

PLANNING REPORT



Tasmania Fire Service

Bushfire-Prone Areas Overlay Flinders LGA

March 2019



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Document Control					
Version	Date	Description	Author	Reviewed	Approved
1.0	27/03/19	Draft	TO'C	CC	CC

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Appendix A – Bushfire-Prone Areas Overlay

Executive Summary

The Tasmania Fire Service ('TFS') is working with Local Government to prepare and implement the bushfire-prone areas overlay for Tasmanian Local Government Areas ('LGA'). Mapping for the Flinders LGA has now been completed following collaborative work between TFS and Flinders 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 overlay will ultimately be included as part of Council's Local Provision Schedules under the Tasmanian Planning Scheme.

Depending on the timing of the Tasmanian Planning Scheme, Council may wish to consider initiating a draft amendment to the Flinders Planning Scheme 2000. In this transitional period before the Tasmanian Planning Scheme is enacted, Schedule 6 of LUPAA provides the statutory basis for amending existing planning schemes under the 'former provisions'.

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 draft bushfire-prone areas overlay for Flinders. This report provides the following information:

- The background and context of the mapping;
- Description of the mapping process;
- Options for implementation; and
- Consideration of the applicable statutory and strategic planning framework.

The information in this report is provided to inform the Planning Authority and general public on the proposed draft overlay.

1.1 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 communities¹. 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 century².

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 'preparedness' 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

¹ Department of Police and Emergency Management 2015, *Tasmanian Emergency Management Plan - Issue 8*, DPEM, Hobart.

² 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 area³.

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 interface⁴. Notwithstanding this, bushfire

³ Department of Premier and Cabinet, 2013 Tasmanian Bushfires Inquiry, DPAC, Hobart.

⁴ 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 Flinders Local Government Area ('LGA') as shown in Figure 1. The LGA is located in north-eastern Tasmania and comprises of a number of Bass Strait islands.

The major vegetation groups within the LGA include 'Scrub, heathland and coastal complexes', 'Agricultural, urban and exotic vegetation' and 'Dry eucalypt forest and woodland'. The majority of vegetation groups within the LGA can be considered to be high-very high flammability. Prevailing winds during the bushfire season are westerly.



Figure 1 - Location map

3 Bushfire-Prone Area Overlay

Bushfire-prone area mapping for the Flinders LGA 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 bushfire safety as people will be able to view the map on multiple sites such as the LIST, iplan, and the TFS website. Additionally, TFS will use the map as the basis for issuing fire permits and in 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 bushfire prone areas mapping is summarised conceptually in Figure 2. The mapping has been prepared by the TFS in collaboration with Council's planning and environmental management 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 key sites and areas that required closer examination.

Verification of the condition of specific sites 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 lesser) 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*.

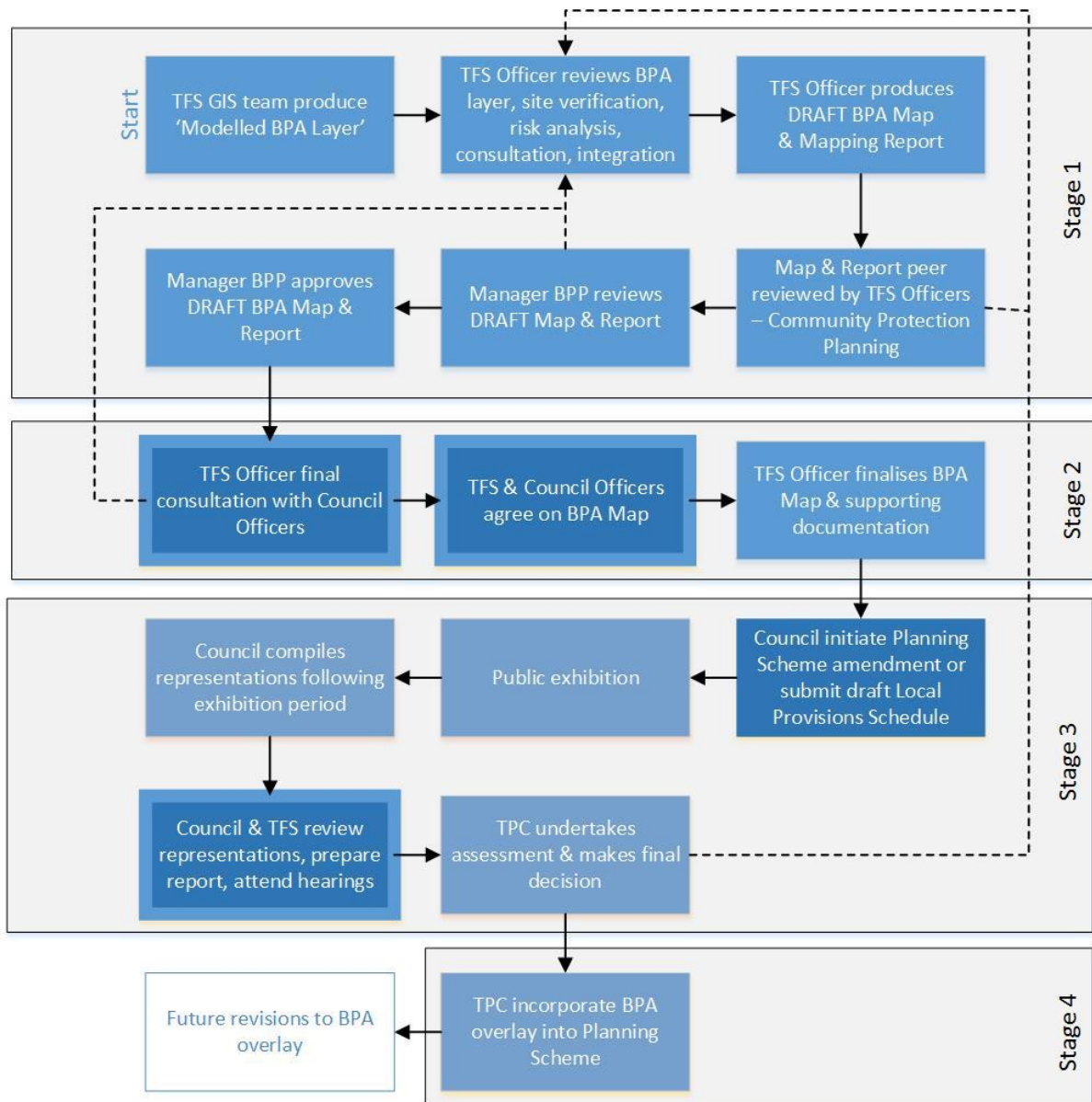


Figure 2 – Overview of mapping preparation and implementation

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.

Grasslands

Where Grassland fuels were found to be 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.

The eastern side of Whitemark is an example of where this refinement has been applied.

Truwana/Cape Barren Island - Community Bushfire Mitigation Plan

TFS has published a bushfire mitigation plan for truwanna/Cape Barren Island⁵. The Mitigation Plan identifies firebreaks and fuel management units designed to protect 'The Corner' – a small settlement with approximately 70 residents.

Figure 1 is an extract from the Mitigation Plan that shows the location of the firebreaks, which have now been implemented. The draft bushfire-prone areas overlay has been prepared on the basis that these firebreaks will be maintained in perpetuity. Should long-term maintenance no longer be feasible, Council should consider reviewing the overlay.

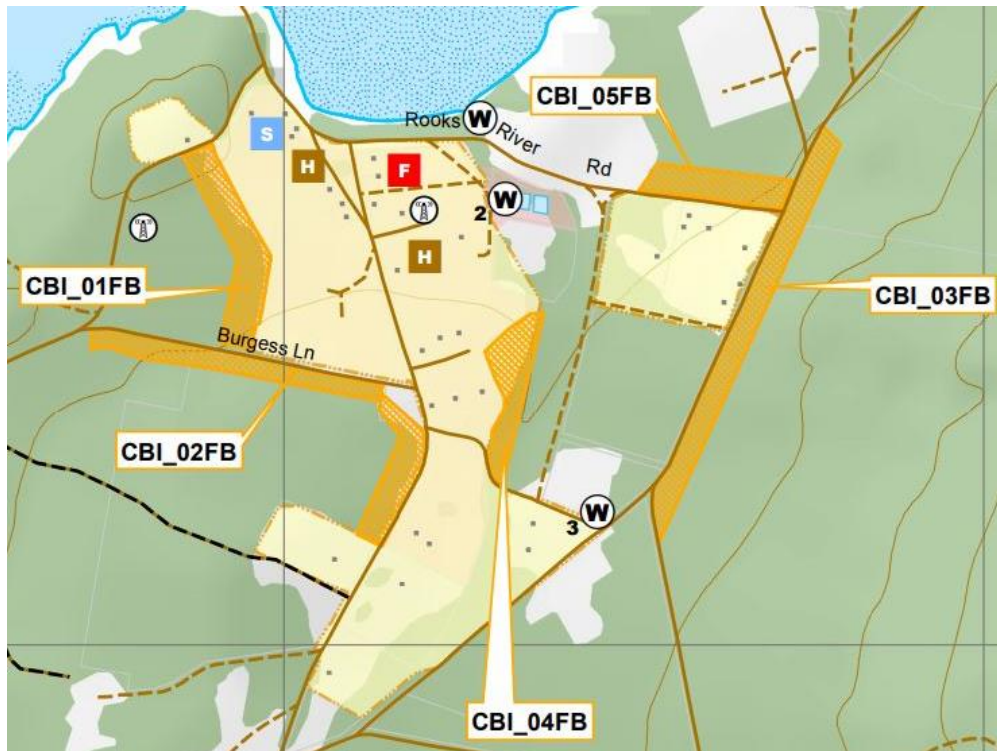


Figure 3 - Strategic firebreaks (orange hatch) at 'The Corner'

Lady Barron - Community Bushfire Mitigation Plan

TFS has published a bushfire mitigation plan for the Lady Barron Township⁶. At the time of writing, the firebreaks identified in the mitigation plan had not been implemented and have accordingly not influenced the spatial extent of the bushfire-prone areas overlay. Should the mitigation plan be implemented in future there may be scope to review and adjust the overlay.

Subdivisions

There were no large subdivisions underway at the time of writing that warranted modification of the overlay.

⁵ TFS 2015, *Community Bushfire Mitigation Plan – Truwana / Cape Barren Island*, TFS, Hobart.

⁶ TFS 2015, *Community Bushfire Mitigation Plan – Lady Barron*, TFS, Hobart.

3.4 Outcomes of Mapping

It is clear that the majority of the land within the Flinders LGA is designated as bushfire-prone as a result of the mapping process.

Table 1 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 1 - Comparison of cadastral parcels affected by modelled overlay versus final draft overlay

Cadastral type	Modelled overlay	Final draft Overlay	Difference
Authority Land	946	496	-450
Local Government Reserve	2	4	+2
Private Parcel	1,392	1,346	-46
Public Land Classification	163	132	-31
Total cadastral titles intersected	2,503	1,978	525

The results indicate that approximately 525 properties will no longer be subject to bushfire requirements. With regards to private parcels, the mapping process has enabled the identification of approximately 46 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future.

Economic benefit to property owners who have been mapped out is derived from the avoided cost of bushfire assessment, reduced time required for building work to be designed, documented and approved and the avoided constructions costs (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') as part of the Government's reform agenda.

The TPS will be comprised of the State Planning Provisions ('SPP') and Local Planning Schedules ('LPS'), the latter of which is to be prepared by Local Government.

It is anticipated that Flinders Council will submit its draft LPS to the Tasmanian Planning Commission for assessment by mid-2019. Once approved, the Tasmanian Planning Scheme will become active and will supersede Council's existing planning scheme. It is anticipated that the bushfire-prone areas overlay will be included in Council's LPS as a planning scheme overlay.

4.2 Flinders Planning Scheme 2000

The timing of the Tasmanian Planning Scheme's introduction is unclear at present and may not occur for some time. To introduce the overlay sooner and avoid this delay, there is provision to amend the Flinders Planning Scheme 2000 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 may initiate a Draft Amendment of its own motion under s.34(1)(b) of the former provisions.

5 Statutory Planning Requirements

5.1 Requirements for TPS Local Provision Schedules

It is anticipated that the overlay will 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).

With respect to the strategic considerations referred to in s.34(2)(c),(d),(e) and (f):

- The Schedule 1 Objectives of LUPAA are considered in section 6.2.1 of this report;
- The State policies are considered in section 6.2.2 of this report;
- The Regional Land Use Strategy is considered in section 6.2.3 of this report; and
- Council's Strategic Plan is considered in section 6.2.4 of this report.

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs. The overlay accordingly satisfies 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).

5.2 Requirements for Draft Amendment to Existing Planning Scheme

Section 34 (1) of the former provisions of the *Land Use Planning & Approvals Act 1993* is relevant to an amendment of a planning scheme and allows a planning authority to initiate such amendments of its own motion. This is only relevant should Council seek to amend their existing planning scheme.

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 clarify 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.300(1) requires consistency with the relevant regional land use strategy. As is discussed further in this report, the overlay is consistent with the relevant regional land use strategy;
- s.300(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

A draft amendment would 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).

6 Strategic Considerations

6.1 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 2 and Table 3.

Table 2 - Schedule 1, Part 1 Objectives

Objective	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The proposed overlay will support the application of an existing Code. It will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly consistent with (a).</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	<p>The proposed overlay will improve clarity for the community, for developers and for regulatory authorities responsible for assessing planning and building permit applications.</p> <p>In developing the overlay, 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 overlay will facilitate fairer outcomes for landowners.</p> <p>Implementation of the overlay is accordingly consistent with (b).</p>
<i>(c) to encourage public involvement in resource management and planning; and</i>	<p>In developing the bushfire-prone areas overlay 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.</p> <p>Whether the overlay is introduced via an amendment to the Interim Planning Scheme or via the Tasmanian Planning Scheme, the general public will have an opportunity to review the overlay and submit a representation on any aspect they wish the Planning Authority to consider.</p> <p>Implementation of the overlay is accordingly consistent with (c).</p>

<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i></p>	<p>The overlay will improve clarity with respect to whether a site is within a 'bushfire-prone area' for the purposes of planning and building approval. This will support property development in the following ways:</p> <ul style="list-style-type: none"> • 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). <p>The overlay will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly consistent with (d).</p>
<p><i>(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.</i></p>	<p>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.</p> <p>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.</p> <p>The approvals process requires the support of both Council and the Tasmanian Planning Commission for the mapping to become effective.</p> <p>Implementation of the overlay is accordingly consistent with (e).</p>

Table 3 - Schedule 1, Part 2 Objectives

Objective	Response
<p><i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i></p>	<p>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 proposed overlay as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code.</p> <p>The approach used in developing the mapping is consistent with that used for the Clarence and Hobart interim planning schemes. Tasmania Fire Service seeks to maintain a consistent approach as it progresses mapping for all remaining Local Government Areas.</p> <p>As is discussed further in this report, the overlay is consistent with current State Policies and the relevant regional land use strategy.</p>

	Implementation of the overlay is accordingly consistent with (a).
<i>(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</i>	<p>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 its provisions.</p> <p>Implementation of the overlay is accordingly consistent with (b).</p>
<i>(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</i>	<p>The overlay will not facilitate any loss of biodiversity or any other impacts on natural values.</p> <p>The social and economic benefit of the overlay 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.</p> <p>Implementation of the overlay is accordingly consistent with (c).</p>
<i>(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</i>	<p>As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. Introduction of the overlay is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.</p> <p>Implementation of the overlay is accordingly consistent with (d).</p>
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	<p>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 overlay will ensure that assessments as to whether a site is bushfire-prone will be consistent throughout the entire process.</p> <p>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 overlay will ensure that assessing planning officers and developers consider - at the development application stage - any requirement to consider vegetation removal.</p> <p>Implementation of the overlay is accordingly consistent with (e).</p>
<i>(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</i>	<p>The overlay 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. Furthermore, as it will be a publically accessible layer it will support community awareness of bushfire risk.</p> <p>The overlay will therefore support the aim of securing a safe environment for working, living and recreation.</p>

	Implementation of the overlay is accordingly consistent with (f).
<i>(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</i>	As no new development standards are proposed to be introduced, the overlay is not considered to be in conflict with the conservation of any places identified as holding heritage, aesthetic, architectural or other cultural value. Implementation of the overlay is accordingly consistent with (g).
<i>(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</i>	The overlay will not affect the requirements of the Bushfire-Prone Areas Code – it will simply clarify its application. The overlay is therefore not considered to be in conflict with public infrastructure and will not compromise the orderly provision and co-ordination of public utilities. Implementation of the overlay is accordingly consistent with (h).
<i>(i) to provide a planning framework which fully considers land capability.</i>	As the overlay relates only to existing use and development controls its implementation will have no significant effect on the ability of land within the municipality to be sustainably used or developed for its intended purpose. Implementation of the overlay is accordingly consistent with (i).

6.2 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.

6.3 Regional Land Use Strategy of Northern Tasmania

Local Provision Schedules must be consistent with the relevant regional land use strategy for the area. The relevant document is the Regional Land Use Strategy of Northern Tasmania.

The key section of RLUS is Section 4.20, which provides ‘Regional Environment’. The relevant policies are considered in Table 4.

Table 4 – RLUS Regional Policies

Regional Policies & Actions	Response
<p><u>Policy:</u> NH-P03 <i>Ensure that future land use and development minimises risk to people and property resulting from bushfire hazard.</i></p> <p><u>Actions:</u> NH-A05 <i>Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard.</i> NH-A06 <i>Ensure subdivision design responds to bushfire hazard risks by providing for alternative access, building setbacks and buffer distances based on current best practice.</i></p>	<p>Incorporation of the proposed mapping overlay will mean that bushfire-prone land will be easily identifiable early in the land use and development process. The mapping will signal to developers that there are Code requirements that need to be considered as part of any due-diligence investigations or preliminary design for subdivision or building work.</p> <p>Inclusion of the overlay within Council’s planning scheme will support existing bushfire regulations by providing a clear mechanism to trigger their application, thereby facilitating consistency in the permit approvals process. The mapping will integrate with the existing format of the Bushfire-Prone Areas Code, which defines bushfire-prone area by reference to the planning scheme overlay map.</p> <p>Incorporation of the overlay is accordingly consistent with NH-P03 and its associated actions.</p>

6.4 Flinders Council Strategic Plan 2015

The Flinders Strategic Plan 2015 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*.

The relevant strategies are addressed in Table 5.

Table 5 – Relevant strategies

Strategic Focus Areas	Response
<p>Strategic Focus Area 1: Population Growth</p>	<p>Council’s strategy seeks to encourage population growth through a range of incentives. A supporting desired outcome is stated as:</p> <p><i>“Streamlined and customer focused development application and assessment processes, including pre-lodgement information and advisory services.”</i></p> <p>The overlay will spatially define areas that are subject to existing planning and building requirements and is property-based. In doing so, it will remove ambiguity and support Council’s intent of providing efficient customer service.</p>
<p>Strategic Focus Area 2: Infrastructure and Services</p>	<p>Implementation of the bushfire-prone areas overlay is of little relevance to Strategic Focus Area 2.</p>
<p>Strategic Focus Area 3: Access and Connectivity</p>	<p>Implementation of the bushfire-prone areas overlay is of little relevance to Strategic Focus Area 3.</p>
<p>Strategic Focus Area 4: Strategic, Efficient and Effective Organisation</p>	<p>The desired outcomes include:</p>

	<p><i>“Development undertaken in accordance with relevant development standards and legislative requirements.”</i></p> <p>By removing ambiguity, the overlay increases the likelihood that use and development will be subjected to the relevant requirements when within a ‘bushfire-prone area’.</p>
Strategic Focus Area 5: Liveability	<p>The desired outcomes include:</p> <p><i>“Hazard management and climate adaption integrated into specific area plans.”</i></p> <p>Implementation of the overlay supports the application of the Bushfire-Prone Areas Code and building requirements for bushfire.</p>

7 Future Revisions

The bushfire-prone areas overlay will need to be reviewed and updated periodically to ensure it remains accurate. This will logically form part of Council’s five-year review process for their Local Provision Schedules under the Tasmanian Planning Scheme.

