

From: [O'Connor, Tom](#)
To: [Sorell Council](#)
Subject: Draft Sorell Local Provisions Schedule (LPS)
Date: Friday, 16 July 2021 4:01:21 PM
Attachments: [Sorell BPA - Planning Report - v2.0.pdf](#)

Dear Sir/Madam,

I write obo Tasmania Fire Service in relation to the draft Sorell LPS that is currently on exhibition.

Upon review of the exhibited documents it has become evident that the exhibited version of the Bushfire-Prone Areas Overlay and supporting report are outdated. The version that was included in the Draft LPS was prepared in 2018. The LPS maps appear to have been prepared in 2019. In February 2020 the draft overlay was revised to remove land at Midway Point and it was this revised version that was then incorporated into the Sorell Interim Planning Scheme 2015.

The differences between the 2018 and 2020 versions of the overlay are documented in the TFS report provided in support of the latter (see attached). The changes were relatively minor and did not expand application of the overlay to any additional properties. The changes removed the overlay from a number of properties as a result of recent subdivision activity.

It is recommended that the Draft LPS overlay maps be updated to reflect the February 2020 version of the Bushfire-Prone Areas Overlay prior to approval by the Tasmanian Planning Commission.

Kind regards,

Tom O'Connor

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Tasmania Fire Service

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PLANNING REPORT



Tasmania Fire Service

Bushfire-Prone Areas Overlay Sorell LGA

February 2020



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Appendix A – Bushfire-Prone Areas Overlay

Executive Summary

The Tasmania Fire Service ('TFS') is working with Local Government to prepare and implement bushfire-prone areas mapping for Tasmanian Local Government Areas ('LGA'). Draft mapping for the Sorell LGA has now been completed following collaborative work between TFS and Council officers.

The purpose of the bushfire-prone area mapping is to spatially define land where potential exposure to bushfire hazard is sufficient to warrant a building and/or planning response to achieve a tolerable level of residual risk. The mapping does not imply that there is nil risk to use and development outside of the overlay, rather that residual risk to use and development outside of the overlay is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

The starting point for the map preparation was the production of a 'modelled overlay' that was generated by applying a 100m buffer to existing vegetation map data. The overlay was then progressively refined based on assessment of local conditions including bushfire behaviour and fuel management regimes. The local knowledge provided by Council officers was critical to this process.

By spatially defining bushfire-prone areas the mapping will provide clarity for permit authorities, landowners, developers, consultants and the broader community with respect to the application of existing statutory requirements for bushfire protection. The process of reviewing local conditions has also allowed for some areas that would currently trigger bushfire requirements to be 'mapped-out', thereby reducing compliance and development costs for the local community.

For the mapping to serve its intended function it needs to be incorporated within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA'). Sorell Council has already included the bushfire-prone areas overlay in its draft Local Provision Schedules, which will ultimately form part of the Tasmanian Planning Scheme.

Due to the uncertain timing of the Tasmanian Planning Scheme and the benefits of implementing the overlay sooner, Council may wish to consider initiating a draft amendment to the Sorell Interim Planning Scheme 2015. In this transitional period before the Tasmanian Planning Scheme is enacted, Schedule 6 of LUPAA provides the statutory basis for amending interim planning schemes under the 'former provisions'.

Adoption of the bushfire-prone areas overlay is consistent with the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993*, the State Policies created under the *State Policies and Projects Act 1993* and the relevant regional land use strategy.

1. Introduction

1.1 Purpose of this Report

This report has been prepared in support of the bushfire-prone areas mapping for the Sorell LGA and provides the following information:

- The background and context of the mapping;
- Description of the mapping process;
- Consideration of overlay implementation;
- Consideration of the relevant statutory planning requirements and strategic planning framework.

1.2 Background

The Tasmania Fire Service is working with Local Government to produce and deliver the bushfire-prone area mapping for Tasmania. Once completed for each municipality the mapping is intended to be integrated within the relevant planning instrument to formally identify 'bushfire-prone areas' for the purpose of planning and building control.

Bushfire has been a constant, natural phenomenon in Australia for thousands of years and south-eastern Australia is one of the most bushfire-prone regions in the world. Whilst fire has important ecological functions in the Australian context, its effects on human life, built assets and economic resources can be catastrophic if risk is not adequately managed. Not surprisingly, bushfire is identified in the Tasmanian Emergency Management Plan as Tasmania's most prominent natural hazard due to its prevalence and historical impacts on communities¹. Recent analysis of climate data confirms that this is unlikely to change with fire danger in some parts of Tasmania expected to progressively increase over the course of this century².

