



Fire and Emergency New Zealand (Fire Plans) Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 12th day of November 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 189 of the Fire and Emergency New Zealand Act 2017—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Internal Affairs.

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Regulations

1 Title

These regulations are the Fire and Emergency New Zealand (Fire Plans) Regulations 2018.

2 Commencement

These regulations come into force on 13 December 2018.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Fire and Emergency New Zealand Act 2017.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Purpose of fire plans

The purpose of a fire plan is to—

- (a) provide transparency and predictability in relation to the use of FENZ's fire control powers under sections 52 to 58 and 62 to 68 of the Act in each local area; and
- (b) ensure that the particular fire risk conditions in each local area are considered by FENZ when it establishes policies and procedures for, and exercises fire control powers within, that local area.

6 Time within which FENZ must prepare and issue fire plans

FENZ must prepare and issue a fire plan for each local area as soon as possible, and no later than 2 years, after the boundaries of the local advisory committee in respect of the local area are set.

7 Content and coverage of fire plans

- (1) A fire plan prepared and issued by FENZ under section 22 of the Act must—
 - (a) describe the particular fire risk conditions that exist or are likely to exist in the local area; and
 - (b) set out the policy for fire control in the local area; and
 - (c) set out the procedures to be followed for fire control in the local area, including details of the processes that FENZ will follow, and the factors that FENZ will consider, when deciding to—
 - (i) issue notices of prohibitions or restrictions for fire control under section 52 of the Act; and

- (ii) declare a prohibited or restricted fire season in relation to the local area, or a part of that area, under section 56 of the Act; and
 - (iii) issue notices in relation to firebreaks under section 62 of the Act; and
 - (iv) issue notices to remove or destroy vegetation or other things on land under section 65 of the Act.
- (2) A fire plan must be consistent with—
 - (a) the national strategy; and
 - (b) any local planning by FENZ in respect of the local area; and
 - (c) any current operational service agreement and memorandum of understanding entered into by FENZ; and
 - (d) any relevant FENZ policies.
- (3) A fire plan—
 - (a) must cover the entire local area to which it relates; but
 - (b) may include provisions that deal differently with different areas within that local area.

8 Consultation on fire plans

- (1) Before issuing a fire plan for a local area, or an amended fire plan, FENZ must—
 - (a) publish a notice that—
 - (i) describes in general terms the content of the proposed plan; and
 - (ii) states where a copy of the plan can be obtained for inspection; and
 - (iii) specifies the process for making a submission on the plan and the address or addresses to which submissions must be sent; and
 - (iv) specifies the closing date and time for submissions; and
 - (b) consider every submission received by the closing date and time for submissions.
- (2) A notice required by subclause (1) must be published—
 - (a) in the *Gazette*; or
 - (b) in 1 or more newspapers circulating in the local area; or
 - (c) on an Internet site; or
 - (d) by any other means prescribed by regulations made under section 187 of the Act.

9 Review and amendment of fire plans

- (1) FENZ may amend a fire plan at any time.
- (2) FENZ must review the fire plan for each local area—

- (a) at least once every 3 years; and
 - (b) at the time of any significant change to the boundaries of the local area.
- (3) After reviewing the fire plan for a local area, FENZ must—
- (a) confirm that the fire plan remains appropriate for the local area; or
 - (b) amend the fire plan, as necessary.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Rachel Hayward,
for the Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 13 December 2018, are made under section 189 of the Fire and Emergency New Zealand Act 2017 (the **Act**). The regulations specify the content of fire plans and the procedures that Fire and Emergency New Zealand (**FENZ**) must follow when issuing and amending fire plans.

Regulation 3 defines the term Act.

Regulation 4 and *Schedule 1* provide for transitional, savings, and related provisions. (There are no such provisions at the time of the making of these regulations but if the regulations are amended in the future, any transitional, savings, and other provisions relating to the amendments will be inserted in *Schedule 1*.)

Regulation 5 sets out the purpose of fire plans.

Regulation 6 provides that FENZ must prepare and issue a fire plan for each local area as soon as possible after the boundaries of the local advisory committee in respect of the local area are set. A back-stop date of 2 years after the boundaries are set is provided. (Clause 38 of Schedule 1 of the Act provides that fire plans issued under the Forest and Rural Fires Act 1977 continue to apply in relation to any area until FENZ prepares and issues a fire plan for that area under section 22.)

Regulation 7 specifies the required content and coverage of fire plans.

Regulation 8 specifies the consultation that FENZ must undertake when it proposes to issue a fire plan, or an amended fire plan.

Regulation 9 provides for FENZ to amend fire plans at any time, and also requires FENZ to review fire plans at least once every 3 years and at the time of any significant boundary changes.

Regulatory impact assessment

The Department of Internal Affairs produced a regulatory impact assessment on 26 June 2018 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- [https://www.dia.govt.nz/diawebsite.nsf/Files/FENZ-Policy-papers-August2018/\\$file/RIA-for-Proposed-Fire-and-Emergency-New-Zealand-Regulations-\(enforcement\).pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/FENZ-Policy-papers-August2018/$file/RIA-for-Proposed-Fire-and-Emergency-New-Zealand-Regulations-(enforcement).pdf)
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

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These regulations are administered by the Department of Internal Affairs.