



Fact sheet

Fire Control in urban areas for councils

On 1 July 2017 (Day One) urban and rural fire services will be amalgamated into one organisation – Fire and Emergency New Zealand. From Day One, Fire and Emergency New Zealand will have new fire control powers. These powers cover a range of activities that are likely to be of interest to Councils.

Changes to provisions of the Local Government Act 2002 were brought into the Fire and Emergency New Zealand Act following public submissions during the Parliamentary process. The changes are to reflect the policy intent to unify fire control roles and functions across urban and rural areas under the new organisation, and provide a transitional period from 1 July 2017 to facilitate a transfer of fire control powers from Councils to Fire and Emergency New Zealand.

This fact sheet summarises which powers are included in this process, those that aren't, and the process for Councils to follow to work with Fire and Emergency New Zealand to comply with the new legislation.

What is happening on 1 July 2017?

Fire and Emergency New Zealand will be established on 1 July 2017. This is when most of the new provisions in the [Fire and Emergency New Zealand Act 2017](#) (the Act) will come into force. This includes most of the new organisation's powers for fire control in both urban and rural districts, the repeal of the Fire Service Act and the Forest and Rural Fires Act, and changes to some Council bylaw making powers.

What does the new Fire and Emergency New Zealand legislation cover?

Fire and Emergency New Zealand will have new fire control powers for prohibiting fire in the open air; prohibiting or restricting activities; declaring restricted or prohibited fire seasons; and issuing fire permits in urban and rural areas. This includes areas controlled by Councils under the [Local Government Act 2002](#).

Fire and Emergency New Zealand fire control powers include powers to prohibit or restrict the lighting of fires when weather or other conditions that will, or are likely to, endanger persons or property by increasing the risk of the outbreak or spreading of fire.

What happens to current fire control bylaws from 1 July 2017?

Council's existing bylaws relating to the prevention of the spread of fires involving vegetation (under 146(c) of the Local Government Act 2002) are **not** repealed by the Fire and Emergency New Zealand legislation coming into force on 1 July 2017.

However, the Act repeals Councils' powers to make *new* bylaws under s146(c) of the Local Government Act 2002.

Will Councils still be able to make bylaws?

Yes, the ability for Councils to make bylaws under s146(a) and (b) and s145 of the Local Government Act 2002 remain unaffected.

Councils will still have vegetation removal powers (ss183-184 of the Local Government Act 2002), but these will be repealed on 1 July 2018.

How can Councils amend or repeal existing bylaws?

There will be a streamlined process for Councils to amend or revoke certain fire bylaws if

- after consultation with Fire and Emergency New Zealand, the Council is satisfied the bylaw is not required, or
- where existing Council bylaws are inconsistent with the Fire and Emergency New Zealand Act and regulations.

How should Councils approach this change in legislation?

Each Council will need to decide how it wishes to approach this change in legislation.

Councils will need to review their existing relevant fire bylaws against the Fire and Emergency New Zealand Act and regulations to determine what provisions they consider might need to remain (if any) for their district.

Will Councils need to consult with Fire and Emergency New Zealand?

Yes, the Fire and Emergency New Zealand Act requires Councils to consult with Fire and Emergency New Zealand about what provisions Councils wish to retain (where those provisions are consistent with Fire and Emergency New Zealand provisions or regulations).

We will also need to work together so Councils can determine whether it is appropriate to retain certain bylaw provisions for an interim period after 1 July 2017 to address particular concerns.

Reference

- For a copy of the [Fire and Emergency New Zealand Act 2017](#) or the [Local Government Act 2002](#), go to legislation.govt.nz