

TASMANIAN PLANNING COMMISSION

Draft Planning Directive No. 5.1

Bushfire-Prone Areas Code

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

August 2017

Executive Summary

In February 2017, the Minister for Planning and Local Government, the Hon Peter Gutwein, directed the Tasmanian Planning Commission (the Commission) to assess draft Planning Directive No. 5.1 – Bushfire-Prone Areas Code (the draft Planning Directive) under section 11(1)(a) of the *Land Use Planning and Approvals Act 1993*¹. At the same time, the Minister issued Interim Planning Directive No. 1.1 - Bushfire-Prone Areas Code (IPD1.1).

The draft Planning Directive is based on Planning Directive No. 5 - Bushfire-Prone Areas Code that came into effect on 19 September 2012 (Planning Directive No. 5 was suspended by IPD1.1).

The draft Planning Directive was placed on public exhibition and representations invited. Three representations were received during the exhibition period (and 1 was received and accepted after the period). A hearing was held in May 2017 to assist the Commission consider issues raised in the representations.

Submissions made at the hearing identified the need to clarify certain standards. Issues surrounding the concept of ‘tolerable risk’ dominated discussion. As a result of those discussions and further assessment of the use standards, the clause relying on ‘tolerable risk’ has been restructured to improve interpretation and to achieve greater consistency with the policy intent.

The Tasmania Fire Service (TFS) proposed a number of minor modifications to reflect updates made to technical reference documents. These modifications are supported on the basis that they achieve greater consistency between the draft Planning Directive and TFS processes and requirements.

The Commission also heard evidence concerning the risks of bushfire caused by surrounding land uses. The Commission notes this information, however, there is not a power under the Act to enable a draft Planning Directive to apply retrospectively to existing land use and development.

The outcome of the assessment has resulted in the preparation of a modified draft Planning Directive. The modifications are not considered to effect the policy intent of the draft Planning Directive. The main modifications include:

- Clarification of E1.6.1 A1 (b)(iv) to allow a bushfire hazard management plan to address each lot within a subdivision as opposed to requiring one for each individual lot;
- Including an additional provision at E1.6.1 P1 allowing for consideration of an instrument to facilitate the management of fuel on adjoining land;
- Restructuring the Vulnerable and Hazardous use standards to more clearly give effect to ‘tolerable risk’ and to more clearly distinguish between the matters

¹ References to provisions of the *Land Use Planning and Approvals Act 1993* (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) 2015*.

requiring consideration by the planning authority and those matters to be addressed by an accredited person or the TFS;

- Deleting the term 'Emergency Management Plan' and introducing the concept of 'Emergency Management Strategy' to avoid confusion between the different requirements at planning and building stages;
- Articulating the matters that need to be considered in the preparation of an 'Emergency Management Strategy';
- Providing an option for an accredited person to approve an 'Emergency Management Strategy' consistent with the TFS revised training regime; and
- Editing to address minor errors and anomalies.

It is recommended that the Minister issue the Planning Directive in accordance with section 13(4) of the Act in terms of the draft Planning Directive modified as recommended and set out in Appendix 4 of this report.

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Glossary

AS	Acceptable Solution
BHMP	Bushfire Hazard Management Plan
Draft PD5.1	Draft Planning Directive No. 5.1 - Bushfire-Prone Areas Code
IPD1	Interim Planning Directive No. 1 – Bushfire-Prone Areas Code, issued February 2016
IPD1.1	Interim Planning Directive No. 1.1 – Bushfire-Prone Areas Code, issued 23 February 2017
LPS	Local Provisions Schedules
OSEM	Office of Security and Emergency Management, Department of Premier and Cabinet
PD5	Planning Directive No. 5 – Bushfire-Prone Areas Code, issued October 2013
PC	Performance Criteria/Criterion
PPU	Planning Policy Unit, Department of Justice
SPPs	State Planning Provisions
SSQ	site-specific qualification
TFS	Tasmania Fire Service
TPS	Tasmanian Planning Scheme

1.0 Introduction

1.1 Background

In February 2017, the Minister for Planning and Local Government, the Hon Peter Gutwein, issued Interim Planning Directive No. 1.1 Bushfire-Prone Areas Code (IPD1.1) under section 12A(2)(a) of the *Land Use Planning and Approvals Act 1993* (the Act)² and, concurrently, directed the Tasmanian Planning Commission to undertake an assessment of draft Planning Directive No. 5.1 - Bushfire-Prone Areas Code (the draft Planning Directive) under section 11(1)(a) of the Act.

