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Committee Strategy & Policy Committee
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Review of firewood collection permits

1. Purpose

To determine the future of firewood collection permits, currently being issued under the Greater Wellington Regional Council Parks Network Plan.

2. Background

One of the permits that Greater Wellington Regional Council (GWRC) grants is the collection of firewood from plantation forestry. This activity involves members of the public requesting a permit (via the Upper Hutt Depot office) which entitles them to access a designated area of logged plantation forest. Non-commercial vehicles and trailers can be taken into the forest to collect firewood and generally, permit holders will use a chainsaw to cut and collect firewood from the forestry waste wood heaps. Permits cost \$50 and effectively give full access to the forest for the weekend specified.

The scheme is very popular, with 192 permits allocated since September 2013.

2.1 What's changed?

Over the last few years there have been a number of changes within the health and safety legislation and the way that GWRC manages its forests.

Health and safety compliance

In December 2012, the Ministry of Business, Innovation and Employment released an update of the Approved Code of Practice for Safety and Health in Forest Operations (ACOP). This document sets out the minimum operational standards for health and safety in forestry and is intended to reduce injuries in forests. The ACOP is a document of preferred practice when demonstrating 'all practicable steps'. In effect, it sets the standard for health and safety practice for forestry harvest.

The ACOP specifically identifies that some of the practices involved in collecting firewood are no longer acceptable. The area of the Code which is particularly relevant is that under sections 4.2.7 and 13.2.4 "No person shall use a chainsaw while standing on stockpiled, stacked or heaped stems or logs." This clause effectively describes the unstable waste wood heaps on which

permit holders cut firewood. Permitting firewood collection as it currently occurs ignores the practice requirement of the ACOP.

In 2013 when the GWRC Parks and Forests concession guidelines were reviewed, the firewood permit cost was revised from \$25 to \$50. This was to better reflect the cost of administration of the scheme (issuing keys, organising deposits and associated paperwork). Fees do not however reflect the cost of ensuring compliance with ACOP by permit holders. It was noted at the time that there was very limited capacity within GWRC to undertake these checks to ensure compliance with the conditions of the permit or to oversee the relevant aspects of the ACOP such as that noted above.

While the primary concern is the health and safety of those entering the forest, there are also a number of other factors that are relevant to the continued operation of the firewood permit scheme.

Ownership limitations

Prior to this year, GWRC has operated a commercial forestry business. With close involvement in the daily running of forestry operations, it seemed a natural extension of GWRC's business to provide an opportunity for the public to have access to collect firewood on non-working days.

In 2013 GWRC consulted with the public on the sale of cutting rights of GWRC metropolitan and Wairarapa reserve forests. In 2014 cutting rights were sold to Resource Management Service LLC (RMS). While GWRC continues to be the landowner, the cutting rights for the forests now lie with RMS for at least 60 years under the management of PF Olsen. Under the forestry right granted by GWRC all the trees standing or lying are now the property of RMS (including the leftover piled up wood at skid sites, known as 'waste wood heaps'). At the point of sale, it was emphasised that the contract provided for recreational activities¹ in the forest but did not specifically mention the firewood permit scheme. However, PF Olsen (on behalf of RMS) has indicated that GWRC could continue the firewood scheme, but would need to put in place all measures for its administration and enforcement. That said, PF Olsen have also indicated that they do not believe it would be possible to eliminate or isolate the hazards for the public on collection sites within the forest.

Location of forestry operations

A further and significant change is that forestry operations undertaken by RMS are shifting from Valley View to the Puketiro area. To date, permit holders have had to drive only a short distance into the forest to access waste wood heaps. However to source firewood would now require a much longer drive into the forest and a descent of steep hills when leaving the forest with a laden trailer. Currently, permit holders trailer loadings are not checked and it is not practical to ensure that trailers or their vehicles are suitable for the conditions. The area is remote and there is very limited cell phone coverage. This raises the issue of public safety and GWRC's obligations as landowner.

¹ Recreation activities occur in areas not actively logged, while operational forestry areas are closed to casual access.

3. Comment

The firewood permit scheme was introduced more than 20 years ago when there was a self regulated approach to health and safety and less focus on injury prevention. Officers acknowledge that GWRC has been fortunate so far not to have had an injury on its property given that it cannot effectively ensure compliance of permits issued and that the necessary health and safety practices are being followed.

Health and safety has become standard business practice but its adoption within the forestry industry has been slow as illustrated by the recent articles on forestry deaths and injury. The forestry industry, in light of the poor record on occupational health has sought to up its game across the supply chain, from landowner to principals to contractors. This is certainly the expectation for RMS in their forestry operations, and their commitment to providing high standards of health and safety for their workers involved in harvesting.

While permit holders are not employed in the industry or in the forest during forestry operations, they are entering a workplace and encountering many of the same risks faced by foresters. Under Section 16 of the Health and Safety Act, people whether they own, lease, sub-lease occupy or possess a place of work or plant/equipment control a place of work and must carry out their obligations and duties under the Act. Neither GWRC (as landowner), or RMS (the cutting rights holder) can contract themselves out of the risks associated with firewood collection. Visitors and forestry workers alike are under the care of those in control of a place of work and that person must take all practicable steps to ensure that no hazard harms people in the vicinity. Continuing to allow access to these areas for firewood collection under current conditions would be contrary to these obligations.

The nature of forestry requires specific skills, using a chainsaw, understanding loading and keeping oneself safe in a workplace with higher risks. There is currently no way of attesting to the competency of individuals and only limited input into their health and safety awareness. While health and safety information is attached to the permits, GWRC cannot guarantee that permit holders comply with the conditions. While park rangers periodically visit designated sites, given calls on their time, there is a limit as to how much time can be spent overseeing this activity. Rangers cannot personally brief all permit holders on safety. The pragmatics of this is further emphasised under the new forestry operational arrangements, where RMS/ PF Olsen require that every person permitted to enter a working plantation forest area is formally inducted in health and safety.