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

Planning and building controls are now recognised in Australia as an important tool that can be used to facilitate more resilient and sustainable communities. Bushfire protection requirements are applied to use and development for the purpose of ensuring a tolerable level of residual risk is achieved. It is essentially a form of market intervention that seeks to achieve a better outcome for society than the market would otherwise deliver. Numerous public enquiries have recognised the importance of planning and building as a means for supporting

¹ Department of Police and Emergency Management 2015, *Tasmanian Emergency Management Plan - Issue 8*, DPEM, Hobart.

² Fox-Hughes P, Harris RMB, Lee G, Jabour J, Grose MR, Remenyi TA & Bindoff NL (2015) *Climate Futures for Tasmania future fire danger: the summary and the technical report*, Antarctic Climate & Ecosystems Cooperative Research Centre, Hobart, Tasmania

community fire safety, most notably the 2004 National Enquiry on Bushfire Mitigation and Management and the 2009 Victorian Bushfires Royal Commission.

The Tasmanian Government responded to the 2009 Victorian Bushfires Royal Commission by initiating significant planning and building reforms, including the introduction of Planning Directive No.5 Bushfire-Prone Areas Code within planning schemes in 2012 and state variations to the Building Code of Australia. This provided – for the first time – state-wide consistency in relation to use and development standards for bushfire protection. The importance of these reforms was confirmed by the 2013 Tasmanian Bushfires Inquiry, which recommended that the Tasmanian Government make land use planning and building construction for bushfire a high priority and that it progress improvements in this area³.

The planning and building regulatory system in Tasmania includes bushfire protection requirements to mitigate risk to communities and assets in bushfire-prone areas. The existing framework includes:

- The Bushfire-Prone Areas Code, which applies through local planning schemes under the *Land Use Planning and Approvals Act 1993*; and
- The Director's Determination – Requirements for Building in Bushfire-Prone Areas, which applies through the *Building Regulations 2016* and *Building Act 2016*.

This framework is structured in a way that enables application of bushfire controls through the planning approvals process for proposals involving land subdivision, vulnerable and hazardous uses. Bushfire requirements for other types of use and development are applied through the building approvals process.

For the purposes of both planning and building permit approvals it is necessary to determine whether proposed works are located within a 'bushfire-prone area'. This term is currently defined as follows:

Bushfire-prone area

Means:

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

In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on interpretation of subclause (b).

Incorporation of the mapping within the relevant local planning scheme overlay map will enable the use of subclause (a) of the abovementioned definition, thereby reducing the amount of assessment required to determine applicability.

The 100m rule that forms the basis of the abovementioned definition has historically been accepted as a benchmark for the application of development control for bushfire and is the maximum distance considered in Australian Standard 3959-2009. Post-fire investigations have indicated that 85% of building loss resulting from major bushfires has historically occurred at distances within 100m of the urban interface⁴. Notwithstanding this, bushfire

³ Department of Premier and Cabinet, 2013 Tasmanian Bushfires Inquiry, DPAC, Hobart.

⁴ Ahern, A., and M. Chladil (1999), *How far do bushfires penetrate urban areas?* paper presented at 1999 Australian Disaster Conference, Emergency Manage. of Aust., Canberra, A. C. T.

behaviour is not uniform across all situations some circumstances application of a 'blanket' 100m buffer is considered unnecessarily conservative.

2. Study Area

The study area for the purpose of this mapping project is the Sorell Local Government Area ('LGA') as shown in Figure 1. Sorell is located in south-eastern Tasmania and adjoins the Glamorgan-Spring Bay, Southern Midlands, Clarence and Tasman LGAs.

Sorell is bounded by the coast to the east and south. The east coast can and does experience periods of prolonged dryness, often with a resultant fire season beginning in October and continuing into April.

The LGA includes a number of existing settlements and communities at risk of bushfire and is experiencing one of the highest growth rates in Tasmania. The bulk of the local population is concentrated along the coast in the townships of Sorell, Midway Point, Dodges Ferry, Lewisham, Primrose Sands and Dunalley. These activity centres support a large rural hinterland to the north.



Figure 1 – Sorell LGA location map

3. Bushfire-Prone Area Overlay

The draft Bushfire-Prone Area Overlay for Sorell has been completed following collaborative work between the Tasmania Fire Service and Council officers. The draft maps are enclosed as **Appendix A** to this report.

3.1 Purpose of Overlay

The bushfire-prone area overlay primarily relates to use and development control. Its purpose is to spatially define areas where risk is sufficient to require specific bushfire protection measures in order to achieve a tolerable level of residual risk. The mapping will provide a definitive trigger for assessment under the existing planning and building requirements for bushfire protection. Spatially defining bushfire-prone areas is consistent with the approach adopted for other natural hazards within Tasmanian planning schemes (inundation, landslip hazard).

The mapping is not intended to identify all land that may be impacted by bushfire hazard, nor does it imply that there is nil residual risk to use and development outside of the overlay. Rather, residual risk to use and development outside of the mapped areas is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

By removing the need to evaluate whether vegetation is 'bushfire-prone' before confirming whether a site is within a 'bushfire-prone area', the mapping will remove ambiguity and improve the development assessment process to the benefit of permit authorities, land owners and developers.

The mapping also provides a more sophisticated mechanism than the standard 100m rule trigger that is currently relied upon. Evaluation of local conditions and likely bushfire behaviour has informed the mapping process and has allowed for some reductions to the standard 100m buffer in situations where it has been determined that the risk does not warrant application of planning or building standards to achieve a tolerable level of residual risk. In doing so, the mapping will refine application of bushfire requirements and reduce circumstances whereby a bushfire report is required for low-risk development.

The overlay can also have other uses. It can be used to support community education in support of community fire safety as it will be accessible through multiple websites including the LIST, iplan, and the TFS website. Additionally, TFS will use the map as the basis for issuing fire permits and when advising the community about using fire and burning off. TFS will not issue Fire Permits outside bushfire-prone areas and will advise the community to not use fire for fire hazard removal outside bushfire-prone areas. Council staff will be able to use the mapped areas when dealing with hazard complaints and abatement issues.

3.2 Mapping Process

The process that has been followed in preparing the draft overlay and that will be followed for implementation is summarised conceptually in Figure 2. The draft overlay has been prepared by the TFS in collaboration with Council's planning officers.

The starting point for the mapping was the generation of a 'modelled overlay', which was created by applying a 100m buffer to all TASVEG 3.0 vegetation communities, excluding those types deemed to be 'low threat' and exclusions as specified under AS 3959-2009.

The mapping provided in TASVEG 3.0 provides high-level guidance with respect to vegetation distribution and as such, its accuracy is limited when applying it to individual properties. The modelled overlay was therefore based on imperfect spatial data and it was important to verify

the boundaries that were produced and adjust accordingly. An initial desktop assessment was undertaken to identify obvious discrepancies and ascertain any key areas that required closer examination.

Verification of specific areas was completed through physical inspection and/or enquiries into the development status and management regime of particular properties where necessary. As discussed previously, bushfire impact is not uniform across all situations and in some cases, relaxation of the standard 100m buffer has been adopted where site characteristics will effectively limit fire intensity, spread and subsequent impact on surrounding development. Relevant factors include the total area, type and location of vegetation, fire run potential, effective slope, prevailing wind and the use, development or land management status of the property.

The overlay was then aligned with cadastral title boundaries. This was necessary to ensure that application of the overlay to specific properties and future developments can be easily determined. For urban lots in particular there is little merit in mapping a property as partially bushfire-prone, hence this has been avoided as far as possible. For lots 2,000sqm (or less) in area the overlay was aligned to include the entire title if an area of 15% (or greater) was affected. For these lots, it is considered increasingly unlikely that a future development on the site would be able to wholly avoid the overlay and - as vegetation communities are not static - the actual separations from hazardous vegetation should be verified at the time a development is proposed. Where the overlay covered less than 15% of an urban title, the title was generally excluded entirely from the overlay, as it is considered increasingly likely that future development will be 100m or further from the hazard source.

The approach used is consistent with that used for the existing bushfire-prone areas overlays within the Clarence Interim Planning Scheme 2015 and the Hobart Interim Planning Scheme 2015. Furthermore, in preparing the overlay TFS has sought to ensure consistency with Tasmanian Planning Commission's *Practice Note 7: Draft LPS Mapping Technical Advice*.

