

# Glamorgan Spring Bay Interim Planning Scheme 2015 Amendment AM 2019/03

The proposed amendment is to insert the Bushfire-prone Areas Overlay maps (ATTACHMENT 1), as made applicable by the Bushfire-prone Areas Code.

The common seal of Glamorgan Spring Bay Council
is affixed below pursuant to the Council resolution
of 17 December 2019 in the presence of:
Mayor (17 December 2019)

# **PLANNING REPORT**



# Glamorgan Spring Bay LGA Bushfire-Prone Areas Overlay

November 2019

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# Tasmania Fire Service Bushfire Planning & Policy

GPO Box 1526 HOBART TAS 7001 PH: (03) 6230 8600 Fax: (03) 6234 6647

Email: planning@fire.tas.gov.au Web: www.fire.tas.gov.au

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### **Executive Summary**

The Tasmania Fire Service ('TFS') is working with Local Government to prepare and implement bushfire-prone areas mapping for Tasmanian Local Government Areas ('LGA'). Mapping for the Glamorgan-Spring Bay LGA has now been completed following collaborative work between TFS and Council officers.

The purpose of the bushfire-prone area mapping is to spatially define land where potential exposure to bushfire hazard is sufficient to warrant a building and/or planning response to achieve a tolerable level of residual risk. The mapping does not imply that there is nil risk to use and development outside of the overlay, rather that residual risk to use and development outside of the overlay is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

The starting point for the map preparation was the production of a 'modelled overlay' that was generated by applying a 100m buffer to existing vegetation map data. The overlay was then progressively refined based on assessment of local conditions including bushfire behaviour and fuel management regimes. The local knowledge provided by Council officers was critical to this process.

By spatially defining bushfire-prone areas the mapping will provide clarity for permit authorities, landowners, developers, consultants and the broader community with respect to the application of existing statutory requirements for bushfire protection. The process of reviewing local conditions has also allowed for some areas that would currently trigger bushfire requirements to be 'mapped-out', thereby reducing compliance and development costs for the local community.

For the mapping to serve its intended function it needs to be incorporated within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA'). It is anticipated that the mapping will be incorporated into Council's Local Provision Schedules, which will form part of the Tasmanian Planning Scheme. As the timing of the Tasmanian Planning Scheme is unclear, the preferred approach for implementation is through amendment of the Glamorgan Spring Bay Interim Planning Scheme 2015.

Adoption of the bushfire-prone areas overlay is consistent with the Schedule 1 Objectives of the Land Use Planning and Approvals Act 1993, the State Policies created under the State Policies and Projects Act 1993 and the relevant regional land use strategy.

### 1. Introduction

### 1.1 Purpose of this Report

This report has been prepared in support of the bushfire-prone areas mapping for the Glamorgan-Spring Bay LGA and provides the following information:

- The background and context of the mapping;
- Description of the mapping process;
- Consideration of overlay implementation;
- Consideration of the relevant statutory planning requirements and strategic planning framework.

### 1.2 Background

The Tasmania Fire Service is working with Local Government to produce and deliver the bushfire-prone area mapping for Tasmania. Once completed for each municipality the mapping is intended to be integrated within the relevant planning instrument to formally identify 'bushfire-prone areas' for the purpose of planning and building control.

Bushfire has been a constant, natural phenomenon in Australia for thousands of years and south-eastern Australia is one of the most bushfire-prone regions in the world. Whilst fire has important ecological functions in the Australian context, its effects on human life, built assets and economic resources can be catastrophic if risk is not adequately managed. Not surprisingly, bushfire is identified in the Tasmanian Emergency Management Plan as Tasmania's most prominent natural hazard due to its prevalence and historical impacts on communities<sup>1</sup>. Recent analysis of climate data confirms that this is unlikely to change with fire danger in some parts of Tasmania expected to progressively increase over the course of this century<sup>2</sup>.

Managing bushfire risk to communities requires a multifaceted approach that considers all aspects of the potential emergency (i.e. Prevention, Preparedness, Response and Recovery). Government interventions accordingly include a combination of measures including land use and development control, community education, fuel reduction, firefighter response and emergency management. Regulation of land use and development is a 'prevention' strategy in this context as it aims to improve the resilience of communities and their built assets when exposed to a bushfire hazard.

Planning and building controls are now recognised in Australia as an important tool that can be used to facilitate more resilient and sustainable communities. Bushfire protection requirements are applied to use and development for the purpose of ensuring a tolerable level of residual risk is achieved. It is essentially a form of market intervention that seeks to achieve a better outcome for society than the market would otherwise deliver. Numerous public enquiries have recognised the importance of planning and building as a means for supporting

<sup>&</sup>lt;sup>1</sup> Department of Police and Emergency Management 2015, *Tasmanian Emergency Management Plan - Issue 8*, DPEM, Hobart.

<sup>&</sup>lt;sup>2</sup> Fox–Hughes P, Harris RMB, Lee G, Jabour J, Grose MR, Remenyi TA & Bindoff NL (2015) *Climate Futures for Tasmania future fire danger: the summary and the technical report*, Antarctic Climate & Ecosystems Cooperative Research Centre, Hobart, Tasmania

community fire safety, most notably the 2004 National Enquiry on Bushfire Mitigation and Management and the 2009 Victorian Bushfires Royal Commission.

The Tasmanian Government responded to the 2009 Victorian Bushfires Royal Commission by initiating significant planning and building reforms, including the introduction of Planning Directive No.5 Bushfire-Prone Areas Code within planning schemes in 2012 and state variations to the Building Code of Australia. This provided – for the first time – state-wide consistency in relation to use and development standards for bushfire protection. The importance of these reforms was confirmed by the 2013 Tasmanian Bushfires Inquiry, which recommended that the Tasmanian Government make land use planning and building construction for bushfire a high priority and that it progress improvements in this area<sup>3</sup>.

The planning and building regulatory system in Tasmania includes bushfire protection requirements to mitigate risk to communities and assets in bushfire-prone areas. The existing framework includes:

- The Bushfire-Prone Areas Code, which applies through local planning schemes under the Land Use Planning and Approvals Act 1993; and
- The Director's Determination Requirements for Building in Bushfire-Prone Areas, which applies through the *Building Regulations 2016* and *Building Act 2016*.

This framework is structured in a way that enables application of bushfire controls through the planning approvals process for proposals involving land subdivision, vulnerable and hazardous uses. Bushfire requirements for other types of use and development are applied through the building approvals process.

For the purposes of both planning and building permit approvals it is necessary to determine whether proposed works are located within a 'bushfire-prone area'. This term is currently defined as follows:

Bushfire-prone area

#### Means:

- (a) Land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or
- (b) Where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.

In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on interpretation of subclause (b).

Incorporation of the mapping within the relevant local planning scheme overlay map will enable the use of subclause (a) of the abovementioned definition, thereby reducing the amount of assessment required to determine applicability.

The 100m rule that forms the basis of the abovementioned definition has historically been accepted as a benchmark for the application of development control for bushfire and is the maximum distance considered in Australian Standard 3959-2009. Post-fire investigations have indicated that 85% of building loss resulting from major bushfires has historically occurred at distances within 100m of the urban interface<sup>4</sup>. Notwithstanding this, bushfire

<sup>&</sup>lt;sup>3</sup> Department of Premier and Cabinet, 2013 Tasmanian Bushfires Inquiry, DPAC, Hobart.

<sup>&</sup>lt;sup>4</sup> Ahern, A., and M. Chladil (1999), How far do bushfires penetrate urban areas? paper presented at 1999 Australian Disaster Conference, Emergency Manage. of Aust., Canberra, A. C. T.

behaviour is not uniform across all situations some circumstances application of a 'blanket' 100m buffer is considered unnecessarily conservative.

### 2. Study Area

The study area for the purpose of this mapping project is the Glamorgan-Spring Bay Local Government Area ('LGA') as shown in Figure 1. Glamorgan-Spring Bay is located in south-eastern Tasmania and adjoins the Break O' Day, Northern Midlands, Southern Midlands and Sorell LGAs.

Geographically, the LGA follows the coastline from the Tasman Peninsula in the south to Bicheno in the north. The east coast can and does experience periods of prolonged dryness, often with a resultant fire season beginning in October and continuing into April.

A number of existing settlements and communities at risk are spread along the coastline. This includes the townships of Orford, Triabunna, Swansea, Bicheno and Coles Bay. It is noted that the east coast experiences significant influxes of visitors during summer months.

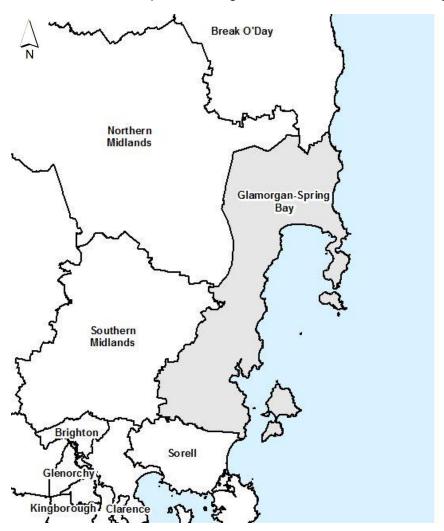


Figure 1 – Glamorgan-Spring Bay LGA location map

### 3. Bushfire-Prone Area Overlay

Draft bushfire-prone area mapping for Glamorgan-Spring Bay has been completed following collaborative work between the Tasmania Fire Service and Council officers. The draft maps are enclosed as **Appendix A** to this report.

### 3.1 Purpose of Overlay

The bushfire-prone area overlay primarily relates to use and development control. Its purpose is to spatially define areas where risk is sufficient to require specific bushfire protection measures in order to achieve a tolerable level of residual risk. The mapping will provide a definitive trigger for assessment under the existing planning and building requirements for bushfire protection. Spatially defining bushfire-prone areas is consistent with the approach adopted for other natural hazards within Tasmanian planning schemes (inundation, landslip hazard).

The mapping is not intended to identify all land that may be impacted by bushfire hazard, nor does it imply that there is nil residual risk to use and development outside of the overlay. Rather, residual risk to use and development outside of the mapped areas is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

By removing the need to evaluate whether vegetation is 'bushfire-prone' before confirming whether a site is within a 'bushfire-prone area', the mapping will remove ambiguity and improve the development assessment process to the benefit of permit authorities, land owners and developers.

The mapping also provides a more sophisticated mechanism than the standard 100m rule trigger that is currently relied upon. Evaluation of local conditions and likely bushfire behaviour has informed the mapping process and has allowed for some reductions to the standard 100m buffer in situations where it has been determined that the risk does not warrant application of planning or building standards to achieve a tolerable level of residual risk. In doing so, the mapping will refine application of bushfire requirements and reduce circumstances whereby a bushfire report is required for low-risk development.

The overlay can also have other uses. It can be used to support community education in support of community fire safety as it will be accessible through multiple websites including the LIST, iplan, and the TFS website. Additionally, TFS will use the map as the basis for issuing fire permits and when advising the community about using fire and burning off. TFS will not issue Fire Permits outside bushfire-prone areas and will advise the community to not use fire for fire hazard removal outside bushfire-prone areas. Council staff will be able to use the mapped areas when dealing with hazard complaints and abatement issues.

#### 3.2 Mapping Process

The process that has been followed in preparing the draft overlay and that will be followed for implementation is summarised conceptually in Figure 2. The draft overlay has been prepared by the TFS in collaboration with Council's planning officers.

The starting point for the mapping was the generation of a 'modelled overlay', which was created by applying a 100m buffer to all TASVEG 3.0 vegetation communities, excluding those types deemed to be 'low threat' and exclusions as specified under AS 3959-2009.

The mapping provided in TASVEG 3.0 provides high-level guidance with respect to vegetation distribution and as such, its accuracy is limited when applying it to individual properties. The modelled overlay was therefore based on imperfect spatial data and it was important to verify

the boundaries that were produced and adjust accordingly. An initial desktop assessment was undertaken to identify obvious discrepancies and ascertain any key areas that required closer examination.

Verification of specific areas was completed through physical inspection and/or enquiries into the development status and management regime of particular properties where necessary. As discussed previously, bushfire impact is not uniform across all situations and in some cases, relaxation of the standard 100m buffer has been adopted where site characteristics will effectively limit fire intensity, spread and subsequent impact on surrounding development. Relevant factors include the total area, type and location of vegetation, fire run potential, effective slope, prevailing wind and the use, development or land management status of the property.

The overlay was then aligned with cadastral title boundaries. This was necessary to ensure that application of the overlay to specific properties and future developments can be easily determined. For urban lots in particular there is little merit in mapping a property as partially bushfire-prone, hence this has been avoided as far as possible. For lots 2,000sqm (or less) in area the overlay was aligned to include the entire title if an area of 15% (or greater) was affected. For these lots, it is considered increasingly unlikely that a future development on the site would be able to wholly avoid the overlay and - as vegetation communities are not static - the actual separations from hazardous vegetation should be verified at the time a development is proposed. Where the overlay covered less than 15% of an urban title, the title was generally excluded entirely from the overlay, as it is considered increasingly likely that future development will be 100m or further from the hazard source.

The approach used is consistent with that used for the existing bushfire-prone areas overlays within the Clarence Interim Planning Scheme 2015 and the Hobart Interim Planning Scheme 2015. Furthermore, in preparing the overlay TFS has sought to ensure consistency with Tasmanian Planning Commission's *Practice Note 7: Draft LPS Mapping Technical Advice*.

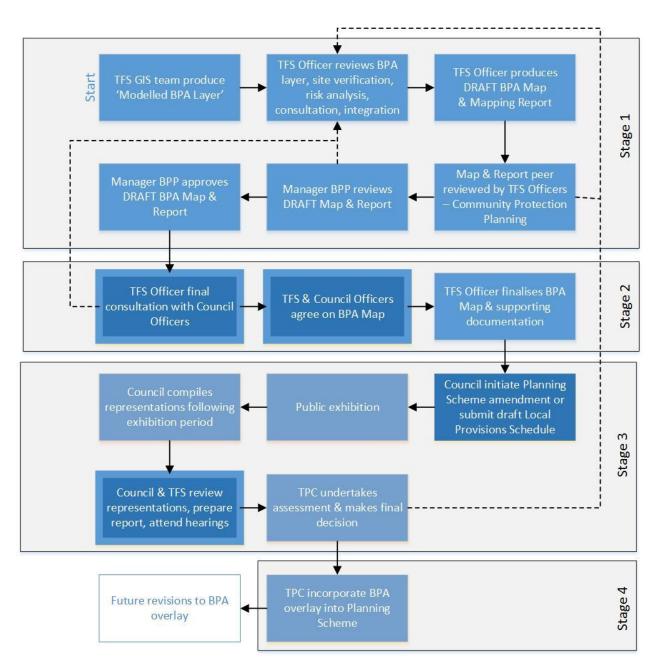


Figure 2 – Overview of mapping preparation and implementation

### 3.3 Overlay Refinement

As discussed previously, refinement of the original 'modelled overlay' into the final draft overlay has been informed by evaluation of local conditions. The local knowledge provided by Council officers was particularly valuable and has improved the accuracy of the final product.

Where Grassland fuels are predominant the overlay has been limited to include properties within a maximum of 50m (a relaxation from the standard 100m). This relaxation reflects the reduced ember potential associated with Grassland fuels and is consistent with the minimum distance required for a BAL-LOW rating under AS 3959-2009.

Council owns and maintains a range of public open space assets and implements an extensive hazard abatement program. Properties that are regularly managed in a minimum fuel state have been identified through consultation with Council officers. A number of additional properties have also been added to Council's abatement register as part of this consultation. Council's management commitments have been considered and are reflected in the overlay where risk is considered to be suitably low.

Table 1 provides a summary of the hazard abatement commitments that have resulted in adjoining or adjacent land being mapped out of the overlay (this list does not imply that Council does/will not manage other properties by abatement and does not include land owned and maintained by Council). In practical terms this means that council has committed to ensuring that the bushfire hazard on the identified titles will be maintained throughout the fire danger period to the minimum fuel condition specifications detailed in Clause 2.2.3.2 (f) of AS3959-2009, which in the case of grassland fuel is a nominal cropped height of 100mm.

Table 1 – Private tenure land nominated by Council for management through hazard abatement program

Property address	Title reference	Notes	
39 Tasman Hwy, Bicheno	20889/3 218433/1 143985/400 170106/1	Combination of Particular Purpose and General Residential zoned land. Grassland within 50m of adjoining and adjacent developed residential lots will be monitored and abated as required.	
192 Tasman Hwy, Bicheno	100235/2	Particular Purpose zoned land. Grassland within 50m of developed residential lots will be monitored and abated as required.	
50 Tasman Hwy, Swansea	32947/3	General Residential zoned land. Grassland within 50m of developed residential lots will	
Gordon St, Swansea	47140/1	be monitored and abated as required.	
15 Francis St, Swansea	161877/50		
Cathcart St, Swansea	158774/2		
Lot 201 Maria St, Swansea	162167/201	Combination of Rural Resource and General Residential zoned land.	
		Grassland within 50m of developing subdivision to the south/east and adjoining Local Business Zone will be monitored and abated as required.	
11 Swanwick Rd,	137820/1	Freycinet Golf Club.	
Coles Bay		Land within 50m of adjoining developing subdivision is mostly comprised of existing managed land (golf	

		greens). This interface will be monitored and abated as required.	
23-27 Swanwick Rd,	163520/302	Low Density Residential zoned land.	
Coles Bay		Balance land within developing subdivision will be monitored and abated as required until completion of development.	
Swanwick Rd, Coles	130570/81	Low Density Residential zoned land.	
Bay		Whole title will be monitored and abated as required.	
1 Dove Lane,	248705/1	General Residential zoned land.	
Swansea		Grassland within 50m of developed residential lots will be monitored and abated as required.	
8311 Tasman Hwy,	144222/1	Rural Resource zoned land.	
Triabunna		Grassland on eastern part of the site within 50m of General Residential zoned land will be monitored and abated as required.	
39 Rheban Road,	65080/1	General Residential zoned land.	
Orford		Whole area of each title will be monitored and abated	
49 Rheban Road, Orford	65080/2	as required.	
7 Jetty Road, Orford	50076/1		
59 Tasman Hwy, Orford	8762/1	Low Density Residential zoned land.  Whole area of each title will be monitored and abated	
All lots fronting Holkham Crt, Orford	Various	as required.	

#### 3.4 Outcome

It is clear that the majority of the land within the Glamorgan-Spring Bay LGA is designated as bushfire-prone as a result of the mapping process, including a total of 4,479 private parcels.

Table 2 provides a comparison of the number of lots that intersect with the computer generated modelled overlay versus the final draft overlay. The modelled overlay more closely reflects the number of lots that would currently be subject to bushfire requirements under the current 100m rule that operates in the absence of the overlay, as it is based on a 100m buffer from TASVEG mapping. The statistics show that the overall number of properties affected has been reduced as the overlay has been refined.

Table 2 - Comparison of properties affected by modelled overlay versus final draft overlay

Cadastral type ('CAD_TYPE1')	Final draft Overlay (n)	Modelled overlay (n)
Authority Land	825	1002
Local Government Reserve	15	19
Private Parcel	4,479	5,131
Public Land Classification	262	265
Total intersected	5,581	6,417

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled TFS to identify approximately 652 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future. Assuming each of those properties will be developed at some stage in the future the mapping delivers a benefit in the range of approximately \$261K - \$619K from the avoided cost of bushfire assessment alone. Further economic benefit is derived from the reduced time required for building work to be designed, documented and approved and the avoided constructions costs for some of the excluded properties (if an exemption were not obtained).

### 4. Implementation Options

For the mapping to serve its intended statutory function it is necessary to incorporate it within the relevant planning instrument established under the *Land Use Planning and Approvals Act* 1993 ('LUPAA').

### 4.1 Tasmanian Planning Scheme

All Tasmanian Councils are required to transition into the Tasmanian Planning Scheme ('TPS'). The TPS will be comprised of the State Planning Provisions ('SPP') and Local Planning Schedules ('LPS'), the latter of which is to be provided by Local Government.

The Bushfire-Prone Areas Code has been incorporated within the SPP. It is anticipated that the bushfire-prone areas overlay will be included in Council's LPS as a planning scheme overlay.

It is understood that Glamorgan-Spring Bay Council has submitted its draft LPS to the Tasmanian Planning Commission for preliminary review prior to public exhibition. Once the LPS has progressed through the statutory process and is formally approved, the Tasmanian Planning Scheme will be activated and will supersede the Glamorgan-Spring Bay Interim Planning Scheme 2015.

#### 4.2 Glamorgan Spring Bay Interim Planning Scheme 2015

To avoid unnecessary delay in the implementation of the bushfire-prone areas overlay, TFS recommends that Council initiate an amendment to the Glamorgan Spring Bay Interim Planning Scheme 2015 via LUPAA's Savings and Transitional Provisions.

Schedule 6 of the Land Use Planning and Approvals Act 1993 provides the statutory mechanisms to amend interim planning schemes under the former provisions. Council has discretion to initiate a Draft Amendment of its own motion under s.34(1)(b) of the former provisions.

The required amendment would be to simply insert the additional overlay maps to show the spatial extent of the bushfire-prone areas overlay (refer to Appendix A of this report). There are no required amendments to the planning scheme ordinance.

### 5. Future Revisions

The overlay should be reviewed and updated periodically to ensure it remains accurate. This will logically occur as part of Council's periodic review of their Local Provision Schedules under the Tasmanian Planning Scheme. Section 35O of the *Land Use Planning & Approvals Act 1993* requires that this review occur every five years at a minimum, however a draft amendment may be prepared at any time.

In the situation where a scheme amendment is required to facilitate a new development (e.g. a combined rezoning and greenfield subdivision proposal) it may be appropriate to review and amend the overlay as part of the amendment process. It is anticipated that TFS will be consulted as part of this process.

### 6. Statutory Planning Requirements

### 6.1 Requirements for TPS Local Provision Schedules

It is anticipated that the overlay will eventually be included as part of Council's Local Provision Schedules. At that time, the overlay will need to be considered in the context of s.34(2) of the Land Use Planning & Approvals Act 1993 (current provisions).

#### S.34(2) states:

#### 34. LPS criteria

- (1) ...
- (2) The LPS criteria to be met by a relevant planning instrument are that the instrument -
- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
- (b) is in accordance with section 32; and
- (c) furthers the objectives set out in Schedule 1; and
- (d) is consistent with each State policy; and
- (e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
- (f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates; and
- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .
- (3) ...

Incorporating the mapping as an overlay is consistent with the relevant provisions of the State Planning Provisions (specifically clause 1.2.3 and the definition of 'bushfire-prone area' in clause C13.3.1). The overlay is therefore consistent with s.34(2)(a).

Relevant to s.32, the map overlay will provide for the spatial application of the State Planning Provisions to particular land and is accordingly consistent with s.34(2)(b).

The overlay is considered to be consistent with the strategic considerations referred to in s.34(2)(c),(d),(e) and (f), as discussed further in section 7 of this report.

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs and is consistent with s.34(2)(g).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

### 6.2 Requirements for IPS Draft Amendments

Section 34(1) of the former provisions of the *Land Use Planning & Approvals Act 1993* is relevant to an amendment to an interim planning scheme and allows a planning authority to initiate such an amendment of its own motion.

Prior to certifying a draft amendment, s.35 of the former provisions requires that the planning authority be satisfied that it meets the requirements of s.32, which states:

#### 32. Requirements for preparation of amendments

- (1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –
- (a) (d) ...
- (e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and
- (ea) must not conflict with the requirements of section 300; and
- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The introduction of the proposed overlay will provide clarity and certainty with regards to the application of existing planning and building requirements – no new requirements will be introduced. Accordingly, a draft amendment that introduces the overlay will not create any new land use conflict issues and is considered to satisfy (e).

With regards to (ea):

- s.30O(1) requires consistency with the relevant regional land use strategy. As is discussed in section 7 of this report, the overlay is consistent with the relevant regional land use strategy;
- s.30O(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

The draft amendment will therefore satisfy (ea).

Introduction of the overlay will provide a range of social and economic benefits, as discussed previously in this report. As it relates to existing development standards, it will have no significant environmental effects. The draft amendment will therefore satisfy (f).

### 7. Strategic Considerations

### 7.1 LUPAA Schedule 1 Objectives

Schedule 1 of the Land Use Planning and Approvals Act 1993 specifies the strategic objectives for the Resource Management and Planning System and for the planning process established by the Act.

The Schedule 1 Objectives are considered in Table 3 and Table 4.

Table 3 - Schedule 1, Part 1 Objectives

Objective	Response
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	The proposed scheme amendment will support the application of an existing Code. It will not facilitate any loss of natural values, nor any development of physical resources.  The scheme amendment is accordingly considered to be consistent with (a).
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	The bushfire-prone areas mapping will improve clarity for the community, for developers and for regulatory authorities responsible for assessing planning and building permit applications.
	In developing the mapping, the Tasmania Fire Service has excluded some areas that could currently be considered as being within a 'bushfire-prone area' but which have been deemed to be suitably low threat. This was based on expert judgement in bushfire behaviour and evaluation of local conditions. By refining the application of the bushfire requirements in this way, the planning scheme amendment will facilitate fairer outcomes for landowners.
	The scheme amendment is accordingly considered to be consistent with (b).
(c) to encourage public involvement in resource management and planning; and	In developing the bushfire-prone areas mapping the Tasmania Fire Service has sought and considered input from Council's officers. This dialogue has provided important local knowledge into the project, in relation to land use practices and management of specific sites.
	Assuming that Council initiates the amendment to the Planning Scheme, the general public will have an opportunity to review the mapping and submit a representation on any aspect they wish the Planning Authority to consider.
	The scheme amendment is accordingly considered to be consistent with (c).

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and Incorporation of the mapping will improve clarity with respect to whether a site is in a bushfire-prone area which will support property development in the following ways:

- It will ensure landowners and developers can easily determine whether their site is in a bushfire-prone area early in the development process and therefore factor this into concept design and feasibility assessments;
- By removing areas from the mapping that have been deemed to be suitably low threat by the Tasmania Fire Service, the planning scheme amendment will reduce costs and delays from the approvals process for applicants (e.g. costs of engaging a Bushfire Hazard Practitioner to certify an exemption, delays associated with s.54 requests).

As stated previously, the scheme amendment will not facilitate any loss of natural values, nor any development of physical resources.

The scheme amendment is accordingly considered to be consistent with (d).

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The Tasmania Fire Service has collaborated with Council officers in preparing the mapping to ensure that it is technically sound and appropriate to local circumstances.

By incorporating the mapping within local planning provisions it will support the application of the Bushfire-Prone Areas Code (Planning Directive 5.1) which Local Government is obliged to enforce.

The approvals process requires the support of both Council and the Tasmanian Planning Commission for the mapping to become effective.

The scheme amendment is accordingly considered to be consistent with (e).

Table 4 - Schedule 1, Part 2 Objectives

Objective	Response
(a) to require sound strategic planning and co-ordinated action by State and local government; and	The introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the bushfire-prone areas mapping as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code.
	The approach used in developing the mapping is consistent with that used for Clarence and Hobart's interim planning schemes. Tasmania Fire Service seeks to maintain a consistent approach as it progresses mapping for remaining Local Government Areas.

As is discussed further in this report, the scheme amendment is consistent with current State Policies and the Regional Land Use Strategy.

The scheme amendment is accordingly considered to be consistent with (a).

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and As discussed previously in this report, the proposed scheme amendment will support the efficient application of the Bushfire-Prone Areas Code (and building regulations) by clearly identifying which land is subject to the overlay.

The scheme amendment is accordingly considered to be consistent with (b).

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and The scheme amendment will not facilitate any loss of biodiversity or any other impacts on natural values.

The social and economic benefit of the mapping will be to improve clarity with respect to what land is considered bushfire-prone and to avoid application of the planning/building regulations to land that has been deemed to be suitably low threat.

The scheme amendment is accordingly considered to be consistent with (c).

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels: and

As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. The scheme amendment is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.

The scheme amendment is accordingly considered to be consistent with (d).

(e) to provide for the consolidation of approvals for land use or development and related matters, and to coordinate planning approvals with related approvals; and

At present, bushfire requirements are triggered either at the planning approval or building approval stage depending on the type of development proposed. Under each process the definition of 'bushfire-prone area' refers to planning scheme overlay mapping (where available). The completion of the mapping will ensure that assessments as to whether a site is bushfire-prone will be consistent throughout the entire process.

Single dwellings, visitor accommodation and some other types of buildings are triggered through the building approvals process and not at planning. This can give rise to situations whereby a development may receive planning approval that does not account for the vegetation removal required to comply with the bushfire requirements at the building approvals stage. Inclusion of the mapping will ensure that assessing planning officers and developers consider at the development application stage of any requirement to consider vegetation removal.

The scheme amendment is accordingly considered to be consistent with (e).

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	The mapping will support the application of planning and building requirements for bushfire protection, the key purpose of which are to reduce risk to life and property. The scheme amendment will accordingly support the aim of securing a safe environment for working, living and recreation.  The scheme amendment is accordingly considered to be consistent with (f).
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	The scheme amendment is not considered to be in conflict with the conservation of any places identified as holding heritage, aesthetic, architectural or other cultural value.  The scheme amendment is accordingly considered to be consistent with (g).
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	The scheme amendment will not affect the requirements of the Bushfire-Prone Areas Code – it will simply clarify its application. The scheme amendment is therefore not considered to be in conflict with public infrastructure and will not compromise the orderly provision and co-ordination of public utilities.  The scheme amendment is accordingly considered to be consistent with (h).
(i) to provide a planning framework which fully considers land capability.	Incorporation of the mapping will have no significant effect on agricultural land capability.  The scheme amendment is accordingly considered to be consistent with (i).

### 7.2 State Policies

Current State Policies created under the State Policies and Projects Act 1993 include:

- State Policy on the Protection of Agricultural Land 2009;
- State Coastal Policy 1996; and
- State Policy on Water Quality Management 1997.

The proposed amendment to the Planning Scheme does not introduce any new development standards, rather, it will improve the application of the Bushfire-Prone Areas Code. The amendment will accordingly not facilitate the loss of productive agricultural land, nor the degradation of coastal land or water resources. The scheme amendment is accordingly not considered to be in conflict with any of the existing State Policies.

#### 7.3 Southern Tasmania Regional Land Use Strategy 2010-2035

Local Provision Schedules must be consistent with the relevant regional land use strategy. For Glamorgan Spring Bay, this is the Southern Tasmania Regional Land Use Strategy ('STRLUS').

The key section of STRLUS is Section 8, which provides regional policies for managing risks and hazards. The majority of the policies pertaining to bushfire hazard relate to ensuring that planning schemes provide suitable requirements for vegetation removal and subdivision design and therefore do not directly relevant to the overlay. The relevant policies are considered in Table 5.

Table 5 - Regional Policies

Regional Policy	Response
MRH 1.1 Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	Incorporation of the proposed overlay will mean that bushfire-prone land will be easily identifiable early in the land use planning process. In doing so, it will help signal to developers that there are Code requirements that require consideration when looking at subdivision or rezoning opportunities.  The scheme amendment is accordingly considered to be consistent with MRH 1.1.
MRH 1.4 Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.	The existing '100m from 1ha' trigger for determining application of bushfire requirements is a simplistic approach that is used in the absence of mapping. The proposed mapping will provide a more refined mechanism for triggering the bushfire requirements as the spatial extent of the overlay has been adjusted based on expert judgement.  The scheme amendment is accordingly considered to be consistent with MRH 1.4.

#### 7.4 Glamorgan-Spring Bay Community Strategic Plan 2013

The Glamorgan-Spring Bay Community Strategic Plan 2013 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*.

The Strategic Plan identifies high-level guidance relating to six key future directions. Direction 6 includes the following statement:

Extreme weather events, emergencies and the possible impacts of climate change need to be planned for and managed to ensure the safety of our towns and communities.

Risk associated with bushfire hazard is expected to increase in the coming decades, with an increasing prevalence of high fire danger weather likely. As new development within bushfire-prone areas is completed in accordance with current standards, the resilience and sustainability of built assets within the community will be improved. The overlay therefore will support the sustainability of the built environment and adaption to climate change.

The overlay will support the application of planning and building requirements for bushfire protection, thereby improving transparency and efficiency of land use planning controls. This is beneficial for landowners, business operators and prospective developers in that it ensures they can factor in bushfire implication early in their decision making process.

The mapping will also improve awareness of bushfire hazard within affected communities, thereby working to promote individual preparedness.

Adoption of the overlay is accordingly considered to support the broad strategic considerations of Council's Strategic Plan.

### 8. Conclusion

The Tasmania Fire Service in collaboration with Council officers have completed the draft bushfire-prone areas overlay for the Glamorgan Spring Bay municipality.

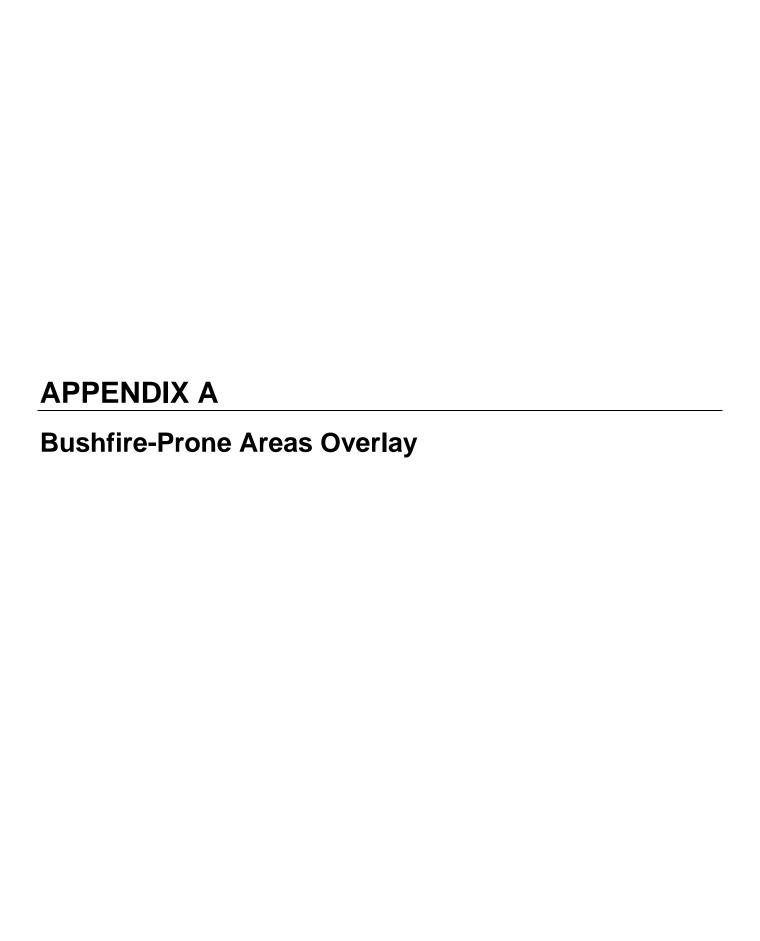
The overlay identifies land where potential exposure to bushfire hazard is considered sufficient to warrant a planning or building response to reduce risk to life and property. It will greatly improve clarity in relation to the application of existing requirements, thereby improving the efficiency and consistency of planning and building approvals processes.

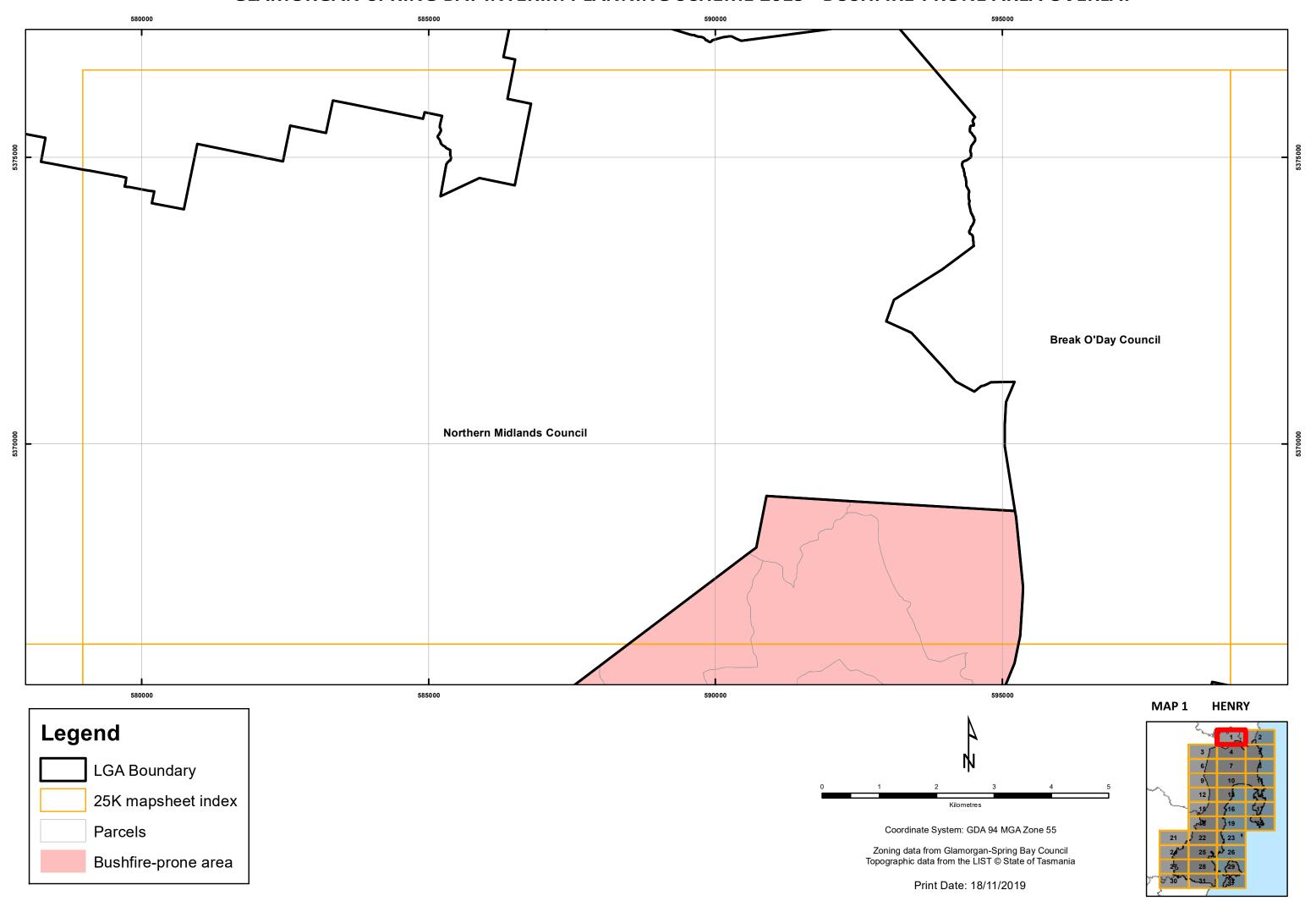
In the process of developing the overlay, a significant number of properties have been able to be mapped out on the basis of insufficient risk to warrant a built response. Introduction of the overlay presents a significant economic benefit to those landowners.

