



Tasmania Fire Service

Council Agenda - 21 March 2019 - Agenda Item 8.2  
Attachment 2 - Amendment 45 - Tasmanian Fire Service  
Response to Representation

Bushfire Risk Unit

File: AD3700  
Officer: TOC

General Manager  
Launceston City Council  
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Attn: Iain More

Dear Iain,

**RE: DRAFT AMENDMENT 45 - INSERTION OF BUSHFIRE-PRONE AREAS  
OVERLAY - REPRESENTATION**

I write in response to the representation Council received during the public exhibition period for Draft Amendment 45. I have responded to each issue raised in the representation in turn.

*A real concern is that by introducing the Bushfire Prone Areas Overlay (BPAO) as proposed by the current planning scheme overlay it may have other unintended consequences:- firstly for those existing rural properties which already contain a residence and more particularly for those urban properties on the fringe of the BPAO.*

*As an example houses on Mt Stuart Drive back onto well managed farm land that is used for grazing purposes. The farm land is more than one hectare. There has been a decision to classify the existing houses in Mt Stuart Drive that back onto the farm land as bushfire prone. There are many other fringe properties similarly classed as bushfire prone.*

The concern appears to relate to perceived additional requirements being applied to properties within the overlay, specifically those within rural areas and on the urban interface. In reality however, all properties that are mapped within the draft overlay are already subject to the bushfire requirements under existing planning and building legislation which commenced in 2012. The introduction of the overlay will not result in any additional properties being classed as 'bushfire-prone' and indeed will exclude approximately 5,000 properties from needing further assessment in future.

The inclusion of properties on Mt Stuart Drive, Newnham was a specific concern raised in the representation. Residential properties on the southern side of Mt Stuart Drive adjoin a significant tract of grassland to the west, as shown in Figure 1. Grasslands (including grazed pasture) present a very real fire risk during the bushfire

season. 'Managed grassland' in the context of bushfire hazard assessment refers to grass that is consistently cut to less than 100mm height that is unlikely to facilitate the spread of an uncontrolled fire. Examples include open space within a managed parkland or lawn within a residential garden. While the land in question continues to be used for rural purposes there is potential for an uncontrolled grassfire to impact properties on Mt Stuart Drive under the influence of north-westerly or westerly wind conditions that are characteristic of bushfire weather in Tasmania.

It is noted that a significant portion of the undeveloped land west of properties on Mt Stuart Drive is zoned for future residential development. Should this land be subdivided in the future, the bushfire risk to the majority of existing lots on Mt Stuart Drive will be reduced and could potentially be removed from the overlay. The salient point is not the nature of the subject properties but rather the nature of the fuels and larger properties over the fence.