The *Land Use Planning and Approvals Act 1993* allows Council to initiate amendments to their Local Planning Provisions at any time. It may be appropriate at times to review and amend parts of the overlay due to new development, land use change or new management regimes being introduced.

In the situation where a scheme amendment is required to facilitate a new development (e.g. a combined rezoning and green-field subdivision proposal) it may be appropriate that the overlay also be amended as part of the amendment process.

It is anticipated that TFS will be consulted as part of any future review or amendment process involving the bushfire-prone areas overlay.

8 Conclusion

The Tasmania Fire Service in collaboration with Council officers have completed a draft bushfire-prone areas overlay for the Flinders LGA.

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 thereby presents an economic benefit to those landowners.

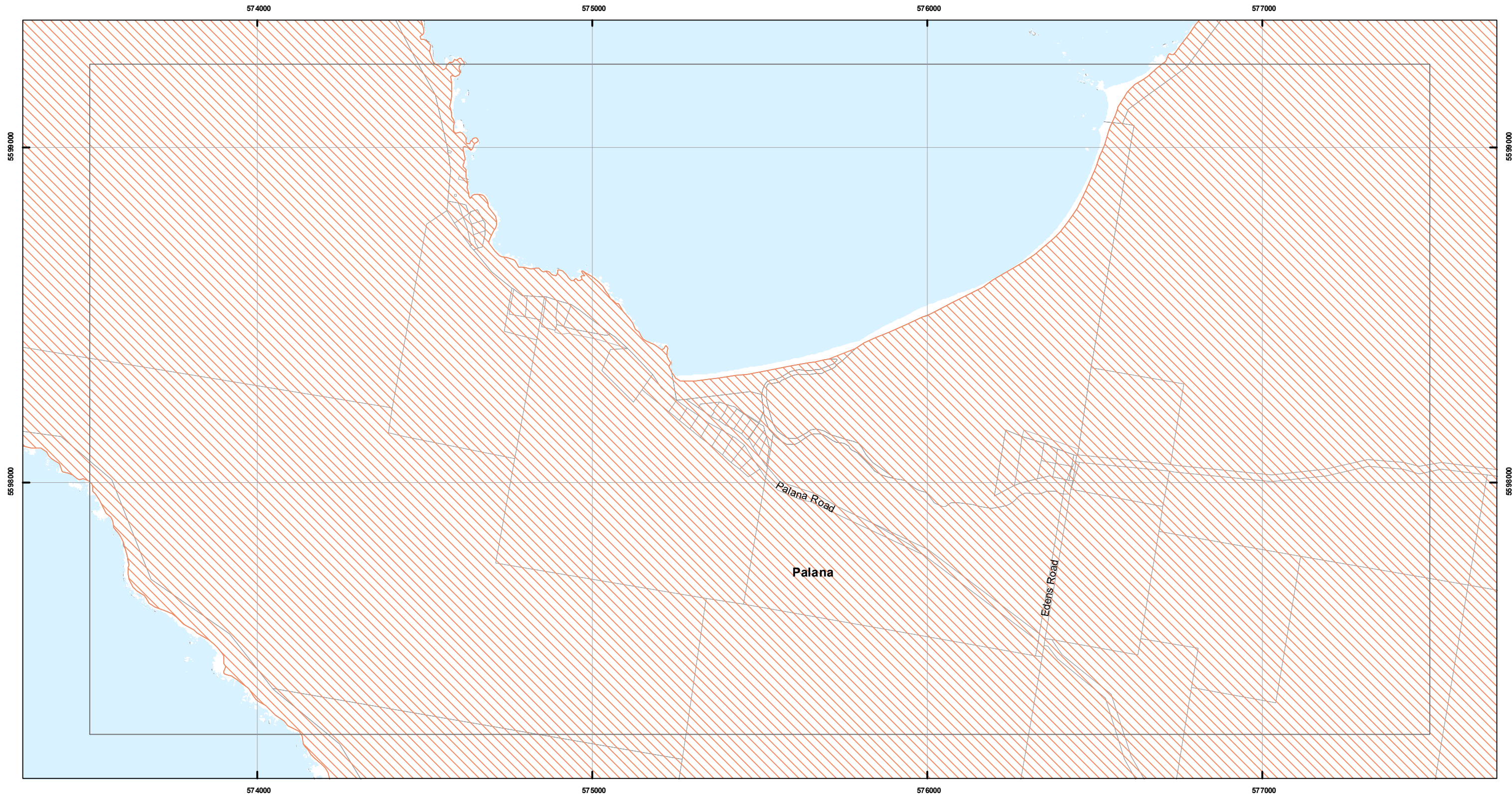
The overlay will also support community education on community fire safety and will provide a useful resource for the administration of the fire permit system and hazard abatement programs.

For the overlay to serve its statutory purpose it must be incorporated into Council's planning provisions. This can be achieved through an amendment to the Flinders Planning Scheme 2000 or through the Tasmanian Planning Scheme process. Either option is considered to be consistent with the relevant strategic planning considerations.



APPENDIX A

Bushfire-Prone Areas Overlay

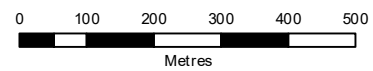
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

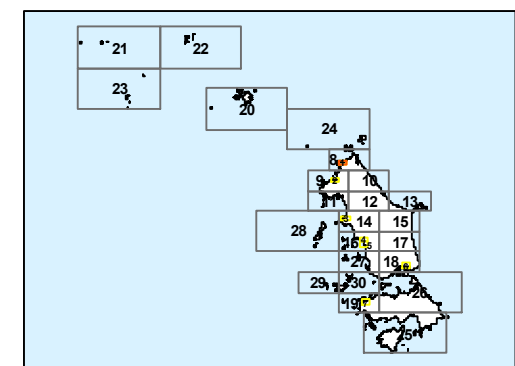
Map 1 of 30



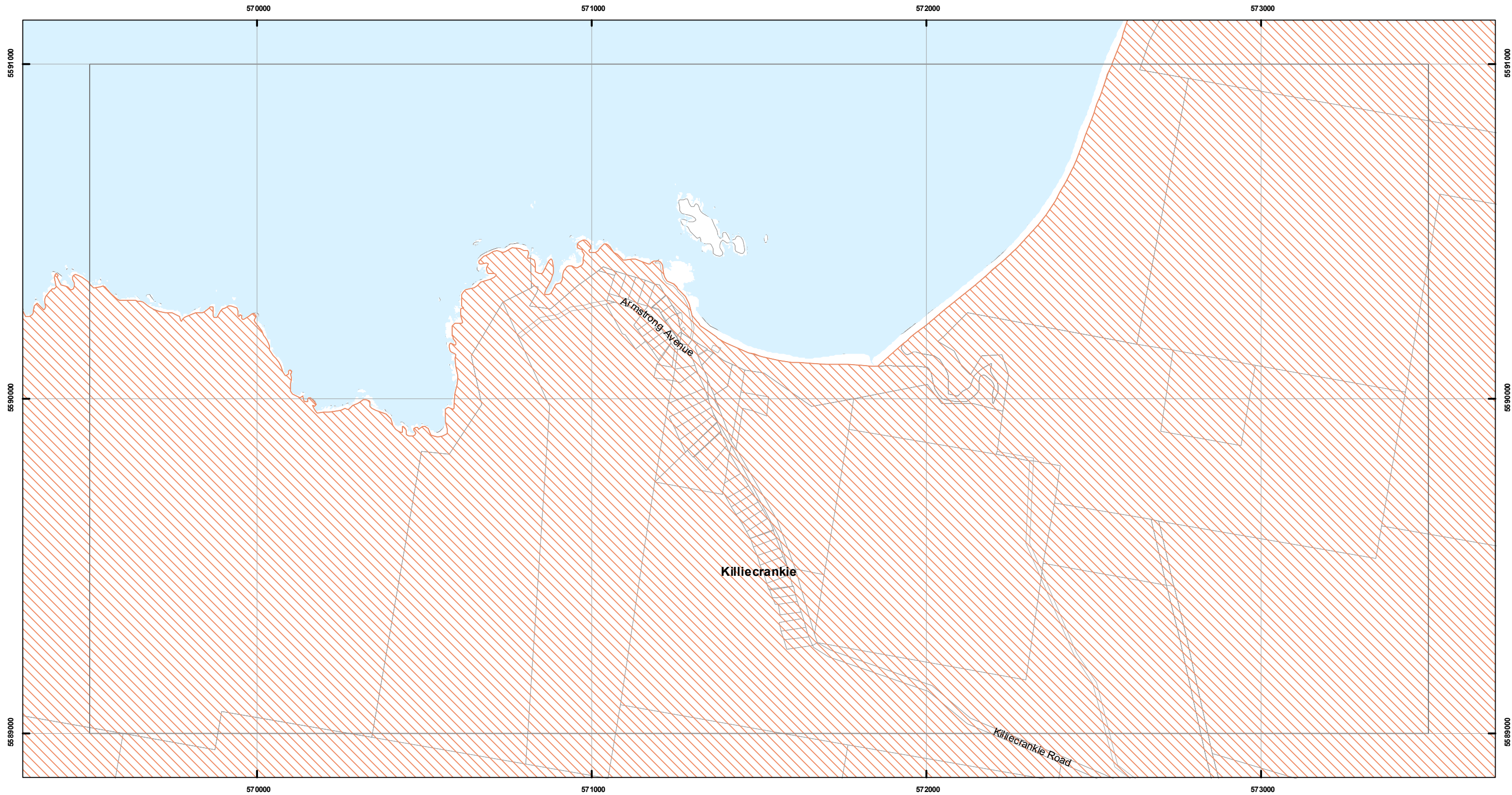
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Flinders Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania



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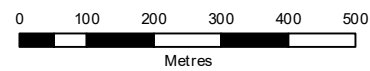
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

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-  Parcels

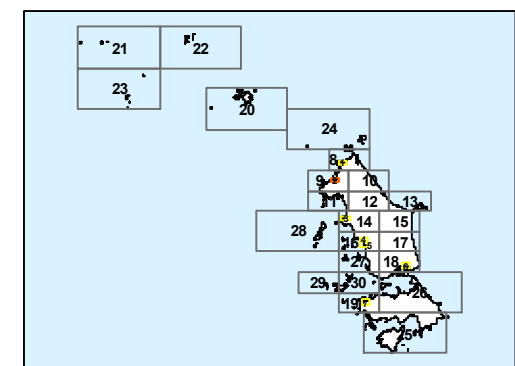
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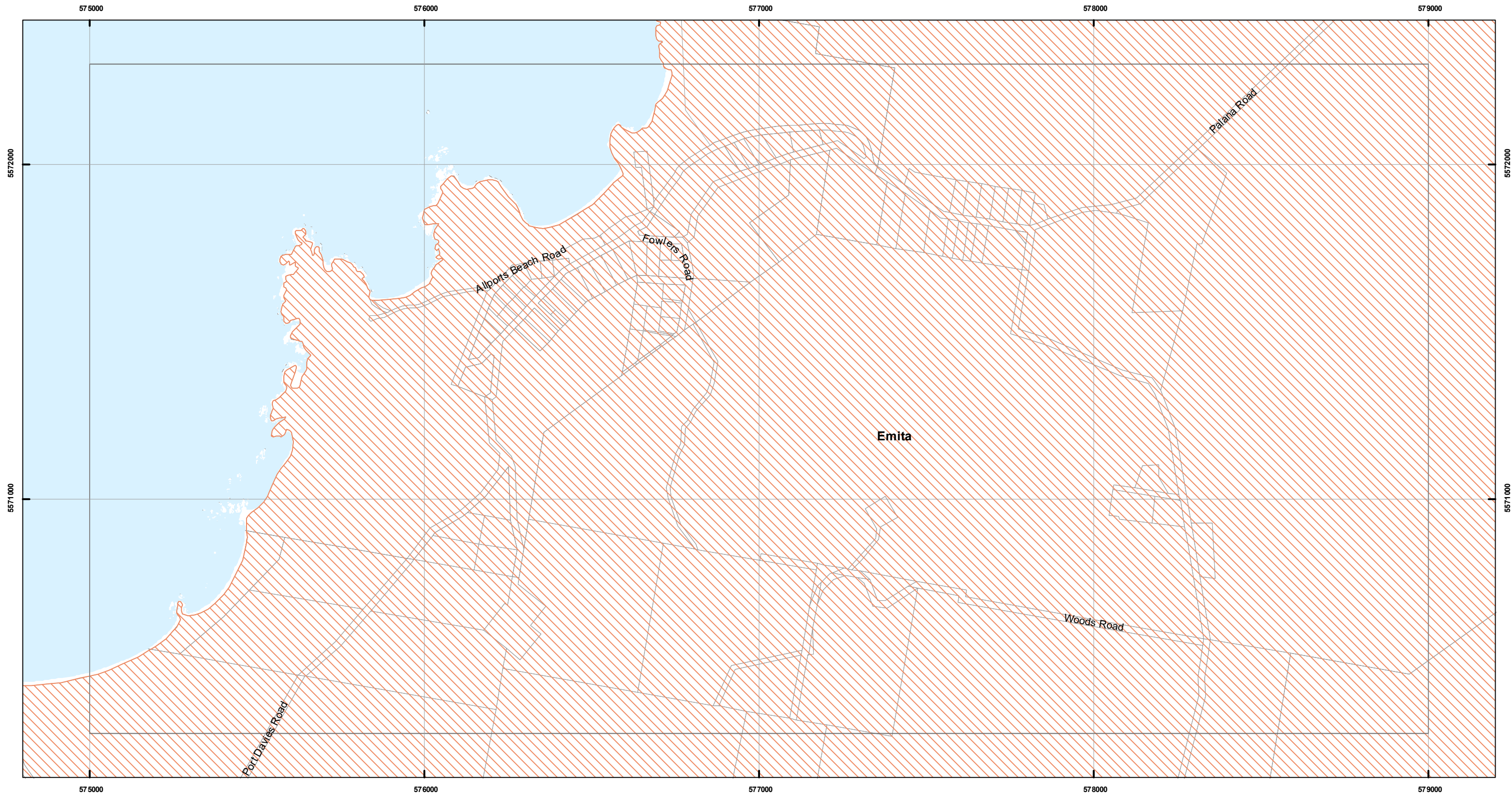
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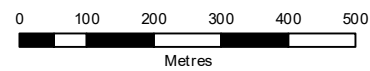
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

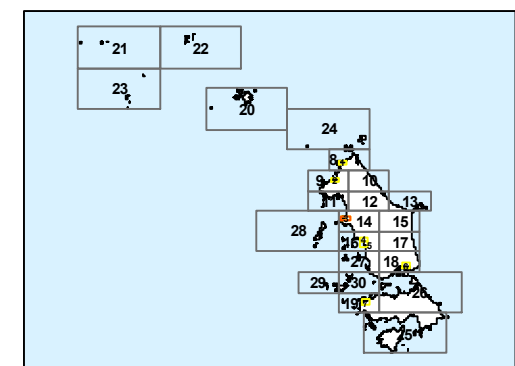
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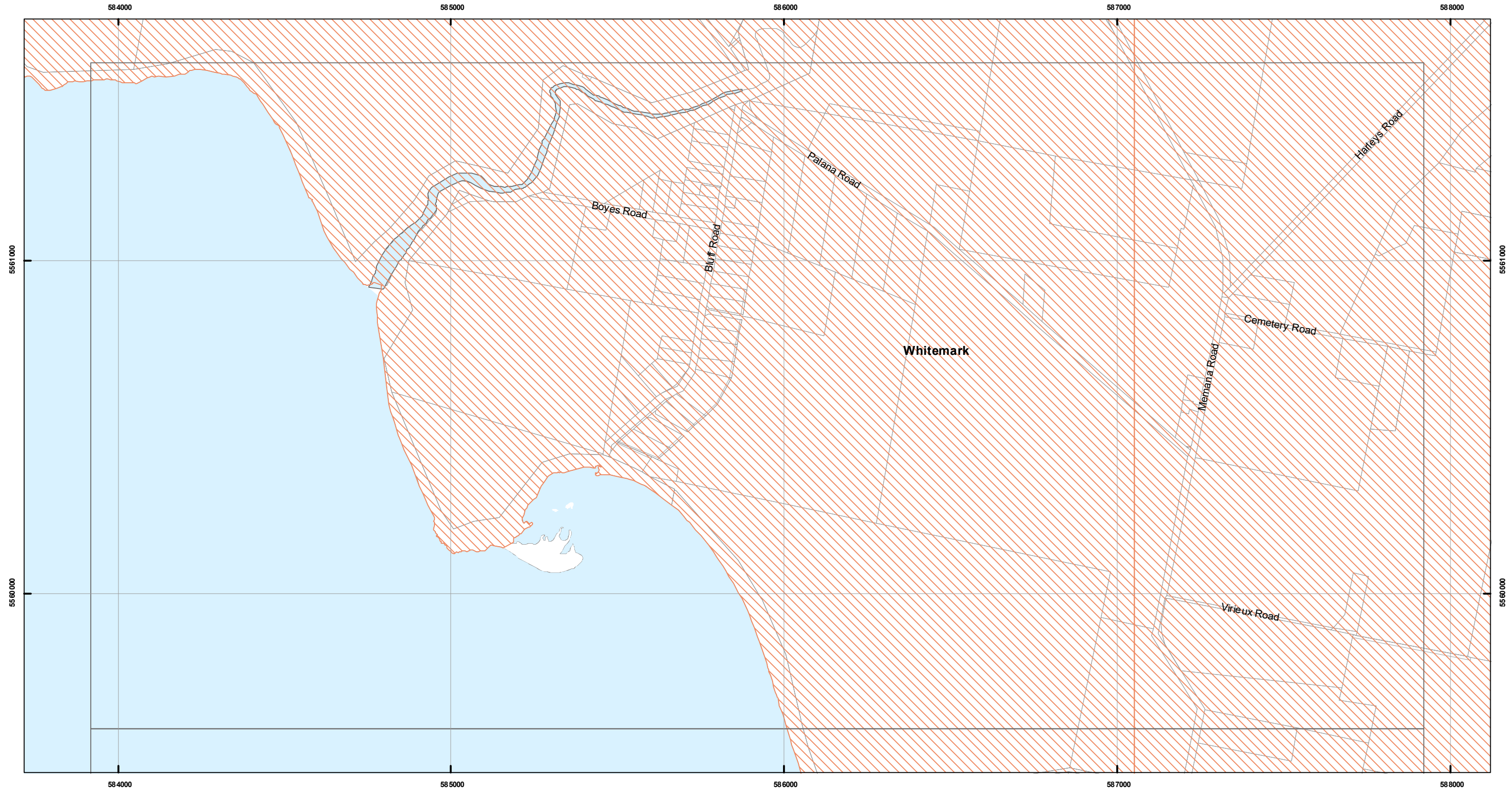
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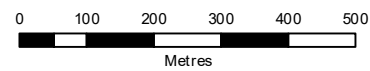
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

