



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.

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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.