PLANNING REPORT

Tasmania Fire Service

Bushfire-Prone Areas Overlay

King Island LGA

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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 all Tasmanian Local Government Areas ('LGA'). Mapping for the King Island 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 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 Dorset Interim Planning Scheme 2013. 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 Polices 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 King Island. 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 communities[1]. Recent analysis of climate data confirms that the threat posed by bushfire is unlikely to decrease with fire danger in some parts of Tasmania expected to progressively increase over the course of this century[2].

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

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 area[3].

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 vegetation edge[4]. 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 and in 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 King Island Local Government Area (‘LGA’) as shown in Figure 1.

The King Island LGA is located in north-western Tasmania and has a total area of approximately 110,000 hectares and a residential population of 1,585[5]. The Currie Township is the largest population centre and the administrative centre for the LGA. Smaller residential population centres are located at Grassy and Naracoopa.

Figure 1 - Location map

King Island generally has a cool temperate climate. Prevailing winds are westerly, although wind direction in summer is variable with no dominant direction.

A significant portion of King Island has been converted for agricultural use and introduced pasture species subsequently cover the majority of its land. The majority of remaining native vegetation is contained within conservation reserves in the south-eastern, eastern and

[5] Australian Bureau of Statistics 2016, Census QuickStats, https://quickstats.censusdata.abs.gov.au

southern parts of the LGA. Fires have been a frequent occurrence on King Island, particularly within the Lavinia State Reserve.

King Island's remote location means that deployment of firefighting resources from mainland Tasmania may take considerable time. In this context, improving the resilience of townships through appropriate use and development control and strategically located fuel breaks is particularly important.

3 Bushfire-Prone Area Overlay

Bushfire-prone area mapping for the King Island 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. A not inconsiderable benefit will be the ability of anyone to see the bushfire-prone area status prior to property purchase or development design as well as that of adjacent properties. Designers and builders report that being able to show clients their status reduces reluctance to accept the changed costs associated with using more fire resistant materials and assemblies.

The mapping also provides a more sophisticated mechanism than the standard '100m rule' 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*.