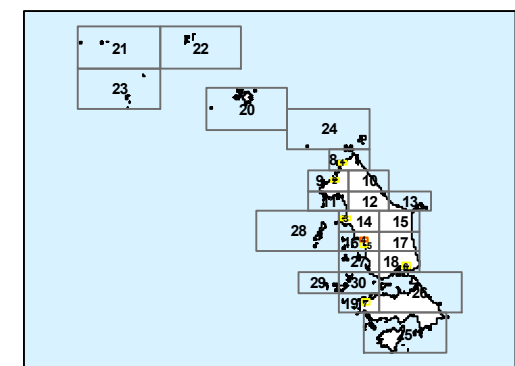
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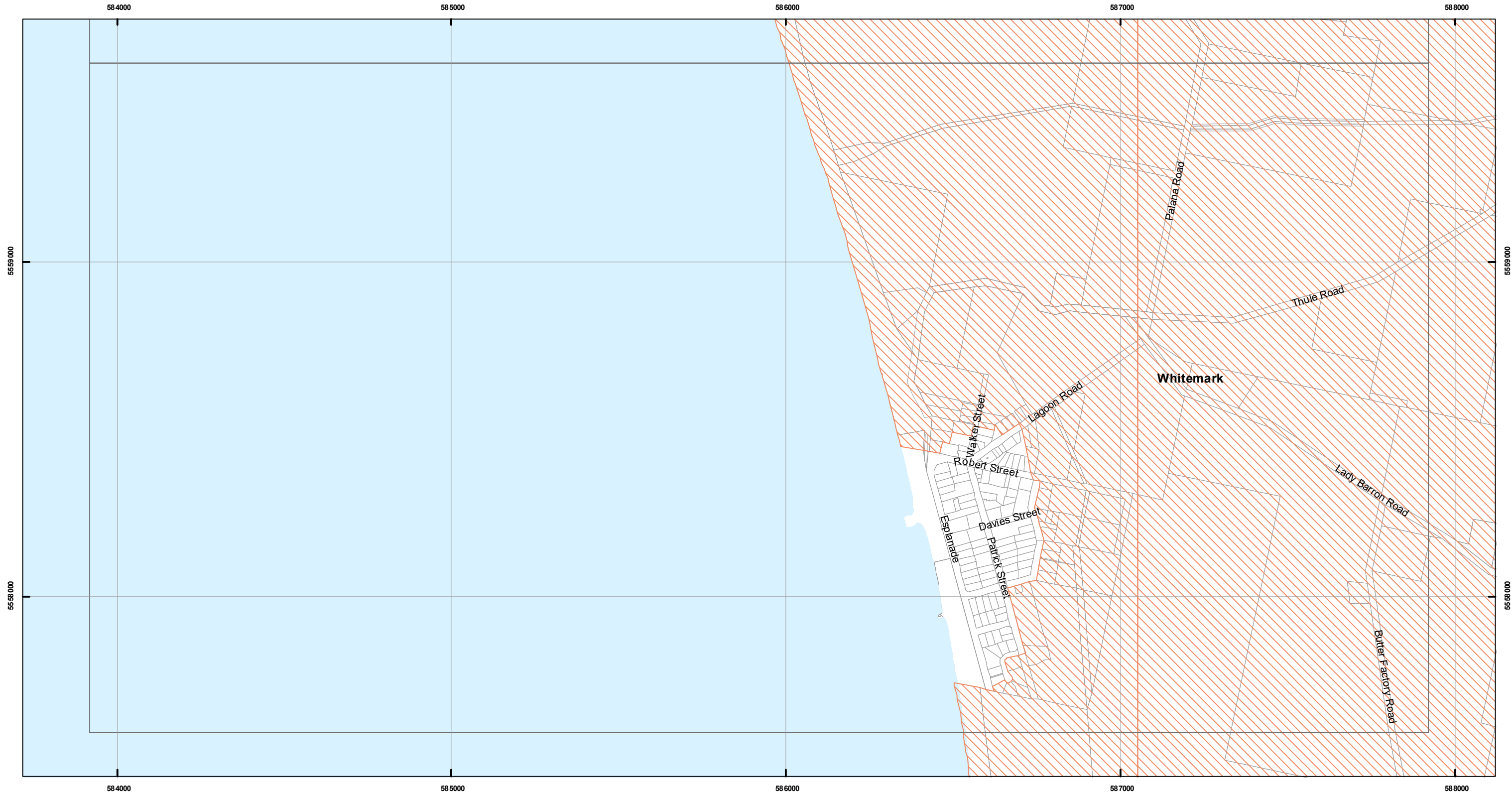
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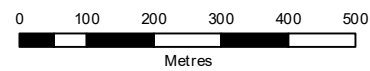
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

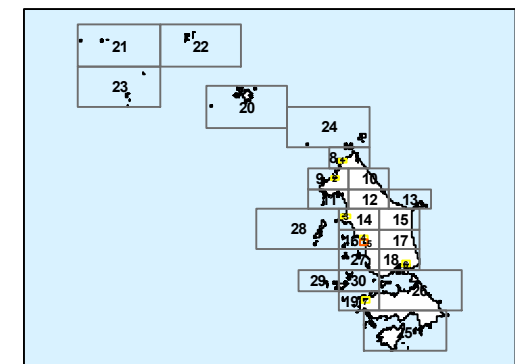
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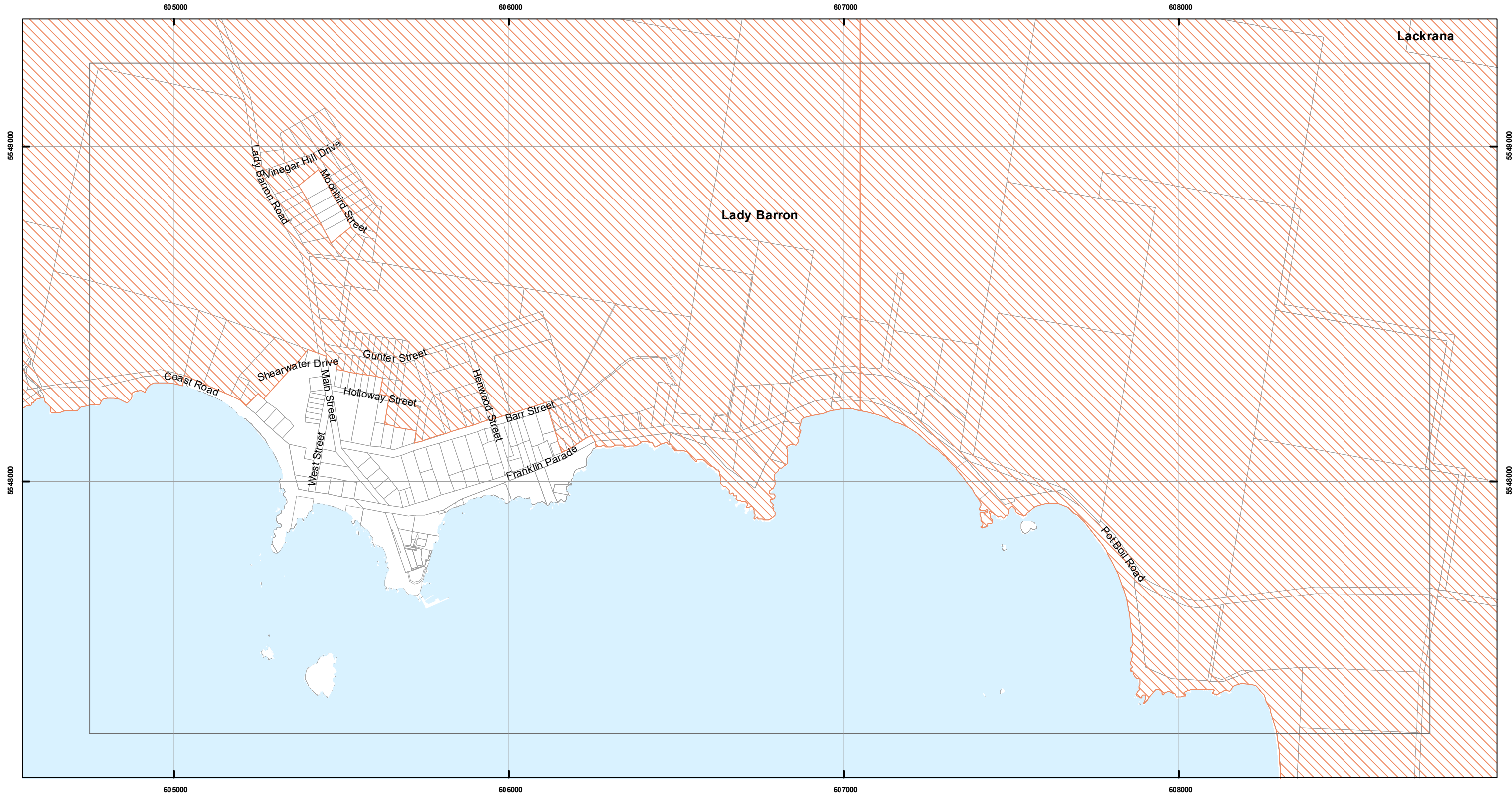
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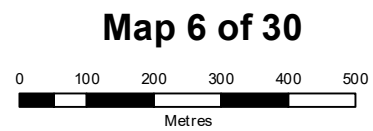


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

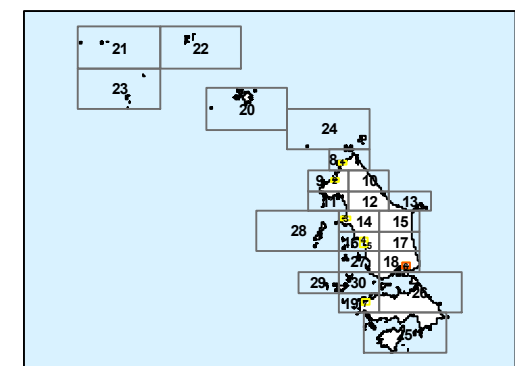
-  Bushfire Prone Area
-  Parcels



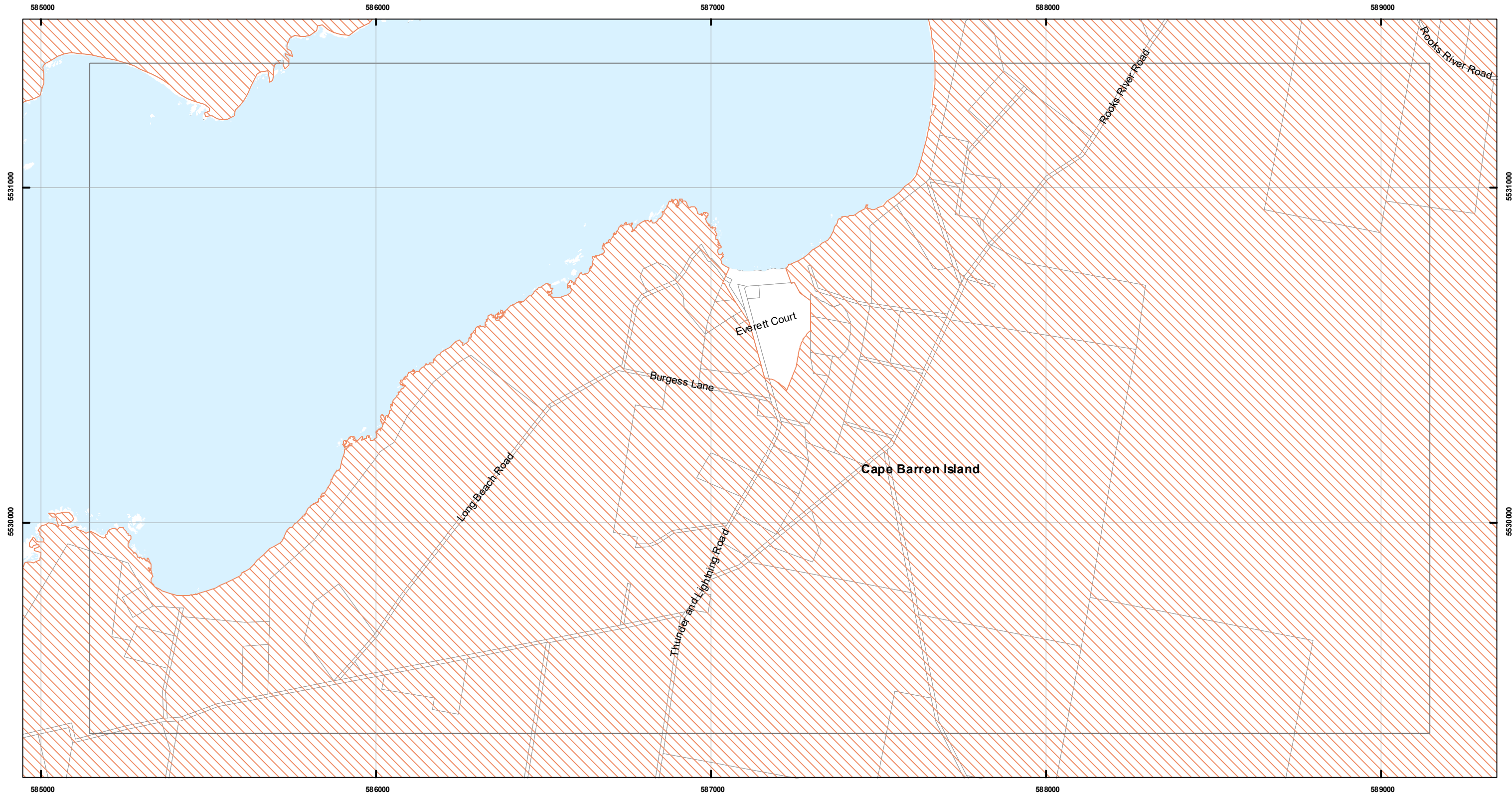
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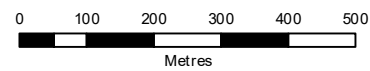
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

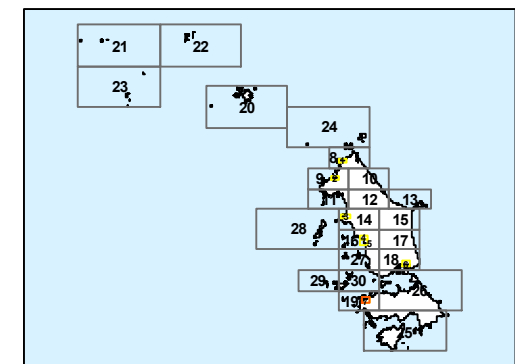
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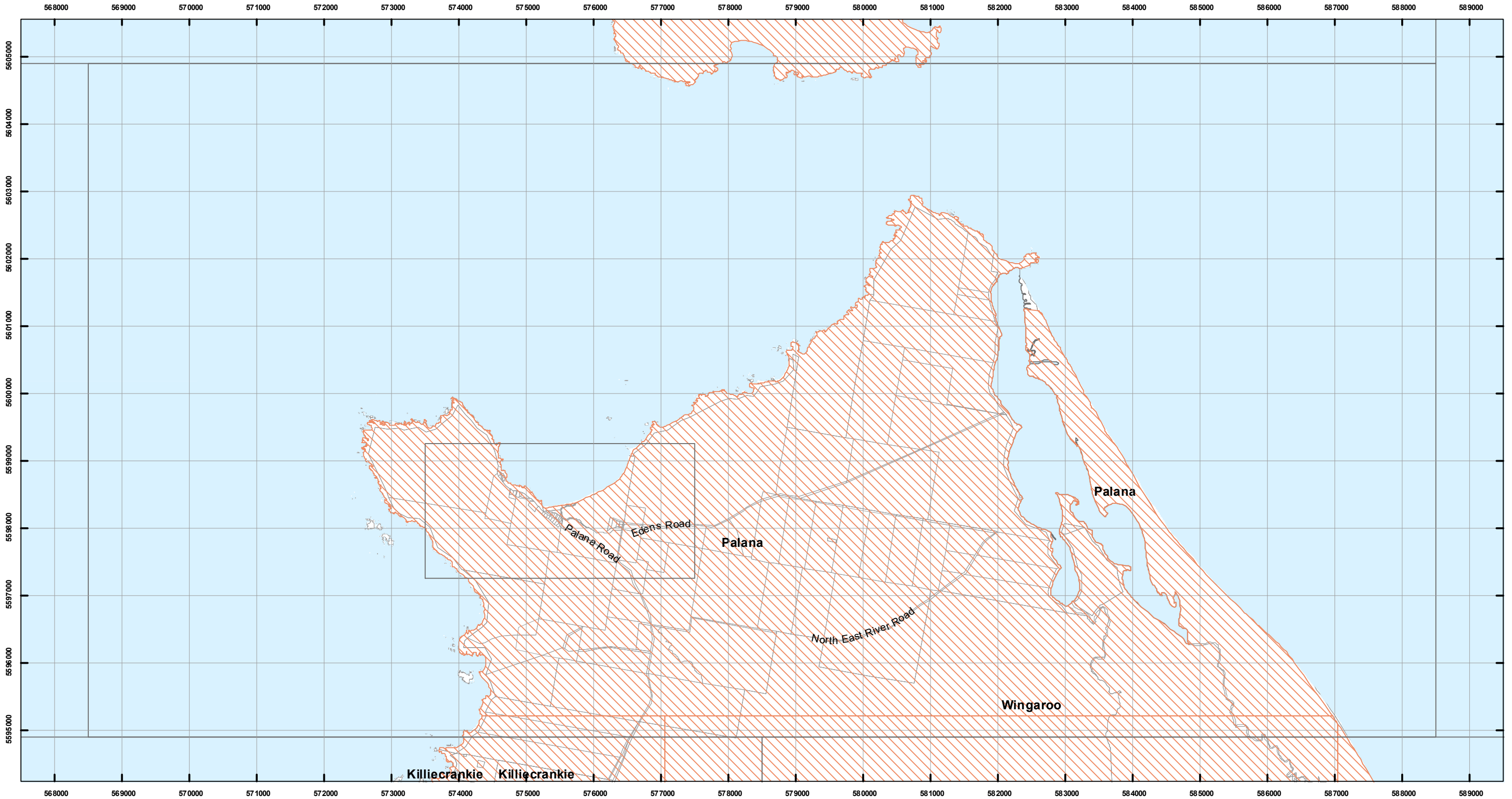
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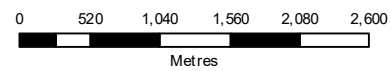
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Legend

-  Bushfire Prone Area
-  Parcels

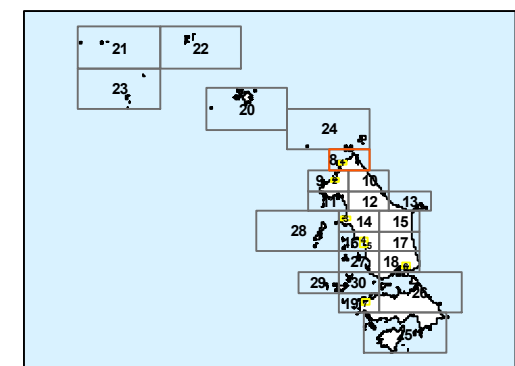
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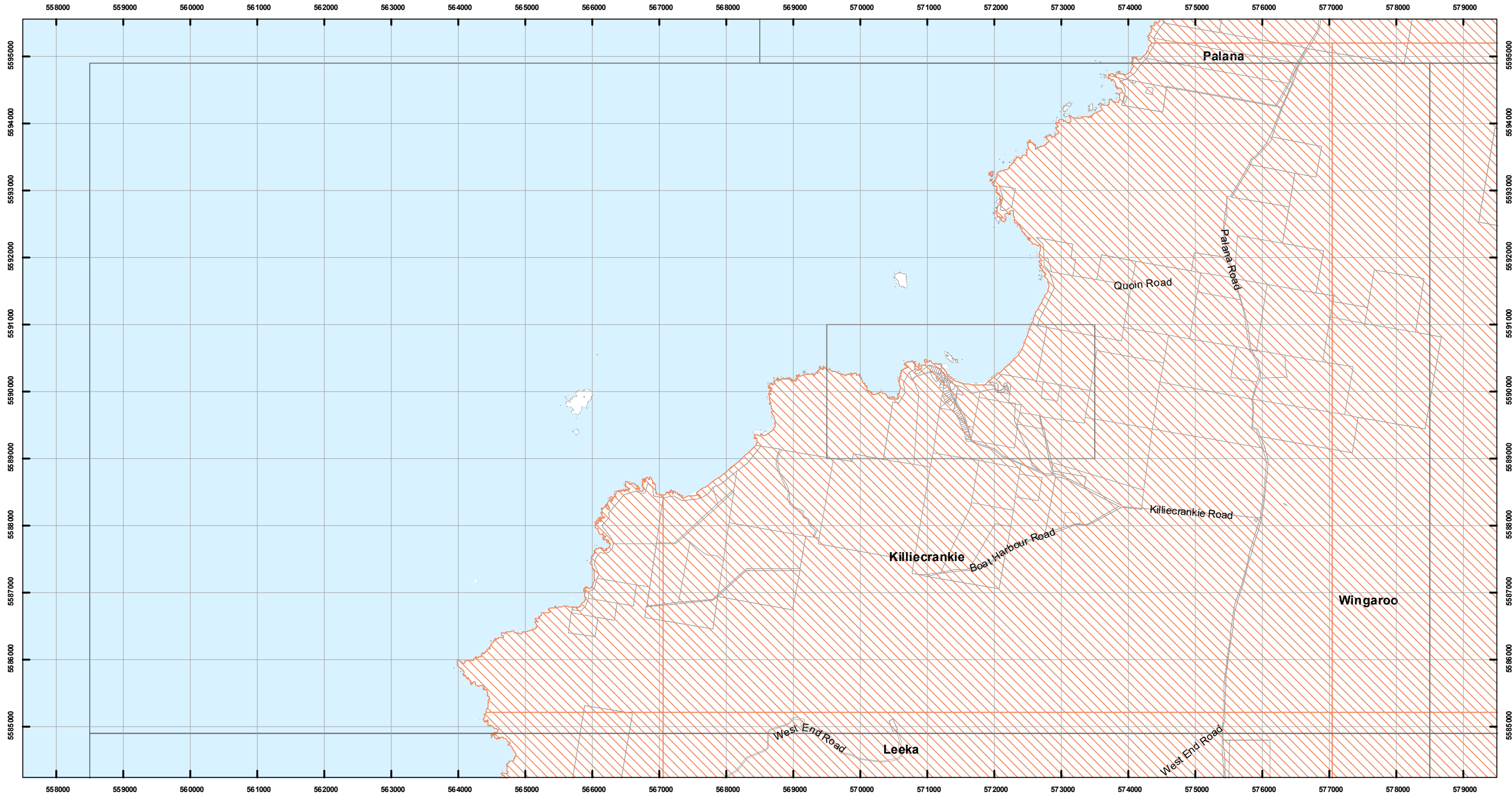
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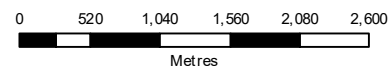
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

