

Bushfire-Prone Areas Code Planning Directive

(issued as Interim Planning Directive No. 1)

Report to the Minister under section 12(5) of the
former provisions of the *Land Use Planning and
Approvals Act 1993*

February 2017

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Glossary

BHMP	Bushfire Hazard Management Plan
IPD1	Interim Planning Directive No. 1 – Bushfire-Prone Areas Code, issued February 2016
LPS	Local Provisions Schedules
PD5	Planning Directive No. 5 – Bushfire-Prone Areas Code, issued October 2013
PPU	Planning Policy Unit
SPPs	State Planning Provisions
SSQ	site-specific qualification
TFS	Tasmania Fire Service
TPS	Tasmanian Planning Scheme

1.0 Introduction

1.1 Background

In February 2016, the Minister for Planning and Local Government issued Interim Planning Directive No.1 – Bushfire-Prone Areas Code (IPD1) under section 12A(2) of the *Land Use Planning and Approvals Act 1993* (the Act)¹. He also directed the Tasmanian Planning Commission (the Commission) to undertake an assessment under section 11(1)(a).

The interim planning directive took effect on 23 February 2016 and remains in place for a 12 month period [section 12A (9)]. At the same time Planning Directive No.5 (PD5) was suspended for the same 12 month period.

The directive applies only to interim planning schemes.

The Minister gave approval for the Commission to make changes to interim planning schemes to give effect to the interim planning directive [section 14]. This entailed replacing the former code with the new code.

The principal modifications arising from the introduction of IPD1 included:

- amendments to the application clause so the code no longer applies to development for the construction of habitable buildings and consequential amendments to definitions, exemptions and removal of the relevant development standards as these matters are now covered by building permit requirements;
- removal of Visitor Accommodation as a ‘vulnerable use’; and
- amendments to the subdivision standards to ensure consistency with the drafting style, detail and format used in the Director of Building Control’s Requirement for Building in Bushfire-Prone Areas Determination (Director’s Determination) as the revised code is to be complementary to the building regulatory regime.

1.2 Written Direction

The Minister for Planning and Local Government, the Hon. Peter Gutwein MP directed the Commission to undertake an assessment of the directive under section 11(1)(a) of the Act.

A copy of the Ministerial Direction can be found in Appendix 1.

¹ References in this report to provisions of the Act are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*.

1.3 Assessment Process

1.3.1 Legislative power

Part 2A of the Act provides for issuing, and assessment, of planning directives.

Section 12A(1) provides that the Minister may issue an interim planning directive in terms of a draft planning directive. The Minister may only issue an interim planning directive that is in terms of a draft planning directive if a direction is also issued to the Commission to undertake an assessment under section 11. Before undertaking the assessment the Commission must publish a notice, write to planning authorities and State Service Agencies likely to be affected and seek representations [section 12(2)]

As part of the assessment, section 6 of the Tasmanian Planning Commission Act 1997 requires that the Commission must perform its functions and exercise its powers in a manner that furthers the objectives of the Resource Management and Planning System.

1.3.2 Delegation to Panel

On 4 April 2016 and 5 December 2016 the Commission delegated relevant powers and functions under the Act and the Tasmanian Planning Commission Act 1997 to Executive Commissioner Greg Alomes (Chair) and Senior Planning Consultants Marietta Wong and Sandra Hogue to assess the directive on the Commission's behalf.

1.3.3 Public exhibition

The directive was publicly exhibited and an invitation to make representations notified in newspapers on 9 April 2016. The Commission also wrote to councils and State agencies, including the Tasmanian Fire Service (TFS) and Director of Building Control, Department of Justice.

A copy of the publicly exhibited directive can be found in Appendix 2.

The exhibition period closed on 19 May 2016. Eleven representations were received during the exhibition and one was accepted as a late representation.

A list of representors can be found in Appendix 3.

1.3.4 Hearings

The Commission held a hearing into the representations in Hobart on 4 October 2016.

A similar code was included in the draft State Planning Provisions (SPPs), Code 13: Bushfire-Prone Areas Code (Code 13), which was assessed concurrently. Some representors addressed representations into Code 13 and this directive at hearings held into the draft SPPs during October and November 2016.

1.3.5 Report to the Minister

The Commission must provide a report to the Minister on its findings and recommendations as to whether or not a planning directive in terms of the draft planning directive or a planning directive modified as recommended by the Commission should be issued [section 12(5)].

2.0 Planning Directive Assessment

The planning directive consists of a formal citation, application, effect and commencement details. It also provides for PD5 to be suspended for the 12 month duration of the interim planning directive.

The directive includes the Bushfire-Prone Areas Code as an attachment. This section of the report assesses the directive other than the attachment which is assessed in section 3.0.

The directive applies only to interim planning schemes and does not apply to the Flinders Island Planning Scheme 1994 or the Sullivans Cove Planning Scheme 1997.

The directive automatically expires on 22 February 2017 under section 12A(9)(a) of the Act. On 23 February 2017 the suspended PD5 will be reactivated unless it is suspended in conjunction with issue of another interim planning directive or revoked.

Representations

No representations were received about this part of the planning directive. All representations addressed either the code in Attachment 1 or implementation issues.

Commission findings

The Commission finds that the PD5 should be modified in accordance with the recommendations outlined in the next section of the report. Due to limited legislative options it will be necessary for the modified PD5 to be subject to a further assessment process and for a new interim planning directive to be issued while the assessment is undertaken. It is recommended that the planning directive be issued on 23 February 2017.

Recommendations

- (a) That the Minister direct the Commission to assess a modified PD5 under section 11(1)(a) of the Act and that this be numbered Planning Directive 5.1 consistent with the convention previously established for a major modification to Planning Directive Number 4.
- (b) That a new interim planning directive be issued under section 12A(2)(a) of the Act in terms of the draft planning directive that is the modified PD5; and
- (c) That Planning Directive No. 5 Bushfire-Prone Areas Code be suspended for the period that the interim planning directive is in effect under section 12A(3) of the Act.

3.0 Assessment of Attachment 1: E1.0 Bushfire-Prone Areas Code

At the hearing, the Planning Policy Unit of the Department of Justice (PPU), the Tasmania Fire Service (TFS) and the Director of Building Control, assisted the Commission to better understand the context and operation of the code in conjunction with the Director of Building Control's - Requirements for Building in Bushfire-Prone Areas Determination, March 2016 (the Director's Determination).

Planning authorities and accredited practitioners also provided practical examples and scenarios of the operation of the code.

3.1 Scope of the code

The clear policy position in the directive is to reduce duplication of assessment between planning and building regimes for habitable buildings compared to the previous PD5. The code's scope is now limited to hazardous uses, vulnerable uses and development for subdivision.

Representations

Some representors supported the policy position of the directive. However, others expressed concern that the approach in the code shifts liability from the planning decision-maker to the land owner and accredited bushfire practitioner and that there appeared to be no evidence to support the policy position of removing planning discretion, failing to recognise that many existing settlements and pockets of housing in rural areas are in the wrong locations, and preventing the planning system from discouraging or preventing landowners from moving into existing unsafe areas.