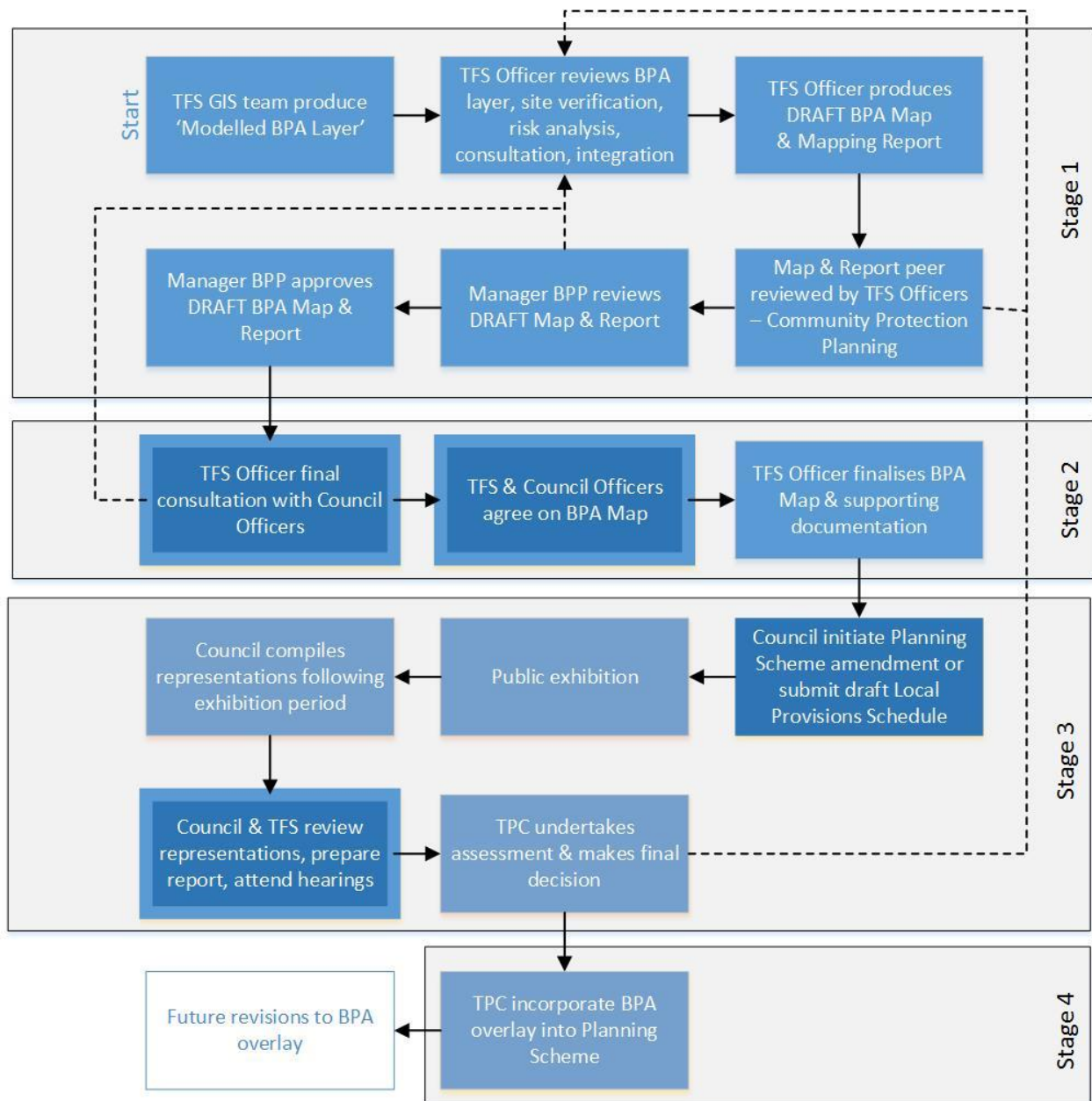


Figure 2 – Overview of mapping preparation and implementation

3.3 Overlay Refinement

As discussed previously, refinement of the original 'modelled overlay' to create the draft bushfire-prone areas overlay has been informed by evaluation of local conditions. The local knowledge provided by Council officers was particularly valuable and has improved the accuracy of the final product.

Where Grassland fuels are predominant the overlay has been limited to include properties within a maximum of 50m (a relaxation from the standard 100m). This relaxation reflects the reduced ember potential associated with Grassland fuels and is consistent with the minimum distance required for a BAL-LOW rating under AS 3959-2009.

Properties that are subject to a maintenance regime have been identified through consultation with Council officers. This includes Council-owned public open space assets that are subject to routine vegetation management and private land that is currently in the process of being developed and/or will be managed through Council's hazard abatement program if and when required.

Table 1 provides a summary of the hazard abatement commitments that have resulted in adjoining or adjacent land being mapped out of the overlay. In practical terms this means that bushfire hazard on the identified properties will be maintained throughout the fire danger period to the minimum fuel condition specifications detailed in Clause 2.2.3.2 (f) of AS3959-2009, which in the case of grassland fuel means a nominal cropped height of 100mm.