The draft Planning Directive is derived from Planning Directive No. 5 – Bushfire-Prone Areas Code (PD5), which has been operating in interim planning schemes since it first took effect on 2 October 2013. The draft Planning Directive retains the standards in PD5 that relate to subdivision and vulnerable and hazardous uses. Provisions relating to habitable buildings have been removed and are now applied through amended Building Regulations. The policy position is to reduce duplication between the building and planning systems.

The key changes from PD5 to the draft Planning Directive include:

- amendments to the ‘Application’ clause so that the code no longer applies to development for the construction of habitable buildings, 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.

IPD1.1 suspended the provisions of PD5 and applied a new version of the bushfire-prone areas code to interim planning schemes.

It is intended that this draft Planning Directive will align with C13.0 Bushfire-Prone Areas Code, which forms part of the State Planning Provisions (SPPs).

1.2 Written Direction

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

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) of the Act provides that the Minister may issue an interim planning directive that is in the same terms as the draft planning directive. The Minister may only issue an

² 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*.

interim planning directive if a direction is also issued to the Commission to undertake an assessment under section 11 of a draft planning directive. 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) of the Act].

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

On 3 April 2017 the Commission delegated relevant powers and functions under the Act and the *Tasmanian Planning Commission Act 1997* to Senior Planning Consultants Pamela Scott (Chair) and John Vandenberg to assess the draft Planning Directive and report to the Minister with recommendations.

1.3.3 Public exhibition

The draft Planning Directive was publicly exhibited and an invitation to make representations notified in newspapers on 25 February 2017. The Commission also wrote to planning authorities and State Service Agencies, including the Tasmania Fire Service (TFS) and Director of Building Control (Department of Justice).

A copy of the publicly exhibited draft Planning Directive can be found in Appendix 2.

The exhibition period closed on 31 March 2017. Three 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 16 May 2017.

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) of the Act].

2.0 Assessment of the draft Planning Directive

2.1 Scope of assessment

The draft Planning Directive consists of two parts: operational/machinery clauses and a Bushfire-Prone Areas Code, which is Attachment 1 to the draft Planning Directive.

The operational clauses include a formal citation, application, effect and commencement details.

Both components of the draft Planning Directive are assessed in detail below.

2.2 Operational clauses of the draft Planning Directive

Representations

No representations were received about this part of the planning directive.

Commission findings

Although no representations were received on this part, the Commission found that before the draft Planning Directive can be issued several modifications to the operational clauses will be required. Firstly, references to 'draft' and 'interim planning directive' must be deleted as they will not have any relevance.

Secondly, clause 2.0 titled 'Application' should be modified by inserting the following underscored words after 'section 30F of the' and include a footnote explaining the meaning of the 'former provisions' of the Act, as follows:

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 former provisions¹ of the *Land Use Planning and Approvals Act 1993* (the Act); and

.....

(to be inserted as a footnote)

¹References in this planning directive to the provisions of the *Land Use Planning and Approvals Act 1993* (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*. The **former provisions** apply to an interim planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

Thirdly, clause 3 titled 'Effect of the Planning Directive' will require the inclusion of two additional subclauses to clarify the effect of the Planning Directive on the IPD1.1 and the suspended provisions of PD5. The underscored text below are the Commission's recommended modifications.

3.2 Interim Planning Directive No.1.1 Bushfire-Prone Areas Code remains in effect until the day on which this planning directive takes effect.

3.3 All provisions of Planning Directive No.5 Bushfire-Prone Areas Code, suspended on 23 February 2017, are hereby revoked in accordance with section 12A(10)(b) of the Act.

Finally, subclause 4.1 under the heading 'Commencement' will need to be modified to show the commencement date for Planning Directive No. 5.1.

Recommendations

That the Minister issue the planning directive under section 13(1)(a) of the Act in the terms of the draft Planning Directive modified as recommended by the Commission under section 13(4) of the Act.

