



National Rural Fire Authority

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PO Box 2133, Wellington

RUR_ A10.45.21

30 June 2000

Mr G Cameron
Principal Rural Fire Officer
Wellington Regional Council Rural Fire District
Private Bag 40 847
UPPER HUTT

Dear Mr Cameron

WELLINGTON REGIONAL COUNCIL RURAL FIRE DISTRICT DISESTABLISHMENT HEARING

A hearing was held by the National Rural Fire Officer on 2nd May 2000 in the New Zealand Fire Service Corporate Office at Wellington on both the proposal to disestablish the Wellington Regional Council Rural Fire District, and the objections lodged against this proposal.

This hearing was held under the provisions of Section 5(6) and 5(7) of the Forest and Rural Fires Act 1977.

The written decision of the National Rural Fire Authority is attached for your information.

Once confirmation of the conditions have been provided by the Wellington Regional Council the appropriate steps will then be taken to disestablish the Wellington Regional Council Rural Fire District.

Yours faithfully


MURRAY DUPFIELD
National Rural Fire Officer

A HEARING HELD IN
THE NEW ZEALAND
FIRE SERVICE NATIONAL
CORPORATE OFFICE AT
WELLINGTON

BETWEEN - UPPER HUTT CITY COUNCIL
 - NZ FEDERATED FARMERS INC
 -JR & N BERKETT

AND -WELLINGTON REGIONAL COUNCIL
 RURAL FIRE DISTRICT

ON 2 MAY 2000

***THE WELLINGTON REGIONAL COUNCIL RURAL FIRE DISTRICT COMMITTEE
PROPOSAL TO DIS-ESTABLISH THE WELLINGTON REGIONAL COUNCIL RURAL
FIRE DISTRICT.***

DATE OF HEARING: 2 May 2000
DATE OF DECISION: 14 June 2000

DECISION OF NATIONAL RURAL FIRE OFFICER M J DUDFIELD

1) National Rural Fire Officer Mr M Dudfield opened the hearing.

AGREED FACTS:

- 2) The Wellington Regional Rural Fire District Committee proposed to dis-establish the Wellington Regional Council Rural Fire District (WRC RFD).
- 3) The proposal was advertised in the Dominion and Evening Post on 18 December 1999, 15 and 22 January 2000, the Hutt News 18 and 25 January 2000, the Kapiti Mail 13 and 20 January 2000, and the Upper Hutt Leader on 19 and 26 January 2000, which are all newspapers circulating in the locality affected by this proposal to dis-establish. Copies of the proposal were also mailed to all of the Rural Fire Authorities in the region as well as New Zealand Fire Service (NZFS), Federated Farmers of New Zealand Inc (FFNZ), New Zealand Forest Owners Association (NZFOA) and Farm Forestry Association (FFA). This is a requirement under Section 5 of the Forest and Rural Fires Act 1977 as a preliminary step before a rural fire district can be dis-established.
- 4) Any person wishing to lodge an objection, or support the proposal, could do so within one month after the date of the first publication of the notice.
- 5) The National Rural Fire Authority (NRFA) received submissions from FFNZ on 16 February 2000, Upper Hutt City Council (UHCC) on 21 February 2000 and JR & N Berkett (received with no date on Fax and not date marked), all objecting to the proposal to dis-establish the WRC RFD.

HEARING:

- 6) The hearing was convened at 1.00pm on the 2nd of May 2000 at the National Corporate Office of the NZFS in Wellington and chaired by Murray Dudfield, National Rural Fire Officer. Those in attendance were:
- a) Mr M Pederson Chief Executive Upper Hutt City Council
 - b) Mr R Kirton Mayor Upper Hutt City Council
 - c) Mr G Miller Director of Regulatory Services, Upper Hutt City Council
 - d) G Cameron Principal Rural Fire Officer, Wellington Regional Council Rural Fire District.
 - e) Mr D Etchells Principal Rural Fire Officer, Upper Hutt City Council
 - f) Mr J Walker Manager Operation, National Rural Fire Authority.
 - g) Mr J Rasmussen Manager Rural Fire, National Rural Fire Authority.

