



# Zululand Fire Protection Association

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01<sup>st</sup> March 2016

Dear Prospective Member

## **LETTER OF INTRODUCTION TO THE Zululand FPA.**

This letter serves to introduce the Zululand Fire Protection Association (ZFPA). It is designed to be a broad based as possible.

The Veld and Forest Fire Act 101 of 1998 has changed the face of fire protection in South Africa. The Act is very easily read and encompasses all areas that have potential fire risk. The easiest way to explain it is to take pertinent sections of the Act and expand on them where needed on a chapter basis. The full Act is attached for reference.

## **CHAPTER 2 FIRE PROTECTION ASSOCIATIONS**

1. Owners may form a fire protection association for the purpose of predicting, preventing, managing and extinguishing Veld and Forest fires and apply for its registration as a Fire Protection Association (FPA) in terms of the act. 'Owner' in terms of the act is interpreted as follows:

*Interpretation - (xiii) "owner" has its common law meaning and includes—*

*(a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of a High Court;*

*(b) In relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;*

*(c) In relation to State land not controlled by a person contemplated in paragraph (a) or a community—*

*(i) the Minister of the Government department or the member of the executive council of the provincial administration exercising control over that State land; or*

*(ii) A person authorised by him or her; and*

*(d) in relation to a local authority, the chief executive officer of the local authority or a person authorised by him or her; (xi)*

2. A Fire Protection Association may be formed in an area which has:-

- Regular veldfires; or
- A relatively uniform risk of veldfire; or
- Relatively uniform climatic conditions; or
- Relatively uniform types of forest or vegetation.

*The FPA boundaries have been accepted as per the preliminary and formation meetings. See attached map for exact boundaries.*

3. The Minister may recognize and register as a Fire Protection Association:-

- A fire control committee or a regional fire control committee;
- A conservation committee.
- A catchments management agency.
- Any nature conservancy.
- A fire protection committee.
- A disaster management agency.

- Any voluntary association which has as one of its objects the prevention and combating of veldfires.

*The original ZFPA was established in 1954 as a voluntary fire protection association.*

3. **All owners** in an area for which a Fire Protection Association has been registered have a right to join.
4. Municipalities falling within the area of a fire protection association **must join** the association.  
*Interpretation (xii) “municipality” means a local council, a metropolitan council, a metropolitan local council, a representative council, a rural council or a district council as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and any successor to such a council; (xv)*
5. The owners in respect of State land **must join** any fire protection association registered in the area in which the land lies.  
*Interpretation (xvii) “State land” means land which vests in the national or a provincial government—  
(a) Including land held in trust by the Minister of Land Affairs or the Ingonyama referred to in the KwaZulu Ingonyama Trust Act (KwaZulu Act No. 3 of 1994);  
(b) Excluding land belonging to a local authority; (xvii)*
6. A Fire Protection Association must elect a Fire Protection Officer (FPO), who also serves as the Associations Chief Executive Officer.
7. Where a municipality is member and has a service, or where a designated service is a member, the chief fire officer is the fire protection officer, unless he or she declines the position. *The ZFPA fire protection officer has been elected outside the municipal clause. Tony Roberts is the FPO. He is trained and experienced in forward control, large scale resource management and Incident Command.*
8. A Fire Protection Officer may delegate his or her powers in terms of this act, except the powers of arrest, search and seizure.

### **CHAPTER 3 FIRE DANGER RATING.**

1. The Minister must prepare and maintain on a continuous basis a fire danger rating system for the entire country in consultation with:-
  - The South African Weather Bureau; and
  - Fire protection associations.
2. The country may be divided into separate regions, which have a uniform fire danger.
3. The Minister must communicate the rating to the fire protection associations in the region. *This is a function of the ZFPA ops room and Best Operation Procedures*
4. The Minister must publish warnings when the fire danger rating is high in any region. This must be published in newspapers and three television channels.
5. When the minister has published a warning, no person may light, use or maintain a fire in the open air in the region where the fire danger is high.

### **CHAPTER 4 VELDFIRE PREVENTION THROUGH FIREBREAKS.**

1. **Every owner** on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his side of the boundary between his or her land and adjoining land.
2. Neighbors must determine a mutually agreeable date or dates for burning of firebreaks and inform the fire protection association.
3. A owner may not burn a firebreak if;

- A Fire Protection Association objects;
  - A warning has been published;
  - The conditions are not conducive to burning.
4. Owners of adjoining land may agree to position a common firebreak away from the boundary. *i.e dynamic buffer zones etc*
  5. Owners must ensure that, with due regard to the weather, climate, terrain and vegetation of the area:-
    - It is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighboring land;
    - It does not cause soil erosion; and
    - It is reasonably free of flammable material capable of carrying a veldfire across it.

