



Tasmania Fire Service

Bushfire Risk Unit

File No: AD3703

Sandra Ayton
General Manager
Central Coast Council
admin@centralcoast.tas.gov.au

Dear Sandra,

DRAFT AMENDMENT NO. PSA2020002 – BUSHFIRE-PRONE AREAS OVERLAY

I write on behalf of Tasmania Fire Service in relation to the abovementioned Draft Amendment to the *Central Coast Planning Scheme 2013* that was recently initiated and advertised by Council.

It is understood that one (1) representation was received during the public exhibition period. Council will consider the representation and the advice of its Land Use Planning Group Leader on 18th May 2020 before reporting to the Tasmanian Planning Commission.

TFS support's the Land Use Planning Group Leader's recommendations but would also like to provide a response to the representation, for Council's consideration. I have responded to each issue in turn.

To start I object to the blanket definition of all but a few select urbane areas having a prone to bushfire classification. The term prone, after extensive definition searches, basically means having a tendency or inclination in relation to this application. Extensive areas within this overlay have never burnt in living memory.

The Bushfire-Prone Areas Code was introduced in 2012 and subsequently into all interim planning schemes in Tasmania. Importantly, the areas shown within the overlay are already in a 'bushfire-prone area' as defined in the *Central Coast Interim Planning Scheme 2013*.

The introduction of the overlay simply makes it simpler for landowners, developers and regulators to ascertain whether existing requirements will apply to a property or not. This has a range of benefits, as outlined in the TFS Planning Report provided to Council.

It is acknowledged that fire regimes vary across the landscape and some areas will likely experience less frequent events than others. Fire regimes are not static however: they can and do change over time due to a range of factors including fuel

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types, land use, mitigation efforts and weather patterns.

The report recognises the considerable savings in costs to allotments not covered by the overlay in relation to new development and renovations. These costs will be imposed on rural residents at a face without any consideration of fire mitigation infrastructure already in place.

The cost savings identified in the report relate to properties that are currently in a 'bushfire-prone area' as defined in the Planning Scheme. Following the introduction of the overlay, approximately 2,461 fewer properties will be within a 'bushfire-prone area' for planning and building compliance purposes. This is a result of assessment by TFS and Council Officers, as was described in the TFS Planning Report.

As stated previously, properties that are within the draft overlay are already in a 'bushfire-prone area' as defined in the Planning Scheme. Therefore, the cost imposition on rural residents associated with the introduction of the overlay is nil.

Much of the farming land in Central Coast Shire is in declared irrigation Districts and not using this overlay to inform this report is an obvious omission.

It is impracticable to determine whether all properties within irrigated districts will be continually irrigated in perpetuity, thereby permanently removing any likelihood of fire in the landscape.

Importantly, being within a 'bushfire-prone area' is simply a trigger for assessment for certain types of use and development. If an accredited assessor concludes there is good reason to exempt a particular development from bushfire requirements, they have the authority to do so.

The expected outcome from a myriad of royal commissions is to avoid creating indefensible assets through planning, not to burden primary producers with unnecessary compliance.

As stated previously, the introduction of the overlay will not impose any additional burden on any landowner. It is noted that the introduction of the Bushfire-Prone Areas Code and now the associated overlay is consistent with the recommendations of the 2009 Victorian Bushfires Royal Commission and the 2013 Tasmanian Bushfires Inquiry.

There is a strong possibility that future insurance cover will increase dramatically by the adoption of this overlay.

There is no evidence to support this argument. The insurance industry has its own long standing risk mapping products which inform their premiums. If insurance providers choose to base their premiums on whether or not land is classed as 'bushfire-prone' within the planning scheme, this still would be of no real significance given the overlay will not result in any additional properties being classed as 'bushfire-prone' that aren't already.

To the contrary, the overlay will actually reduce the number of properties that are classified as 'bushfire-prone' for the purposes of planning and building compliance. It is noted that

Clarence introduced their overlay in 2015 and Hobart in 2017. TFS is not aware of any evidence of resultant effects on insurance premiums in either local government area.

The region could become less attractive to investment unless a more nuanced approach to the real risks of bushfire is not undertaken.

There is no evidence to support this argument. To the contrary, ensuring owners and developers can easily determine whether property is in a 'bushfire-prone area' makes the development process much simpler. In the absence of an overlay, there is the potential for developers to overlook the existing bushfire requirements and subsequently fail to factor these requirements into preliminary design work or feasibility analysis for projects. This is much less likely to occur in Council areas that have a bushfire-prone areas overlay.

It is also noted that the existing bushfire requirements have very little effect on agriculture-related projects as they are primarily aimed at habitable buildings such as residential dwellings.

The whole shire could be zoned red and the cost of singling out a few urbane areas is not fair to all ratepayers. There could be a strong argument to prove that these urbane areas would be just at risk, as everywhere else, in an out of control bushfire.

It is agreed that land outside of the overlay may well be impacted by bushfire at some point however the likely exposure is considered low enough to not warrant the application of planning and building requirements for bushfire to that land.

This is probably, in reality, the last time the council will have the power to act as a planning authority. The new adoption of the State Wide Planning scheme will eventually be swallowed up by a new state bureaucracy.

This issue is unrelated to the Draft Amendment and requires no comment.

The written reports that will mitigate fire risk will become expensive. They will be tested in court by insurance companies and individuals. Exactly the same as the dilemma building surveying faces, will be replicated on the fire risk reporting consultants.

The Code as applied as part of the *Central Coast Interim Planning Scheme 2013's* inception. Since then it has been standard practice to require a bushfire report as part of the approvals process for certain types of use and development. This will not change as a result of the overlay's introduction. To the contrary, approximately 2,461 fewer properties will require assessment if developed in future.

There will be many other unthought detriments to ratepayers that will only appear after this overlay is applied.

At present, 12 Tasmanian Councils have already amended their interim planning scheme to introduce their bushfire-prone areas overlay, with the first in 2015. A number of Councils are in the process of amending their interim planning schemes to bring in their overlay because there is clear benefit to having one. TFS is not aware of

any detrimental outcomes that have resulted from the introduction of the overlay in any Tasmanian municipality.

We hope this submission is useful and request that it be circulated to the councillors ahead of the 18th May 2020 Council Meeting. If possible, it would also be appreciated if a copy is provided to the representor.

If we can provide any further advice or information on this matter, please contact me at tom.oconnor@fire.tas.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Tom O'Connor', written in a cursive style.

Tom O'Connor
PLANNING & ASSESSMENT OFFICER

12 May 2020