As noted above 192 permits were issued for entry into the forest for firewood collection since September 2013. During this time there were 17 observed breaches of permit conditions. Examples include not wearing safety gear, bringing another vehicle into the forest, not having a permit and accessing unauthorised areas. It is likely that more breaches have occurred than this.

The reality is that GWRC remains responsible for the health and safety of firewood permit holders but is unable to ensure their safety in the forests or provide enough supervision to make certain permit holders comply with their permits or the Code.

Officers recommend that the firewood permit scheme in its current form not be continued. The waste wood heaps at skid sites are now owned by RMS and require their permission to access. While RMS has indicated the GWRC could continue the scheme, it remains that both GWRC and RMS have obligations to ensure the safety of visitors to the site. The location of the site, the ongoing difficulty of being able to monitor and ensure safety onsite as well as the unstable nature of waste wood heaps are all risk factors that point to the scheme being unviable under today's health and safety requirements.

4. Options for the continued provision of firewood

Officers have investigated an alternative scheme for firewood collection that would mean that private vehicles and trailers do not have to enter the forest and that avoids the health and safety risks associated with accessing waste wood heaps.

The alternative scheme would involve removing wood from the forest and cutting it into 1.1 metre lengths for collection by the public. A length is preferred over a round as it involves less processing by GWRC and will mean less clean up onsite. Collection would require individuals to pick up the logs with their own trailer/ute at an accessible site, like Awakairangi Park (Upper Hutt).

In order for GWRC to be able to recoup the majority of their costs and to minimise the extent to which the scheme is in direct competition with commercial firewood providers, the following pricing is proposed. From GWRC's experience with the annual gravel grab there would be staff time required for traffic management, payment of fees and possibly securing the area once the log have been dropped onsite. Given that the logs are now owned by RMS there would be a small per tonne cost to also purchase the wood. Costs have been estimated (Appendix 1) and to recoup costs GWRC would need to charge approximately \$87.00 (inc gst) per trailer to each person wishing to collect firewood. This compares to around \$200 a trailer of split pine from a private/commercial provider.

It is not easy to compare the current scheme with the alternative option. Currently GWRC charges \$50 for a permit to go into the forest on a given weekend. While the \$87.00 does not seem significantly more, often permit holders will go into the forest multiple times over the course of a weekend and may collect several trailer loads. The higher price does reflect the fact that the wood is more accessible and is already cut into lengths.

This alternative option addresses some but not all of the health and safety risks of the current system, both in terms of travel in the forest and using a chainsaw on unstable ground. However individuals would still be responsible for loading their own vehicles and ensuring that their loads are suited to the trailer capacity. They would still need to use a chainsaw to cut the wood into rounds and split it at their own homes.

To administer the scheme would also require a considerable amount of staff time and that would impact on other duties given firewood collection is not a core part of the parks operations. Such a scheme could also be seen to be competing more directly with local firewood providers.

For those who enjoy the challenge of getting out there, using a chainsaw in the forest, providing for family and friends, the prospect of pre-cut lengths picked up from the local park is likely to be less appealing. It is likely the alternative options will provide a public service to a broader section of society.

5. Conclusions

GWRC has provided a unique service over the years offering the community the chance to collect low cost firewood from the Akatarawa Forest. However, the increasingly complex health and safety implications together with the changes in cutting rights (and ownership of logs) call the prudence of the firewood permit scheme into question. The recent focus on the poor standards within the forestry industry has prompted officers to consider our own practices within the forests.

While there have been no reported injuries from permitted firewood collection, monitoring has shown a number of breaches of permit conditions. It is the view of officers that the risks to individuals collecting firewood cannot be adequately addressed by GWRC.

While an alternative option could be adopted, it is not a replacement for the current scheme and is outside of GWRC core business. On balance it is recommended that GWRC no longer issues firewood collection permits and draws the scheme to an end.

5.1 Implications for the Parks Network Plan

Firewood permits come under the managed activity of ‘collection of exotic materials’ (within the park or forest). Even if ceasing the permits for firewood, it is important that the ability to permit the collection of exotic materials remains. As such, there are no immediate changes required to the Parks Network Plan, but in time when the Plan is reviewed, the sections 7.3.2 “Managed activities (via a permit system or ranger approval”, subsection “(f) Removal of exotic materials e.g. pine firewood” would have the words ‘e.g. pine firewood’ removed.

6. Communication

Officers agree that this decision is likely to anger some residents who have benefitted from the scheme over the years and that careful attention must be given to how the decision is communicated.

On the basis of the Committee agreeing to the recommendations in this paper, GWRC would issue communications emphasising the public good motivation behind our decision. This would acknowledge that GWRC seeks to meet best practice in relation to its involvement in the forest industry. A media statement would be released with support material for staff who are likely to front public enquiries (particularly at the Upper Hutt office where permits are issued). Public notices, website information and a letter to previous permit holders will also be prepared.

7. The decision-making process and significance

Officers recognise that the matters referenced in this report may have a high degree of importance to affected or interested parties.

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

7.1 Significance of the decision

Part 6 requires Greater Wellington Regional Council to consider the significance of the decision. The term ‘significance’ has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance and engagement policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

8. Recommendations

That the Committee:

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Agrees to end the firewood permit scheme, effective immediately.*
4. *Notes that there is a communication plan for publicising the decision.*

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Attachment 1: Costings of an alternative firewood collection scheme