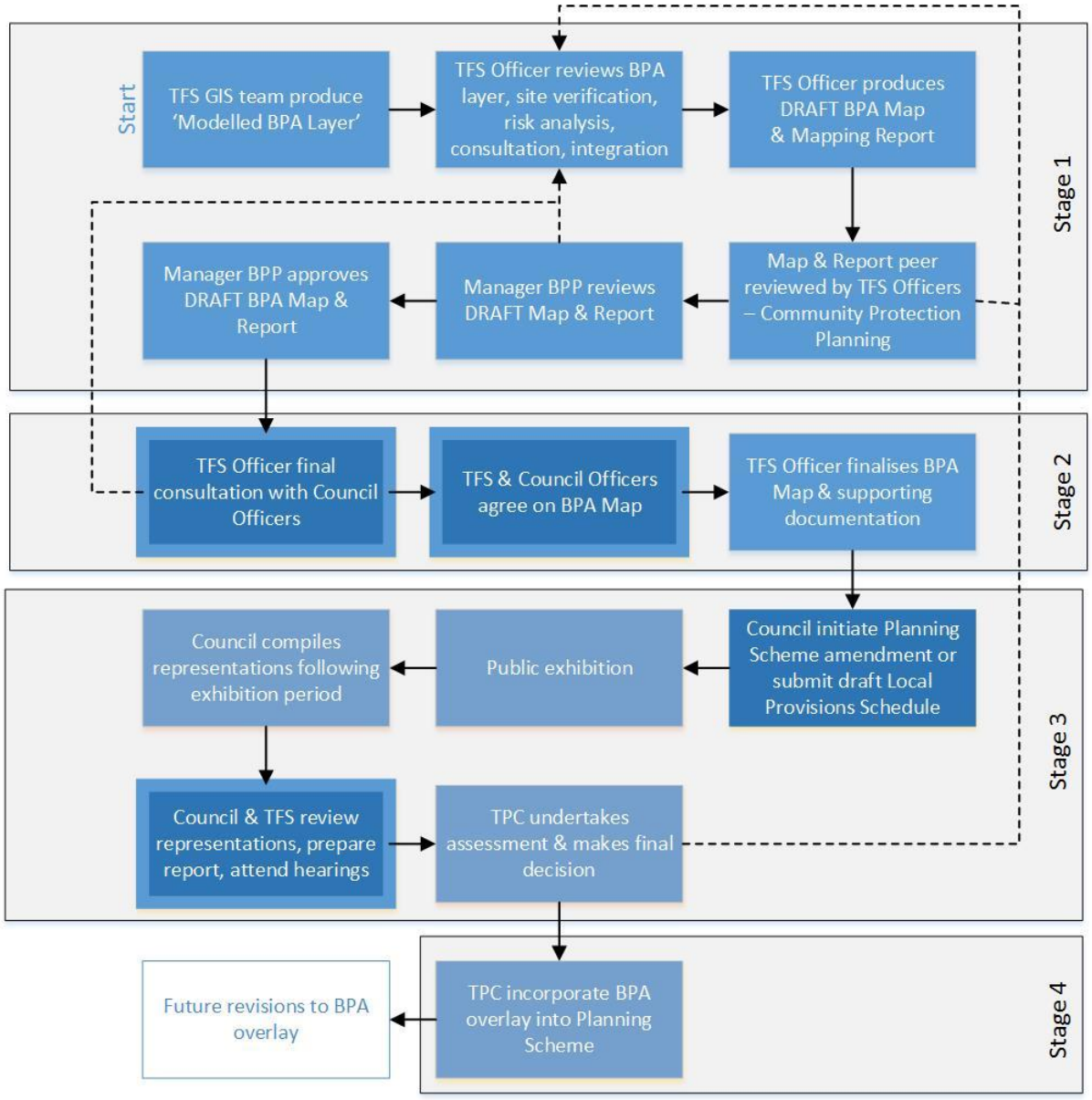


Figure 2 – Overview of mapping preparation and implementation

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. A summary of key local considerations is provided below.

TFS undertook field inspections on King Island to verify conditions on 11th October 2019.

3.3.1 Grassland fuel

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. In doing so, it improves the alignment of planning and building controls.

3.3.2 Currie Township

Urban development within Currie is bordered by coastal scrub fuels to the west and south and grassland fuels in other directions. The coastal scrub fuels to the west and northwest of the township are a key threat to the township. Modelling conducted by TFS has also shown that the grassland fuels to the north of the township are another key threat.

King Island Council has implemented a number of fire breaks around the urban interface including:

- Behind properties on Huxley Street (Lions Park);
- Around the perimeter of Camp Creek Reserve; and
- Behind properties on Beach Road that adjoin 18 Netherby Road.

At the time of inspection it was clear that some sections of the abovementioned fuel breaks required maintenance. It is understood that these fuel breaks will continue to be maintained throughout the bushfire season, consistent with the King Island Fire Management Plan 2017.

The King Island Golf & Bowling Club is located immediately south of the township (PID 6505085). The Golf Club land includes a combination of cleared fairways and coastal scrub. It is noted that the Club is currently in the process of securing water for irrigating its fairways. If this occurs, this will provide some benefit with regards to fire risk to the township.

The draft overlay has been applied to the outskirts of the Currie Township. The central part of the township has been excluded.

TFS in conjunction with Local Government is in the process of preparing Bushfire Mitigation Plans, the purpose of which is to identify strategic risk mitigation measures for individual townships. It is recommended that when this work is completed for Currie, there may be scope to further refine the bushfire-prone areas overlay further.

3.3.3 Grassy Township

Grassy is a former mining township on King Island's east coast. The township sits on a small plateau and is surrounded by non-eucalypt forest and woodland and coastal scrub.

King Island Council has implemented perimeter fuel breaks around the northern, eastern and part of the southern parts of the township of variable width (between 20m-70m). It is understood that these fuel breaks will continue to be maintained throughout the bushfire season, consistent with the King Island Fire Management Plan 2017.

The draft overlay has been applied to the outskirts of the Grassy Township with the central part of the township excluded.

It is recommended that when future Bushfire Mitigation Plan work is completed for Grassy, there may be scope to further refine the bushfire-prone areas overlay.

3.3.4 Naracoopa Township

Naracoopa is a coastal township on King Island's east coast. The township has developed in a linear pattern along The Esplanade. The township is surrounded by a mix of non-eucalypt forest and woodland, coastal scrub and grassland fuel complexes. Land between The Esplanade and the coast consists of maintained grass (Public Open Space) and a narrow band of coastal scrub.

The linear pattern of the township has meant there is very little scope to exclude properties from the draft overlay.

A 37-lot Low Density Residential subdivision has been approved at 95 The Esplanade, Naracoopa but at the time of inspection had not yet commenced construction. Upon completion of this development, there would be scope to exclude a number of properties from the bushfire-prone areas overlay.

3.4 Outcomes of Mapping

It is clear that the majority of the land within the 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 (excluding road reservations)

Cadastral type	Modelled overlay	Final draft Overlay	Difference
Authority Land*	528	309	-219
Local Government Reserve	2	2	-
Private Parcel	2,133	2,065	-68
Public Land Classification	78	78	-
Total cadastral titles intersected	**2,741**	**2,454**	**-287**

* *Land owned by government agencies or departments, including offshore islands etc.*

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled the identification of approximately 68 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future.