2.3 E1.0 Bushfire-Prone Areas Code (Attachment 1)

The Bushfire-Prone Areas Code attached to the draft Planning Directive differs to that introduced under IPD1 to a limited extent. The changes are essentially drafting amendments that clarify and improve its operation. There are no substantial policy changes.

The issues raised in the representations are summarised as follows;

1. That the Code does not achieve its objective because it fails to address existing bushfire hazards on adjoining land;
2. Seeking clarification on the use of 'tolerable risk';
3. Concerns that removing provisions relating to habitable buildings could result in applicants having to seek retrospective planning approval for vegetation removal associated with clearance for hazard management areas;
4. Concerns that certain Performance Criteria require planning authorities to exercise discretion and assess matters that they do not have the necessary expertise to determine;
5. Proposed inclusion of an additional instrument to manage hazards on adjoining land;
6. Seeking adoption of a signage guideline for fire-fighting water supplies;
7. Concerns regarding the subdivision standard requiring hazard management areas and the interpretation of the requirement for a Bushfire Hazard Management Plan (BHMP) to be prepared for each lot; and
8. Editorial or minor modifications to clarify interpretation of provisions.

The following assessment addresses each of the issues listed above, identified by the corresponding number. The assessment comprises a more detailed explanation of the issue raised, additional evidence presented at the hearing, a discussion on the Commission's findings and concludes with a recommendation, including any proposed modification to the code.

2.3.1 Scope of code

There was some concern expressed that the code failed to address bushfire hazards on adjoining land and the impacts that this has on existing dwellings. An example was provided whereby a tree plantation was planted surrounding an existing dwelling with the effect of increasing the risk of bushfire to life and property as a result of the proximity and nature of the surrounding bushfire hazard. There was also some frustration expressed because it was deemed that the code could not deliver its intended purpose of ensuring '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 bushfire'.

Commission findings

The code, like other planning instruments, cannot apply retrospectively to use and development. If approval for a dwelling has been granted under former planning provisions, there is no obligation for a person to comply with a new regulatory regime unless they are proposing, for example, an extension to the dwelling.

In the case of a dwelling being surrounded by plantation forest, there are mechanisms outside the code and the planning system that address the range of impacts, including bushfire. While the issues raised by the representor are understood and appreciated, they are not matters that can be resolved through this assessment.

Recommendation

That the issues raised do not warrant modification to the draft Planning Directive.

2.3.2 Tolerable Risk and structure of the Vulnerable and Hazardous use standards

The code introduces the term ‘tolerable risk’ which is defined as:

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 measure for the intended life of each use or development.*

‘Tolerable risk’ is used in the first Performance Criteria for the Vulnerable and Hazardous use standards. The objective for both use standards include that they ‘are located on land within a bushfire-prone area only in exceptional circumstances’. To achieve the objective, the use standards apply a strategic locational suitability test that relies on achieving and maintaining a ‘tolerable risk’ from bushfire. The Performance Criteria P1 for Vulnerable and Hazardous use at E1.5.1 and E1.5.2, respectively, states:

E1.5.1 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;*
- (d) the ability of the occupants of the vulnerable use to:*
 - 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;*

(e) any bushfire protection measures available to reduce risk to emergency service personnel; and

(f) any advice from the TFS.

E1.5.2 P1 *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:*

(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:

(i) prevent the hazardous use from contributing to the spread or intensification of bushfire;

(ii) limit the potential for bushfire to be ignited on the site;

(iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and

(iv) reduce the risk to firefighters.

(f) any advice from the TFS.

The issues raised in the representation were that ‘tolerable risk’ is subjective and open to different interpretations and therefore its application will vary. There was also some confusion regarding who was meant to address the matters to determine if the proposed vulnerable or hazardous use satisfied the tolerable risk test.

Commission findings

The term ‘tolerable risk’ was introduced to the code through the assessment of the State Planning Provisions (SPPs) and is also used in the relevant Director’s Determinations. The SPPs include ‘tolerable risk’ as a defined term at clause 3 because it is used in a number of the hazard codes. For the sake of consistency, the modification was recommended by the Commission in its report to the Minister when assessing IPD1. The Minister issued the revised code in accordance with the modifications recommended by the Commission.