Table 1 – Land identified for management through hazard abatement program

Property address	Property ID	Notes
Penna Road, Midway Point	PID 3410240 PID 3410259	Balance of residential subdivision (Permit No. 7.2011.11.6). The land is expected to eventually be fully developed for residential use and managed in a minimum fuel condition in perpetuity. In the interim, the land will be monitored through Councils fire hazard inspection program with abatement notices issued if/when required.
Gatehouse Drive, Sorell	PID 3352503	Balance of residential subdivision. The land is expected to eventually be fully developed for residential use and managed in a minimum fuel condition in perpetuity. In the interim, the land will be monitored through Councils fire hazard inspection program with abatement notices issued if/when required.
2-20 Franklin Street, Lewisham	PID 2191365	Balance of residential subdivision (Permit No. 7.2016.17.1). The land is expected to eventually be fully developed for residential use and managed in a minimum fuel condition in perpetuity. In the interim, the land will be monitored through Councils fire hazard inspection program with abatement notices issued if/when required.
Forcett Street, Sorell	PID 3282859	Balance of large residential subdivision (Permit No. 7.2015.13). The land is expected to eventually be fully developed for residential use and managed in a minimum fuel condition in perpetuity. In the interim, the land will be

		monitored through Councils fire hazard inspection program with abatement notices issued if/when required.
10 Forcett Street, Sorell	PID 7365395	School farm associated with Sorell Primary School. The land is grassed with stock and is inspected each year through Councils fire hazard inspection program with abatement notices issued when required.
56-62 Forcett Street, Sorell	PID 5932923	Recently zoned General Residential. The land is monitored through Councils fire hazard inspection program with abatement notices issued when required.
Lot 1 Shark Road, Sorell	PID 2708854	Old bypass corridor. Land is currently slashed under Council contract. The bypass is no longer intended to be used for a road and will likely be developed/landscaped with a walking track.
Elise Drive, Dodges Ferry	(multiple)	Undeveloped Low Density Residential lots fronting onto Elise Drive. The land is monitored through Councils fire hazard inspection program with abatement notices issued when required.

The draft bushfire-prone areas overlay was originally issued in June 2018 for inclusion in Council's draft Local Provisions Schedule for the Tasmanian Planning Scheme. The draft overlay maps enclosed as Appendix A have been prepared in anticipation of a draft amendment to the Sorell Interim Planning Scheme 2015. This version of the mapping accounts for recent subdivision activity at Midway Point, as shown in Figure 3.

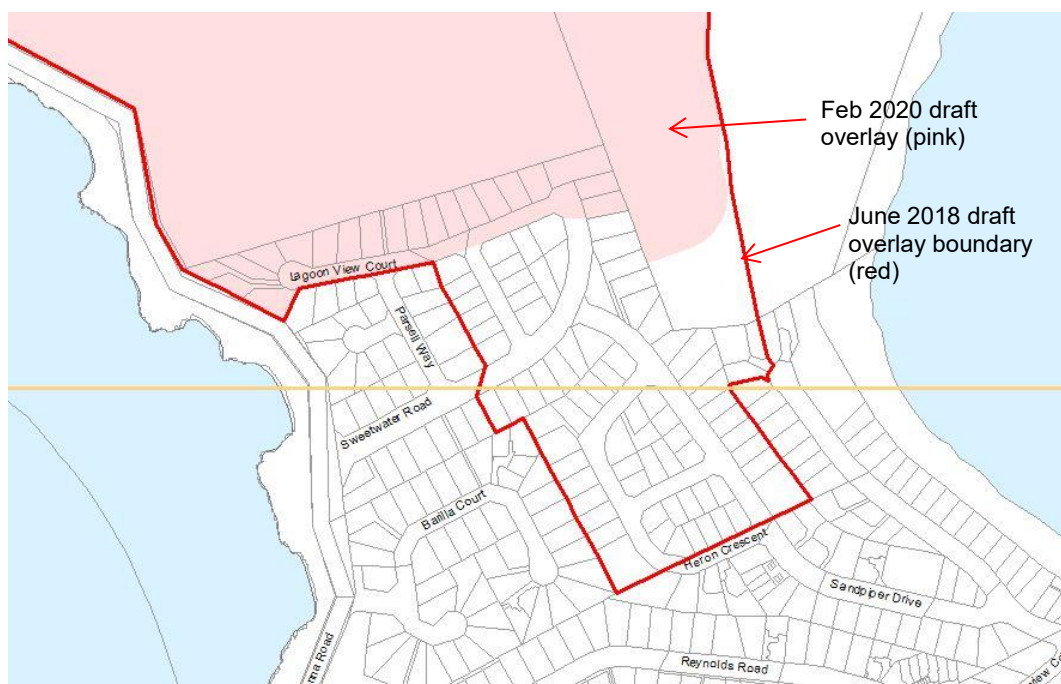


Figure 3 - February 2020 edits to draft overlay

It is anticipated that this edit will ultimately be reflected in the final Local Provision Schedule maps as part of the Tasmanian Planning Scheme process. It is noted that a development application for further residential subdivision of land north of Lagoon View Court (CT 176809/3) is likely to be made in the near future. Depending on the timing of that development, there

may be opportunity to further refine the overlay in this area as part of the Tasmanian Planning Scheme process.