WELLINGTON REGIONAL COUNCIL RURAL FIRE DISTRICT DIS-ESTABLISHMENT PROPOSAL

- 7) Mr G Cameron spoke to the case to dis-establish the WRC RFD by presenting the Rural Fire District Committee's proposal for disestablishment.
- 8) Mr Cameron advised that the proposal to dis-establish the WRC RFD is based on a number of points. He outlined each point as:

Legal

- a) The Forest and Rural Fires Act 1977 has provision in sections 4 and 5, for setting up and dismantling Rural Fire Districts. Section 5 prescribes the steps to be taken when proposing to dis-establish a Rural Fire District. The WRC has followed these steps in accordance with legal provisions.
- b) In recent times the Whanganui/Manawatu and the Hunua Rural Fire Districts have both applied to be dis-established.

Promoting efficient rural fire control

- c) A map of rural fire hazard classes has been produced for the Wellington Region, and used by a number of Rural Fire Authorities in the metropolitan Wellington area. This has been used in association with other natural hazard maps, and means that rural fire can legitimately be regarded as part of the local "Hazard-scape". The appropriate local authority – as provided for in section 10 of the Act should therefore deal with this.
- d) Local hazards, including fire hazards, can be best identified, and subsequent risk reduction programmes developed, by territorial local authorities. They have staff who know the areas, and they also have direct contact with ratepayers. This is more efficient than a special Rural Fire Authority attempting to deal with a problem in isolation of other hazards.
- e) The WRC argues that it is "core business" for local authorities on that basis.

Changes in land use and land management

- f) There has been increased urbanisation of parts of the WRC RFD through the development of "lifestyle blocks". Examples are the development of Whitby and other areas around the Pauatahanui Inlet and rural subdivisions in Paekakariki Hill Road, Whitemans Valley, Mangaroa Valley, Kaitoke, Craigs Flat and the lower areas of the Akatarawa Valley. Such areas no longer pose the wild fire threat they once did to WRC water collection areas.
- g) Land management practices have also changed, with very few land managers now using fire as a land preparation tool. WRC staff have issued five such permits in the last four years. An area of less than 100 hectares was involved. Farmers and land managers are very much aware of the destructive force of fires, and have been educated to take a responsible approach to the use of fire.

Management changes

- h) The WRC RFD (formally the Hutt RFD) has been administered by the WRC and its predecessor organisations since 1948. The WRC itself has changed considerably since it was established as an entity in 1989, and many of its functions have been reviewed. The Council as the Rural Fire Authority for the RFD has carefully considered its role and decided that it is no longer appropriate as a regional authority to remain a Rural Fire Authority.
- i) This decision was aided by the fact that underlying local authorities have adopted an emergency management approach to hazard management, and they regard the WRC RFD as imposing another, unnecessary layer of control in the emergency management continuum.
- j) Each of the four affected local authorities is a Rural Fire Authority with existing rural areas and rural fire responsibilities, an existing rural fire plan, and an audited Rural Fire Management Code of Practice.

WRC will continue its asset protection role

- k) The WRC owns and manages nearly 50,000 hectares of forest land covering existing water collection areas, future water supply catchments, plantation forests and Regional Parks. This land is spread over four territorial authority areas.
- l) The WRC values these environmental assets highly, and has existing fire protection plans for each significant area.
- m) The WRC also has some fire equipment, currently available to adjoining local authorities through Forest and Rural Fires Act 1977 section 14 agreements. This equipment will be retained and maintained, and made available to local authorities as before.
- n) The WRC will continue to train staff in fire management (through CIMs courses) and fire suppression, and will remain a member of the Regional Rural Fire Committee, in order to continue an active asset protection role.
- o) The equipment the WRC "loaned" to the various volunteer rural fire forces has now been donated to these forces, via their parent Rural Fire Authorities.

Advantages of the proposal

- p) Reinforces the role of local authorities as existing Rural Fire Authorities and enhances their core business.
- q) Removes confusion some rural ratepayers have about rural fire permit issue.
- r) Fire permit issue ties into the whole emergency management process.
- s) Hazard reduction work is brought under local authority control

- t) Partnerships with WRC along section 14 lines are still possible and will be continued to give fire protection to WRC environmental assets.