The Commission invited a representative from the Office of Security and Emergency Management (OSEM) in the Department of Premier and Cabinet to attend the hearing to assist in providing background context and interpretation of ‘tolerable risk’.

The Commission heard that a risk-based approach has been adopted by the Government to address the impact of risks associated with other natural hazards. The hazard codes apply standards to treat intolerable risks, lowering the level of exposure and bringing it into the realms of what would be considered a tolerable level of risk. The term ‘tolerable risk’ attempts to articulate this methodology by weighing up the measures required to treat the use or development and the benefits for it occurring in a hazard area.

A tolerable level of risk is implied where a use or development complies with a standard, either through the quantifiable Acceptable Solution (AS) or the performance based Performance Criteria (PC). In the case of Vulnerable and Hazardous uses, where there is no AS, the Code applies the concept of 'tolerable risk' to achieve the same residual risk that might be achieved through complying with other standards. In the case of Vulnerable and Hazardous uses, the complexities associated with the uses and the nature of the hazard means that formulating a quantifiable AS is not possible so the standard must rely on a PC that sets out a range of considerations to be taken into account to determine that the risk is tolerable.

The Commission acknowledges that this is a subjective approach, open to varying interpretations and applications. Hazards such as land instability or flood susceptibility are more amenable to scientific on site testing or review of historical records to determine and, to a certain degree, predict the likelihood of an adverse event. Mitigation measures can then be put in place to achieve a tolerable risk. However, given that the frequency and intensity of a bushfire is more difficult to predict, it is also harder to put in place mitigation measures to achieve a tolerable risk. In the absence of a better methodology, the use of the term 'tolerable risk' helps achieve the objective of the code and is consistent with the approach taken in other hazard codes in the SPPs.

To assist with the interpretation of 'tolerable risk' it is proposed to modify the objectives of the Vulnerable and Hazardous use standards to delete the reference to 'exceptional circumstances' and make it clearer that mitigation measures can be adopted to lower risk and allow Vulnerable and Hazardous uses in bushfire-prone areas.

The recommended modifications are to delete the objective for the Vulnerable and Hazardous use standards in the draft Planning Directive and replace with the following:

Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.

Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.

There was some confusion about whether it was the practitioner or the planning authority who was intended to determine that a proposed Vulnerable or Hazardous use satisfied the tolerable risk test. From the perspective of practitioners it was submitted that they did not have the expertise to make the judgements required by the PC. Planning authorities also expressed some concern that applying the PC increases their risk of liability.

The higher order tests provided for in Performance Criteria P1 of the Vulnerable and Hazardous use standards are clearly intended to be determined by the planning authority. In considering the list of matters, including any advice from the TFS, the planning authority assumes liability in the same way it would when exercising any other discretion. The role of the practitioner is to comply with A2 by providing a certified BHMP and demonstrating that emergency management has been considered.

The use standards should be modified to clarify those matters that the planning authority is required to consider; and those matters that are to be addressed by the TFS or accredited person. It is proposed to modify Performance Criteria P1 to delete reference to those matters regarding the vulnerability of occupants or the nature of the hazardous use. Consolidation of the PC allows for the focus to be demonstrating locational suitability within a 'tolerable risk' framework.

It is proposed that P1 of E1.5.1 (vulnerable) and E1.5.2 (hazardous) be modified as follows:

A (vulnerable/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:

- (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 emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this standard; and*
- (e) other advice, if any, from the TFS.*

Incidental modifications to the use standards were also made to that part of the standard involving the requirement for an emergency plan. 'Emergency plan' is a defined term however upon advice from the TFS the Commission became aware that the Australian Standards, referred to in the definitions, related to technical building matters at a level of detail that is unknown at the planning stage and, therefore, could not be properly demonstrated in accordance with the definition.

The TFS recommended that the definition of 'Emergency Plan' be deleted and, to avoid confusion with emergency plans required through the building system, change the name of the term to 'Emergency Management Strategy'.

The Commission accepts the TFS submission and recommends that the definition of 'emergency plan' be deleted from clause E1.3.1 of the draft Planning Directive.

