

7. ADOPTION OF CHRISTCHURCH CITY COUNCIL RURAL FIRE AUTHORITY FIRE PLAN

General Manager responsible:	General Manager City Environment
Officer responsible:	Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to consider and recommend the adoption of the Christchurch City Council Rural Fire Authority Fire Plan.

EXECUTIVE SUMMARY

2. Under previous fire legislation the Christchurch City Council Rural Fire Authority was required to produce two fire plans. Part I was the Response Plan which covered a response process, listed staff and available resources and provided maps of the Fire Authority area. Part II set out strategic management direction and some standard operating procedures for various aspects of rural fire management.
3. The contents of the plans were set out in specific statements in the Rural Fire Management Code of Practice (RFM COP). The Council was required to undergo five yearly audits for compliance with the RFM COP. Failure to pass the audit meant the Council would be unable to access grant monies from the New Zealand Fire Service.
4. A new set of regulations, the Forest and Rural Fires Regulations 2005, was passed into law on 7 June 2005. These regulations now prescribe a new methodology for completing fire plans and further sets out that the fire plan be adopted by the Fire Authority no later than 60 days after the commencement of these Regulations.
5. From a study of the implications of the Regulations two options were identified.
 - (a) Do nothing – maintain the status quo of using the old but superseded format of preparing fire plans.
 - (b) Prepare a new fire plan to the prescribed format of the 2005 Regulations and comply with the requirements as set out.
6. Having considered the implications on the Council of the two options it is recommended that option (b) form the basis of a policy which is to comply with the requirements of the new regulations.

FINANCIAL AND LEGAL CONSIDERATIONS

7. The two options have been considered in terms of their financial impact and although the recommended option may involve some minor increased operating expenditure the potential cost of non-compliance in a year of multiple wildfires could be very significant.
8. The Forest and Rural Fires Regulations 2005 legally requires the Council to comply. Non-compliance is not an option the Council would wish to choose. There are other issues within the new Regulations with which the Council will have to comply over the next 12-18 months, but this process surrounding the development of a fire plan is the most urgent and time constrained.

STAFF RECOMMENDATIONS

It is recommended that the Council as the Rural Fire Authority approve the preparation of a new Fire Plan in the format required by the Forest and Rural Fires Regulations 2005.

BACKGROUND ON ADOPTION OF CHRISTCHURCH CITY COUNCIL RURAL FIRE AUTHORITY FIRE PLAN

9. The Fire Service Act 1975 has in place that Rural Fire Authorities complied with the Rural Fire Management Code of Practice (RFM COP). The RFM COP set out that a Rural Fire Authority produce a fire plan in two parts:
 - (a) Part I being the Immediate Response section which was to be reviewed annually and approved by the Regional Rural Fire Committee by 1 October in each year.
 - (b) Part II of the Fire Plan was the Management Strategies for the Fire Authority and like Part I had specific objectives the plan had to cover. So to be approved both plans had to meet quite rigorous and well defined guidelines.
10. Part II of the plan had to be reviewed at least every five years or more frequently if the Authority wished. Part of the RFM COP was that each Rural Fire Authority would be audited every five years and that a significant part of the audit involved detailed checking of the fire plans to see that they complied with the requirements of the RFM COP.
11. Failure to have the Part I Fire Plan approved by the Regional Committee meant the respective Fire Authority was not eligible for grant assistance for fire claims until its plan was brought up to specification and approved by the Regional Rural Fire Committee.
12. In the same vein failure to pass the five yearly audit also rendered the Fire Authority ineligible for grant assistance for rural fire claims or for equipment for its registered voluntary rural fire forces. In the event of failure to comply at audit time the issue would be taken to the Regional Rural Fire Committee and the Fire Authority given a period of grace, generally three to six months, to carry out the necessary works to comply on re-audit.

Present Situation

13. The Government passed the Fire Service Amendment Act 2005 on 16 May 2005 which has had the effect of removing the Rural Fire Management Code of Practice as a standards setting and compliance document.
14. On 7 June 2005 the Government passed new regulations affecting Rural Fire Authorities: The Forest and Rural Fires Regulations 2005. The significant part of these new regulations for this specific report is as follows:

Part 2, Fire Control Operations

Sup-part 1 – Fire Plans

- 39 (1) Fire Authority must adopt fire plan
A fire authority in existence at the commencement of these regulations must prepare and adopt a fire plan no later than 60 days after the commencement of these regulations.
 - (3) A fire plan must set out the policies and procedures of the Fire Authority under the following headings and in the following order:
 - (a) Reduction Section (41)
 - (b) Readiness Section (42)
 - (c) Response Sections (43) (45)
 - (d) Recovery Sections (44) (46)
 - (4) A Fire Authority must provide to the National Rural Fire Authority (NRFA) a copy of its fire plan no later than 30 days after the plan is adopted.
15. These sections set out the details which must be covered under the four R's.