*This is a mutual agreement between neighbors and any 'testing' of the break will more than likely be based on the 'reasonable man scenario'. In real world practice a fire break is a point from which to attack a fire and cannot always be expected to be the sole reason why a fire stops. Fires can 'spot' more than a 1000 meters in the right conditions.*
  6. The Minister may exempt any owner or group of owners from the duty to prepare and maintain a firebreak **for good reason.**

## **CHAPTER 5 FIRE FIGHTING**

1. Every owner on whose land a veldfire may start or burn or from whose land it may spread must:-
  - Have such equipment, protective clothing and trained personnel for extinguishing fires.
  - Ensure that in his absence responsible persons are present on or near his or her land.
2. Any owner who has reason to believe that a fire on his or her land or the land of an adjoining owner may endanger life, property or the environment, must immediately:-
  - Notify the fire protection officer.
  - The owners of adjoining land.
  - Do everything in his power to stop the spread of the fire.

## **CHAPTER 7 OFFENCES AND PENALTIES**

1. When the Minister has published a warning of a high fire danger, any person who lights a fire in the open air will be guilty of a **first category offence**. (Fine and or imprisonment of up to two years).
2. Any owner, occupier or person in control of land on which a fire occurs who fails to take reasonable steps to extinguish the fire or to confine it to that land or to prevent it from causing damage to property on adjoining land, is guilty of a **first category offence**. (Fine and or imprisonment of up to two years).
3. Leaves a fire which he has lit, unattended, is guilty of a **second category offence**. (Fine and or imprisonment of up to one year).
4. Fails to prepare a fire break, give notice of intention to burn a firebreak and fails to meet the standard of readiness for fire fighting is guilty of a **second category offence**. (Fine and or imprisonment of up to one year).

## **CHAPTER 9 PRESUMPTION OF NEGLIGENCE**

1. **If a landowner is a member of a fire protection association he will be presumed innocent of negligence until proven guilty.**

***This is probably the most important piece of the Act as it has very far reaching legal implications. When the bad stuff hits the fan rather be fighting as an innocent than a guilty!***

Then comes the question: OK, we need to become members of the FPA, but what do we get for being members?

Fortunately the FPAs have been fully functional for a good number of years and, in that regard, are probably the FPAs with the strongest infrastructure in the country. The FPAs have all the systems and procedures because it is also very unique in that we have fires throughout the year. The only accurate data we have is from forestry but if forestry has fires then it stands to reason that the other landowners have fires too. This is the first time I have mentioned 'Forestry' for a very good reason. The Act and the FPA is not only in place for forestry. The loss of lives and infrastructure through wild fires is more prevalent outside forestry resourced area. Fires have no idea what landowner boundaries are and this is why the Act was formed, to level the playing fields and attempt to get all land owners operating under the same rules that work best for their particular area. If every landowner helps, and ensures, his neighbor become compliant to the Act you will be amazed how fast the 'ring / line' of compliance moves into areas where it was previously, every man for himself under their own rules.

Here follows what the FPA has to offer to its members. Some services are very locally based but those are marked as such.

### **SERVICES PROVIDED BY ZFPA TO IT'S MEMBERS.**

1. Co-ordination of all fire fighting operations including support from the corporate growers where applicable. This co-ordination is highly structured under the internationally accepted Incident Command System.
2. Year round Electronic Fire Detection covering a large area of the afforested zones in the ZFPA. Speak to the FPO to see if your land has visual coverage and for a formal quote.
3. 24hr Control Room in Kwambonambi.
4. Dedicated Fire / Emergency channel.
5. Co-ordination of all Aircraft operations. (Aircraft are on standby from the 1<sup>st</sup> July until the 31<sup>st</sup> October every year i.e. 2 Bombers and 1 Spotter). These standby times can vary with the severity of the season. Aircraft are available on a first come first served basis. Aircraft rates are negotiated on a national scale and therefore are the best rates available. With more members the aircraft rates are kept down to a minimum and ensures the aircraft on standby.
6. Continuous weather monitoring via remote weather stations, South African Weather Bureau and the Internet.
7. 6-day weather forecasts by e-mail.
8. Cellular SMS weather forecasts twice a day during fire season and periods of high fire danger.
9. 12 Month a year Fire Danger Weather calculations, which are transmitted, on the fire channel, every two hours when the FDI is below 50 and every hour above 50.
10. Fire weather forecasts on East Coast radio and in the Zululand Observer.
11. Liaison with all other Fire Associations to increase co-operation and provide support.
12. Provision of equipped and manned airstrips throughout the FPA area.
13. Fire database, which provides statistical analyses of all fires, reported to FPA.
14. Annual Fire Plan with updated contact registers.
15. Provision of the Fire Protection Officer and a fully integrated OPS Room.
16. Assistance with all matters pertaining to compliance with the Veld and Forest Fire Act 101.