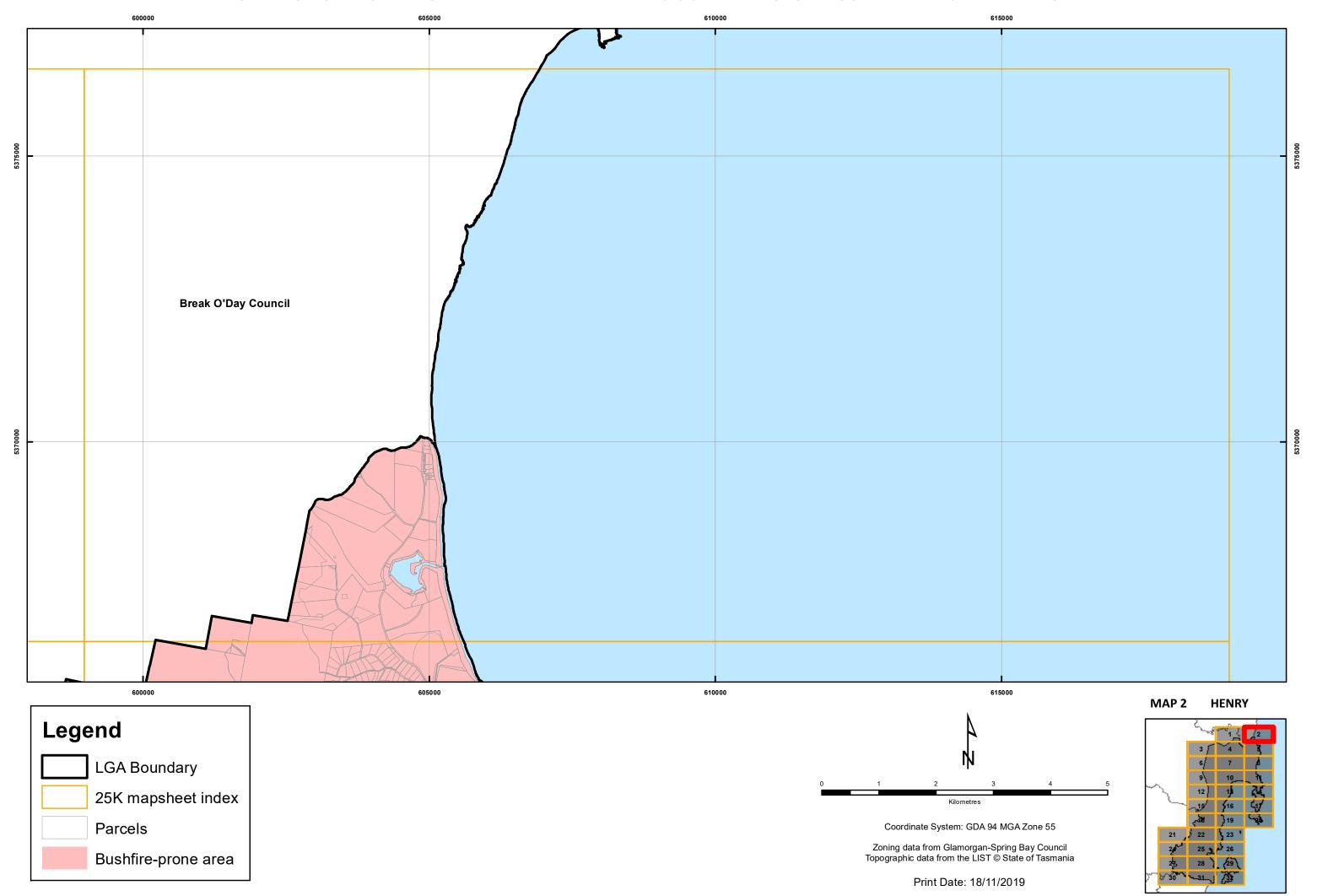
The overlay will also support community education on community fire safety and will provide a useful resource for the administration of the fire permit system and hazard abatement programs.

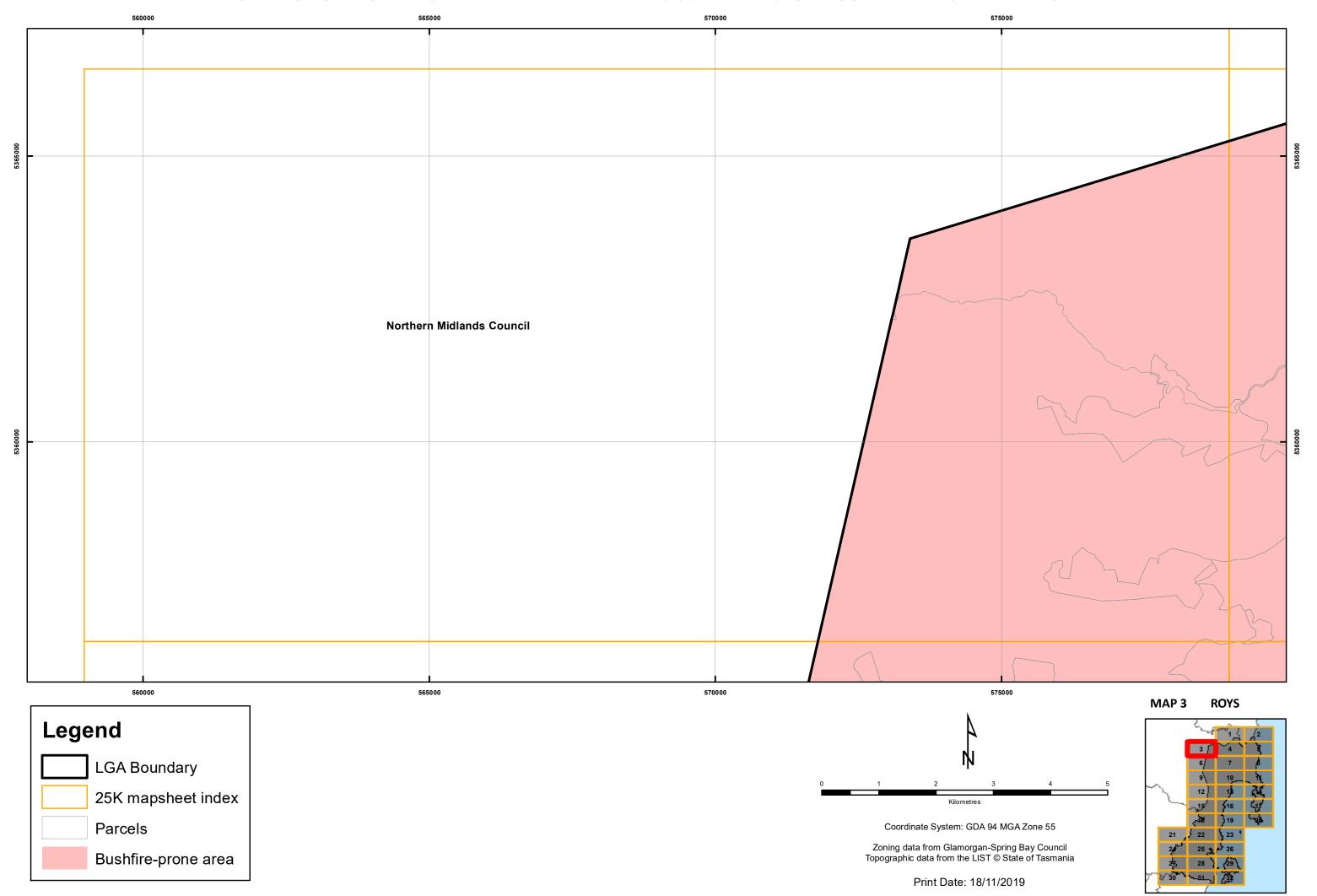
As discussed in this report, incorporating the mapping as an overlay within the Glamorgan Spring Bay Interim Planning Scheme 2015 (and ultimately within the Tasmanian Planning Scheme) is consistent with all relevant strategic planning considerations.

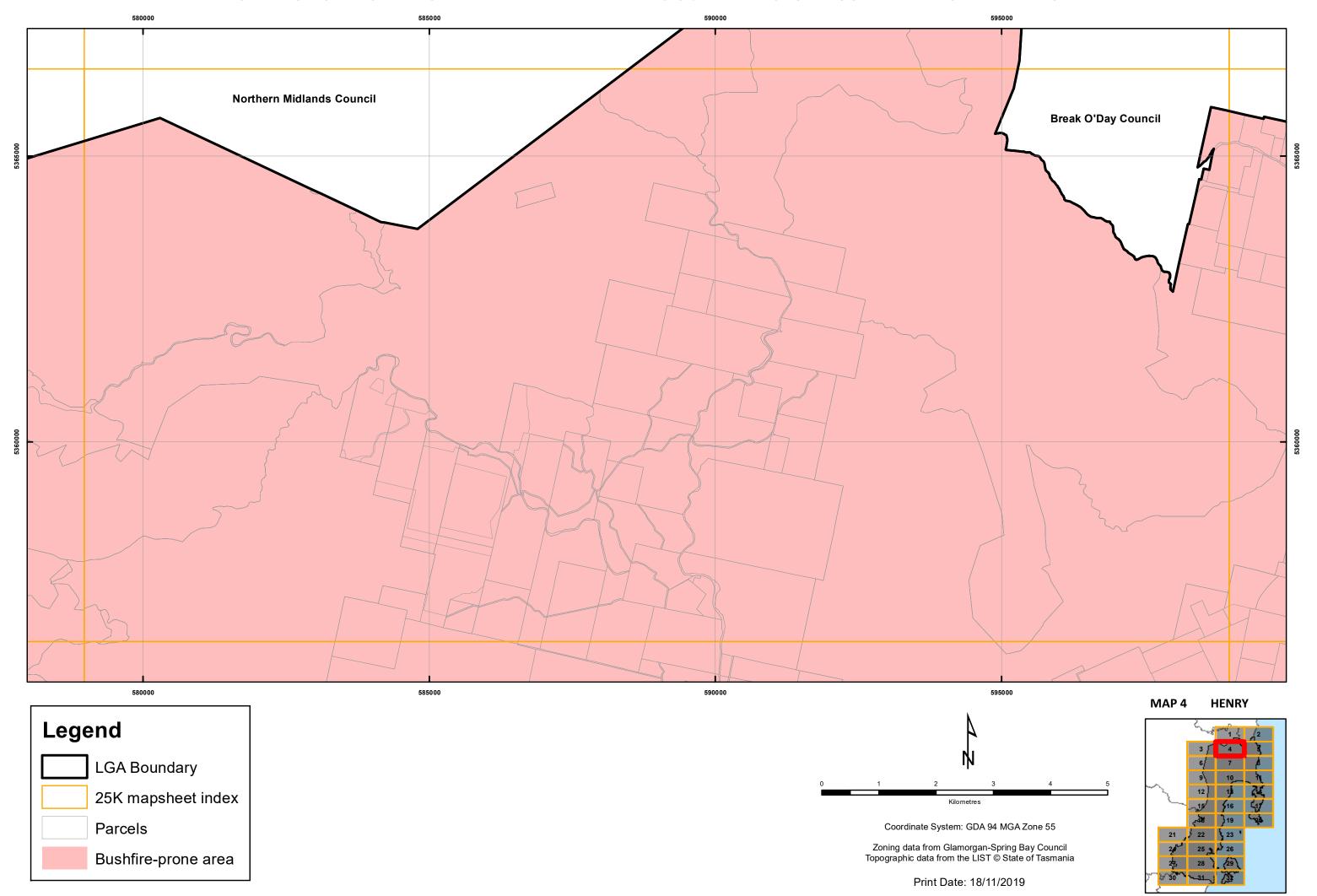
It is recommended that Council initiates a Draft Amendment to the Glamorgan Spring Bay Interim Planning Scheme 2015 to introduce the overlay.