Conclusion

- u) The WRC believes that:
 - i) it has the legal right to propose this dis-establishment
 - ii) it has majority support within the local rural fire community for this to go ahead
 - iii) rural fire control in the area previously covered by the WRC RFD will be enhanced through local authorities assuming responsibility for all rural fire matters in their areas
 - iv) rural ratepayers will no longer be confused about rural fire permits
 - v) it can maintain an interest in rural fire control through membership of the Regional Rural Fire Committee
 - vi) a reduction in the number of Rural Fire Authorities by one helps towards achieving a NRFA strategic goal.

Wellington Regional Council Summary

- v) The term “net community benefit” is not from the Forest and Rural Fires Act 1977. However, the rural ratepayers in UHCC will benefit from closer relations with UHCC officers in their rural fire capacity.
- w) Also, the WRC as a major landowner will continue to maintain its present capability to protect its assets. This is through the various rural fire forces assisted by a small team of WRC supervisors as fire managers, working under the local authority as the Rural Fire Authority. Being a major landowner does not in itself mean that the WRC is best suited to be a Rural Fire Authority – no other Regional Councils are.
- x) The WRC’s rural fire systems are demonstrably not in a poor state of repair. The WRC RFD passed a NRFA audit and has maintained that standard. Its rural fire plan has been signed off by the Regional Rural Fire Committee. Some equipment may be old, but it is well maintained, still functions and there have been no reports of failures.
- y) Upper Hutt City may need additional resources to maintain their proposed new area. They have been subsidised in this by the rest of the Wellington Region since the establishment of the RFD in 1948.

UPPER HUTT CITY COUNCIL OBJECTION

- 9) The UHCC representatives objected on the grounds that disestablishment of the WRC RFD would impose additional costs to the Council which have not been budgeted for, and that the dissolution should not take place this fire season so that there was time to formalise new arrangements.
- 10) The UHCC stated that the issue is greater than simply a proposal to dis-establish the WRC RFD. They advised the real issue is how rural fire services can best be provided within the Wellington metropolitan area.
- 11) The UHCC stated that the present system, which involves the four city councils, Kapiti Coast District Council, the Department of Conservation and the regional council each doing their own thing, is far from ideal. Further, rural fire control is a serious issue yet the service is allowed to be

operated by people who are not specialists or experts in the field, with under funded volunteers being an important element of fire suppression. The UHCC informed the hearing that it is ironic that the Wellington Regional Council, the only Council in the metropolitan area with any real in house skills and experience in rural fire control, now proposes to relinquish its role.

- 12) UHCC believe the most appropriate body to deal with rural fire control in the Wellington metropolitan area is the NZFS and in fact the service is already involved in providing services through Forest and Rural Fires Act 1977 section 15 agreements. UHCC accept however that this is outside the parameters of this hearing, although it would note that Local Government New Zealand is pursuing this matter at the national level.
- 13) UHCC advised that the establishment of a single rural fire district for the metropolitan area is the next best option and this is a matter that this hearing should take a very real interest in. That is the practical way that a professional and skilled rural fire control service could be provided for the area. Dis-establishing the WRC RFD extinguishes the likelihood of this occurring as that Council would be the most appropriate lead agency in any such restructuring. One effective Rural Fire Authority is surely preferable to the present seven.
- 14) In supporting their objection the UHCC advised that the WRC is the predominant owner of the land within its rural fire district. The remaining land within the rural fire district is there to provide a buffer zone around the WRC estate thus providing the Regional Council with some control over activities that might negatively impact on its land. It is entirely appropriate that the Regional Council retains prime financial and operational responsibility for a service of which it is the prime beneficiary.
- 15) The Regional Council's Rural Fire District has an area of 73,509 ha, of which 67.9% (49,495 ha) is in Upper Hutt. By comparison, the area of the Upper Hutt Rural Fire District is approximately 1,800 ha or 3.3% of the City's land area. The total land area of Upper Hutt is 53,962 ha of which 91.7% (49,495 ha) is currently part of the Regional Council's Rural Fire District
- 16) The UHCC advised that the effect of disestablishment would be to increase the rural fire district of Upper Hutt by 28 times and require a higher standard of fire cover.
- 17) The UHCC advised that the WRC has skilled and well-resourced staff who are highly experienced and competent in the areas of response, permit issuing and burn planning. UHCC is not similarly resourced.
- 18) The UHCC informed the hearing that in discussion with the WRC they advised that they do not intend to transfer their physical response resources to UHCC in the event of the dis-establishment proceeding. They do, however, propose to transfer the equipment that is held by the bush fire force plus their "remote automatic weather station" at Kaitoke. The Hutt Valley Volunteer Bush Fire Force resources are generally unsatisfactory and would require a significant financial investment to bring to a satisfactory level.
- 19) The UHCC also believe that while the WRC has performed admirably with regard to rural fire response, it has performed poorly with regard to reduction, readiness and recovery. The Regional Council has the resources to address this and should do so rather than being permitted to opt out and leave another organisation to pick up the pieces in the face of ever increasing standards.
- 20) The UHCC stated that in the proposal document, at page 3, the WRC gives four reasons for the proposal:
 - a) *The changes to the emergency management sector make it imperative that all hazards and all emergencies are controlled by one emergency management organisation – the territorial local authority.*
 - b) *That rural ratepayers should look to one agency for all emergency matters – their territorial local authority. There should be no confusion about who to contact, regardless of the type of emergency.*