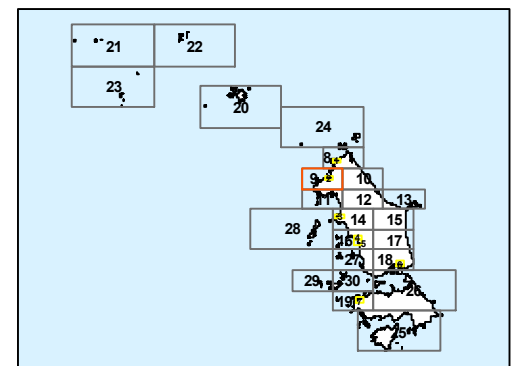
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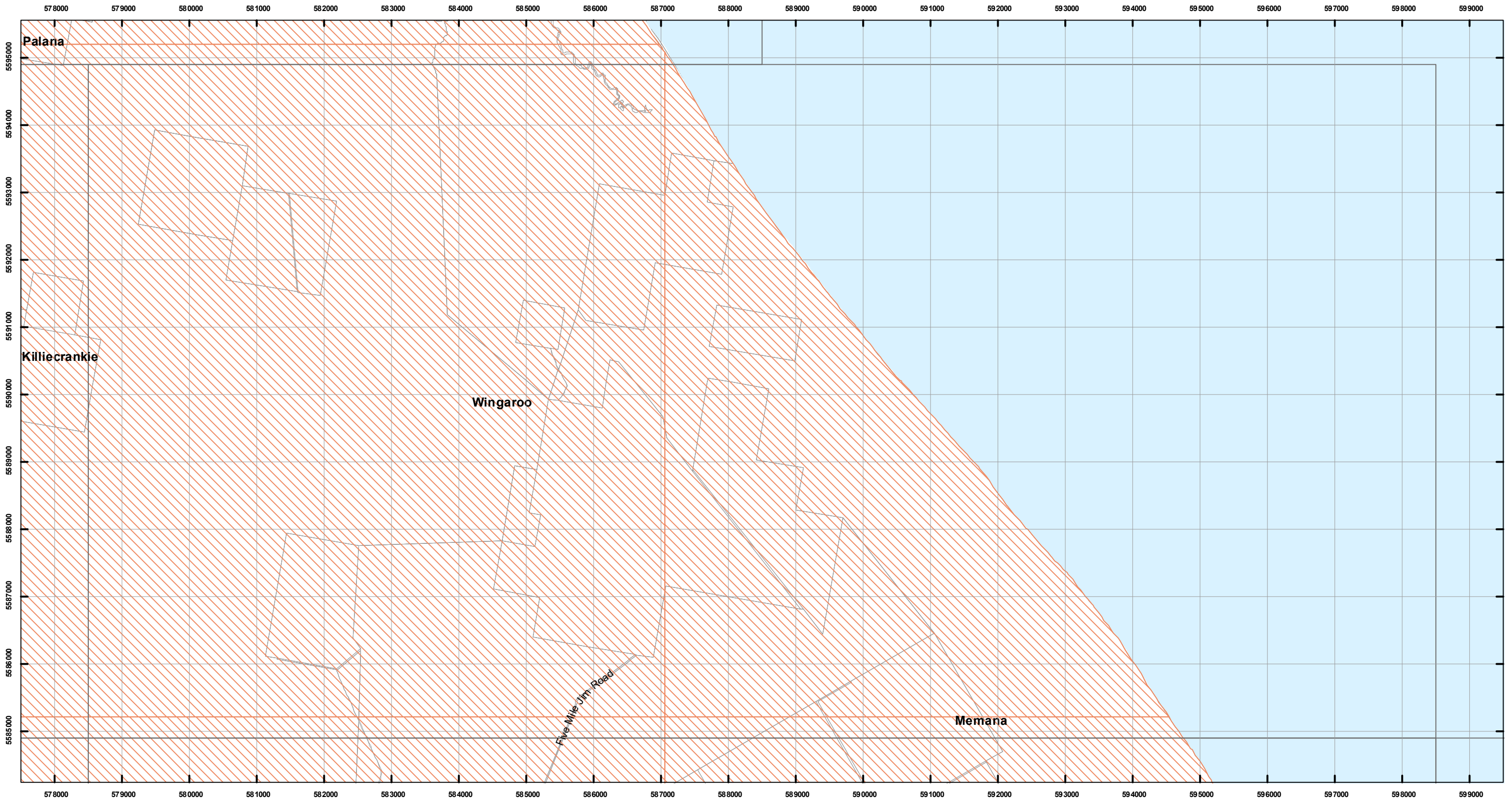
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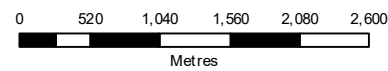
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

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-  Parcels

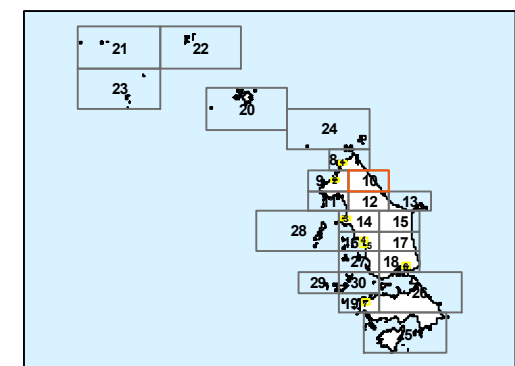
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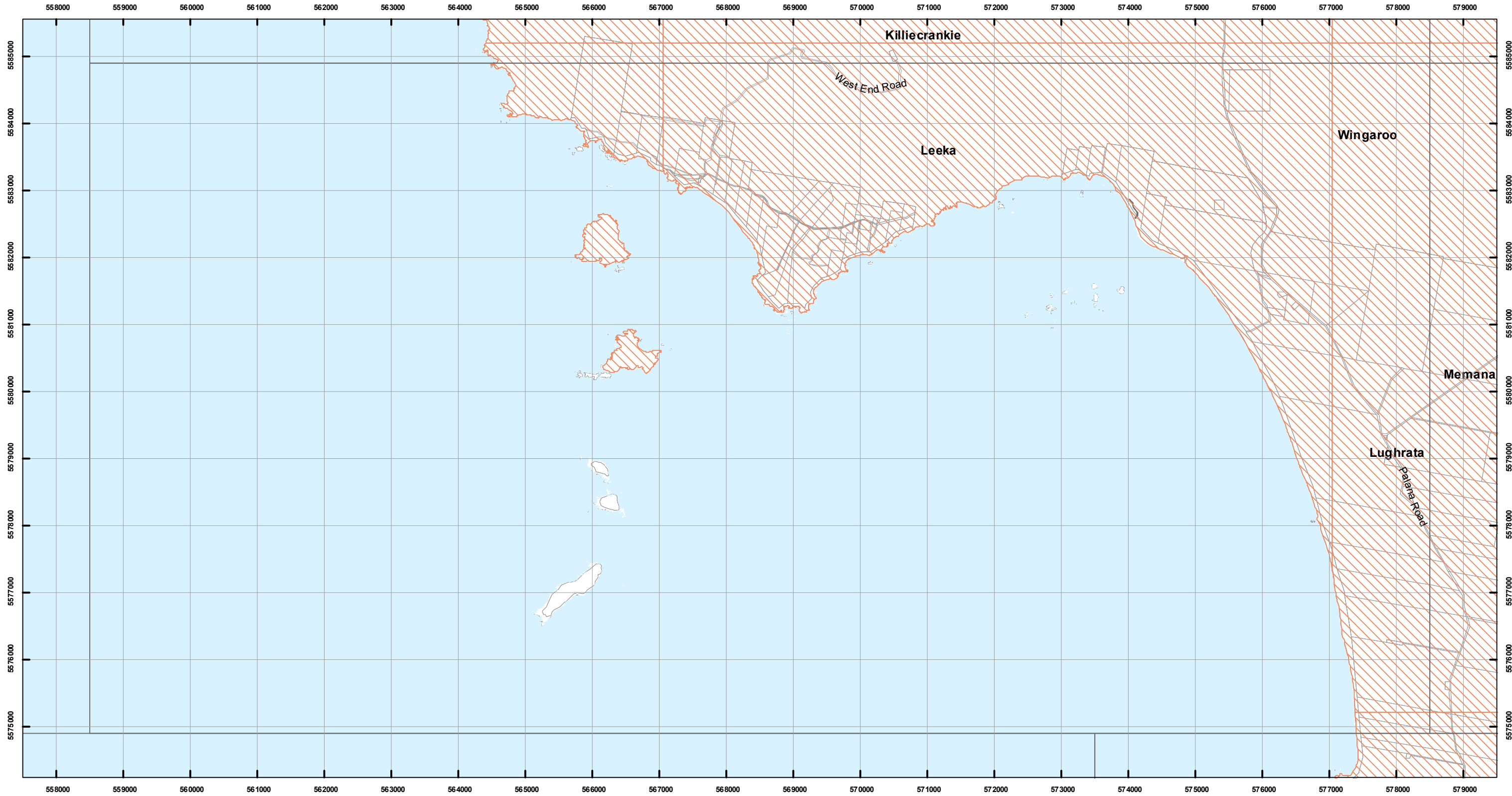
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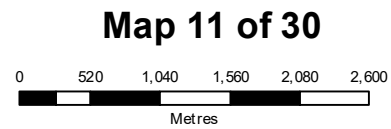


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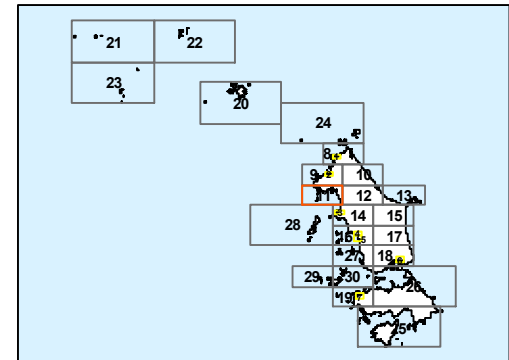
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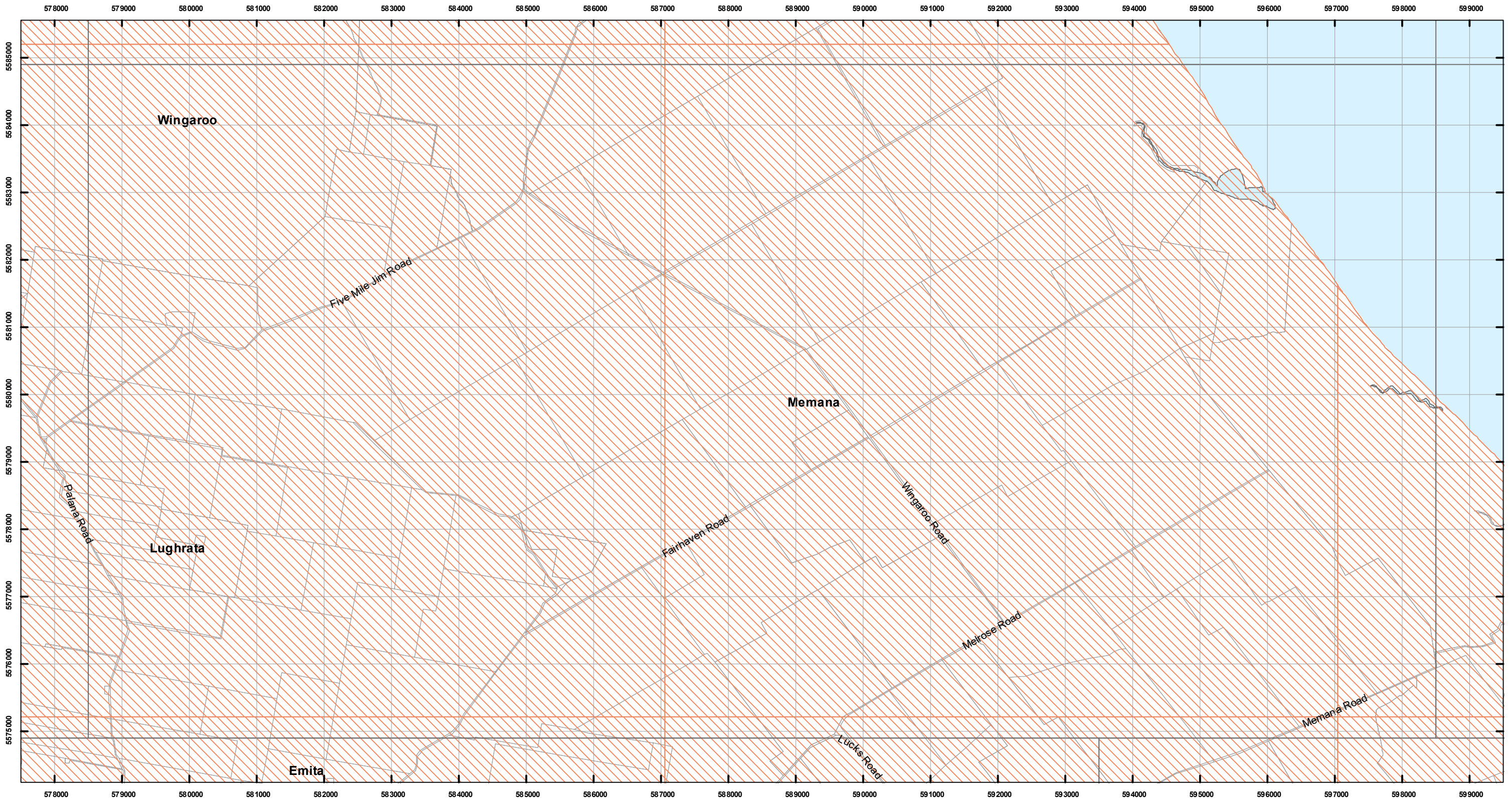
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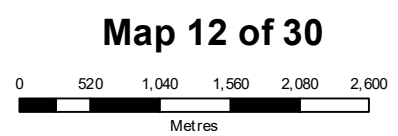


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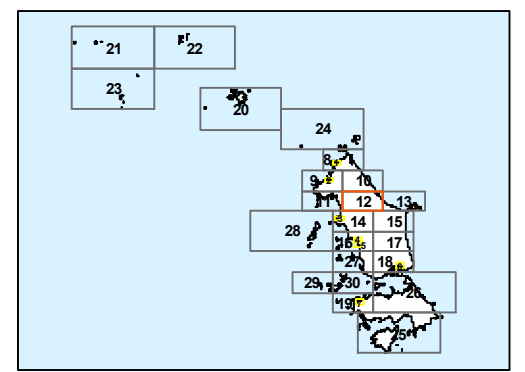
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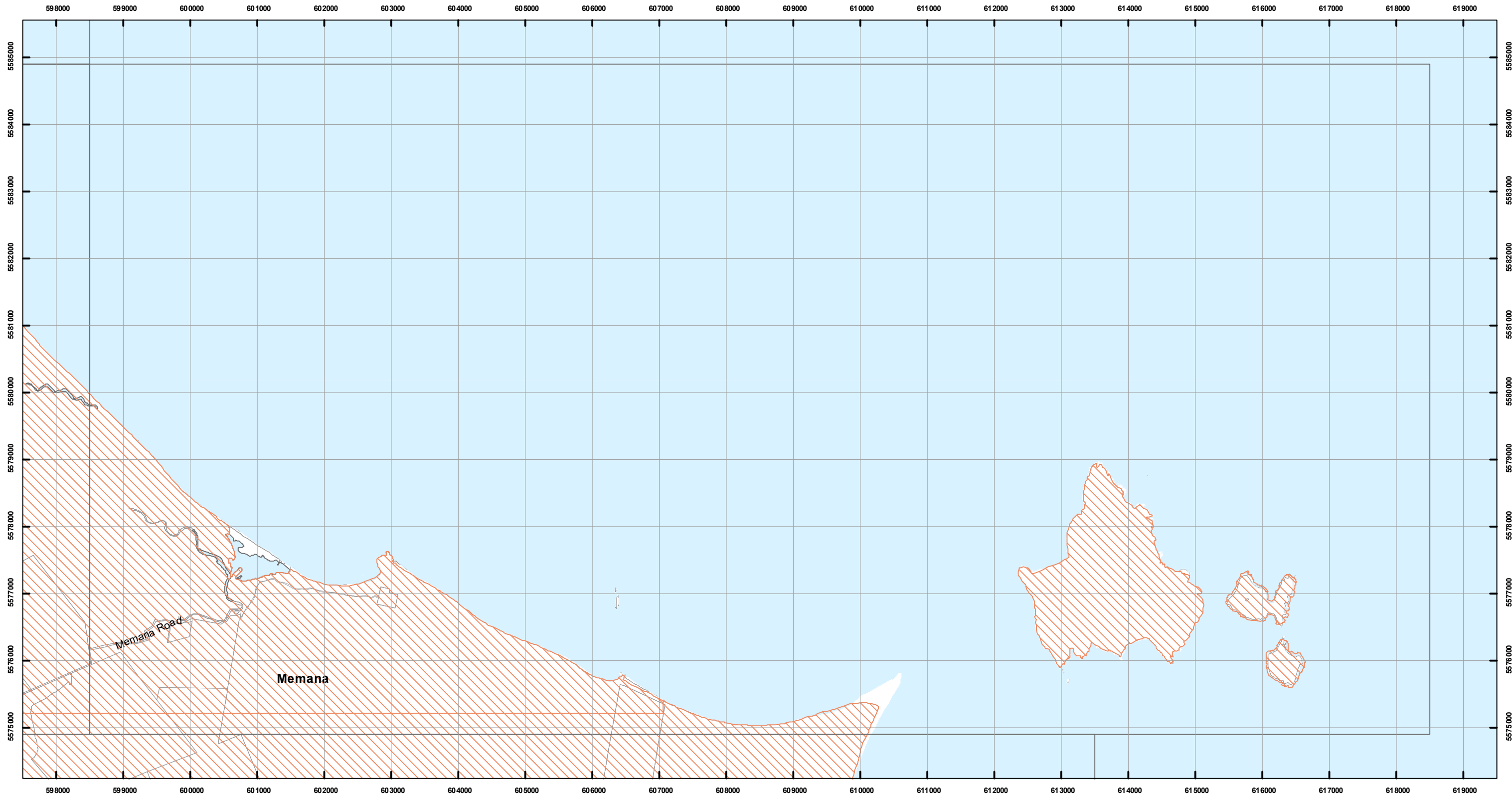
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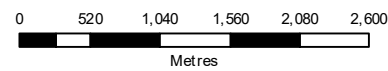
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Legend