Fire Authority Jurisdiction

16. The Christchurch territorial area is comprised of two gazetted Rural Fire Districts: Bottle Lake Rural Fire District; and Chaney's Rural Fire District; and the balance of the land outside Fire Service gazetted districts is known as the Christchurch City Council Rural Fire Authority Territorial Area. In theory this meant Christchurch City Council had to legally produce three fire plans as all three fire authorities were in existence at the time of passing of the Regulations 2005. However the Principal Rural Fire Officer entered into correspondence with the National Rural Fire Officer and common sense and the fact that the three Rural Fire Authorities are all administered by the same body means only one fire plan needs to be produced.
17. A fire plan has now been prepared in the style and the format set out in the Forest and Rural Fires Regulations 2005.

Other Local Authorities Approaches

18. As all local authorities which are Rural Fire Authorities in their own right have to comply with the Forest and Rural Fires Regulations 2005 then it is likely that in order to access fire fighting recovery grants they will write and adopt a fire plan as set out. Those territorial authorities which are part of an enlarged Rural Fire District will almost certainly, through their representative on the Rural Fire Committee, insist that the Principal Rural Fire Officer prepare and submit for adoption a plan which complies with the regulations.

Objective

19. The objective is to prepare a plan which meets the requirements of the Forest and Rural Fires Regulations 2005 and which is adopted by the Council as the Fire Authority. This will give the Council continued access to the grant assistance from the Rural Fire Fighting Fund and grant assistance for its Voluntary Rural Fire Force registered under an agreement.

OPTIONS

20. (a) Do nothing to comply with new regulations. The Council could choose to just use its current fire plans which would allow a consistent response to fire calls and would not put at risk the lives or properties of the citizens of Christchurch. Current fire plans provide a response format which has worked very well for the last five to ten years and have complied with audits in 1995/96 and 2000.
- (b) Under this option the Principal Rural Fire Officer would be responsible for preparing a fire plan in the form prescribed by the Forest and Rural Fires Regulations 2005.

The Council would, after due deliberation and subject to any changes it wished to make to the plan, approve and adopt the plan within 60 days of the commencement of the Regulations. This date being around 6 September 2005. The Council would then provide the National Rural Fire Authority with a copy of the plan within 30 days of its adoption.

The Council must also make available for public inspection a copy of the fire plan under Section 12 (4B) of the Fire Service Act 1975.

PREFERRED OPTION

21. Having considered the impact on the Council of the "do nothing, maintain status quo" option, option (a), as opposed to option (b) which is to comply with the Forest and Rural Fire Regulations 2005, then clearly option (b) delivers the best outcome.

ASSESSMENT OF OPTIONS

The Preferred Option

Comply with the new Forest and Rural Fires Regulations 2005.

	Benefits (current and future)	Costs (current and future)
Social	Continues to give the Council access to grant assistance from the Rural Fire Fighting Fund and grant assistance funding for equipment (\$170,000)	There are positive cost benefits by compliance. Education of community re fire bans as per current situation.
Cultural	Expectation that rural fire emergencies will be dealt with 24/7.	
Environmental	Potential for improvement in rural fire management performance with flow on effects for people, property and the environment.	
Economic	Will give the Council continued access to funding from the NZ Fire Service.	There may be flow on minor costs on compliance but it is difficult at this stage to see where and what they may be.

Extent to which community outcomes are achieved:
Primary alignment with community outcome a Sustainable Natural Environment Protection.
Also contributes to liveable city and a safe city.

Impact on the Council's capacity and responsibilities:
Responsibilities to provide a ready reaction response 24/7 under the Forest and Rural Fires Act 1977.

Effects on Maori:
Would have been considered as part of the Act review.

Consistency with existing Council policies:
Comply with conditions of Forest and Rural Fires Act 1977, Forest and Rural Fires Regulations 2005 and the Fire Service Act 1975, and subsequent amendments.

Views and preferences of persons affected or likely to have an interest:
There will be support from the National Rural Fire Authority and from other Fire Authorities within Canterbury for Christchurch City Council Rural Fire Authority to remain compliant with the Legislation.

Other relevant matters:

Maintain The Status Quo (If Not Preferred Option)

Not comply with the new Forest and Rural Fires Regulations 2005.

	Benefits (current and future)	Costs (current and future)
Social	Little change providing that service levels comply with current fire plan.	There will be additional cost to the Council as it will not be able to make claims on the Rural Fire Fighting Fund (claims \$170,000).
Cultural	Still an expectation for the Council to respond to rural fire emergencies 24/7.	
Environmental	Benefits would be as they are at present. Missing the opportunity for improvement.	
Economic	Economic cost would vary from year to year but the expectation is there would be a cost to the Council each year.	Costs could vary ranging from several thousand dollars to very significant costs (in the hundreds of thousands).

Extent to which community outcomes are achieved:

Primary alignment with community outcome a Sustainable Natural Environment Protection. Also contributes to liveable city and a safe city.

Impact on the Council's capacity and responsibilities:

Responsibilities to provide a ready reaction response 24/7 under the Forest and Rural Fires Act 1977.

Effects on Maori:

Would have been considered as part of the Act review.

Consistency with existing Council policies:

Comply with conditions of Forest and Rural Fires Act 1977, Forest and Rural Fires Regulations 2005 and the Fire Service Act 1975, and subsequent amendments.

Views and preferences of persons affected or likely to have an interest:

The National Rural Fire Authority and other Fire Authorities within Canterbury would probably feel less than satisfied with non-compliance as it is likely it would have some impact on them as well.

Other relevant matters: