

PLANNING REPORT



Tasmania Fire Service

Waratah-Wynyard LGA Bushfire-Prone Areas Overlay

December 2018



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Document Control					
Version	Issued	Description	Author	Reviewed	Approved
1.0	20/11/18	Draft	TO'C	TO'C	
2.0	21/12/18	Final	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 bushfire-prone areas mapping for Tasmanian Local Government Areas ('LGA'). Mapping for the Waratah-Wynyard 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 overlay will 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 amending the Waratah-Wynyard Interim Planning Scheme 2013 to introduce the overlay sooner. In this transitionary period before the Tasmanian Planning Scheme is enacted, Schedule 6 of LUPAA provides the statutory basis for amending interim 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 Waratah-Wynyard. 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.

1.2 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 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 Waratah-Wynyard Local Government Area ('LGA') as shown in Figure 1. The Launceston LGA is located in North-West Tasmania and adjoins Circular Head, Burnie, Central Coast and West Coast.

Existing settlement areas are focused to the north of the LGA. The main activity centres are Wynyard and Somerset. Smaller townships include Boat Harbour, Sisters Beach Waratah and Yolla. Rural land in Waratah-Wynyard is used largely for dairy farming, vegetable production, horticulture and timber production. While mining and tourism are also important industries to the local economy.

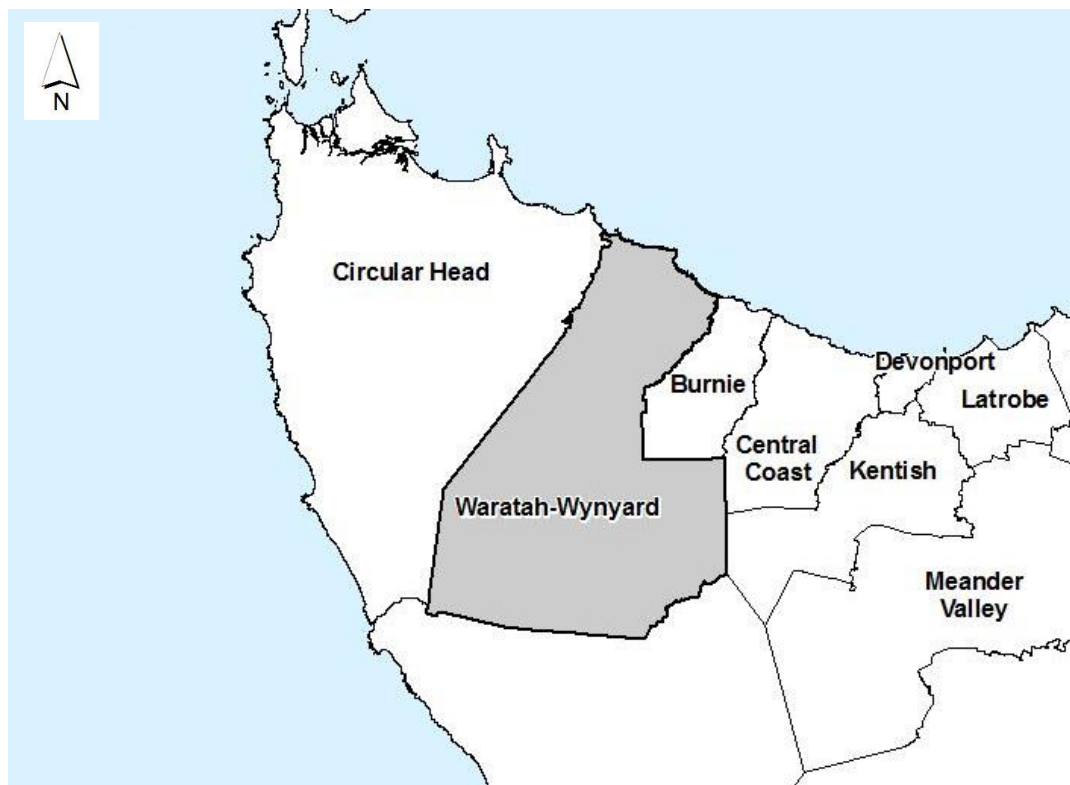


Figure 1 - Location map

3. Bushfire-Prone Area Overlay

Bushfire-prone area mapping for the Waratah-Wynyard 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 Mapping

The bushfire-prone area mapping 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*.

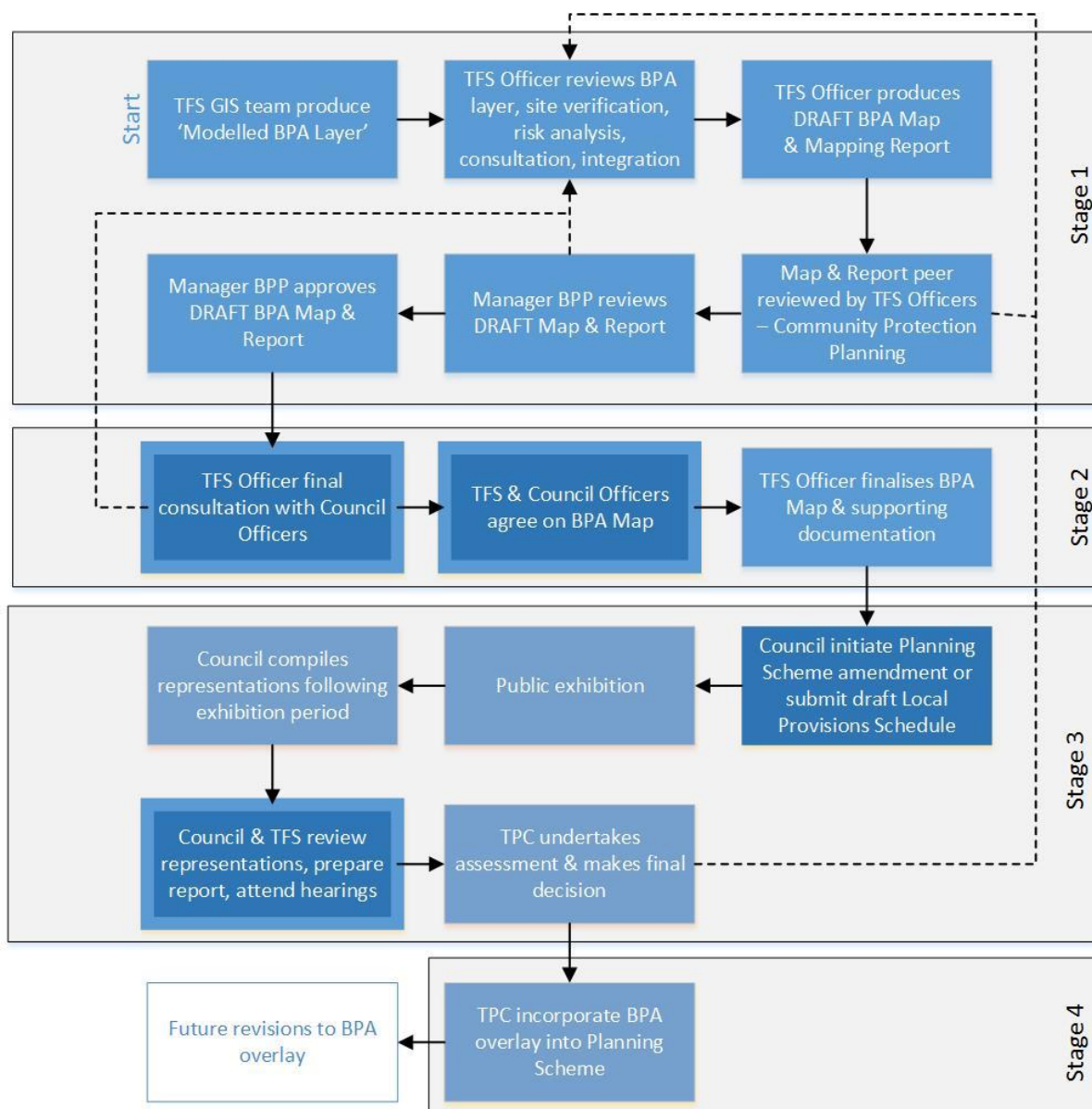


Figure 2 – Overview of mapping preparation and implementation

3.3 Map Refinement

As discussed previously, refinement of the original ‘modelled overlay’ into the final draft overlay has been informed by evaluation of local conditions.

The prevailing winds for the West Coast Fire Management Area (which includes Waratah-Wynyard) are westerly. Spring is the windiest season with winds from the northwest increasing in the afternoons⁵. This has implications in terms of potential exposure to head-fires and ember penetration into urban areas. A higher level of conservatism was accordingly adopted when refining the overlay as it applies to sections of the urban interface exposed to the north and west.

⁵ State Fire Management Council 2018, *West Coast Fire Management Area – Fire Protection Plan 2018*, DPEM, Hobart

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.

Recreation reserve management

Waratah-Wynyard Council owns a range of open space and recreational assets within and adjacent to existing settlements. These assets provide for a range of recreational uses and range from highly maintained urban parks to tracts of remnant bushland. It has been assumed that existing recreational reserves that are maintained in a low-threat condition will continue to be maintained in this condition.

Hazard abatement

In preparing the overlay consideration has been given to Council's hazard abatement commitments and this has allowed for refinement of the overlay in some areas. Council has a hazard abatement program that focuses on protecting properties within the existing residential settlements. Pre-season compliance patrols focus on General Residential, Village and Low Density Residential zoned areas. Where a hazard is identified within 3m of an adjoining residential property, Council's policy is to require the owner to take the following actions:

- Cut grass so to a height of 100mm;
- Properties under 2000m² must slash entire property;
- Parcels of land greater than 2000m² must for a clear 3m buffer to adjoining residential properties; and
- The land must be maintained for the remainder of the fire season.

It is noted that the requirement to manage all vegetation on lots under 2,000m² supports TFS's position with regards to the classification of fuels for the purpose of AS3959-2009, as described in Bushfire Hazard Advisory Note No.1.

Subdivisions

A number of subdivisions that have been approved and have progressed past substantial commencement were identified and have also been factored into the overlay, on the basis that vegetation within the approved lots will be managed in a minimum fuel state. This has included the following subdivision developments:

- Corner of Moore Street and Port Road, Boat Harbour Beach – 11-lot subdivision (SD-2057);
- Millpond Court, Wynyard – stage 1 lots created with approximately 20 more in remaining stages (SD-1889);
- Seabrook Golf Course subdivision – stage 1 underway.

Sisters Beach foreshore rehabilitation

Parts of the Sisters Beach foreshore north of Irby Esplanade have been cleared, whilst other sections contain remnant scrub vegetation. It is understood that the Crown/Parks & Wildlife Service will be working with landowners to rehabilitate sections of the Sisters Beach foreshore that have been previously cleared by adjoining landowners. Low Density Residential-zoned lots on the north side of Irby Esplanade have accordingly been included in the overlay.

TFS Bushfire Mitigation Plans

There are no active TFS Bushfire Mitigation Plans that are relevant to the subject overlay.

3.4 Outcomes of Mapping

It is clear that the majority of the land within the Waratah-Wynyard 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
Authority Land	1,003	870
Local Government Reserve	17	14
Private Parcel	5,927	4,949
Public Land Classification	287	278
Total cadastral titles intersected	7,234	6,111

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled TFS to identify approximately 978 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 total community benefit of between approximately 490K and 930K 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

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 Waratah-Wynyard Council will submit its draft LPS to the Tasmanian Planning Commission for assessment in early-mid 2019. Once approved, the Tasmanian

Planning Scheme become active and will supersede Council's interim 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 Waratah-Wynyard Interim Planning Scheme 2013

The timing of the Tasmanian Planning Scheme's introduction is unclear at present and may not occur before 2020. It is noted that should Council seek to implement their overlay sooner, there is provision to amend the Waratah-Wynyard Interim Planning Scheme 2013 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. 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 review process for their Local Provision Schedules under the Tasmanian Planning Scheme.

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

6. Planning Framework

6.1 Statutory Requirements

6.1.1 Requirements for 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).

6.1.2 Requirements for Draft Amendments

Should Council seek to amend the Waratah-Wynyard Interim Planning Scheme 2013, s.34(1) of the former provisions of the *Land Use Planning & Approvals Act 1993* allow a planning authority to initiate 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.

S.32 of the former provisions 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.

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).

6.2 Strategic Considerations

6.2.1 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 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.</p> <p>The scheme amendment is accordingly considered to be 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 bushfire-prone areas mapping 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 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</p>

	<p>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.</p> <p>The scheme amendment is accordingly considered to be consistent with (b).</p>
<p><i>(c) to encourage public involvement in resource management and planning; and</i></p>	<p>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.</p> <p>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.</p> <p>The scheme amendment is accordingly considered to be 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>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:</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>As stated previously, the scheme amendment will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>The scheme amendment is accordingly considered to be 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>

	The scheme amendment is accordingly considered to be consistent with (e).
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Table 3 - Schedule 1, Part 2 Objectives

Objective	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	<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 bushfire-prone areas mapping 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 remaining Local Government Areas.</p> <p>As is discussed further in this report, the scheme amendment is consistent with current State Policies and the Regional Land Use Strategy of Northern Tasmania.</p> <p>The scheme amendment is accordingly considered to be consistent with (a).</p>
<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 the overlay.</p> <p>The scheme amendment is accordingly considered to be 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 scheme amendment will not facilitate any loss of biodiversity or any other impacts on natural values.</p> <p>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.</p> <p>The scheme amendment is accordingly considered to be 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. The scheme amendment is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.</p> <p>The scheme amendment is accordingly considered to be consistent with (d).</p>

<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>	<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 mapping 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 mapping will ensure that assessing planning officers and developers consider at the development application stage of any requirement to consider vegetation removal.</p> <p>The scheme amendment is accordingly considered to be consistent with (e).</p>
<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>	<p>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.</p> <p>The scheme amendment is accordingly considered to be consistent with (f).</p>
<p><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></p>	<p>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.</p> <p>The scheme amendment is accordingly considered to be consistent with (g).</p>
<p><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></p>	<p>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.</p> <p>The scheme amendment is accordingly considered to be consistent with (h).</p>
<p><i>(i) to provide a planning framework which fully considers land capability.</i></p>	<p>Incorporation of the mapping will have no significant effect on agricultural land capability.</p> <p>The scheme amendment is accordingly considered to be consistent with (i).</p>

6.2.2 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.

6.2.3 Cradle Coast Regional Land Use Planning Framework

Local Provision Schedules must be consistent with the relevant regional land use strategy. For Circular Head, this is the Cradle Coast Regional Land Use Planning Framework.

The Framework recognises the need to mitigate risk to life and property from natural hazards through appropriate land use planning. The specific policies relevant to bushfire risk are addressed below.

It also noted that the Framework promotes a strategy of urban containment (as opposed to linear urban growth), primarily with the aim of improving liveability, reducing car dependence, protecting agricultural land and protecting ridgelines. This strategy indirectly supports community fire safety by limiting the growth of the urban-rural interface and further development in high-risk locations.

4.4 Land use policies for protecting people and property

Land use planning processes for risk management –

- a. Recognise land exposed to future or enhanced risk is a valuable and strategic resource that should not be sterilised by unnecessarily excluding use or development*
- b. Establish the priority for risk management is to protect the lives of people, the economic value of buildings, the functional capacity of infrastructure, and the integrity of natural systems*
- c. Avoid new essential service, sensitive or inappropriately located use or development on undeveloped land exposed to or affected by a high level of an existing, likely future or enhanced risk, including from inundation and erosion by the sea, flooding, bush fire or landslide.*
- d. Limit opportunity for expansion of existing essential service, sensitive or inappropriately located use and development onto land exposed to or affected by an existing, likely future or enhanced level of risk*
- e. Limit opportunity for redevelopment and intensification of existing essential service, sensitive or inappropriately located use or development on land exposed to or affected by an existing, likely future or enhanced level of risk unless the impact can be managed to be no greater or less than the existing situation*
- f. Promote guidelines and technical measures that which will assist to reduce impact of an existing, likely future or enhanced level of risk and make existing strategically significant places, uses, development and infrastructure assets less vulnerable, including provision for protection, accommodation and abatement, or retreat*
- g. Require a hazard risk assessment for new or intensified use or development on land exposed to an existing, likely future or enhanced risk, such assessment to address the nature and severity of the hazard, the specific risk factors for the proposed use or development, and the*

measures required to mitigate any risk having exceedance probability of greater than 1% at any time over the life of the development

h. Ensure current and future landowners and occupiers are put on notice of the likelihood for a future or enhanced level of risk

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 determining application of bushfire requirements as the spatial extent of the overlay has been adjusted based on expert judgement. This process has allowed for some properties to be 'mapped out' on the basis of insufficient risk. This is considered to be consistent with 4.4(a).