In the absence of a definition, to clarify the intent of what an emergency management strategy is meant to address, it is proposed to restructure the AS to specify those matters that need to be considered. The AS has also been renumbered to come before the requirement for a bushfire hazard management plan and modified to include endorsement by an accredited person. The latter is to reflect changes to the TFS accreditation program where practitioners are being trained on the preparation of emergency management strategies.

It is proposed to modify existing A3 of E1.5.1 and E1.5.2 by inserting the following replacement text:

A2 (E1.5.1)

An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:

- (a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;*
- (b) the ability of occupants of the vulnerable use to:
 - (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; and**
- (c) any bushfire protection measures available to reduce risk to emergency service personnel.*

A2 (E1.5.2)

An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:

- (a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;*
- (b) available fire protection measures to:
 - (i) prevent the hazardous use from contributing to the spread or intensification of bushfire;*
 - (ii) limit the potential for bushfire to be ignited on the site;*
 - (iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and*
 - (iv) reduce risk to emergency service personnel.**

As a result of relocating the emergency management strategy provision, the requirement for a bushfire hazard management plan becomes A3.

Recommendation

That the Minister issue the Planning Directive under section 13(1)(a) of the Act in terms of the draft Planning Directive modified as recommended by the Commission under section 13(4) of the Act.

2.3.4 Retrospective planning approval for vegetation removal

One of the key changes to the code is that it no longer applies to habitable buildings. Reform within the building regulatory framework now allows the provisions applying to habitable buildings to be applied through the *Building Act 2016*, the intent being to remove duplication between the building and planning systems.

Concerns were raised that an application for a habitable building may get to the building approval stage, a bushfire hazard management plan is prepared and specifies hazard management areas that require vegetation clearance. Planning approval may be required for the vegetation clearance.

Commission findings

It is acknowledged that the code may create a situation whereby an applicant discovers late in the building process that planning approval is required for vegetation clearance. The matter was explored at the hearing with an industry representative submitting that although there is a possibility of that occurring, most practitioners were aware of regulatory obligations under the planning and building systems and consult with the planning authority to determine if any associated vegetation clearance required planning approval.

While the situation is not ideal, administrative processes can be put in place and continued awareness included as part of practitioners' training to avoid the possibility of applicants requiring retrospective planning approval.

Recommendation

That the issues raised do not warrant modification to the draft Planning Directive.

2.3.5 Council's expertise to consider matters

Concern was expressed that some of the PC require the planning authority to consider matters that are beyond its level of technical expertise. Of particular concern were the 'having regard to' tests in E1.6.1 P1 and E1.6.2 P1 and it was suggested that these PCs be deleted so the standards rely solely on the AS pathways requiring sign off by the TFS or accredited person.

Commission findings

The issue has been raised in prior assessments of previous versions of the code with the outcome being that a PC pathway be retained as an option for developers to pursue. If the PC pathway is chosen, the planning authority is required to consider the matters listed, including seeking advice from the TFS, and assume the liability for the outcome as it does in exercising other discretions. If the planning authority is not satisfied with the information provided, there is the opportunity to request further information or seek its own advice. If the council has explored all its options and is still not satisfied that an application complies with the PC it has the right to refuse to issue a permit.

Recommendation

That the issues raised do not warrant modification to the draft planning directive.

2.3.6 Additional instruments to manage hazards

A representor noted that the range of issues addressed in E1.6.1 A1 was mirrored in the corresponding PC with the exception of providing for an option to manage hazard management areas on adjoining land. It was suggested that an additional provision be included after P1(f) as follows:

- (g) *an instrument that will facilitate management of fuels on land external to the subdivision; and (subsequent renumbering of (g))*

Commission findings

The development standards for subdivision at E1.6.1 A1(c) allow the provision of hazard management areas on land external to the site to be considered provided the application is accompanied by the written consent of the owner 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.

The merit of including the additional provision was discussed at the hearing. Examples of what these instruments may be were explored and included placing a covenant on a title or a legally binding contract between land owners. The inclusion of the suggested provision also provides an added option for other instruments which may become available in the future.

The inclusion of an additional provision at E1.6.1 A1 is supported as it provides for consistency between the matters to be addressed through the AS and PC pathways and allows for consideration of a subdivision application, that may otherwise be constrained, to rely on external land to provide safe distances from bushfire hazards.