- c) *The territorial local authorities affected by this proposal have the skills and expense to increase their rural fire responsibilities from the areas now covered to the areas previous/y managed by the Wellington Regional Council.*
- d) *The Wellington Regional Council does not now need to be a Rural Fire Authority to organise and provide fire protection for its forest assets. Similar contracts to those now in place under Section 14 will be established with the territorial local authorities, enabling on-going support for the appropriate volunteer rural fire forces.*

- 21) The UHCC advised that in relation to (a), the changes to the emergency management sector make no difference to the reality of the situation, emergencies should be managed by the most appropriate organisation and territorial authorities are not best placed to manage fires. The changes to the emergency management sector foreshadowed by the Minister for Civil Defence point to a greater role at the regional level rather than a strengthening of territorial authorities.
- 22) In addition as far as (b) is concerned, there is no confusion when there is a fire – people dial 111. The proposal will make no difference to other types of emergency.
- 23) Statement (c) may be valid for other authorities where the additional area is small relative to the area they already have responsibility for. This is not so in the case of Upper Hutt and there is also the question of resources (finance and staff) required.
- 24) While WRC may wish to contract another party to provide rural fire services it would be better if the other party was a willing provider not someone who has to do it by default

Finance

- 25) UHCC advised that in its current year's budget, the WRC proposes to spend \$167,300 on rural fire – of this, \$48,400 is overheads and \$118,900 operational expenditure. The current year's budget for rural fire in Upper Hutt is \$28,400 excluding overheads.
- 26) With dis-establishment, Regional Council expenditure would reduce to \$85,400 in the 2001/02 financial year. Of this, \$48,400 would be overheads leaving \$37,000 for operational expenditure. The reduction in operational expenditure proposed would be \$81,900.
- 27) UHCC advised the hearing that it would appear that cost cutting is one of the main reasons for the Regional Council's proposal.

Conclusion

- 28) The UHCC submits that approval should not be given for the dis-establishment of the Rural Fire District. If the NRFA does not share this view, the WRC must be required to adequately compensate the UHCC for the new responsibilities that it will be acquiring. The "soft landing" currently being proposed by the Regional Council is grossly inadequate.

REPLY TO UHCC OBJECTION:

- 29) In a right of reply the WRC provided that the following comments on the UHCC submission be taken into consideration:
 - a) The WRC would expect to work with UHCC as the Rural Fire Authority, as any other landowner or land manager would.
 - b) It is the land outside the WRC owned land that is the issue from a rural fire control aspect.
 - c) WRC staff, now mostly supervisors, do have some fire-related skills. These will continue to be available to the rural fire community. WRC staff have not lit a land preparation burn since 1989, and the people involved then are no longer with the Council.