17. Management, activation and co-ordination of Working on Fire teams. There are 22 highly trained fire fighters based in Kwambonambi and 22 in Eshowe. These fire fighters are provided under Poverty relief and Disaster Management. They are on 'first call' to fight fires in areas where there were previously no resources but are available to all members under certain criterion. Speak to the FPO for more information.
18. Discount of 25% on all Fire Fighting Equipment purchased from McBeans in Pietermaritzburg.
19. Discounts on your Premiums through SAFIRE or GROW CANE. Other Insurance Companies can be approached for discounts through your FPO.
20. Certificate as proof of membership.
21. All burning authorizations are done at FPA level obviating problems with burning times, veld management and extensions for Fire Break burning.

Ok, next question. How much will all this cost?

The costing has been fairly complicated as each level of service in the FPA comes with its own costing structure. The Association also had to be very careful that the small landowners were not being burdened with services they didn't need or couldn't afford. The costing is therefore based on a tiered system. Each tier has a level of services provided and the associated costs per hectare. In certain instances the total amount of hectares are used and in some cases not. For example with the electronic fire detection systems, only the hectares covered by the cameras are divided into the costs of the system. In the case of the fixed costs to run the Association, all pledged hectares are used.

The tiers are named Class A through to Class F. Class F catering for the Municipality member, Class E for the grass and cane farmers, Class D being the basic private landowner entry membership levy, Class C a landowner that requires aircraft on 1<sup>st</sup> call but no electronic fire detection, Class B requires electronic fire detection and aircraft on 2<sup>nd</sup> call and Class A membership includes all the services currently offered by the ZFPA. (See table below)

Cost / title deed ha / annum		
Class A member	R 80.52	Total services currently offered and aircraft on 1 <sup>st</sup> call. <b>Electronic fire detection.</b>
Class B member	R 55.36	ZFPA basic and fire detection. Aircraft 2 <sup>nd</sup> call. <b>Electronic fire detection.</b>
Class C member	R 30.16	ZFPA basic and aircraft on 1 <sup>st</sup> call. <b>Limited fire detection</b>
Class D member	R 9.10	ZFPA basic and aircraft on 2 <sup>nd</sup> call. <b>Limited fire detection</b>
Class F Game reserves	R 0.86	Compliance to the Act. Aircraft on 3 <sup>rd</sup> call. <b>No fire detection</b>
Class E Grass & Cane	R 1.76	Compliance to the Act. Aircraft on 4 <sup>th</sup> call. <b>No fire detection</b>
Class G Grass & Veld	R0.32	Ngonyama Trust and KZN Wildlife Reserves > 25 000 Hectares. Compliance.
Class H Grass & Veld	R13 307.70	Municipalities. Compliance to ACT. <b>Fire Detection.</b>
Class I Business	R17 917.66	Compliance to Act. Aircraft. <b>Limited Fire Detection.</b>

The above levies will be invoiced annually. As soon as you are a paid up member I can get really involved with your fire plans. A Working on Fire Team is based close to you and can be used effectively to create awareness campaigns in the areas of highest risk. In areas close to Kwambonambi transport is provided for the team. The Hluhluwe and Eshowe teams however, need to be transported to the schools and communities but their fixed cost are already covered by the State in the Poverty Relief program. They are also very effective in doing fire breaks, showing the community initially and then teaching them how to do it themselves after that. For Fire Protection Associations the teams are at no cost. Transport is charged out at R16/km.

I look forward to working with you and please feel free to contact me at any time for further advice.

**The contact details for the ZFPA are as follows:**

**ZFPA 24hr Ops room**

(w) - 035 5804713  
(w) – 035 5804220  
(f) – 035 5804704  
(Cell) – 082 821 7779  
(E-mail) – [zfpa@kwn.co.za](mailto:zfpa@kwn.co.za)  
(Web) – [www.zfpa.co.za](http://www.zfpa.co.za)

**Chairman**

Mr. Ralph Dobeyn

(w) – 035 5504143  
(E-mail) - [dobeyn@mtuba.co.za](mailto:dobeyn@mtuba.co.za)

**Secretary / Treasurer**

Mrs Ilse van Rensburg

- Cell – 082 693 5246  
(E-mail) – [blueapple714@gmail.com](mailto:blueapple714@gmail.com)

**Fire Protection Officer**

Mr. Tony Roberts -

(w) – 035 5804713  
Cell – 082 821 7779  
(E-mail) – [zfpa@kwn.co.za](mailto:zfpa@kwn.co.za)