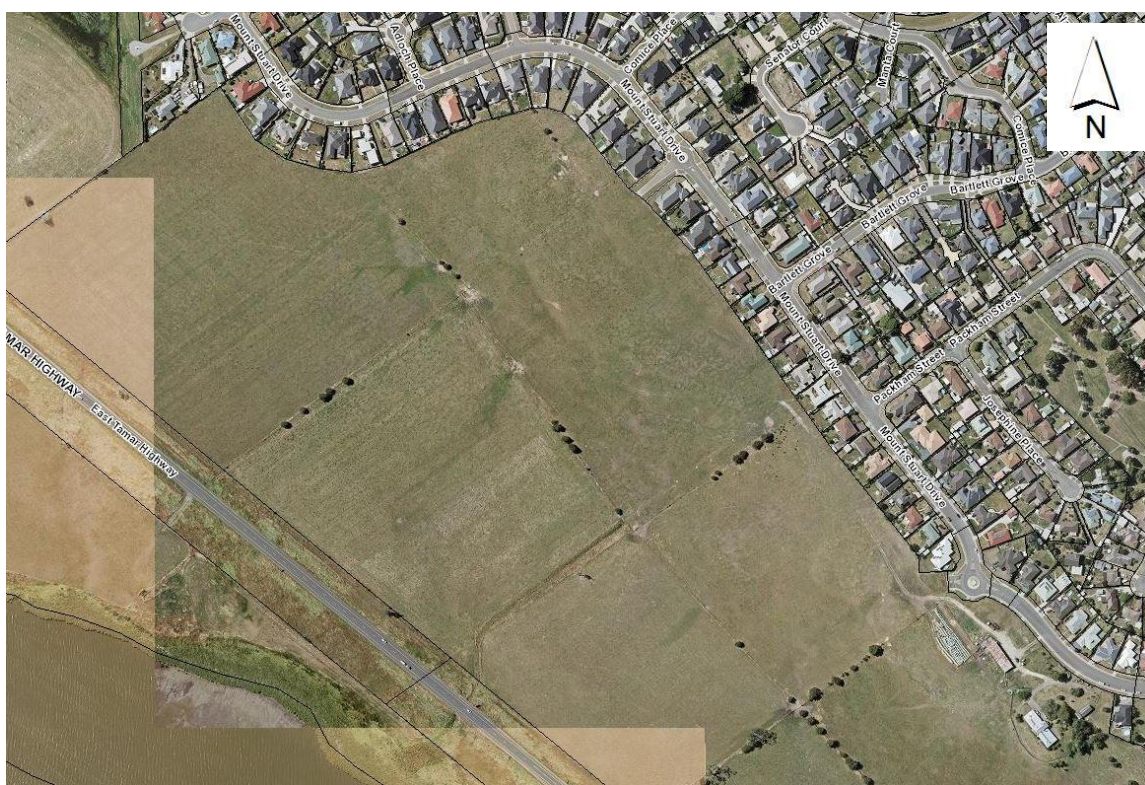


Figure 1 - Rural land adjoining residential properties on Mount Stuart Drive

*Another interesting decision is to classify some intensively developed sites but not others. Eg some aged-care villages and various school sites / ovals (but not all).*

Properties further than 50m from unmanaged grassland and 100m from all other bushfire fuels will automatically not be included in the overlay. In some situations discretion has been exercised based on expert judgement in relation to potential bushfire scenarios and the likely extent to which bushfire attack mechanisms will

impact adjoining land. In all cases the decision has been based on the combined expertise of LCC and TFS officers.

*Property owners in the urban area currently pay an "urban" fire service contribution as part of their rates and also pay water service charges to TasWater. It may come as a surprise to many owners to find that under the planning amendment as proposed that their property is suddenly classified as bushfire prone.*

*1. For most of those properties on the fringe of the BPAO would it be a better solution to exclude those areas of the fringe that are serviced by TasWater with a reticulated water supply that is capable of reaching all parts of the building within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa in accordance with Table 2.2 and clause 2.3.3 of AS 2419.1 2005 - Fire hydrant installations? (This is assuming that all of Councils urban area meets the minimum flow & pressure requirements).*

There is no property “suddenly classified as bushfire-prone” as a result of the making of the overlay. As discussed previously in this submission, all properties that are within the draft overlay are already considered ‘bushfire-prone’ under existing planning and building legislation in place since 2012. The ease of access and the certainty associated with the overlay is likely to raise the awareness of bushfire risk among the community. In the absence of the overlay, some landowners may not have been aware of their potential bushfire risk. Raising awareness of bushfire risk is one of the ancillary benefits of the bushfire overlay.

Fire Service contributions reflect the nature of the available brigade response. The rating districts are for permanent brigades, volunteer brigades or composite brigades (places outside of rating districts are called general land). The term “Urban” has not been used since 1995 when it referred to Urban Fire Brigades, not urban land.

The fire levy is an important contribution towards the costs of delivering operational firefighting services to the community. It cannot be assumed that firefighter intervention will be available in every situation and will be able to guarantee all properties can be saved in a bushfire/grassfire situation. In reality, community fire safety is achieved through a broad range of measures operating in combination and is a shared responsibility. Planning and building standards are one of many important strategies available to reduce the vulnerability of people and the built environment to fire.

The availability of water supplies and/or firefighter intervention does not remove the need for properties to be designed, built and maintained with an appropriate level of bushfire resistance and to have appropriate property access. The representation does not say why the proposed alternative would be better and indeed how it could be implemented.

*2. Is Council intending to contact property owners to advise them of the BPAO overlay and also to remind them of their obligation to discuss with their insurer the consequences of the BPAO overlay?*

Whilst landowner notification is a matter for Council to consider, TFS notes that public exhibition has occurred in accordance with the established processes under the *Land Use Planning and Approvals Act 1993* and all property owners have had the opportunity to make representation.

There is no change to any obligations between affected property owners and their insurers caused by the adoption of the planning scheme overlay.

*3. Is Council intending to contact insurance companies to facilitate adoption of the BPAO mapping?*

*4. Has Council had discussion with representatives of the Insurance industry to ascertain if there is a likely increase in insurance premiums for properties within the BPOA?*

Whilst this is another matter for Council, TFS does not consider these suggestions to be necessary. The insurance industry has its own long standing risk mapping products which inform their premiums.

Insurance providers have for a long time factored in fire risk on their own risk algorithms when calculating insurance premiums. If insurance providers decided 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' as is discussed in TFS's supporting planning report.