The overlay will support application of existing requirements that apply to proposed use and development with the aim of protecting life and property from the effects of bushfire, consistent with 4.4(b),(c),(d) and (e).

Paragraph (f) is less relevant to the proposed overlay, however it is noted that the overlay will provide a useful resource when planning risk mitigation measures for existing settlements.

The overlay will directly relate to the existing planning and building controls that require a bushfire hazard assessment be completed for new or intensified use or development and is thereby consistent with (g).

Provision of a publicly-accessible and property-based layer that identifies designated bushfire-prone areas will increase the opportunity for landowners to inform themselves with respect to potential exposure to fire risk, consistent with (h).

6.2.4 Waratah-Wynyard Council 10-Year Corporate Strategic Plan 2017-2027

The Strategic Plan 2017-2027 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*.

The Strategic Plan provides a series of goals and desired outcomes, none of which directly relate to natural hazards. The desired outcomes for 'Environment' broadly seek to foster "sustainable development". By facilitating more resilience communities, introduction of the overlay supports this direction.

7. Conclusion

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

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.

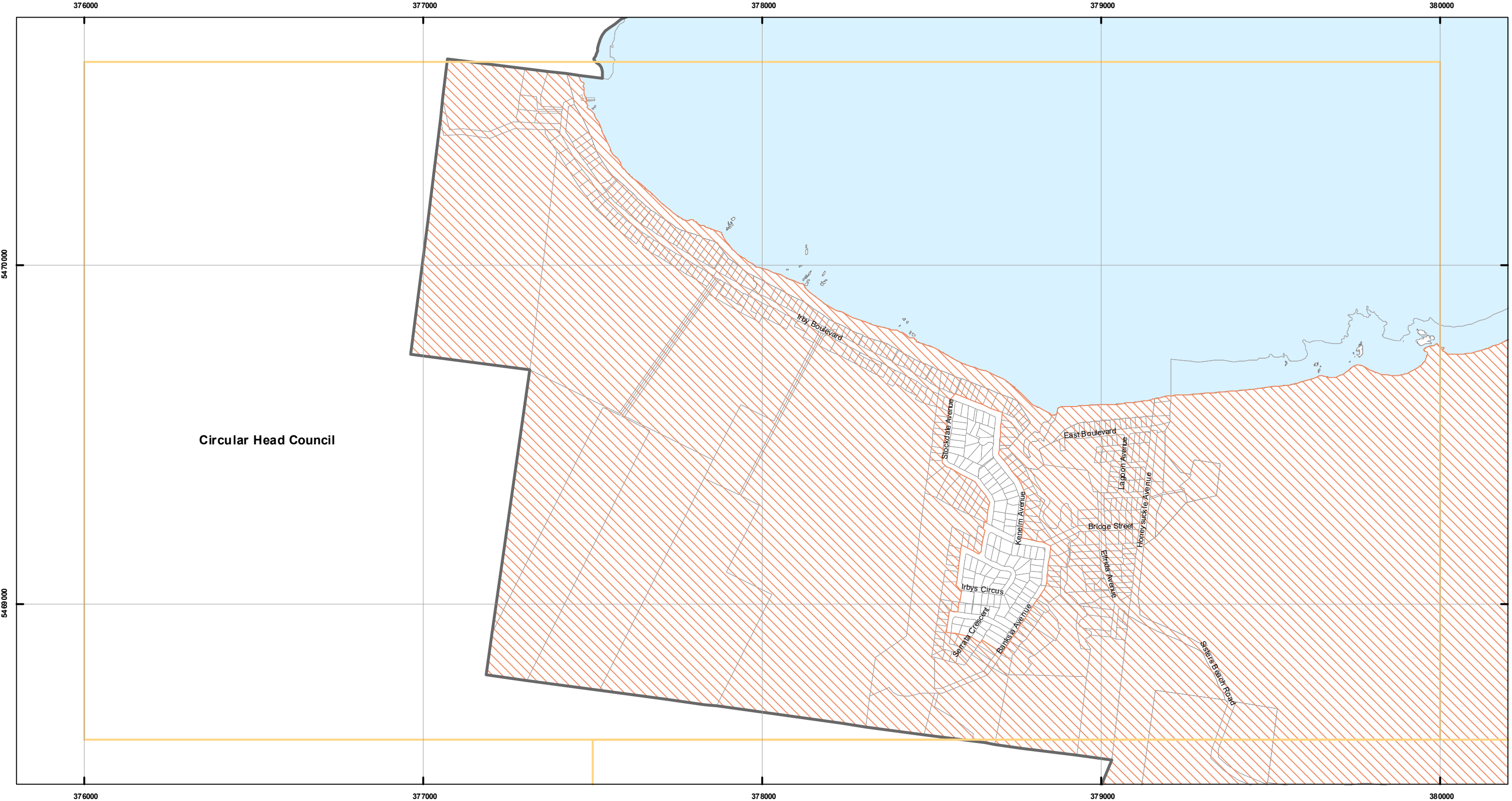
The overlay will also support community education on community fire safety and will provide a useful resource for the administration of the fire permit system and hazard abatement programs.

As discussed in this report, implementing the overlay as part of the Tasmanian Planning Scheme or alternatively through the Waratah-Wynyard Interim Planning Scheme 2013 is consistent with all relevant strategic planning considerations.


APPENDIX A


Bushfire-Prone Areas Overlay

Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

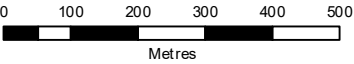


Legend

 Bushfire-Prone Area

 Parcels

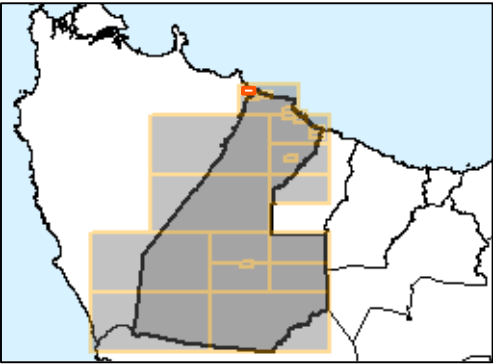
Map 1 of 24



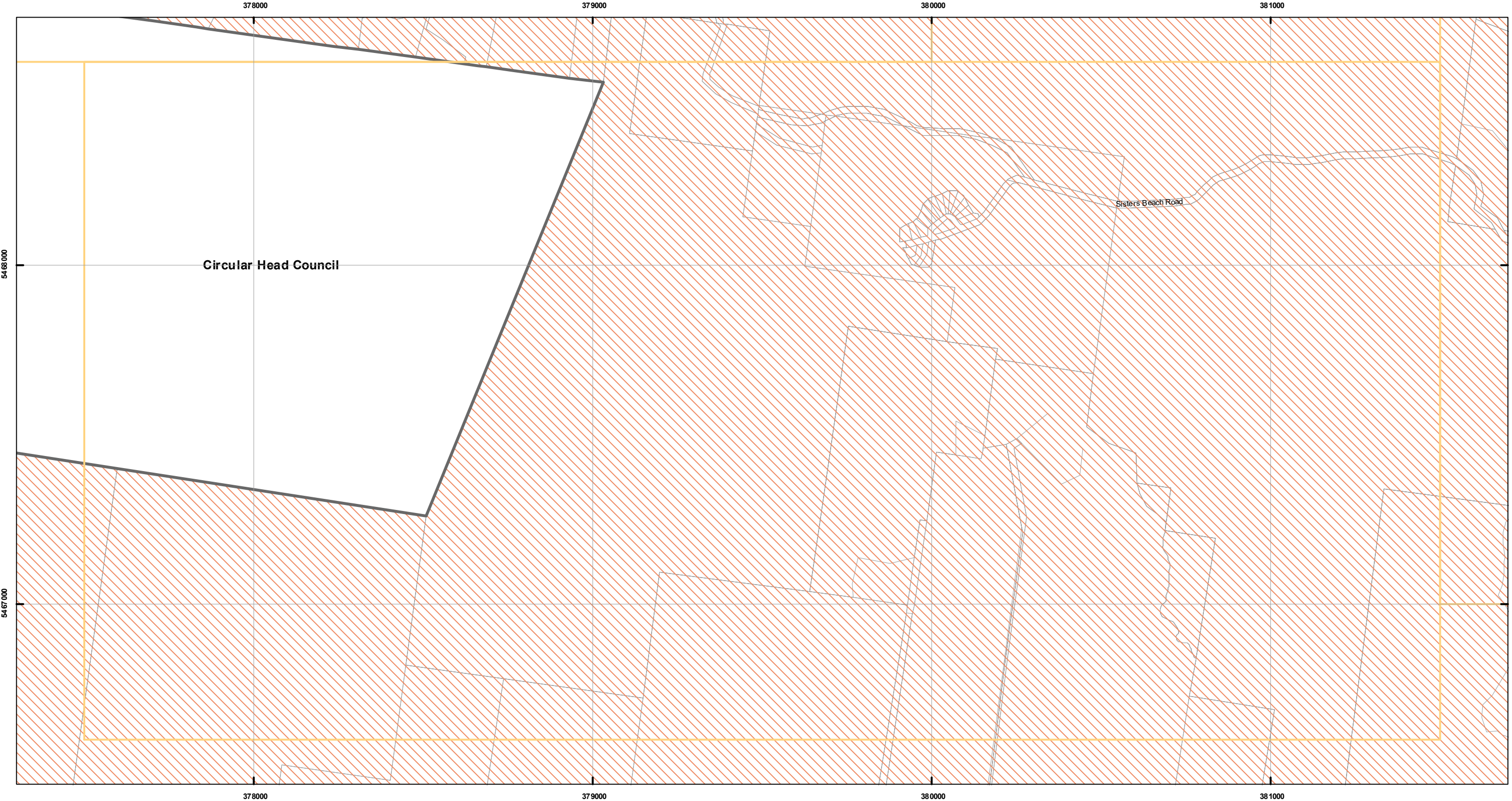
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Overlay data from Waratah-Wynyard Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania


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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

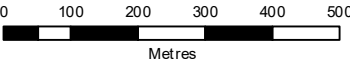


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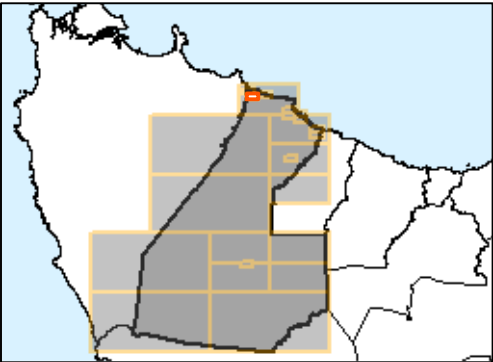
Map 2 of 24



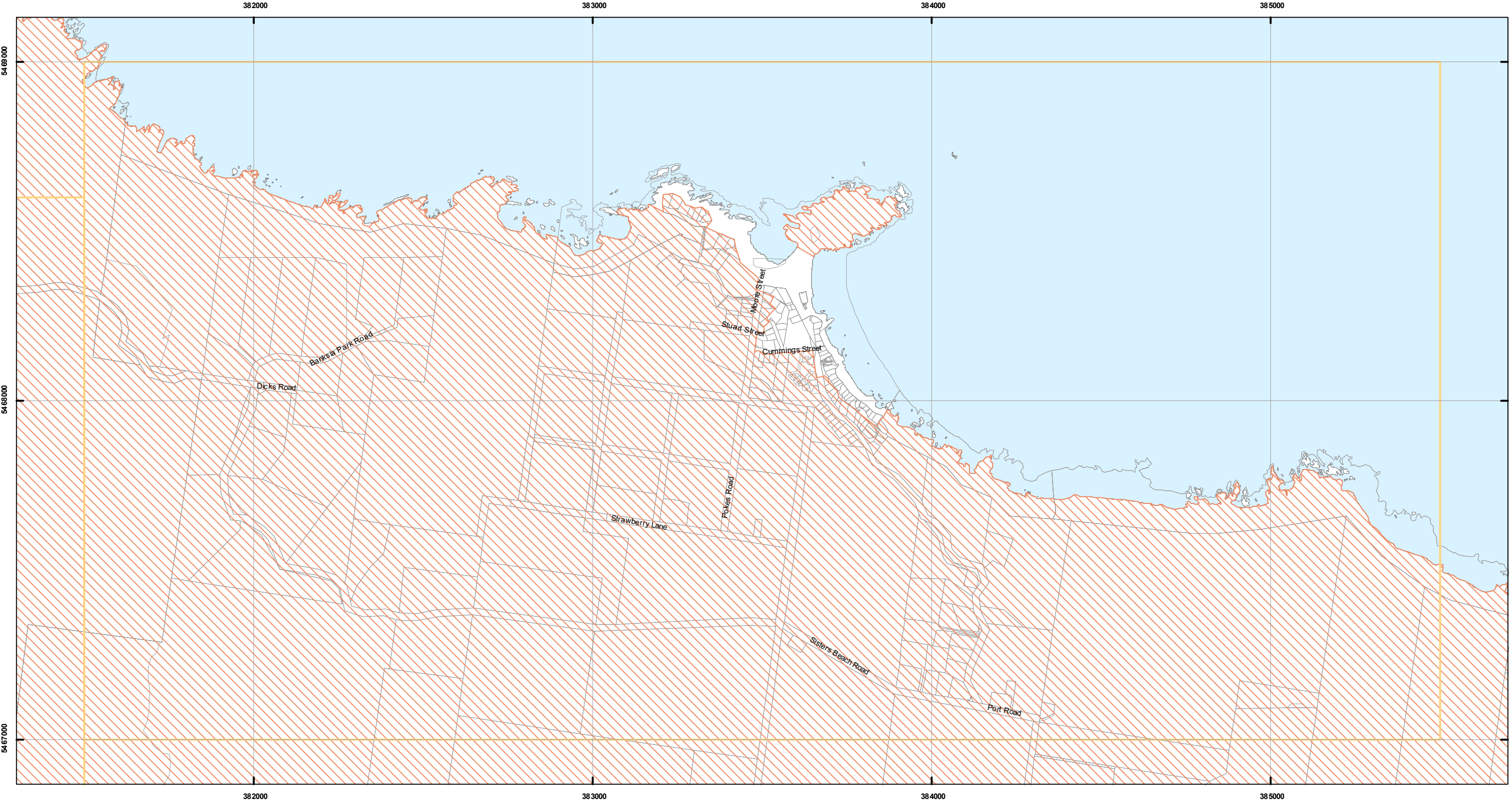
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Overlay data from Waratah-Wynyard Council and Tasmania Fire Service
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