-  Bushfire Prone Area
-  Parcels

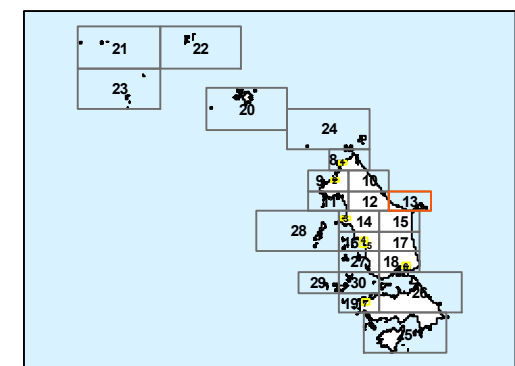
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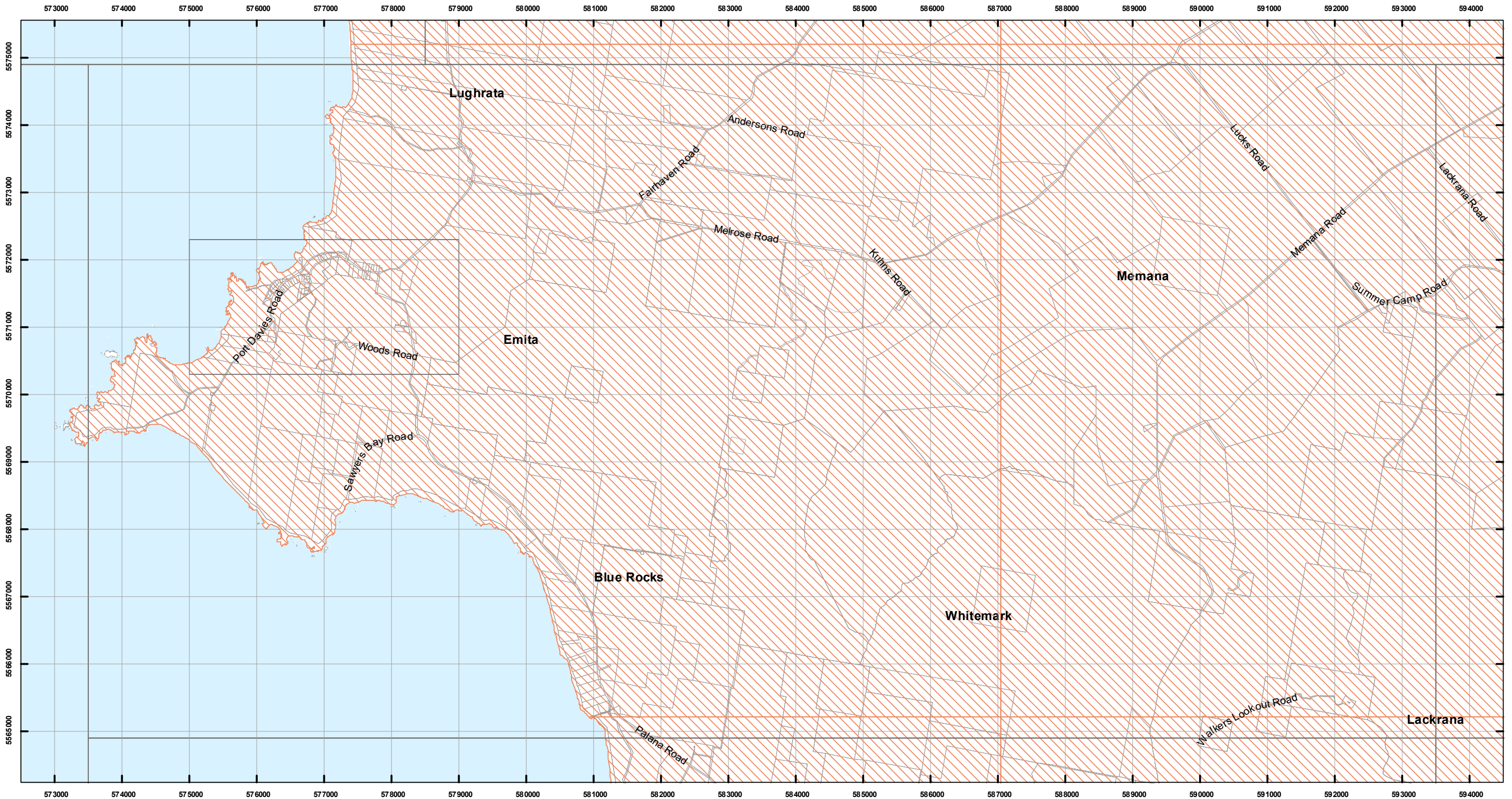
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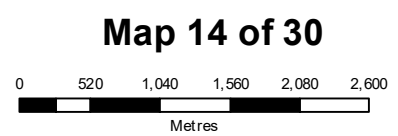


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



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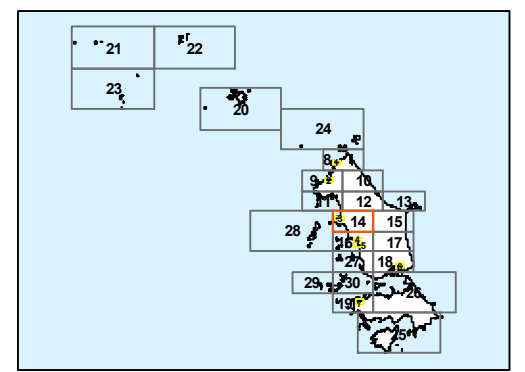
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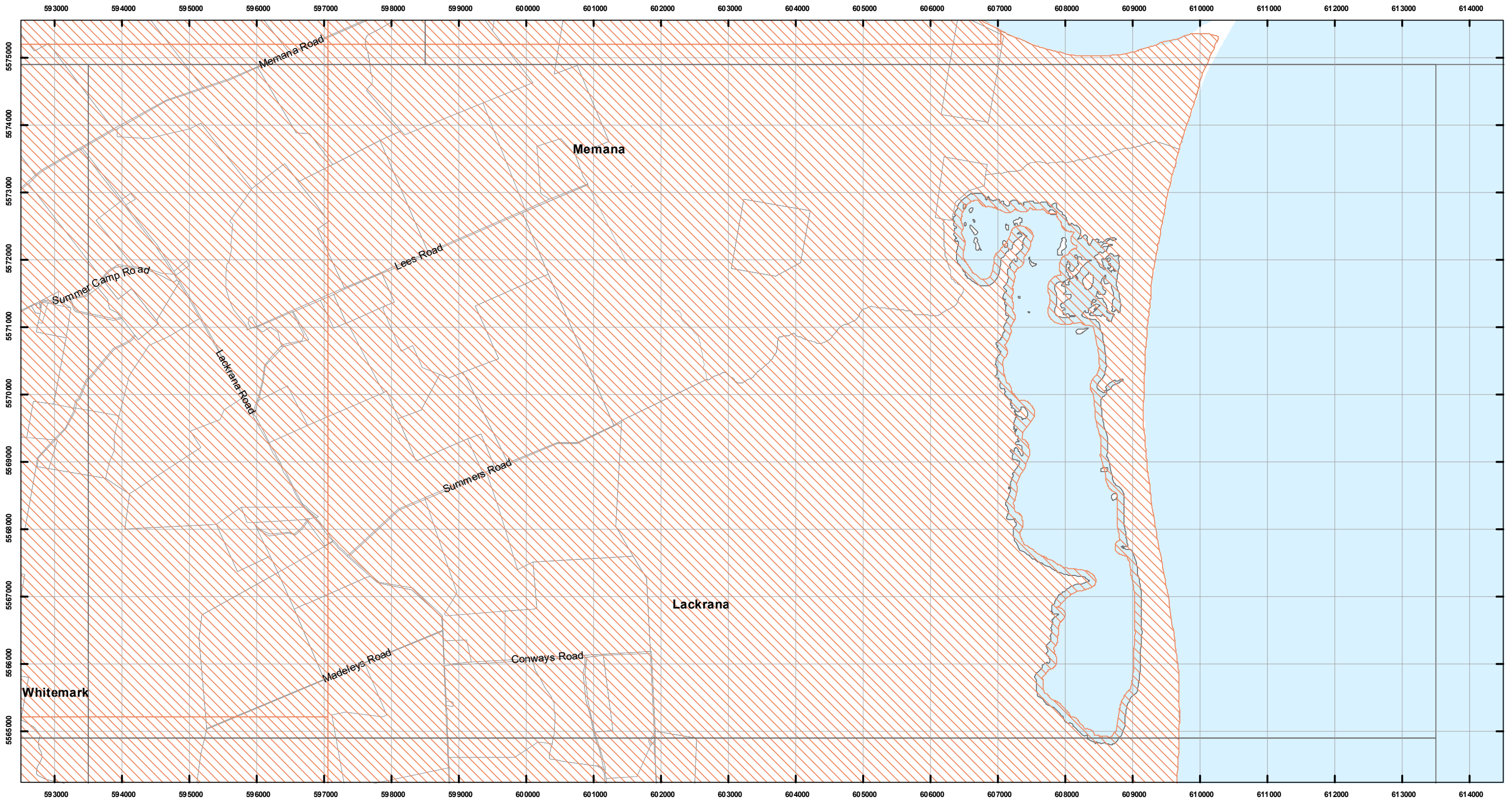
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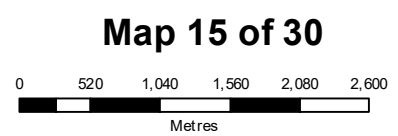


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



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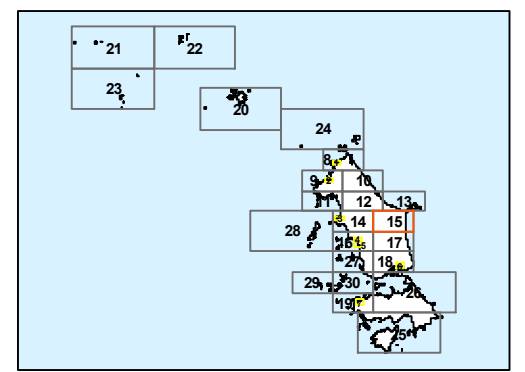
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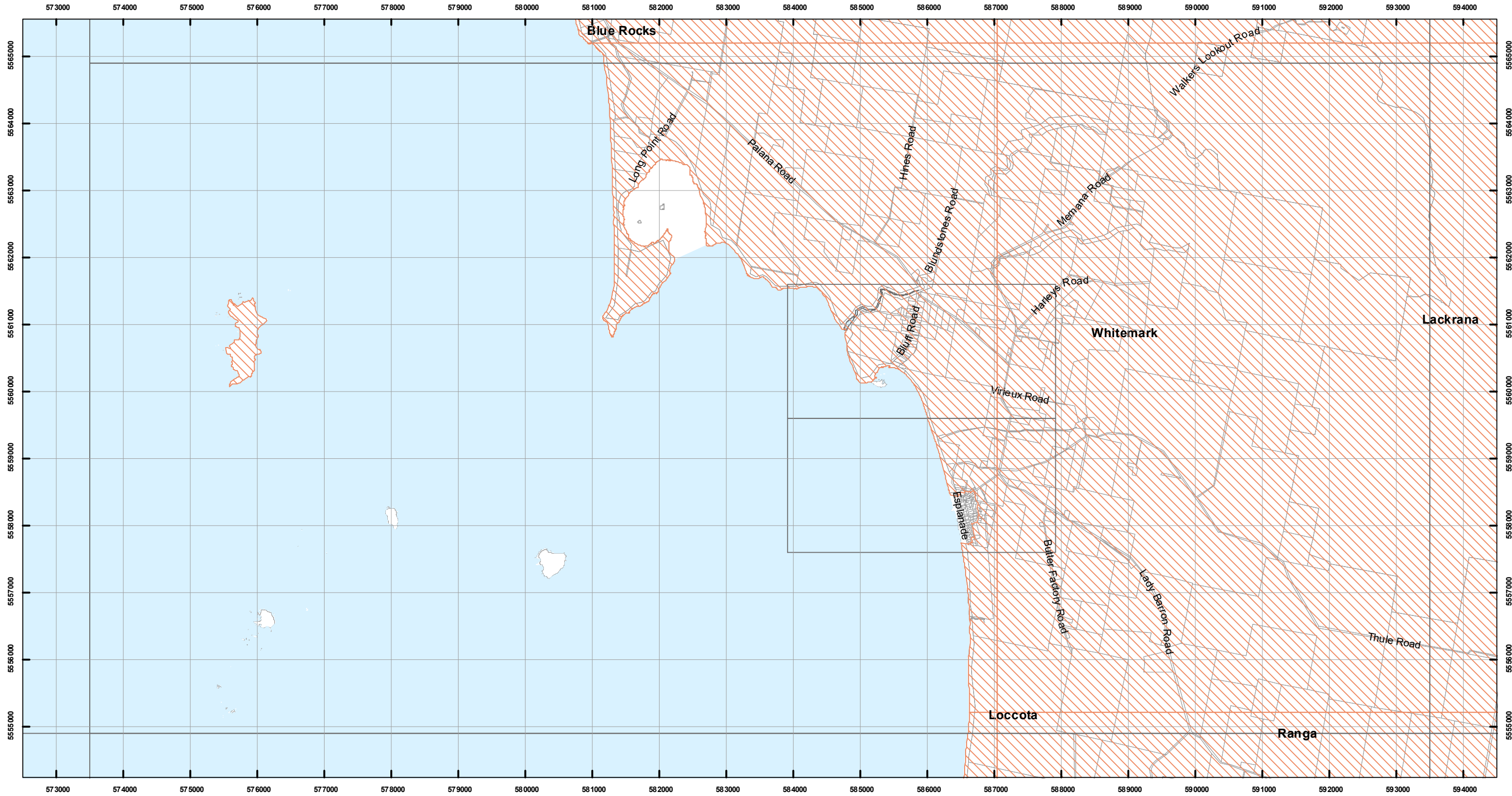
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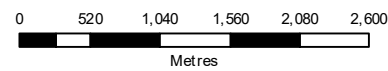
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

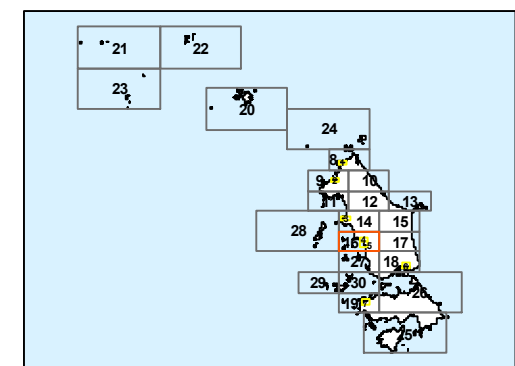
Map 16 of 30



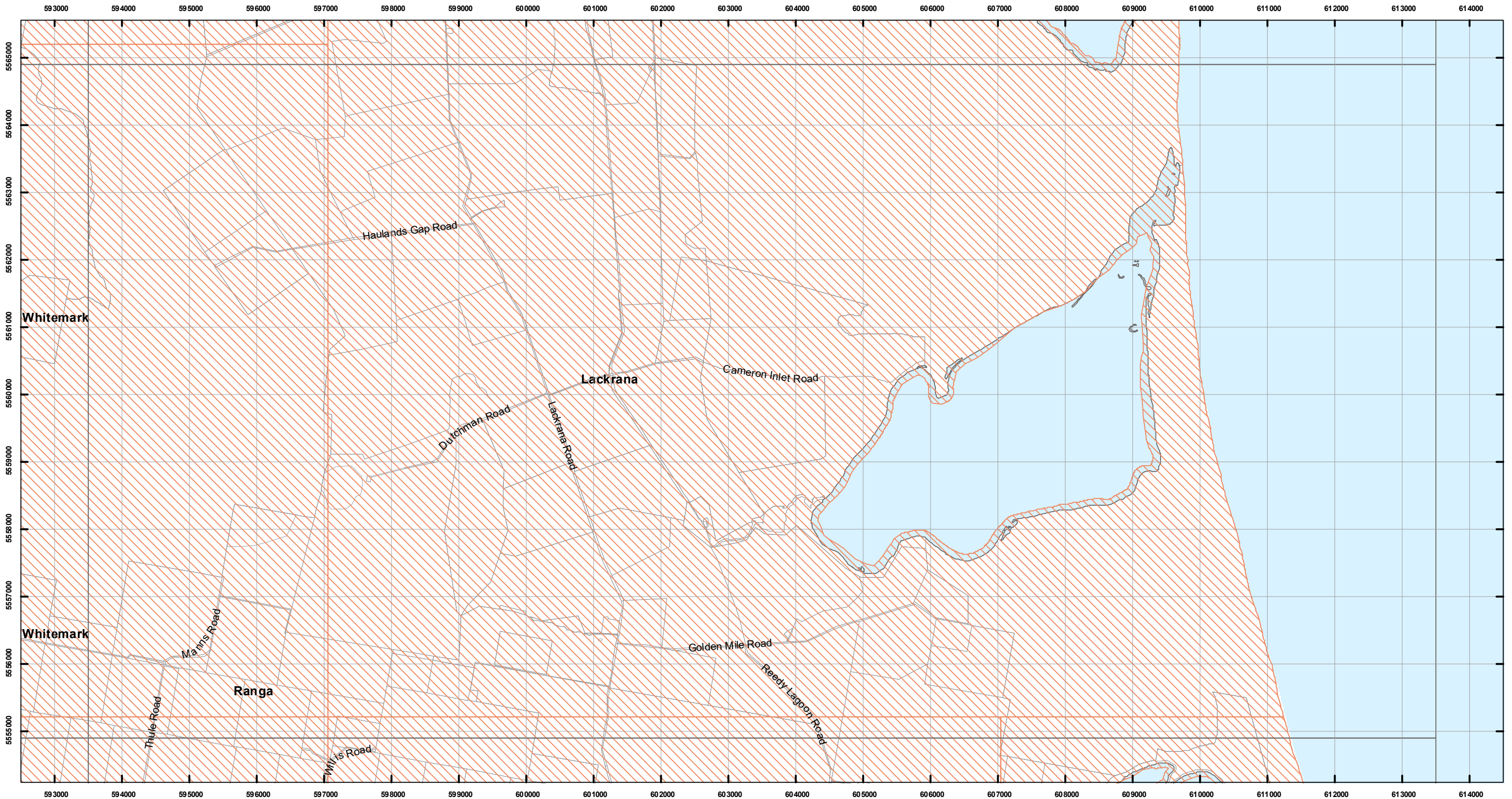
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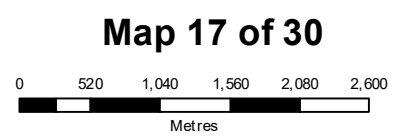