- d) The WRC has not had a ready response capability since 1992; that is considered to be the role of the volunteer rural fire forces.
- e) The “soft landing” issue is not relevant under the Act. The resources have been offered in good faith, and will enable UHCC to meet Code of Practice requirements. The use of the term “unsatisfactory” is unclear. The resources that will be transferred are sufficiently “satisfactory” to have an approved fire plan based on them.
- f) The statement that “the WRC RFD in Upper Hutt has been poorly served...” is not correct.

Reduction activities include:

- g) The WRC follows industry standards on its plantation areas, and carries out appropriate measures on its Parks and natural forests.
- h) The WRC cannot enforce fire hazard reduction measures on private landowners and local authorities, e.g. roadside mowing, without resorting to draconian measures which are inappropriate today.

Readiness activities include:

- i) WRC meets Code of Practice requirements. It has passed a recent NRFA audit, and has an approved rural fire plan.
- j) WRC has section 14 agreements with adjoining Rural Fire Authorities.

Recovery activities include:

- k) Three small fires occurred on WRC land within the RFD in the last five years. Each was dealt with appropriately, and recovery systems have been implemented.
- l) With fires on land of other ownership, it is up to the owners to carry out the recovery operations they deem necessary. Such activity has never been a RFA responsibility.

Summary

- m) In summary the WRC advised that in the term “net community benefit” is not from the Forest and Rural Fires Act 1977. However, the rural ratepayers in UHCC will benefit from closer relations with UHCC officers in their rural fire capacity.
- n) In addition the WRC as a major landowner will continue to maintain its present capability to protect its assets. This is through the various rural fire forces assisted by a small team of WRC supervisors as fire managers, working under the local authority as the Rural Fire Authority. Being a major landowner does not itself mean that the WRC is best suited to be a Rural Fire Authority - no other Regional Councils are.
- o) The WRC’s rural fire systems are demonstrably not in a poor state of repair. The WRC RFD passed a NRFA audit and has maintained that standard. Its rural fire plan has been signed off by the Regional Rural Fire Committee. Some equipment may be old, but it is well maintained, still functions and there have been no reports of failures.
- p) Upper Hutt City may need additional resources to maintain their proposed new area. They have been subsidised in this by the rest of the Wellington Region since the establishment of the RFD in 1948.

MR JR BERKETT'S OBJECTION:

30) Mr JR Berkett arrived late at the hearing and presented a brief overview of his submission to the hearing. Mr Berkett related his experience when in April 1999 the Hutt Valley Volunteer Rural Fire Force (VRFF) attended a legitimate burn off on his property and in his opinion acted in an un-professional manner. Mr Berkett would not be happy to finance through rates a team that operate like "Dads Army". Mr Dudfield advised that Mr Berkett's concerns were noted however the specific issue raised was a matter to be addressed outside this hearing.

FEDERATED FARMERS OF NEW ZEALAND INC OBJECTION:

31) The objection from FFNZ was tabled but not presented at the meeting.

DISCUSSION:

32) M Dudfield asked if the net funding effect to rate payers would be nil. M Pedersen pointed out that WRC costs are covered from the whole of the Regional Council area whereas the proposal has greatest effect within the UHCC area where the funding would be from Local Government rates.

33) R Kirton considered that the Regional Council should still want to protect its catchment and forest areas. G Cameron confirmed WRC would still maintain internal fire protection plans and as land owner and manager will continue to provide a level of cover.

34) G Miller asked if the ground cover did not change much and the WRC costs reduced by \$80,000 then what wouldn't the WRC be doing that it currently does. G Cameron replied that WRC would not continue to:

- fund the \$20,000 for the location of the Hutt Valley VRFF,
- spend time and cost on permit issue,
- spend the same money on protection,
- upgrade and maintain VRFF equipment,
- produce and circulate the formal WRC RFD fire plan.

CONCLUSION:

35) The following concluding statements were made by the National Rural Fire Officer.

- a) The decision on whether to allow the proposed degazettal of the WRC RFD will be made within three to four weeks. The FFNZ submission will be considered along with the other submissions presented.
- b) Key points of the hearing:
 - i) The rural fire environment has changed considerably since 1948 and in particular during the past thirteen years.
 - ii) The changing roles of Regional Councils has meant that other Regional Councils involved in rural fire have also gone through this devolvement process.