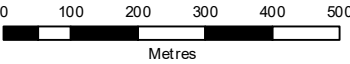


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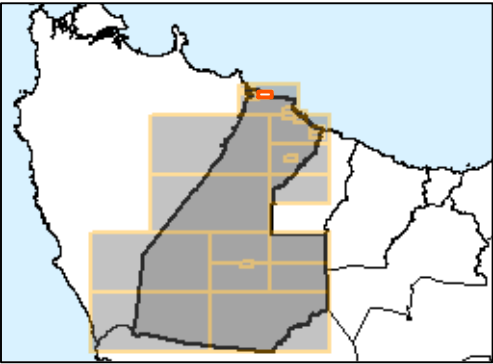
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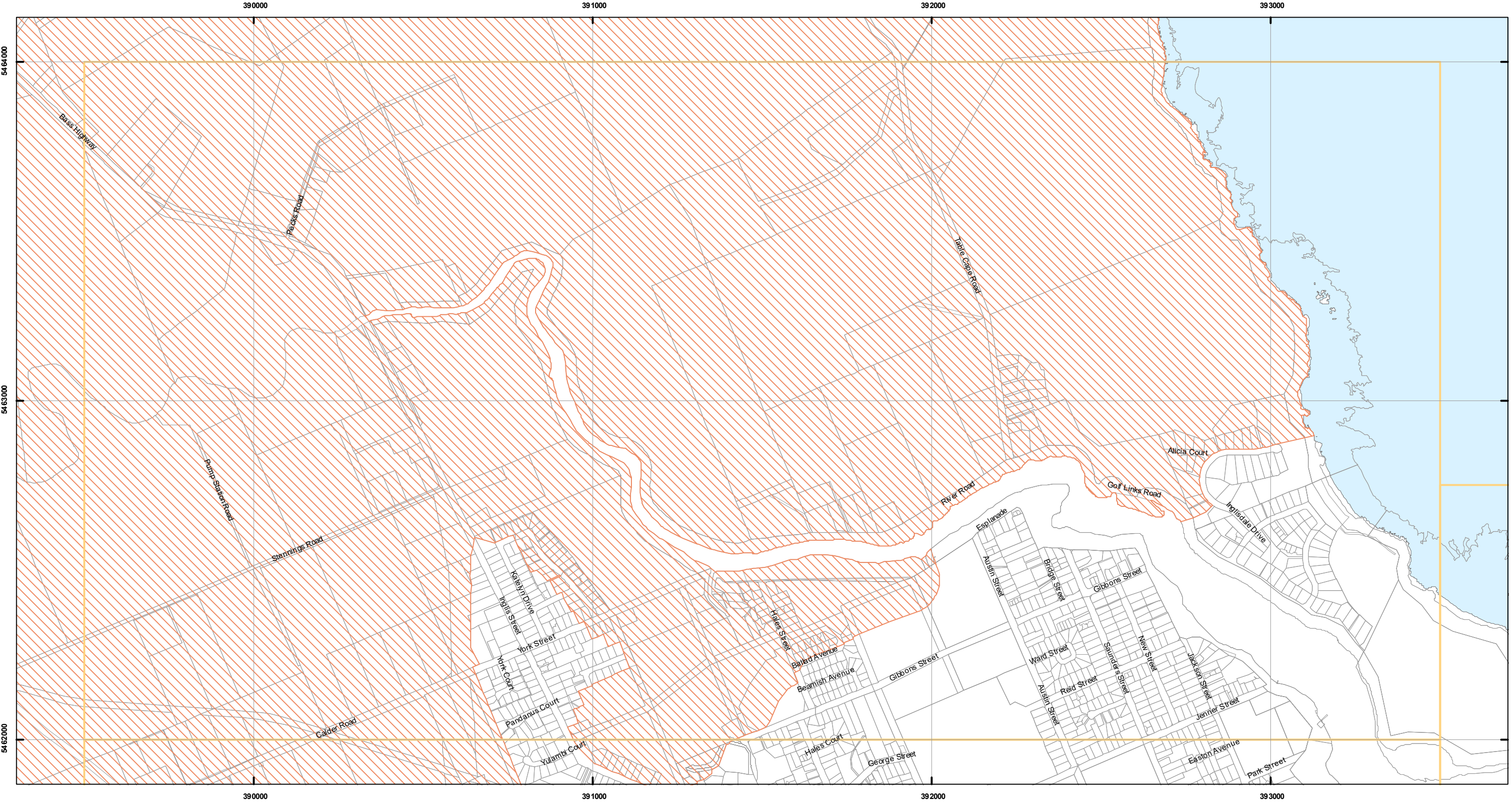
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule:

Bushfire-Prone Areas Overlay

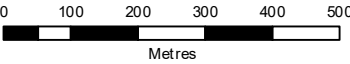


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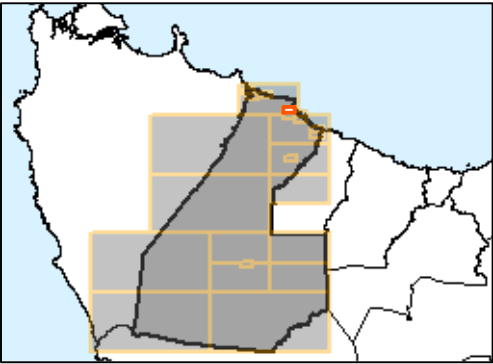
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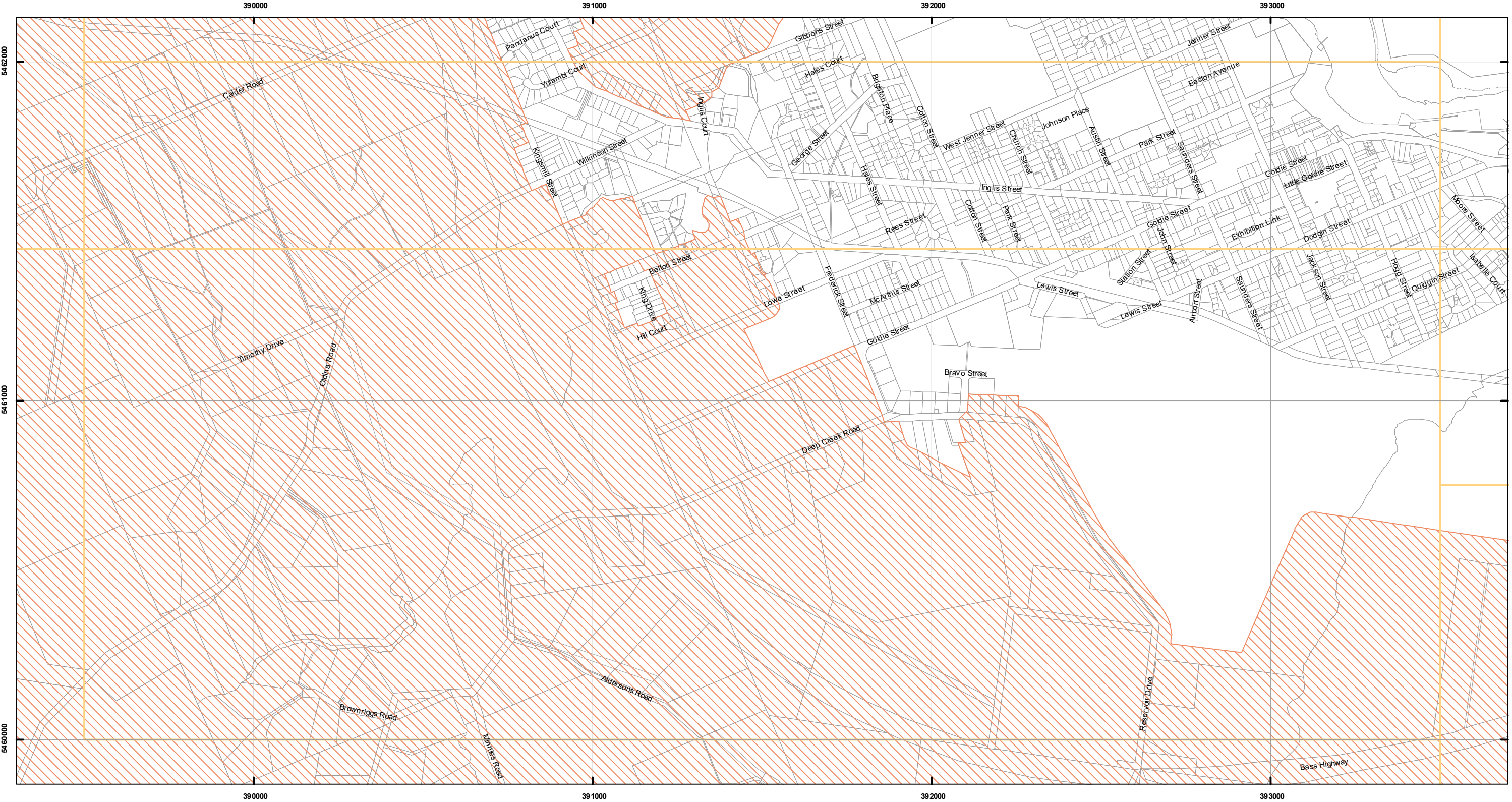
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay



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Bushfire-Prone Area

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Map 5 of 24

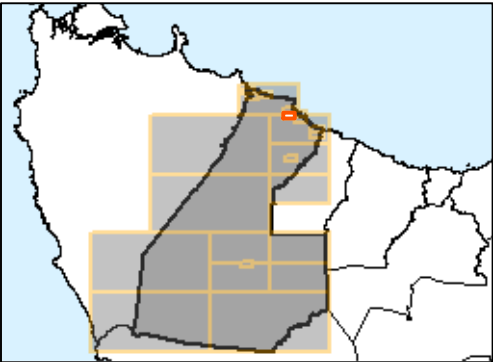
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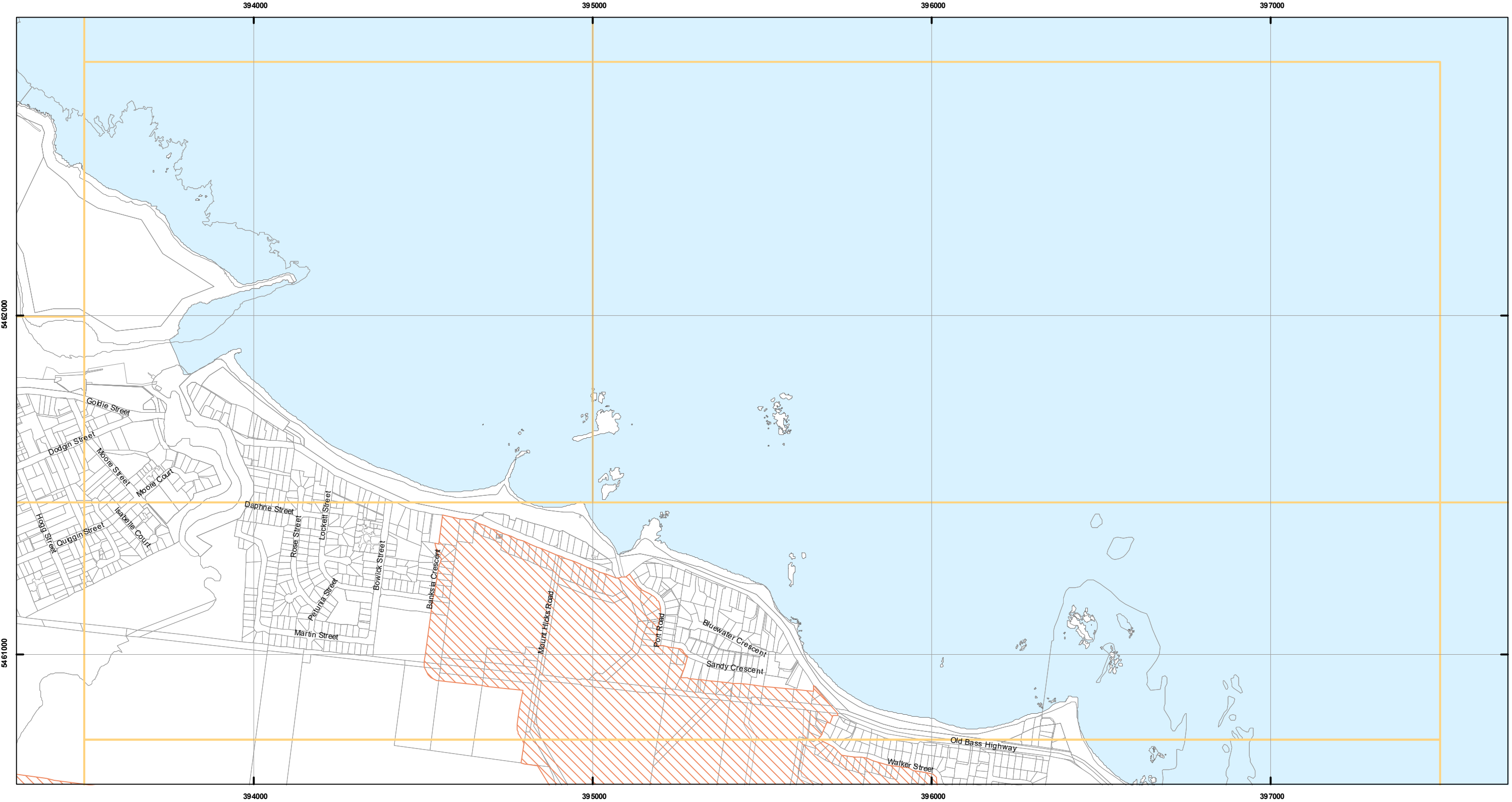
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

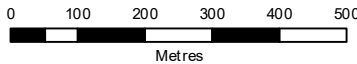


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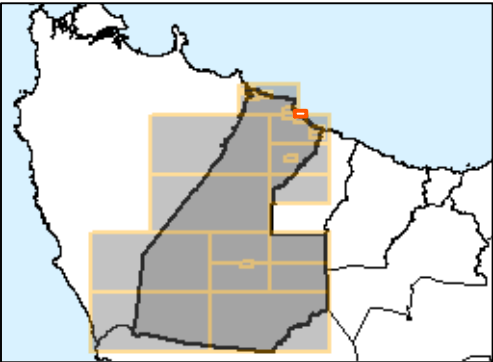
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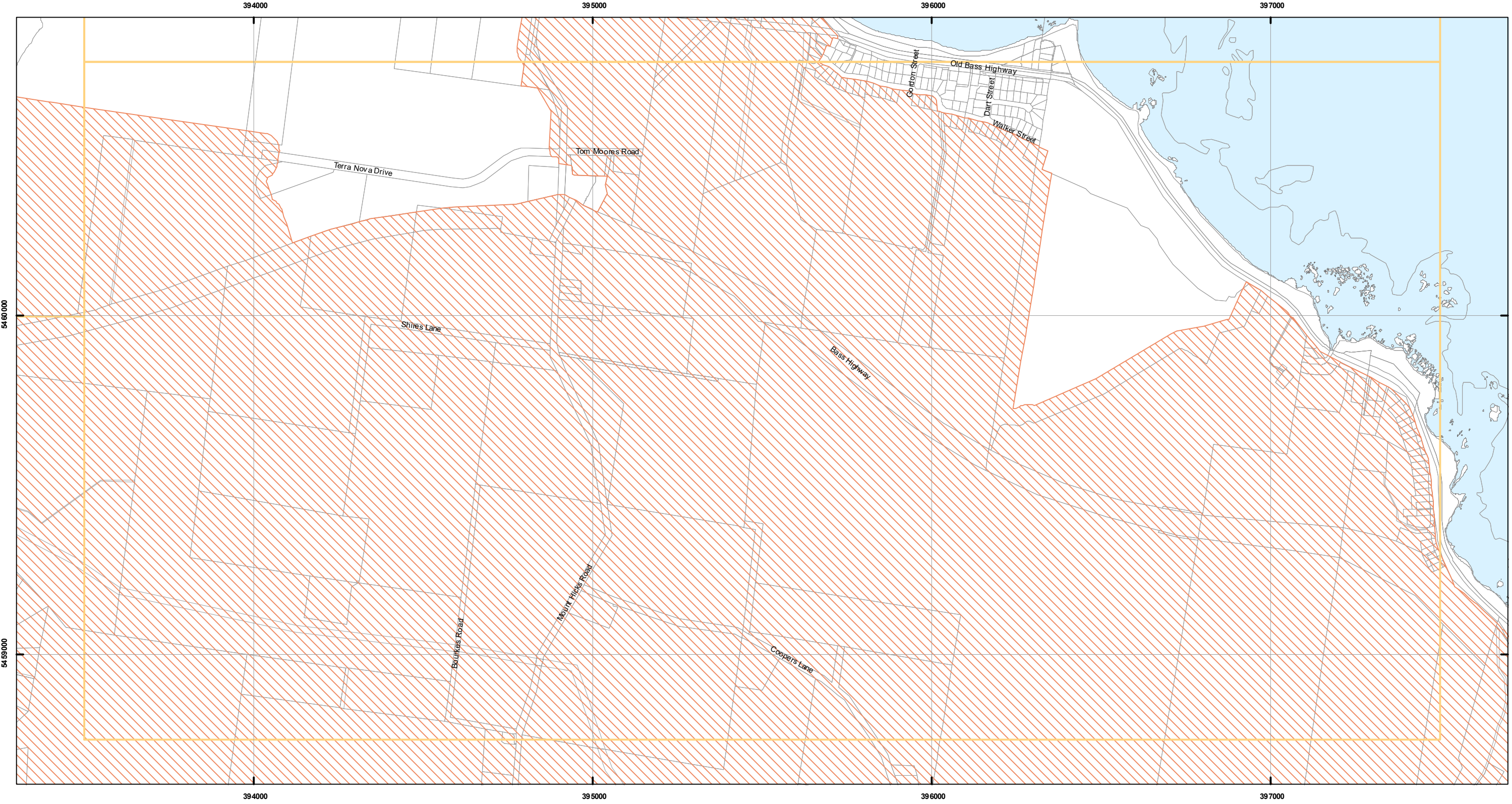
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

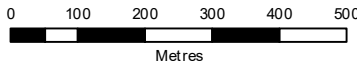


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 Bushfire-Prone Area

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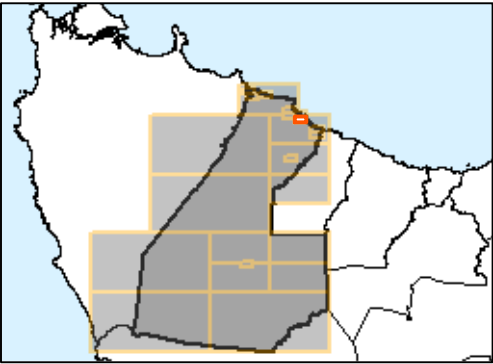
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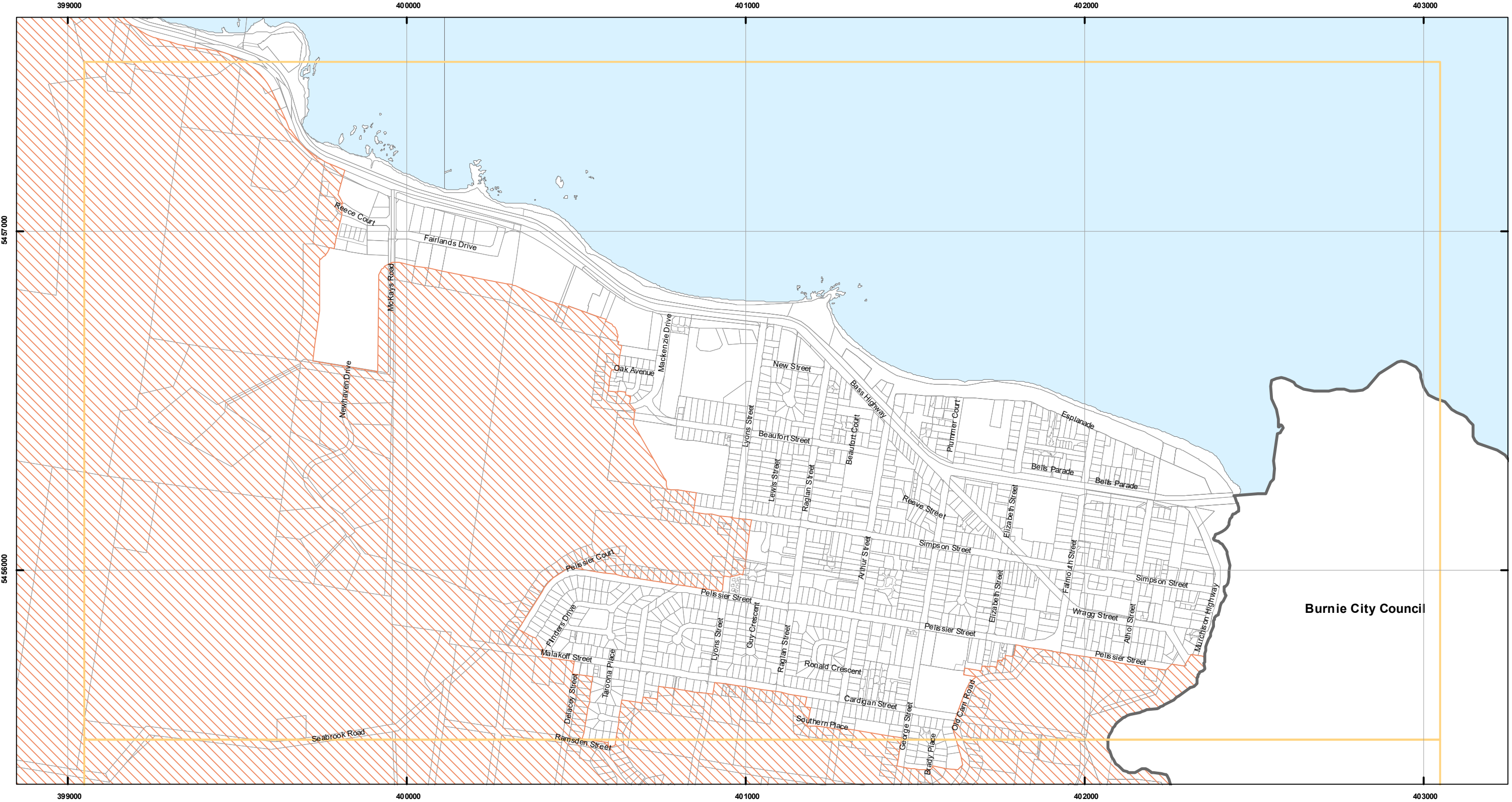
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Base topographic data from the LIST © State of Tasmania


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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

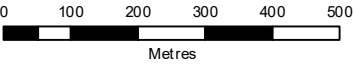


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 Bushfire-Prone Area

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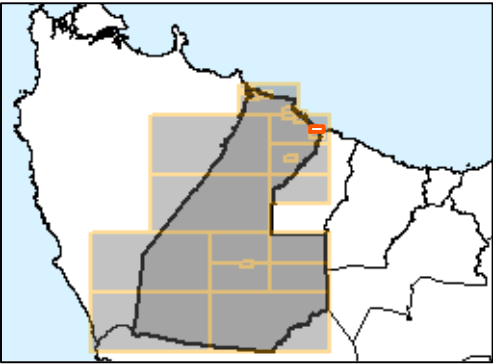
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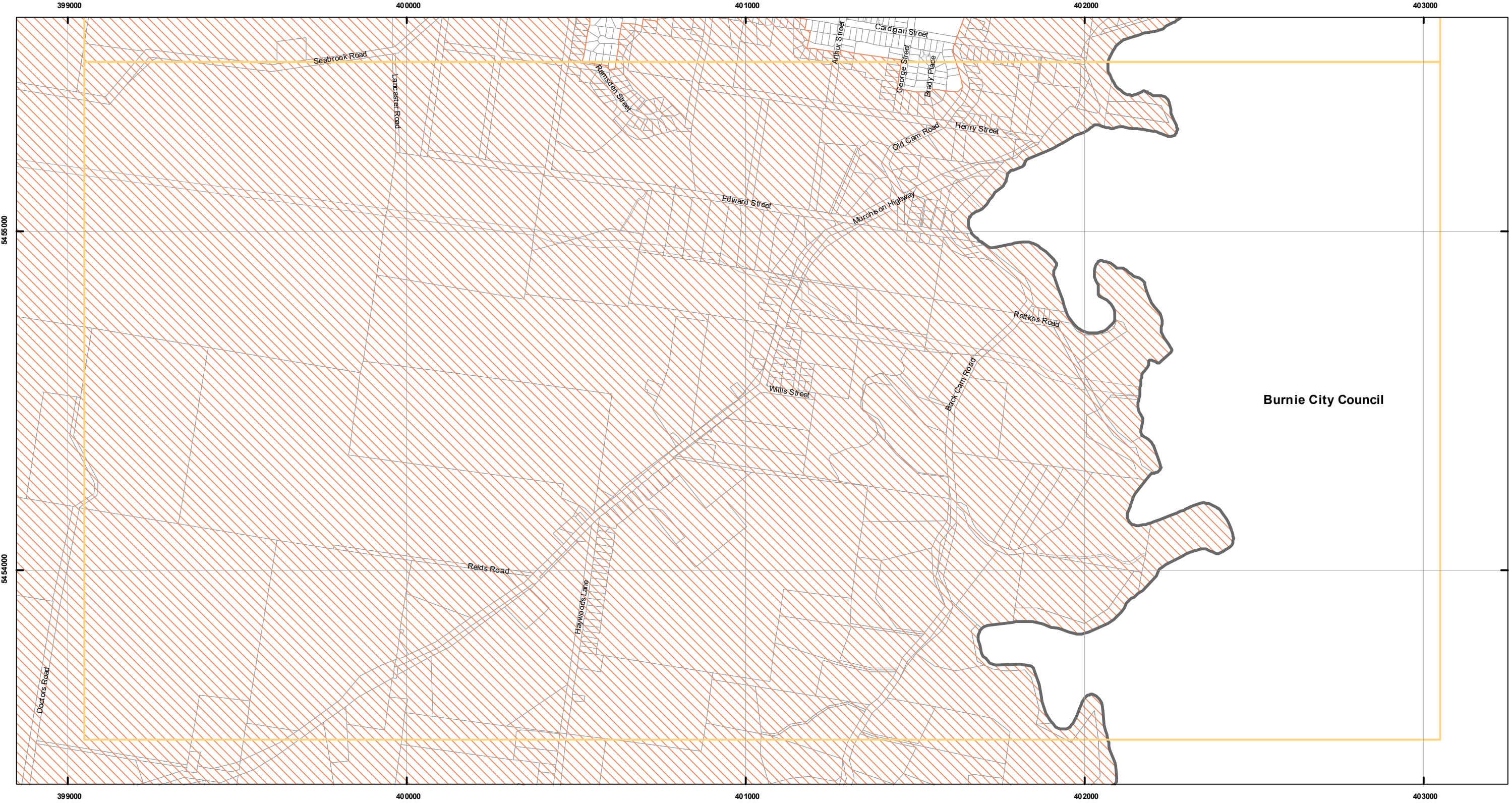
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Base topographic data from the LIST © State of Tasmania

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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay



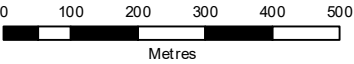
Burnie City Council

Legend

 Bushfire-Prone Area

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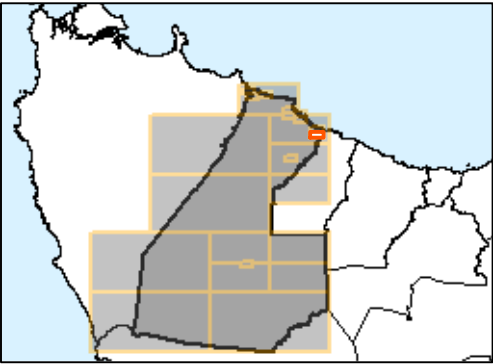
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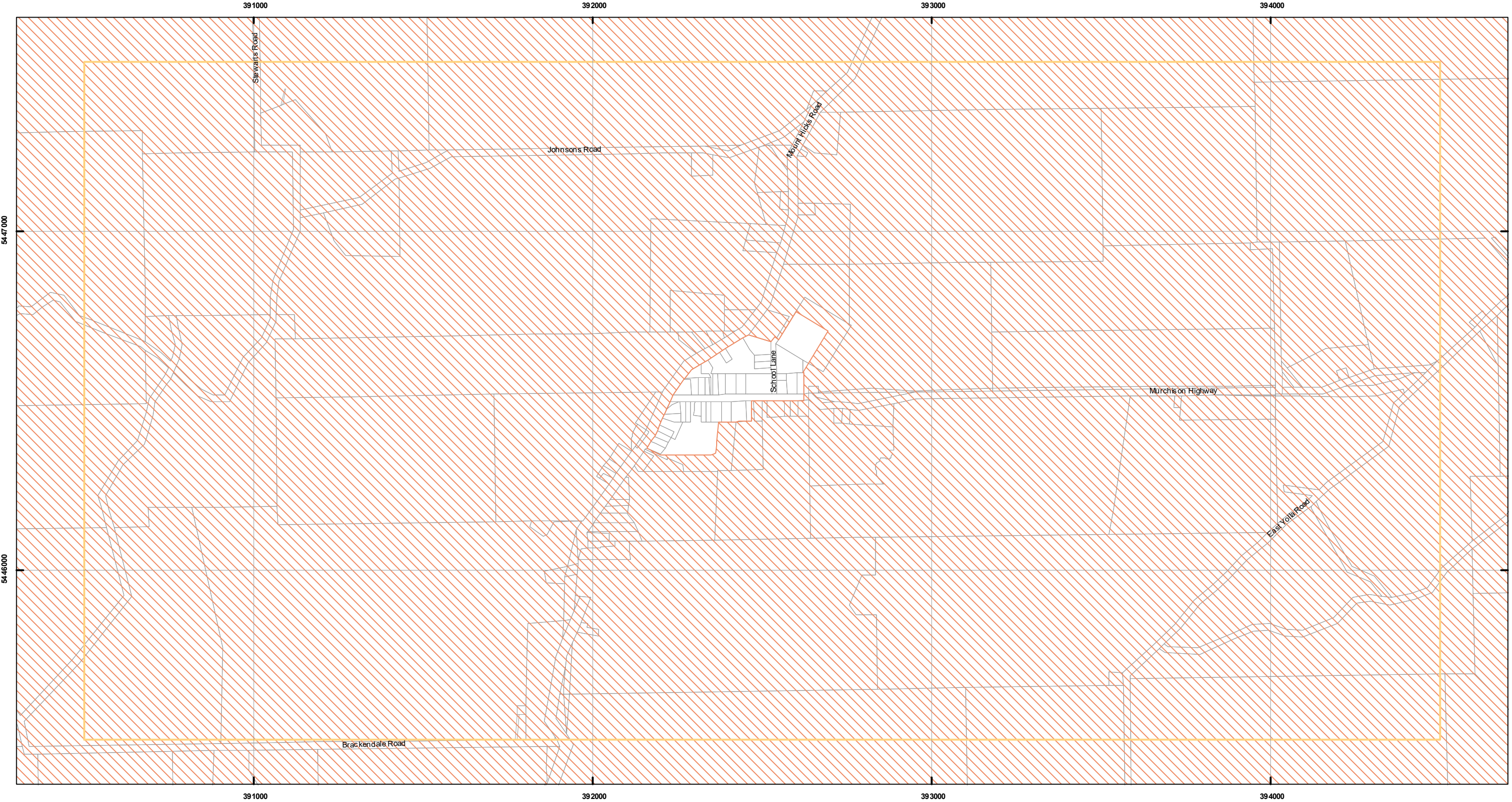
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Base topographic data from the LIST © State of Tasmania


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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay



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 Bushfire-Prone Area

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Map 10 of 24

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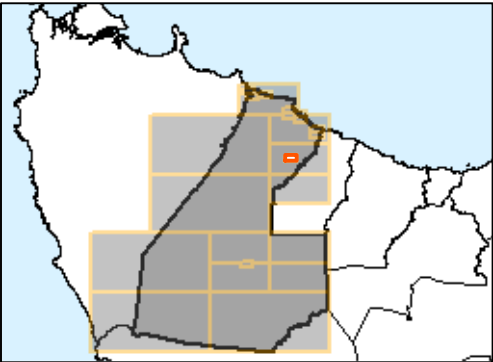
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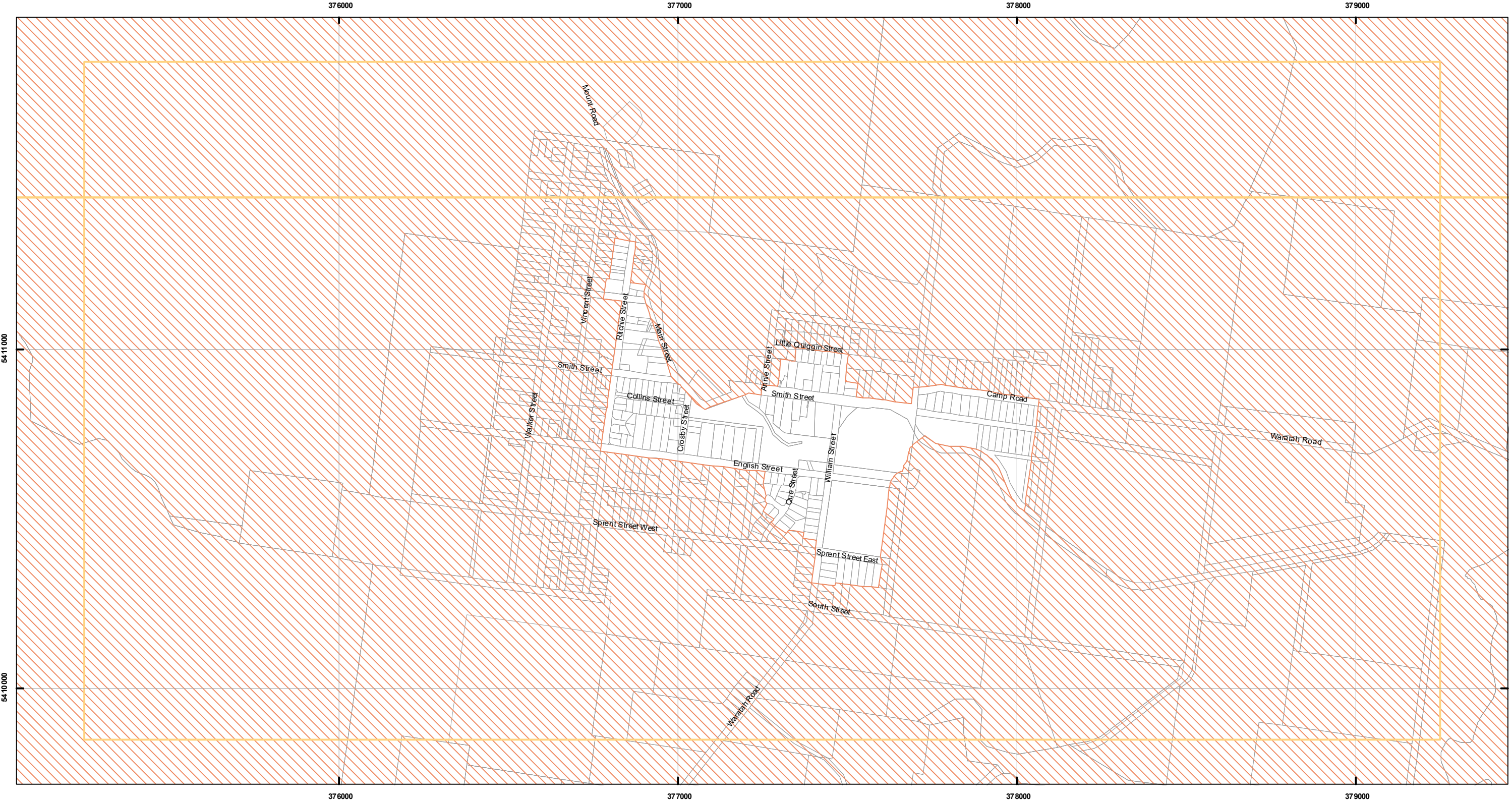
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

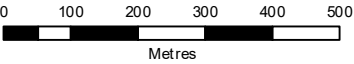


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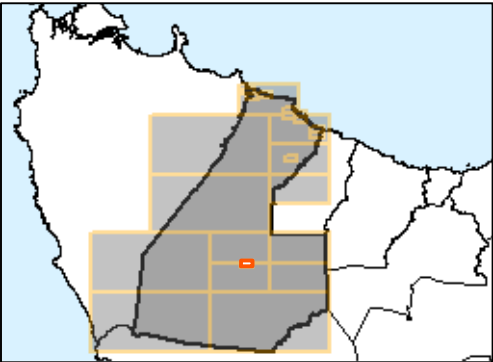
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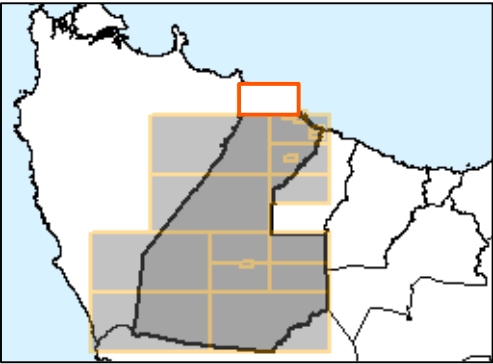
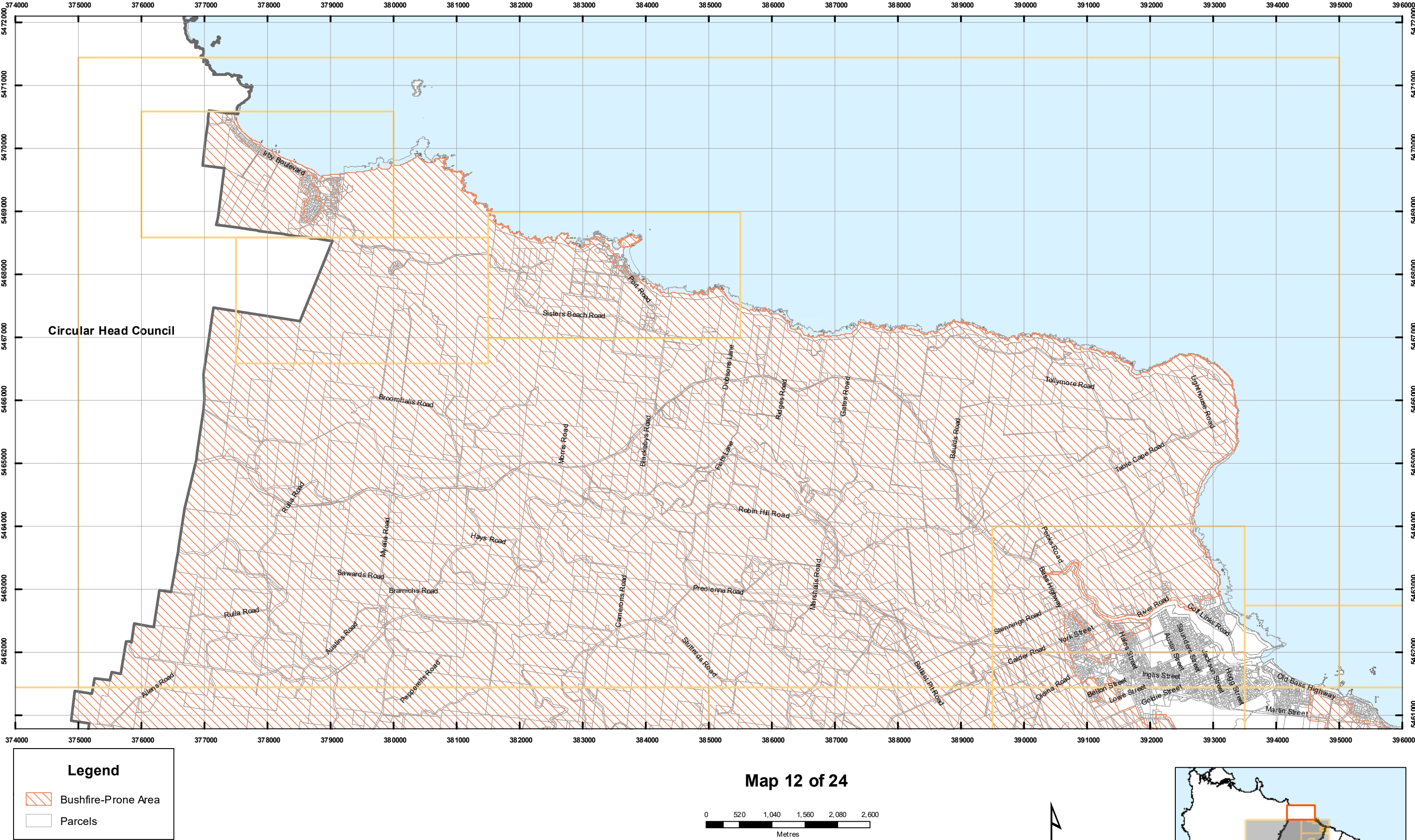
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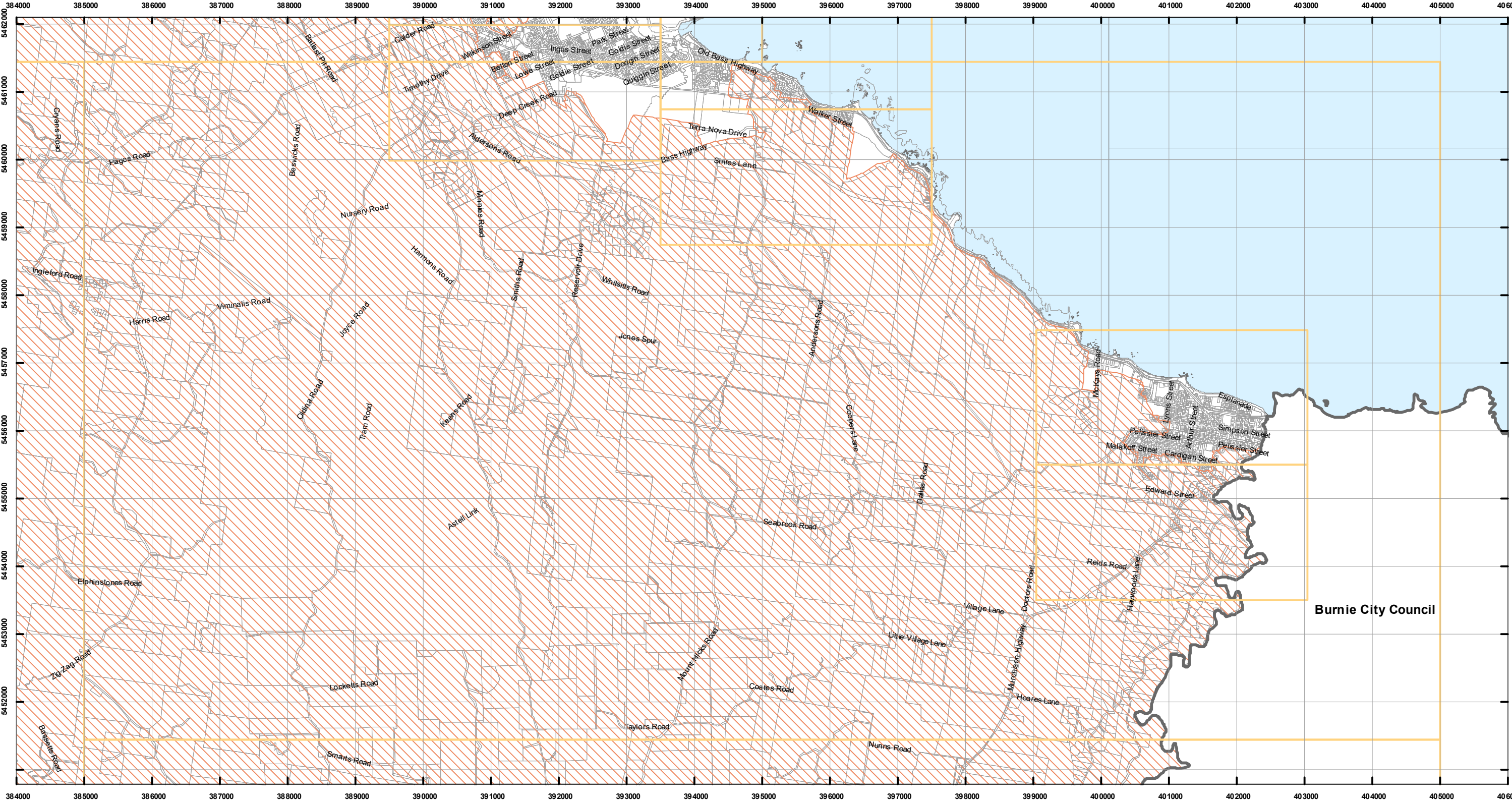
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay





Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay



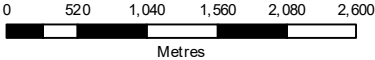
Burnie City Council

Legend

 Bushfire-Prone Area

 Parcels

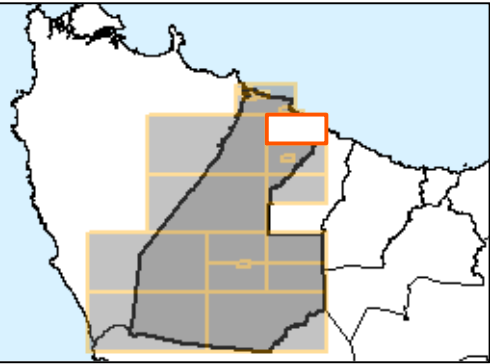
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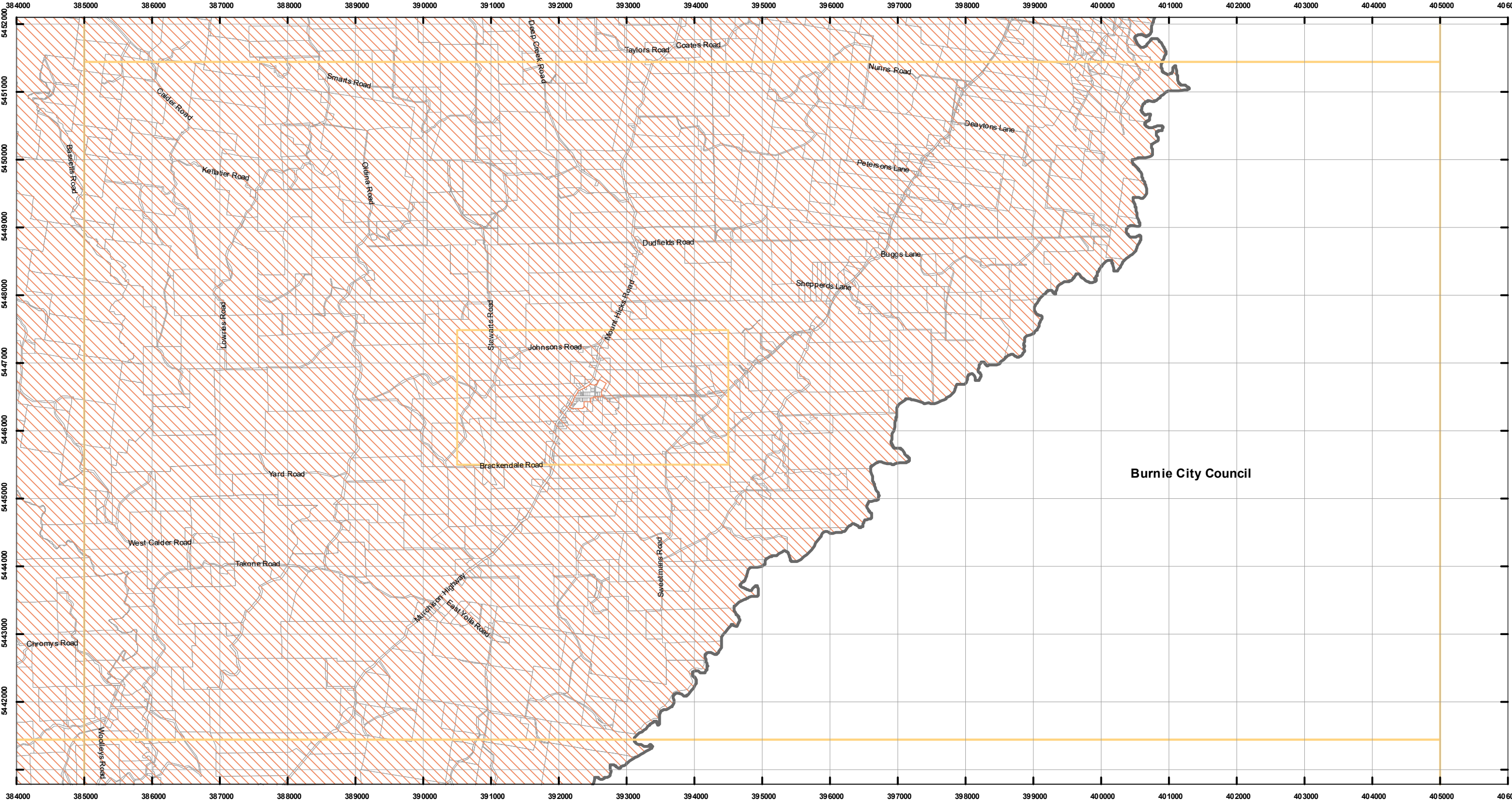
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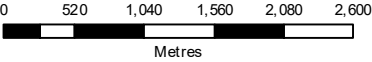