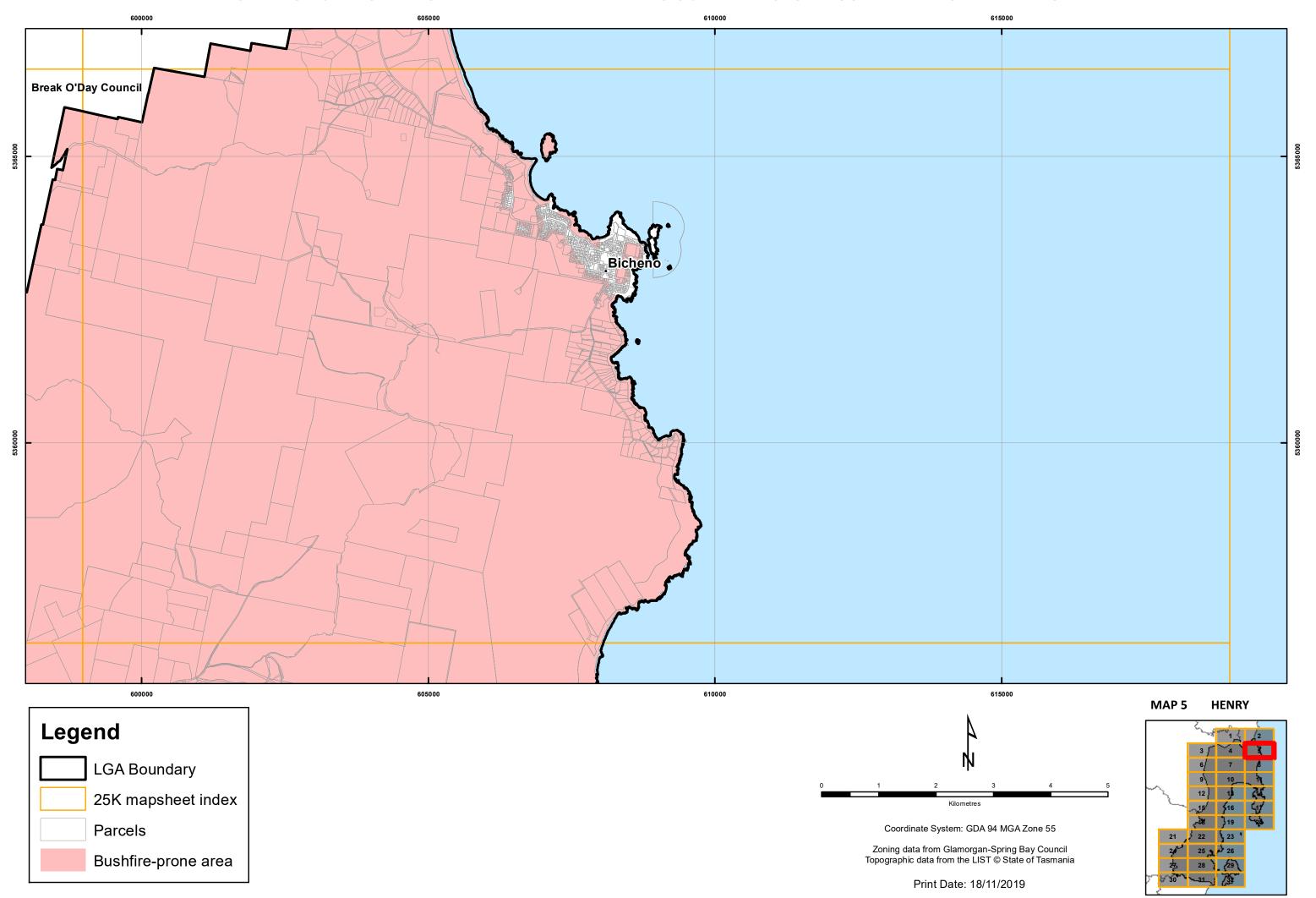


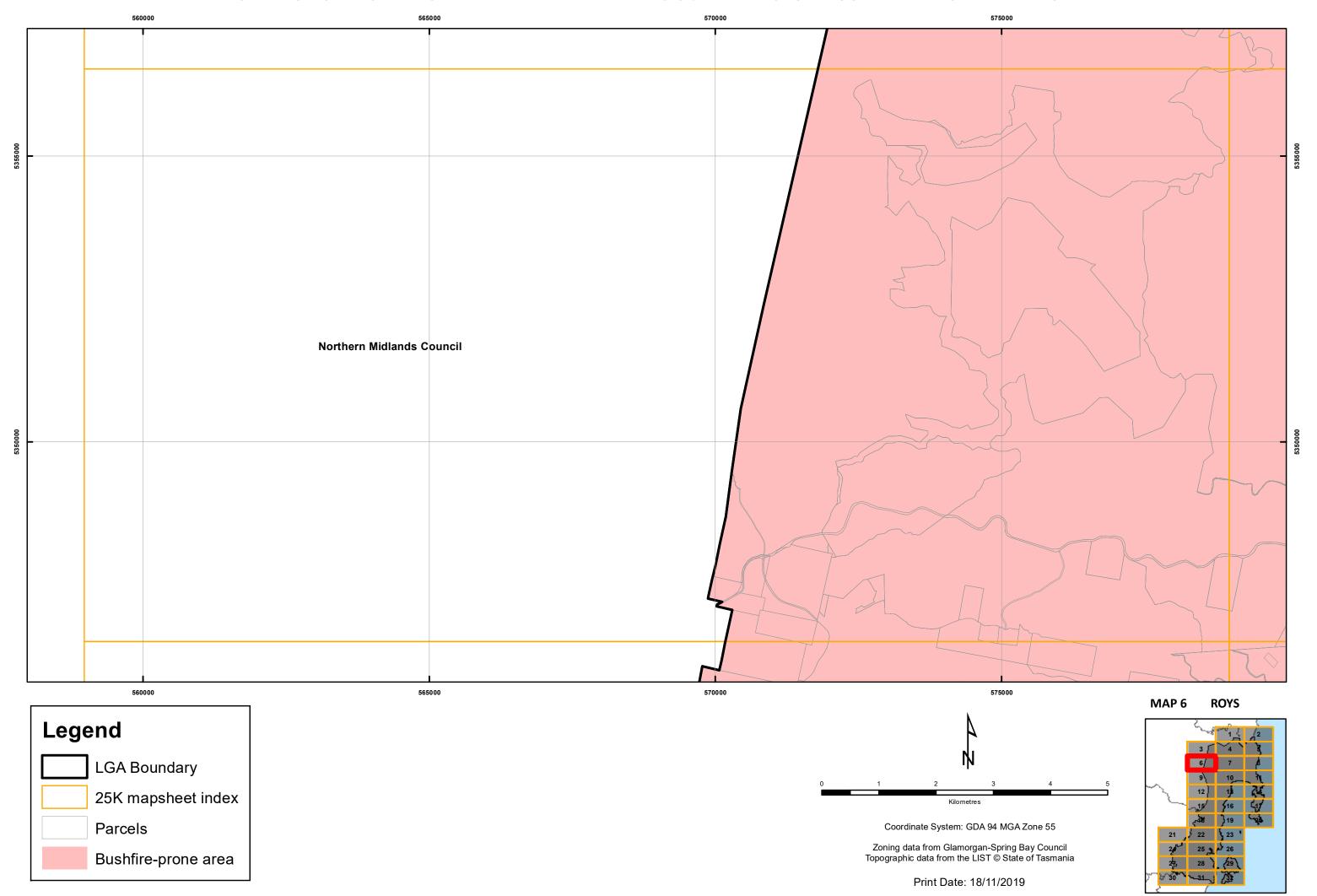


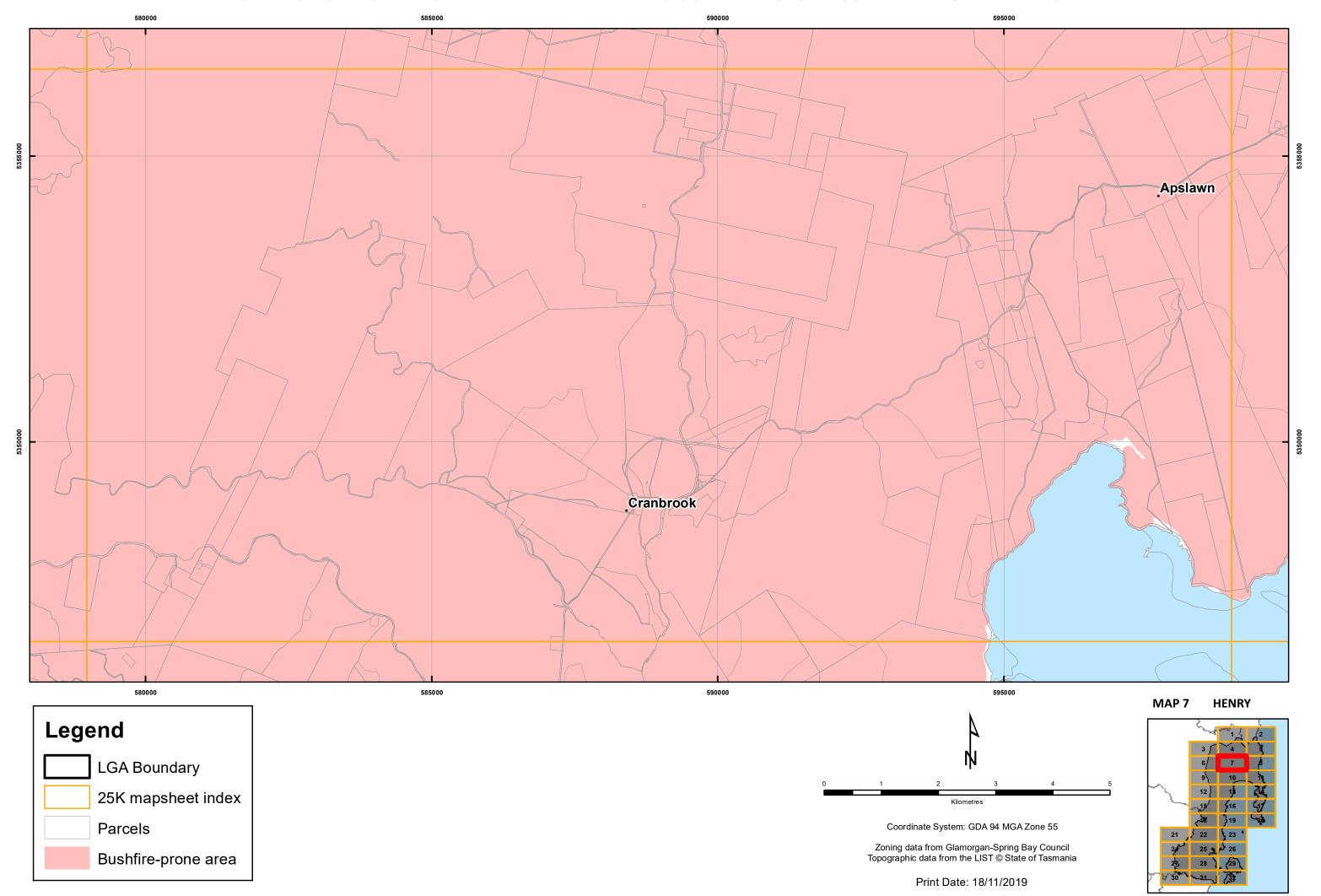


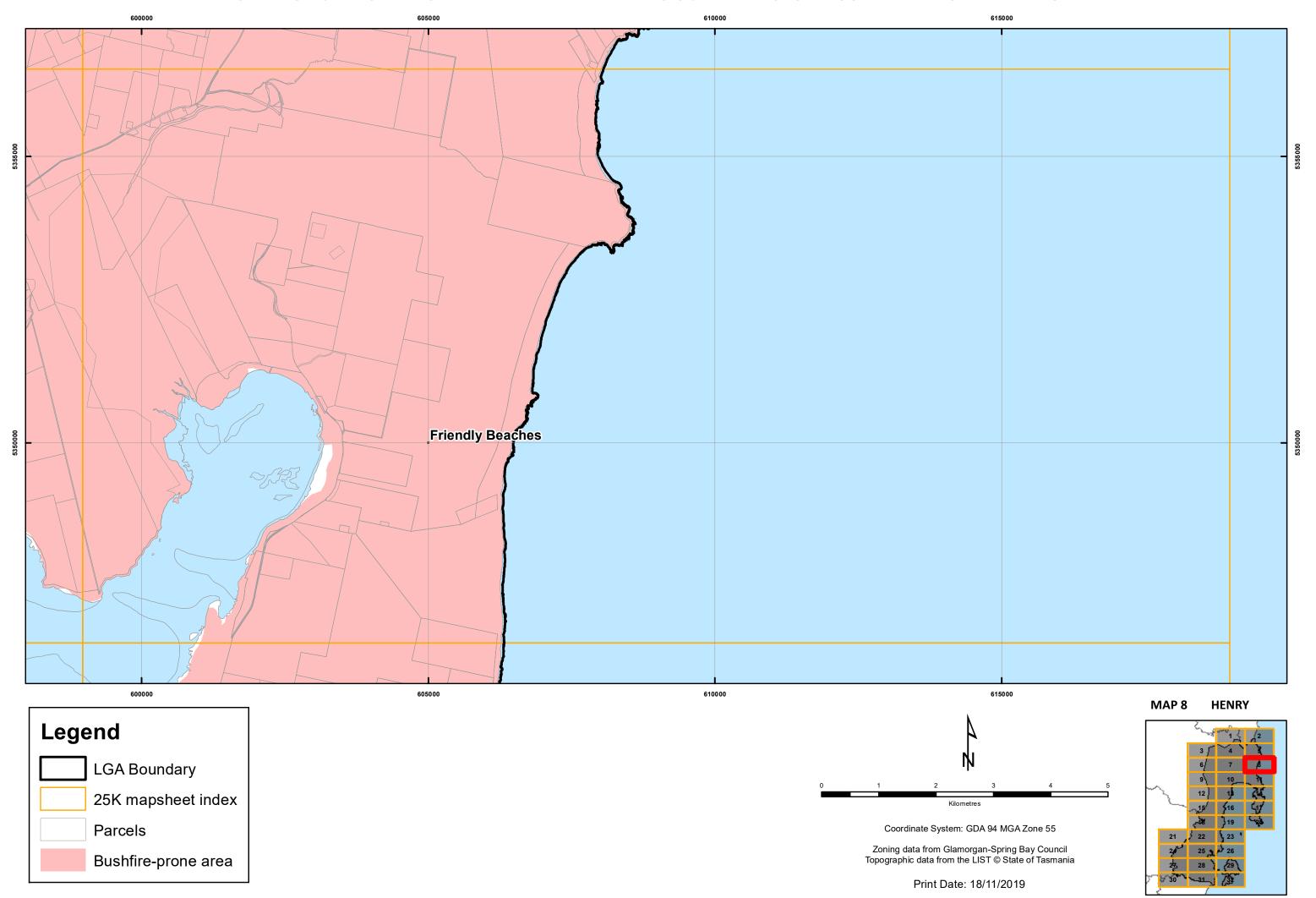


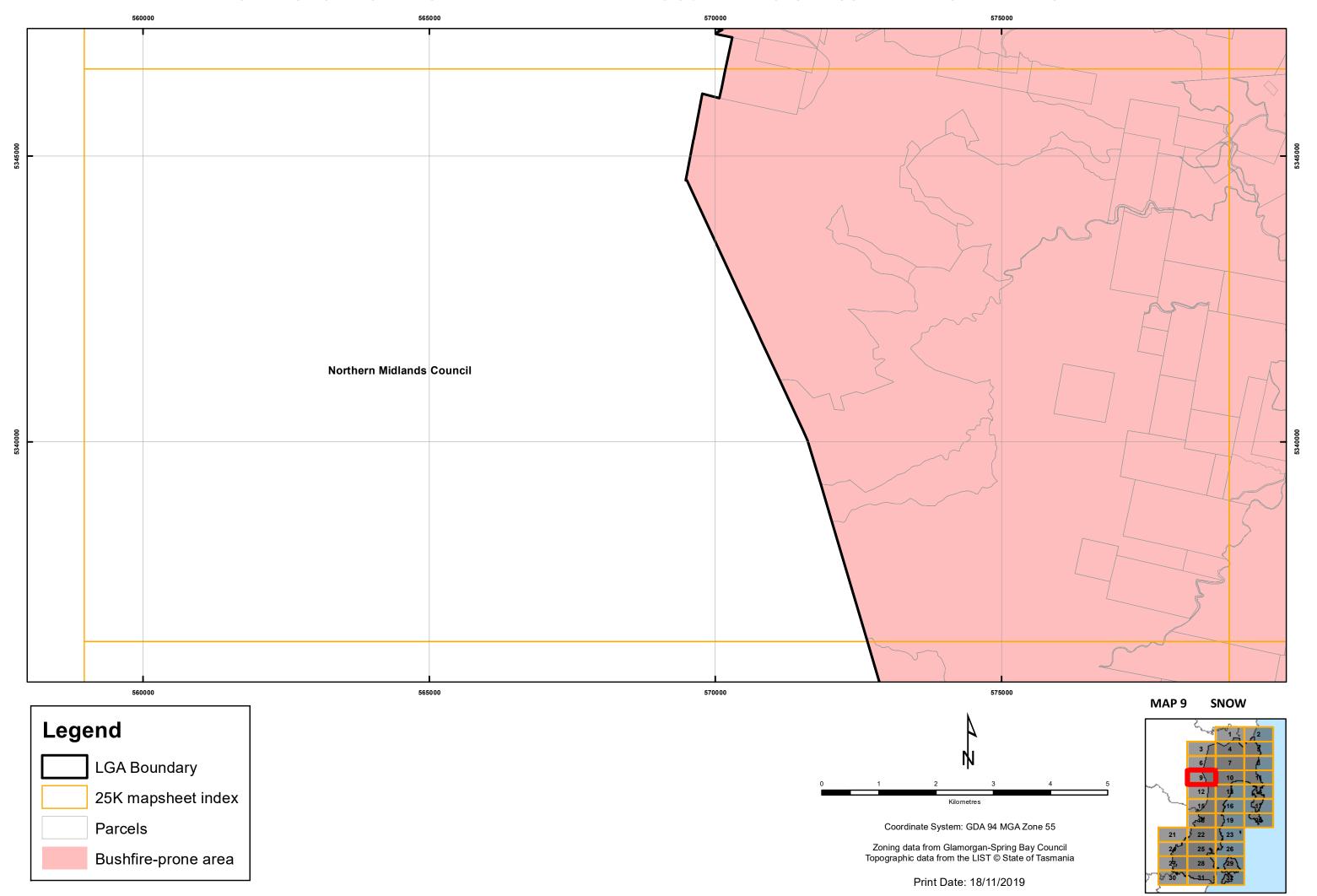


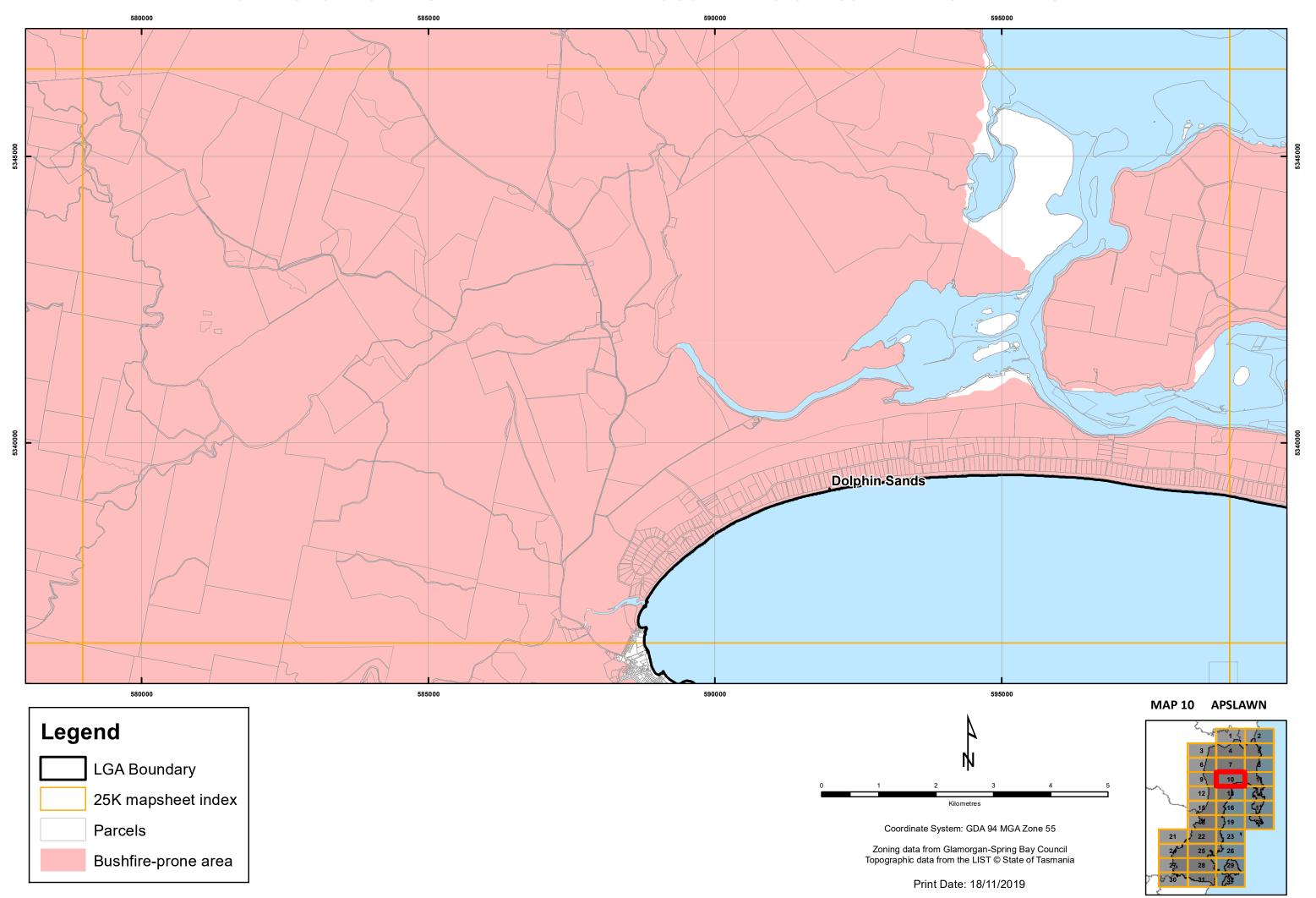


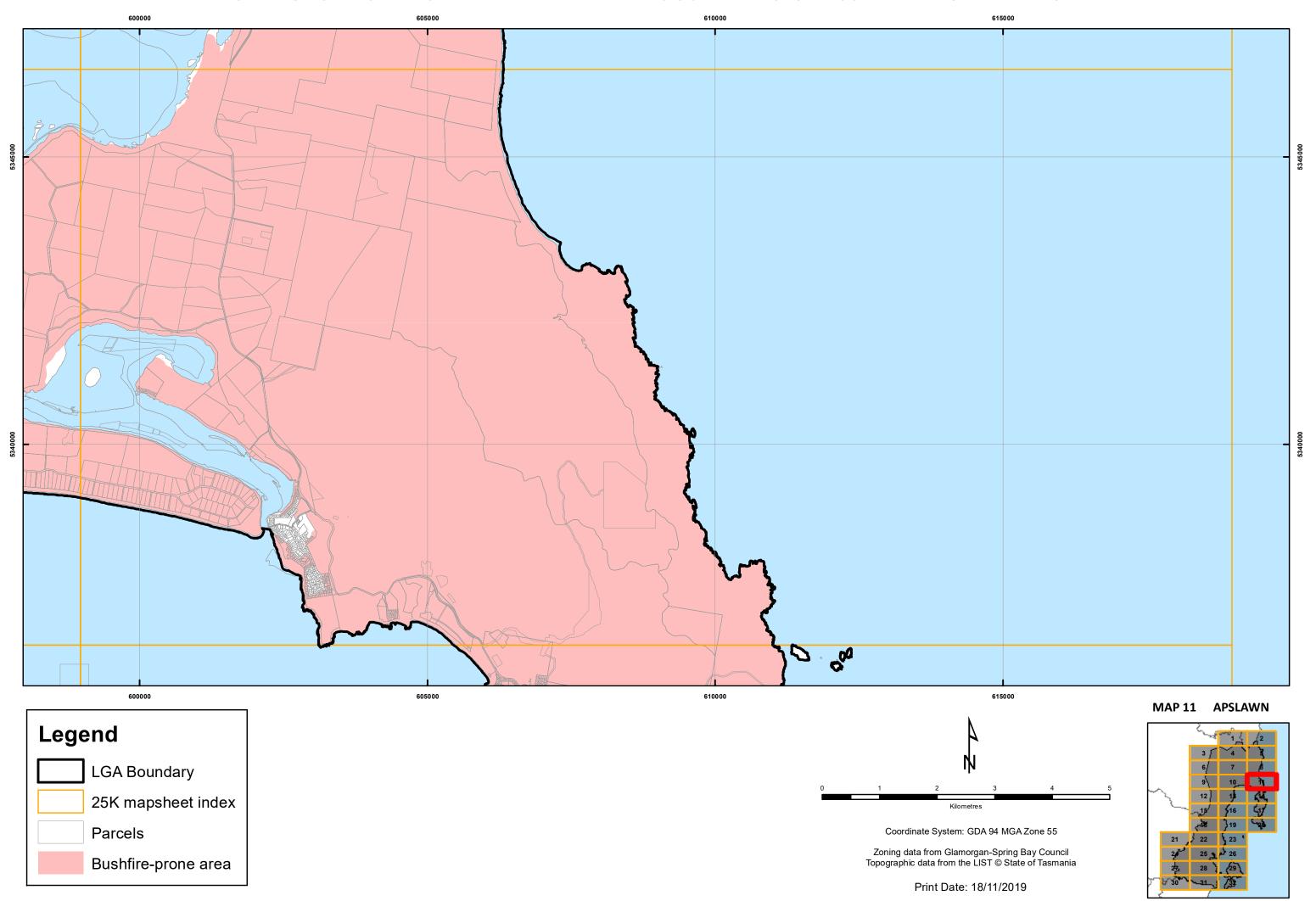


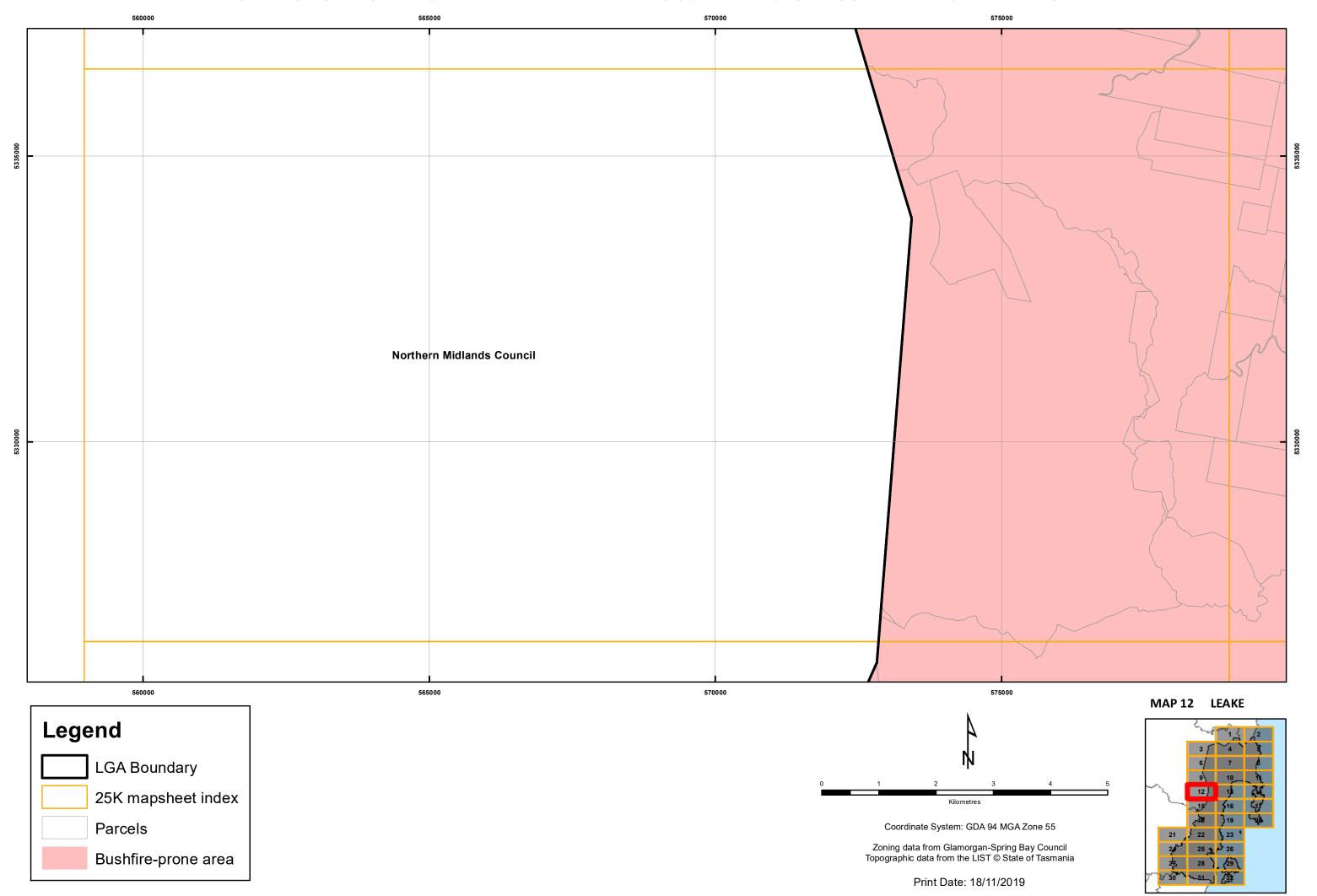


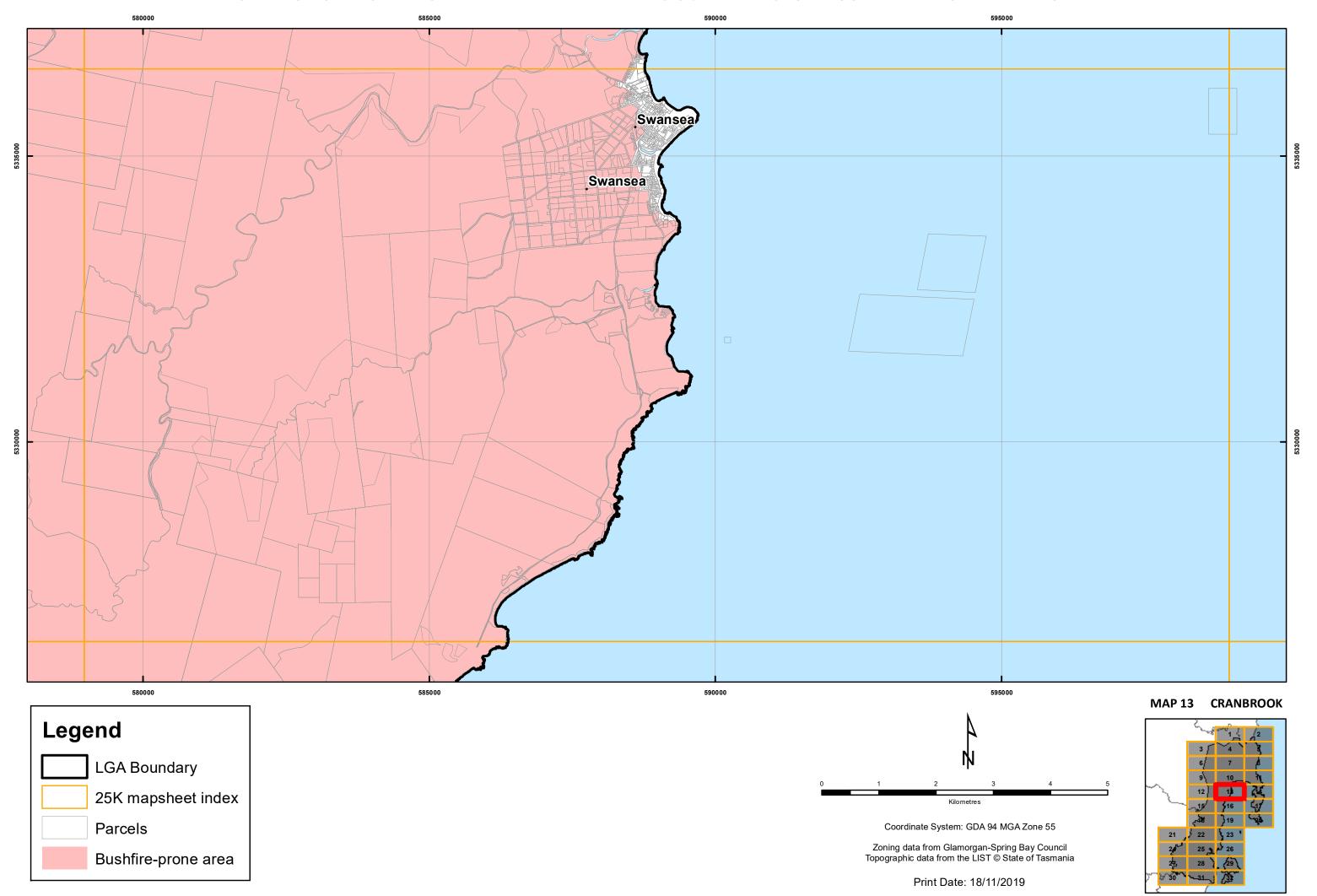


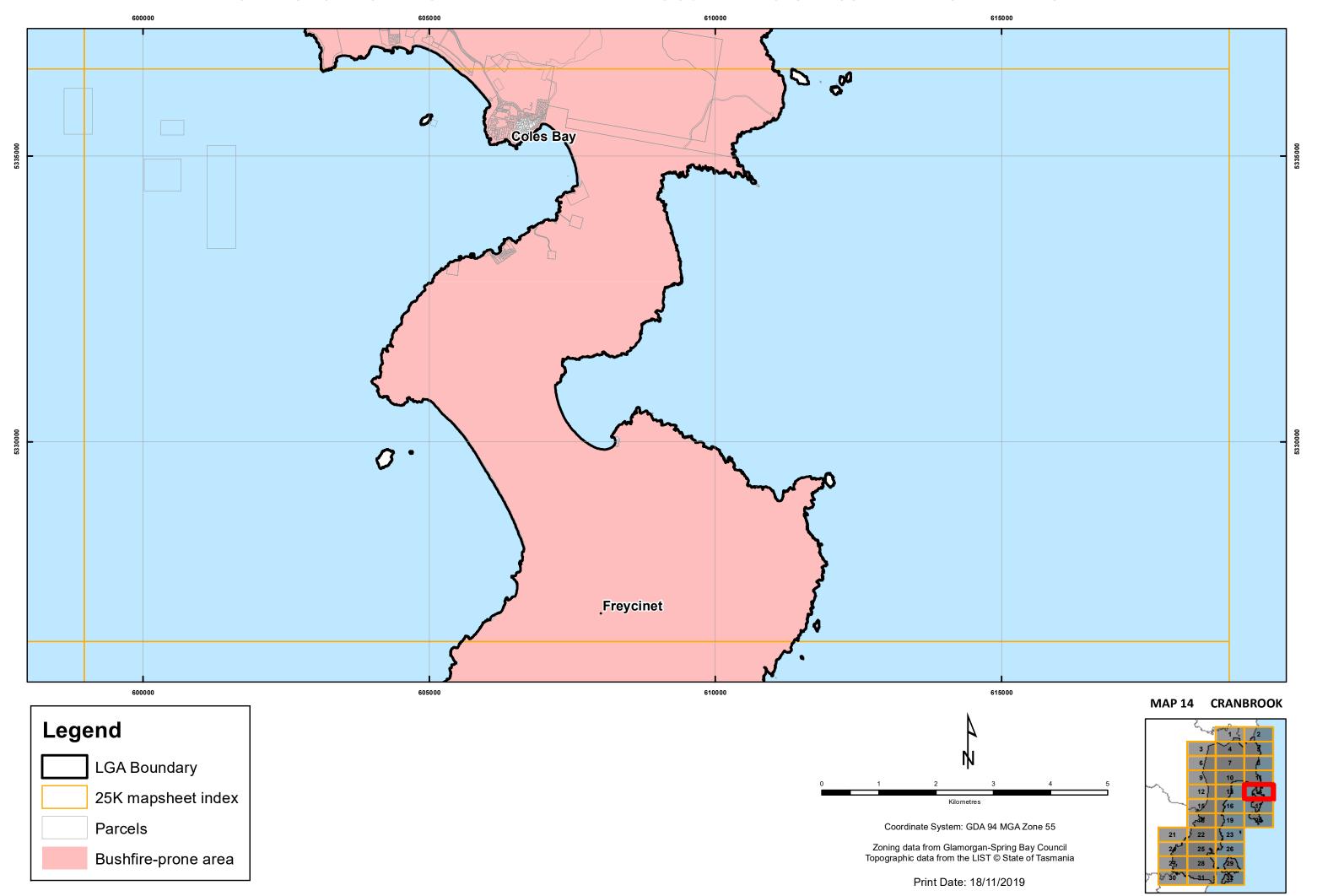


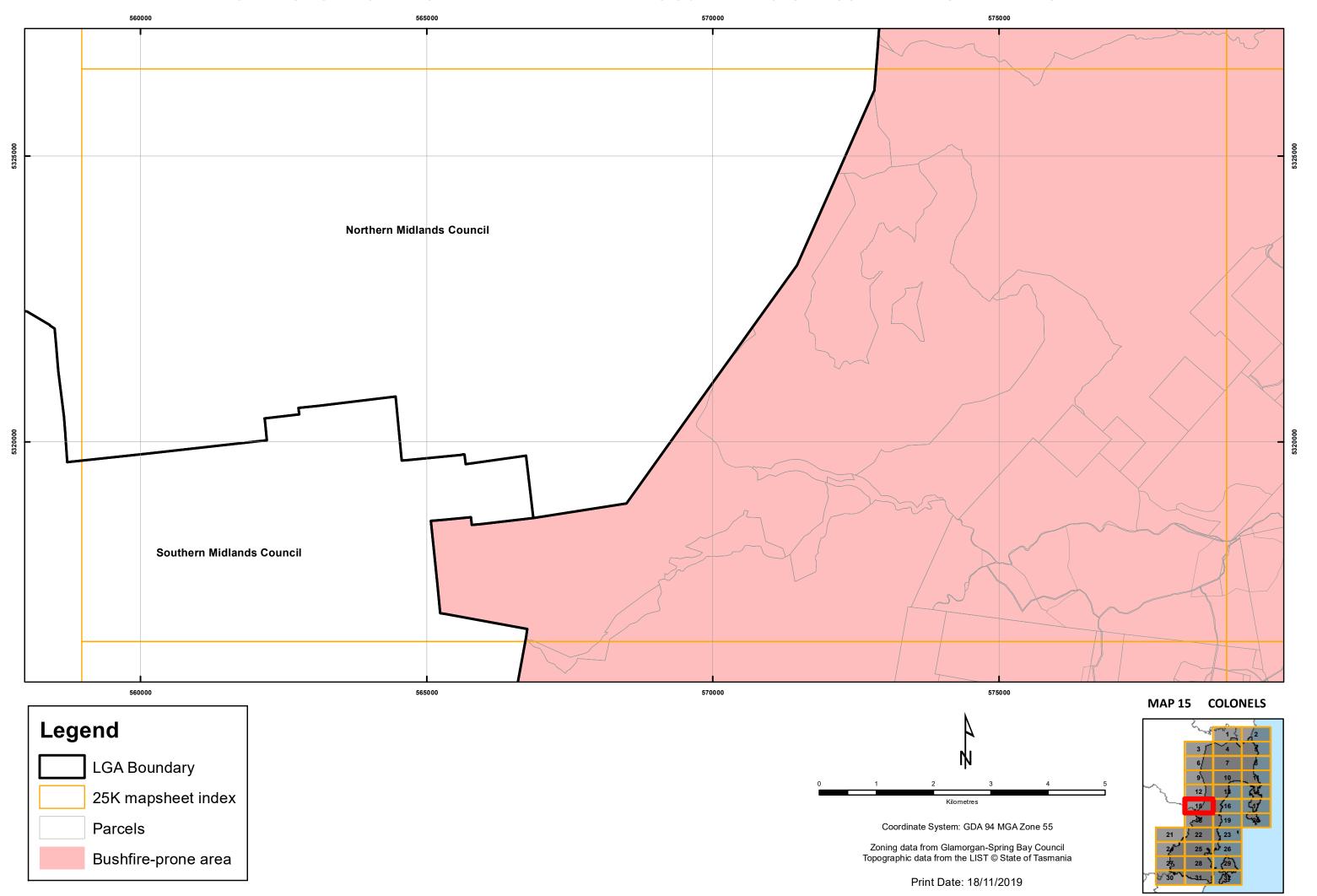


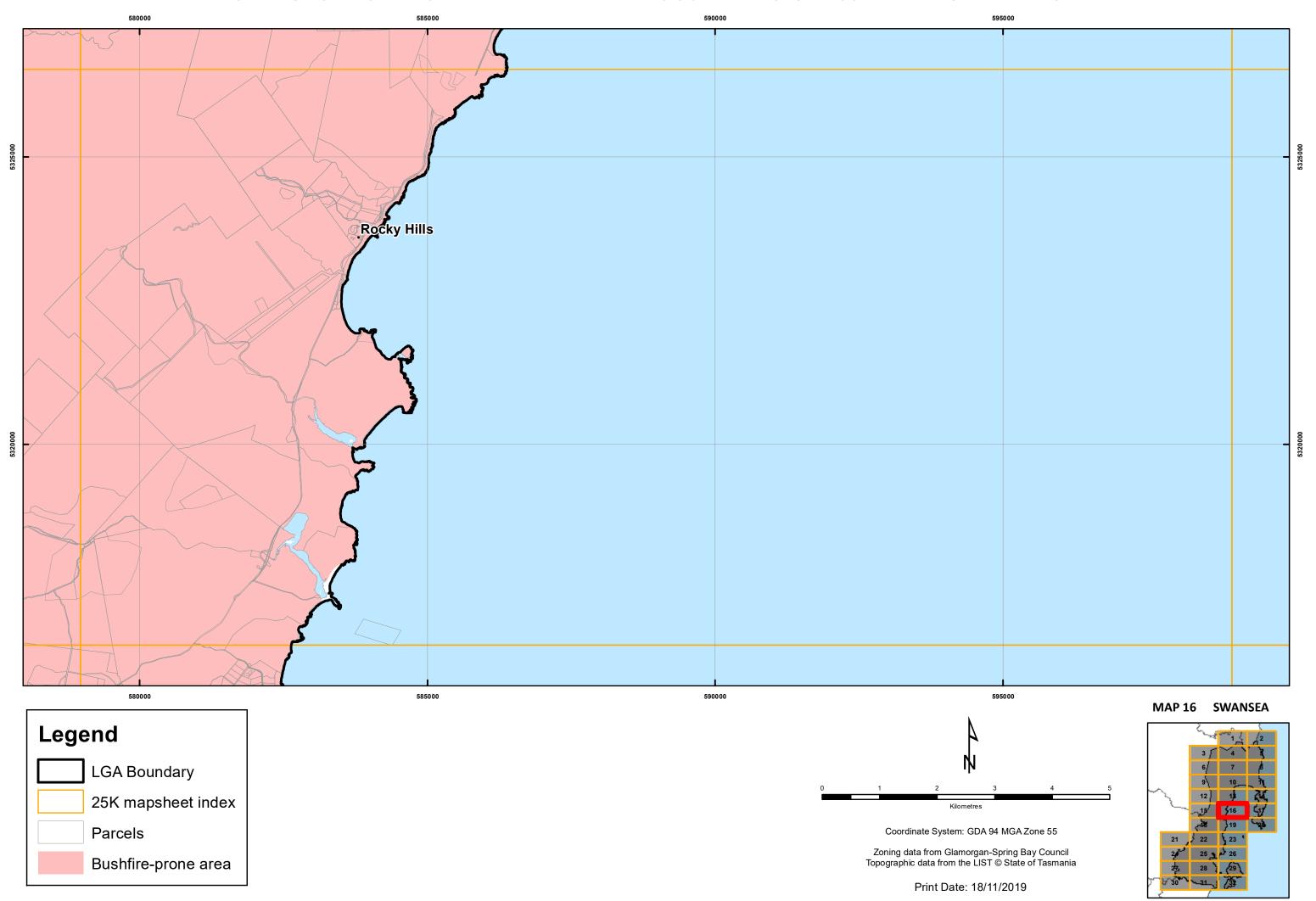


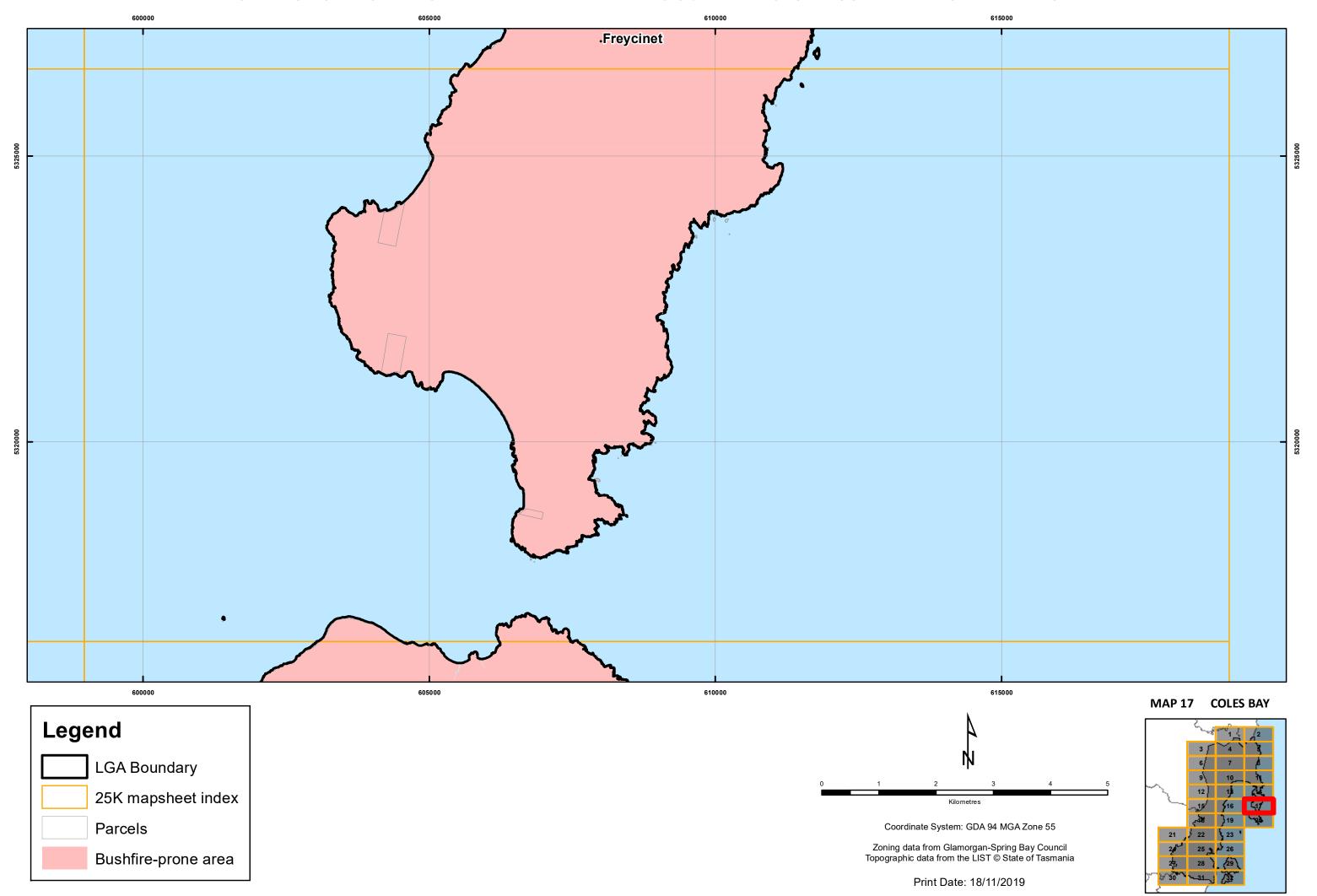


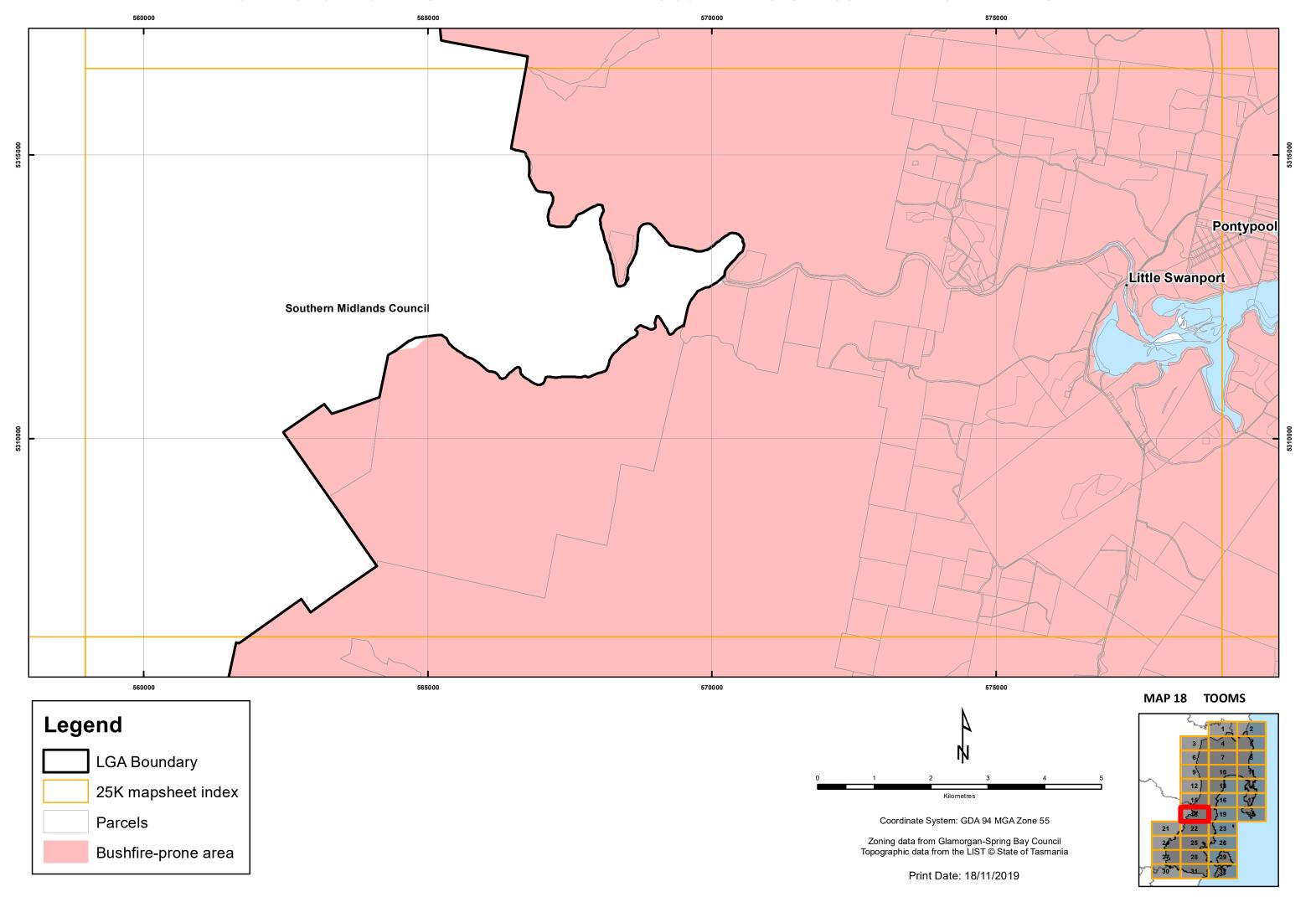


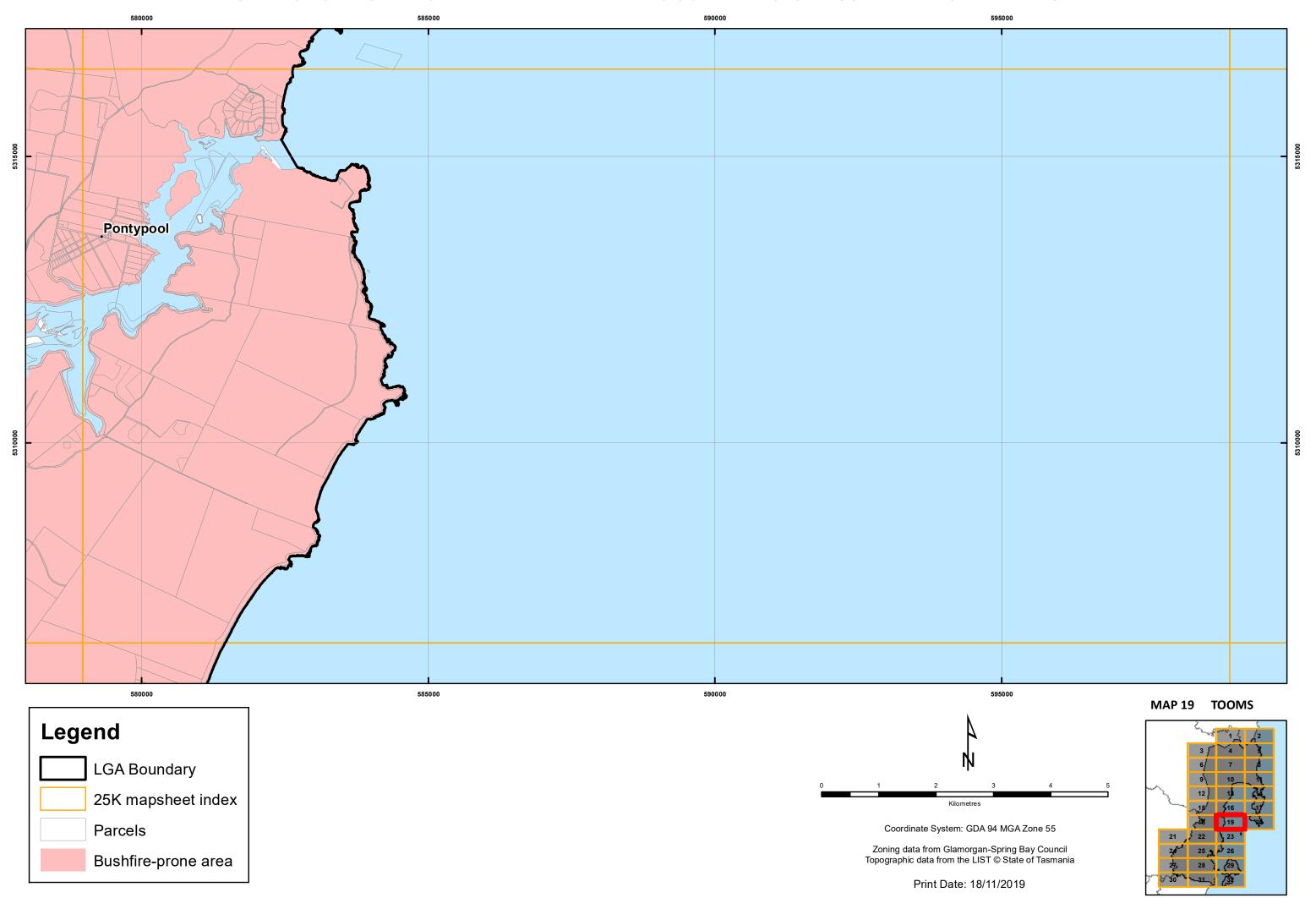


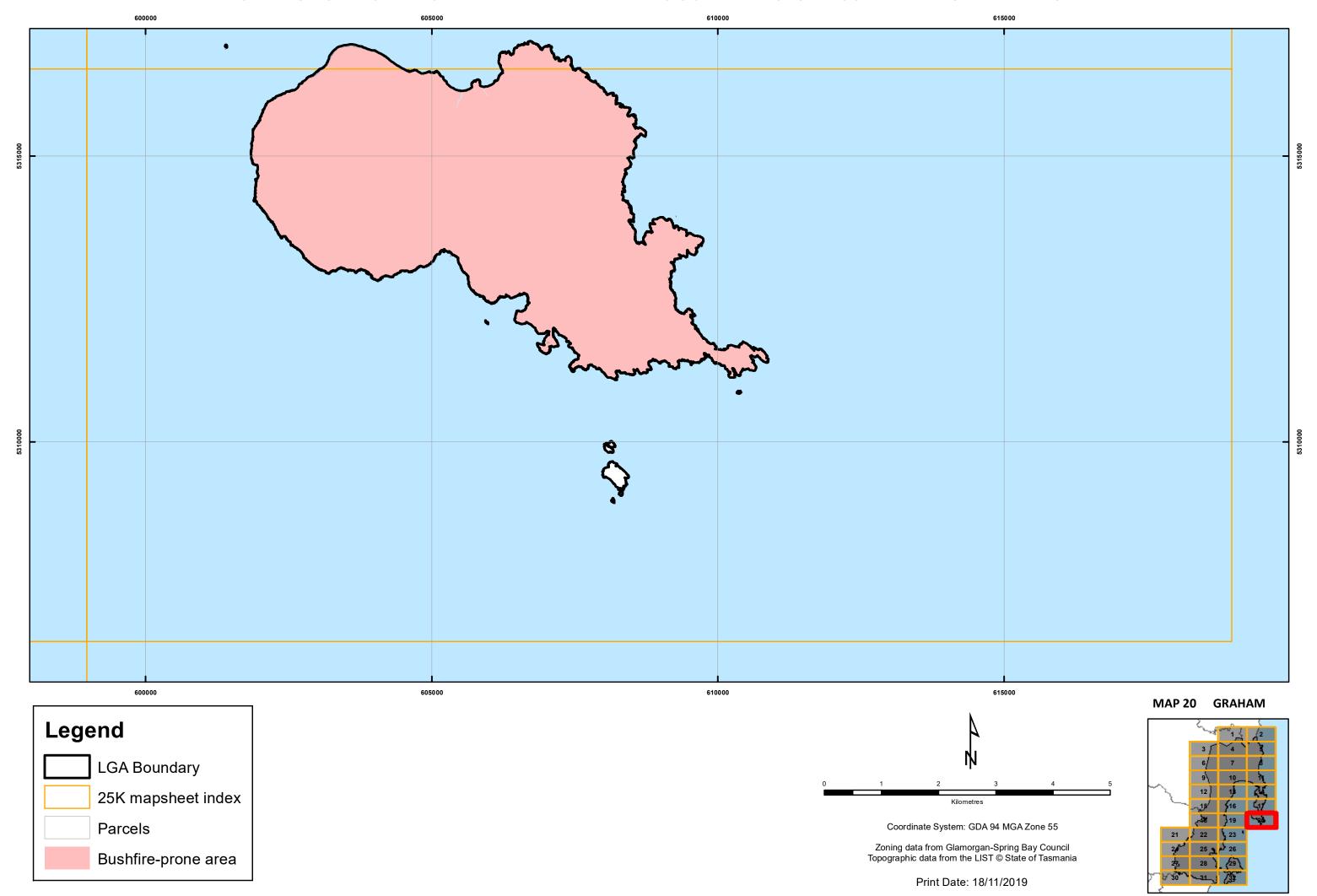


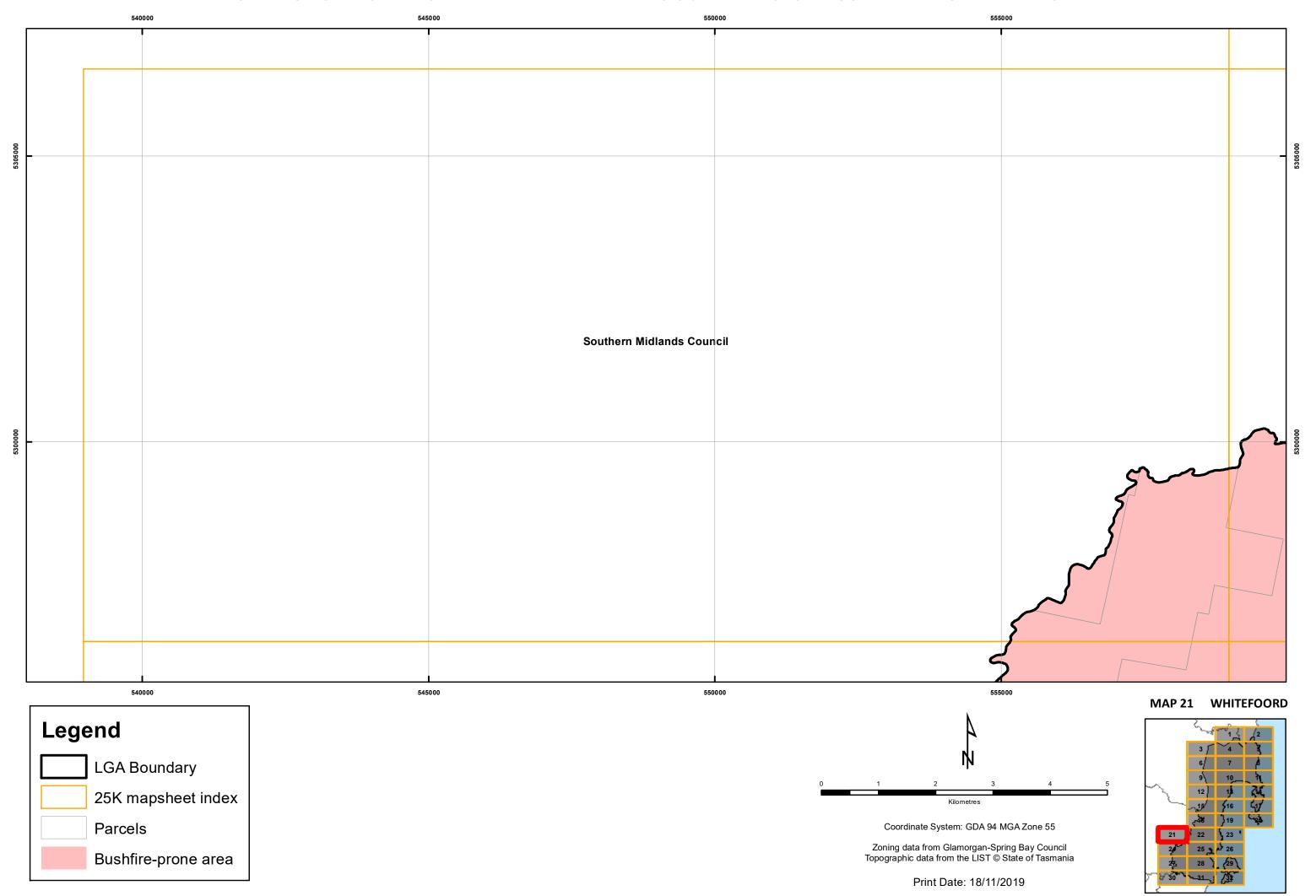


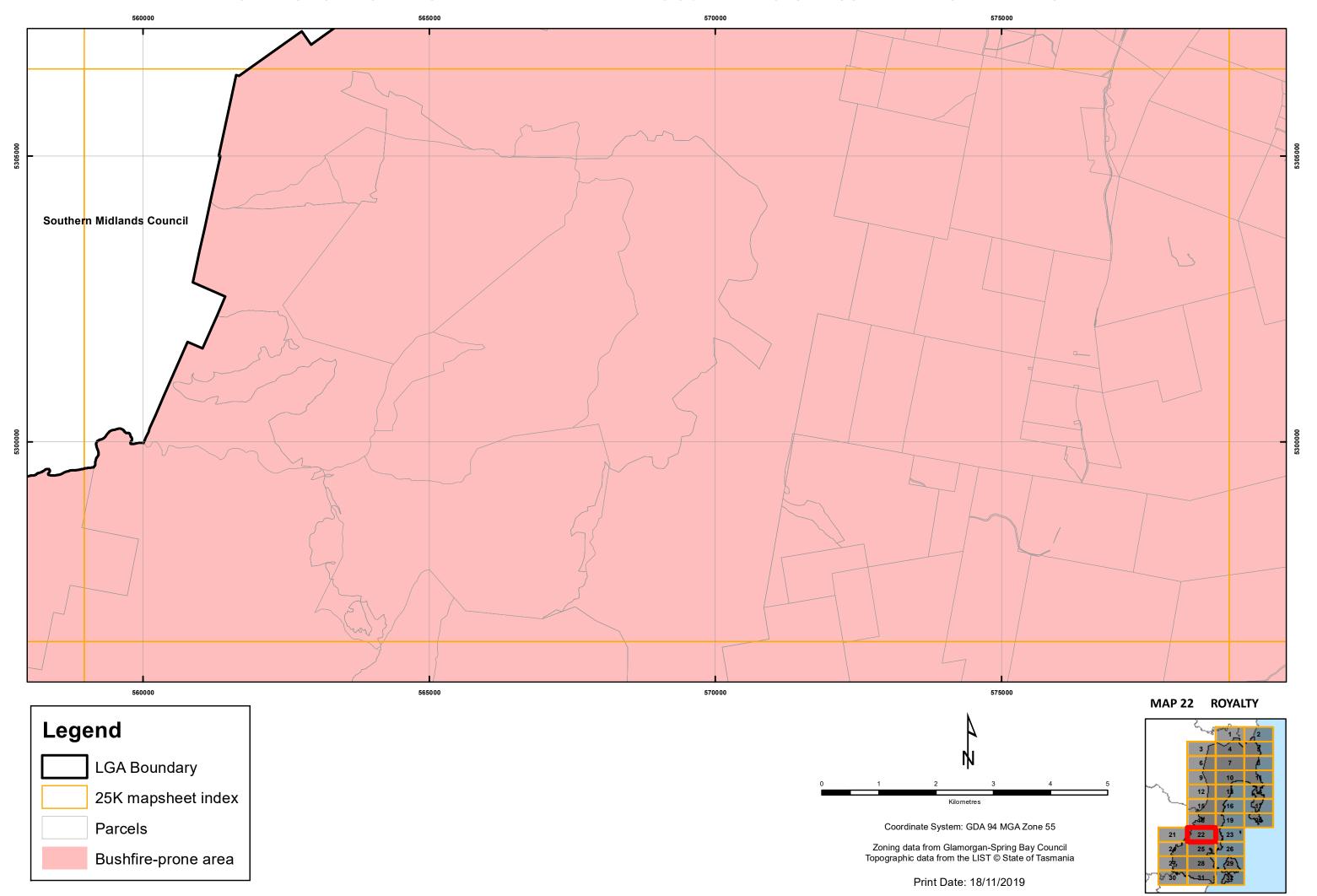


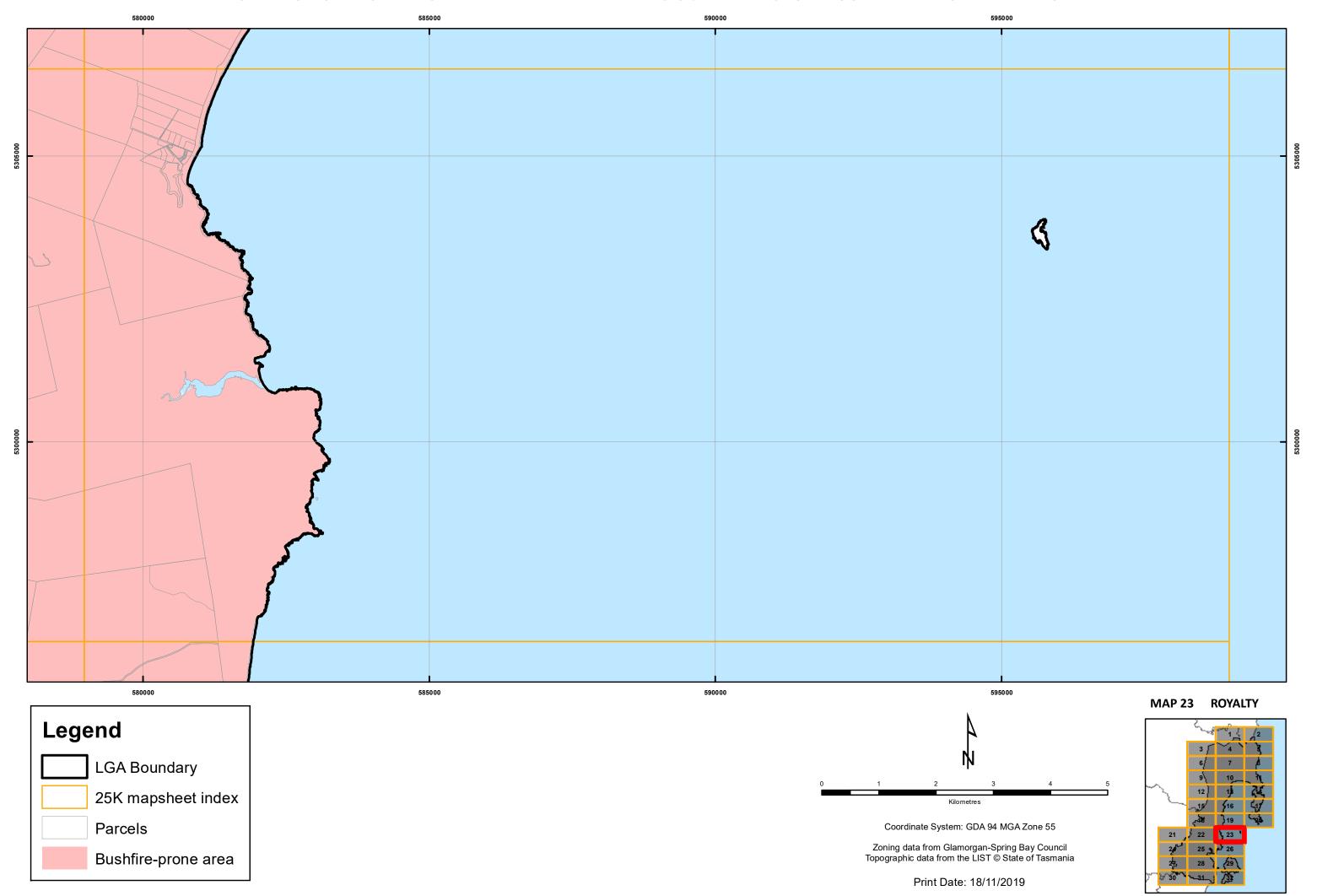


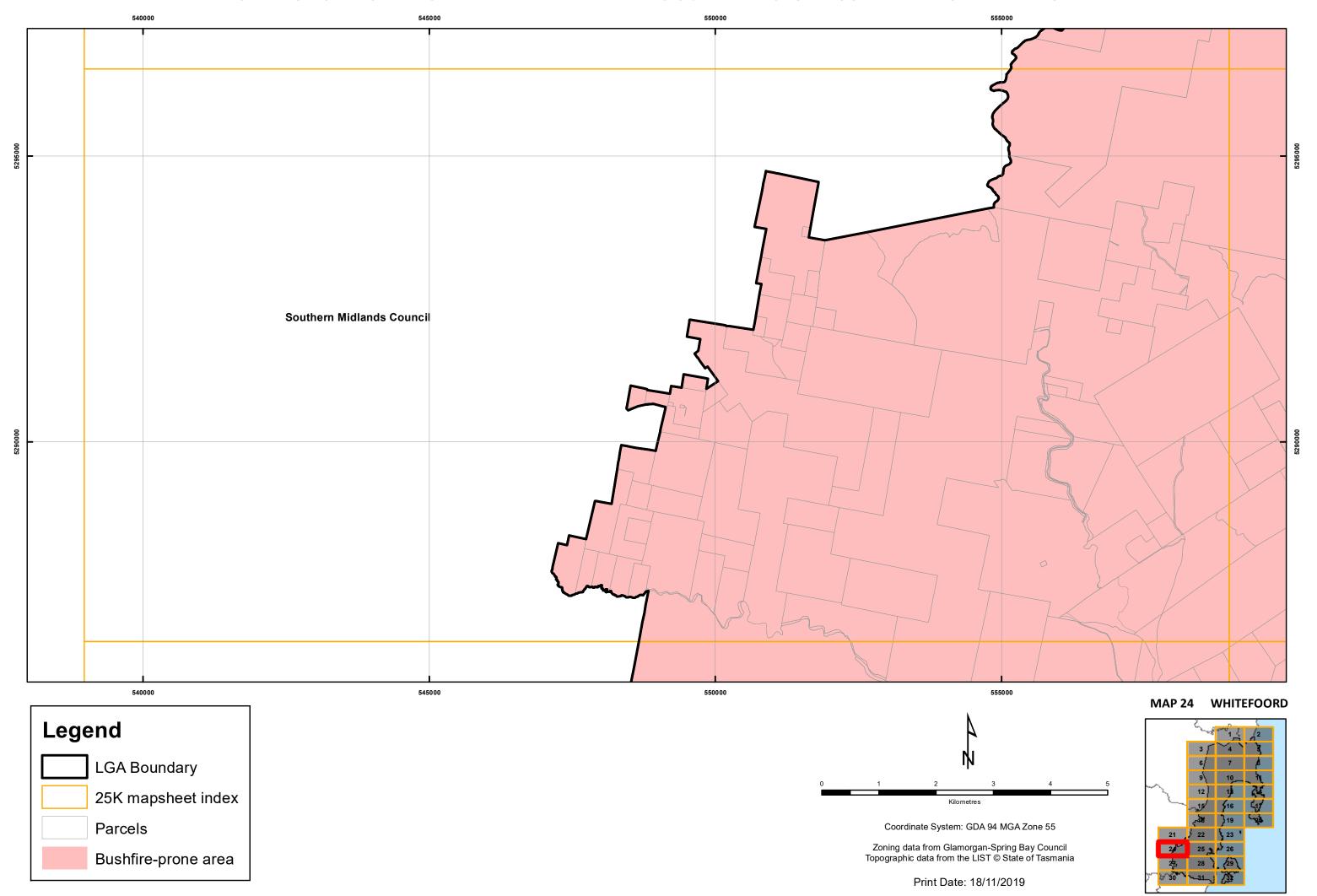


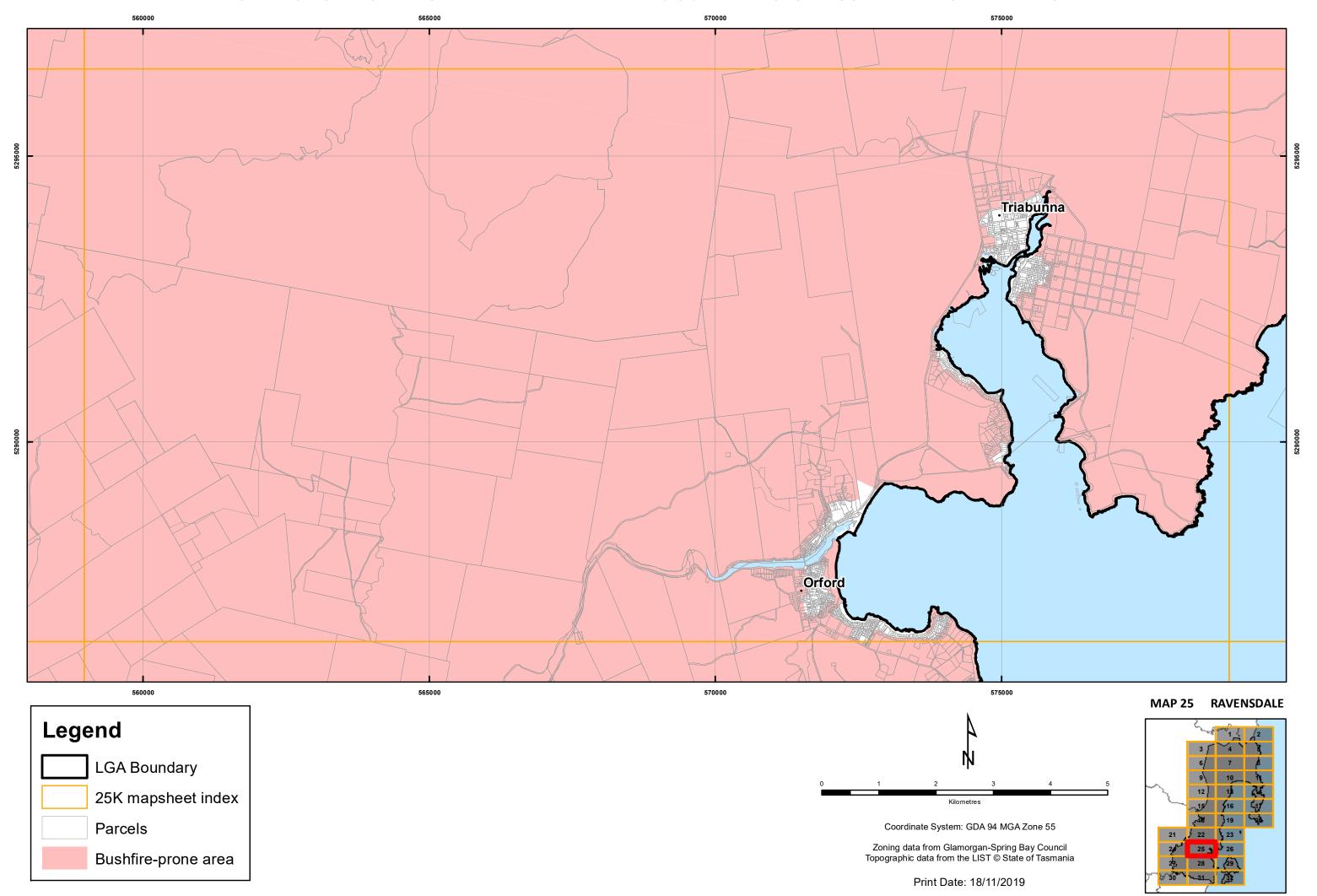


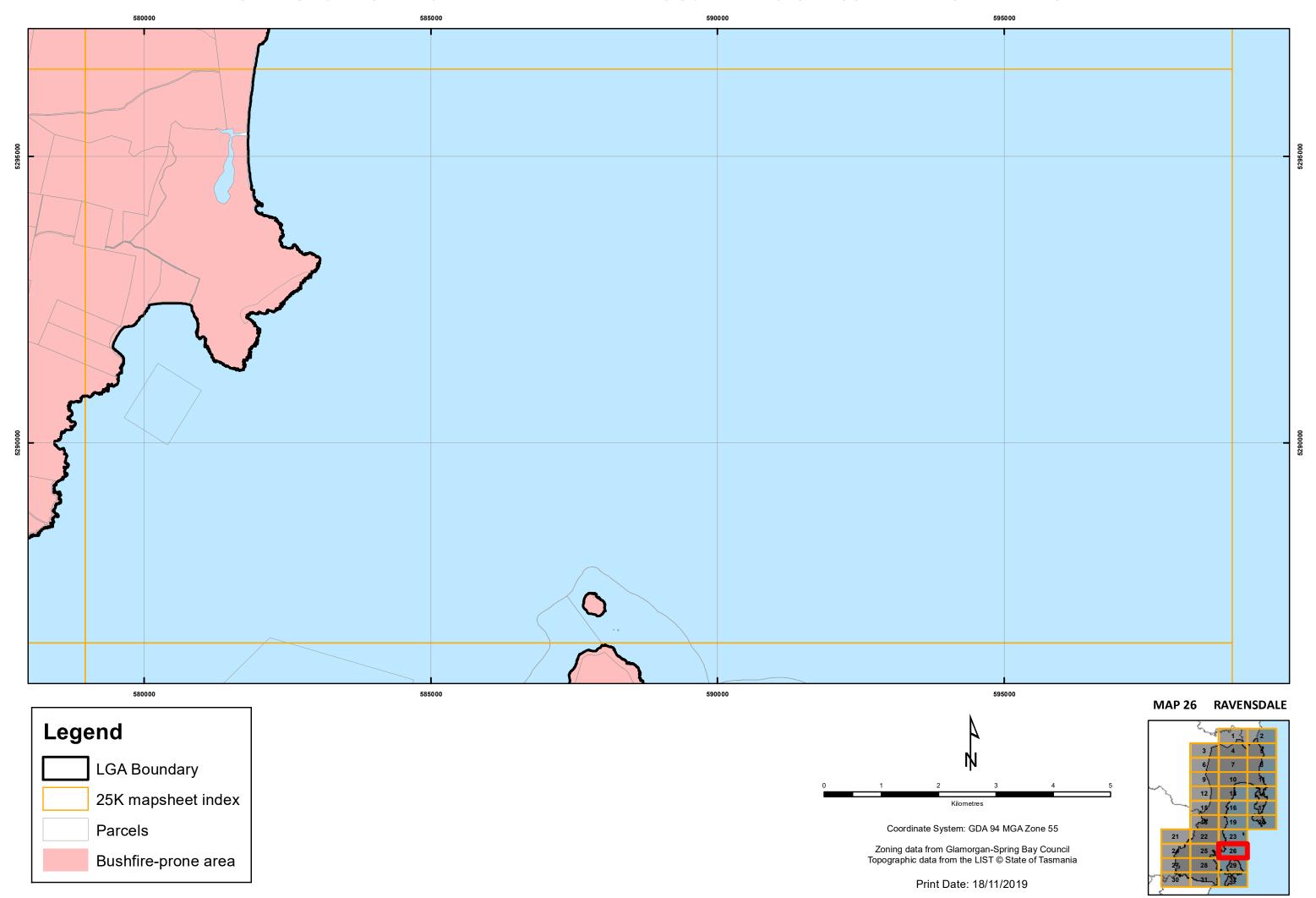


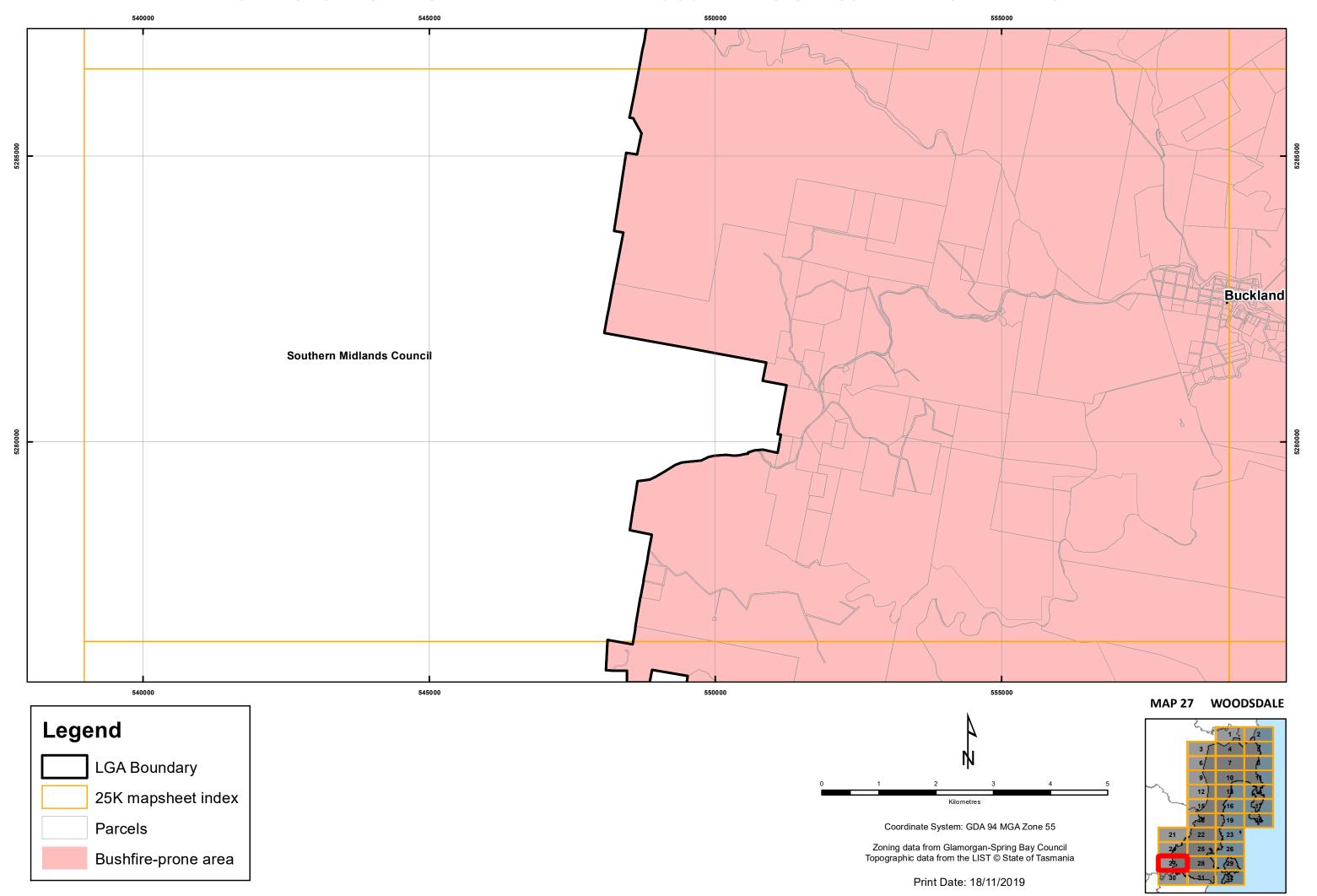


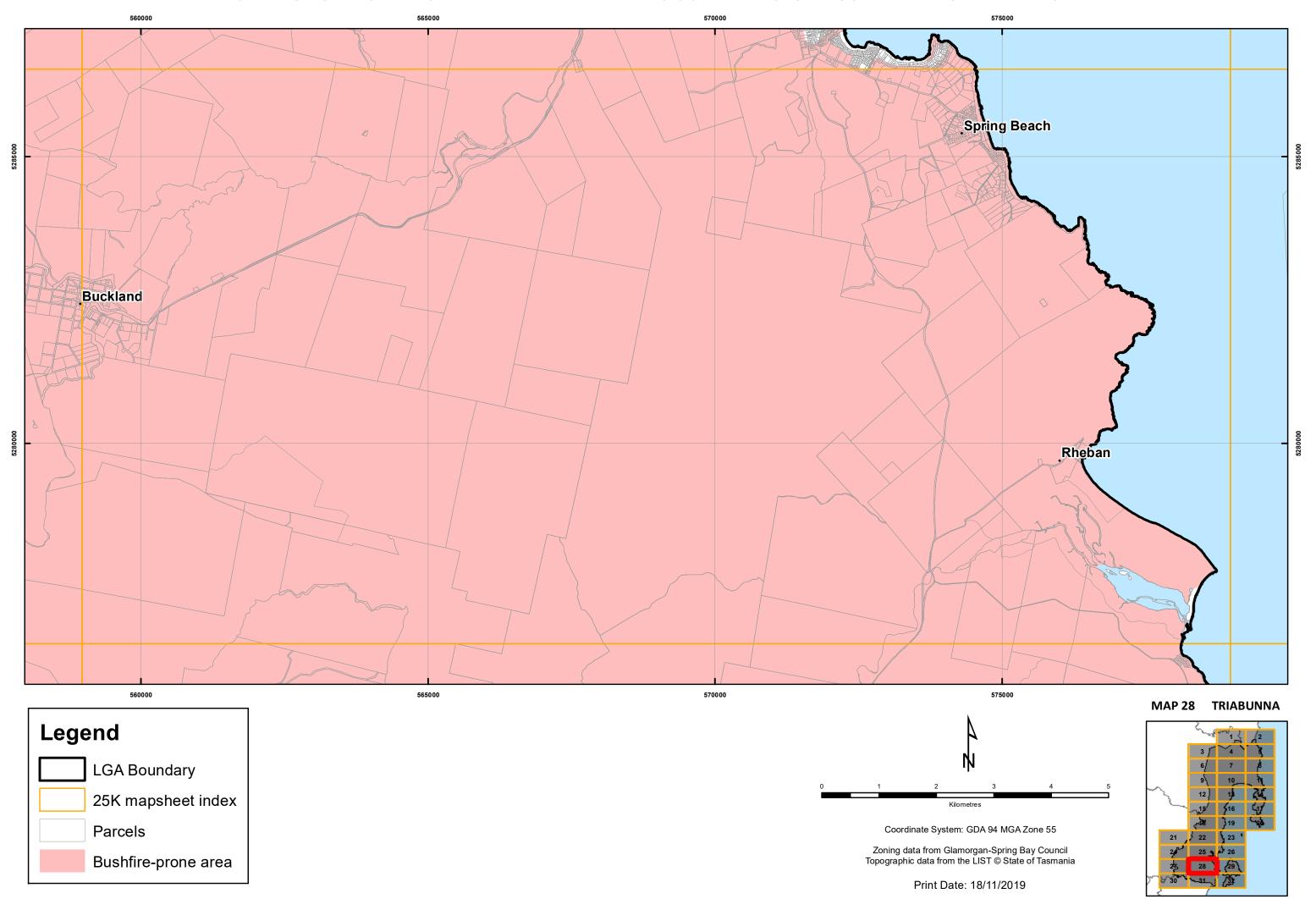


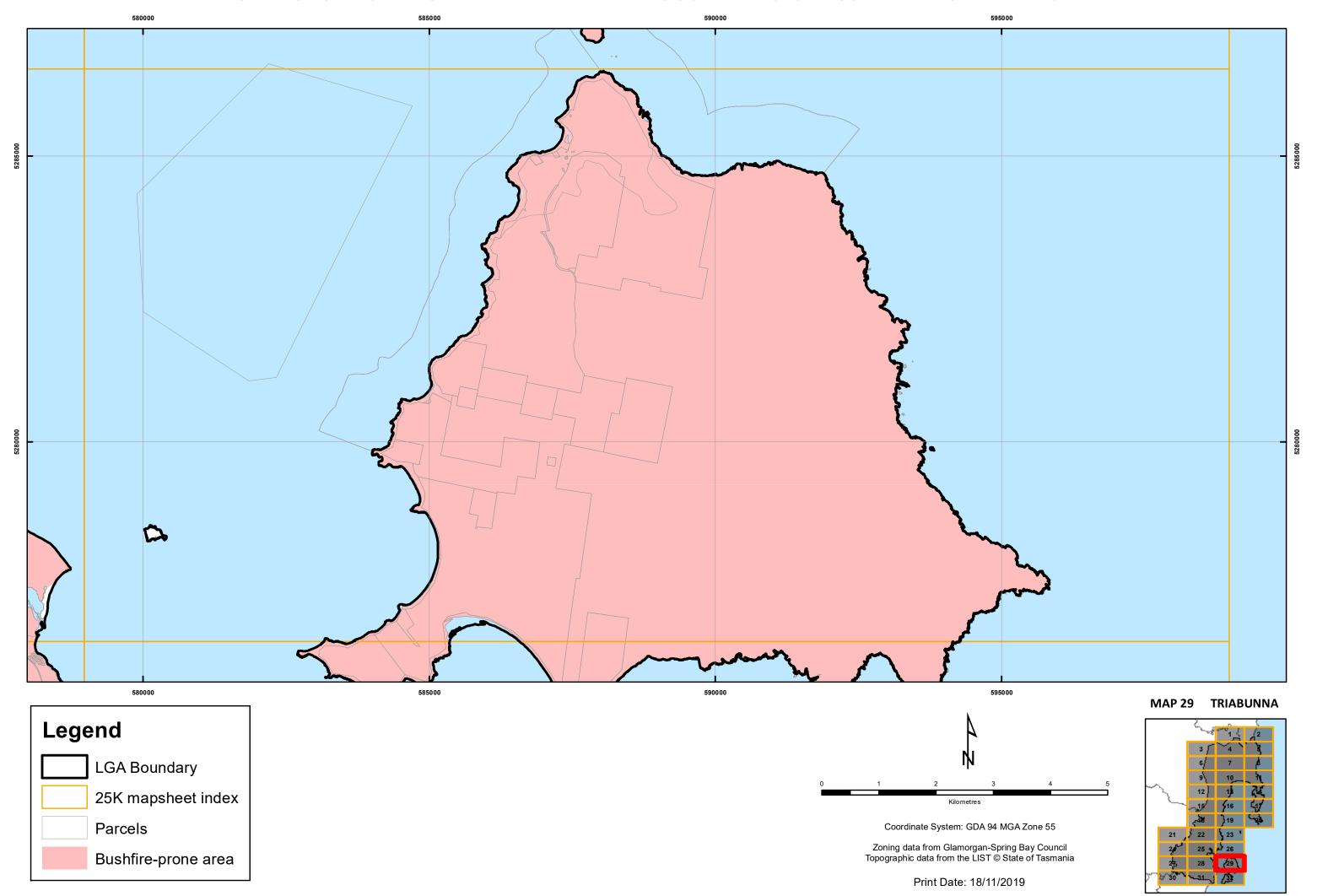


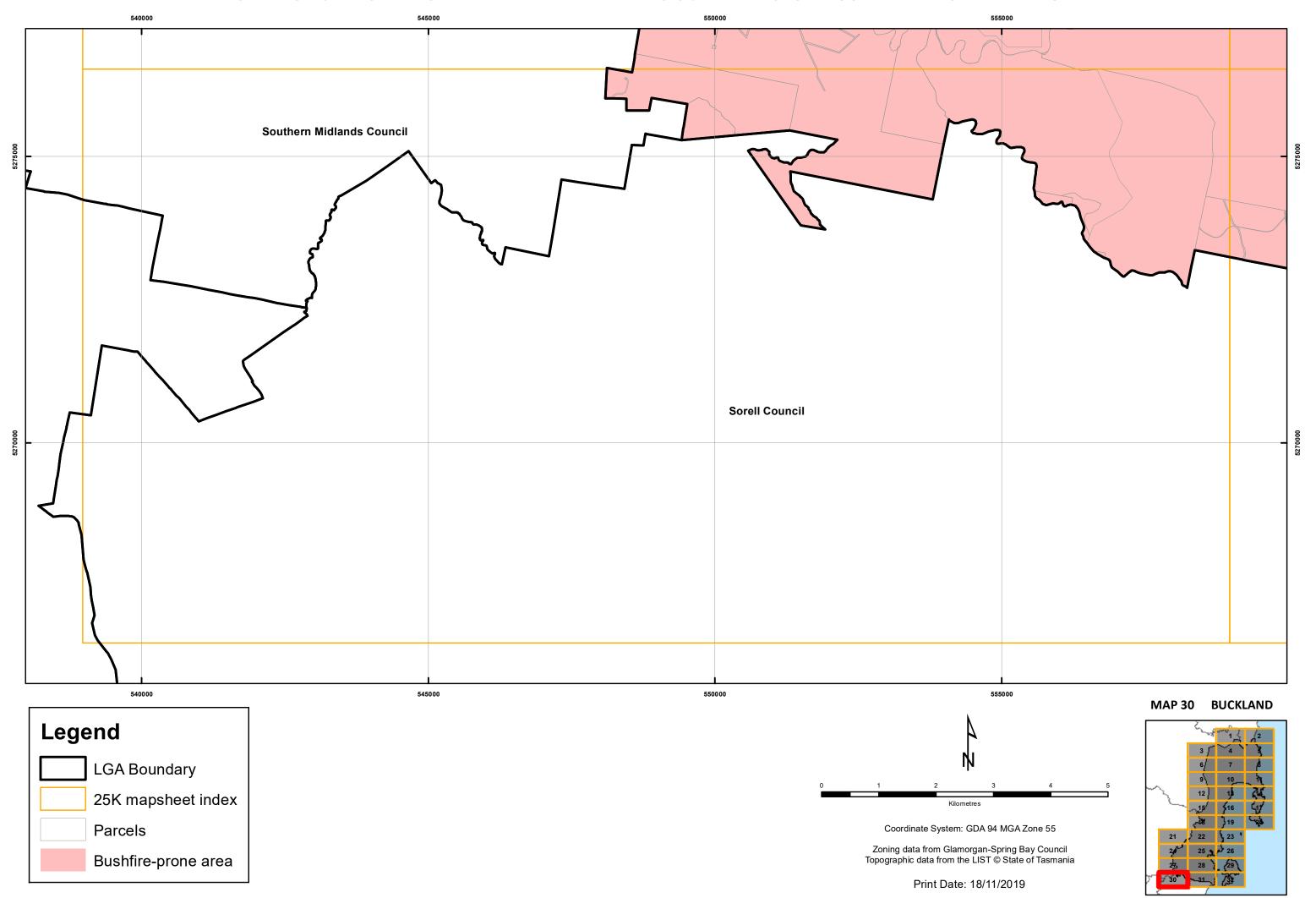


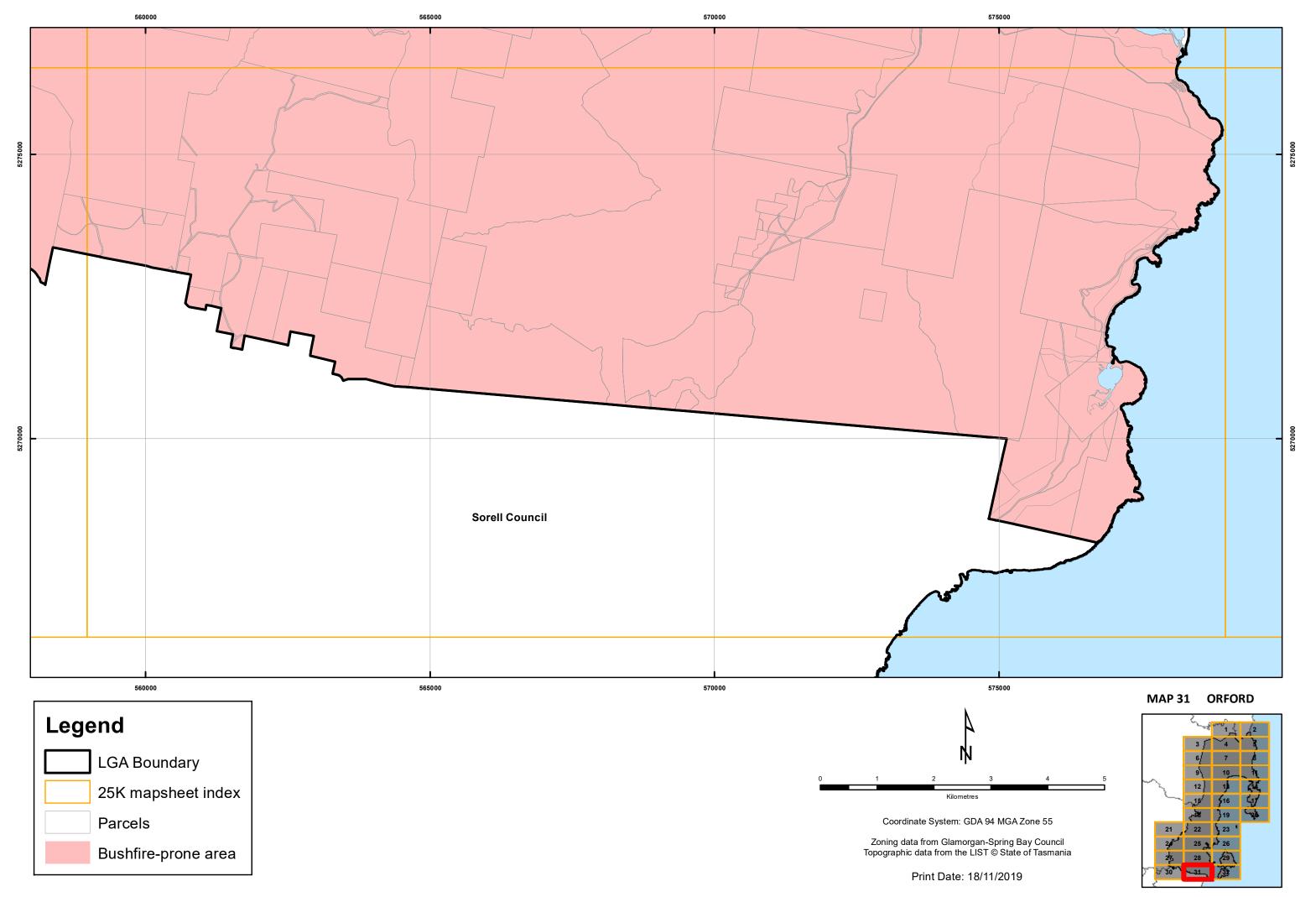


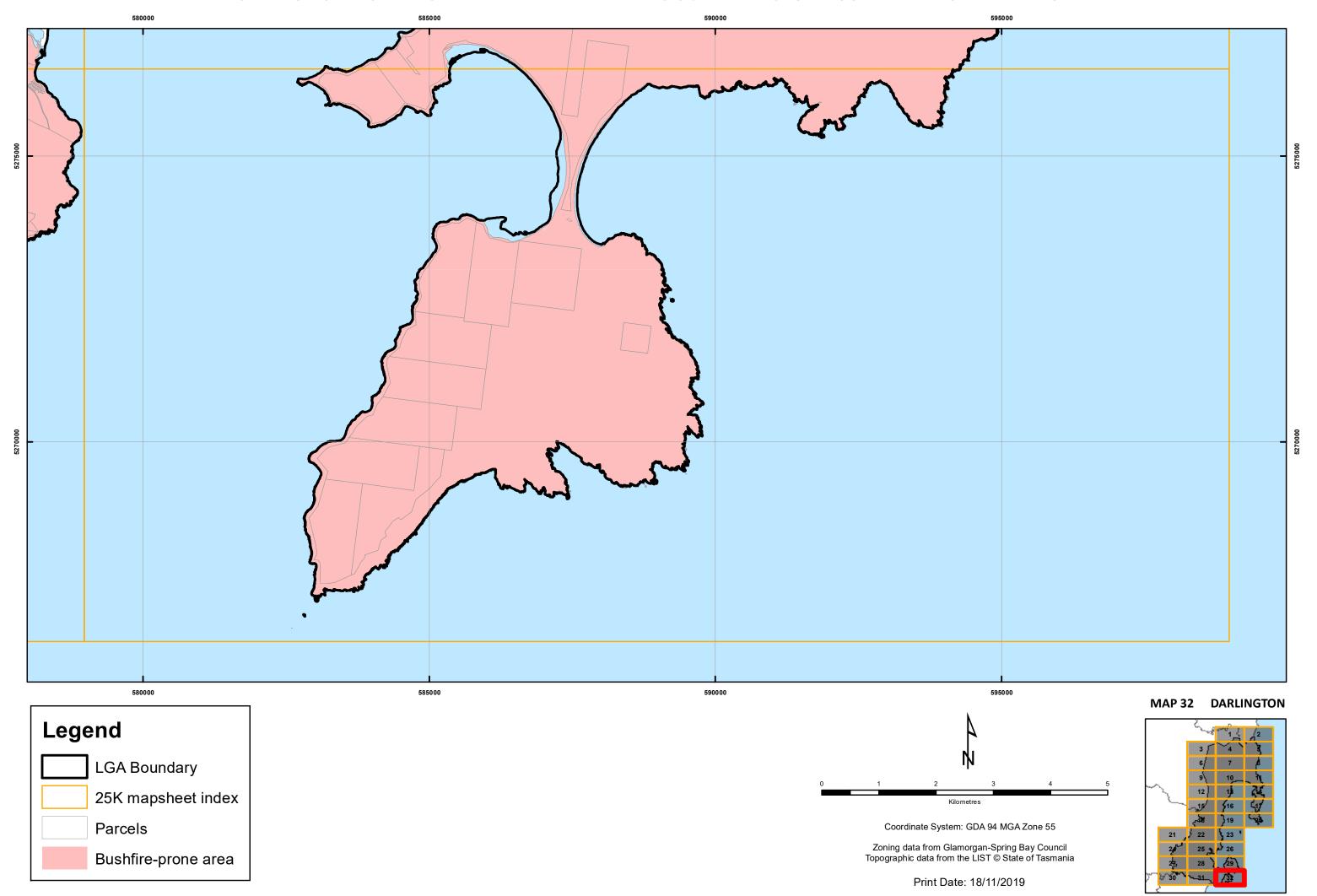


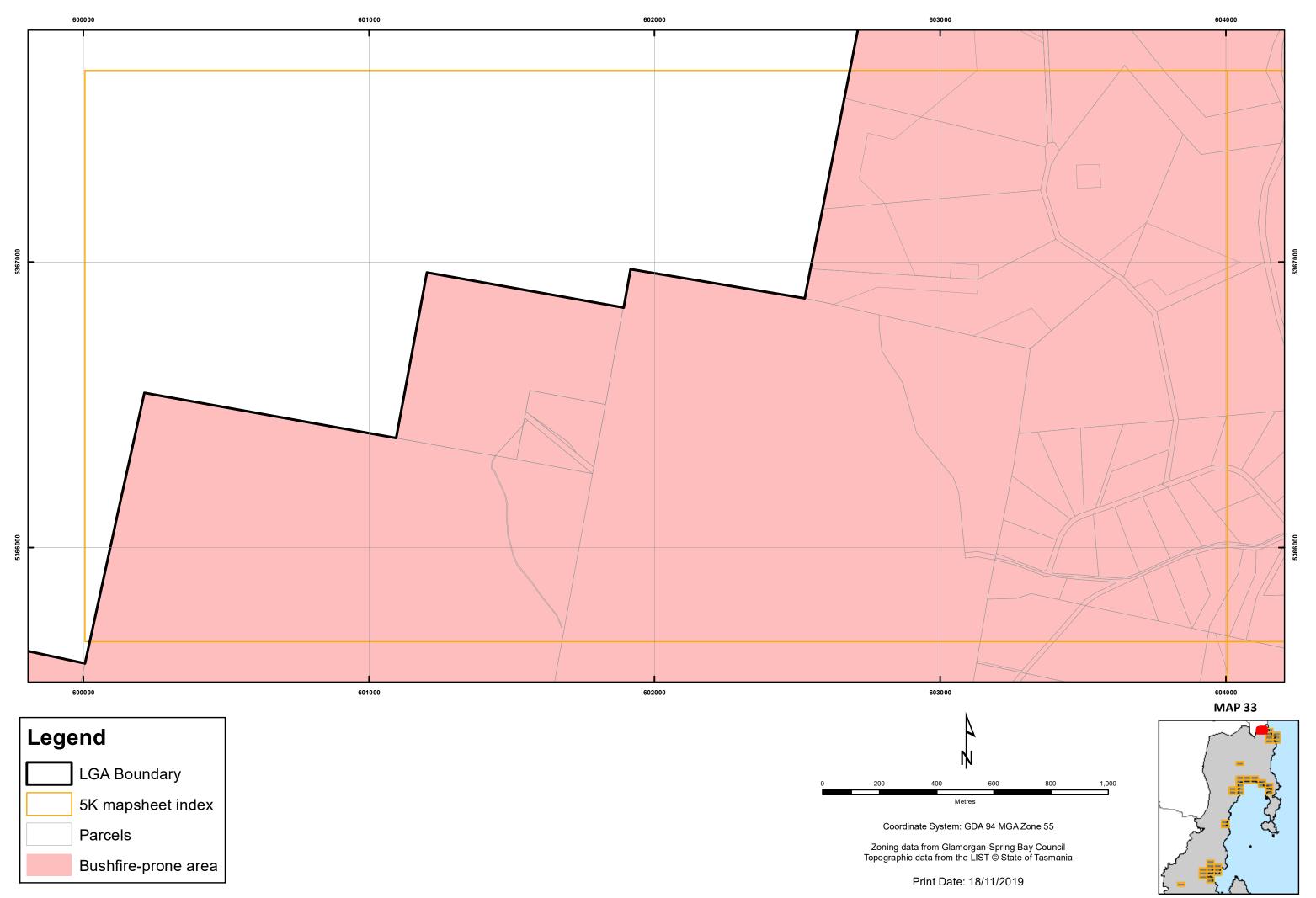


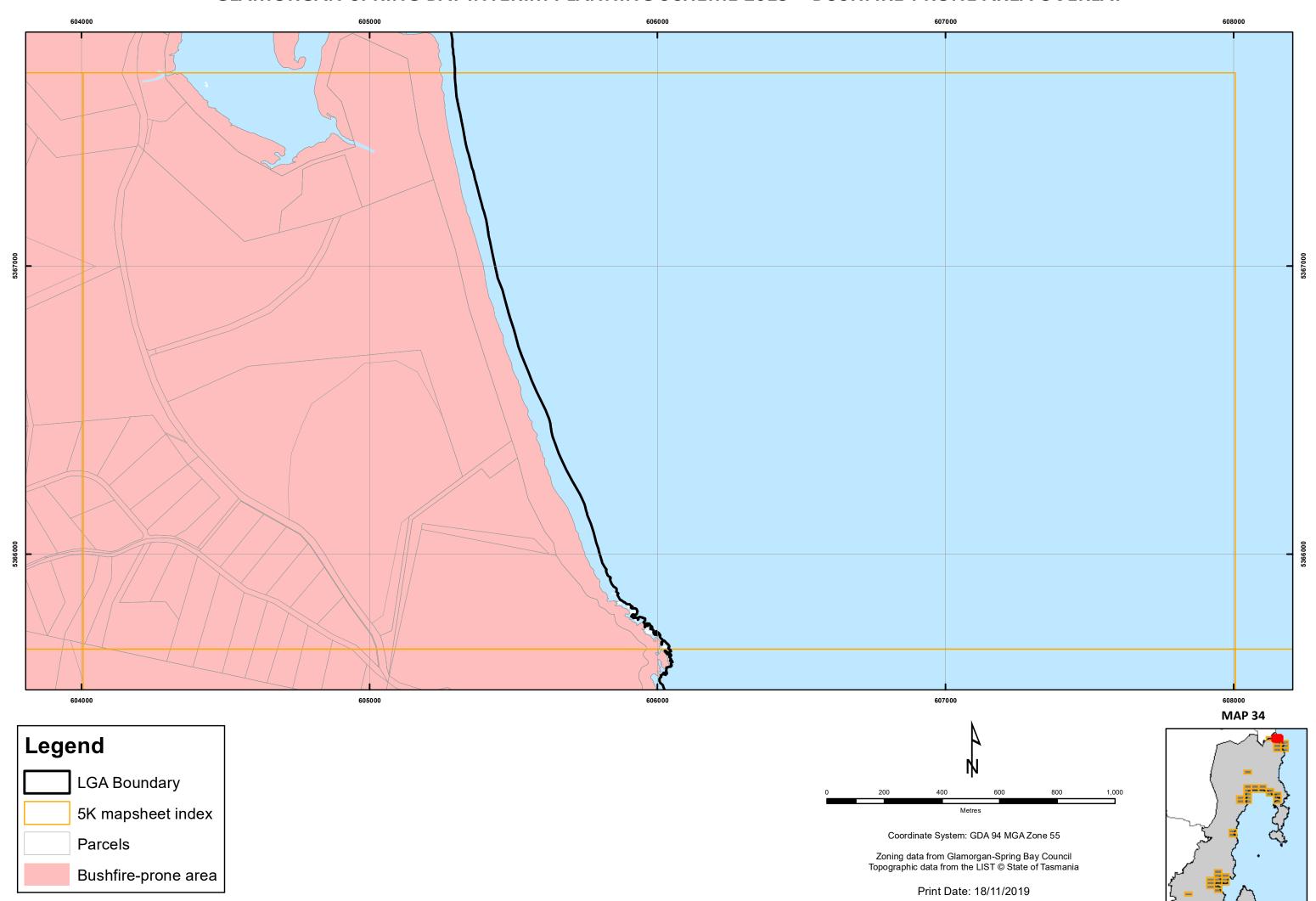


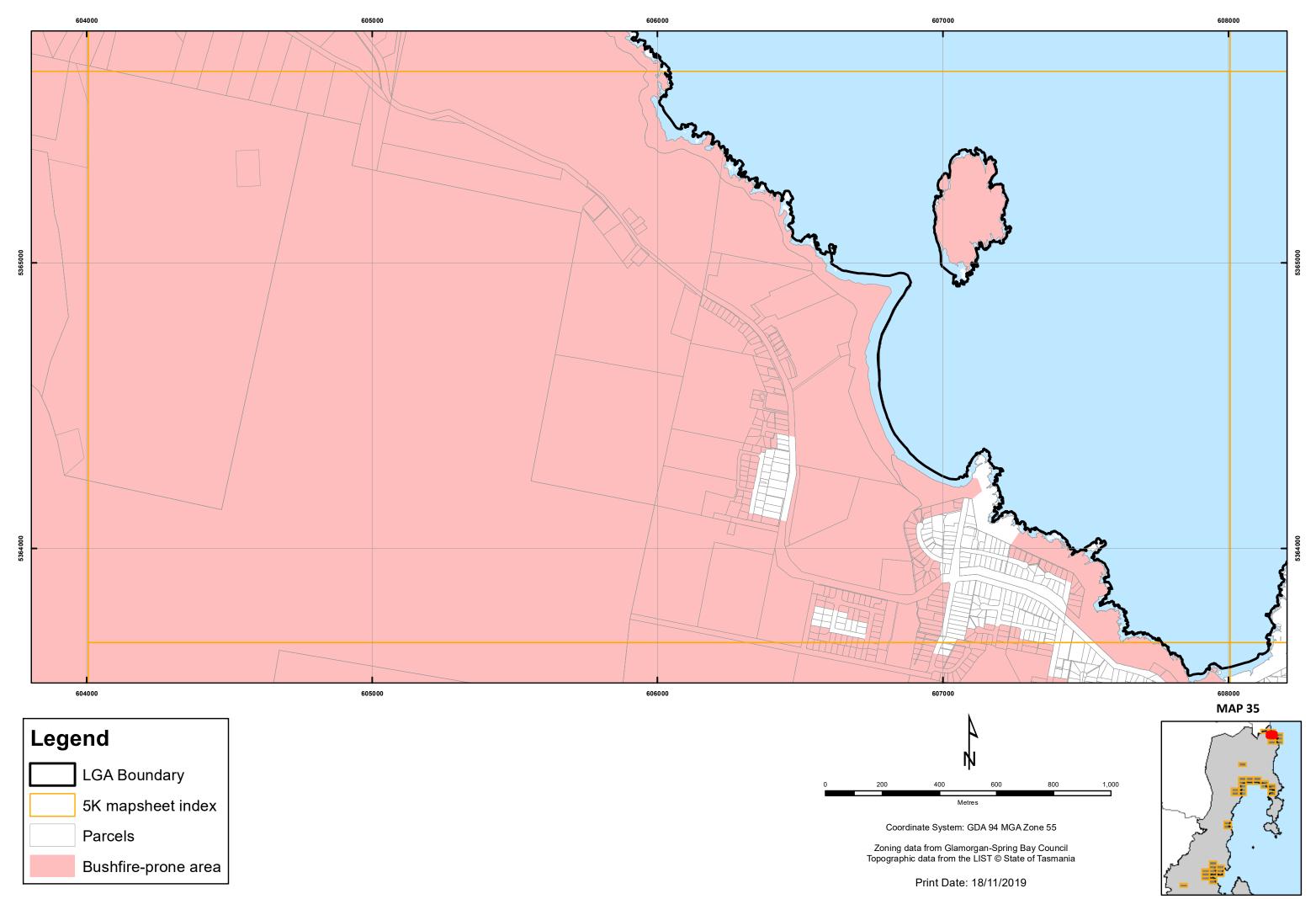


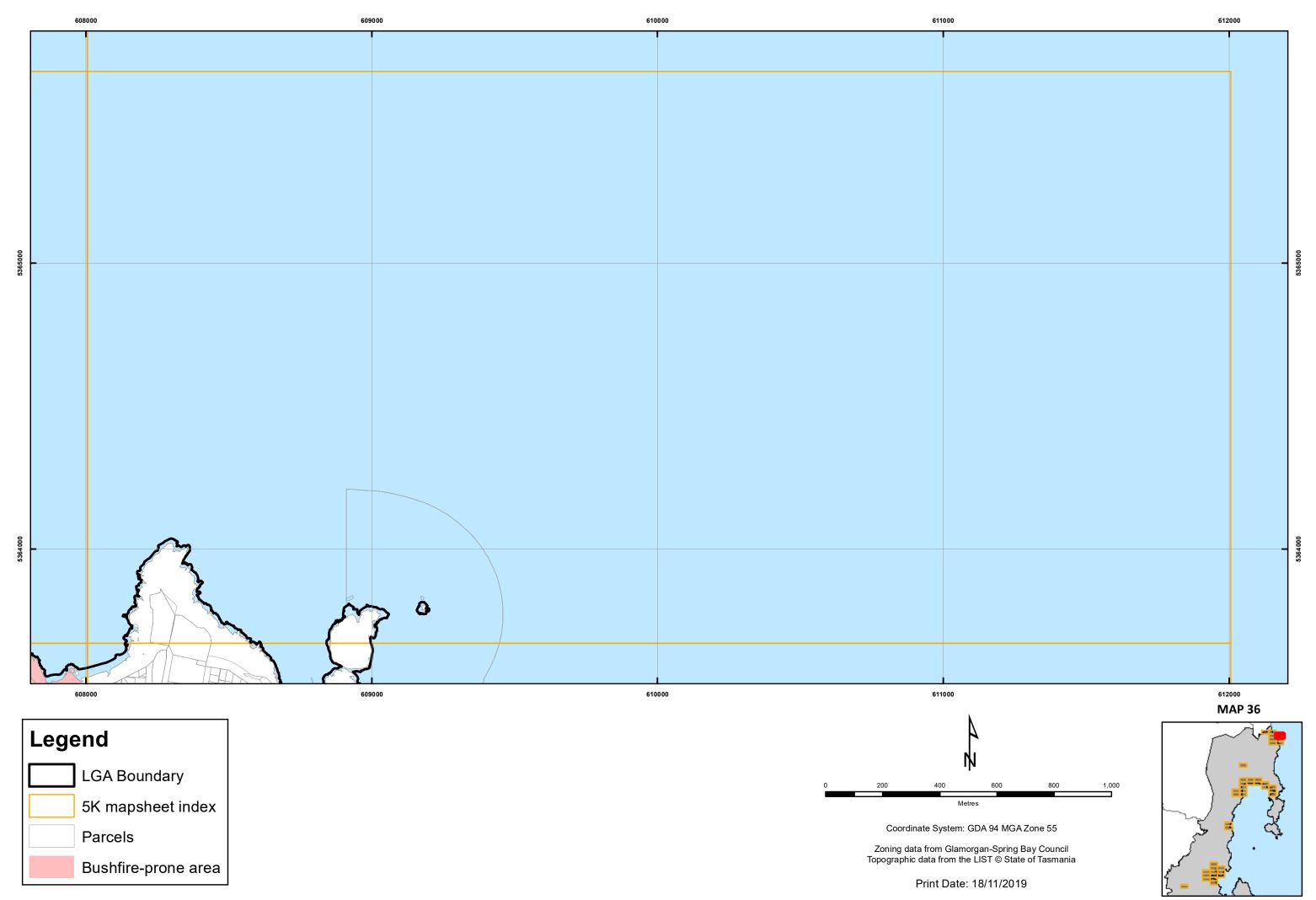


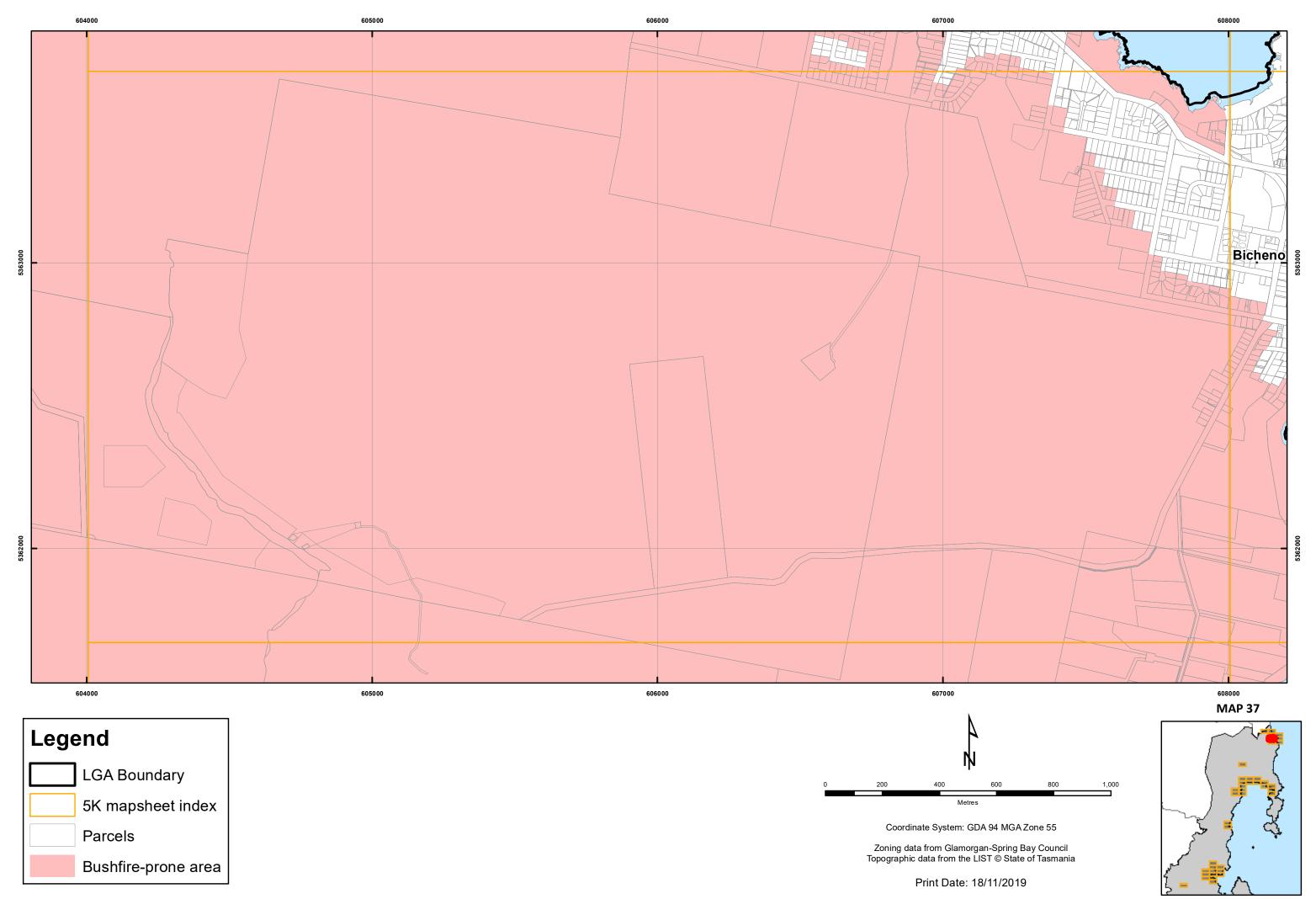


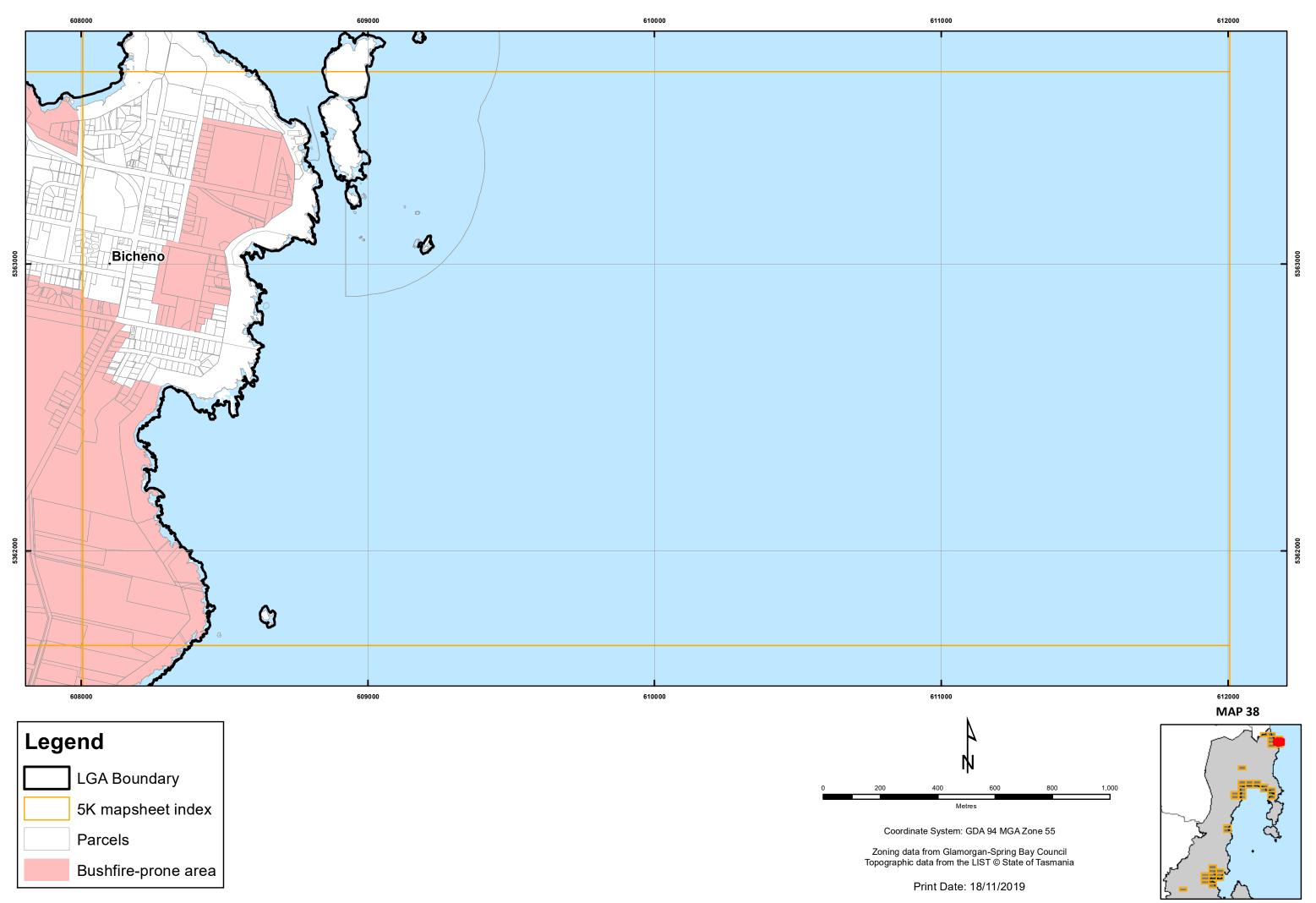


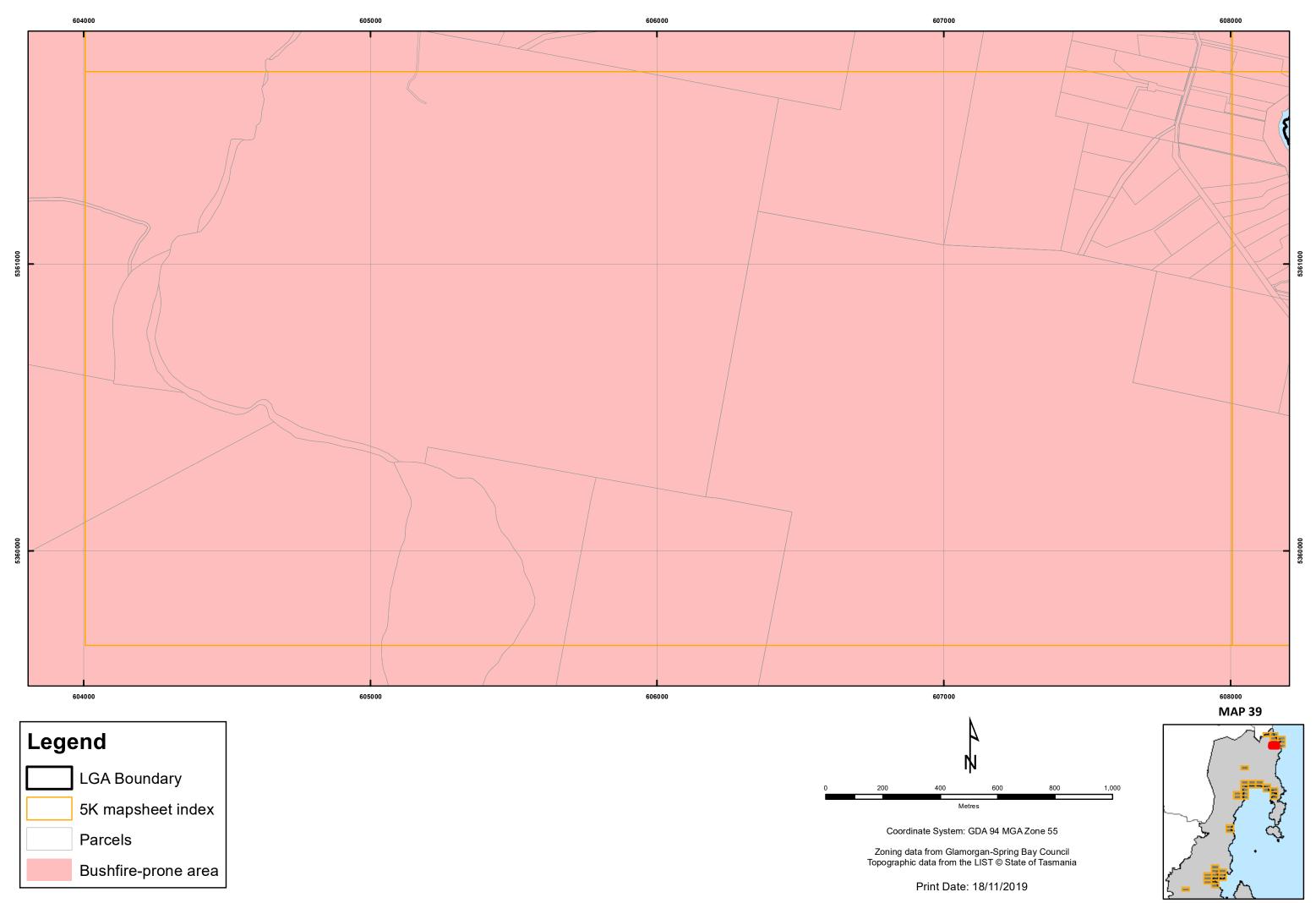


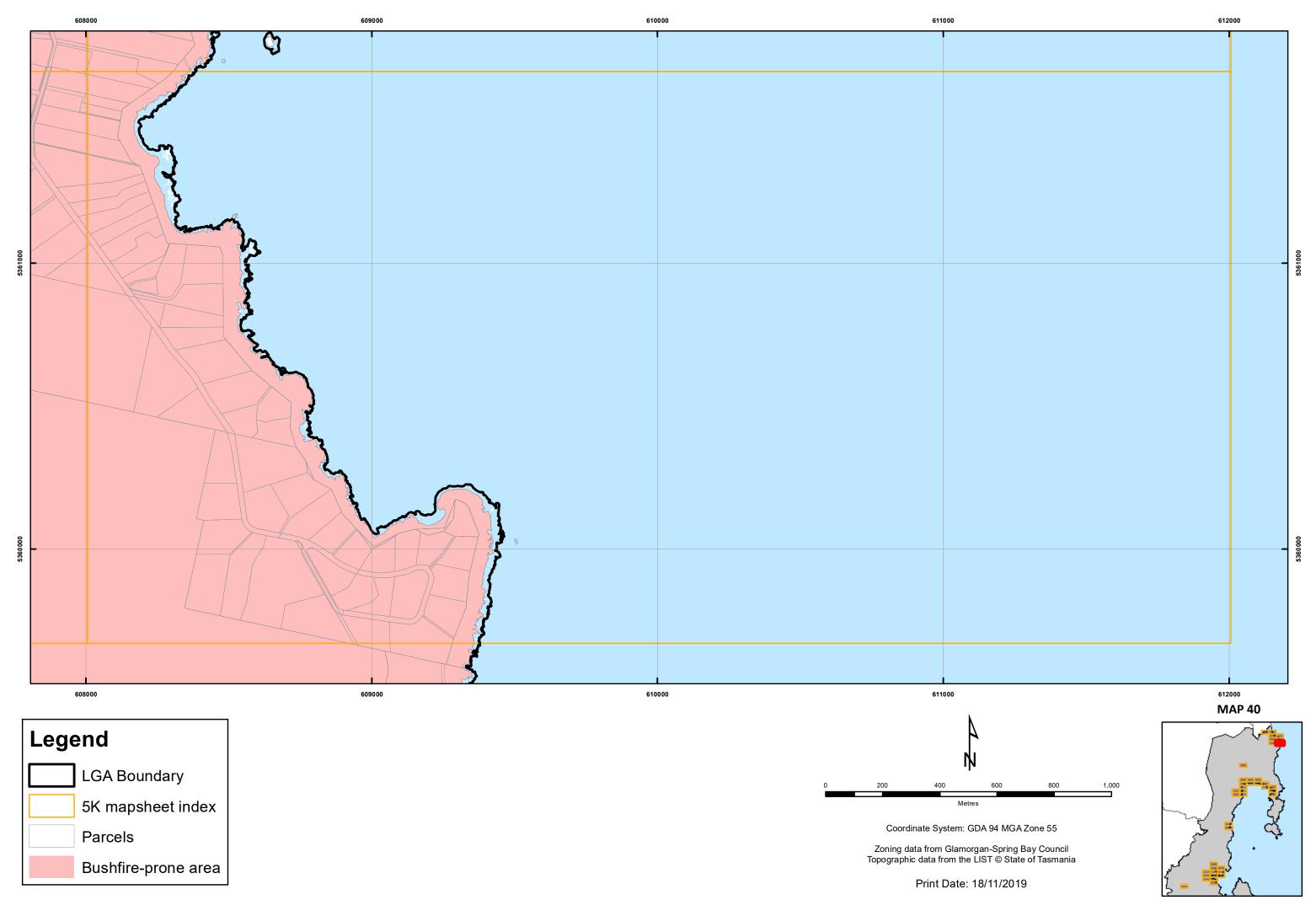


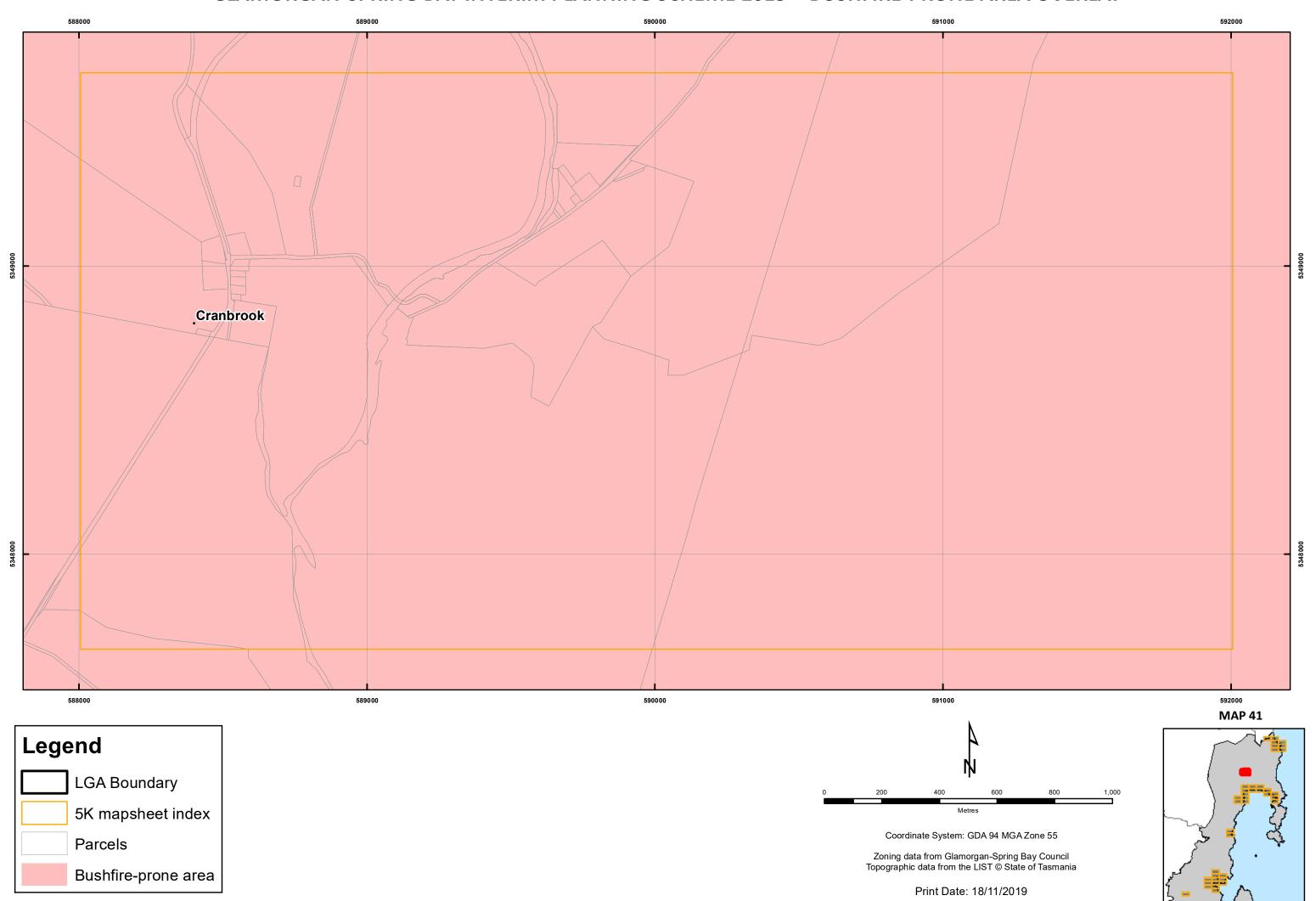


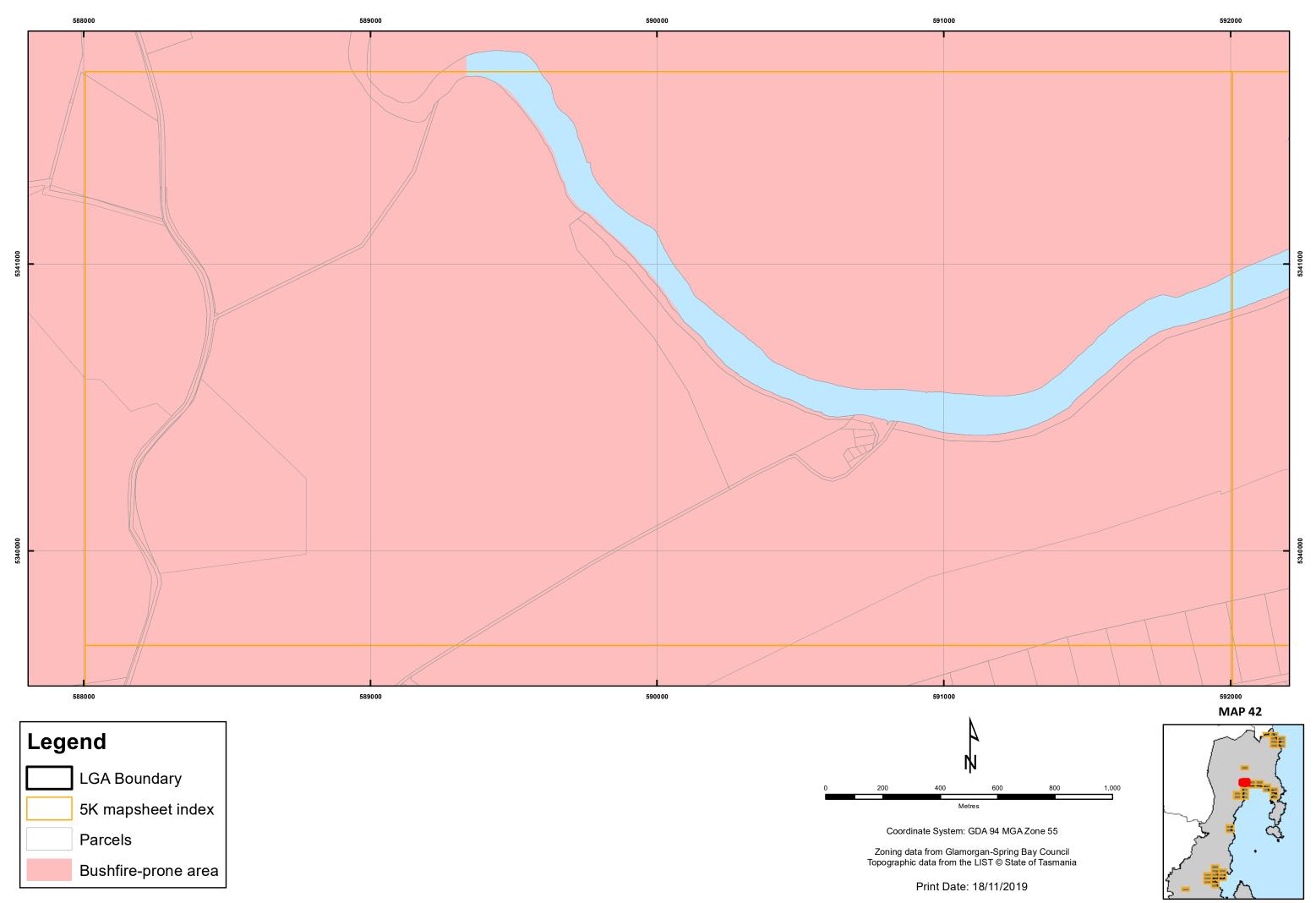


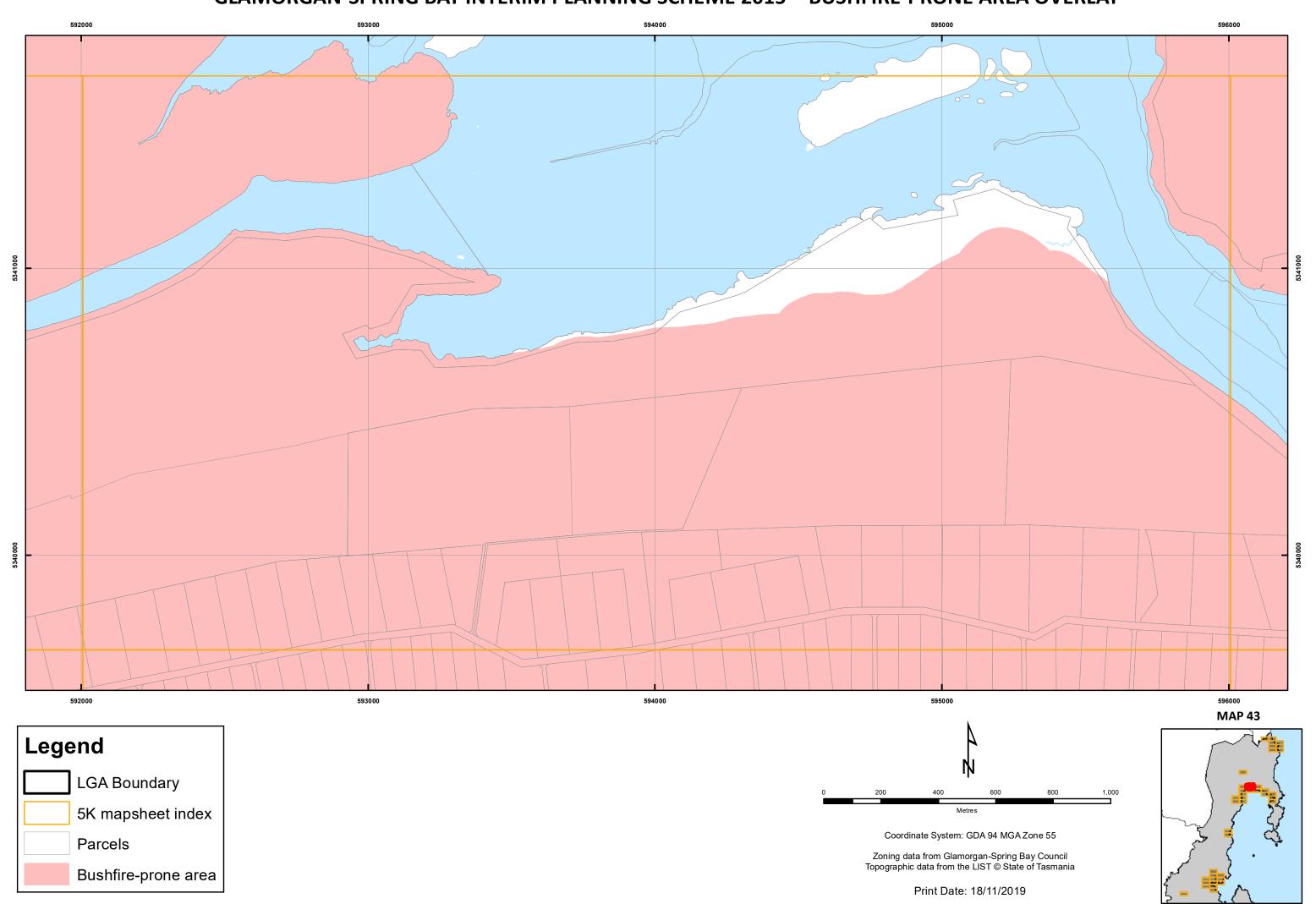


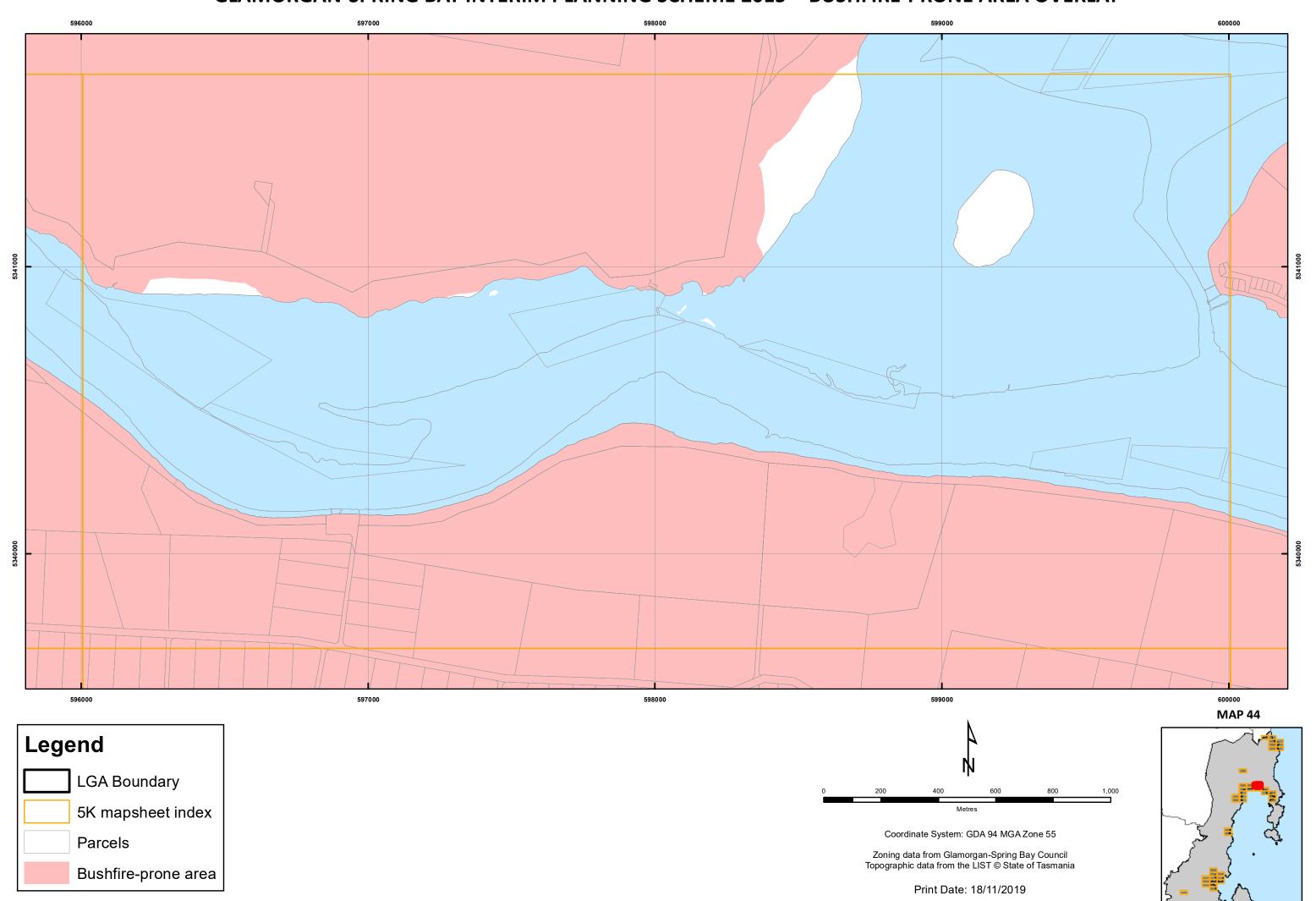


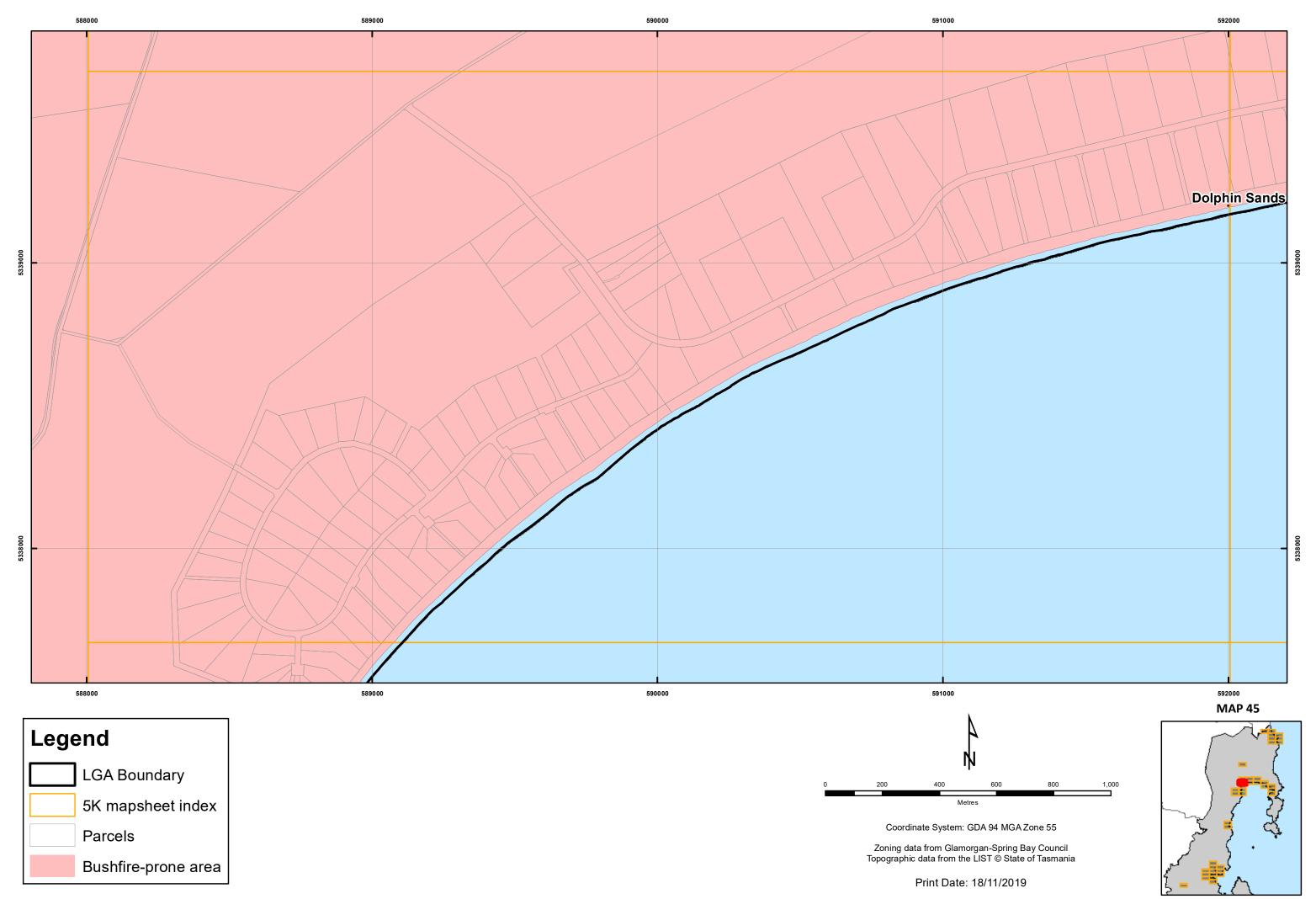