Introduction of the overlay therefore provides a direct economic benefit to each landowner who has had their property mapped-out of the overlay from the avoided future cost of bushfire consultant fees. Further economic benefit would be derived from the 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 King Island Council will submit its draft LPS to the Tasmanian Planning Commission for assessment in 2020. It is anticipated that the bushfire-prone areas overlay will be included in Council's LPS as a planning scheme overlay.

Once the draft LPS is approved, the Tasmanian Planning Scheme will become active and will supersede the King Island Interim Planning Scheme 2013. The timing of this process is unclear and will be largely dependent on the response to public exhibition and subsequent hearings process and the available resources of the Tasmanian Planning Commission to complete assessment of multiple LPSs concurrently. As has been the case in other municipalities, a protracted timeframe is possible.

4.2 King Island Interim Planning Scheme 2013

Another option for implementation of the bushfire-prone areas overlay is through amendment of the King Island 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.

Experience in other Tasmanian municipalities has shown that this process is relatively quick. At the time of writing eleven bushfire-prone areas overlays have been incorporated within interim planning schemes.

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 IPS Draft Amendments

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

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

> ***32. Requirements for preparation of amendments***
>
> *(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –*
>
> *(a) – (d) …*
>
> *(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
>
> *(ea) must not conflict with the requirements of section 30O ; 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.30O(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.30O(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

The draft amendment will therefore satisfy (ea).

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

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**
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	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. Implementation of the overlay is accordingly consistent with (a).
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	The proposed overlay will improve clarity for the community, for developers and for regulatory authorities responsible for assessing planning and building permit applications. 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. Implementation of the overlay is accordingly consistent with (b).
(c) to encourage public involvement in resource management and planning; and	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. 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. Implementation of the overlay is accordingly consistent with (c).
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	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: • 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). The overlay will not facilitate any loss of natural values, nor any development of physical resources. Implementation of the overlay is accordingly consistent with (d).
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	The Tasmania Fire Service has collaborated with Council officers in preparing the mapping to ensure that it is technically sound and appropriate to local circumstances. By incorporating the mapping within local planning provisions it will support the application of the Bushfire-Prone Areas Code (Planning Directive 5.1), which Local Government is obliged to enforce. The approvals process requires the support of both Council and the Tasmanian Planning Commission for the mapping to become effective. Implementation of the overlay is accordingly consistent with (e).

Table 3 - Schedule 1, Part 2 Objectives

Objective	**Response**
(a) to require sound strategic planning and co-ordinated action by State and local government; and	The introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the proposed overlay as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code. The approach used in developing the mapping is consistent with that used for all other interim planning schemes. As is discussed further in this report, the overlay is consistent with current State Policies, the relevant regional land use strategy and local planning strategies. Implementation of the overlay is accordingly consistent with (a).
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls	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. Implementation of the overlay is accordingly consistent with (b).

for the use, development and protection of land; and	
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and	The overlay will not facilitate any loss of biodiversity or any other impacts on natural values. 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. Implementation of the overlay is accordingly consistent with (c).
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and	As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. Introduction of the overlay is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies. Implementation of the overlay is accordingly consistent with (d).
(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	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. 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. Implementation of the overlay is accordingly consistent with (e).
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	The 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. The overlay will therefore support the aim of securing a safe environment for working, living and recreation. Implementation of the overlay is accordingly consistent with (f).
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical	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.

interest, or otherwise of special cultural value; and	Implementation of the overlay is accordingly consistent with (g).
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	The 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) to provide a planning framework which fully considers land capability.	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 Cradle Coast Regional Land Use Planning Framework

Local Provision Schedules must be consistent with the relevant regional land use strategy. For King Island, 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 landslip.

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).

6.4 Sustainable Murchison 2040 Community Plan

The Sustainable Murchison 2040 Community Plan sets out the community vision, principles and strategic objectives for the 'Murchison' sub-region, which includes King Island. It identifies challenges and opportunities to develop the sub-region.

The Community Plan's 'Strategic and Spatial Principles' acknowledges natural hazards however there are no strategies or specific actions that relate to bushfire protection. It is noted that Local Action NM7 relates to climate change adaption, however this is the context of Natural Resource Management as opposed to land use planning.

Implementation of the proposed overlay does not conflict with the Community Plan.

6.5 King Island Council Strategic Plan 2016-2020

At the time of writing Council's strategic plan prepared under s.66 of the *Local Government Act 1993* is the King Island Council Strategic Plan 2016-2020.

The Strategic Plan provides objectives and strategies in six key areas. How the adoption of the proposed overlay relates to these policy areas is considered in Table 4.