One representor opposed the provisions of the code in broad terms.

Representators made submissions that there would be advantages from extending the scope of the code to again cover habitable buildings to avoid the potential for applicants to find out late in the process that they may require a planning permit for vegetation clearing.

It was submitted that this was not good planning and in some cases planning applications would be required for vegetation removal after building approval had been granted for development of habitable buildings, and therefore, increasing the chance of delays, amendments to proposals including possible resiting of buildings and potentially illegal land clearing.

George Town Council provided an example of development that may not be subject to hazard reduction requirements because it was not captured by either the building or planning system.

Commission Findings

The Commission accepts the policy position of the government to separate the assessment of bushfire hazard of habitable buildings so that, apart from for vulnerable and hazardous use, planning deals with bushfire issues at the subdivision stage.

Although the circumstance of finding out that a planning permit may be required to remove vegetation late in the design process is not ideal, the Commission does not consider that the directive should be modified to make such a significant policy inclusion. Administrative measures implemented informally by planning authorities described at the hearing can go a long way to minimise the potential for the late discovery of the need for a planning permit as result of vegetation clearing required by a bushfire hazard management plan (BHMP).

Recommendation

No modifications to the scope of the code.

3.2 Application of the code

The code applies to subdivision, vulnerable use and hazardous use in a bushfire-prone area. Bushfire-prone area is defined in clause E1.3.1 using both mapping on overlays and a descriptive approach.

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; and*
- (b)
 - (i) *where there is no overlay on a planning scheme map; or*
 - (ii) *where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map,**land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.*

Bushfire-prone vegetation is also defined and means *contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.*

There were no changes to these definitions from those in PD5 apart from some reformatting of the definition of bushfire-prone area.

Representations

Planning authorities raised issues about the definition of bushfire-prone area and in particular that if areas are mapped, a descriptive trigger for the code of the bushfire prone area is not necessary. Clarence City Council made submissions in both their representation and at the hearing that the map included in their interim planning scheme had been subject to a public process, is defensible, supported by the TFS and can be amended as required over time. Therefore, the code should only apply to the mapped area. The TFS supported this approach at the hearing.

At the hearing the Commission heard that mapping showing the extent of bushfire-prone areas was being prepared and further resources were expected to enable its completion in another 12 months. The mapping task involves a desktop methodology that is then ground-truthed on a municipality by municipality basis. So far, only Clarence City Council has implemented mapping that is endorsed by the TFS.

TasWater raised concerns about the definition of bushfire-prone vegetation. They submitted that planning authorities and accredited persons interpret this definition to include new residential subdivisions, where the works have been completed, and the greenfield area of the development exceeds the prescribed area, hence requiring a Bushfire Hazard Management Plan in urban areas. That is, the new lots are considered “unmaintained lawns”. They suggested that clarity is required for this definition.

Commission findings

The Commission supports the concept of mapping to provide a definitive trigger for application of any code and considers that mapping should be relied upon, rather than an alternative definition, where it exists. A modification to the definition for bushfire-prone area is recommended to reflect this.

The Commission did not consider that any modifications were required to the definition of bushfire-prone vegetation as the issue could be addressed administratively. This definition is also used in the Director’s Determination and over time there should be improved consistency in application.

Recommendation

That the definition of ‘bushfire-prone area’ be modified to:

- | | |
|------------------------------|---|
| <i>‘bushfire-prone area’</i> | <i>means:</i> |
| | <i>(a) land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or</i> |
| | <i>(b) where there is no overlay map on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.</i> |

3.3 Exemptions

The exemption clause in the directive was simplified from that in PD5 due to the scope being limited to hazardous use, vulnerable use and subdivision.

Representations

A representation was made that an exemption for subdivision should be included for situations where a habitable building will not be proposed on the subdivided lot – i.e. rural subdivisions.

Commission findings

This can be dealt with administratively by way of an accredited practitioner issuing an exemption due to no increase in risk.

Recommendation

No modifications are necessary.

3.4 Use standards

Use standards are provided for hazardous and vulnerable uses.

The definition from PD5 for vulnerable use was amended by removing Visitor Accommodation as a category of vulnerable use. Visitor Accommodation has additional bushfire protection measures applied through the building regulatory framework which is considered satisfactory to address the risk associated with this use.

The definition for hazardous use was amended to update references to the *Work Health and Safety Regulations 2012* and the *Explosives Act 2012* which had superseded the *Dangerous Substances (Safe Handling) Act 2005*.

The standards have generally been modified to take into account revised requirements and be consistent with the new building regulatory regime.

Representations

Representors at the hearing queried the need to include hazardous use in the scope of the code because it was considered that it is more adequately covered in other regulation where it would be more readily enforced if necessary.

During the hearings the Commission heard from planning authorities that, if an emergency plan or BHMP is certified or approved by the TFS or an accredited person, then the other considerations in A2 of clause E1.5.1.1 and E1.5.1.2 are not necessary. The TFS also confirmed the list of requirements in the standard was for the purposes of a checklist of the matters to be covered and that these could be addressed in the guidelines that they issue for the accredited officers rather than include them in the Acceptable Solutions in the code.

At the hearing, the Director of Building Control proposed that hazardous uses could be managed outside the code with a Director's Determination under the *Work Health and Safety Regulations 2012*.

In a further submission, the PPU indicated that the TFS remained concerned at the loss of an opportunity to consider hazardous use at the planning stage.

Commission findings

The Commission accepts that clauses E1.1.1.1 and E1.5.1.2 should be amended so that the Acceptable Solutions refer to the BHMP or emergency plan either certified or approved by an accredited person or the TFS. The Commission also accepts that other considerations are appropriately covered in the TFS guidelines for their officers or accredited persons.

The Commission notes that the style of drafting whereby the definitions for vulnerable use and hazardous use refer to a table within the standards is not consistent with current drafting conventions.

Given a Director's Determination would need to be prepared and there be further consultation between the Director of Building Control and the TFS, the Commission has not recommended modifications to the provisions for hazardous use in the Bushfire-Prone Areas Code.

The hazard codes in the draft SPPs having introduced the concept of tolerable risk which is defined in the SPPs. The concept is also used in the relevant Director's Determinations. To be consistent, the Performance Criteria in the use standards in this code should also use this concept.

Recommendations

That the Acceptable Solutions in clauses E1.1.1.1 and E1.5.1.2 be modified to only require certification or approval by the TFS or accredited person.

That editorial modifications be made to the definitions for vulnerable use and hazardous use so that they are self-contained within the definition clause E1.3.1 rather than referring to tables in the standards.

That the leading sentence in E1.5.1.1 P1 and E1.5.2.1 P1 be amended to refer to 'tolerable risk' and a definition for tolerable risk, consistent with that in the draft SPPs, be included in clause E1.3.1.

3.5 Development standards

The development standards now only apply to subdivision and cover:

- provision of hazard management areas;
- public and fire fighting access; and
- provision of water supply for fire fighting purposes.

Detailed access and water supply standards are included in tables to the provisions which is a different drafting style to PD5.

Representations

Hobart City Council felt that *"the more detailed and clearer specifications with regard to access requirements and water supply are a considerable improvement over the previous version of the Code."*

Andrew Ricketts did not support the subdivision clauses generally, specifically raising concerns about the access standards and that other crucial issues were avoided.

Some planning authorities had concerns about the standards referring to certification by the TFS or an accredited person and it was submitted that, in some instances, these standards create a liability risk for planning authorities where they do not have control over the requirements.

There were concerns that the provisions did not provide for adequate discretion by planning authorities when applicants were relying on Performance Criteria rather than Acceptable Solutions.

Glenorchy City Council submitted that E1.6.1.1 P1 and E1.6.1.2 P1 include Performance Criteria that provide for 'any advice from the TFS' to be taken into consideration when assessing a subdivision proposal and that the inclusion of a Performance Criterion places an onus on council officers to assess very technical requirements normally assessed by certified practitioners or the TFS. They stated that it is unlikely that council officers would go against any advice from the TFS, therefore, that these provisions should only provide for Acceptable Solutions which will be assessed by the TFS.

Other planning authorities reiterated these views at the hearing.

TasWater submitted that provisions for reticulated water supply for fire-fighting were not appropriate as it cannot guarantee supply during an emergency and the relevant legislation relieves it of the obligation.

Commission findings

The Commission recommends drafting modifications to improve the operation of these provisions. In the Acceptable Solutions, the certified BHMP is the essential test and in the Performance Criteria there is necessarily a role for the planning authority to consider the listed matters, and advice from TFS. It is noted that the planning authority may need to exercise discretion and to assume liability if the site condition exceeds the authority of the accredited practitioner to certify the BHMP, for example, if practitioners have only been given accreditation up to BAL 19.

The Commission acknowledges the issue of guarantee of water supply raised by TasWater, however, prefers that the provisions are retained as they establish the hard infrastructure requirements, irrespective of supply.

Recommendation

That modifications be made to improve the drafting style and meet current planning scheme drafting conventions.

3.6 Drafting style and other minor modifications

While the directive has been drafted to be consistent with Planning Directive No. 1 (PD1) it is not entirely consistent with more recently established conventions used to draft the SPPs and also those used in on-line publishing in iplan.

Representations

Detailed representations were made about particular provisions.

Taswater submitted that the term 'water connection point' has multiple practical meanings for use by TasWater, particularly in relation to general property water connections, and suggested using the term 'fire fighting water point' instead.

The TFS identified an editorial correction to clause E1.6.1.1 A1(b)(iv) and advised that the drafting should be consistent with that in subclause E1.6.1.1 A1(b)(iii).

Commission findings

A number of drafting modifications are required to improve the operation of the code, to ensure it is consistent with conventions used in iplan or established for the draft SPPs.

A number of the referenced incorporated documents such as the Australian Standards have been incorrectly cited and modifications are required to address this.

The Commission supports the modification of the term 'water connection point' to 'firefighting water point' as suggested by TasWater, however, noting that water connection point is the term used in the Director's Determination and this will result in a consequential change to the Determination.

The Commission supports the amendment proposed by the TFS.

Recommendations

That the term 'water connection point' be changed to 'firefighting water point' in clause E1.3.1 and make consequential modifications throughout the standards.

That E1.6.1.1 A1(b)(iv) be modified by inserting "equal to, or" in front of "greater than,...." in the 5th line of the sub-clause.

That numerous drafting modifications be made to correctly reference incorporated documents and ensure that the code complies with the drafting conventions of PD1, iplan, and, where possible, is consistent with Code 13 of the SPPs.

3.7 Implementation and other issues

The following issues were raised in representations or arose during the assessment:

- enforcement of BHMPs in perpetuity through the building system;
- concerns about accredited assessors;
- consequential amendments to the Director's Determination;
- concerns with the way that the interim planning directive, Director's Determination and Building Regulation was introduced including how it was communicated; and
- specific issues experienced with BHMPs.

Representations

Planning authorities were concerned about their liability for ensuring conditions of a permit that requires the on-going maintenance of vegetation clearing. Hobart City Council submitted that maintenance of BHMPs should be specified as a prescribed feature and measure to be maintained in accordance with Part 7 of the *Building Regulations 2014*, as Permit Authorities are unlikely to have the resources to monitor and enforce compliance.

The North East Bioregional Network did not support reliance on TFS or accredited bushfire assessors, considering that it is carried out by people with limited experience in fire management expertise and even less environmental knowledge. They also considered it to be a rubber stamp and that a planning authority's role should not be delegated to an external body or consultant. They were also concerned that the certified BHMPs may result in clearing of native vegetation for fire protection.

Andrew Ricketts raised issues about the introduction of the interim planning directive using transitional provisions, the former provisions of the Act, Building Regulations and Director's Determinations. He called on the Commission to put in train a motion for disallowance of the relevant Building Regulation and that there be greater public consultation on the Director's Determination.

The Housing Industry Association considered that *"it is also important that information on the changes are clearly explained for local government as it would appear that since the 2014 changes and continuation of the current Directive, development applications for dwellings on land that is no longer bushfire prone are still being subjected to the requirements to provide bushfire management plans"*.

One representation raised specific concerns about the access, water supply and other requirements of a BHMP they had been required to implement as part of a development approval.

Commission findings

During the hearings the Director of Building Control advised that there is an obligation for the building owner to meet the requirements of any building permit (or authorised building work) into perpetuity. On-going compliance can be achieved through conditions placed on Certificates of Occupancy. The Commission finds that this is not a planning enforcement issue and that no modifications to the directive or any other recommendations are necessary.

The Director of Building Control has been advised about the suggestion that BHMPs should be specified as a prescribed feature and measure to be maintained under the Building Regulations as this is not a matter than can be addressed under the code or the Act.

The parliament, through legislation, has provided for accredited persons to assess and certify BHMPs. The *Fire Service Act 1979* specifies that the accredited person has to have the appropriate competence and capacity. The TFS has in place a training program, arrangements to ensure that accredited persons carry out their functions in accordance with legislation and there are mechanisms to address any specific concerns about the performance of individual accredited persons including the ability under the *Fire Service Act 1979* to suspend or revoke accreditation.

Provisions are available in planning schemes to protect native vegetation where this has been identified as having significance. All requirements are to be met when undertaking development and any clearance of identified significant native vegetation without the required approvals is a matter for enforcement action.

The Commission notes that there was a lack of coordinated communications prior to introduction of the interim planning directive and the Director's Determination which commenced on different dates. However, subsequent communications and the fact that the interim directive has been in effect for almost a year without major issues indicates that practitioners and planning authorities are now familiar with the planning and building regimes for bushfire hazard.

As a result of the recommended modifications to the code, consequential changes are required to the Director's Determination. The Director of Building Control has been advised of these changes and has advised that a new Directive will be issued to coincide with the commencement of the new interim planning directive.

The release of the proposed new interim planning directive and changes to the Director's Determination requires a coordinated approach to communications by the TFS, the Director of Building Control and the Commission.

Recommendation

That the Director of Building Control be advised that the Requirements for Building in Bushfire-Prone Areas Determination requires the following amendments to be complementary to proposed changes to the directive:

- replace IPD1 references with references to IPD2 issued on 23 February 2017 on the cover page and in section 1.(1) Definitions;
- replace the term "water supply connection point" with "fire fighting water point" in section 1.(2) and make consequential changes throughout the determination; and
- various editing and formatting changes.

That a coordinated approach to communication be taken by the TFS, Director of Building Control and the Commission to ensure council staff, building surveyors, designers, planners and persons accredited under the *Fire Service Act 1979* are aware of the changes being made to the planning directive and Director's Determination.

4.0 Conclusion

With modifications to improve its operation and ensure that the drafting style is consistent with current drafting conventions, the directive should be assessed as a modification to PD5 and a new interim planning directive issued.

4.1 Summary of recommendations

The Commission recommends that the Minister:

- (a) endorse the modifications to the planning directive as set out in Appendix 4 of this report;
- (b) direct the Commission to assess a modified PD5 under section 11(1)(a) of the Act, to be Planning Directive 5.1;
- (c) issue a new interim planning directive under section 12A(2)(a) of the Act in terms of the draft planning directive that is the modified PD5 renumbered as PD5.1;
- (d) suspend PD5 for the period that the new interim planning directive is in effect under section 12A(3) of the Act; and
- (e) requests the Commission, TFS and Director of Building Control to provide a coordinated approach to communication about the issue of the new interim planning directive and modified Director's Determination for council staff, building surveyors, designers, planners and persons accredited under the Fire Service Act 1979.



Greg Alomes

Chair



Sandra Hogue

Member



Marietta Wong

Member

Appendices

Appendix 1 – Ministerial Direction

**Treasurer
Minister for Planning and Local Government**

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15 FEB 2016

Greg Alomes
Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Mr Alomes

**Notice of the issue of
Interim Planning Directive No.1 – Bushfire-Prone Areas Code**

I hereby notify the Commission that I have issued Interim Planning Directive No.1 – Bushfire-Prone Areas Code under section 12A(2)(a) of the *Land Use Planning and Approvals Act 1993*, as referenced in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* (the Act). The Interim Planning Directive is in the terms of the draft referred to me by the Commission.

Issuing of the Interim Planning Directive requires that I also consider whether it should be assessed or that no further proceedings are necessary. Under section 11(1)(a) of the Act, I direct the Commission to undertake an assessment of the Interim Planning Directive.

For your information, notification of the Interim Planning Directive will be published in the Government Gazette on 17 February 2016. It will take effect on 23 February 2016 and is effective for a 12 month period. Its commencement coincides with changes to the Building Amendment (Bushfire-Prone Areas) Regulations 2016 and a Determination - Requirements for Building in Bushfire-Prone Areas which will also take effect on 23 February 2016.

I also give my approval for the Commission to make the necessary changes in interim planning schemes under section 14(2A) of the Act.

Further, I request that the Commission write to the Director of Local Government, the Director of Building Control and the Tasmanian Fire Service (TFS) to pursue complementary measures associated with implementation of the Interim Planning Directive, including:

- Possible amendments to section 337 Certificates under the *Local Government Act 1993*;
- Preparation of an implementation plan for the revised regulatory controls that includes the Director of Building Control, the TFS and the Commission;

- Recommending the TFS complete mapping for Bushfire Prone Areas as a high priority.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Gutwein', written over the 'Yours sincerely' text.

Hon Peter Gutwein MP
Minister for Planning and Local Government

Appendix 2 – Exhibited directive

Interim Planning Directive No. 1 Bushfire-Prone Areas Code

This Interim Planning Directive has been issued by the Minister for Planning under s.12A (2) of the *Land Use Planning and Approvals Act 1993* and came into effect on 23 February 2016

It operates in place of Planning Directive No. 5 Bushfire-Prone Areas Code which came into effect on 2 October 2013. The operation of Planning Directive No 5 was suspended on 23 February 2016

This Interim Planning Directive came into effect on 23 February 2016

Interim Planning Directive No. 1 Bushfire-Prone Areas Code

1.0 Citation

- 1.1 This planning directive may be cited as Interim Planning Directive No. 1 – Bushfire-Prone Areas Code.

2.0 Application

- 2.1 This planning directive applies to the following planning schemes:
- (a) interim planning schemes that have been declared in accordance with s.30F of the Act; and
 - (b) planning schemes made under s.30M of the Act.
- 2.2 For clarity, this planning directive does not apply to the following planning schemes:
- (a) The Flinders Island Planning Scheme 1994; and
 - (b) The Sullivans Cove Planning Scheme 1997.

3.0 Effect of the Planning Directive

- 3.1 An instrument to which this planning directive applies must contain the provisions set out in Attachment 1.

4.0 Commencement

- 4.1 This planning directive takes effect on 23 February 2016.

Minister for Planning

E1.0 Bushfire-Prone Areas Code

E1.1 Purpose of the Bushfire-Prone Areas Code

- E1.1.1 The purpose of this Code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

E1.2 Application of this Code

- E1.2.1 This Code applies to:
- (a) development, on land that is located within, or partially within, a bushfire-prone area, consisting of the subdivision of land; and
 - (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.
- E1.2.2 A permit is required for all use and development to which this Code applies that is not exempt from this Code under clause E1.4.

E1.3 Definition of terms in this Code

- E1.3.1 In this Code, unless the contrary intention appears:

Term	Definition
accredited person	means as defined in the Act.
bushfire attack level (BAL)	means the bushfire attack level as defined in <i>AS3959 –2009 Construction of Buildings in Bushfire Prone Areas</i> as ‘a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire’.
bushfire hazard management plan	means as defined in the Act.
bushfire protection measures	means the measures that might be used to reduce the risk of bushfire attack and the threat to life and property in the event of bushfire.
bushfire-prone area	means: <ul style="list-style-type: none">(a) land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; and(b) (i) where there is no overlay on a planning scheme map; or(ii) where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.
bushfire-prone vegetation	means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.
carriageway	means the section of road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the

	formed shoulders.
contiguous	means separated by less than 20 metres.
fire hydrant	means as described in <i>AS 2419.1-2005 Fire hydrant installations – System design, installation and commissioning</i> .
group home	means use of land for residential accommodation for people with disabilities.
hardstand	means as described in <i>AS 2419.1-2005 Fire hydrant installations – System design, installation and commissioning</i> .
hazard management area	means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
hazardous chemical	means as defined in the <i>Work Health and Safety Regulations 2012</i> .
hazardous use	means a use that is a hazardous use under clause E1.5.2.
hose lay	means the distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
part 5 agreement	means as defined in the Act.
property access	means the carriageway which provides vehicular access from the carriageway of a road onto land, measured along the centre line of the carriageway, from the edge of the road carriageway to the nearest point of the building area.
respite centre	means use of land for respite care for the sick, aged or persons with disabilities.
static water supply	means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.
TFS	means Tasmania Fire Service.
vulnerable use	means a use that is a vulnerable use under clause E1.5.1.
water connection point	means the point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body (including a dam, lake or pool.).
water corporation	means the corporation within the meaning of the <i>Water and Sewerage Corporation Act 2012</i> .

E1.4 Use or development exempt from this Code

The following use or development is exempt from this Code:

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this Code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and
- (b) adjustment of a boundary in accordance with clause 9.3 of this planning scheme.

E1.5 Use Standards

E1.5.1 Vulnerable uses

For the purpose of this code, a use is a vulnerable use if it is listed in a use class in Table E1 and, in the case of a residential use, is one of the uses specified as a qualification.

Table E1. Vulnerable Uses

Use Class	Qualification
Custodial facility	
Educational and occasional care	
Hospital services	
Residential	Use for respite centre, residential aged care facility, retirement village, and group home.

E1.5.1.1. Standards for vulnerable use

<p>Objective: Only in exceptional circumstances should vulnerable uses be located on land which is within a bushfire-prone area. If a vulnerable use is proposed to be located on land which is in a bushfire-prone area, bushfire protection measures must reduce the risk to firefighters, and must reflect the risk arising from the bushfire-prone vegetation and the characteristics, nature and scale of the use taking into consideration the specific circumstances of the occupants including their ability to:</p> <ul style="list-style-type: none">- protect themselves and defend property from bushfire attack;- evacuate in an emergency; and- understand and respond to instructions in the event of a bushfire.	
Acceptable solutions	Performance criteria
A1. No acceptable solution	P1. Where a vulnerable use is proposed to be located in a bushfire-prone area it must be demonstrated that: <ul style="list-style-type: none">a) there is an overriding benefit to the community;b) there is no suitable alternative lower-risk site; andc) the bushfire risk can be managed to an acceptable level having regard to any advice from the TFS.
A2.1. A bushfire hazard management plan that contains appropriate bushfire protection measures that: <ul style="list-style-type: none">(a) addresses the characteristics, nature and scale of the vulnerable use;	P2. No performance criteria

<ul style="list-style-type: none"> (b) addresses the characteristics of its occupants of the vulnerable use; (c) addresses the nature and extent of the surrounding bushfire-prone vegetation; and (d) is certified by the TFS or an accredited person. 	
<p>A2.2 An emergency plan which:</p> <ul style="list-style-type: none"> (a) is consistent with TFS Bushfire Emergency Planning Guidelines; (b) complies with <i>AS 3745-2010 Planning for emergencies in facilities</i>; (c) if applicable, complies with <i>AS 4083-2010 Planning for emergencies – Health care facilities</i>; and (d) is approved by the TFS. 	

E1.5.2 Hazardous uses

For the purpose of this code, a use is a hazardous use if it is listed in a use class in Table E2 and is a use to which the qualifications apply.

Table E2. Hazardous uses

Use Class	Qualification
All classes	<p>Uses where;</p> <ul style="list-style-type: none"> a) the amount of stored hazardous chemicals on a site exceeds the manifest quantity as specified in the <i>Work Health and Safety Regulations 2012</i>; or b) where explosives are stored on a site and where classified as an explosives location or large explosives location as specified in the <i>Explosives Act 2012</i>.

E1.5.2.1 Standards for hazardous uses

<p>Objective: Only in exceptional circumstances should hazardous uses be located on land which is within a bushfire-prone area. If a hazardous use is proposed to be located on land which is in a bushfire-prone area, bushfire protection measures must reflect the risk arising from the bushfire-prone vegetation and take into consideration the characteristics, nature and scale of the use to:</p> <ul style="list-style-type: none"> - prevent the hazardous use from contributing to the spread or intensification of bushfire; - limit the potential for bushfire to be ignited on the site; - prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and
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- reduce the risk to firefighters.	
Acceptable solutions	Performance criteria
A1. No acceptable solution	<p>P1. Where a hazardous use is proposed to be located in a bushfire-prone area it must be demonstrated that:</p> <ul style="list-style-type: none"> (a) there is an overriding benefit to the community; (b) there is no suitable alternative lower-risk site; and (c) the bushfire risk can be managed to an acceptable level having regard to any advice from the TFS.
<p>A2.1 A bushfire hazard management plan that contains appropriate bushfire protection measures that:</p> <ul style="list-style-type: none"> (a) addresses the characteristic, nature and scale of the hazardous use; (b) addresses the nature and extent of the surrounding bushfire-prone vegetation; (c) that takes into consideration; <ul style="list-style-type: none"> i) exposure to hazardous chemicals; ii) ignition potential from the site; and iii) flammable material contributing to the intensification of a fire; and (d) is certified by the TFS or an accredited person. <p>A2.2 An emergency plan which:</p> <ul style="list-style-type: none"> (a) is consistent with TFS Bushfire Emergency Planning Guidelines; and (b) complies with <i>AS 3745-2010 Planning for emergencies in facilities</i>; and (c) if applicable, complies with <i>AS 4083-2010 Planning for emergencies – Health care facilities</i>; and (d) is approved by TFS. 	P2. No performance criteria

E1.6 Development Standards

E1.6.1 Development standards for subdivision

This standard applies to a development consisting of a subdivision where any part of that subdivision is in a bushfire-prone area.

This Interim Planning Directive came into effect on 23 February 2016

E1.6.1.1 Subdivision: Provision of hazard management areas

Objective: Subdivision provides for hazard management areas that: <ul style="list-style-type: none"> - facilitate an integrated approach between subdivision and subsequent building on a lot; - provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and - provide protection for lots at any stage of a staged subdivision. 	
Acceptable solutions	Performance criteria
<p>A1. (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <ul style="list-style-type: none"> i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivisions; ii) shows the building area for each lot; iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas</i>; and iv) is accompanied by a bushfire hazard management plan for each individual lot, certified by the TFS or accredited person, showing hazard management areas greater than the separation distances required for BAL 19 in Table 2.4.4 of <i>AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas</i>; and v) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement 	<p>P1. A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area taking into consideration:</p> <ul style="list-style-type: none"> a) the dimensions of hazard management areas; b) a bushfire risk assessment of each lot at any stage of staged subdivision; c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; d) the topography, including site slope; e) any other potential forms of fuel and ignition sources; f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development; and g) any advice from the TFS.

that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.	
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E1.6.1.2 Subdivision: Public and fire fighting access

Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision: <ul style="list-style-type: none"> – allow safe access and egress for residents, firefighters and emergency service personnel; – provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken; – are designed and constructed to allow for fire appliances to be manoeuvred; – provide access to water supplies for fire appliances; and – are designed to allow connectivity, and where needed, offering multiple evacuation points. 	
Acceptable solutions	Performance criteria
<p>A1. (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of property access to building areas, and which complies to the extent necessary with Tables E3, E4 & E5, is included in a bushfire hazard management plan certified by the TFS or accredited person.</p>	<p>P1. A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires having regard to:</p> <p>a) appropriate design measures, including:</p> <ul style="list-style-type: none"> i) two way traffic; ii) all weather surfaces; iii) height and width of any vegetation clearances; iv) load capacity; v) provision of passing bays; vi) traffic control devices; vii) geometry, alignment and slope of roads, tracks and trails; viii) use of through roads to provide for connectivity; ix) limits on the length of cul-de-sacs and dead-end roads; x) provision of turning areas; xi) provision for parking areas; xii) perimeter access; and xiii) fire trails; and <p>b) the provision of access to</p> <ul style="list-style-type: none"> i) bushfire-prone vegetation to permit the