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

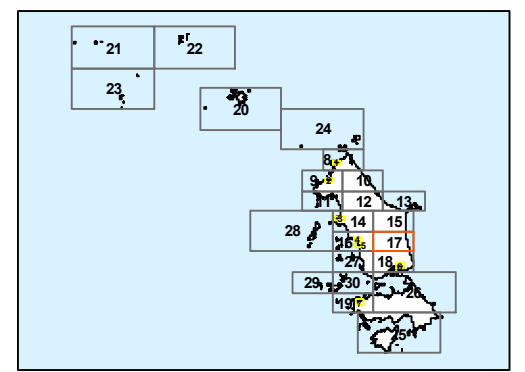
-  Bushfire Prone Area
-  Parcels



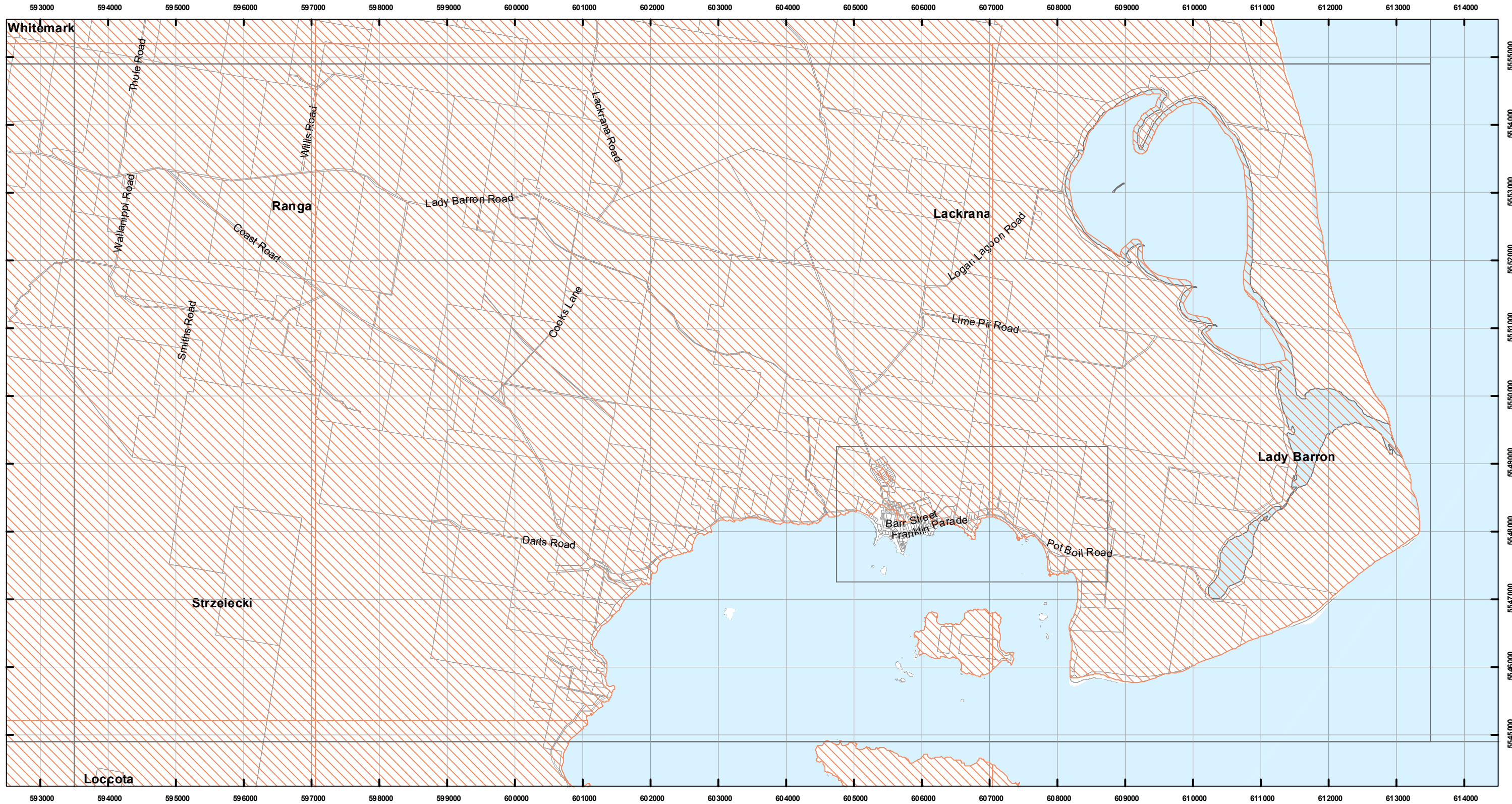
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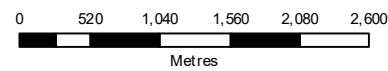
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

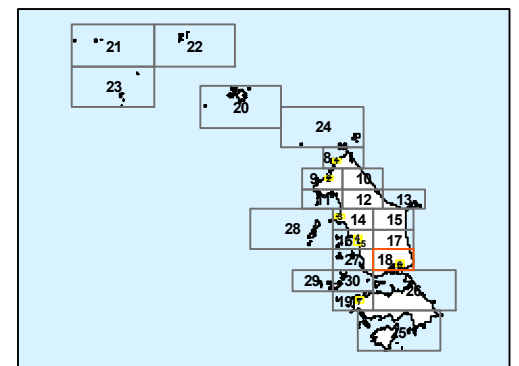
Map 18 of 30



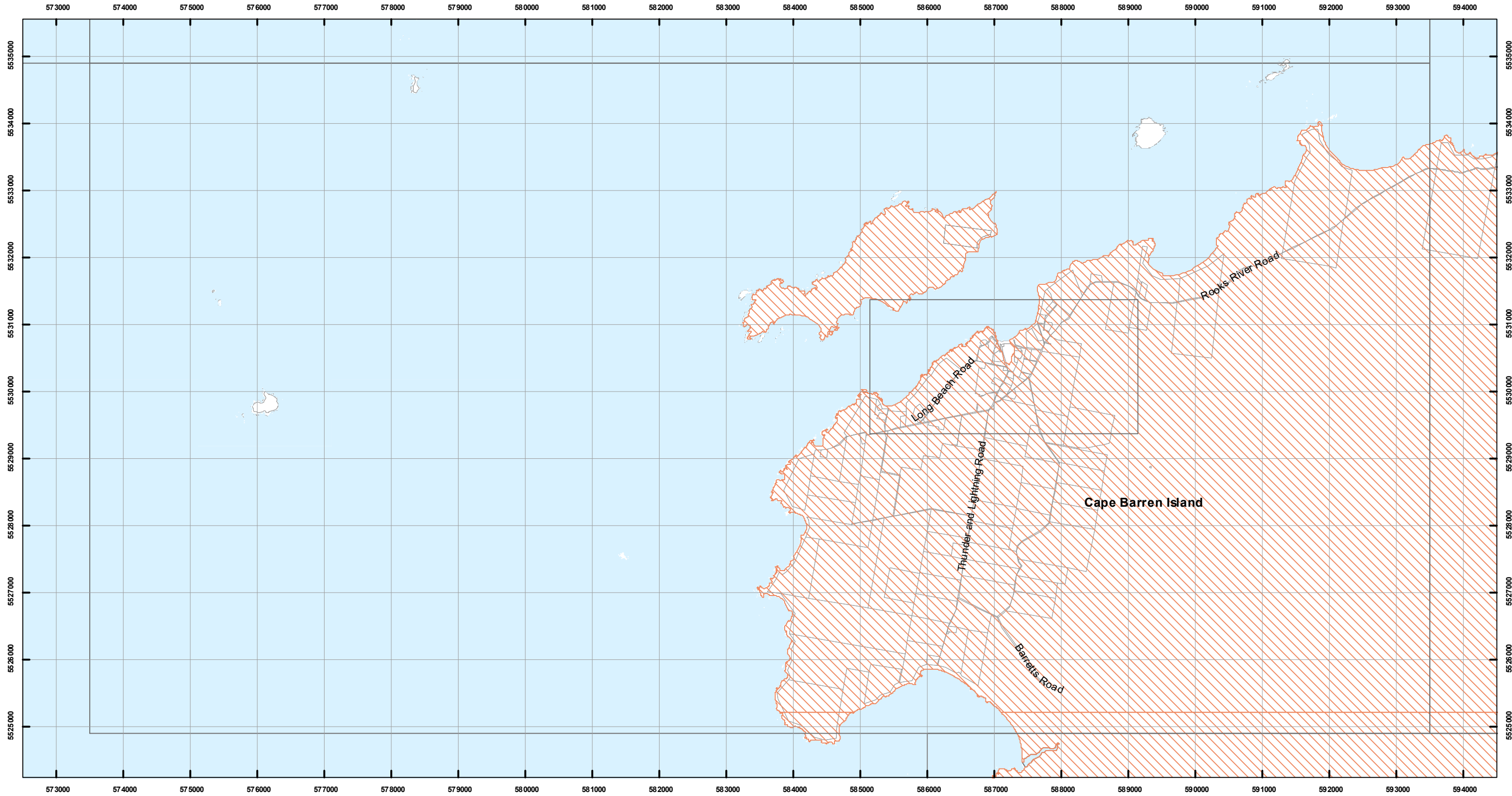
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Flinders Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania



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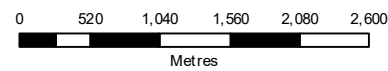
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

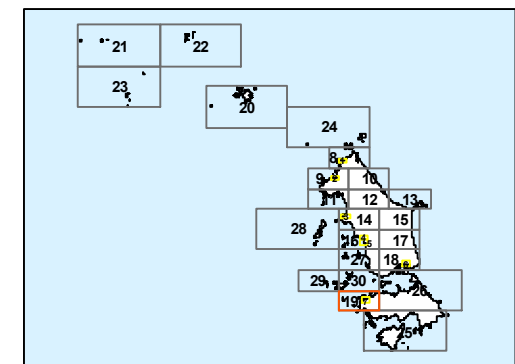
Map 19 of 30



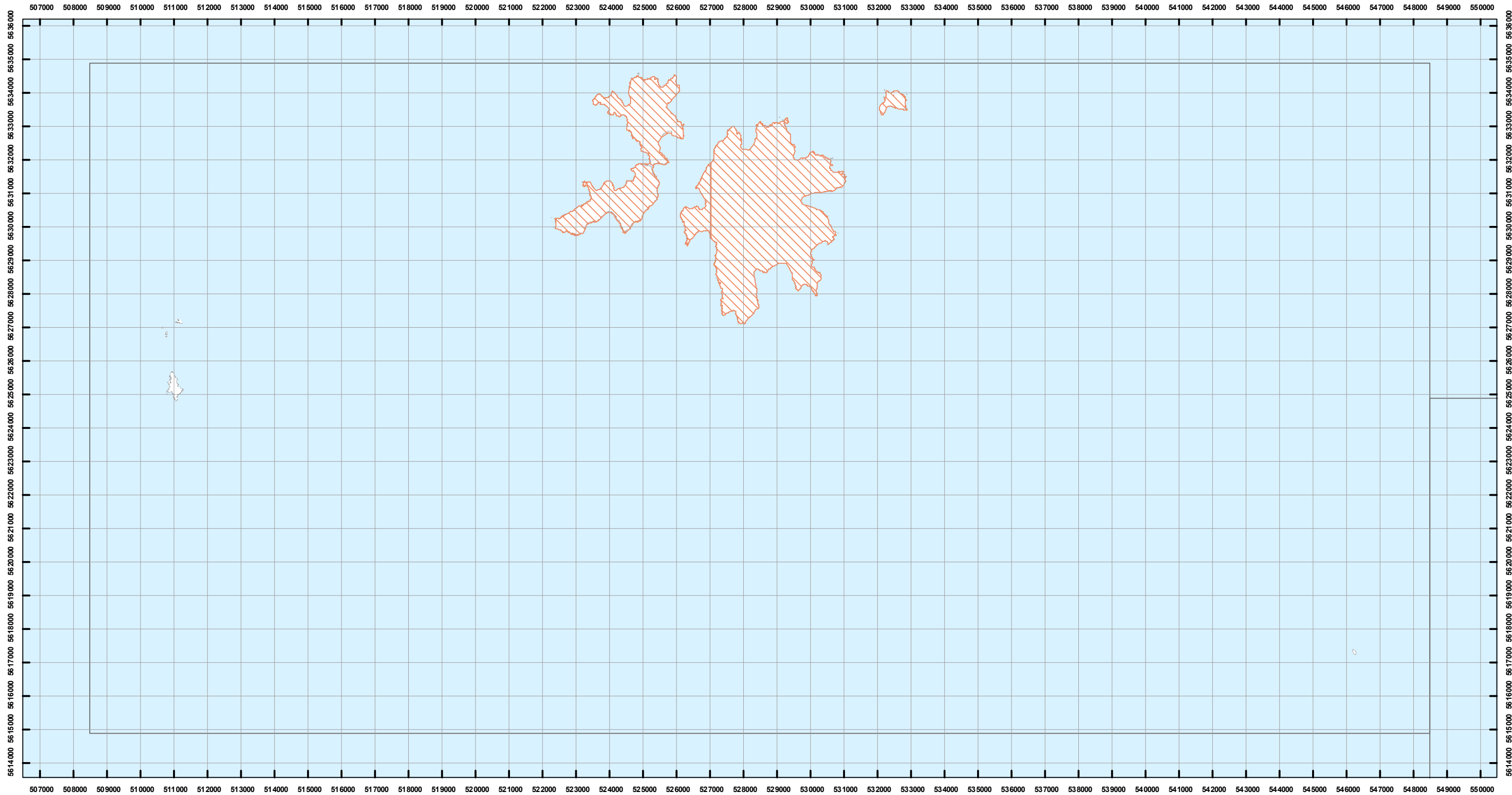
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Flinders Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania



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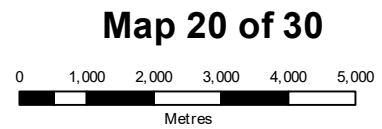


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

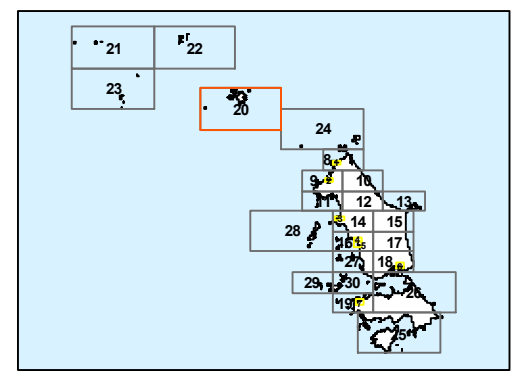
-  Bushfire Prone Area
-  Parcels



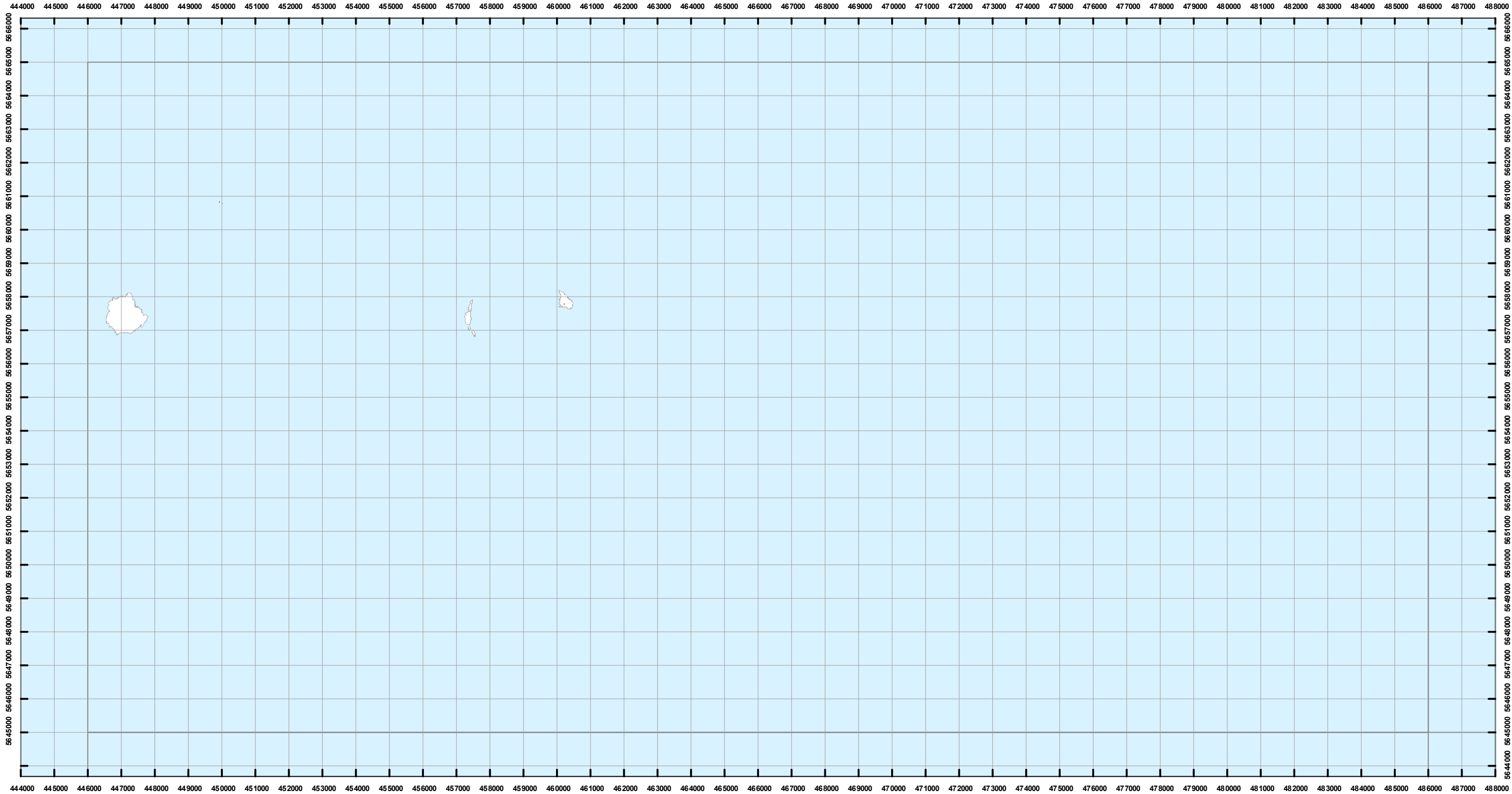
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania



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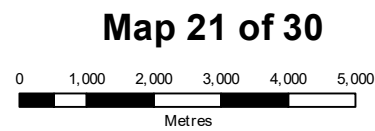