Table 4 - Strategic Plan policy areas

Policy area	**Response**
1. Community Wellbeing	The objectives and supporting strategies are primarily aimed at identifying community needs and providing appropriate services. These considerations are not directly relevant to the bushfire-prone areas overlay. It is noted that by improving the application of existing bushfire requirements, the overlay is consistent with the theme of building community resilience.
2. Infrastructure and Facilities	The objectives and supporting strategies relate to Council's delivery of services and community infrastructure as well as its role in advocating for improved freight, transport and communications services. Strategy 2.1.1 requires that the King Island Strategy Plan 2008 be used to inform land use planning. The Strategy Plan recommends that development standards for bushfire protection be adopted within Council's planning scheme. This has subsequently occurred through the implementation of the Bushfire-Prone Areas Code. Adoption of the proposed overlay will support the application of this Code. The remaining strategies are not directly relevant to the proposed overlay.
3. Tourism, Marketing and Events	The objectives and supporting strategies relate to Council's role in growing the local tourism sector. These considerations are not directly relevant to the bushfire-prone areas overlay.
4. Economic Development	The objectives and supporting strategies relate to Council's role in supporting economic development. Implementing the proposed overlay will make it simpler for commercial sector to identify whether a specific property is subject to one aspect of

	planning and building regulation and is therefore broadly consistent with Strategy 4.1.2. The remaining strategies are not directly relevant to the proposed overlay.
5. Natural Environment	The objectives and supporting strategies relate to protection of natural resources. Implementation of the proposed overlay relates only to existing regulations and is not associated with any new requirements. It subsequently will have no adverse effect on natural resources.
6. Governance and Organisational Development	The objectives and supporting strategies relate to Council's service delivery and the development and implementation of supporting policies and plans. Strategy 6.1.1 refers to two documents: 'King Island Key Issues 2016' and 'Priority Projects 2016'. Council has confirmed that these documents have no relevance to the proposed overlay. Strategy 6.1.2 relates to the King Island Emergency Management Plan. This plan establishes arrangements for emergencies (including bushfire) but is not directly related to the proposed overlay.

The introduction of the draft bushfire-prone areas overlay is therefore considered to be consistent with Council's strategic plan prepared under s.66 of the *Local Government Act 1993.*

6.6 King Island Land Use Plan 2018

The King Island Land Use Plan was recently developed to inform long-term land use planning within the LGA. It is anticipated that Council's Local Provision Schedules and any amendment to the *King Island Interim Planning Scheme 2013* should be consistent with its strategic direction.

The Land Use Plan includes two policies relating to bushfire. These include:

> ***P63*** *Development in locations where natural hazards have a tolerable risk for managing life and property.*
>
> *…*
>
> ***P65*** *Bushfire hazard management consistent with the King Island Fire Management Area, Fire Protection Plan 2017 or subsequent document.*

The proposed overlay confirms areas whereby the potential hazard exposure is sufficient to warrant a built response as part of future development. The relative risk to a specific development is then determined by a bushfire hazard practitioner as part of the development approvals process. Implementing the overlay therefore is consistent with P63 (it is noted that the overlay does not stratify risk in a way that would inform future settlement planning).

Existing firebreaks at Currie and Grassy identified in the King Island Fire Protection Plan 2017 have informed the draft overlay, consistent with P65.

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 King Island.

The overlay spatially identifies land where potential exposure to bushfire hazard is sufficient to warrant a planning or building response to reduce risk to life and property. Importantly, it will provide clarity in relation to the application of existing statutory requirements, thereby improving the efficiency and consistency of planning and building approvals processes. It provides a more sophisticated mechanism than the standard '100m rule' that is currently relied on for planning and building approval purposes in the absence of mapping.

It is important to note that implementation of the overlay will not alter any existing planning or building controls and no additional land will be designated 'bushfire-prone' that isn't already.

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 a direct economic benefit to those landowners as well as benefits the development industry more broadly.