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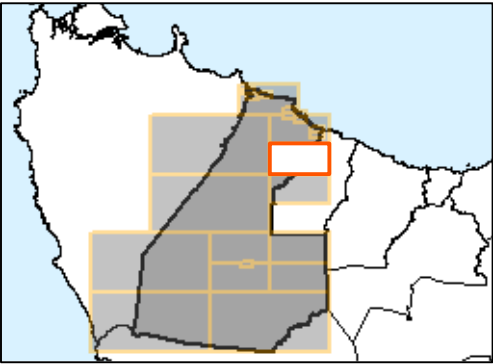
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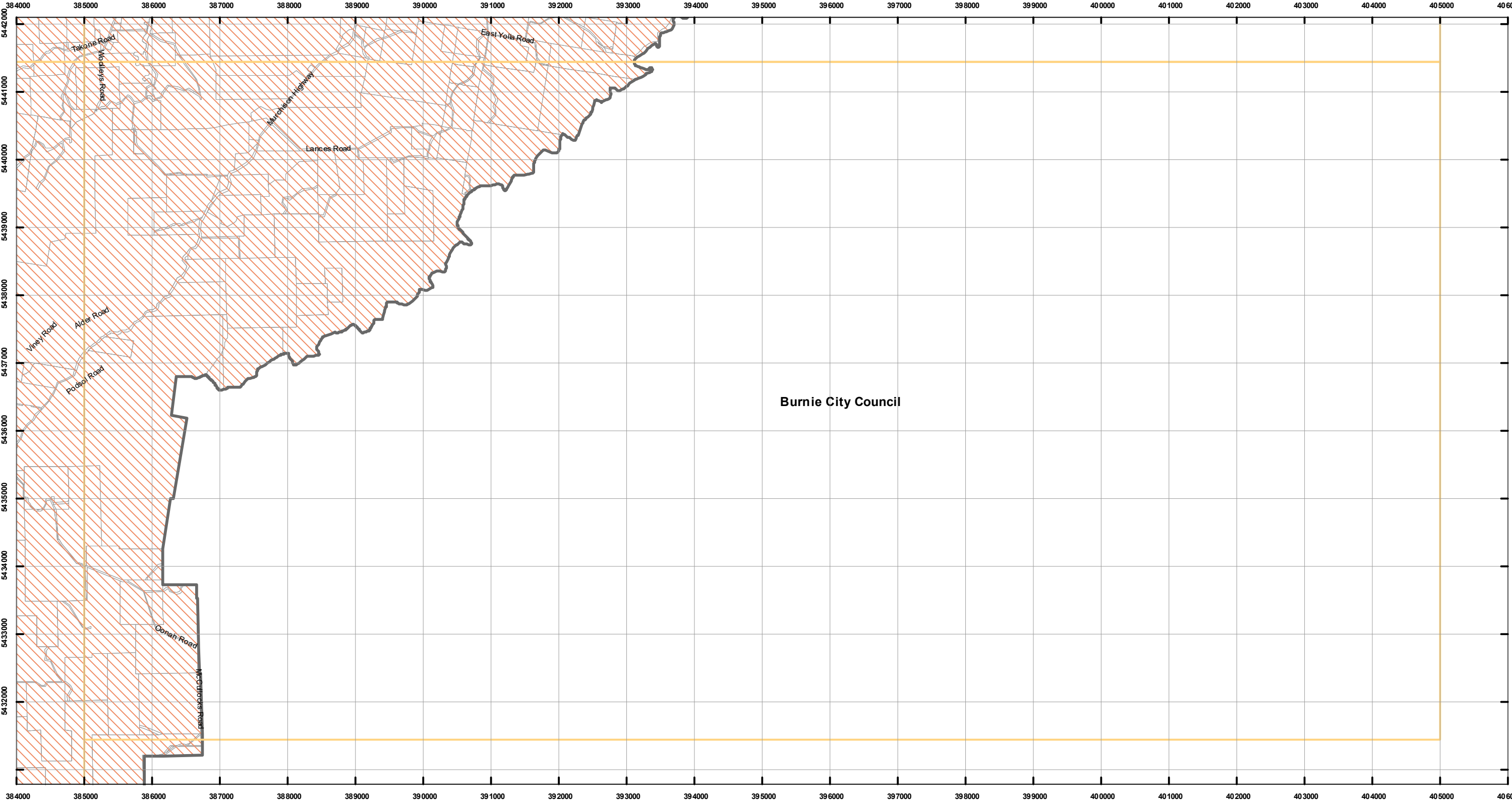
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

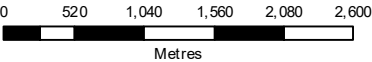


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 Parcels

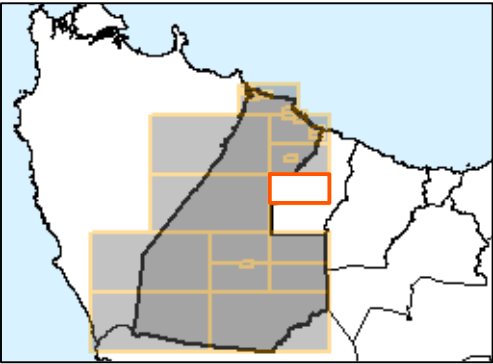
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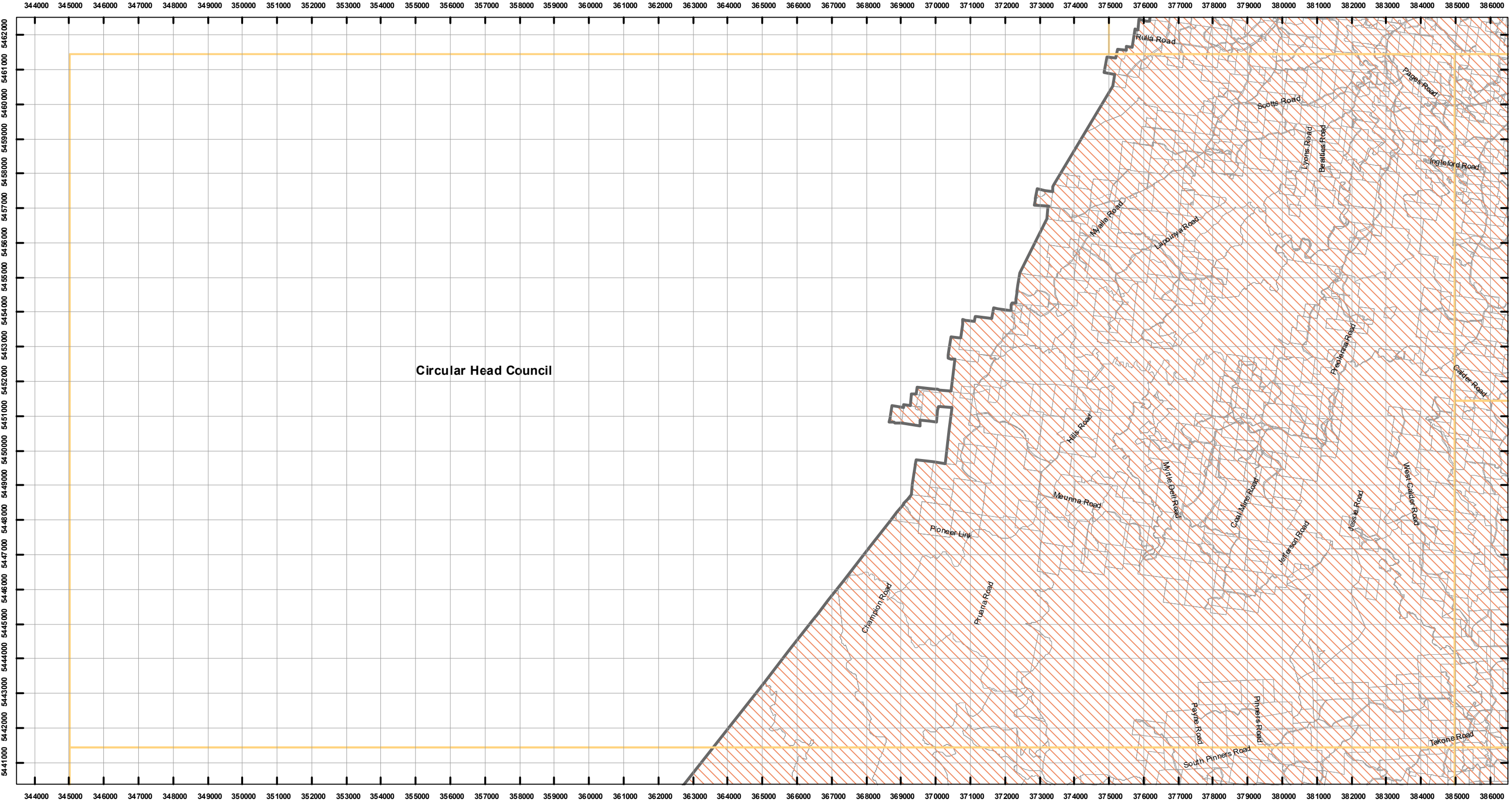
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule:

Bushfire-Prone Areas Overlay

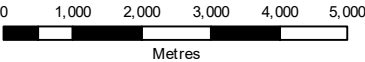


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Bushfire-Prone Area

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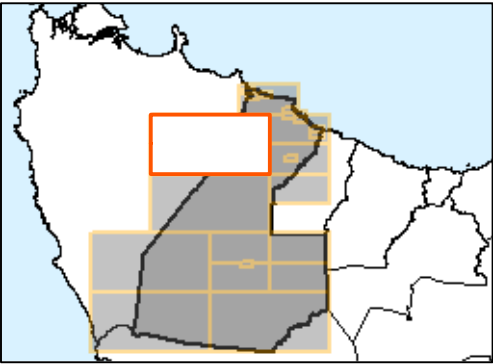
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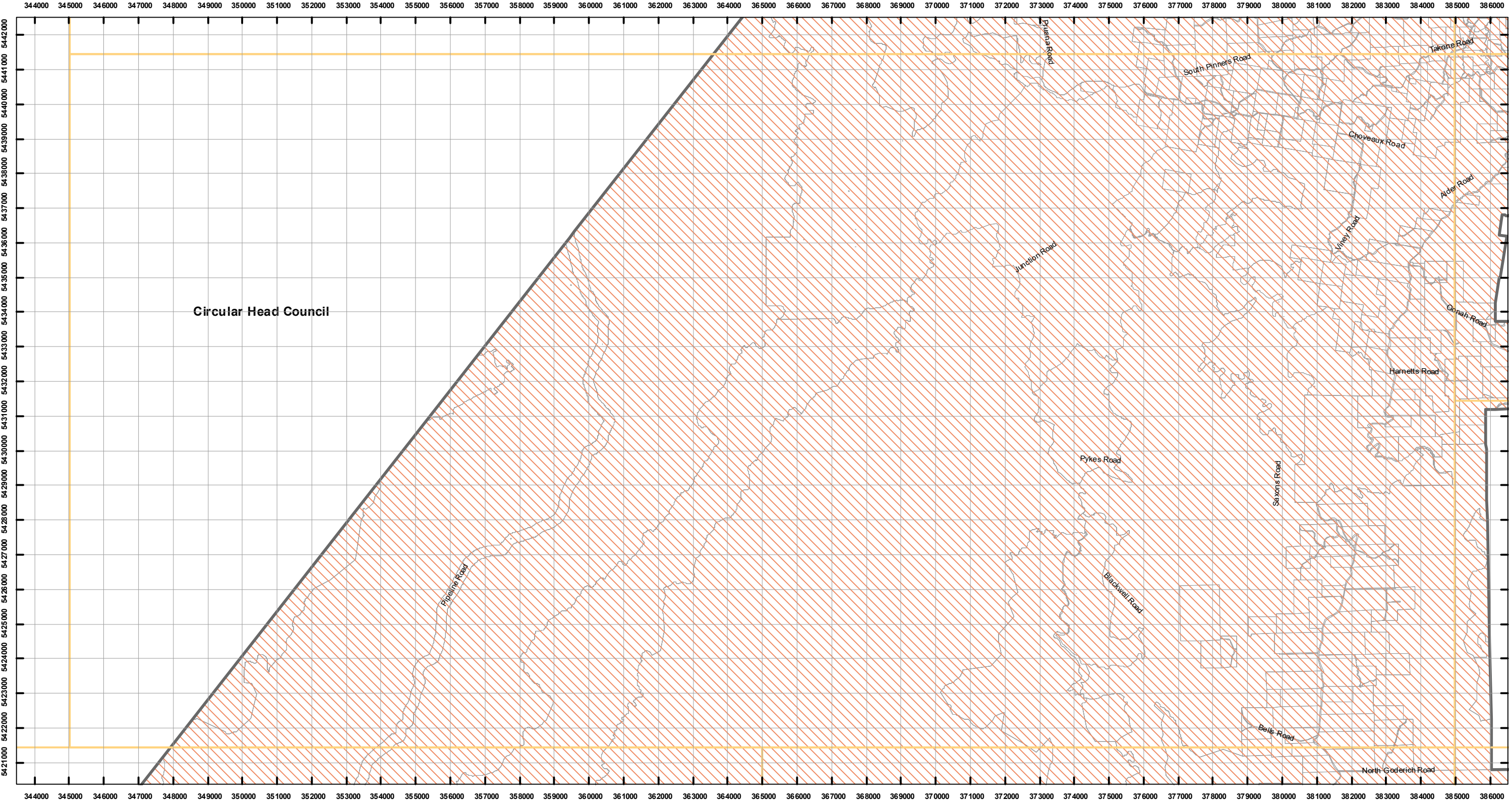
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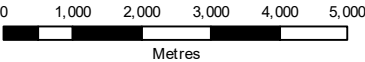


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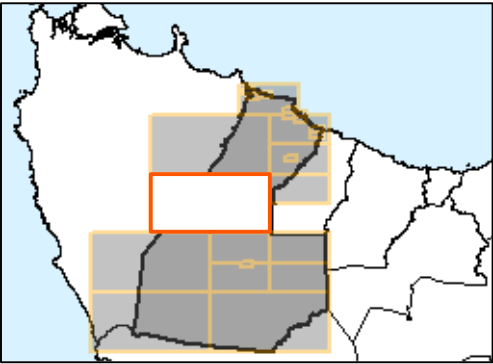
Map 17 of 24