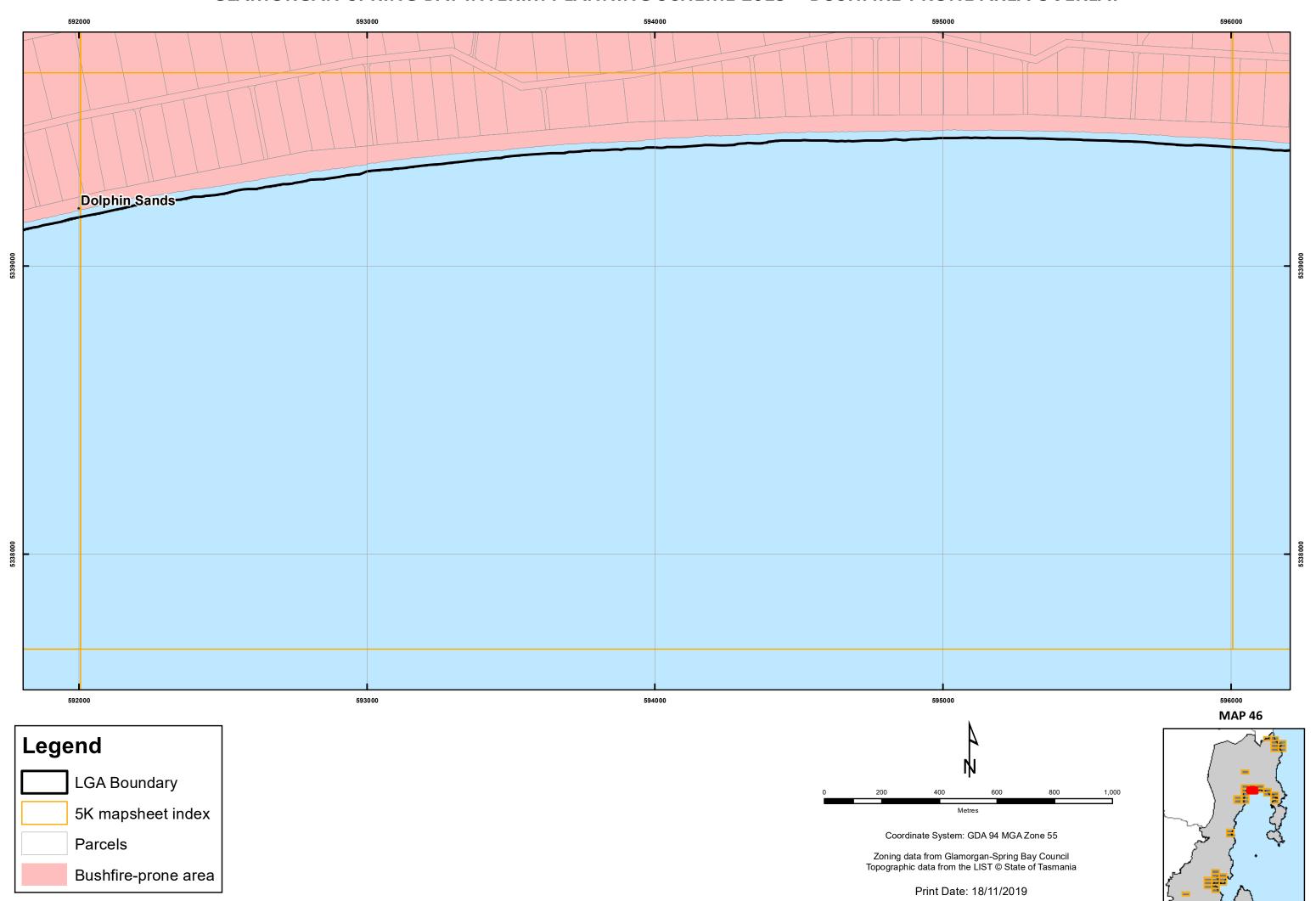


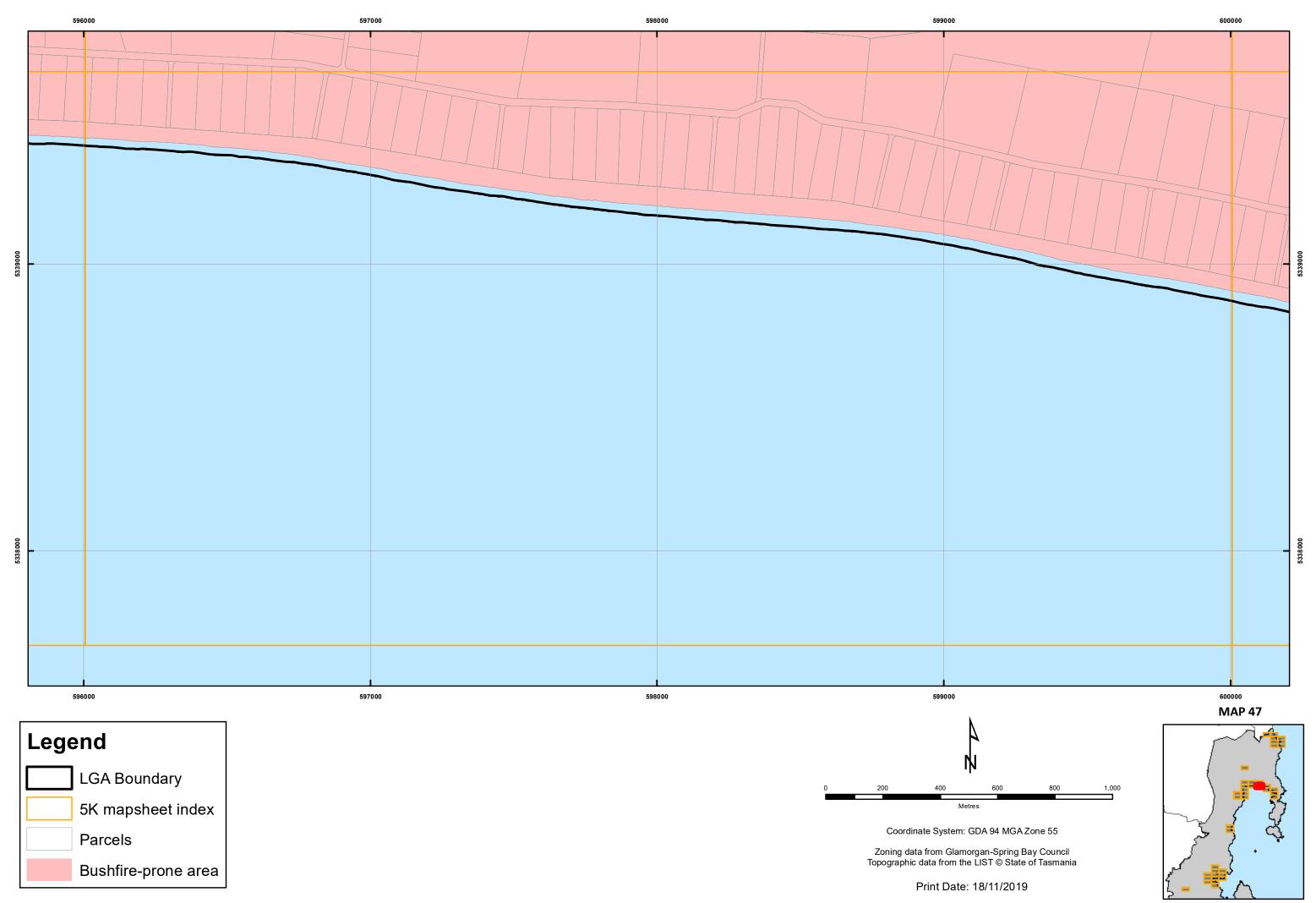


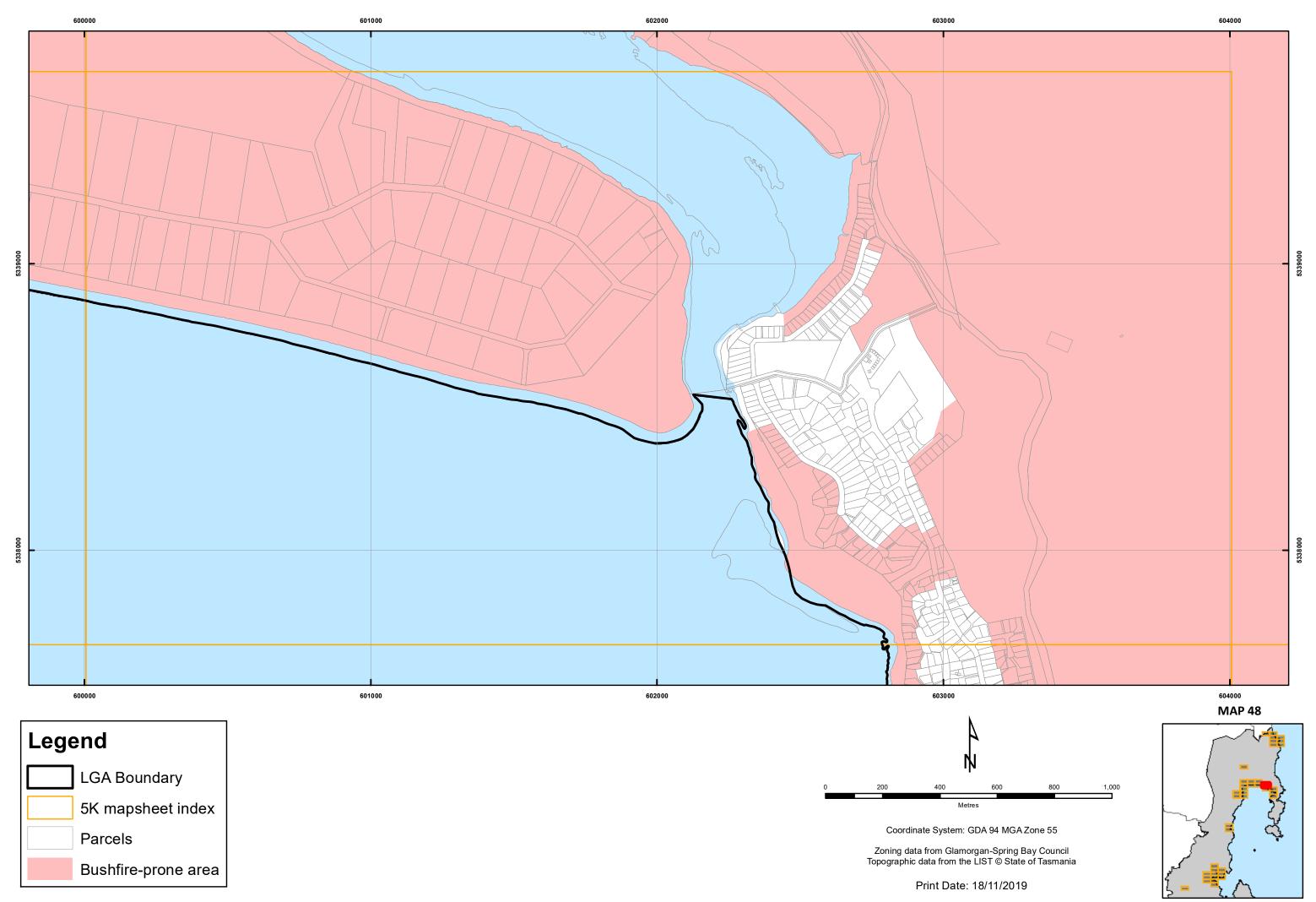


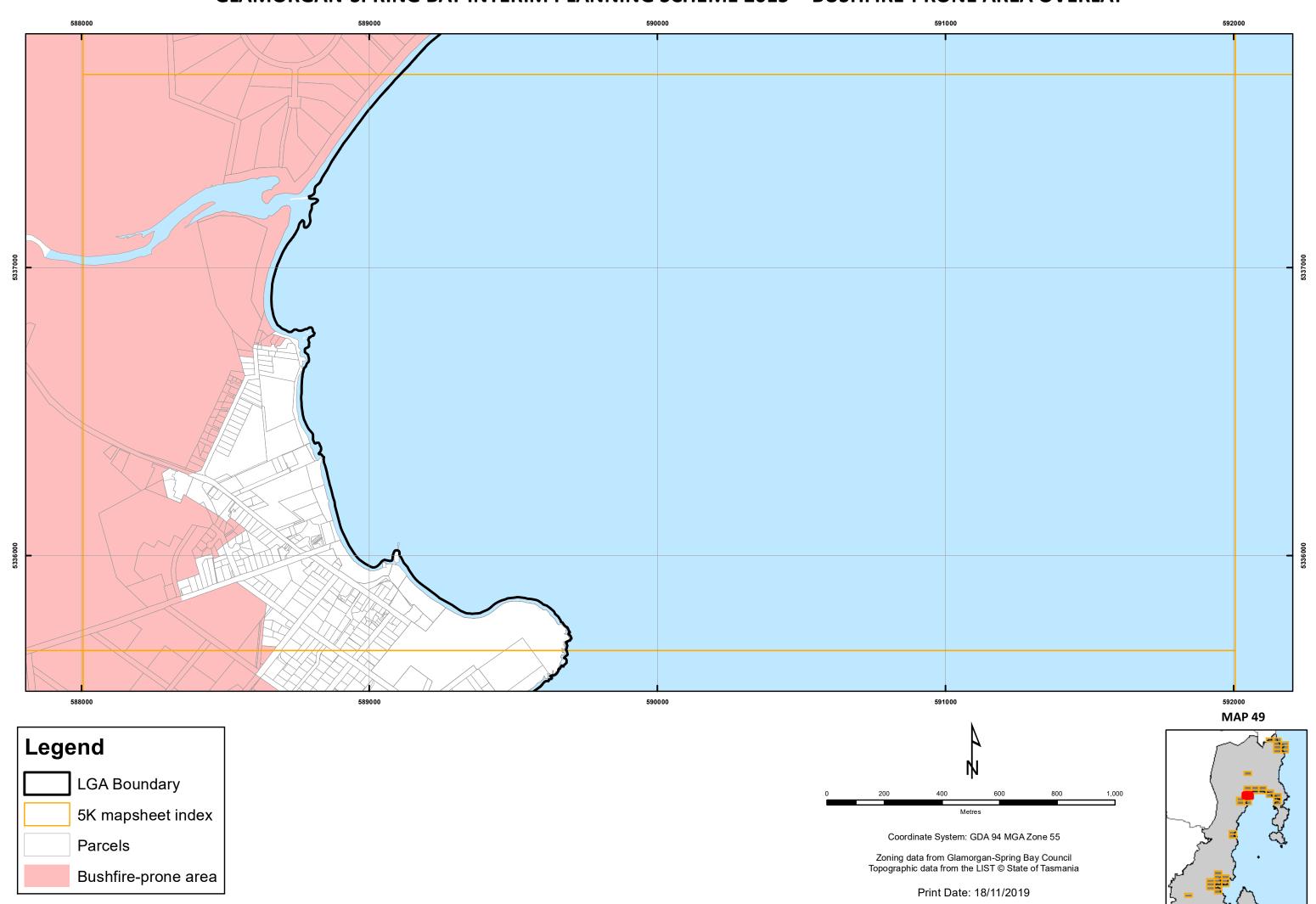


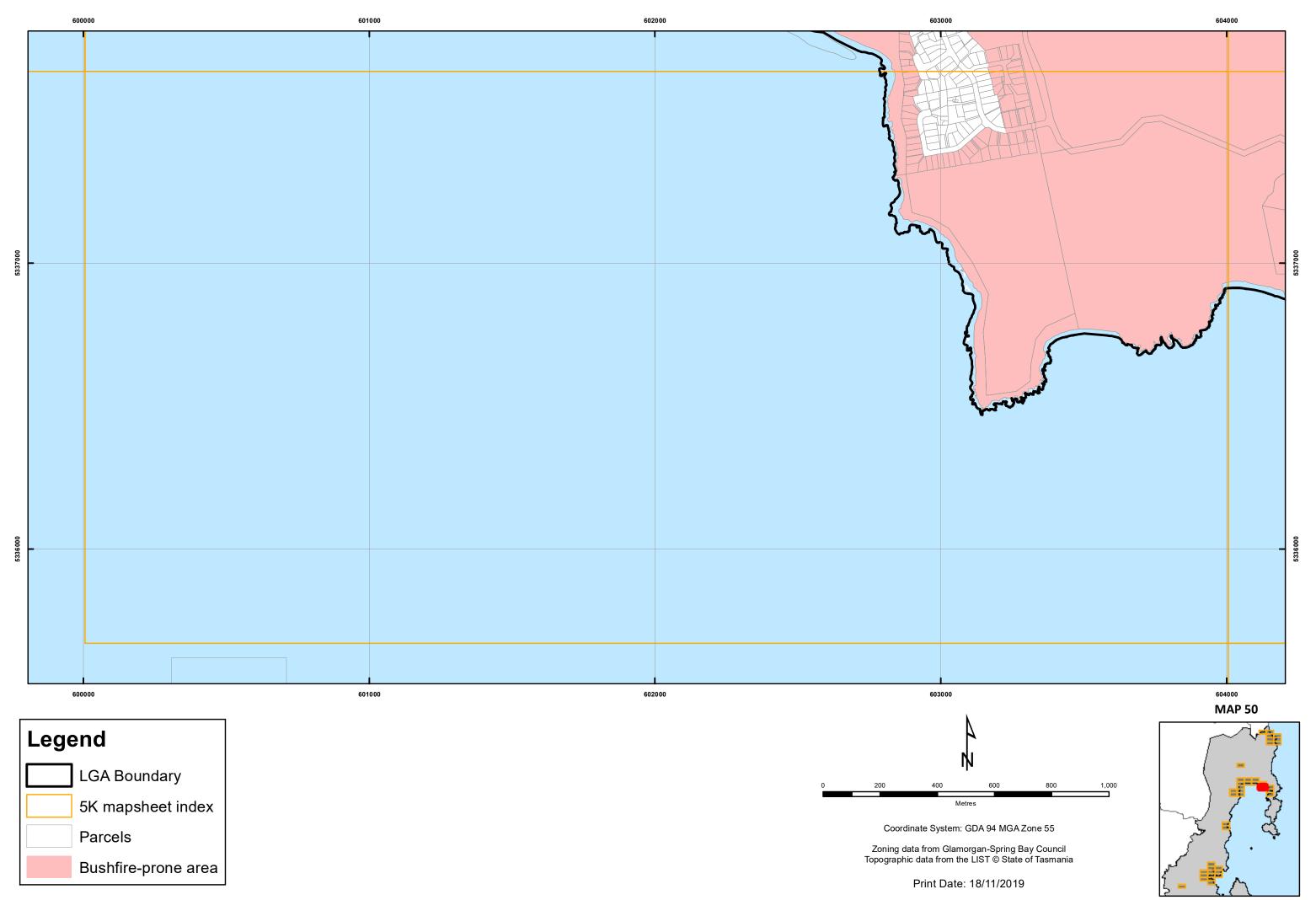


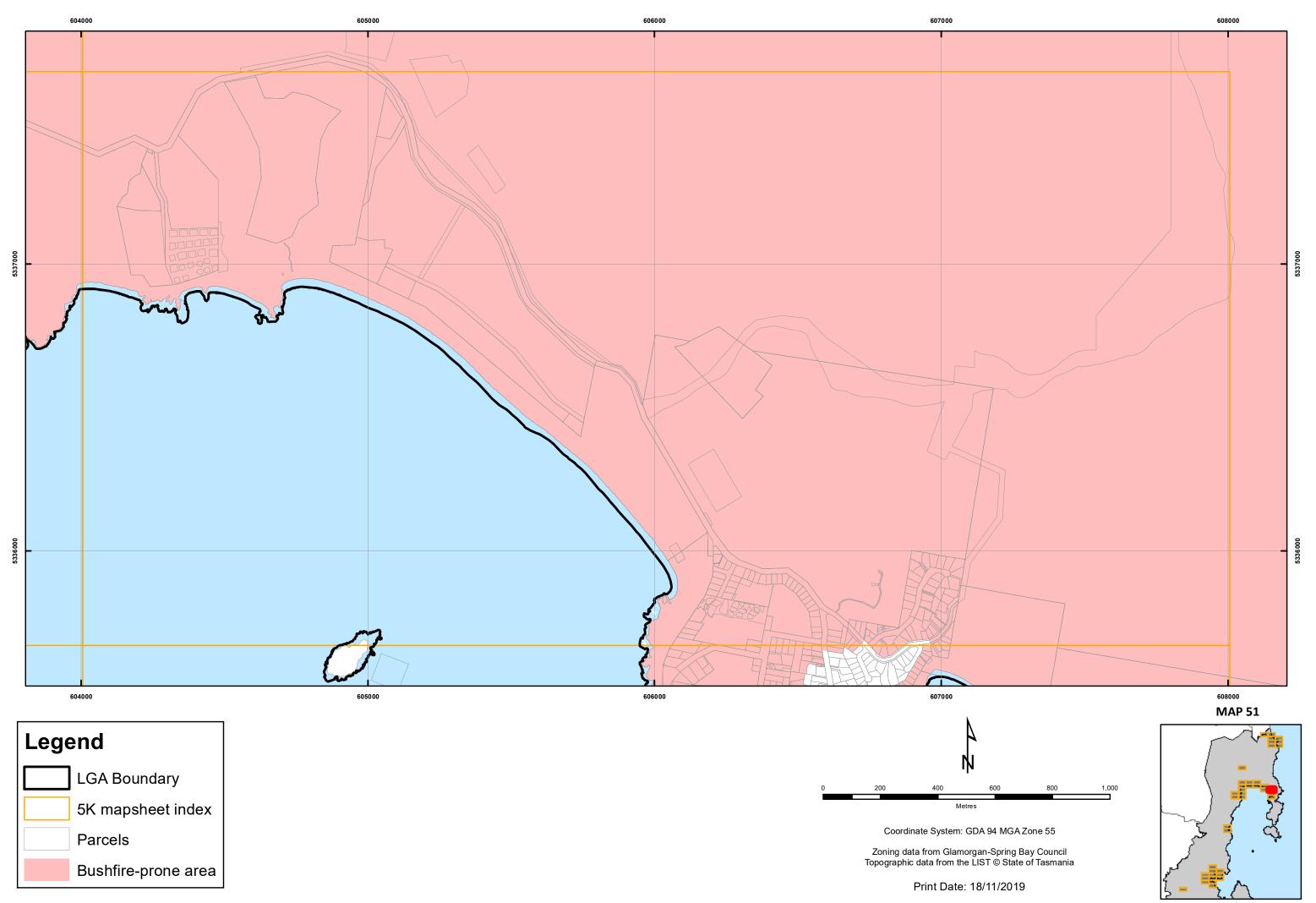


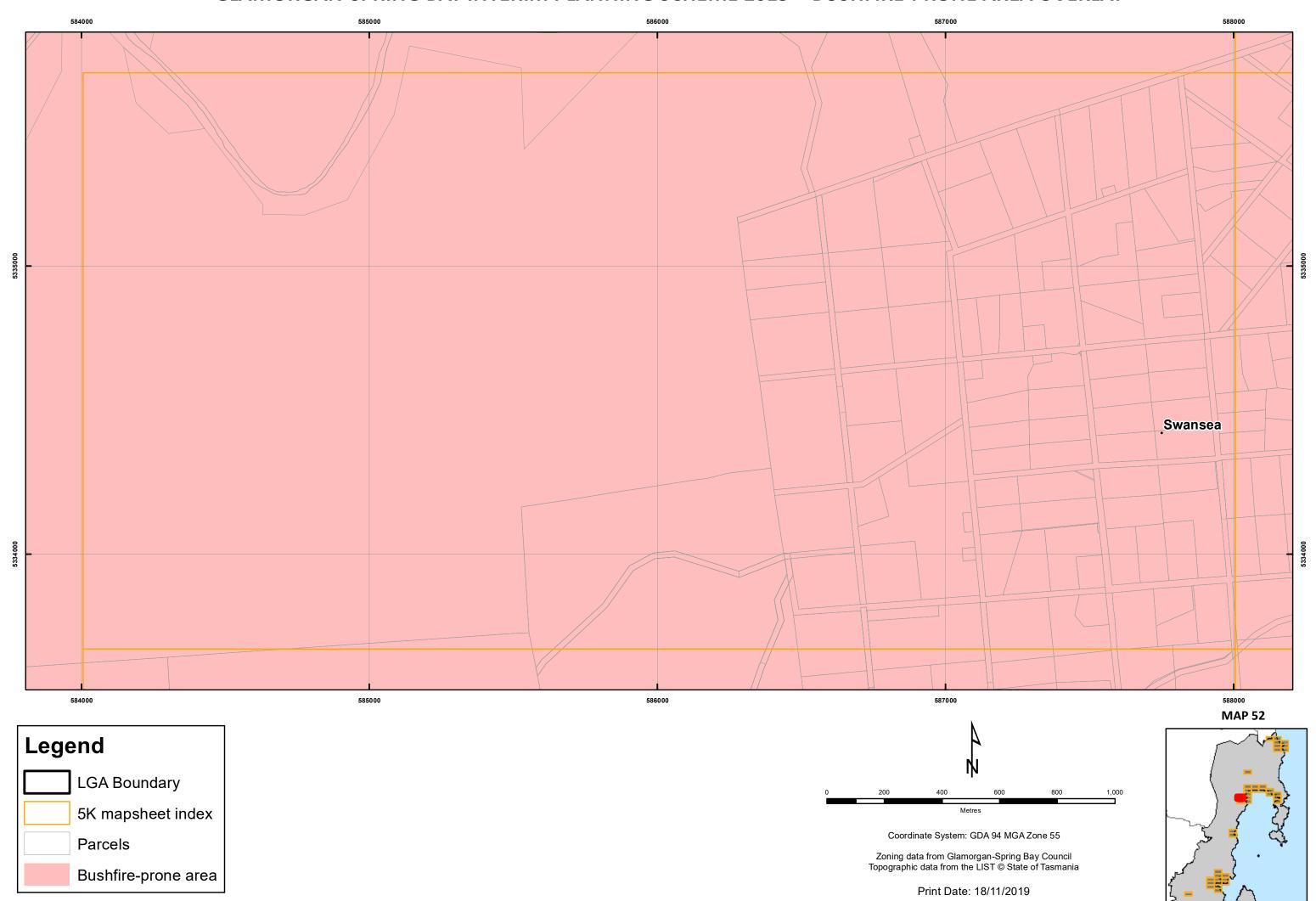


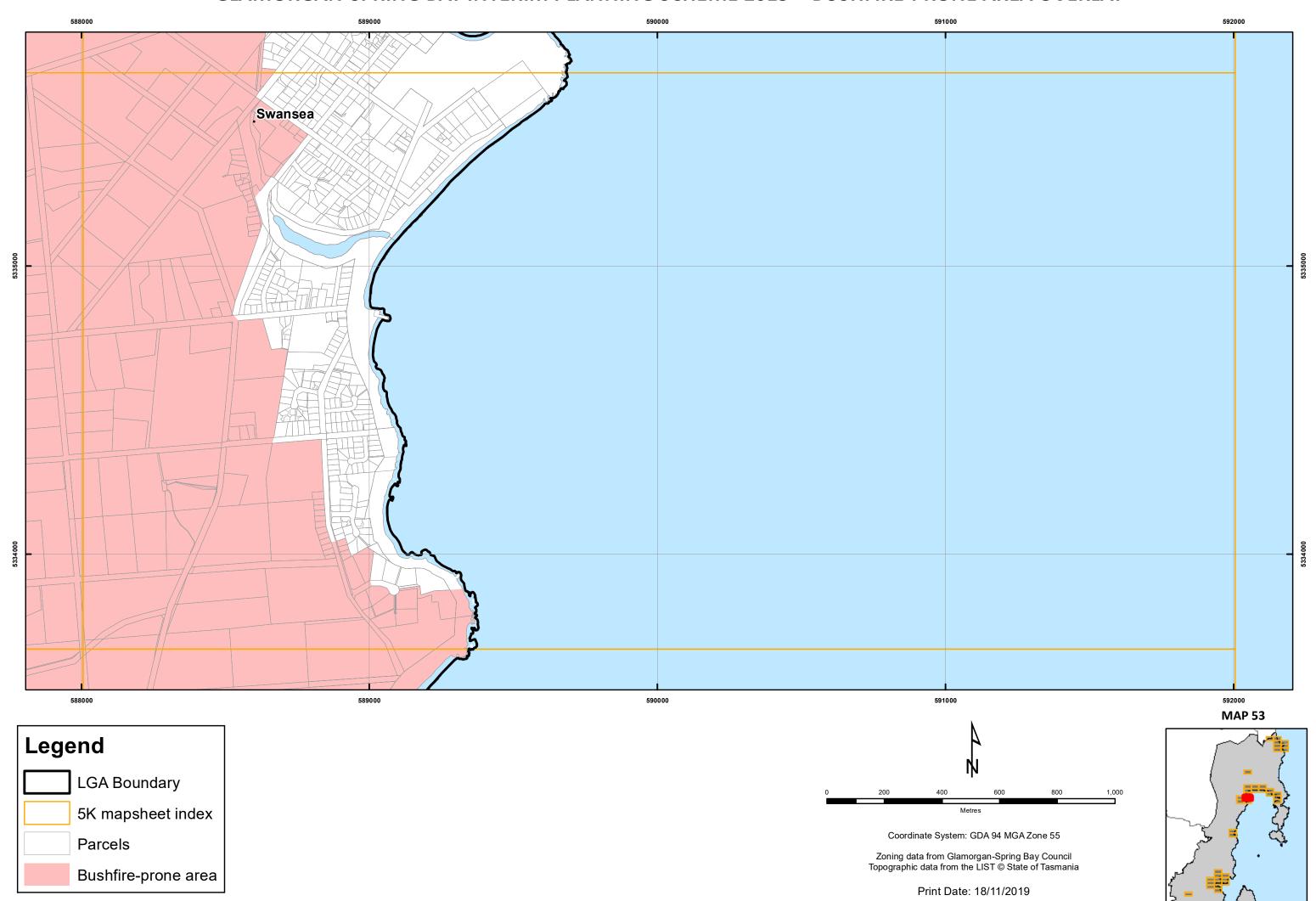


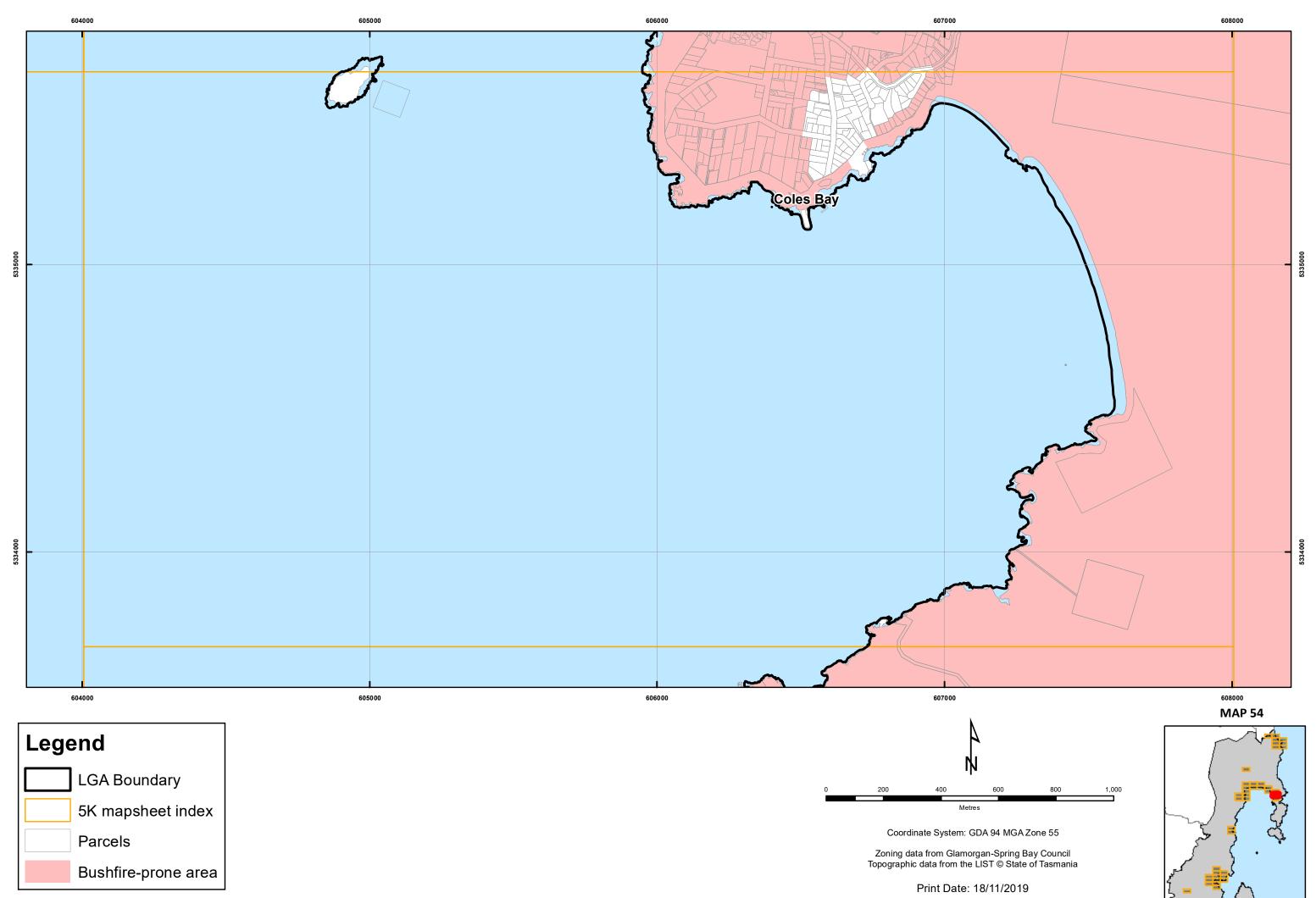


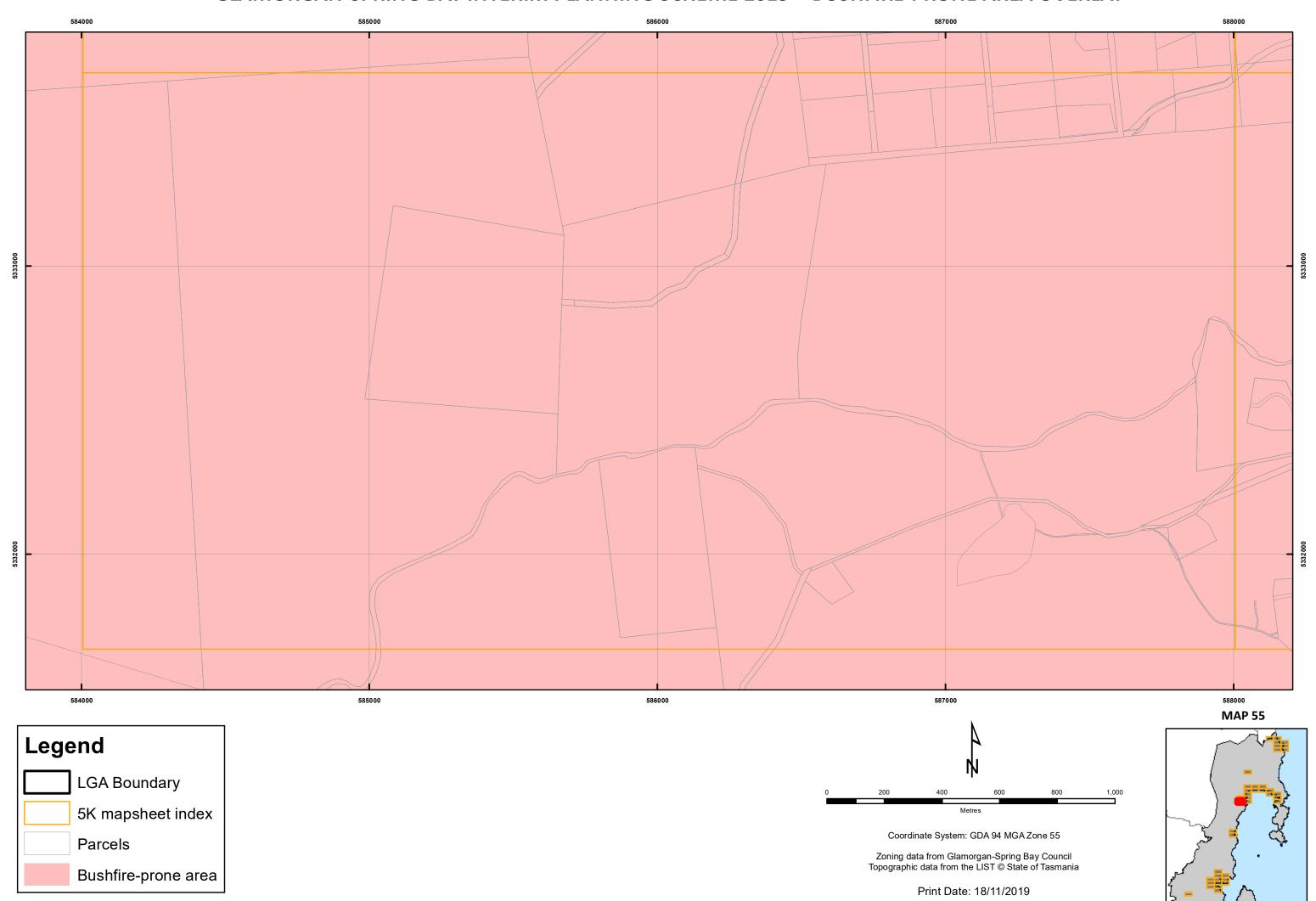


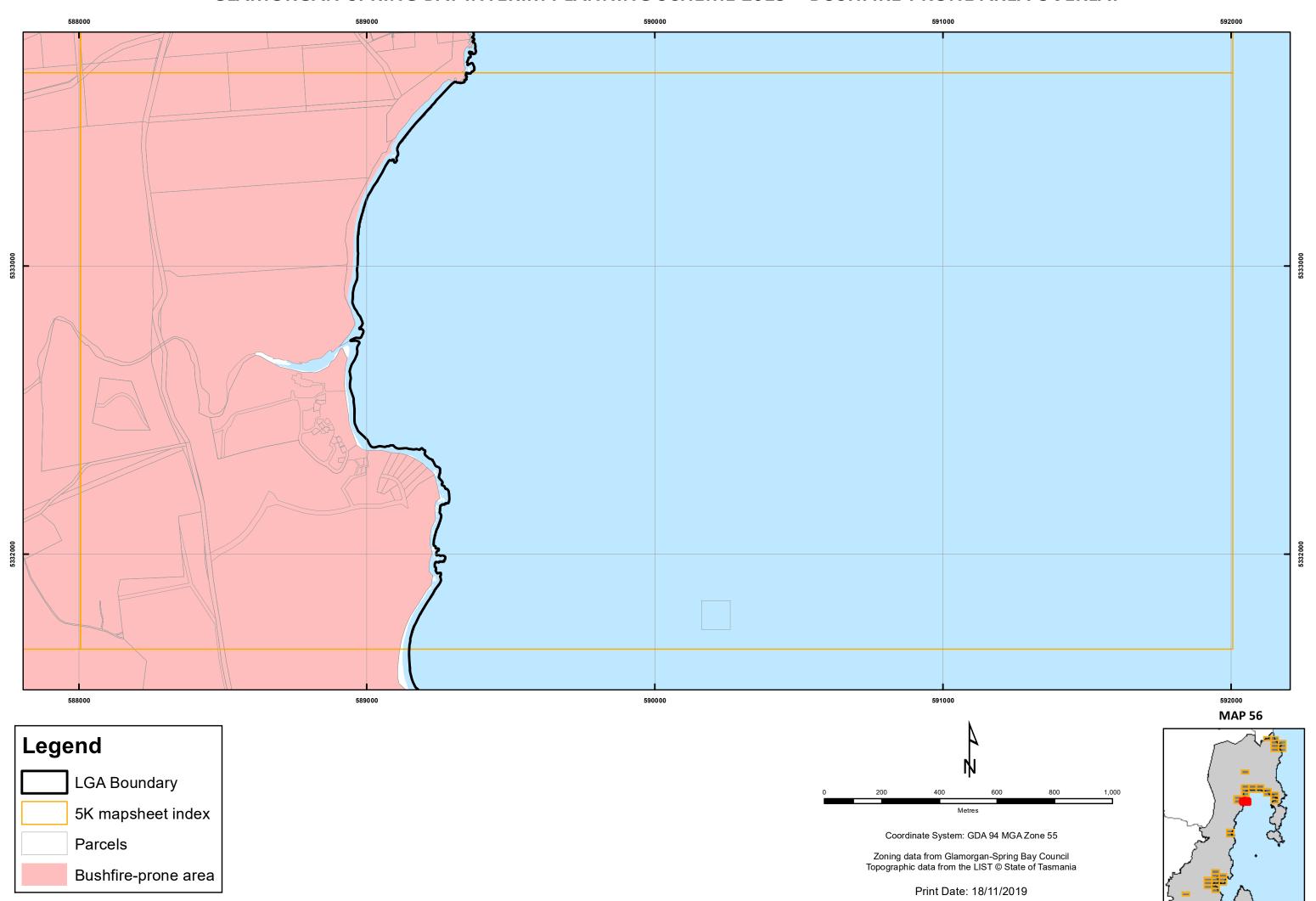


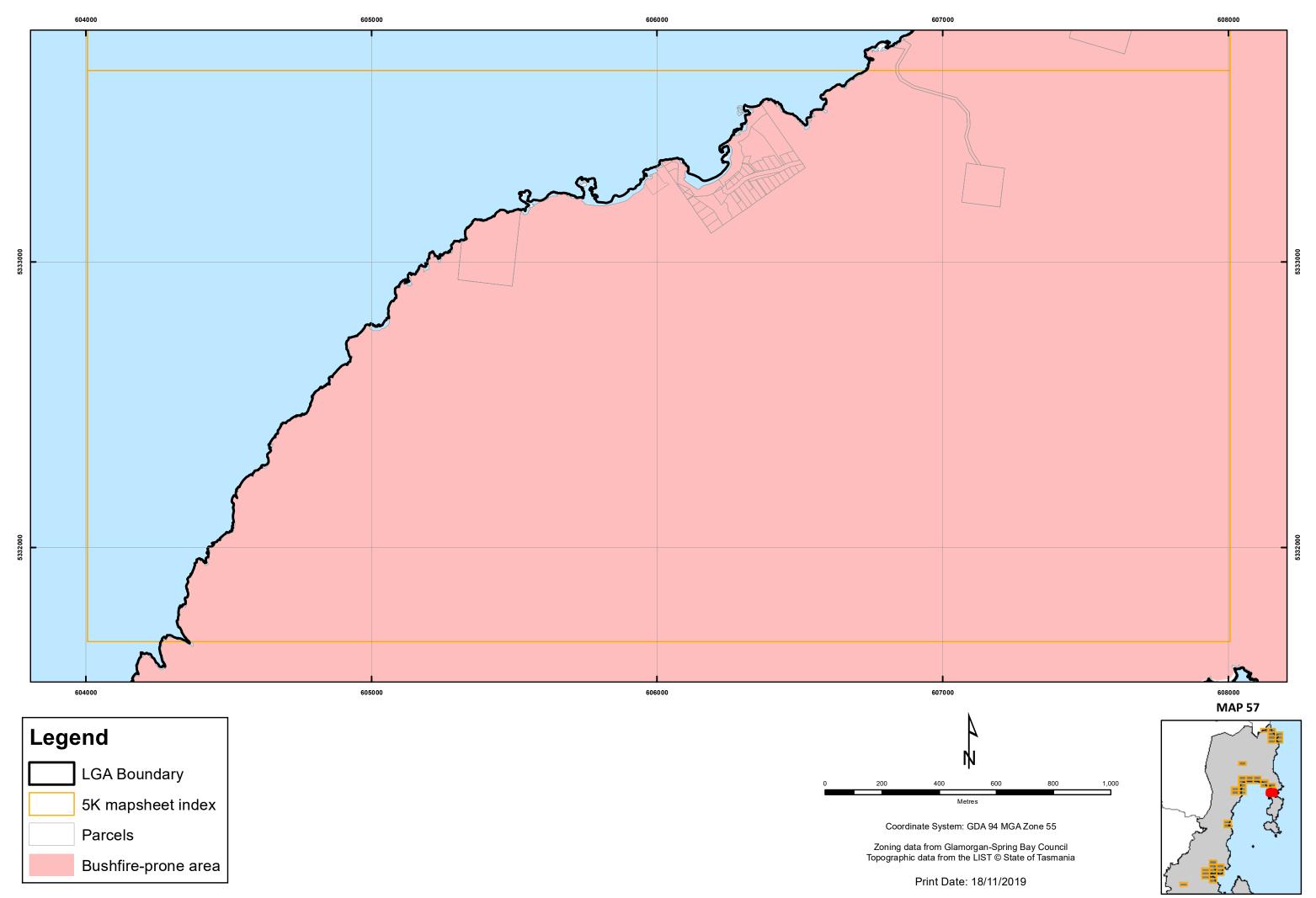


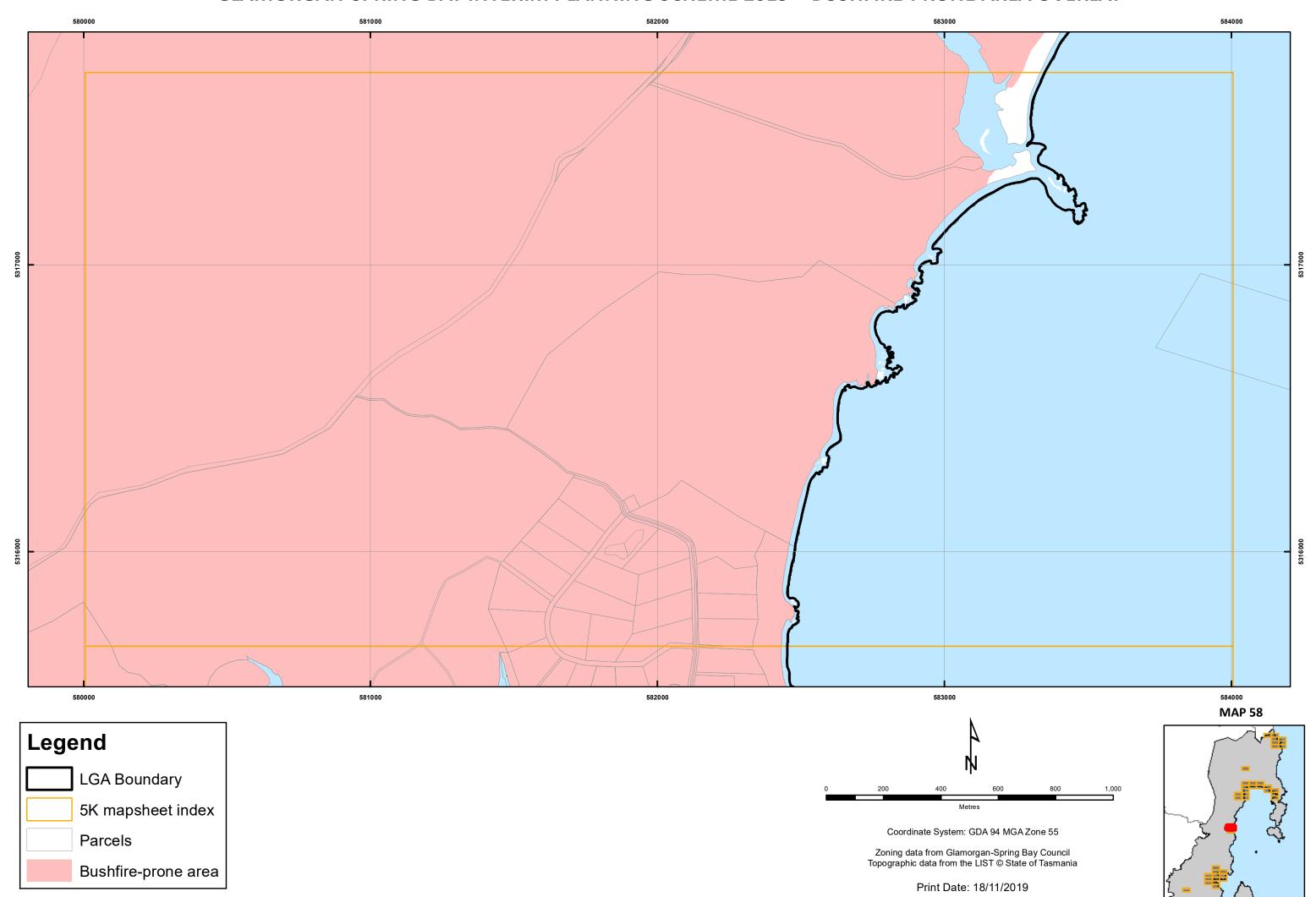


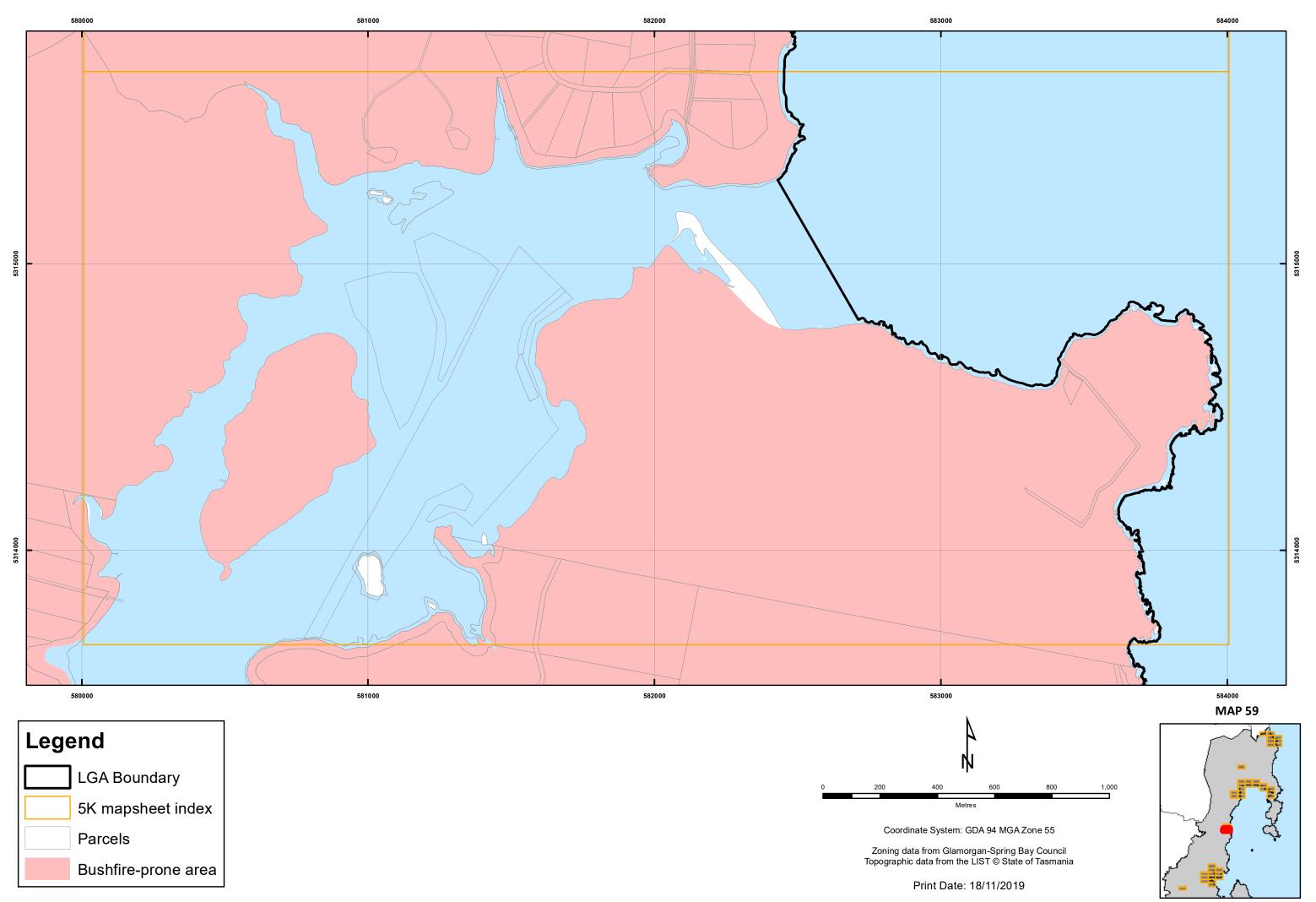


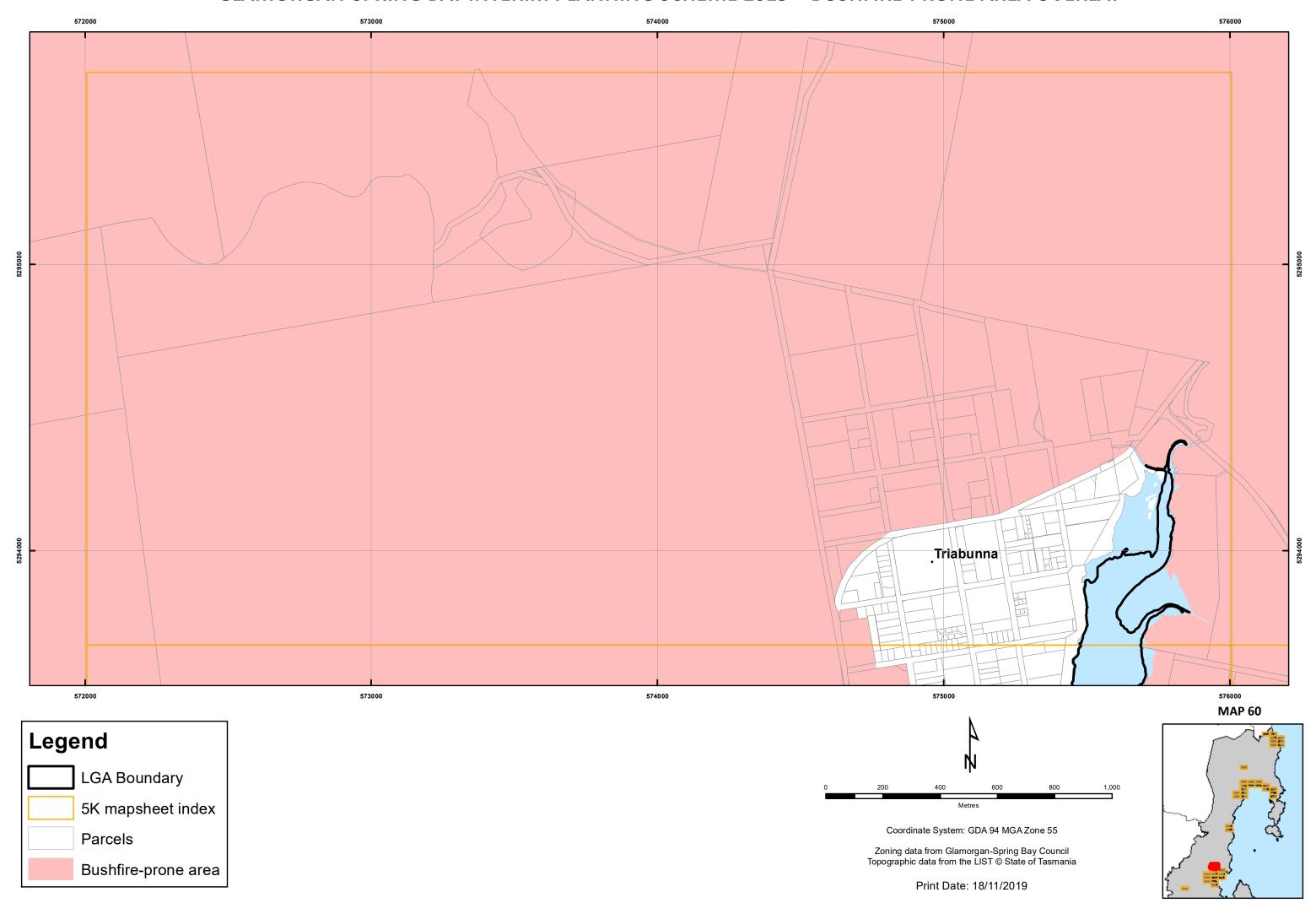


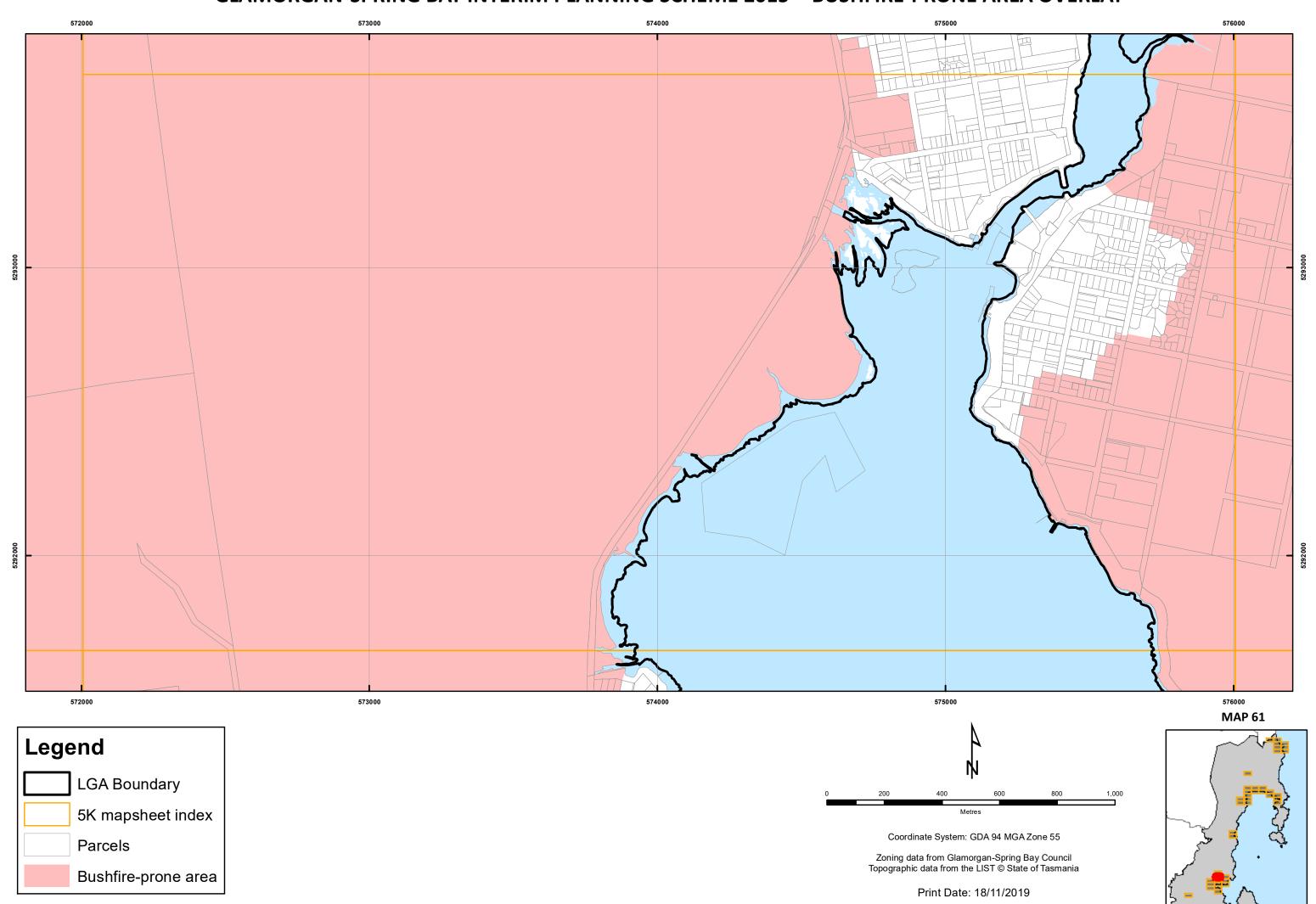


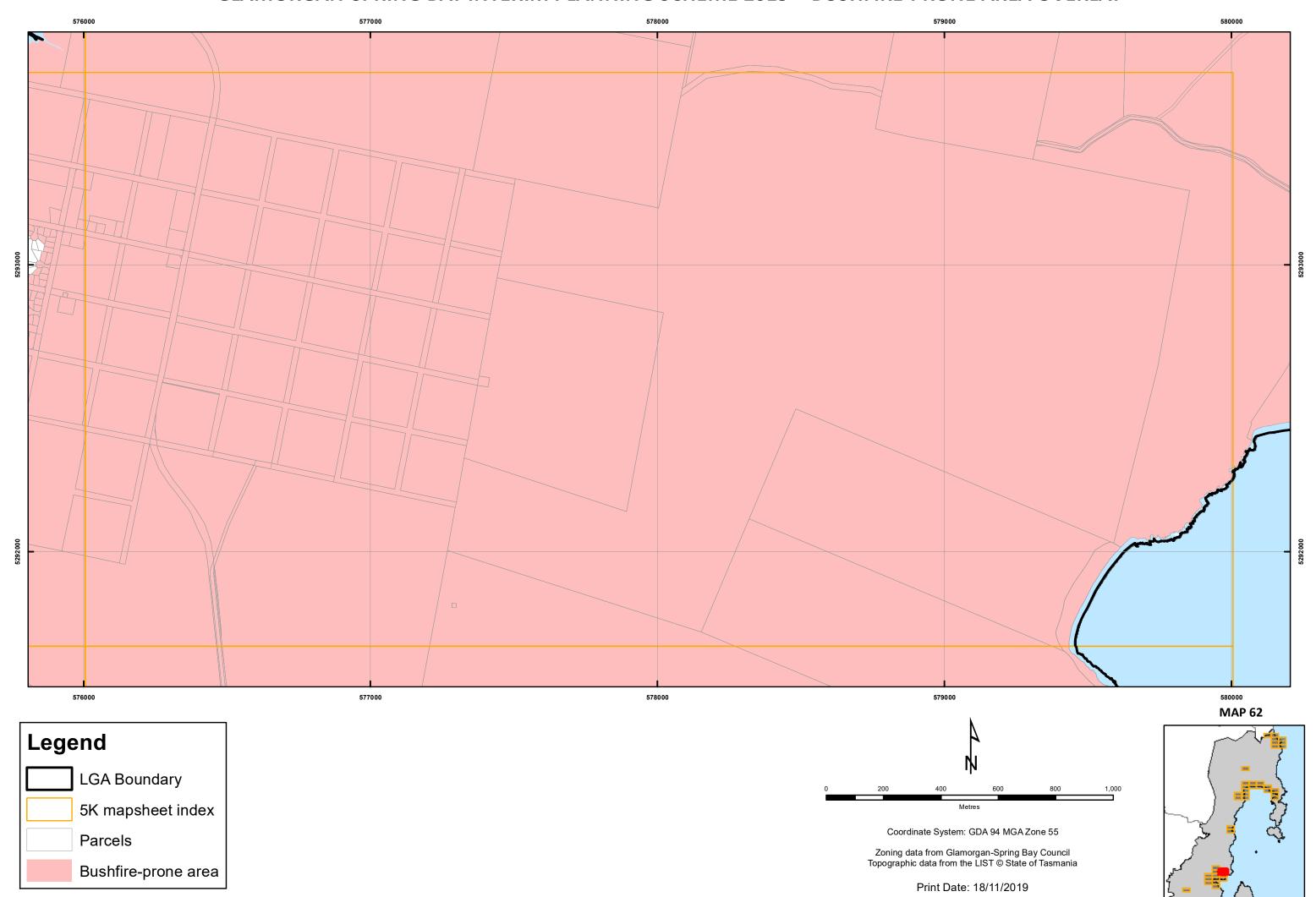


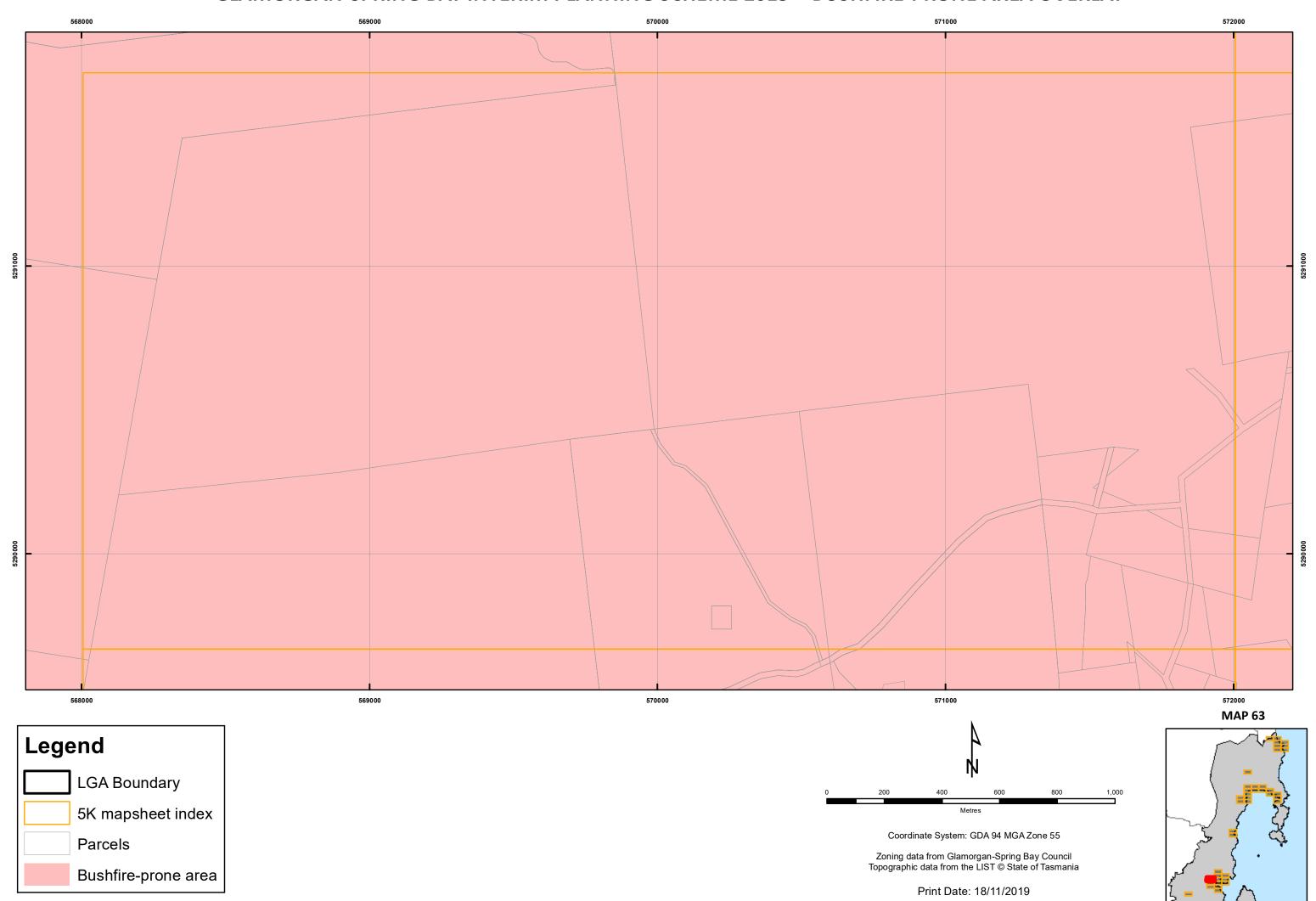


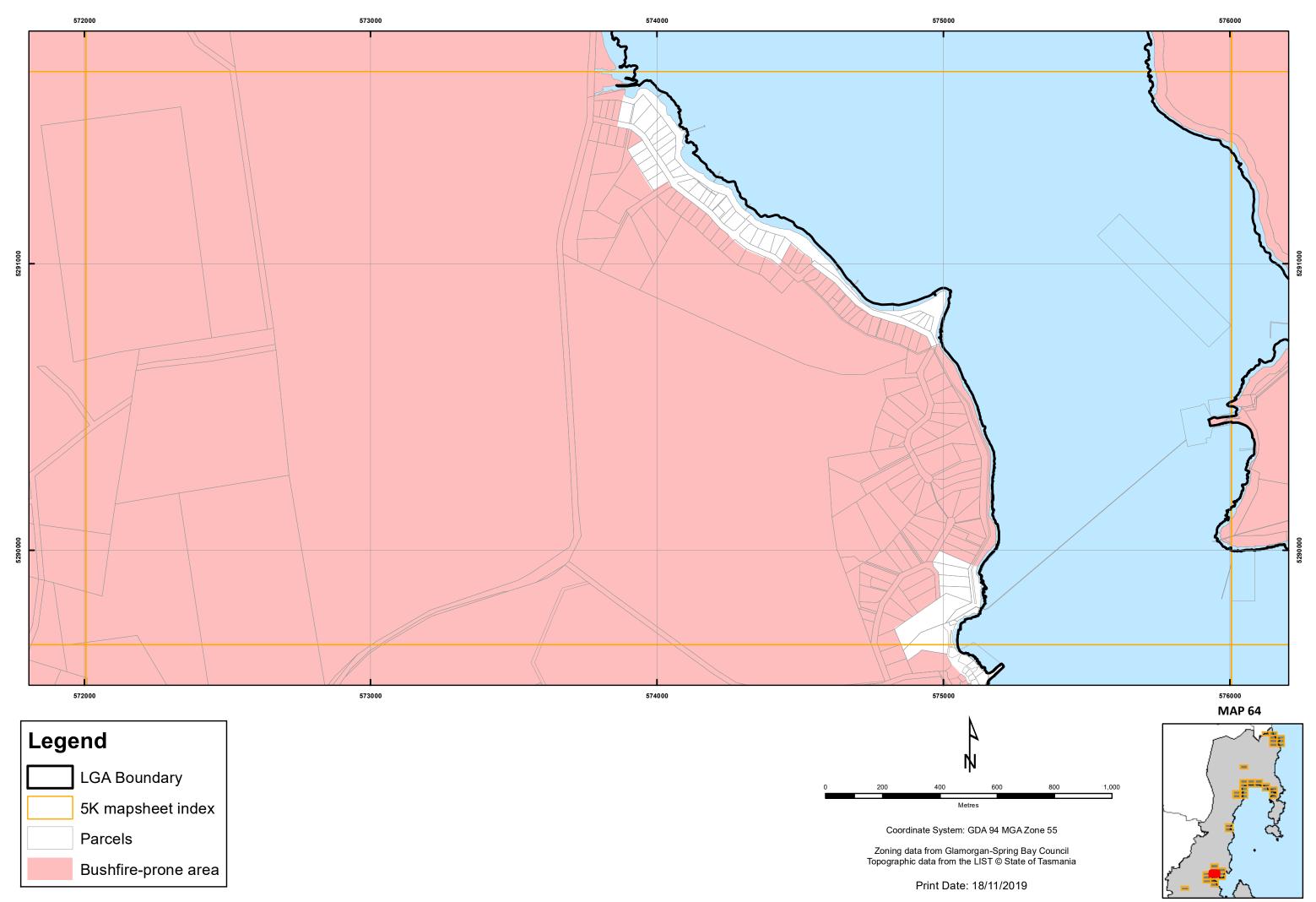


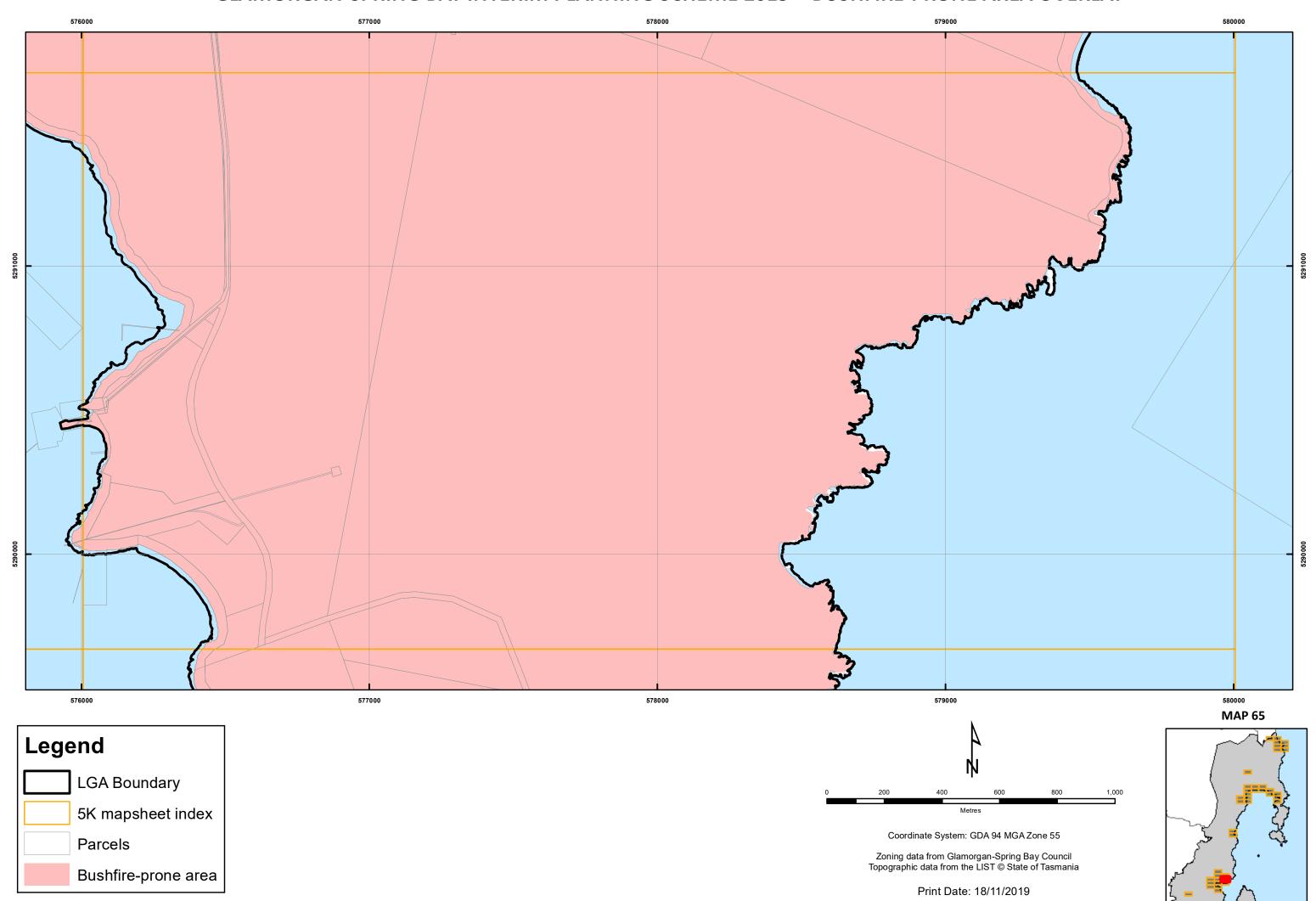


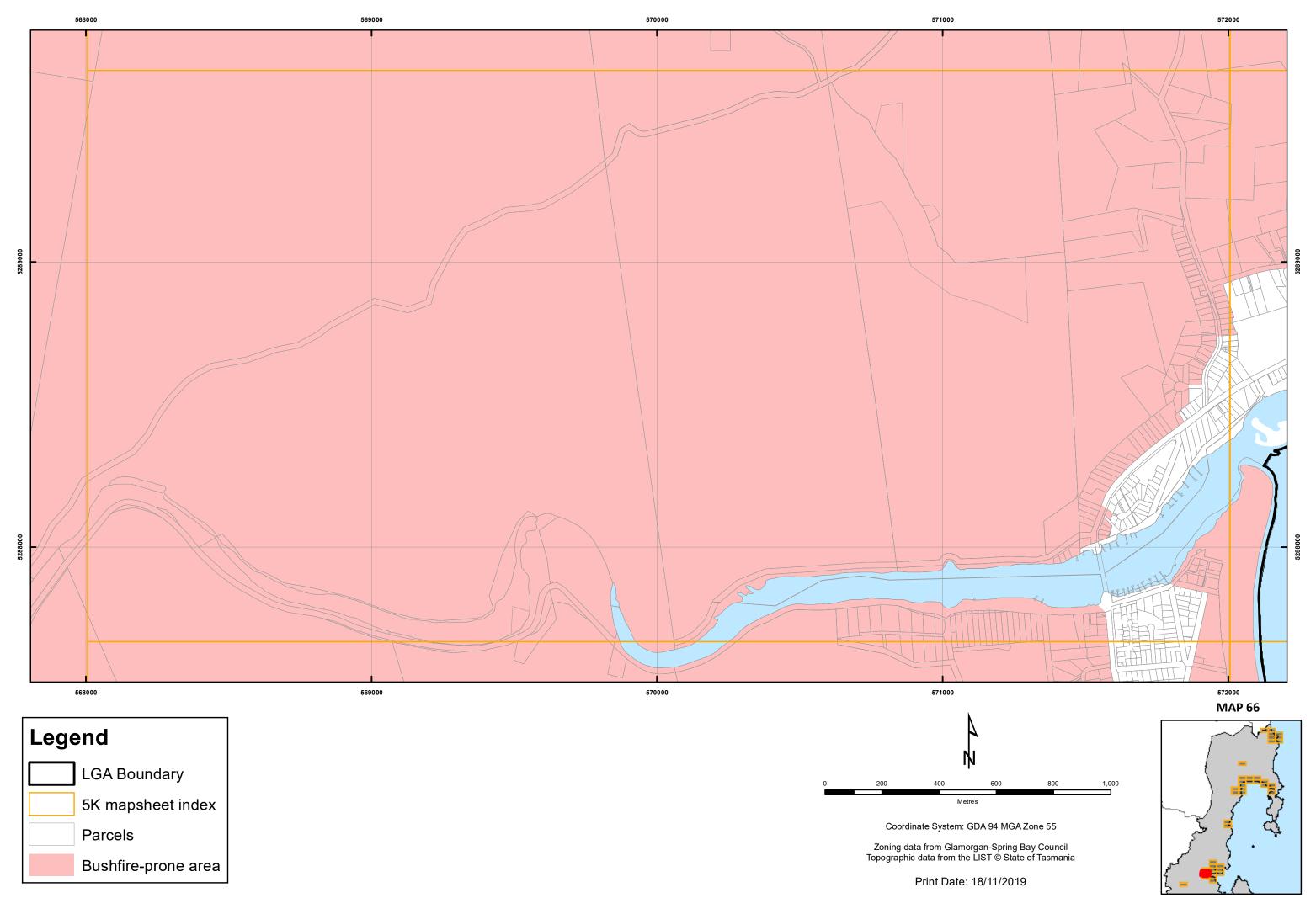


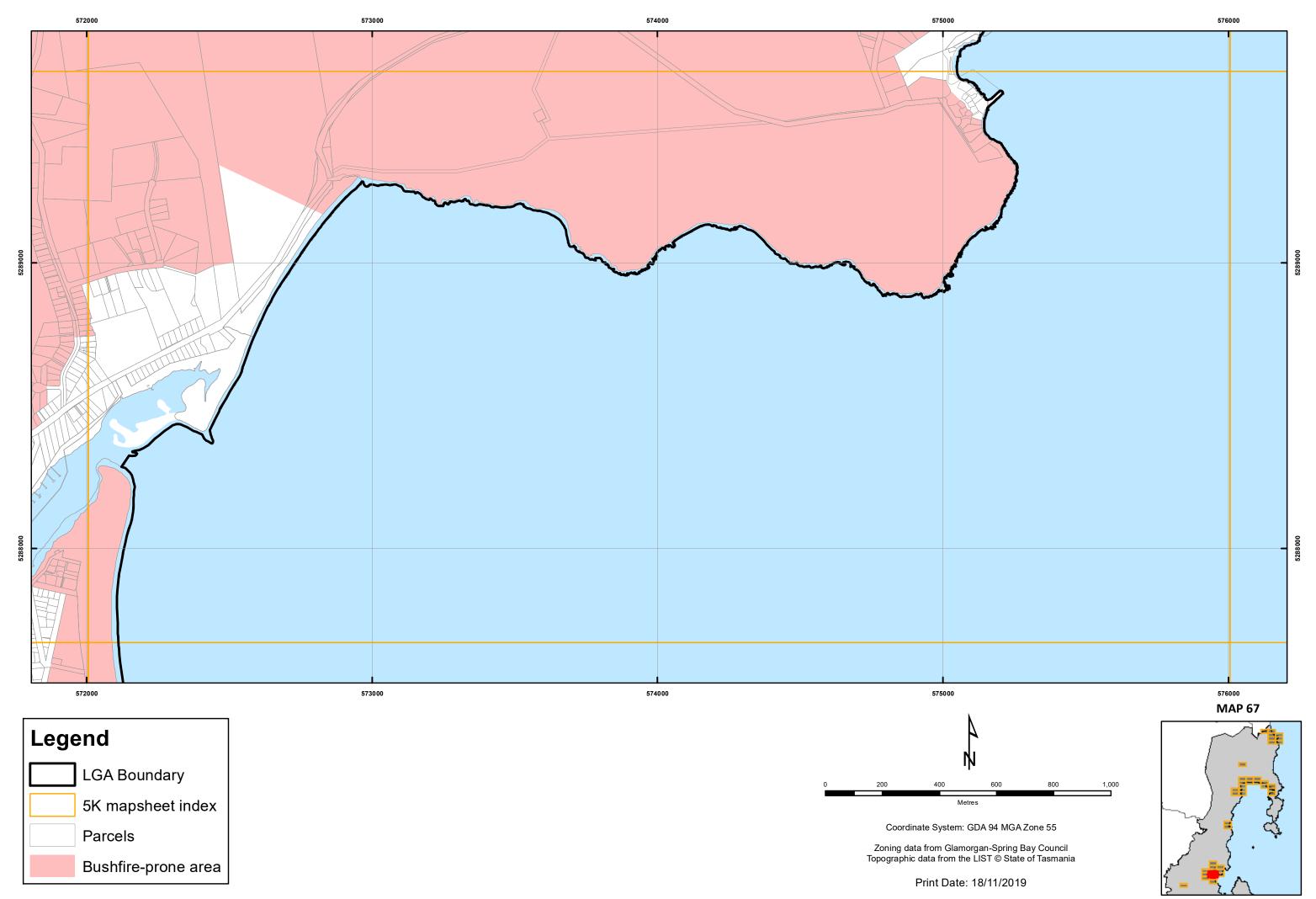


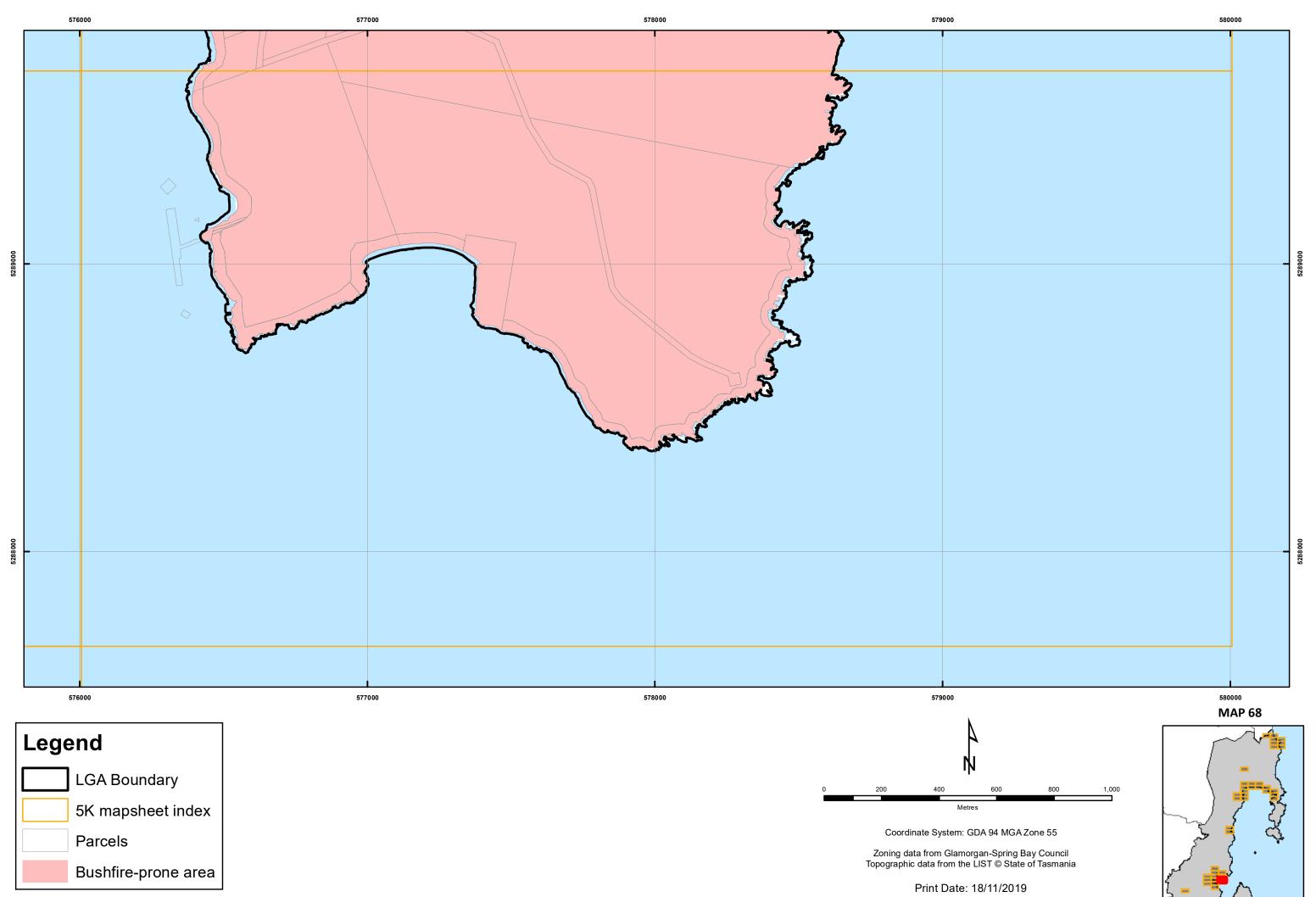


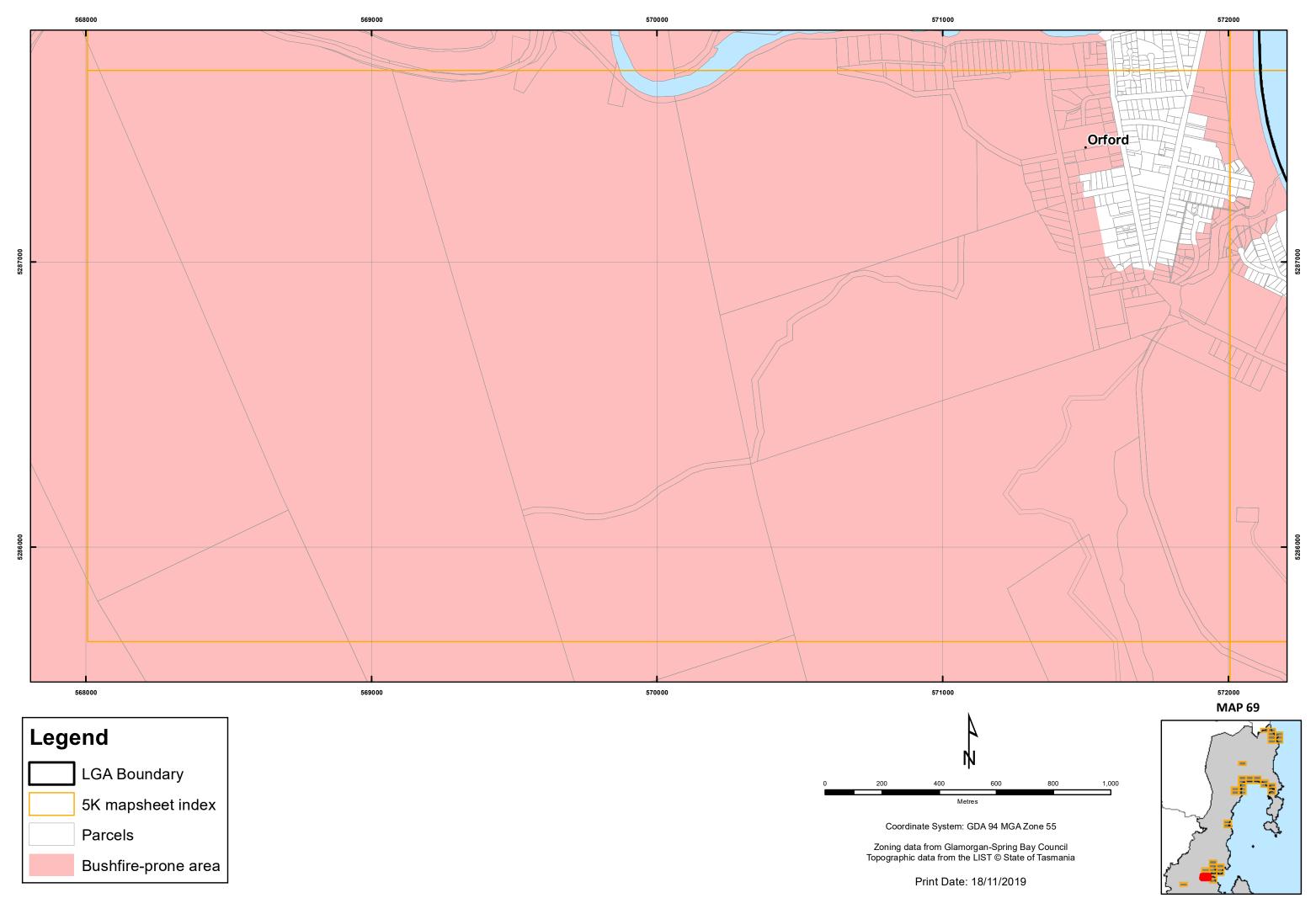


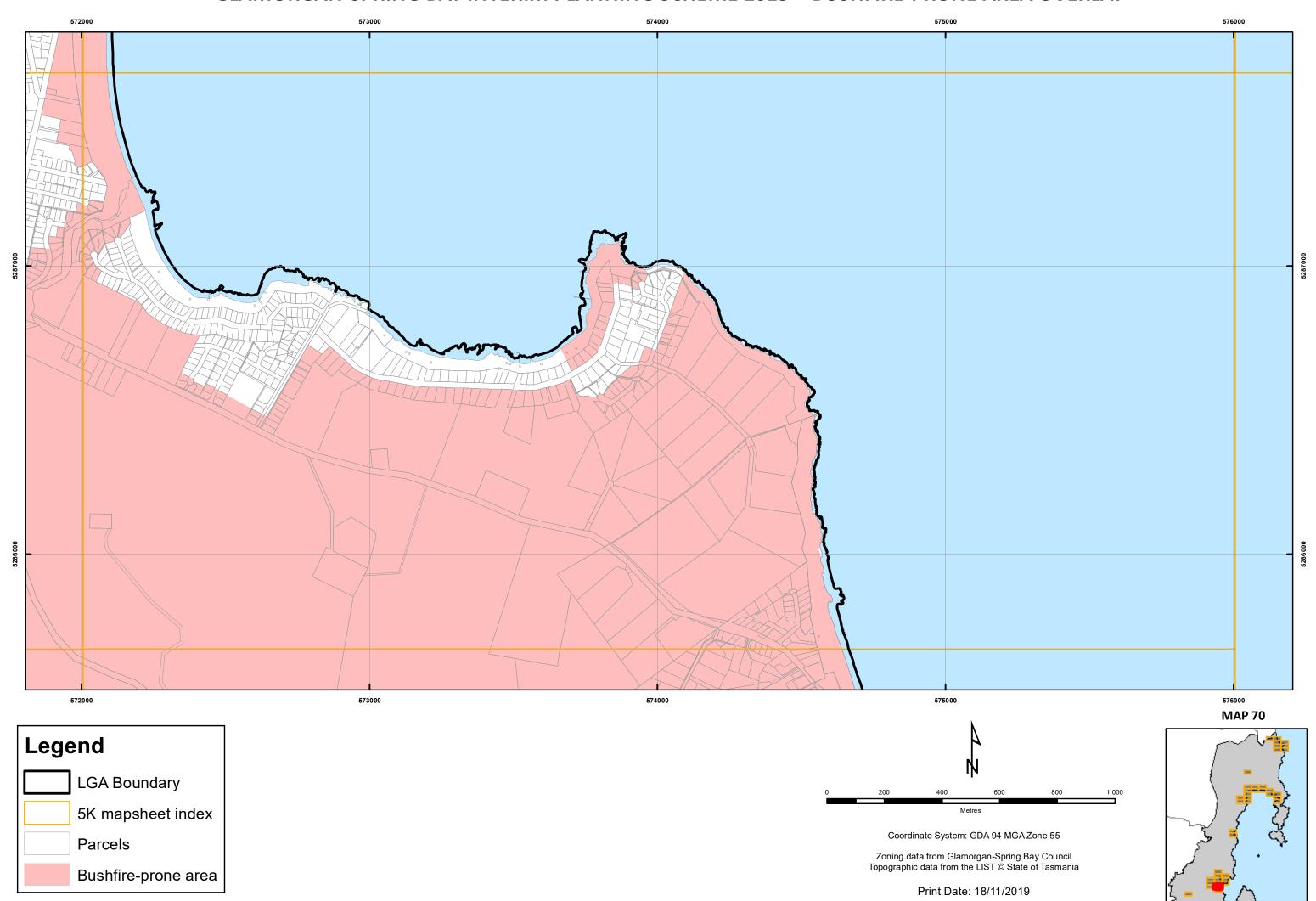


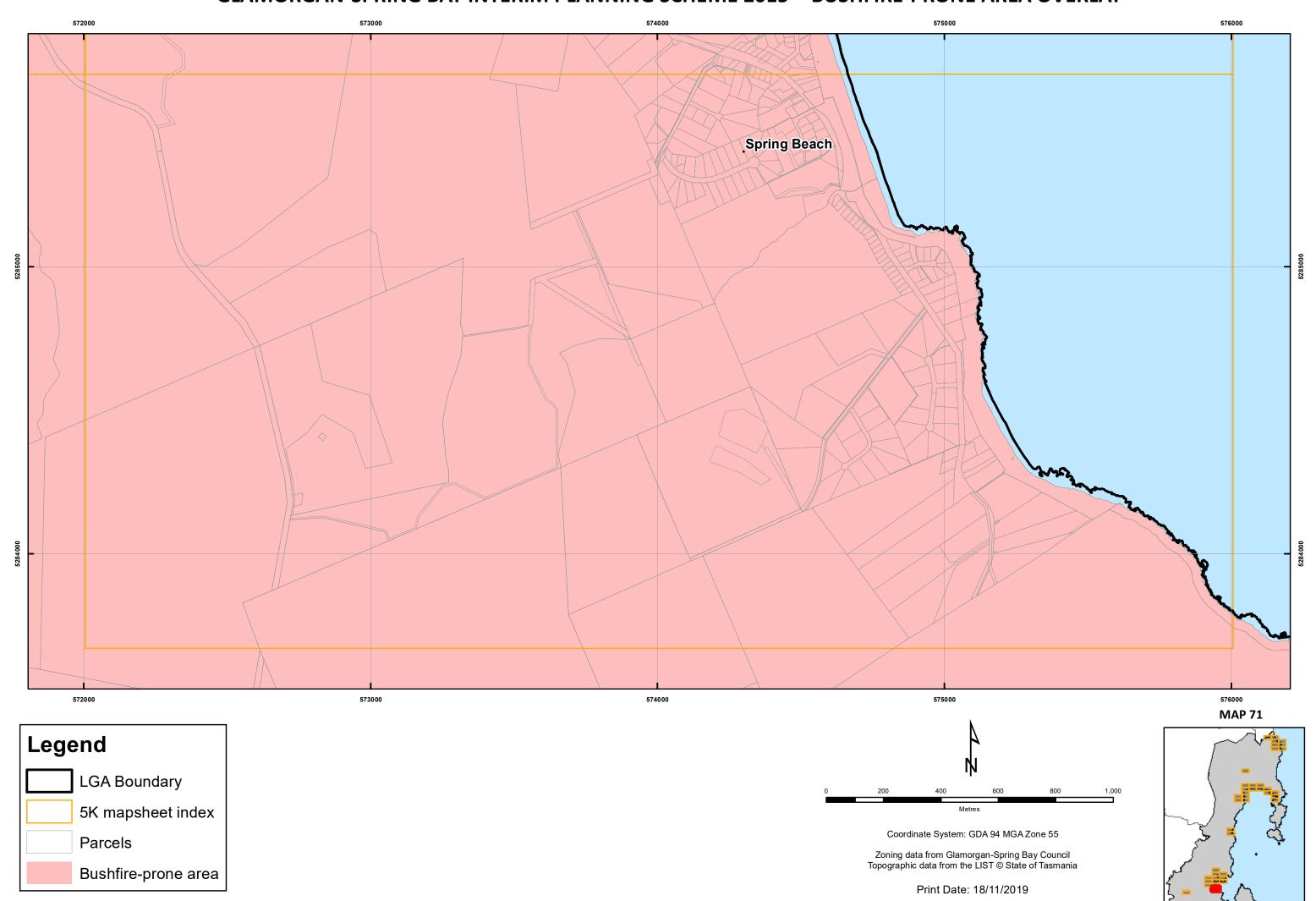














#### Agenda Item 3.3 - Attachment C



# BUSHFIRE-PRONE AREAS OVERLAY Frequently Asked Questions

#### 1. Why do we need a bushfire-prone areas overlay?

The key function of the overlay is to spatially define areas that are considered 'bushfire-prone' for planning and building compliance purposes.

Since 2012 Tasmanian planning and building legislation has required certain land uses, subdivision and building work within a 'bushfire-prone area' to satisfy minimum safety standards. In the absence of an overlay however, there is sometimes ambiguity in relation to what is or isn't considered to be a 'bushfire-prone area'. The overlay will provide landowners, regulators, developers and designers with much needed certainty with regards to application of these requirements.