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

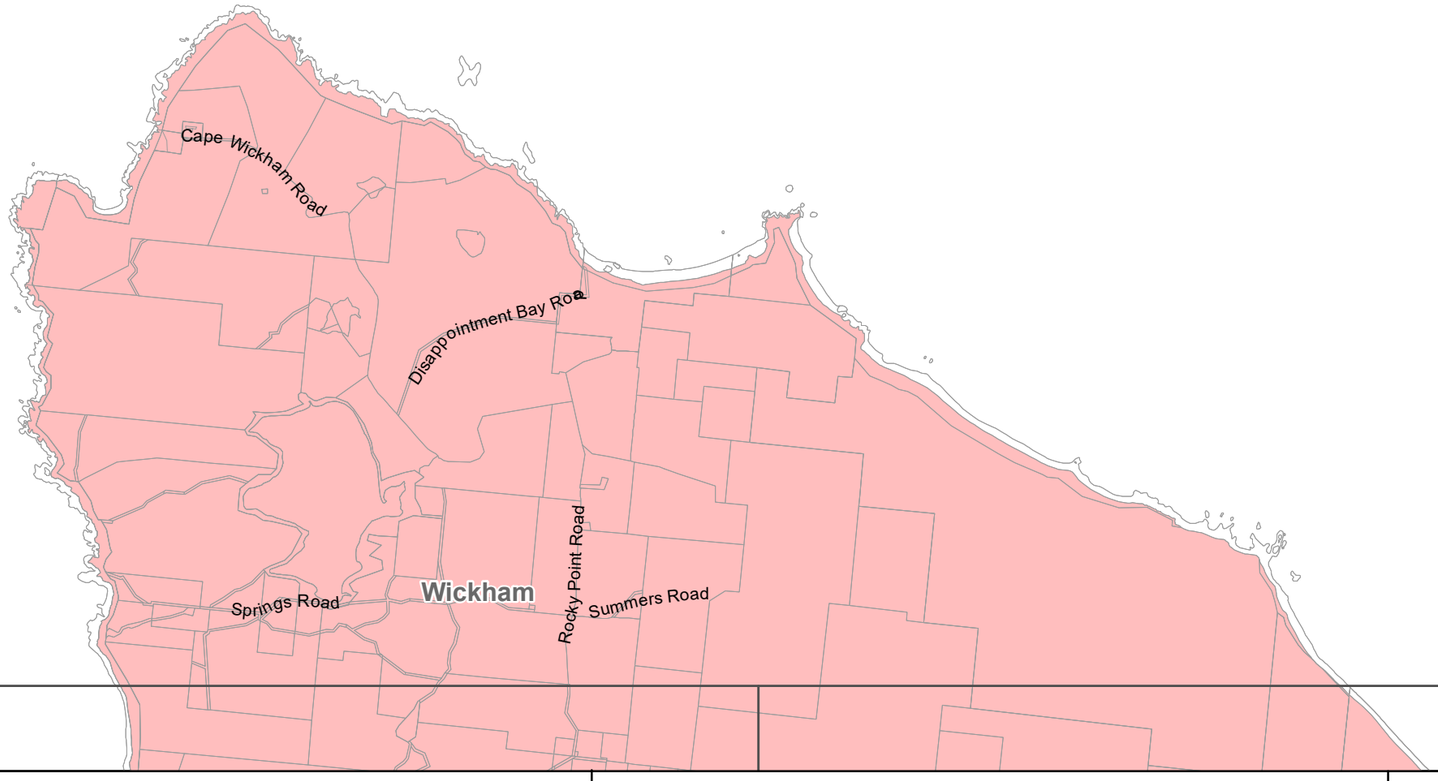
For the overlay to serve its statutory purpose it must be incorporated into Council's planning provisions. This can be achieved through:

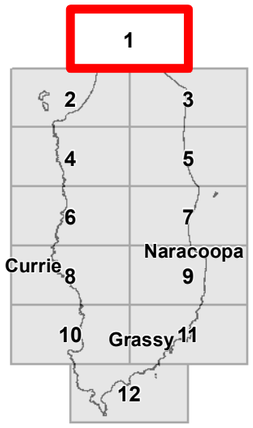
- An amendment to the King Island Interim Planning Scheme 2013; and/or
- The Tasmanian Planning Scheme process.

Either option is considered to be consistent with the relevant strategic planning considerations. The Interim Planning Scheme amendment option has the added benefit of a shorter implementation timeframe, meaning the benefits of the overlay can be realised sooner.

APPENDIX A

Bushfire-Prone Areas Overlay





King Island Interim Planning Sceme 2013

Map 1 of 16

Print Date: 5/12/2019

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KING ISLAND COUNCIL

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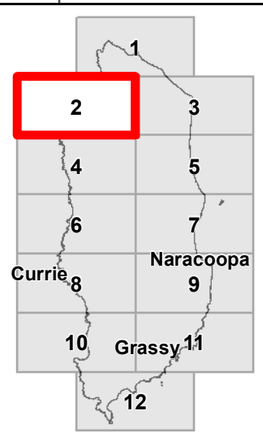
Base data from theLIST, © State of Tasmania

Legend

- Bushfire Prone Area
- Property Parcels

Wickham
Haines Road
Strip Road
Scotts Road
Egg Lagoon
Mansons Road
Phoques Bay Road
Old Wickham Road
Coopers Road
Graves Road
Yambacoona Road
East Wickham Road
Youngs Road
North Road
North Yellow Rock Road
Whistler Point Road
South Yellow Rock Road
Manana Road