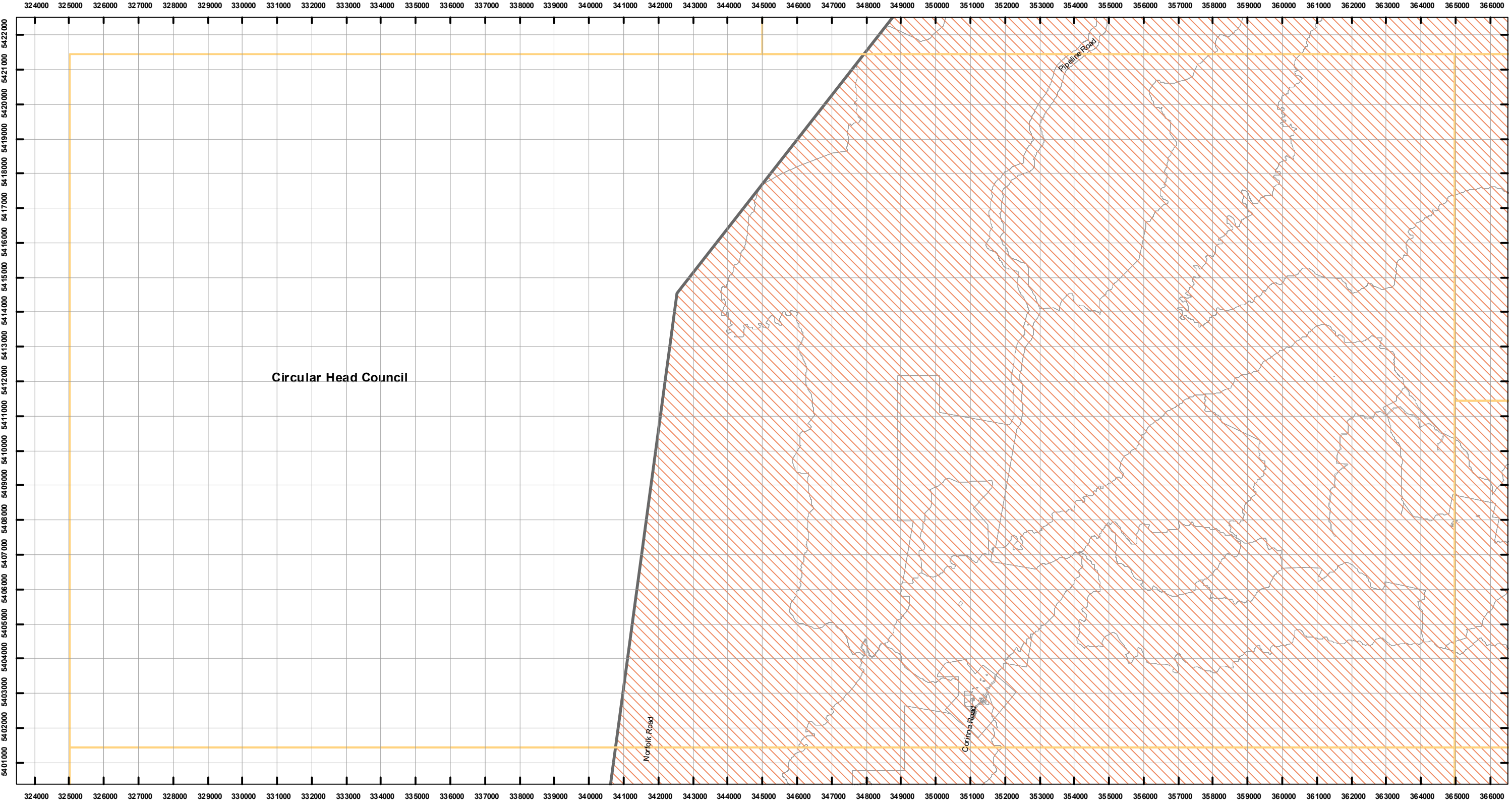
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

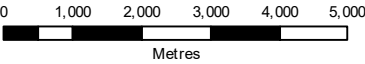


Legend

 Bushfire-Prone Area

 Parcels

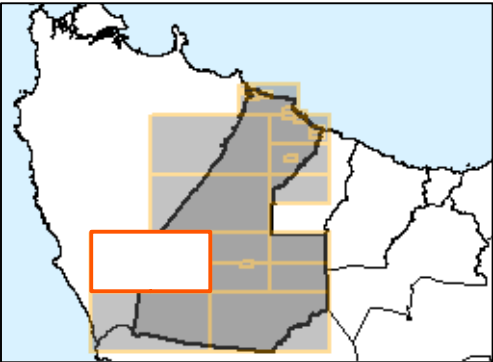
Map 18 of 24



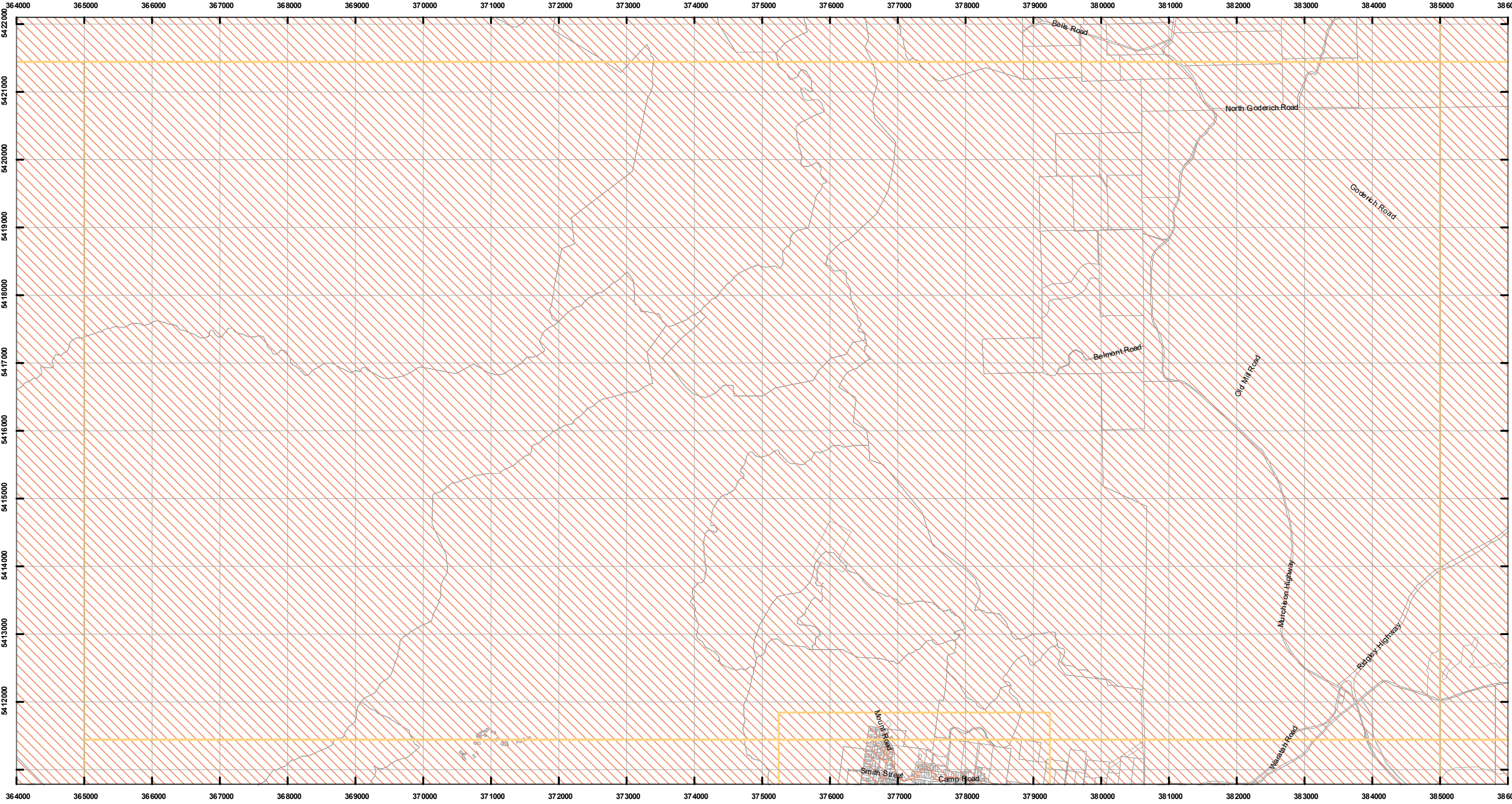
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Waratah-Wynyard Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania


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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

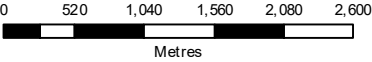


Legend

 Bushfire-Prone Area

 Parcels

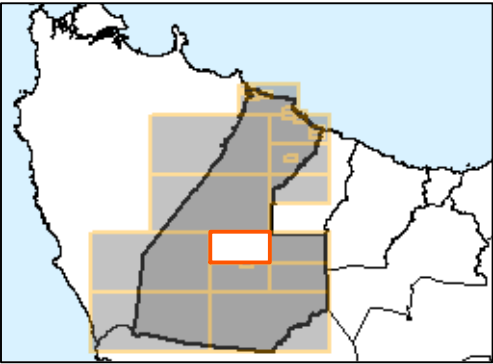
Map 19 of 24



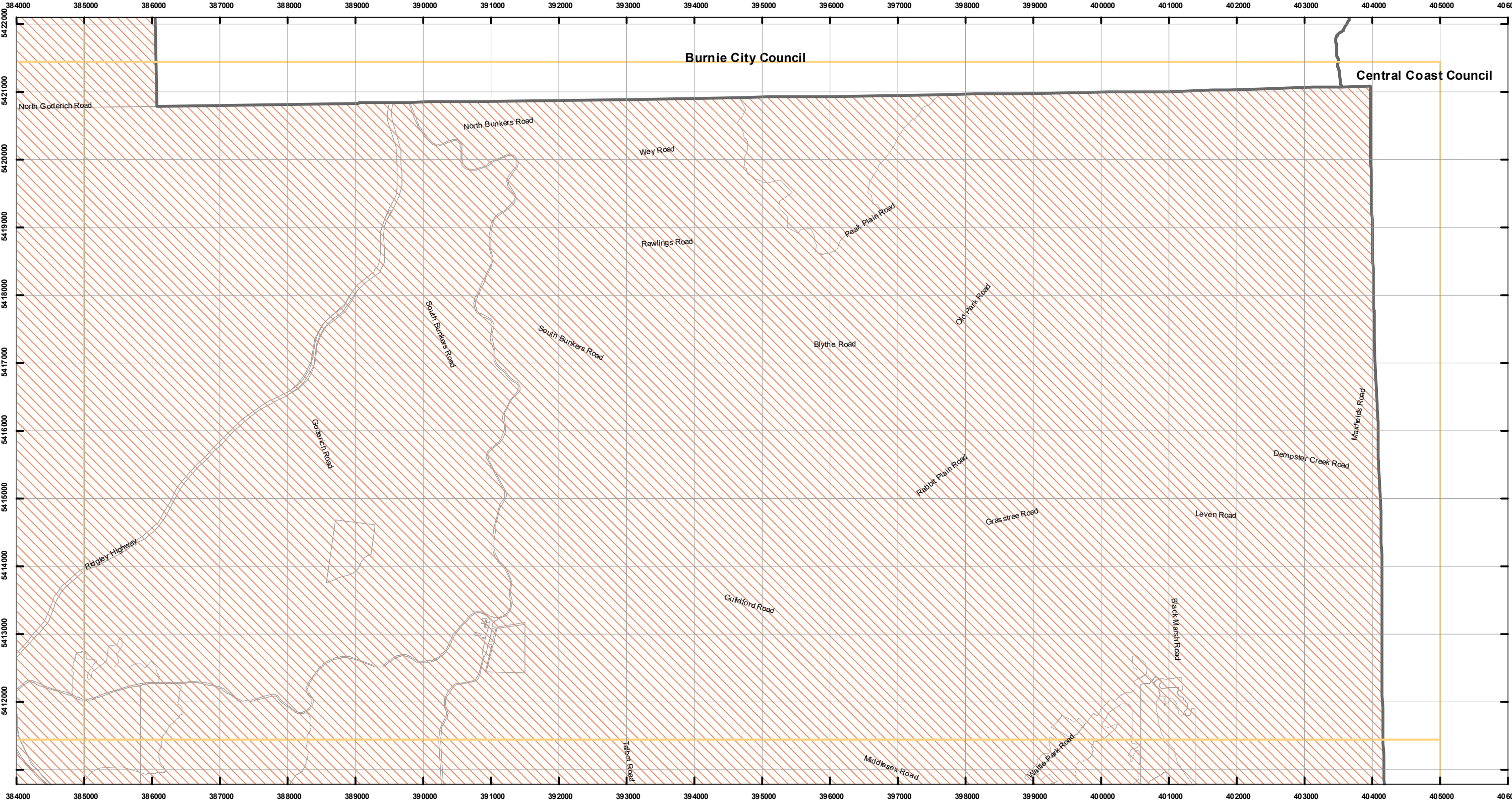
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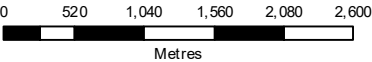
Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

-  Bushfire-Prone Area
-  Parcels

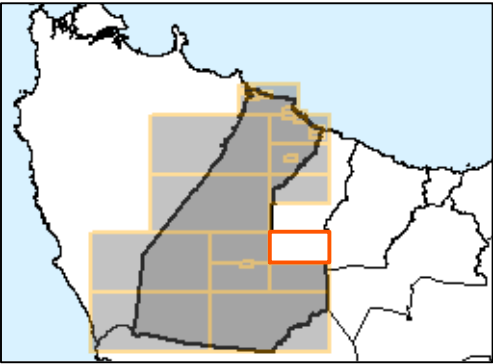
Map 20 of 24



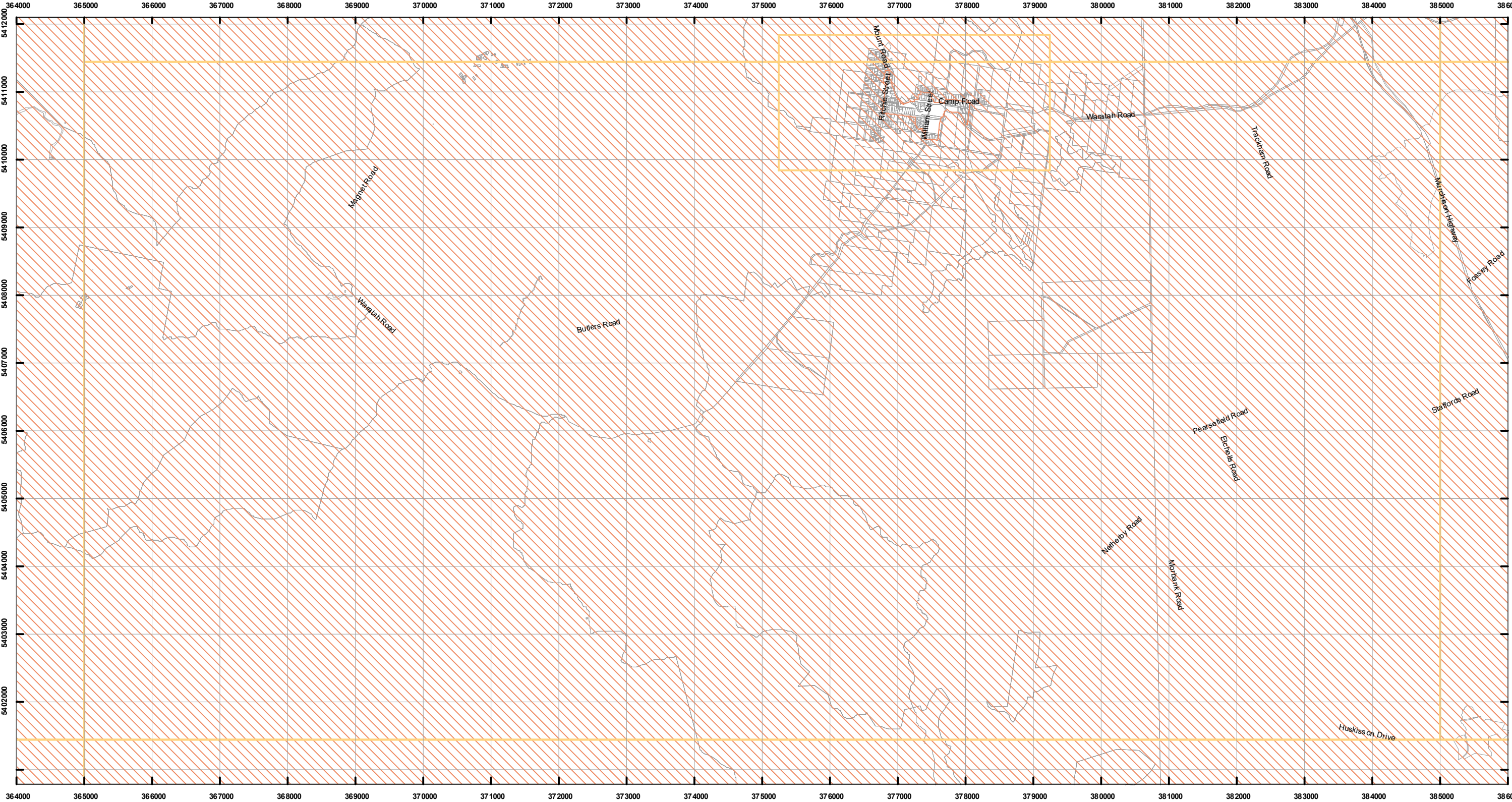
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