It is noted that stakeholders including the Housing Industry Association and the Master Builders Association actively participated in the development of the current regulatory system and have strongly urged government to have suitable mapping of bushfire-prone areas provided as soon as possible.

All Tasmanian Councils will be required eventually to have a bushfire-prone areas overlay as part of the Tasmanian Planning Scheme. To avoid unnecessary delay, TFS recommends that Councils introduce their overlays sooner by amending their existing planning scheme where it is feasible to do so. In doing so, the benefits of the overlay can be delivered sooner rather than later.

#### 2. Can the overlay be amended?

As with any planning scheme overlay, Council may initiate an amendment at any time if there is good reason to do so. Also the overlay may be amended in conjunction with future combined rezoning and subdivision proposals.

It is anticipated that the overlay will also be periodically reviewed and updated as part of Local Government's routine review of its Local Provision Schedules once the transition to the Tasmanian Planning Scheme is complete.

#### 3. Will the overlay affect insurance premiums for property owners?

The insurance industry has its own long standing risk mapping products which inform their premiums.

If insurance providers choose to base their premiums on whether or not land is classed as 'bushfire-prone' within the planning scheme, this still would be of no real significance given the overlay will not result in any additional properties being classed as 'bushfire-prone' that aren't already .

To the contrary, the overlay will actually reduce the number of properties that are classified as 'bushfire-prone' for the purposes of planning and building compliance.

It is noted that Clarence introduced their bushfire-prone areas overlay in 2015 and Hobart in 2017. TFS is not aware of any evidence of resultant effects on insurance premiums in either local government area.

#### 4. Will the overlay negatively affect property values?

All properties that are mapped within a draft overlay are already 'bushfire-prone' under existing planning and building legislation. The overlay does not introduce any new development standards - it simply clarifies the application of existing requirements. Therefore, it is highly unlikely that the overlay has any effect on property value. Given that so much of Tasmania is identified as bushfire-prone any effect would be widespread and have minimal effect between similar properties.

It is noted that Clarence introduced their bushfire-prone areas overlay in 2015 and Hobart in 2017. TFS is not aware of any evidence of resultant effects on property values in either local government area.

#### 5. Will the overlay increase the cost of land development?

Complying with the existing planning and building requirements for bushfire protection inevitably adds cost to development. There are two cost elements, firstly the costs of assessment and secondly the costs of the bushfire mitigation measures. The extensive consultation that occurred when the Bushfire-Prone Areas Code was introduced concluded that the compliance costs are outweighed by the benefit of increased community safety.