	<p>undertaking of hazard management works; and</p> <p>ii) fire fighting water supplies; and</p> <p>c) any advice from the TFS.</p>
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Table E3: Standards for roads

Column 1		Column 2
Element		Requirement
A.	Roads	<p>Unless the development standards in the zone require a higher standard, the following apply:</p> <ol style="list-style-type: none"> (1) Two-wheel drive, all-weather construction; (2) Load capacity of at least 20 tonnes, including for bridges and culverts; (3) Minimum carriageway width is 7 metres for a through road, or 5.5 metres for a dead-end or cul-de-sac road; (4) Minimum vertical clearance of 4 metres; (5) Minimum horizontal clearance of 2 metres from the edge of the carriageway; (6) Cross falls of less than 3 degrees (1:20 or 5%); (7) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; (8) Curves have a minimum inner radius of 10 metres; (9) Dead-end or cul-de-sac roads are not more than 200 metres in length unless the carriageway is 7 metres in width; (10) Dead-end or cul-de-sac roads have a turning circle with a minimum 12 metres outer radius; and (11) Carriageways less than 7 metres wide have 'No Parking' zones on one side, indicated by a road sign that complies with <i>AS1743-2001 Road signs-Specifications</i>.

Table E4: Standards for Property Access

Column 1		Column 2
Element		Requirement
A.	Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point.	There are no specified design and construction requirements.
B.	Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (1) All-weather construction; (2) Load capacity of at least 20 tonnes, including for bridges and culverts; (3) Minimum carriageway width of 4 metres; (4) Minimum vertical clearance of 4 metres; (5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway; (6) Cross falls of less than 3 degrees (1:20 or 5%); (7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (8) Curves with a minimum inner radius of 10 metres; (9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and (10) Terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (a) A turning circle with a minimum inner radius of 10 metres; or (b) A property access encircling the building; or (c) A hammerhead “T” or “Y” turning head 4 metres wide and 8 metres long.
C.	Property access length is 200 metres or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (1) The Requirements for B above; and

		(2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres.
D.	Property access length is greater than 30 metres, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <p>(1) Complies with Requirements for B above; and</p> <p>(2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.</p>

Table E5: Standards for Fire Trails

Column 1		Column 2
Element		Requirement
A.	All fire trails	<p>The following design and construction requirements apply:</p> <p>(1) All-weather, 4-wheel drive construction;</p> <p>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</p> <p>(3) Minimum carriageway width of 4 metres;</p> <p>(4) Minimum vertical clearance of 4 metres;</p> <p>(5) Minimum horizontal clearance of 2 metres from the edge of the carriageway;</p> <p>(6) Cross falls of less than 3 degrees (1:20 or 5%);</p> <p>(7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</p> <p>(8) Curves with a minimum inner radius of 10 metres;</p> <p>(9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed fire trails, and 10 degrees (1:5.5 or 18%) for unsealed fire trails;</p> <p>(10) Gates if installed at fire trail entry, have a minimum width of 3.6 metres, and if locked, keys are provided to TFS; and</p> <p>(11) Terminate with a turning area for fire appliances provided by one of the following:</p> <p>a) A turning circle with a minimum radius of 10 metres; and</p> <p>b) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.</p>
B.	Fire trail length is 200 metres or	The following design and construction requirements apply:

	greater.	<ul style="list-style-type: none"> (1) The Requirements for A above; and (2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres.
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E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes

Objective: Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
Acceptable solutions	Performance criteria
<p>A1. In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes; or (b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or (c) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E6. 	<p>P1. No performance criteria</p>
<p>A2. In areas that are not serviced by reticulated water by the water corporation:</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes; or (b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or (c) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E7. 	<p>P1. No performance criteria</p>

Table E6 Reticulated Water Supply for Fire fighting

Column 1		Column 2
Element		Requirement
A.	Distance between building area to be protected and water supply.	The following requirements apply: <ul style="list-style-type: none"> (1) The building area to be protected must be located within 120 metres of a fire hydrant; and (2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.
B.	Design criteria for fire hydrants	The following requirements apply: <ul style="list-style-type: none"> (1) Fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA Edition 2.0; and (2) Fire hydrants are not installed in parking areas.
C.	Hardstand	A hardstand area for fire appliances must be provided: <ul style="list-style-type: none"> (1) No more than three metres from the hydrant, measured as a hose lay; (2) No closer than six metres from the building area to be protected; (3) With a minimum width of three metres constructed to the same standard as the carriageway; and (4) Connected to the property access by a carriageway equivalent to the standard of the property access.

Table E7 Static Water Supply for Fire fighting

Column 1		Column 2
Element		Requirement
A.	Distance between building area to be protected and water supply.	The following requirements apply: <ul style="list-style-type: none"> (1) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and (2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.

B.	Static Water Supplies	<p>A static water supply:</p> <ol style="list-style-type: none"> (1) May have a remotely located offtake connected to the static water supply; (2) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; (3) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; (4) Must be metal, concrete or lagged by non-combustible materials if above ground; and (5) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: <ol style="list-style-type: none"> (a) Metal; (b) Non-combustible material; or (c) Fibre-cement a minimum of 6mm thickness.
C.	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a water connection point for a static water supply must:</p> <ol style="list-style-type: none"> (1) Have a minimum nominal internal diameter of 50mm; (2) Be fitted with a valve with a minimum nominal internal diameter of 50mm; (3) Be metal or lagged by non-combustible materials if above ground; (4) Where buried, have a minimum depth of 300mm (compliant with <i>AS/NZS 3500.1-2003 Clause 5.23</i>); (5) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment; (6) Ensure the coupling is accessible and available for connection at all times; (7) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length); (8) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and (9) Where a remote offtake is installed, ensure the offtake is in a position that is: <ol style="list-style-type: none"> (a) Visible;

		<ul style="list-style-type: none"> (b) Accessible to allow connection by fire fighting equipment; (c) At a working height of 450 – 600mm above ground level; and (d) Protected from possible damage, including damage by vehicles.
D.	Signage for static water connections.	<p>The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with:</p> <ul style="list-style-type: none"> (1) Water tank signage requirements within <i>AS 2304-2011 Water storage tanks for fire protection systems</i>; or (2) The following requirements: <ul style="list-style-type: none"> (a) Be marked with the letter “W” contained within a circle with the letter in upper case of not less than 100 mm in height; (b) Be in fade-resistant material with white reflective lettering and circle on a red background; (c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and (d) Be no less than 400 mm above the ground.
E.	Hardstand	<p>A hardstand area for fire appliances must be provided:</p> <ul style="list-style-type: none"> (1) No more than three metres from the water connection point, measured as a hoselay (including the minimum water level in dams, swimming pools and the like); (2) No closer than six metres from the building area to be protected; (3) With a minimum width of three metres constructed to the same standard as the carriageway; and (4) Connected to the property access by a carriageway equivalent to the standard of the property access.

