



Tasmania Fire Service

Bushfire Risk Unit

File No: AD162-02

Executive Commissioner  
Tasmanian Planning Commission  
[tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Attn: Peter Fischer

Dear Peter,

## **DRAFT PLANNING DIRECTIVE NO.7 – PERMITS FOR TEMPORARY HOUSING**

I write in response to your letter dated 26 February 2020 to provide comment on Draft Planning Directive No.7. Please accept this submission as the Tasmania Fire Service (TFS) representation on this matter.

It is understood the purpose of the draft Planning Directive is to allow for the efficient delivery of temporary housing for people in need of housing assistance. TFS generally supports this objective and the Government's efforts to support Tasmanians in need of housing support.

It is TFS' position that bushfire risk is an important planning consideration in relation to temporary housing, as occupants of temporary housing facilities are likely to be particularly vulnerable in a bushfire emergency. Furthermore, demountable, relocatable and other forms of non-permanent buildings that may be used for temporary housing are unlikely to be constructed to resist bushfire attack.

It is noted that whilst the definition of temporary housing specifies a 12 month limit on the use of the site for residential purposes, there is nothing to stop a housing provider from reapplying for a new permit to effectively extend the duration of the land use. Regardless, the relative exposure to risk remains the same, be the use for 12 months or 12 years. Consequently, risk mitigation measures must be implemented that reflect the risk exposure.

Therefore, before allowing temporary housing to proceed in a bushfire-prone area, consideration should be given to the site's level of exposure and the mitigation measures that would be needed to achieve an acceptable level of risk. Suitable risk mitigation measures may include building siting and spacing, hazard management

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areas, access, water supplies, and emergency planning procedures.

Clause 4.1(c) of the draft Planning Directive requires that proposed temporary housing in a bushfire-prone area be considered as a discretionary use and development. In exercising its discretion, the planning authority would be required to consider the criteria listed in clause 4.1(d) which specifies:

*(d) In determining an application under subclause 4.1(c), a planning authority must have regard to:*

*(i) locating the temporary housing as close as possible to existing residential facilities and social support services that are funded or operated by, or on behalf of, the Director of Housing or a housing support provider;*

*(ii) the availability and capacity of infrastructure to the site;*

***(iii) the purpose and provisions of the applicable zone and any applicable codes; and***

*(iv) the potential for land use conflict with other use or development on adjoining properties and any measures available to manage or mitigate such conflict.*

If in a bushfire-prone area, clause 4.1(d)(iii) would logically require consideration of the purpose of the Bushfire-Prone Areas Code (the Code) as it is stated in clause E1.1.1 of the relevant interim planning scheme. However, the Code only applies to a limited range of defined vulnerable uses, none of which include temporary housing as defined in the draft Planning Directive. Therefore, the Code would be considered to be non-applicable and would not require any further consideration when exercising discretion.

In consideration of these matters, it is recommended that the wording of clause 4.1(d)(iii) be amended to ensure bushfire risk is considered through the planning approvals process. A simple approach to achieve this may be to require that temporary housing be treated as a vulnerable use for the purposes of the Bushfire-Prone Areas Code.

It is particularly important that bushfire risk be considered through the planning approvals process because relocatable buildings that are not 'building work' for the purposes of the *Building Act 2016* would not trigger any bushfire protection requirements through the building approvals process. This would represent an unacceptable public safety outcome were bushfire safety is concerned.

If it were that temporary housing was considered as 'building work', the provision of hazard management areas may necessitate vegetation removal which would then require consideration through the planning approvals process.

Finally, it is noted that the draft Planning Directive would apply to all Local Government Areas except Flinders Island. It is unclear whether this was intentional or an accidental omission.

If you would like to discuss the issues raised in this representation please contact Tom O'Connor (Planning & Assessment Officer) at [tom.oconnor@fire.tas.gov.au](mailto:tom.oconnor@fire.tas.gov.au) or on 0438 101 367.

Yours sincerely,

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

**CHRIS COLLINS**  
**MANAGER – BUSHFIRE RISK MITIGATION**

23 March 2020