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Map 2 of 16

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Legend

- Bushfire Prone Area
- Property Parcels

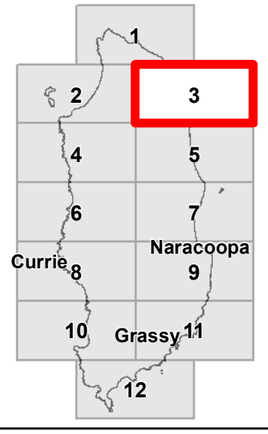
Haines Road

Martha Lavinia Road

Mansons Road

East Wickham Road

Youngs Road



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Map 3 of 16

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Legend

- Bushfire Prone Area
- Property Parcels

South Yellow Rock Road

Manana Road

Reekara

Reekara Road

Buttons Road

North Road

South Reekara Road

Bungaree Road

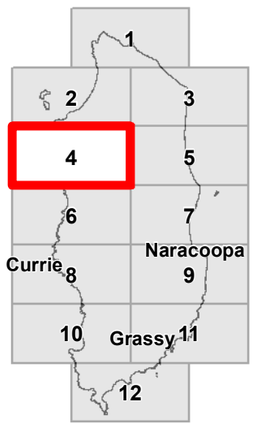
Tathams Road

Bungaree Road

Woods Road

Bungaree

Heddles Road



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Map 4 of 16

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Legend

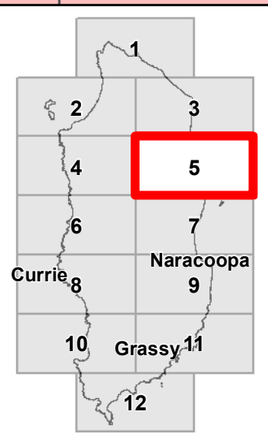
- Bushfire Prone Area
- Property Parcels

Reekara Road

Dickers Road

South Reekara Road

Houfes Road



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Map 5 of 16

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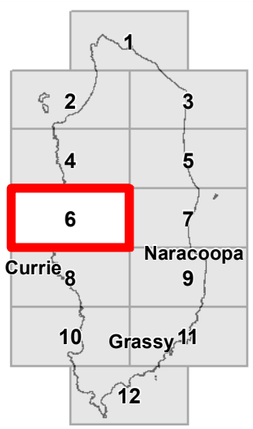
Legend

- Bushfire Prone Area
- Property Parcels

Heddles Road
Snodgrass Lane
Hardys Road
Tin Mine Road
Loorana
Barnes Road
North Road
Stricklands Road
Browns Road
Ridges Road
Manuka Road
Don Kendell Drive
Fraser Road
Adams Road
Munros Road



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Map 6 of 16

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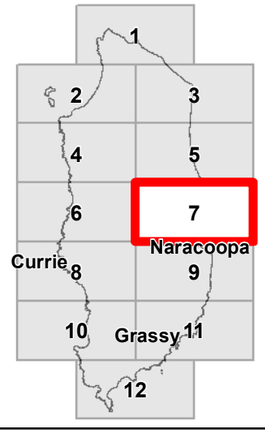
Legend

- Bushfire Prone Area
- Property Parcels

Sea Elephant Road
Tolmans Road
Tin Mine Road
Ridges Road
Blowhole Road
Fraser Road
North Pegarah Road
Pinchgut Road
Lappa Road