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

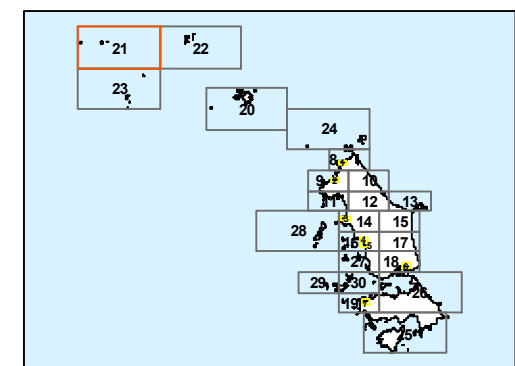
-  Bushfire Prone Area
-  Parcels



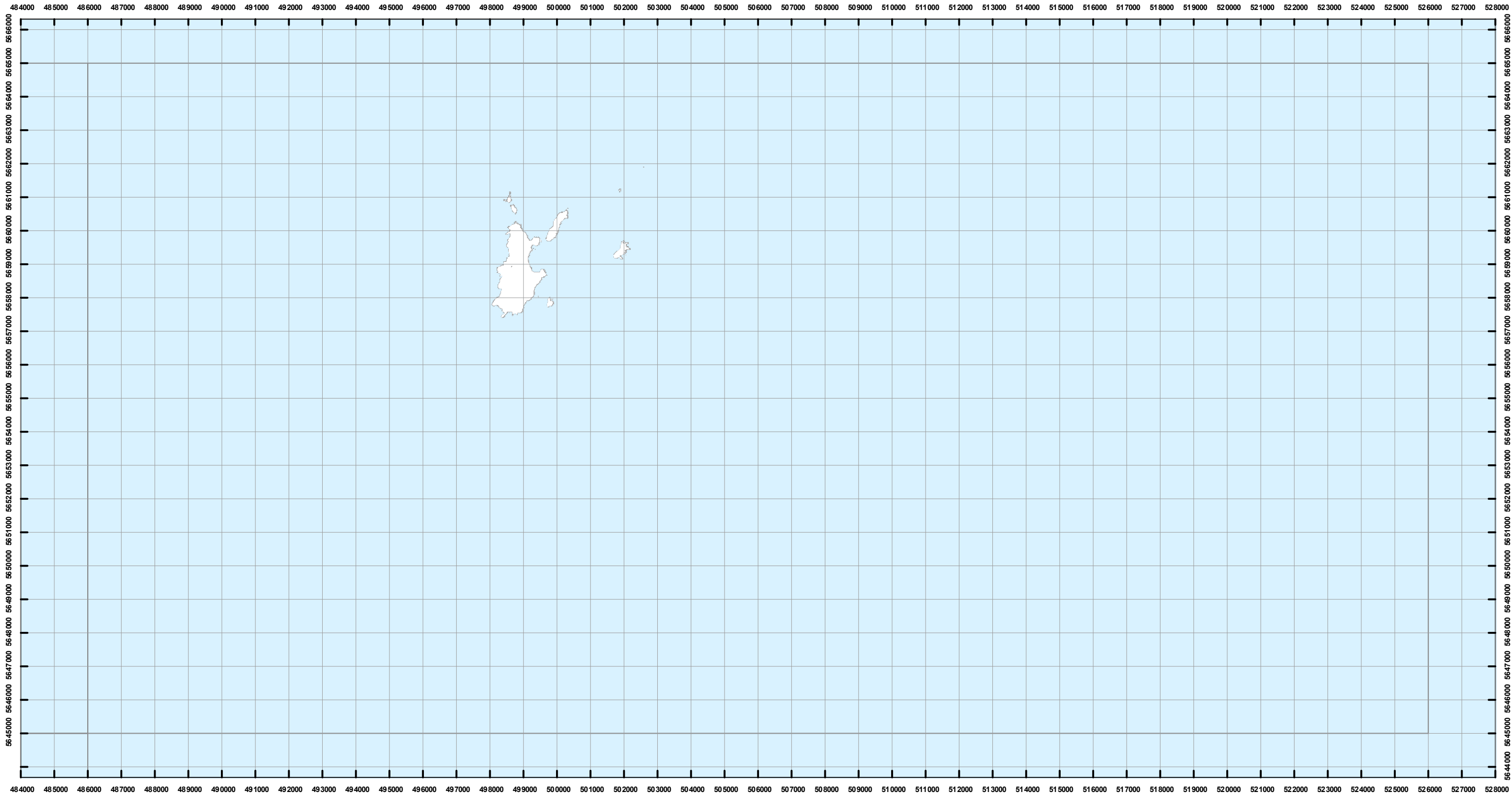
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania



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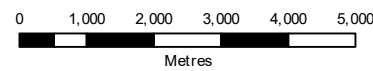
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

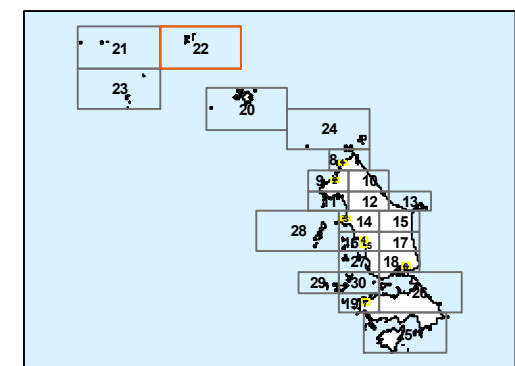
Map 22 of 30



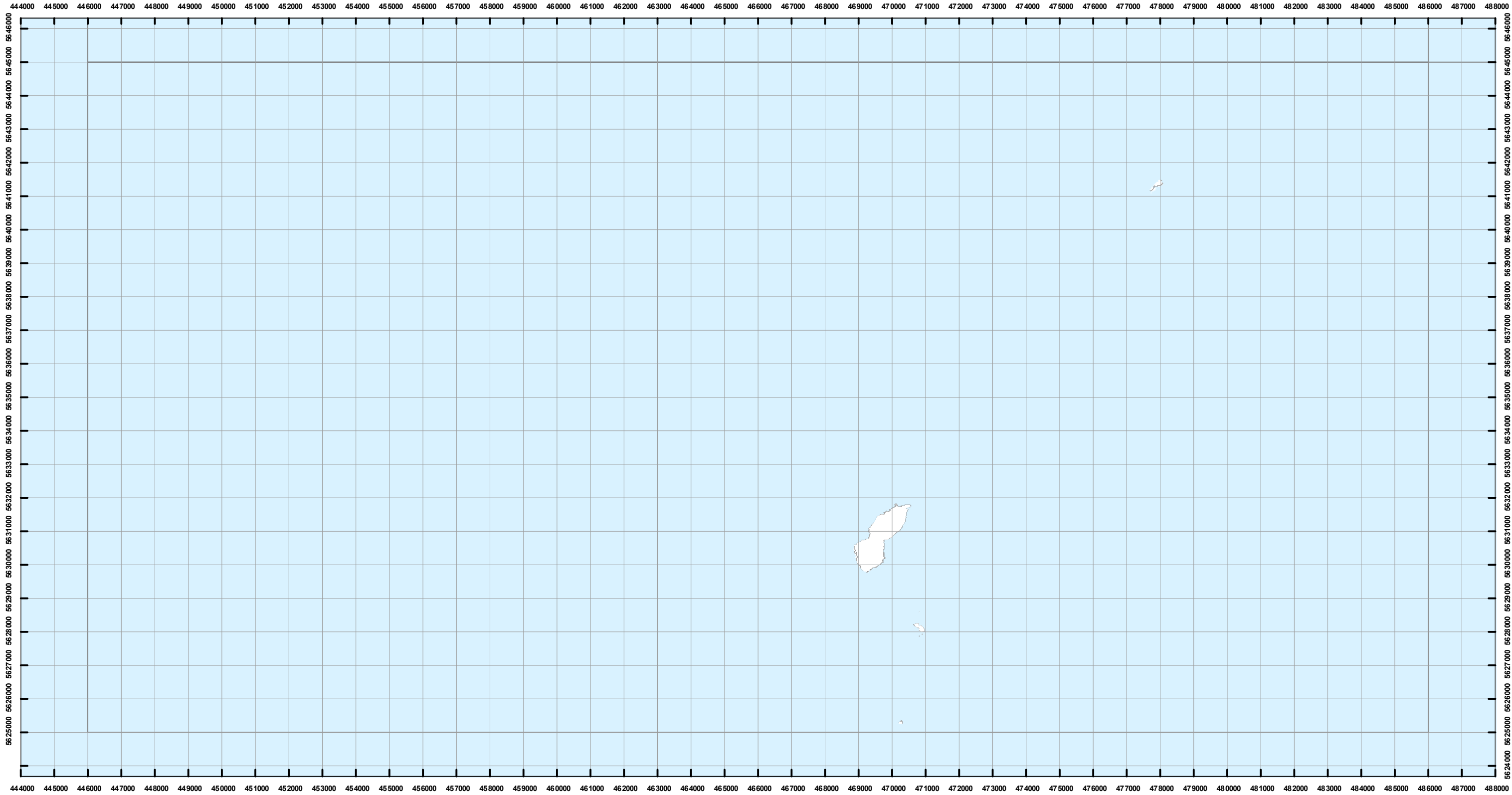
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania



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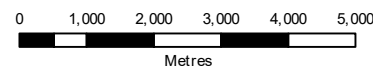
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

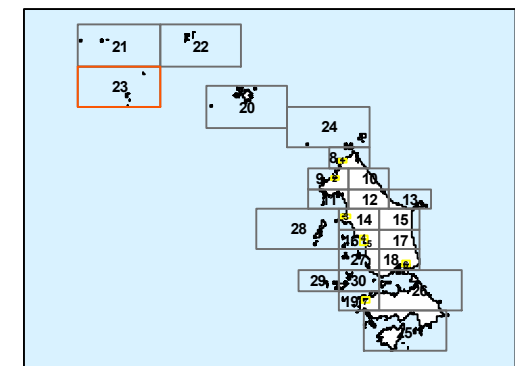
Map 23 of 30



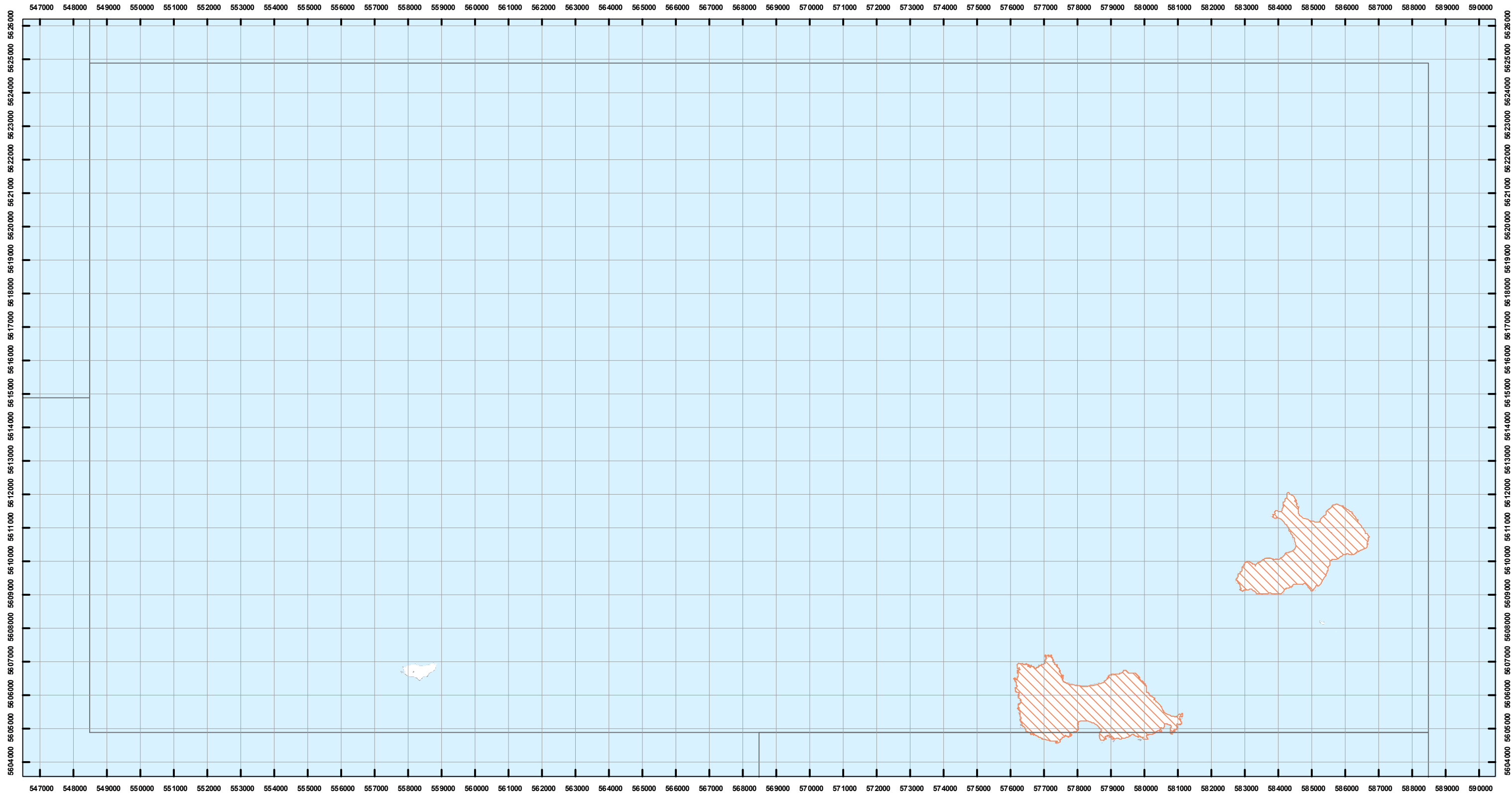
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania



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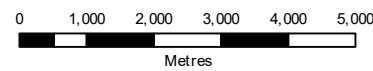
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

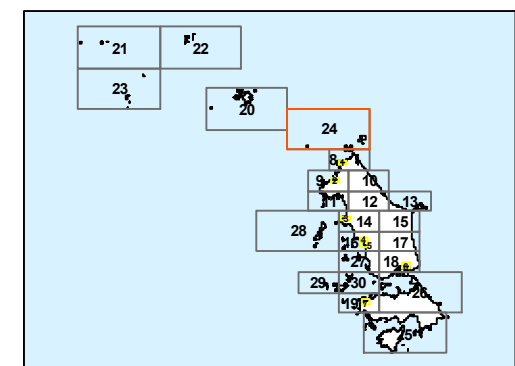
Map 24 of 30



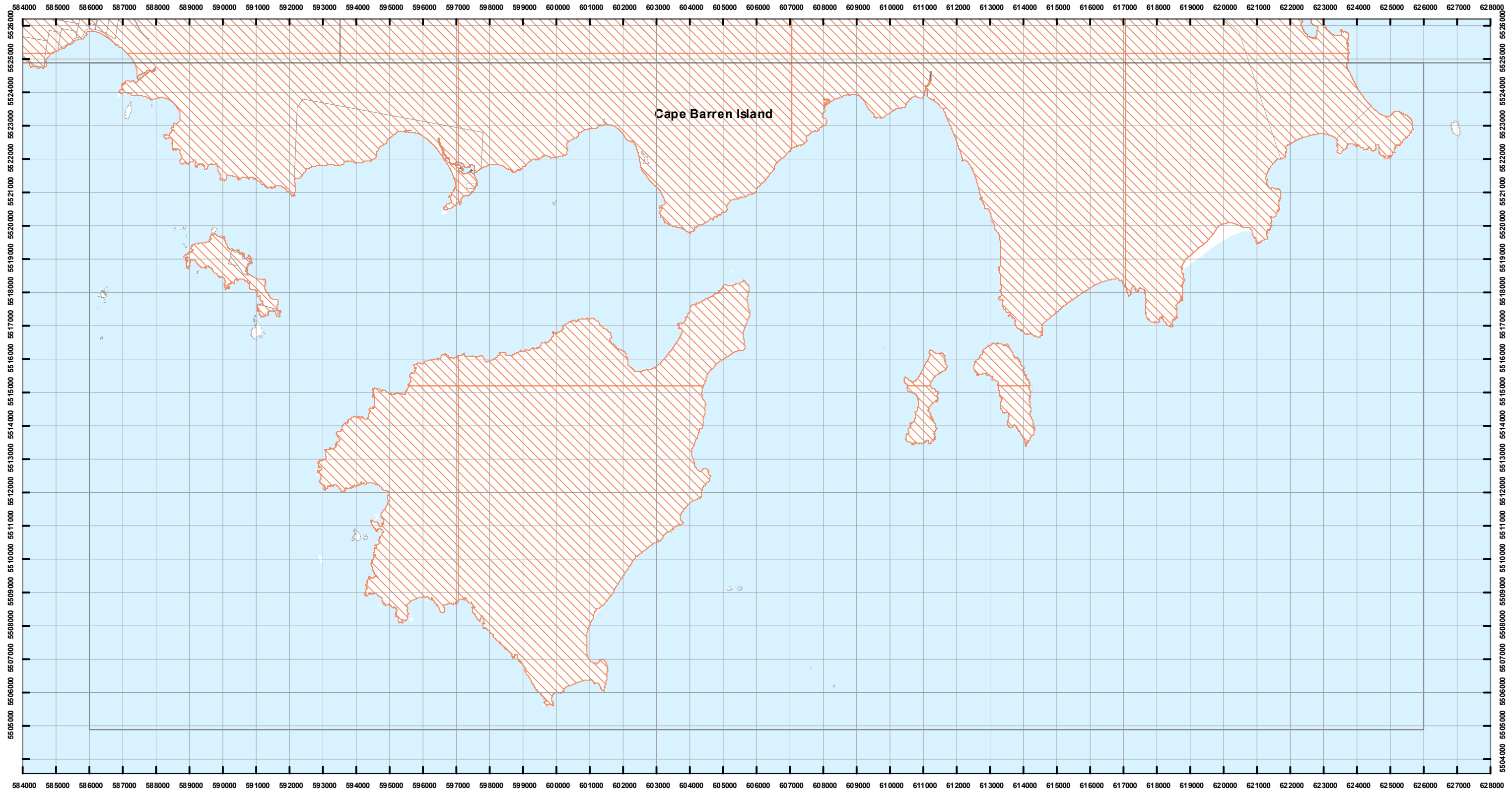
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania



Print Date: 27/03/2019



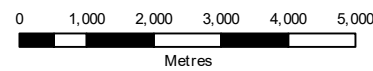
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

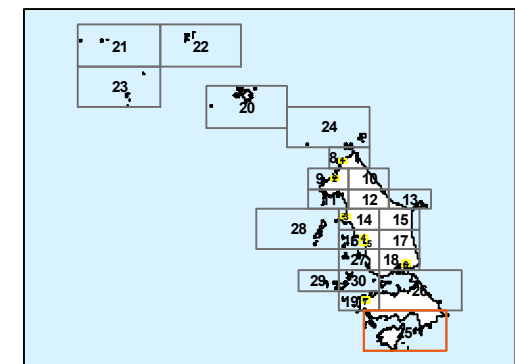
Map 25 of 30



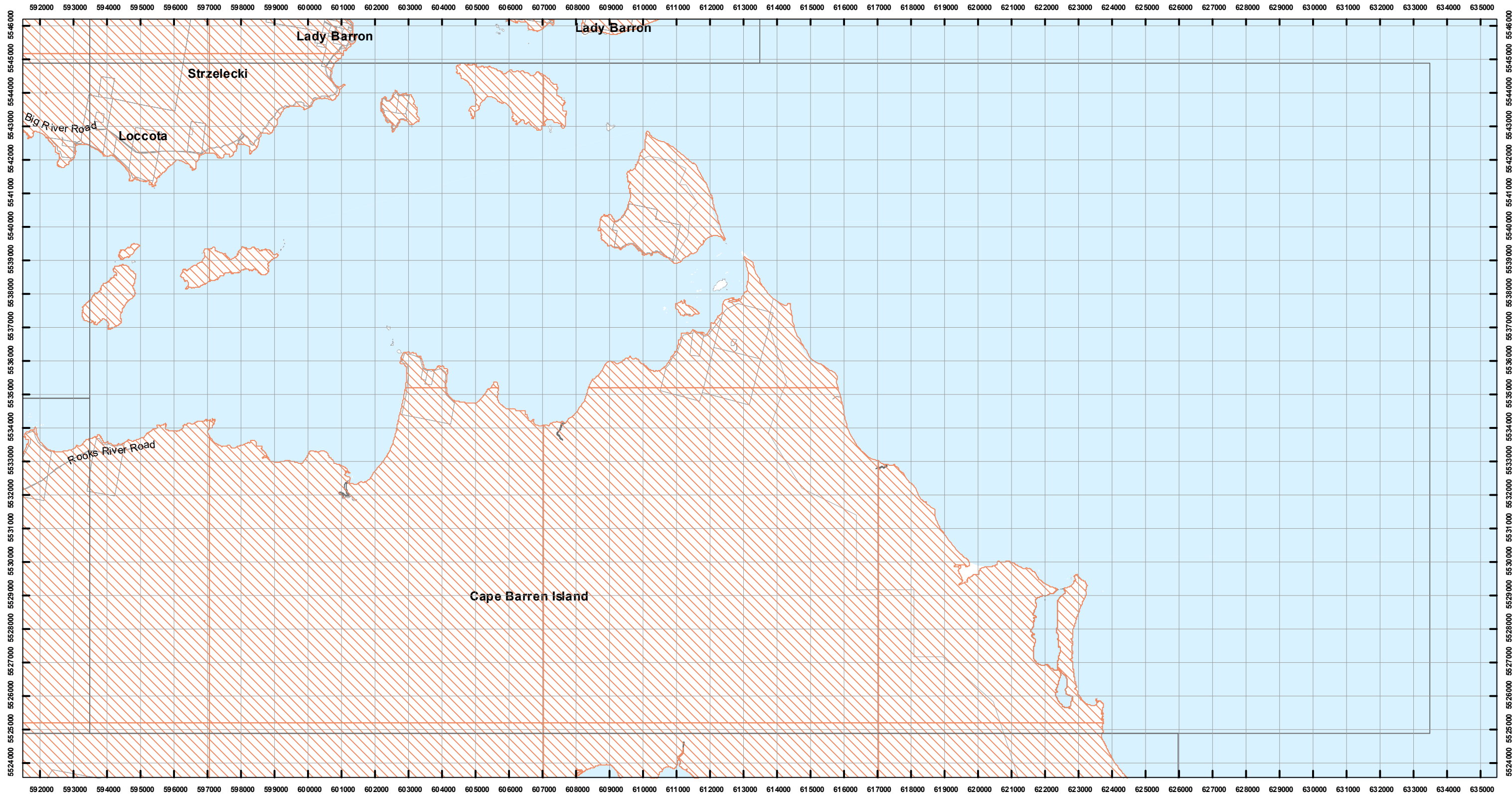
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania

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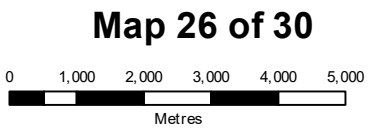


Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

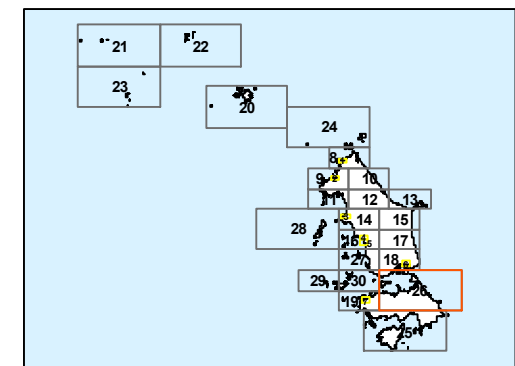
- Bushfire Prone Area
- Parcels



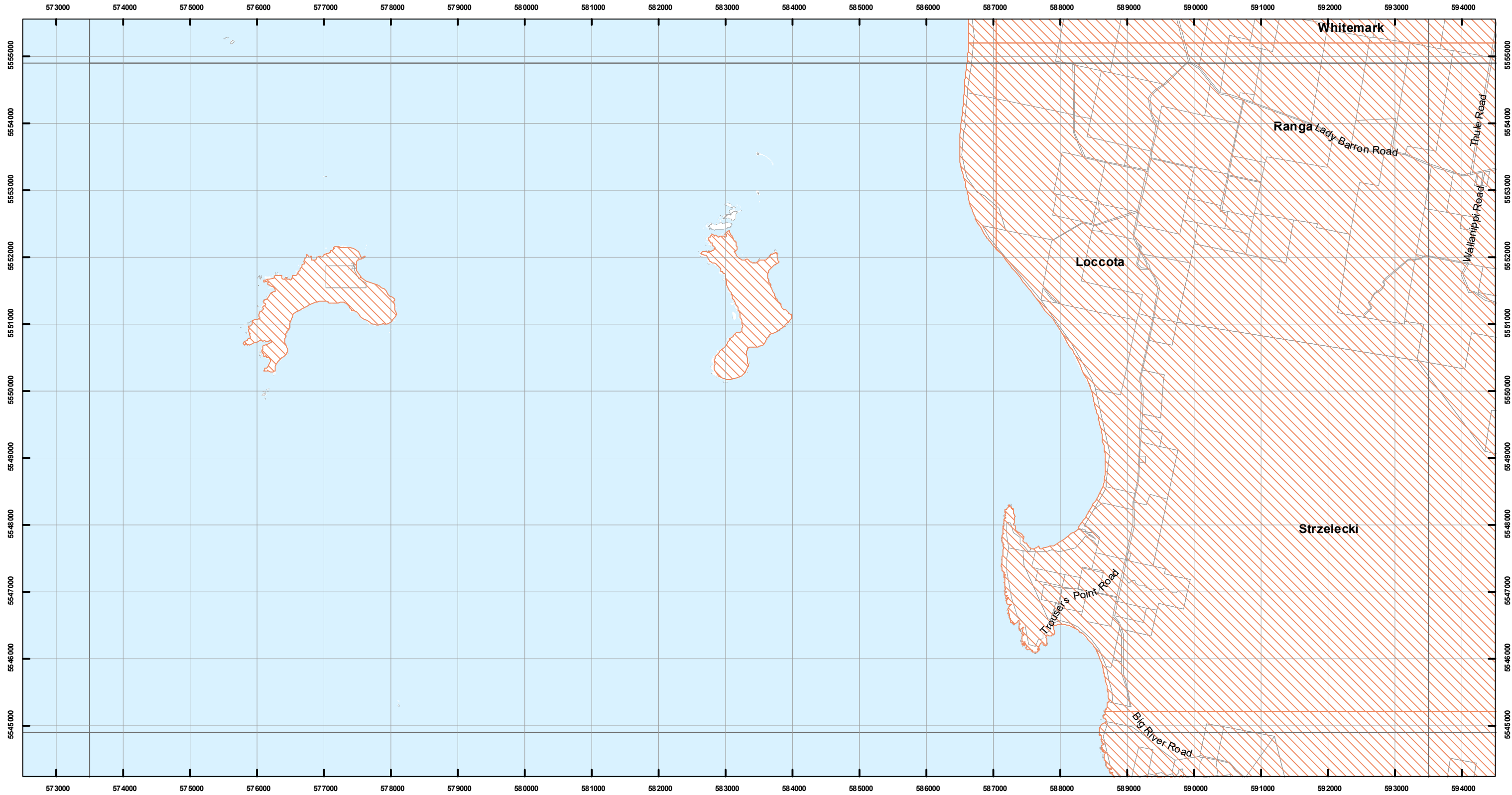
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania



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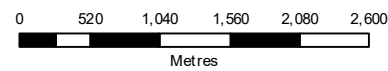
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

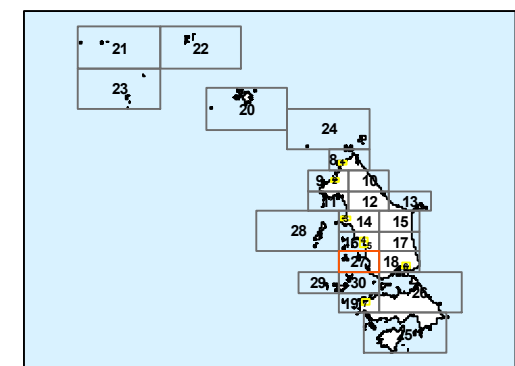
Map 27 of 30



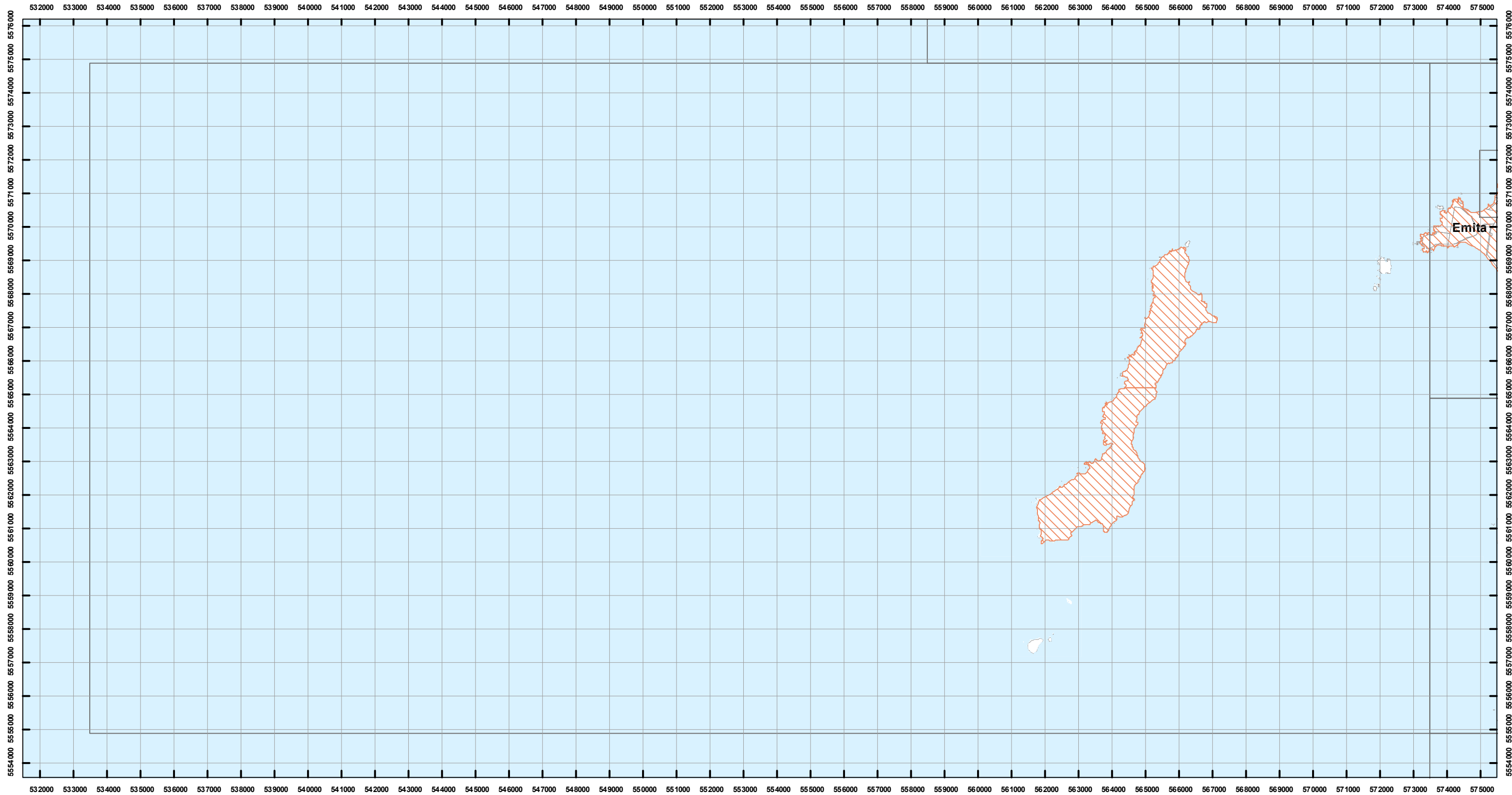
Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania

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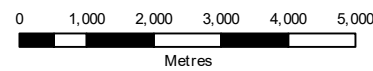
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

- Bushfire Prone Area
- Parcels

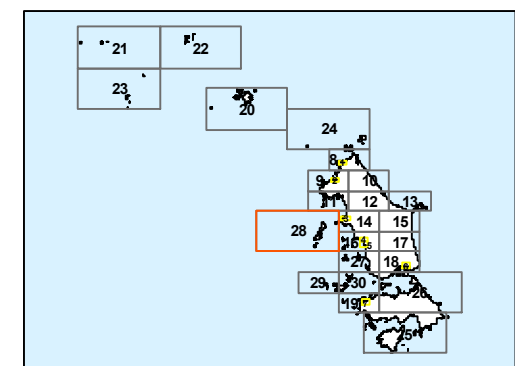
Map 28 of 30



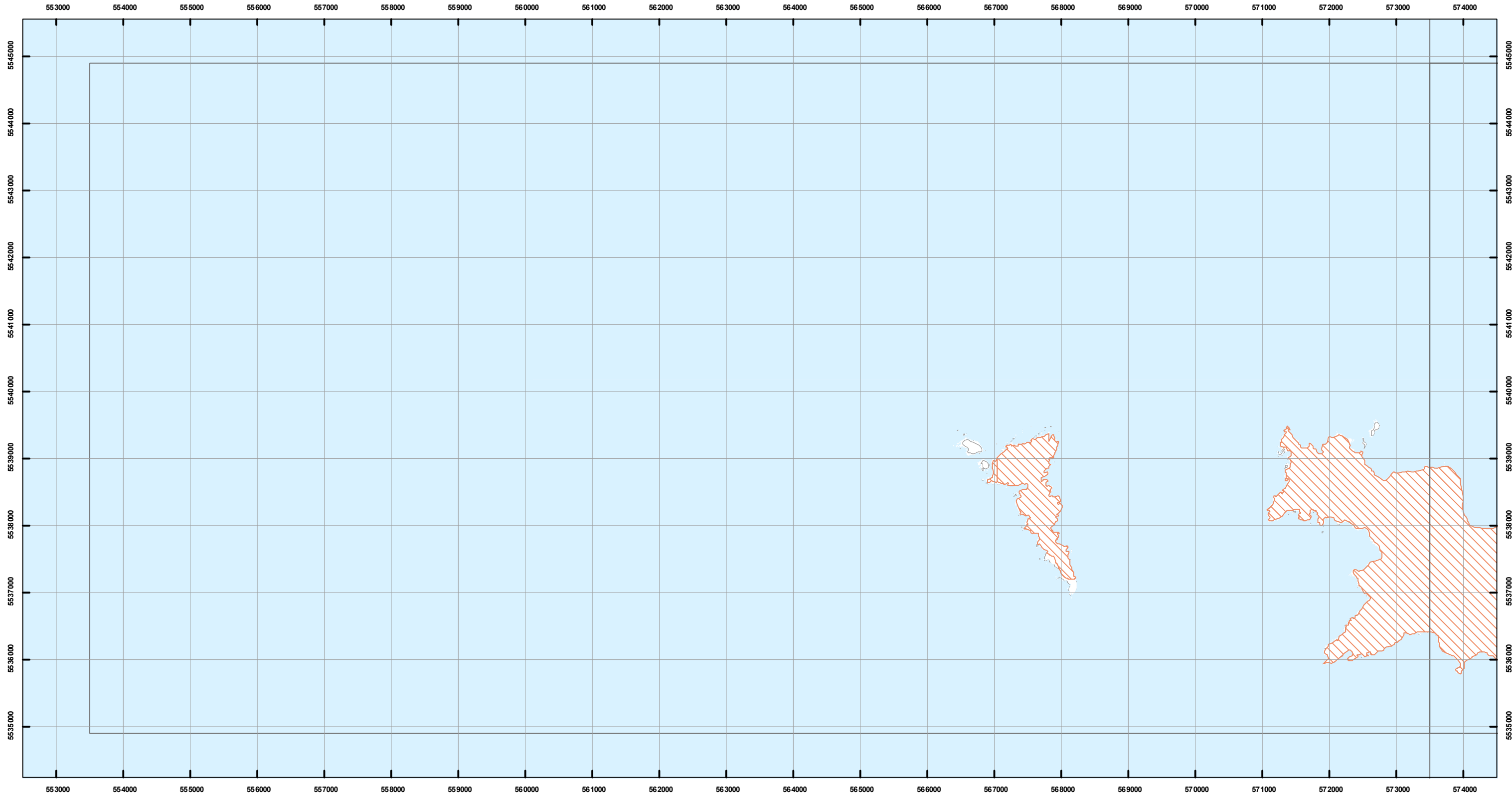
Coordinate System: GDA 94 MGA Zone 55

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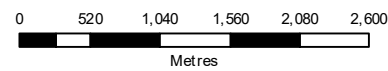
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

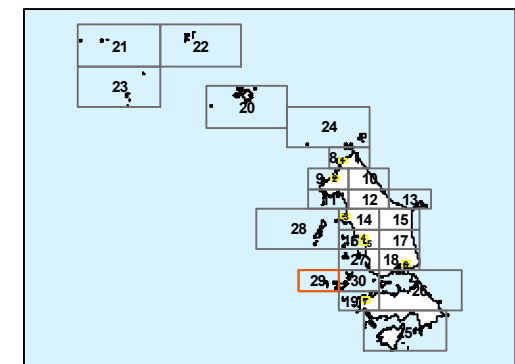
Map 29 of 30



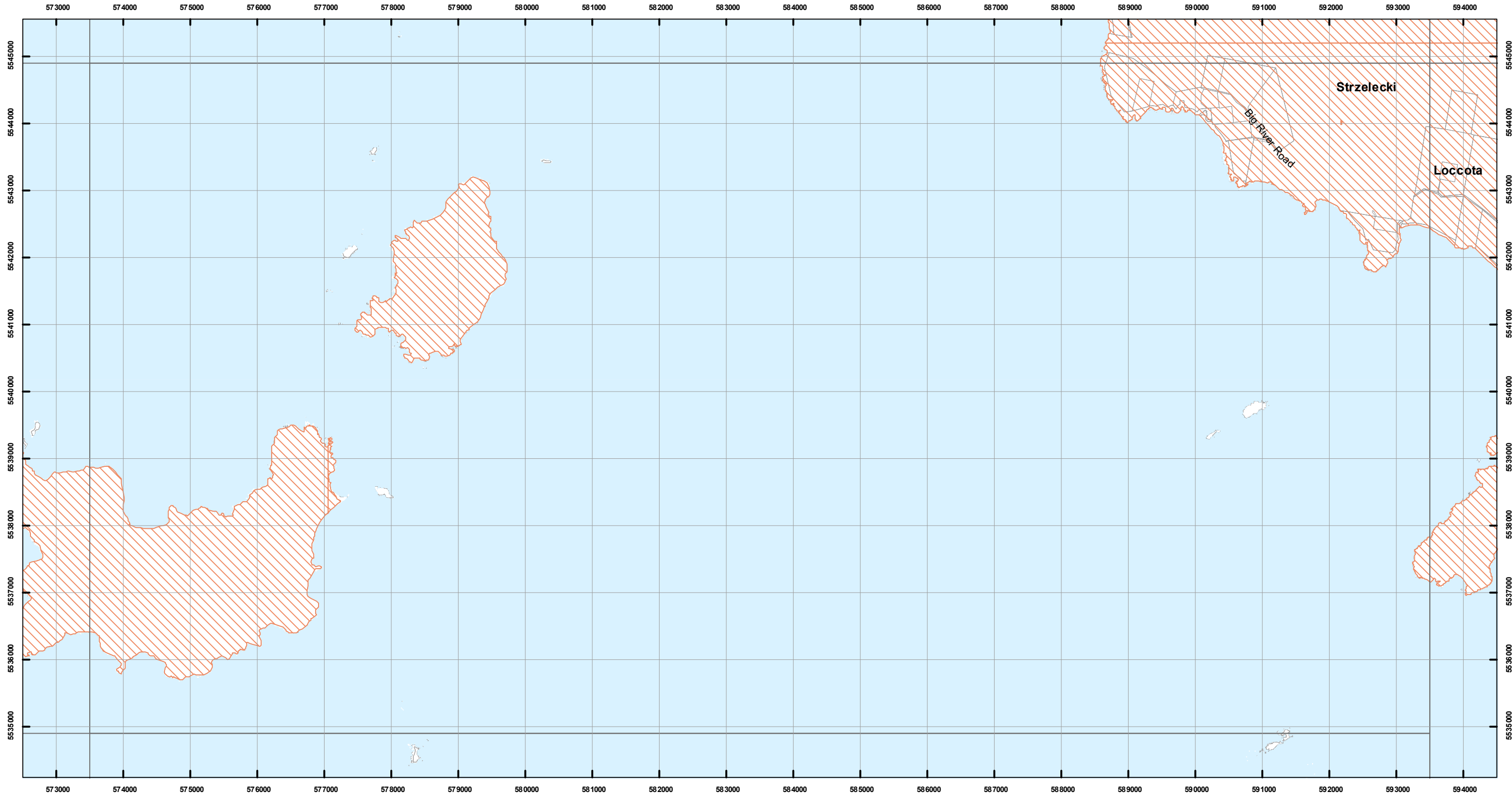
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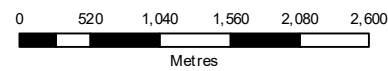
Tasmanian Planning Scheme - Flinders Local Provisions Schedule: Bushfire-prone Areas Overlay



Legend

-  Bushfire Prone Area
-  Parcels

Map 30 of 30



Coordinate System: GDA 94 MGA Zone 55

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Base topographic data from the LIST © State of Tasmania

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