three organisations have indicated their support.

The proposal was also discussed with representatives of the NRFA during the course of an audit of the Council's area in November of 2001. They were supportive of the proposal and indeed recommended that this be done in their report. They considered there was no demonstrated benefit for retaining the two separate districts.

### OTHER AFFECTED PARTIES

At this time the proposal has not been put to the public at large as it first needs Council approval. If the Council approves the proposal then there is a public consultation process, provided for in the Forest and Rural Fires Act, which must be followed. That process is outlined in section 6 of this report.

### RELEVANT CURRENT POLICY

The Council presently administers and manages the two Rural Fire Districts and the Christchurch City Council Territorial Area as though they were one area.

Section 22 of the Act empowers the Council to impose prohibited or restricted fire seasons in respect of all three areas. Current Council practice is to impose a restricted fire season from 1 October in each year until 30 April in the following year for the two Rural Fire Districts, and from 1 November in each year until March or April in the following year (dependent on fire danger) for the Territorial Area. This is the only significant difference in the current management of the three areas.

However, Section 22 allows the Council to impose prohibited or restricted fire seasons not only over the whole of the area for which it is Fire Authority but also over any part of it. Consequently if the proposal was implemented the two plantation areas could still be treated differently from other areas for this purpose.

## **DESCRIPTION OF PROPOSAL**

It is proposed that the Council apply to the NRFA for the abolition of the two rural fire districts.

Section 4 of the Act provides that the NRFA may, by notice in the Gazette, abolish any rural fire district.

Section 5 of the Act provides that every proposal for the abolition of a rural fire district shall be made to the NRFA. The proposer is required to send a copy of the proposal to every Fire Authority, regional council and territorial authority affected by the proposal. A copy of the proposal must also be made available for public inspection by depositing it in some convenient place to which the public has access. Notice of the proposal must be advertised at least twice in a public newspaper stating the substance of the proposal, stating where the proposal is available for inspection and stating that any person affected may make written representations, in objection to or in support of the proposal, to the NRFA. The NRFA is required to convene a hearing for the purpose of hearing any such representations and evidence. It then must decide whether or not to gazette any notice in respect of the proposal.

## **ISSUES FOR CONSIDERATION**

### **Financial**

There would be no additional costs to the Council if the proposal was implemented. However, at the same time it is not envisaged that there would be any savings as the Council would still administer the same total land area and manage the same risk.

In regard to access to the Rural Fire Fighting Fund, the proposal would not alter the Council's ability to access that fund in the same manner as present. At present the Council is entitled to claim upon the fund in respect of certain fires occurring within the two rural fire districts and within the Christchurch City Council Territorial Area. The two rural fire districts would become part of the Territorial Area for which the fund is available.

The proposal would not adversely impact upon the Council's insurance policies for rural fire.

### **LEGAL IMPLICATIONS**

The proposed changes have no adverse impact on the Council in terms of it exercising all of its powers under the Forest and Rural Fires Act 1977 and Forest and Rural Fires Regulations 1979.

### **BENEFITS TO COUNCIL**

These are mainly administrative. The benefits are in working co-operatively with the NRFA to reduce the number of Rural Fire Authorities.

The current duplication can be reduced whilst at the same time maintaining the same high degree of Rural Fire Management which currently exists.

## **RESULTS OF CONSULTATIONS**

The public consultation process will not commence unless the Council approves application being made to the NRFA. Consultation will then take place through the statutory procedure provided in the Act. The final decision will rest with the NRFA.

It is envisaged that the proposal will have little if any effect on the majority of citizens.

A few may have a restricted season for a longer period in each year. However, they will still have the right to apply to the Council under the Act for a permit to have a fire in the open air.

It certainly will not compromise Council's legal obligations under the Forest and Rural Fires Act 1977 "to safeguard life and property by the prevention, detection, control, restriction, suppression and extinction of fire in forest and rural areas and other areas of vegetation".

## **CONCLUSION**

The abolition of both the Bottle Lake and the Chaney's Rural Fire Districts will avoid duplication of administration and consolidate rural fire management in the Council's district into the one Territorial Area. It will not compromise rural fire management and will assist the National Rural Fire Authority in its objective of reducing the number of rural fire authorities.

**Recommendation:** That the Council approve the public consultation process as outlined in Section 5 of the Forest and Rural Fires Act 1977, with the objective of abolishing the Bottle Lake Rural Fire District and Chaney's Rural Fire District.