All properties that are within the draft overlay are already considered 'bushfire-prone' under existing planning and building legislation. As such, introduction of the overlay will have no effect on the cost of land development. The introduction of the overlay will actually reduce the number of properties that are classified as 'bushfire-prone' for the purposes of planning and building compliance. These properties will no longer require the expenditure of the costs of the assessment and the overlay will therefore actually reduce compliance costs to the Tasmanian community as a whole.

# 6. My property is in a residential area and adjoins farmland – why is it within the bushfire overlay?

Grasslands are a commonly underestimated fire hazard but present a significant risk to Tasmanian communities. Furthermore, living in a suburban street is not a guarantee that nearby fuels are being adequately managed and that the suburban home is appropriately prepared for a bushfire event.

Clearly risk profiles will vary across the landscape depending on a range of factors, as does the perception of risk perception within affected communities. In some areas

and to some people being located within a bushfire-prone area may not be consistent with their own perceptions, in other areas it will confirm existing perceptions. It is worth noting that the overlay does not delineate between 'high', 'medium' and 'low' risk.

# 7. Will Council be exposed to litigation if it approves building work on land outside the overlay area that is subsequently damaged in a bushfire?

The overlay is not intended to comprehensively identify all land that may be subject to bushfire attack in all scenarios. It identifies land where the risk is considered high enough during a 'design bushfire' scenario to warrant a built response.