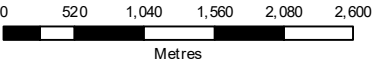


Legend

 Bushfire-Prone Area

 Parcels

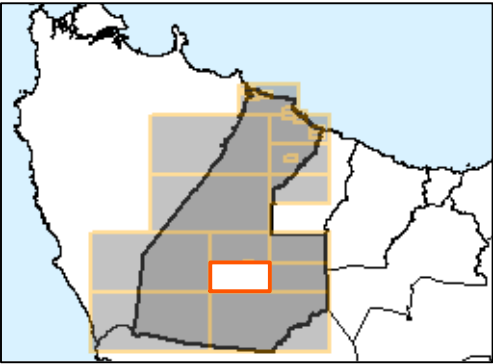
Map 21 of 24



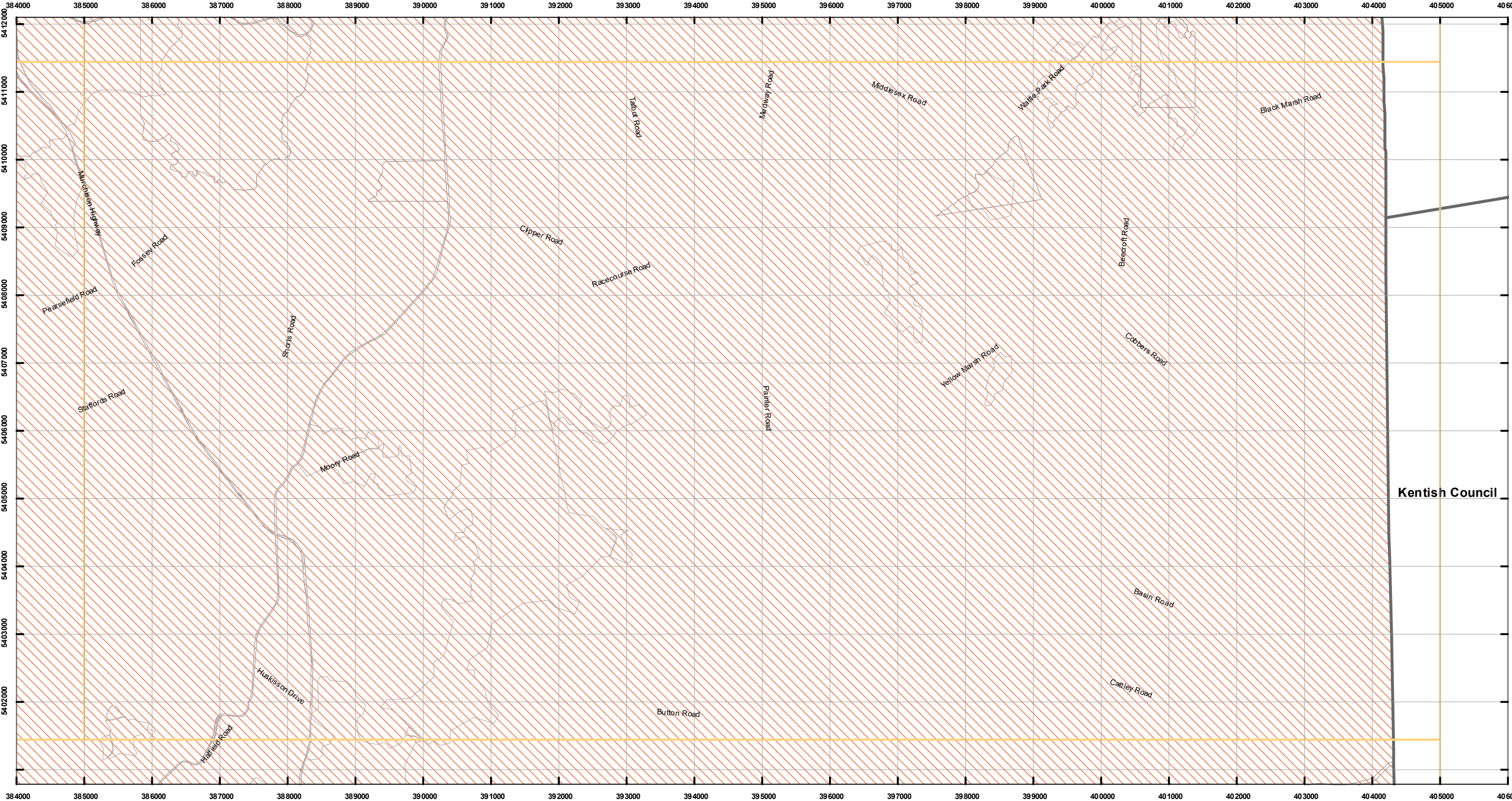
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

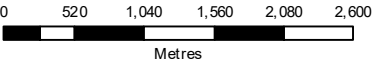


Legend

Bushfire-Prone Area

Parcels

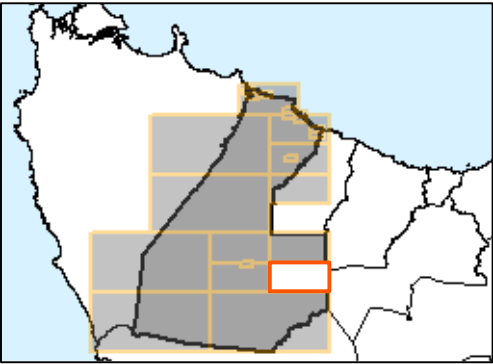
Map 22 of 24



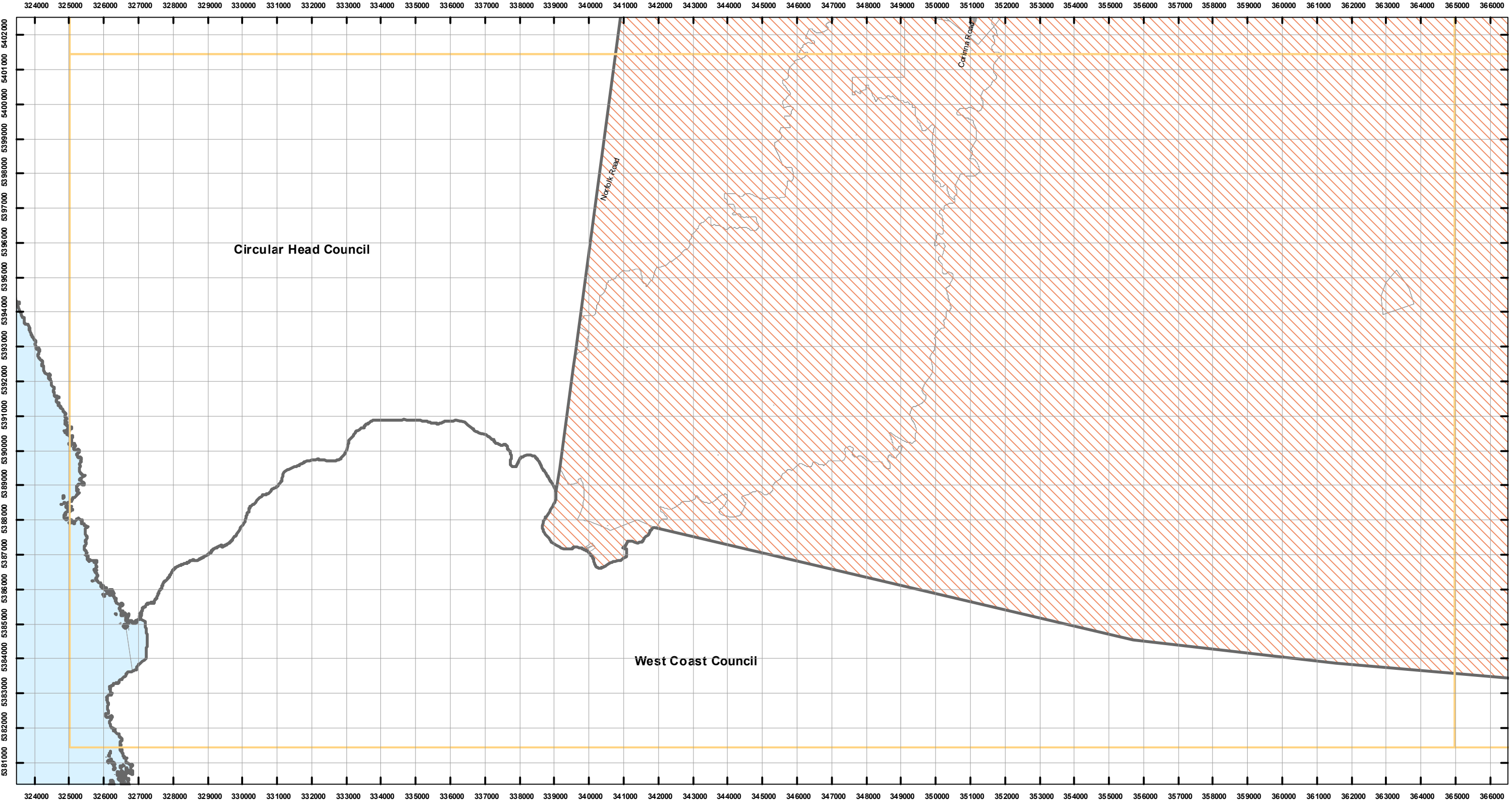
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule: Bushfire-Prone Areas Overlay

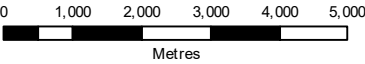


Legend

 Bushfire-Prone Area

 Parcels

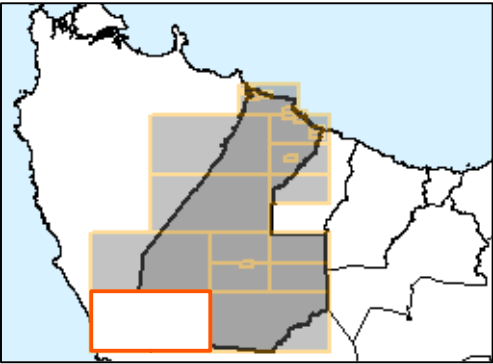
Map 23 of 24



Coordinate System: GDA 94 MGA Zone 55

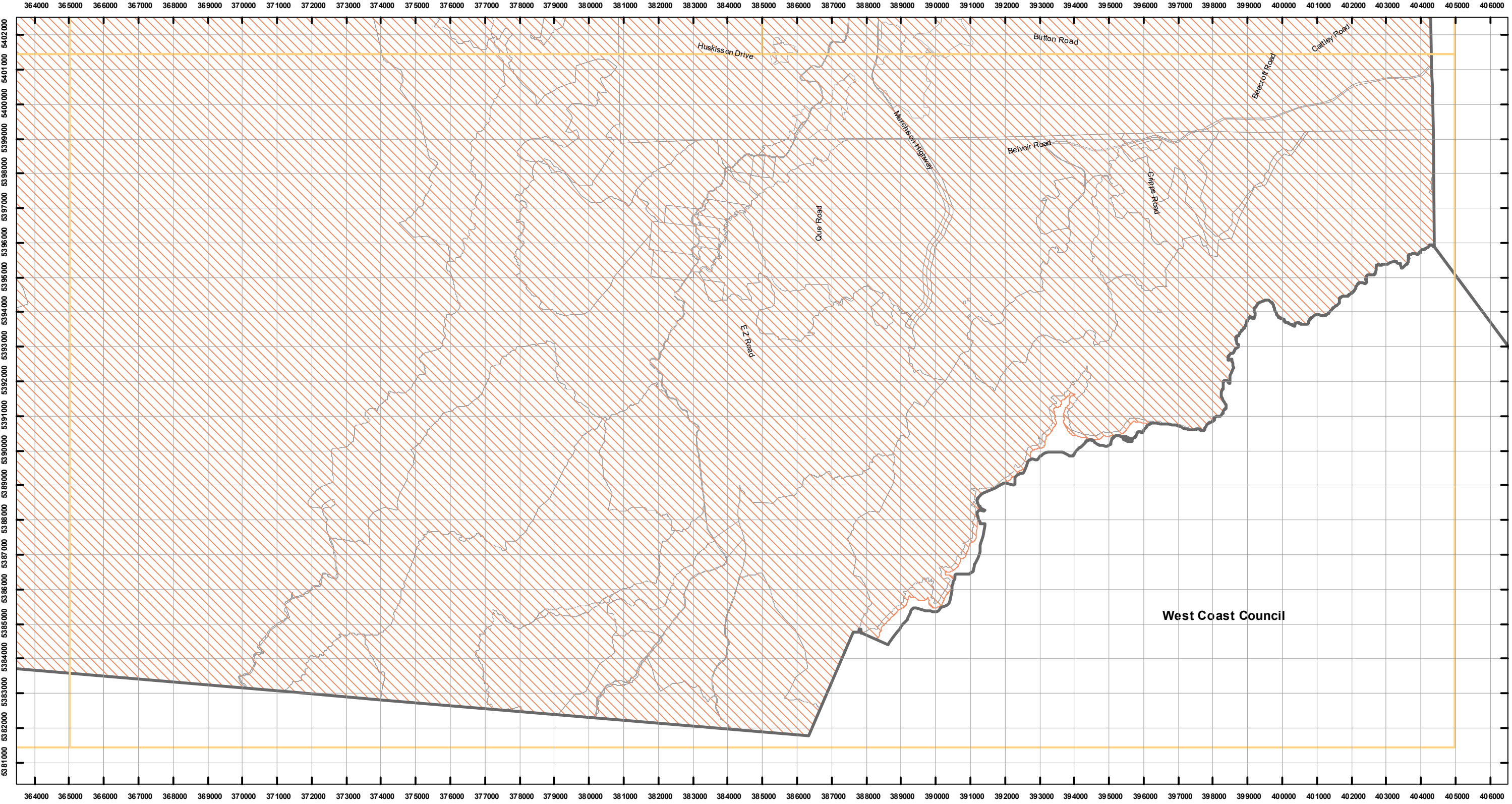
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Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule:

Bushfire-Prone Areas Overlay

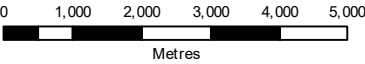


Legend

 Bushfire-Prone Area

 Parcels

Map 24 of 24



Coordinate System: GDA 94 MGA Zone 55

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