3.4 Outcome

It is clear that the majority of the land within the Sorell LGA is designated as bushfire-prone as a result of the mapping process, including a total of 4,695 private parcels.

Table 2 provides a comparison of the number of lots that intersect with the computer generated modelled overlay versus the final draft overlay. The modelled overlay more closely reflects the number of lots that would currently be subject to bushfire requirements under the current 100m rule that operates in the absence of the overlay, as it is based on a 100m buffer from TASVEG mapping. The statistics show that the overall number of properties affected has been reduced as the overlay has been refined.

Table 2 - Comparison of properties affected by modelled overlay versus final draft overlay

Cadastral type ('CAD_TYPE1')	Final draft Overlay (n)	Modelled overlay (n)
Authority Land	388	432
Local Government Reserve	38	37
Private Parcel	4,695	5,190
Public Land Classification	143	157
Total intersected	5,264	5,816

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled TFS to identify approximately 552 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future.

To illustrate the benefit of this, if each of those properties were to be developed/redeveloped at some stage in the future, the mapping at a minimum would deliver an economic benefit to private landowners in Sorell in the range of approximately \$221k-\$524k from the avoided cost of bushfire assessment fees alone. Further economic benefit is derived from the reduced time required for building work to be designed, documented and approved and potentially also avoided constructions costs for some of the excluded properties (if an exemption were not obtained).

4. Implementation Options

For the mapping to serve its intended statutory function it is necessary to incorporate it within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA').

4.1 Tasmanian Planning Scheme

All Tasmanian Councils are required to transition into the Tasmanian Planning Scheme ('TPS'). The TPS will be comprised of the State Planning Provisions ('SPP') and Local Planning Schedules ('LPS'), the latter of which is to be provided by Local Government.

The bushfire-prone areas overlay has been included in Council's draft Local Provisions Schedule. Once the Sorell Local Provisions Schedule has progressed through the statutory

process and is formally approved, the Tasmanian Planning Scheme will be activated and will supersede the Sorell Interim Planning Scheme 2015.

The timing of this process is unclear and will be largely dependent on the response to public exhibition and subsequent hearings process and the available resources of the Tasmanian Planning Commission to complete assessment of multiple LPSs concurrently. As has been the case in other municipalities, a protracted timeframe is possible.

4.2 Sorell Interim Planning Scheme 2015

Another option for implementation of the bushfire-prone areas overlay is through amendment of the Sorell Interim Planning Scheme 2015 via LUPAA's Savings and Transitional Provisions.

Schedule 6 of the *Land Use Planning and Approvals Act 1993* provides the statutory mechanisms to amend interim planning schemes under the former provisions. Council may initiate a Draft Amendment of its own motion under s.34(1)(b) of the former provisions.

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

5. Statutory Planning Requirements

5.1 Requirements for TPS Local Provisions Schedules

It is anticipated that the overlay will be included as part of Council's Local Provision Schedules. At that time, the overlay will need to be considered in the context of s.34(2) of the *Land Use Planning & Approvals Act 1993* (current provisions). S.34(2) states:

34. LPS criteria

(1) ...

(2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

(b) is in accordance with [section 32](#) ; and

(c) furthers the objectives set out in [Schedule 1](#) ; and

(d) is consistent with each State policy; and

(e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

(f) is consistent with the strategic plan, prepared under [section 66 of the Local Government Act 1993](#) , that applies in relation to the land to which the relevant planning instrument relates; and

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Pipelines Act 2000](#) .

(3) ...

Incorporating the mapping as an overlay is consistent with the relevant provisions of the State Planning Provisions (specifically clause 1.2.3 and the definition of 'bushfire-prone area' in clause C13.3.1). The overlay is therefore consistent with s.34(2)(a).

Relevant to s.32, the map overlay will provide for the spatial application of the State Planning Provisions to particular land and is accordingly consistent with s.34(2)(b).

With respect to the strategic considerations referred to in s.34(2)(c),(d),(e) and (f):

- The Schedule 1 Objectives of LUPAA are considered in section 6.2.1 of this report;
- The State policies are considered in section 6.2.2 of this report;
- The Regional Land Use Strategy is considered in section 6.2.3 of this report; and
- Council's Strategic Plan is considered in section 6.2.4 of this report.

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs. The overlay accordingly satisfies s.34(2)(g).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

5.2 Requirements for IPS Draft Amendments

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

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

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(a) – (d) ...

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 300 ; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The introduction of the proposed overlay will clarify the application of existing planning and building requirements: no new requirements will be introduced. Accordingly, a draft amendment that introduces the overlay will not create any new land use conflict issues and is considered to satisfy (e).

With regards to (ea):

- s.30O(1) requires consistency with the relevant regional land use strategy. As is discussed further in this report, the overlay is consistent with the relevant regional land use strategy;
- s.30O(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

The draft amendment will therefore satisfy (ea).