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

*5. Has there been any discussion with representatives of the Real Estate and Valuation industries to ascertain if the likely outcome of the BPAO is going to have negative impact on the values of a BPAO affected property?*

*6. Has there been any discussion with representatives of the rural / farming sector to identify if BPAO is going to negatively impact on business development costs and property values.*

Whilst this is another matter for Council, TFS does not consider these suggestions to be necessary. The extensive consultation which occurred for the making of Planning Directives 5 and 5.1, and Interim Planning Directive 1 and 1.1 has concluded that the compliance costs are outweighed by the benefit of increased community safety.

As discussed previously in this submission, all properties that are within the draft overlay are already considered 'bushfire-prone' under existing planning and building legislation. As such, it is considered that the proposed overlay will not have any significant effect on property values. In addition, TFS is not aware of any evidence of negative impacts on property values in Clarence or Hobart as a result of the introduction of bushfire-prone area overlays.

It should also be noted that land values are not a planning matter in any case.

*7. Has there been any discussion with representatives of the construction and housing industry? It is understood that representatives of Housing Industry Australia have estimated that regulations relating to construction in bushfire prone areas result in additional \$60,000 construction expenses compared to non-bushfire category construction.*

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.

As discussed previously in this submission, the introduction of the proposed overlay will not introduce any new planning or building requirements. It will clarify the application of existing requirements. Furthermore, by introducing the overlay approximately 5,000 privately owned properties within the Launceston Local Government Area will no longer be subject to bushfire requirements, hence the Draft Amendment will in fact reduce compliance costs to the community as a whole.

For context, it is noted that prior to Australian Standard 3959-2009 – Construction of buildings in bushfire-prone areas being adopted by Australian states and territories, a Regulatory Impact Assessment was completed that considered compliance costs. These costs were found to be a reasonable imposition for the safety outcome that would be delivered.

*8. Is there an ability for the BPAO to be updated quickly to allow for changed circumstance such as where there is rapid subdivision construction or where neighbouring development occurs which reduces the risk?*

As with any planning scheme overlay, Council may initiate an amendment at any time if there is good reason to do so. It is noted that there is also an opportunity to review the overlay as part of the Tasmanian Planning Scheme process. New development activity such as zoning changes and subdivision often provide protection around existing less fire safe developments. Where this is identified in future the overlay can be amended as part of the development process.

*9. Has there been any discussion with representatives of the natural resource management sector to identify if there are any un-intended consequences of the proposed mapping?*

As the overlay will not introduce any new development requirements, there is considered to be no additional or unforeseen impact on natural values. As such, there has been no practical need to undertake targeted consultation with the natural resource sector in preparing the draft overlay. Council and the community are already well aware of the potential conflicts in values which can occur when any development is proposed.

*10. Given the decision to include properties on the urban fringe as well as vulnerable use properties is the label Bushfire Prone Area Overlay best fit the task? Is there some less onerous label eg Development Related Fire Risk Overlay or ????*

The name of the overlay is consistent with the wording within existing planning and building legislation and all other bushfire-prone area overlays across the state as required by Planning Directive 1. It is difficult to support a more wordy title. Given this is the case, it is considered unlikely that the Tasmanian Planning Commission would support a local variation to the overlay's title. It is also not understood how the title of the overlay is onerous.

*11. Does the BPAO as presented stand the "pub test"; most likely no? Is it not reasonable for house owners/occupiers in a brick house in Launceston suburban street with a treated town water supply, fireplugs and an active 24 hour per day local fire brigade, to live there with the expectation that their house and family are reasonably safe from bushfires given Launceston's long-standing record of being reasonably free from major bushfire threat?*

After any natural hazard event it is common to hear that people never expected to be in a fire/flood/landslide. As mentioned above, living in a suburban street is not a guarantee that nearby bushfire 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 risk perception within affected communities. In some areas and to some people being 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' and 'low' risk – it simply identifies land that is considered to have enough exposure to warrant a built response to reduce risk to life and property. What that response involves will be informed by a site specific assessment at the time a development proposal is prepared.

As stated previously, the Draft Amendment has been advertised in accordance with the *Land Use Planning and Approvals Act 1993* and any interested person has had the opportunity to make representation or enquire further at Council. It is noted that Council received just one representation during the four weeks of public exhibition.


Furthermore and perhaps more importantly, the existing planning and building requirements that apply to use and development in bushfire-prone areas has also

previously been subject to public consultation processes as required under Tasmanian legislation.

We trust that this submission will assist Council in their assessment of the issues raised and we request that a copy be provided to the representor.

If Council requires any further information or clarification on any aspect of this submission, please contact Tom O'Connor (Planning & Assessment Officer) on (03) 616 65575 or at [tom.oconnor@fire.tas.gov.au](mailto:tom.oconnor@fire.tas.gov.au).

Yours faithfully,

A handwritten signature in black ink, appearing to be 'C Collins', written in a cursive style.

Chris Collins  
**MANAGER – BUSHFIRE RISK MITIGATION**

5 March 2019