Appendix 3 - Representations received during the exhibition period

1	Hobart City Council
2	Chris Draffin
3	Housing Industry Association (HIA)
4	TasWater
5	Clarence City Council
6	Glenorchy City Council
7	Tasmanian Fire Service
8	Nicole Sommer obo Planning Institute of Australia
9	Andrew Ricketts
10	Todd Dudley, North East Bioregional Network Inc
11	George Town Council
12	Dan Sutton

Copies of the representations can be found under assessments and reviews on iplan at www.iplan.tas.gov.au.

Appendix 4 – Modified planning directive

Draft Planning Directive No. 5.1
Bushfire-Prone Areas Code
(issued as Interim Planning Directive No. 1.1)

This draft planning directive has been issued as Interim Planning Directive No. 1.1 by the Minister for Planning and Local Government under section 12A(2) of the former provisions of the *Land Use Planning and Approvals Act 1993* and came into effect on 23 February 2017.

It operates in place of Planning Directive No. 5 Bushfire-Prone Areas Code which came into effect on 2 October 2013. The operation of Planning Directive No 5 was suspended on 23 February 2017.

This draft Planning Directive came into effect as Interim Planning Directive No. 1.1 on 23 February 2017.

Draft Planning Directive No. 5.1 issued as Interim Planning Directive No. 1.1 Bushfire-Prone Areas Code

1.0 Citation

- 1.1 This planning directive may be cited as draft Planning Directive No. 5.1 – Bushfire-Prone Areas Code issued as Interim Planning Directive No. 1.1.

2.0 Application

- 2.1 This planning directive applies to the following planning schemes:
- (a) interim planning schemes that have been declared in accordance with section 30F of the Act; and
 - (b) planning schemes made under section 30M of the Act.
- 2.2 For clarity, this planning directive does not apply to the following planning schemes:
- (a) The Flinders Island Planning Scheme 1994; and
 - (b) The Sullivans Cove Planning Scheme 1997.

3.0 Effect of the Planning Directive

- 3.1 An instrument to which this planning directive applies must contain the provisions set out in Attachment 1.

4.0 Commencement

- 4.1 Draft planning directive No. 5.1 (issued as Interim Planning Directive No. 1.1) takes effect on 23 February 2017.

Minister for Planning and Local Government

E1.0 Bushfire-Prone Areas Code

E1.1 Purpose of the Bushfire-Prone Areas Code

- E1.1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

E1.2 Application of this Code

- E1.2.1 This code applies to:
- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
 - (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.
- E1.2.2 A permit is required for all use and development to which this code applies that is not exempt from this code under clause E1.4.

E1.3 Definition of terms in this Code

- E1.3.1 In this code, unless the contrary intention appears:

Term	Definition
accredited person	means as defined in the Act.
bushfire attack level (BAL)	means the bushfire attack level as defined in <i>Australian Standard AS3959 –2009 Construction of buildings in bushfire-prone areas</i> .
bushfire hazard management plan	means as defined in the Act.
bushfire protection measures	means the measures that might be used to reduce the risk of bushfire attack and the threat to life and property in the event of bushfire.
bushfire-prone area	means: <ul style="list-style-type: none"> (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.
bushfire-prone vegetation	means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.
carriageway	means the section of road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulders.

contiguous	means separated by less than 20 metres.
emergency plan	means: (a) as defined in <i>Australian Standard AS 3745-2010 Planning for emergencies in facilities</i> ; or (b) if applicable, as described in <i>Australian Standard AS4083-2010 Planning for emergencies – Health care facilities</i>
fire fighting water point	means the point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body.
fire hydrant	means as defined in <i>Australian Standard AS 2419.1-2005 Fire hydrant installations, Part 1: System design, installation and commissioning</i> .
group home	means use of land for residential accommodation for people with disabilities.
hardstand	means as defined in <i>Australian Standard AS 2419.1-2005 Fire hydrant installations, Part 1: System design, installation and commissioning</i> .
hazard management area	means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
hazardous use	means a use where: (a) the amount of stored hazardous chemicals on a site exceeds the manifest quantity as specified in the Work Health and Safety Regulations 2012; or (b) explosives are stored on a site and where classified as an explosives location or large explosives location as specified in the Explosives Act 2012.
hose lay	means the distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
property access	means the carriageway which provides vehicular access from the carriageway of a road onto land, measured along the centre line of the carriageway, from the edge of the road carriageway to the nearest point of the building area.
respite centre	means use of land for respite care for the sick, aged or persons with disabilities.
static water supply	means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.

tolerable risk	means the lowest level of likely risk from the relevant hazard: (a) to secure the benefits of a use or development in a relevant hazard area; and (b) which can be managed through: (i) routine regulatory measures; or (ii) by specific hazard management measures for the intended life of each use or development.
TFS	means Tasmania Fire Service.
vulnerable use	means a use that is within one of the following Use Classes: (a) Custodial Facility; (b) Educational and Occasional Care; (c) Hospital Services; (d) Residential if for respite centre, residential aged care home, retirement home, and group home.
water corporation	means the corporation within the meaning of the <i>Water and Sewerage Corporation Act 2012</i> .

E1.4 Use or development exempt from this Code

The following use or development is exempt from this code:

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and
- (b) adjustment of a boundary in accordance with clause 9.3 of this planning scheme.

E1.5 Use Standards

E1.5.1 Vulnerable uses

Objective: That vulnerable uses are located on land within a bushfire-prone area only in exceptional circumstances.	
Acceptable solutions	Performance criteria
A1 No Acceptable Solution.	P1 A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to the community; (c) whether there is no suitable alternative lower-risk site;

	<p>(d) the ability of occupants of the vulnerable use to:</p> <ul style="list-style-type: none"> (i) protect themselves and defend property from bushfire attack; (ii) evacuate in an emergency; and (iii) understand and respond to instructions in the event of a bushfire; <p>(e) any bushfire protection measures available to reduce risk to emergency service personnel; and</p> <p>(f) any advice from the TFS.</p>
<p>A2</p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>An emergency plan that is approved by the TFS.</p>	<p>P3</p> <p>No Performance Criterion.</p>

E1.5.2 Hazardous uses

<p>Objective: That hazardous uses are located on land within a bushfire-prone area only in exceptional circumstances.</p>	
Acceptable solutions	Performance criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p> <ul style="list-style-type: none"> (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to the community; (c) whether there is no suitable alternative lower-risk site; (d) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (e) available fire protection measures to: <ul style="list-style-type: none"> (i) prevent the hazardous use from contributing to the spread or intensification of bushfire; (ii) limit the potential for bushfire to be

	<p>ignited on the site;</p> <p>(iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</p> <p>(iv) reduce the risk to firefighters.</p> <p>(f) any advice from the TFS.</p>
A2 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	P2 No Performance Criterion.
A3 An emergency plan that is approved by TFS.	P3 No Performance Criterion.