**Zone Coordinators**

Northern Zone (Umfolozi River to Northern boundary)

Mr Gerhard Kruger

Cell – 083 232 6067

Central Zone (John Ross / Nkwaleni road to the Umfolozi River)

Mr. Murray Wilson-Browne

(w) – 035 5801 211  
Cell – 082 3297106

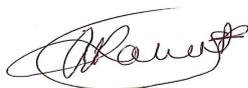
South Zone (John Ross / Nkwaleni road to Southern Boundary)

Mr Nick Domleo

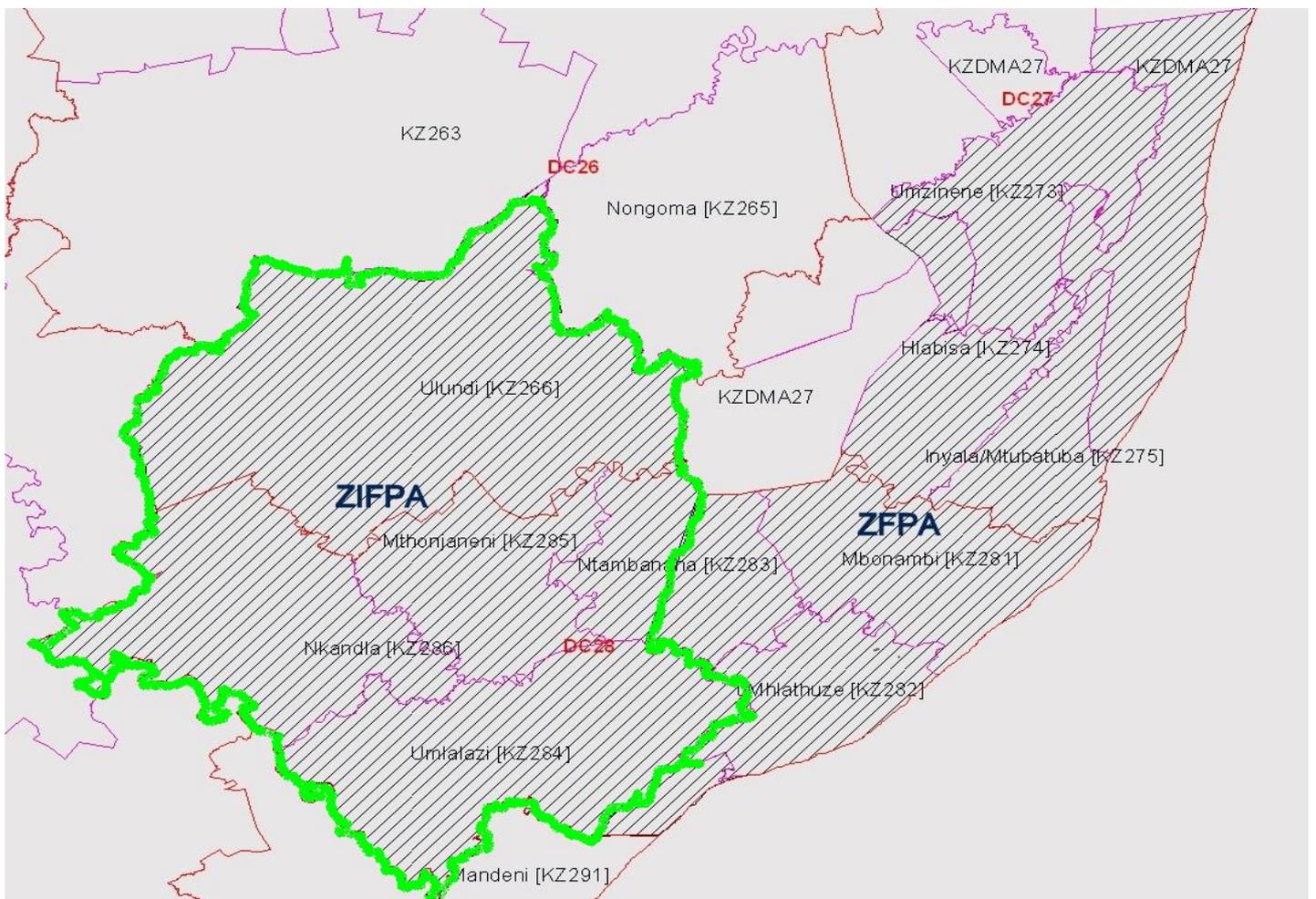
Cell – 082 411 9078

Please do not hesitate to contact me for further details or clarification.

Yours Sincerely



Tony Roberts  
Fire Protection Officer  
Zululand Fire Protection Association



Zululand Inland Fire Protection Association is on the left, covering the 'Zululand highlands' and Zululand Fire Protection Association is on the coast.