It is proposed to modify the draft Planning Directive by including another point at (g) under P1 of E1.6.1 (and subsequent renumbering) which states:

- (g) *an instrument that will facilitate management of fuels located on land external to the subdivision*

Recommendation

That the Minister issue the planning directive under section 13(1)(a) of the Act in terms of the draft Planning Directive modified as recommended by the Commission under section 13(4) of the Act.

2.3.7 Signage guidelines for water supplies

The TFS, in consultation with TasWater, has prepared Water Supply Signage Guidelines³ intended to more clearly and consistently identify water supplies for firefighting purposes. The code specifies signage requirements for static water connections in row D of Table E5 which is given effect through clause E1.6.3 A2 (b). The TFS recommend that the signage provisions be replaced to give reference to the Guidelines.

The TFS advises that the Guideline is also referenced in the Director's Determination – Requirement for Building in Bushfire Prone Areas (v2.0).

³ Tasmania Fire Service Water Supply Signage Guidelines – Guidelines for the design and installation of water supply signs and fire hydrant marking in bushfire-prone areas (Version 1, 2017)

Commission findings

There was some concerns raised at the hearing that the level of detail required in the Guidelines was greater than that which was normally required at the subdivision stage. However, because the code includes provisions for the supply of water for firefighting purposes and includes an option to deliver a dedicated static water supply, that water supply needs to be clearly identified to serve its purpose.

The Guidelines provide the necessary signage requirements for firefighting water supplies associated with habitable building implemented through the Director's Determination. The removal of the specific signage provisions in Table E5 and replacing them with a reference to the Guidelines is supported on the basis that it helps achieve consistency between building and planning regulations and facilitates the identification of water supplies in a bushfire situation.

The code should be modified at Table E5, row D, by deleting (b) and replacing with:

(b) comply with the Tasmania Fire Service Water Supply Signage Guideline published by the TFS.

Recommendation

That the Minister issue the planning directive under section 13(1)(a) of the Act in terms of the draft Planning Directive modified as recommended by the Commission under section 13(4) of the Act.

2.3.8 Interpretation regarding requirement of BHMP for each individual lot in a subdivision

The TFS submitted that some confusion had been raised among practitioners regarding the interpretation of E1.6.1 A1 (b)(iv) which states:

(b)The proposed plan of subdivision

....

(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 require for BAL 19....

The requirement of a BHMP for 'each individual lot' has been interpreted literally when the policy behind the provision was that supporting documentation be provided that demonstrates each lot complies with the minimum hazard area thereby any subsequent habitable building on that lot does not have to undergo a further assessment.

The TFS submits the intent of the provision could be better expressed and suggests that it be modified as follows:

(vi) is accompanied by a bushfire hazard management plan which addresses all the individual lots and that is certified by the TFS or accredited person.....

Commission findings

The development standard in question relates to the provision of hazard management areas for subdivisions. It is acknowledged that the current drafting is expressed to require a BHMP for each individual lot. The intent of the provision was discussed at the hearing with the TFS submitting it is not practical at the subdivision approval stage to prepare a BHMP for each proposed lot. It was submitted that the intention was to prepare a single BHMP for the subdivision which shows the hazard management areas equal to or greater than BAL 19 for the building areas shown on each lot. The BHMP is to show how hazard management areas might be maintained in a minimum fuel condition and, where necessary, includes other related matters such as road layout and water supply to address bushfire risk.

The purpose of the BHMP in the context of E1.6.1 A1 (b)(iv) is the certification of the BAL ratings, based on the specified hazard management areas, which can easily be adopted at the subsequent building stage without having to repeat the BAL assessment.

It is accepted that the drafting does not accurately reflect the intent and clause E1.6.1 A1 (b)(iv) should be modified to state:

(iv) is accompanied by a bushfire hazard management plan ~~for each~~ which addresses all the individual lots and that is 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 Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas:

Recommendation

That the Minister issue the planning directive under section 13(1)(a) of the Act in terms of the draft Planning Directive modified as recommended by the Commission under section 13(4) of the Act.

2.3.9 Editorial and minor modifications

A number of minor edits were suggested by representors to correct drafting errors or clarify provisions.