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

6. Strategic Considerations

6.1 LUPAA Schedule 1 Objectives

Schedule 1 of the *Land Use Planning and Approvals Act 1993* specifies the strategic objectives for the Resource Management and Planning System and for the planning process established by the Act.

The Schedule 1 Objectives are considered in Table 3 and Table 4.

Table 3 - Schedule 1, Part 1 Objectives

Objective	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The proposed scheme amendment will support the application of an existing Code. It will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (a).</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	<p>The bushfire-prone areas overlay will improve clarity for the community, for developers and for regulatory authorities responsible for assessing planning and building permit applications.</p> <p>In developing the mapping, the Tasmania Fire Service has excluded some areas that could currently be considered as being within a 'bushfire-prone area' but which have been deemed to be suitably low threat. This was based on expert judgement in bushfire behaviour and evaluation of local conditions. By refining the application of the bushfire requirements in this way, the planning scheme amendment will facilitate fairer outcomes for landowners.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (b).</p>
<i>(c) to encourage public involvement in resource management and planning; and</i>	<p>In developing the bushfire-prone areas mapping the Tasmania Fire Service has sought and considered input from Council's officers. This dialogue has provided important local knowledge</p>

	<p>into the project, in relation to land use practices and management of specific sites.</p> <p>Assuming that Council initiates the amendment to the Planning Scheme, the general public will have an opportunity to review the mapping and submit a representation on any aspect they wish the Planning Authority to consider.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (c).</p>
<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i></p>	<p>Incorporation of the mapping will improve clarity with respect to whether a site is in a bushfire-prone area which will support property development in the following ways:</p> <ul style="list-style-type: none"> • It will ensure landowners and developers can easily determine whether their site is in a bushfire-prone area early in the development process and therefore factor this into concept design and feasibility assessments; • By removing areas from the mapping that have been deemed to be suitably low threat by the Tasmania Fire Service, the planning scheme amendment will reduce costs and delays from the approvals process for applicants (e.g. costs of engaging a Bushfire Hazard Practitioner to certify an exemption, delays associated with s.54 requests). <p>As stated previously, the scheme amendment will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (d).</p>
<p><i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i></p>	<p>The Tasmania Fire Service has collaborated with Council officers in preparing the mapping to ensure that it is technically sound and appropriate to local circumstances.</p> <p>By incorporating the mapping within local planning provisions it will support the application of the Bushfire-Prone Areas Code (Planning Directive 5.1) which Local Government is obliged to enforce.</p> <p>The approvals process requires the support of both Council and the Tasmanian Planning Commission for the mapping to become effective.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (e).</p>

Table 4 - Schedule 1, Part 2 Objectives

Objective	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	<p>The introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the bushfire-prone areas mapping as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code.</p> <p>The approach used in developing the mapping is consistent with that used for Clarence and Hobart's interim planning schemes. Tasmania Fire Service seeks to maintain a consistent approach as it progresses mapping for remaining Local Government Areas.</p> <p>As is discussed further in this report, the overlay is consistent with current State Policies and the Regional Land Use Strategy.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (a).</p>
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	<p>As discussed previously in this report, the overlay will support the efficient application of the Bushfire-Prone Areas Code (and building regulations) by clearly identifying which land is subject to the overlay.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (b).</p>
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	<p>Implementation of the overlay will not facilitate any loss of biodiversity or any other impacts on natural values.</p> <p>The social and economic benefit of the mapping will be to improve clarity with respect to what land is considered bushfire-prone and to avoid application of the planning/building regulations to land that has been deemed to be suitably low threat.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (c).</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	<p>As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. The scheme amendment is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (d).</p>
<i>(e) to provide for the consolidation of approvals for land use or development and</i>	<p>At present, bushfire requirements are triggered either at the planning approval or building approval stage depending on the type of development proposed. Under each process the</p>