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Map 7 of 16

Print Date: 5/12/2019

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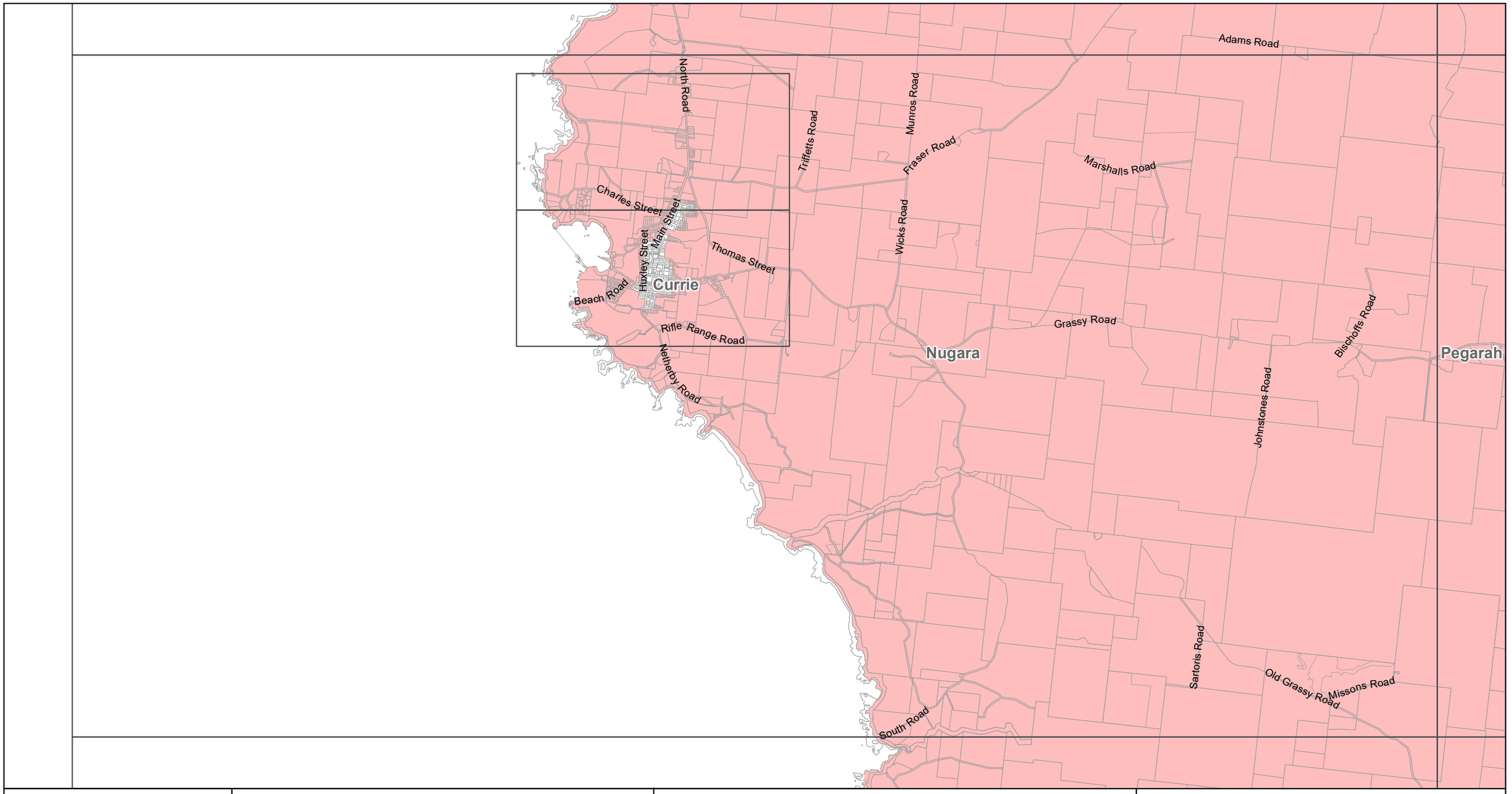
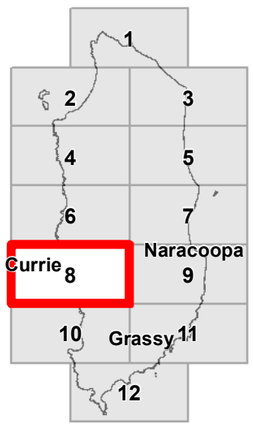
Legend

- Bushfire Prone Area
- Property Parcels





King Island Interim Planning Sceme 2013

Map 8 of 16

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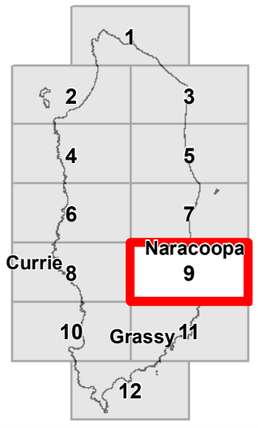
Legend

- Bushfire Prone Area
- Property Parcels

Pinchgut Road
Fraser Road
Lappa Road
Battens Road
Rankins Road
The Esplanade
Naracoopa
Mucronata Road
Brumbys Road
North Pegarah Road
Blue Gum Road
Pegarah Road
Pegarah
Aldridges Road
Denbys Road
Lancaster Road
Reeds Road
Robbins Road
Grassy Road
Millwood Road



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Map 9 of 16

Print Date: 5/12/2019

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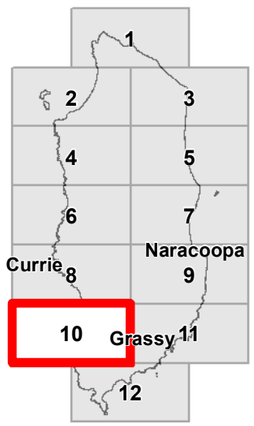
Legend

- Bushfire Prone Area
- Property Parcels

South Road
Old Grassy Road
Kentford Road
Pearsons Lane
South Road
Mount Stanley Road
Sea Paddock Road
Millers Road
Pearshape
Attrills Road



King Island Interim Planning Sceme 2013

Map 10 of 16

Print Date: 5/12/2019

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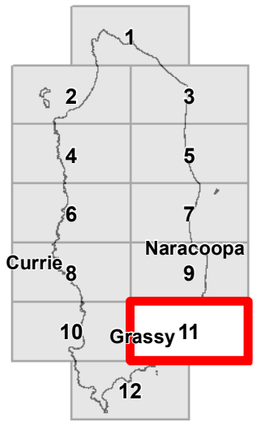
Legend

- Bushfire Prone Area
- Property Parcels

Old Grassy Road
Kentford Road
Grassy Road
Yarra Creek Road
Millwood Road
Yarra Creek
Skipworths Road
Lymwood
Grahams Road
Bold Head Road
Millers Road
Grassy
Mount Stanley Road
Grassy Harbour Road
Red Hut Road