The TFS identified a drafting issue with clause E1.6.2 (A1)(b) which refers to compliance, 'to the extent necessary' with tables E1, E2 and E3. They submitted that the provision had been misinterpreted to allow flexibility in complying with the requirements of the table when the intent was that where a table applied, all the provisions of that table are to be complied with.

Glenorchy City Council identified that clause E1.5.2 P1(e)(iv) was not followed by a conjunctive and that Table E3 dot point (k) under fire trails is grammatically incorrect in that there should be an 'or' instead of an 'and' between (i) and (ii).

The Commission agrees that these editorial changes be made as minor modifications to the planning directive.

3.0 Conclusion

The policy intent of draft Planning Directive No. 5.1 is supported and, with the recommended modifications, should be approved and issued as Planning Directive No. 5.1.

3.1 Summary of recommendations

The Commission recommends that the Minister:

- (a) endorse the modifications to the draft Planning Directive as set out in Appendix 4 of this report;
- (b) issue the Planning Directive in accordance with section 13(4) in the terms of the draft Planning Directive modified as recommended and set out in Appendix 4 of this report.

Appendices

Appendix 1 – Ministerial Direction

Treasurer
Minister for Planning and Local Government

Level 9 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
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Greg Alomes
Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

20 FEB 2017

Dear Mr Alomes

**Notice of the issue of
Interim Planning Directive No.1.1 – Bushfire-Prone Areas Code
and direction to assess draft Planning Directive No. 5.1**

I hereby notify the Commission that I have issued Interim Planning Directive No.1.1 – Bushfire-Prone Areas Code under section 12A(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, (the Act).

I confirm that notification of the Interim Planning Directive will be published in the Government Gazette on 22 February 2017. It will take effect on 23 February 2017 and is effective for a 12 month period. Planning Directive No. 5 will continue to be suspended for the same period.

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, Tasmanian Fire Service and the Director of Building Control pursue a coordinated approach to communication about the issue of the new interim planning directive and modified Director's Determination which will be issued to coincide with the Interim Planning Directive.

Under section 11(1)(a) of the Act, I direct the Commission to undertake an assessment of draft Planning Directive 5.1.

Yours sincerely

A handwritten signature in blue ink, appearing to be "Peter Gutwein", written over a blue horizontal line.

Hon Peter Gutwein MP
Minister for Planning and Local Government

DOC/17/15135

Appendix 2 – Exhibited 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.

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:
- (b) interim planning schemes that have been declared in accordance with section 30F of the Act; and
 - (c) 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

Attachment 1**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: (f) the location, characteristics, nature and scale of the use; (g) whether there is an overriding benefit to the community; (h) whether there is no suitable alternative

	<p>lower-risk site;</p> <p>(i) the ability of occupants of the vulnerable use to:</p> <p style="padding-left: 40px;">(iv) protect themselves and defend property from bushfire attack;</p> <p style="padding-left: 40px;">(v) evacuate in an emergency; and</p> <p style="padding-left: 40px;">(vi) understand and respond to instructions in the event of a bushfire;</p> <p>(j) any bushfire protection measures available to reduce risk to emergency service personnel; and</p> <p>(k) 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>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<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> <p>(g) the location, characteristics, nature and scale of the use;</p> <p>(h) whether there is an overriding benefit to the community;</p> <p>(i) whether there is no suitable alternative lower-risk site;</p> <p>(j) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(k) available fire protection measures to:</p> <p style="padding-left: 40px;">(v) prevent the hazardous use from contributing to the spread or</p>

	<p>intensification of bushfire;</p> <p>(vi) limit the potential for bushfire to be ignited on the site;</p> <p>(vii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</p> <p>(viii) reduce the risk to firefighters.</p> <p>(l) 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 TFS.</p>	<p>P3</p> <p>No Performance Criterion.</p>

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

<p>Objective: Subdivision provides for hazard management areas that:</p> <p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(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</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<p>A1</p> <p>(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> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation</p>	<p>P1</p> <p>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:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition</p>

<p>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 Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas</i>; and</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</i>; and</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>sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting 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> <p>(a) allow safe access and egress for residents, fire fighters and emergency service personnel;</p> <p>(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;</p> <p>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(d) provide access to water supplies for fire appliances; and</p> <p>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
<p>A1</p> <p>(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</p>	<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> <p>(a) appropriate design measures, including:</p>

<p>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 E1, E2 and E3, is included in a bushfire hazard management plan certified by the TFS or accredited person.</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; <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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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.	The following design and construction requirements apply to property access: (a) complies with requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.

