

## **ABBREVIATED GUIDELINE FOR ASSESSING APPLICATIONS MADE IN TERMS OF FORM 1: APPLICATION TO REGISTER A FIRE PROTECTION ASSOCIATION PART 1**

An FPA (fire protection association) must apply for registration in two parts. The first part is the completion and submission of Form 1, "Application to register a fire protection association Part 1", for the Department's approval. The reason for this is that before FPAs spent the large amount of time and effort required to fill in Form 2, the Department needs to ensure that four basic prerequisites for the formation of the FPA have been met: the name of the FPA is unique; the area of the FPA is appropriate (not too small, too large or overlapping with another FPA); no other FPA exists within the same area; and local government is aware of the formation of the FPA.

### **Elements in Form 1**

#### **1. Particulars of the FPA**

**1.1 Name:** The name must include the words "Fire Protection Association". The name must be unique for any given district or metropole. DWAF will check against the record of applications and registrations to ensure this but will issue lists at regular intervals to guide applicants.

**1.2 District Municipality(ies) or Metropole(s) within which the FPA would fall:** This section requires the name of:

- a) a category A municipality, that is, a metropole, or
- b) a category C municipality, that is, a district municipality.

Note that an FPA should for administrative purposes be confined to a single district or metropole but that there may be good reason in some cases to have a transboundary FPA.

**1.3 Subdivision of the District or Metropole, such as a Local Municipality or District Management Area, within which the Fire Protection Association would fall:** Within a metropole, local affairs may be governed by subcouncils, to which the municipality may delegate powers.

Within a district municipality there may be several category B, or local, municipalities; where there is an area within the district where a local municipality is not feasible, that area is governed as a district management area. Within a local municipality, ward committees may govern local affairs.

Note that an FPA should for administrative purposes have boundaries that coincide with one or more local municipalities or subcouncil areas but that there may be good reason in some cases to have a transboundary FPA.

**1.4 Province:** The name of the province is needed to help locate the FPA. There may be cases where for good reason the boundaries of the FPA cross the provincial boundary in which case, the applicant will give more than one name.

**1.5 Is this an existing organisation such as a Farmers' Association, Fire Control Committee, Nature Conservancy or Disaster Management structure that wishes to register as a Fire Protection Association?**

Because some organisations may already exist for the same purposes as intended for FPAs, or may easily accommodate the purposes, and because it is sensible to avoid duplication of organisations, the Act provides for the Minister to recognise various kinds of organisations as FPAs (section 4(3)), on the condition that each is open to all owners in its area and, obviously, meets the requirements for registration.

**1.6 If yes, give the name of the existing organisation, the date of formation and the title of the statute or ordinance under which the organisation was formed:** There is a wide range of statutes under which the relevant organisation may be constituted, such as the Conservation of Agricultural Resources Act, the Forest Act, the Mountain Catchment Areas Act, and provincial nature conservation ordinances. The applicant

must stipulate the applicable legislation since this determines the purpose of the organisation and therefore whether or not it can accommodate the objectives of an FPA.

## **2. Particulars of the person initiating the registration of the FPA**

The names and contact details of the person initiating the registration must be recorded.

## **3. Declaration that no owner has been deliberately excluded from meetings or discussions about the formation of the FPA**

A signed declaration must be included that states:

(i) No owner has been deliberately excluded from meetings or discussions about the formation of the FPA

(ii) All reasonable steps have been taken to include owners in the meetings and discussions.

The initiators of the FPA need only to take reasonable steps to include owners, not all possible steps. They should take the steps that a reasonable person would take, bearing in mind that the reasonable person in law is the average man or woman, not reckless or overcautious, and aware of their surroundings and the dangers inherent in various activities.

What the specific steps are would depend on the area in which the FPA was being organised. If there are many absentee landowners, the steps one takes to inform them will be different from the steps one would take to inform the executive body of a community which is well known and accessible.

The person signing should be the same as the representative in 2 above.