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

Objective: Subdivision provides for hazard management areas that: <ul style="list-style-type: none"> (a) facilitate an integrated approach between subdivision and subsequent building on a lot; (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and (c) provide protection for lots at any stage of a staged subdivision. 	
Acceptable solutions	Performance criteria
A1 (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision: <ul style="list-style-type: none"> (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; (ii) shows the building area for each lot; (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian</i> 	P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to: <ul style="list-style-type: none"> (a) the dimensions of hazard management areas; (b) a bushfire risk assessment of each lot at any stage of staged subdivision; (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (d) the topography, including site slope; (e) any other potential forms of fuel and ignition sources; (f) separation distances from the bushfire-prone vegetation not unreasonably restricting

<p><i>Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</i></p> <p>(iv) is accompanied by a bushfire hazard management plan for each individual lot, certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</i></p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>subsequent development; and</p> <p>(g) any advice from the TFS.</p>
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E1.6.2 Subdivision: Public and fire fighting access

<p>Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> (a) allow safe access and egress for residents, fire fighters and emergency service personnel; (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken; (c) are designed and constructed to allow for fire appliances to be manoeuvred; (d) provide access to water supplies for fire appliances; and (e) are designed to allow connectivity, and where needed, offering multiple evacuation points. 	
Acceptable solutions	Performance criteria
<p>A1</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or (b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of property access to building 	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> (a) appropriate design measures, including: <ul style="list-style-type: none"> (i) two way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation

<p>areas, and which complies to the extent necessary with Tables E1, E2 and E3, is included in a bushfire hazard management plan certified by the TFS or accredited person.</p>	<p>clearances;</p> <ul style="list-style-type: none"> (iv) load capacity; (v) provision of passing bays; (vi) traffic control devices; (vii) geometry, alignment and slope of roads, tracks and trails; (viii) use of through roads to provide for connectivity; (ix) limits on the length of cul-de-sacs and dead-end roads; (x) provision of turning areas; (xi) provision for parking areas; (xii) perimeter access; and (xiii) fire trails; <p>(b) the provision of access to:</p> <ul style="list-style-type: none"> (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and (ii) fire fighting water supplies; and <p>(c) any advice from the TFS.</p>
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E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

Objective: Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
Acceptable solutions	Performance criteria
A1 In areas serviced with reticulated water by the water corporation: <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes; (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire. 	P1 No Performance Criterion.
A2 In areas that are not serviced by reticulated water by the water corporation: <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes; (b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire. 	P2 No Performance Criterion.

Table E1: Standards for roads

Element		Requirement
A.	Roads	<p>Unless the development standards in the zone require a higher standard, the following apply:</p> <ul style="list-style-type: none"> (a) two-wheel drive, all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width is 7m for a through road, or 5.5m for a dead-end or cul-de-sac road; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 2m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; (h) curves have a minimum inner radius of 10m; (i) dead-end or cul-de-sac roads are not more than 200m in length unless the carriageway is 7 metres in width; (j) dead-end or cul-de-sac roads have a turning circle with a minimum 12m outer radius; and (k) carriageways less than 7m wide have 'No Parking' zones on one side, indicated by a road sign that complies with <i>Australian Standard AS1743-2001 Road signs-Specifications</i>.

Table E2 Standards for property access

Element		Requirement
A.	Property access length is less than 30m; or access is not required for a fire appliance to access a fire fighting water point.	There are no specified design and construction requirements.
B.	Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 0.5m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (h) curves with a minimum inner radius of 10m; (i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and (j) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) a turning circle with a minimum outer radius of 10m; or (ii) a property access encircling the building; or (iii) a hammerhead “T” or “Y” turning head 4m wide and 8m long.
C.	Property access length is 200m or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) the requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length provided every 200m.

D.	Property access length is greater than 30m, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) complies with requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.
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Table E3 Standards for fire trails

Element		Requirement
A.	All fire trails	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> (a) all-weather, 4-wheel drive construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 2m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (h) curves with a minimum inner radius of 10m; (i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed fire trails, and 10 degrees (1:5.5 or 18%) for unsealed fire trails; (j) gates if installed at fire trail entry, have a minimum width of 3.6m, and if locked, keys are provided to TFS; and (k) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) a turning circle with a minimum outer radius of 10m; and (ii) A hammerhead “T” or “Y” turning head 4m wide and 8m long.
B.	Fire trail length is 200m or greater.	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> (a) the requirements for A above; and (b) passing bays of 2m additional carriageway width and 20m length provided every 200m.

Table E4 Reticulated water supply for fire fighting

Element		Requirement
A.	Distance between building area to be protected and water supply.	<p>The following requirements apply:</p> <ul style="list-style-type: none"> (a) the building area to be protected must be located within 120m of a fire hydrant; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.
B.	Design criteria for fire hydrants	<p>The following requirements apply:</p> <ul style="list-style-type: none"> (a) fire hydrant system must be designed and constructed in accordance with <i>TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA 2nd Edition</i>; and (b) fire hydrants are not installed in parking areas.
C.	Hardstand	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> (a) no more than 3m from the hydrant, measured as a hose lay; (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access.

Table E5 Static water supply for fire fighting

Element		Requirement
A.	Distance between building area to be protected and water supply.	<p>The following requirements apply:</p> <ul style="list-style-type: none"> (a) the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.
B.	Static Water Supplies	<p>A static water supply:</p> <ul style="list-style-type: none"> (a) may have a remotely located offtake connected to the static water supply; (b) may be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; (c) must be a minimum of 10,000l per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; (d) must be metal, concrete or lagged by non-combustible materials if above ground; and (e) if a tank can be located so it is shielded in all directions in compliance with section 3.5 of <i>Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas</i>, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: <ul style="list-style-type: none"> (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6mm thickness.

C.	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a fire fighting water point for a static water supply must:</p> <ul style="list-style-type: none"> (a) have a minimum nominal internal diameter of 50mm; (b) be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) be metal or lagged by non-combustible materials if above ground; (d) if buried, have a minimum depth of 300mm¹; (e) provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment; (f) ensure the coupling is accessible and available for connection at all times; (g) ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length); (h) ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and (i) if a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> (i) visible; (ii) accessible to allow connection by fire fighting equipment; (iii) at a working height of 450 – 600mm above ground level; and (iv) protected from possible damage, including damage by vehicles.
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¹ Compliant with *Australian/New Zealand Standard AS/NZS 3500.1-2003 Plumbing and drainage, Part 1: Water Services*, Clause 5.23

D.	Signage for static water connections.	<p>The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must:</p> <ul style="list-style-type: none"> (a) comply with water tank signage requirements within <i>Australian Standard AS 2304-2011 Water storage tanks for fire protection systems</i>; or (b) be: <ul style="list-style-type: none"> (i) marked with the letter “W” contained within a circle with the letter in upper case of not less than 100 mm in height; (ii) in fade-resistant material with white reflective lettering and circle on a red background; (iii) located within 1m of the fire fighting water point in a situation which will not impede access or operation; and (iv) no less than 400mm above the ground.
E.	Hardstand	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> (a) no more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access.