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.

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

<p>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.</p>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<p>A1</p> <p>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; (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. 	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</p> <p>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; (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. 	<p>P2</p> <p>No Performance Criterion.</p>

Table E4 Reticulated water supply for fire fighting

Element		Requirement
A.	Distance between building area to be protected and water supply.	The following requirements apply: <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	The following requirements apply: <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	A hardstand area for fire appliances must be: <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 300mm⁴; (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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⁴ 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.

Appendix 3 – Representations received during the exhibition period

1	Tasmanian Fire Service
2	Brenda Rosser
3	Glenorchy City Council
4	Ross Murphy (late Rep)

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

Appendix 4 – Commission’s recommended modified planning directive

Planning Directive No. 5.1 Bushfire-Prone Areas Code

This planning directive has been issued by the Minister for Planning and Local Government under section 13(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* and came into effect on 1 September 2017.

Planning Directive No. 5.1 Bushfire-Prone Areas Code

1.0 Citation

1.1 This planning directive may be cited as Planning Directive No. 5.1 – 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 section 30F of the former provisions¹ of the *Land Use Planning and Approvals Act 1993* (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.

3.2 Interim Planning Directive No.1.1 Bushfire-Prone Areas Code remains in effect until the day on which this planning directive takes effect in accordance with section 12A(9)(b)(ii).

3.3 All provisions of Planning Directive No.5 Bushfire-Prone Areas Code, suspended on 23 February 2017, are hereby revoked in accordance with section 12A(10)(b) of the Act.

4.0 Commencement

4.1 Planning Directive No. 5.1 takes effect on 1 September 2017.

Minister for Planning and Local Government

¹ **Note:** References in this planning directive to provisions of the *Land Use Planning and Approvals Act 1993* (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*. The **former provisions** apply to an interim planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

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.
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: <ul style="list-style-type: none"> (a) the amount of hazardous chemicals used, handled, generated or stored on a site exceeds the manifest quantity as specified in the <i>Work Health and Safety Regulations 2012</i>; or (b) 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>.
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: Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
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;

	<ul style="list-style-type: none"> (c) whether there is no suitable alternative lower-risk site; (d) the emergency management strategy and bushfire hazard management plan; and (e) other advice, if any, from the TFS.
<p>A2</p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering:</p> <ul style="list-style-type: none"> (a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (b) the ability of occupants of the vulnerable use to: <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; and (c) any bushfire protection measures available to reduce risk to emergency service personnel. 	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</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>P3</p> <p>No Performance Criterion.</p>

E1.5.2 Hazardous uses

<p>Objective: Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.</p>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<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

	<p>of the use;</p> <p>(b) whether there is an overriding benefit to the community;</p> <p>(c) whether there is no suitable alternative lower-risk site;</p> <p>(d) the emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this Standard; and</p> <p>(e) other advice, if any, from the TFS.</p>
<p>A2</p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:</p> <p>(a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; and</p> <p>(b) available fire protection measures to:</p> <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 ignited on the site; (iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and (iv) reduce risk to emergency service personnel. 	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</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>P3</p> <p>No Performance Criterion.</p>

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

<p>Objective: Subdivision provides for hazard management areas that:</p> <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
<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 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 Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas</i>; and (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is 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</i>; and (c) If hazard management areas are to be located on land external to the proposed 	<p>P1</p> <p>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:</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; (g) an instrument that will facilitate management of fuels located on land external to the subdivision; and (h) any advice from the TFS.

<p>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>	
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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.
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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, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that: <ul style="list-style-type: none"> (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and (ii) is certified by the TFS or an accredited person. 	<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 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;

	<ul style="list-style-type: none">(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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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.	The following design and construction requirements apply to property access: <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; or (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.

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

<p>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.</p>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<p>A1</p> <p>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; (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. 	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</p> <p>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; (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. 	<p>P2</p> <p>No Performance Criterion.</p>

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 300mm²; (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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² 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) comply with the Tasmania Fire Service Water Supply Guideline published by the Tasmania Fire Service.
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.