The overlay is similar in some ways to other hazard maps used in planning schemes, such as those for flood-prone areas and landslip. These overlays are also applied to land where risk exposure is considered sufficient to warrant a built response but none imply that there is no risk to properties in rarer events that are outside of the overlays.

The bushfire-prone areas overlay does not apply to properties further than 100m from a potential fire front. This reflects the maximum distance considered in Australian Standard 3959 Construction of buildings in bushfire-prone areas. History has shown that ember attack can impact properties several hundred metres from a fire front although the probability of loss of life and built assets decreases with increased distance. There always will be some level of risk to properties outside of the overlay however it is considered tolerable without requiring landowners to go to the added expense of building for bushfire protection.

The overlay has been prepared in good faith and informed by expert judgement and it is highly unlikely that Council would be subject to successful litigation as a result of property loss outside of the overlay area.

#### 8. Being on a town water supply means there is no bushfire risk doesn't it?

The greatest component of bushfire risk is the location of the property in relation to bushfire fuels. Having water available for firefighting is an important protection measure but it does not mean the threat from the fuels is removed.

## 9. We have had our block for years and there's never been a fire so why worry now?

Tasmania is well known for very infrequent but very severe fires. If bushfire protection measures only have to be tested once every few decades it is still a good investment in community safety to have development on the urban fringe and in rural areas resilient to bushfires.