- iii) The WRC has clearly signalled that they will continue to support the Rural Fire Authorities in the area.
- iv) The 28 time increase in the area of rural fire responsibility for UHCC, if the dis-establishment of the WRC RFD is approved, is significant and will impact UHCC more than the other territorial authorities in the region.

DECISION:

36) After giving due consideration to the representations I make the following comments on the submissions.

- a) Effective fire management of rural lands is more efficient if kept at, or as near as practicable to, the ownership level (ie. land owner/manager or representative). The impacts of fire on the environment and neighbouring lands requires from time to time some forms of regulatory control. At a local level Rural Fire Authorities fill this requirement under the Forest and Rural Fire Act 1977.

State Areas

- b) The Minister of Conservation, through the Department of Conservation, is a Rural Fire Authority for the lands administered by the Department. The Department is also responsible for a one-kilometre margin extending from the boundary of these lands.

Rural Fire Districts

- c) Landowners looking to provide greater fire protection for lands than otherwise provided by their local territorial authority Rural Fire Authority can lodge a proposal to the NRFA to have these lands constituted under a Rural Fire District Committee. Once gazetted as a Rural Fire District, the Committee is required to function as a Rural Fire Authority as prescribed under the Forest and Rural Fires Act 1977.

Territorial Authorities

- d) For the remaining lands not included in a State Area, a Rural Fire District, or an Urban Fire District under the Fire Service Act 1975, the responsibilities for rural fire control rests with the relevant Territorial Authority, no matter how small or large the area is.

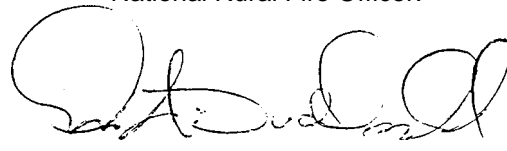
37) The WRC RFD was established by Gazette in 1948. Since 1948 the structure of Rural Fire Authorities has changed. The Forest and Rural Fire Act 1947 provided that the Rural Fire Authority of each soil conservation district shall be the Soil Conservation and River Control Council. I understand that the WRC RFD was established for the purpose to support the role and responsibilities as a Soil Conservation and River Control Council at that time. The current Forest and Rural Fire Act 1977 provides no direct responsibilities on Regional Councils.

38) Taking into consideration the matters presented to the hearing both by those objecting and supporting the proposal the decision of the National Rural Fire Officer with regards to the proposal by the Wellington Regional Council Rural Fire District Committee to dis-establish the WRC RFD is that:

- a) The NRFA will proceed with the disestablishment of the WRC RFD when the Wellington Regional Council Rural Fire District Committee has provided written confirmation that the Wellington Regional Council will comply with the following conditions:
 - i) Provide a written assurance to the members of the Wellington Regional Rural Fire Committee that the WRC, as a landowner, will continue to protect its assets from fire. This includes:
 - Retaining active participation within the Wellington Regional Rural Fire Committee in a co-opted membership capacity.

- Providing an annual financial contribution to the Wellington Regional Rural Fire Committee publicity and education programmes for at least a further five years or lesser time if approved by the Wellington Regional Rural Fire Committee. The annual contribution to be at least equivalent to the average contribution made by the WRC over the last three years.
 - Maintaining fire protection plans, in consultation with the Rural Fire Authority, for each significant area within WRC ownership.
 - Retaining a level of fire incident management skills commensurate with best industry practice for the protection of the WRC assets given their extent, fire risk, hazard and values at risk. These resources to be available to other Rural Fire Authorities subject to mutual reciprocal agreements.
 - Retaining a level of in house fire fighting resources commensurate with best industry practice for the protection of the WRC assets given their extent, fire risk, hazard and values at risk. These resources to be available to other Rural Fire Authorities subject to mutual reciprocal agreements.
- b) Dissolvement of the WRC RFD subject to adherence to conditions set out in 38(a) (i) to take effect from 1 October 2000.
- c) On receipt of this confirmation in writing from Wellington Regional Council the National Rural Fire Authority will arrange dis-establishment of the Rural Fire District.

M J Dudfield
National Rural Fire Officer.



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