## **4. Particulars of the area of jurisdiction of the FPA**

**4.1 If the area coincides with that of a municipality, name the municipality:** The name of the municipality should agree with the Municipal Demarcation Board name and boundaries.

**4.2 If boundaries do not agree with part or any of the boundary of your District Municipality or the boundaries of your Local Municipality, please give brief reasons for this:** This needs to be completed if the area is only part of a municipal area, or area of a subdivision of the municipality. This is especially important if the area includes parts of adjoining municipalities or subdivisions of municipalities.

It is desirable but not essential that the boundaries of a FPA coincide wholly or partly with the boundaries of the municipality in which it falls. Agreement with municipal boundaries is useful because this will make for easier administration, including better co-ordination with the local fire service and more effective access to local government funding. The same would apply if the FPA were contained within the boundaries of the municipality, even if its boundaries do not everywhere coincide with the municipal boundary.

However, there are often important considerations relevant to effective veldfire management that dictate a departure from municipal boundaries. It would be wrong to have a FPA include too wide a range of ecological conditions, or to be configured in such a way that the veldfire management strategy becomes impractical.

The validity of the reasons given will be judged by DWAF and will be assessed by discussion with the applicant but should carry the support of the Chief Fire Officer where there is a municipal fire service. A FPA boundary that crosses from one municipality to another will require a mutual assistance agreement between neighbouring fire services, as provided for in the Fire Brigade Services Act, and this should be part of the documents for the FPA business plan.

**4.3 Give a brief explanation of why you chose to define your area as it is:** This explanation should focus on ecological conditions or on the practicality of the veldfire management strategy.

The Department will approve the boundaries if they:

- (i) are suitable with regard to the requirements for veldfire management in the area;
- (ii) allow the FPA to undertake its duties in terms of section 5 of the Act effectively within the area; and
- (iii) have been chosen in the best common interests of the population as a whole within the metropolitan or district municipality boundaries.

Here too the validity of the applicant's reasons is a matter of judgement and should be assessed by discussion with the applicant. There should, however, be good reasons for obvious anomalies in the area defined for the FPA, such as if it seems too small or too large, includes contrasting climatic areas, or has irregular boundaries.

**4.4 Please attach a 1:250 000 topo-cadastral map or a map issued by the Department showing the boundaries of the FPA. Indicate wherever there is a common boundary with a neighbouring FPA and write the name of that Association on the map:** The applicant may use a copy of the printed map obtainable from the Government Printer or a photocopy of the map. Alternatively, Geomatics or the Regional GIS (Geographical Information System) in the Department may print a map for the applicant.

The map does not have to show the boundaries of non-FPA members whose properties fall within the FPA area. Boundaries should mostly coincide with farm and town boundaries; there should not be gaps between the FPA boundaries and those of adjoining or nearby FPAs.

**4.5 Estimate the extent of the area within the boundaries of the FPA and estimate the proportion of the area represented by owners who would be members of the FPA:** Here DWAF's Fire Adviser for the area would need to be satisfied that these are reasonable estimates.

**5. Signed declaration that no other FPA is intended or exists within the area of the proposed FPA:** The person signing should be the initiator of the FPA.

**6. Declaration by the person initiating the registration of the FPA that the information in Form 1 is true and correct:** The person signing this should be the same as in 2.

**7. Recommendation by an appropriate representative of local government that the FPA go on to complete Form 2:** The person signing the declaration may be (a) the Mayor (b) a member of the municipal Executive (c) the head of the local Disaster Management Centre (d) the Chief Fire Officer, but should not be the same person as is initiating the FPA.

**8. Recommendation by the regional representative of DWAF that the FPA go on to complete Form 2:** The DWAF Fire Advisor for the area should be satisfied that the desire to register the FPA is well-founded. By signing the application, the Fire Advisor is also indicating that he or she has shown due diligence in the administration of the form.

**9. Declaration by the cluster manager of DWAF that the FPA should be allowed to go on to complete Form 2:** This is self-explanatory.