King Island Interim Planning Sceme 2013

Map 11 of 16

Print Date: 5/12/2019

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Legend

- Bushfire Prone Area
- Property Parcels

South Road

Seal River Road

Red Hut Road

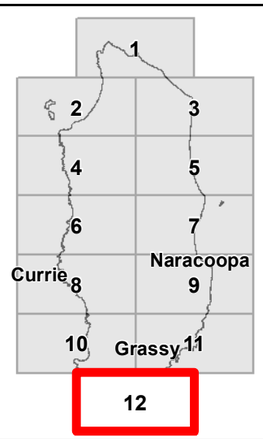
Peters Road

Bowlings Farm Road

Seal Rocks Road

Dromedary Road

Surprise Bay



King Island Interim Planning Sceme 2013

Map 12 of 16

Print Date: 5/12/2019

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Legend

- Bushfire Prone Area
- Property Parcels

North Road

Racecourse Road

Main Street

Fraser Road

Triffetts Road

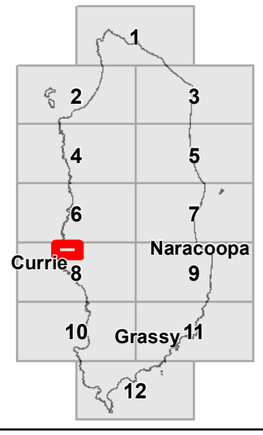
Moore's Drive

Charles Street

Arthur Street

Jaycee Avenue

Ross Avenue



King Island Interim Planning Sceme 2013

Map 13 of 16

Print Date: 5/12/2019

Coordinate System: GDA 94 MGA Zone 55

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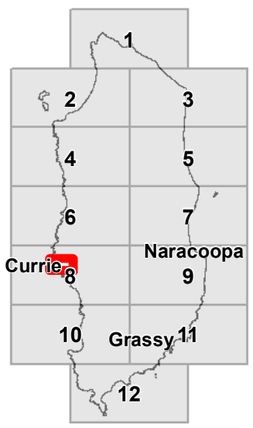
Legend

- Bushfire Prone Area
- Property Parcels

Moores Drive
Jaycee Avenue
Ross Avenue
Main Street
Charles Street
William Street
Shaw Street
Henry Street
Huxley Street
George Street
Wood's Street
Thomas Street
Butlers Road
Grassy Road
Edward Street
Meech Street
Lighthouse Street
Edward Street
Davis Street
Currie
Albert Street
Rifle Range Road
Beach Road
Horace Street
Owen Smith Drive
John Street
Netherby Road
Rifle Range Road



King Island Interim Planning Sceme 2013

Map 14 of 16

Print Date: 5/12/2019

Coordinate System: GDA 94 MGA Zone 55

N

0 0.15 0.3

Kilometres

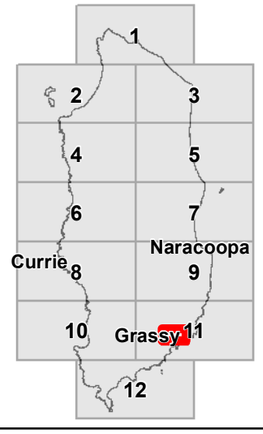
KING ISLAND COUNCIL

Disclaimer:
Before taking any action based on data shown on this map, it should first be verified with a Planning Officer of King Island Council.
Base data from theLIST, © State of Tasmania

Legend

- Bushfire Prone Area
- Property Parcels

Grassy Road
Ti-Tree Drive
Kurrajong Street
Banksia Street
Blackwood Street
Waratah Street
Sassafras Street
Myrtle Street
Wattle Street
Grassy
Grassy Harbour Road



King Island Interim Planning Sceme 2013

Map 15 of 16

Print Date: 5/12/2019

Coordinate System: GDA 94 MGA Zone 55

N

0 0.15 0.3

Kilometres

KING ISLAND COUNCIL

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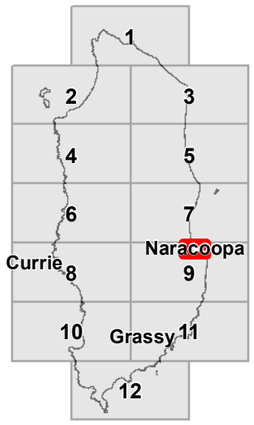
Legend

- Bushfire Prone Area
- Property Parcels

Fraser Road
Cable Station Road
Beach Road
Battens Road
Stephenson Street
The Esplanade
Rankins Road
Bertram Street
Forrest Street
Naracoopa
Pegarah Road
Milkwood Road



King Island Interim Planning Sceme 2013

Map 16 of 16

Print Date: 5/12/2019

Coordinate System: GDA 94 MGA Zone 55

N

0 0.15 0.3

Kilometres

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Legend

- Bushfire Prone Area
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