<p><i>related matters, and to co-ordinate planning approvals with related approvals; and</i></p>	<p>definition of 'bushfire-prone area' refers to planning scheme overlay mapping (where available). The completion of the mapping will ensure that assessments as to whether a site is bushfire-prone will be consistent throughout the entire process.</p> <p>Single dwellings, visitor accommodation and some other types of buildings are triggered through the building approvals process and not at planning. This can give rise to situations whereby a development may receive planning approval that does not account for the vegetation removal required to comply with the bushfire requirements at the building approvals stage. Inclusion of the mapping will ensure that assessing planning officers and developers consider at the development application stage of any requirement to consider vegetation removal.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (e).</p>
<p><i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i></p>	<p>The overlay will support the application of planning and building requirements for bushfire protection, the key purpose of which are to reduce risk to life and property. The scheme amendment will accordingly support the aim of securing a safe environment for working, living and recreation.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (f).</p>
<p><i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i></p>	<p>Implementation of the overlay is not considered to be in conflict with the conservation of any places identified as holding heritage, aesthetic, architectural or other cultural value.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (g).</p>
<p><i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i></p>	<p>The overlay will not affect the requirements of the Bushfire-Prone Areas Code – it will simply clarify its application. The scheme amendment is therefore not considered to be in conflict with public infrastructure and will not compromise the orderly provision and co-ordination of public utilities.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (h).</p>
<p><i>(i) to provide a planning framework which fully considers land capability.</i></p>	<p>Incorporation of the mapping will have no significant effect on agricultural land capability.</p> <p>Implementation of the overlay is accordingly considered to be consistent with (i).</p>

6.2 State Policies

Current State Policies created under the *State Policies and Projects Act 1993* include:

- State Policy on the Protection of Agricultural Land 2009;
- State Coastal Policy 1996; and
- State Policy on Water Quality Management 1997.

The proposed amendment to the Planning Scheme does not introduce any new development standards, rather, it will improve the application of the Bushfire-Prone Areas Code. The amendment will accordingly not facilitate the loss of productive agricultural land, nor the degradation of coastal land or water resources. The scheme amendment is accordingly not considered to be in conflict with any of the existing State Policies.

Section 12A of the *State Policies and Projects Act 1993* also requires that a national environment protection measure is taken to be a State Policy. The current NEMPs provide objectives for the protection of air, land and water quality, the protection of amenity from noise, the control of hazardous wastes and recycling of used materials. The adoption of the bushfire-prone areas overlay is considered to have no impact with respect to compliance with the current NEPMs.

6.3 Southern Tasmania Regional Land Use Strategy 2010-2035

Local Provision Schedules must be consistent with the relevant regional land use strategy. For Sorell, this is the Southern Tasmania Regional Land Use Strategy ('STRLUS').

The key section of STRLUS is Section 8, which provides regional policies for managing risks and hazards. The majority of the policies pertaining to bushfire hazard relate to ensuring that planning schemes provide suitable requirements for vegetation removal and subdivision design and therefore do not directly relevant to the overlay. The relevant policies are considered in Table 5.

Table 5 - Regional Policies

Regional Policy	Response
MRH 1.1 <i>Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.</i>	<p>Incorporation of the proposed overlay will mean that bushfire-prone land will be easily identifiable early in the land use planning process. In doing so, it will help signal to developers that there are Code requirements that require consideration when looking at subdivision or rezoning opportunities.</p> <p>The scheme amendment is accordingly considered to be consistent with MRH 1.1.</p>
MRH 1.4 <i>Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.</i>	<p>The existing '100m from 1ha' trigger for determining application of bushfire requirements is a simplistic approach that is used in the absence of mapping. The proposed mapping will provide a more refined mechanism for triggering the bushfire requirements as the spatial extent of the overlay has been adjusted based on expert judgement.</p> <p>The scheme amendment is accordingly considered to be consistent with MRH 1.4.</p>

6.4 Sorell Community Strategic Plan 2014-2018

The Sorell Community Strategic Plan 2014-2018 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*.

The Strategic Plan provides high-level guidance in the form of guiding principles and identification of key focus areas. The Strategic Plan identifies the need to facilitate economic growth within the municipality. It does not provide specific direction in relation to natural hazards.

The overlay will support the application of planning and building requirements for bushfire protection, thereby improving transparency and efficiency of land use planning controls. This is beneficial for landowners, business operators and prospective developers in that it ensures they can factor in bushfire implication early in their decision making process. The overlay is accordingly considered to be consistent with the Strategic Plan insofar as it seeks to facilitate economic development.

Adoption of the overlay is accordingly considered to support the broad strategic considerations of Council's Strategic Plan.

7. Future Revisions

The Bushfire-Prone Areas Overlay should be reviewed and updated periodically to ensure it remains accurate. This will logically form part of Council's review process for their Local Provision Schedules under the Tasmanian Planning Scheme.

In the situation where a scheme amendment is required to facilitate a new development (e.g. a combined rezoning and greenfield subdivision proposal) it may be appropriate to review and amend the overlay as part of the amendment process. It is anticipated that TFS will be consulted as part of this process.

8. Conclusion

The Tasmania Fire Service in collaboration with Council officers have completed the draft bushfire-prone area overlay for the Sorell LGA.

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

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

In the process of developing the overlay a significant number of properties have been able to be mapped out on the basis of insufficient risk to warrant a built response. Introduction of the overlay thereby presents a direct economic benefit to those landowners as well as benefits the development industry more broadly.

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

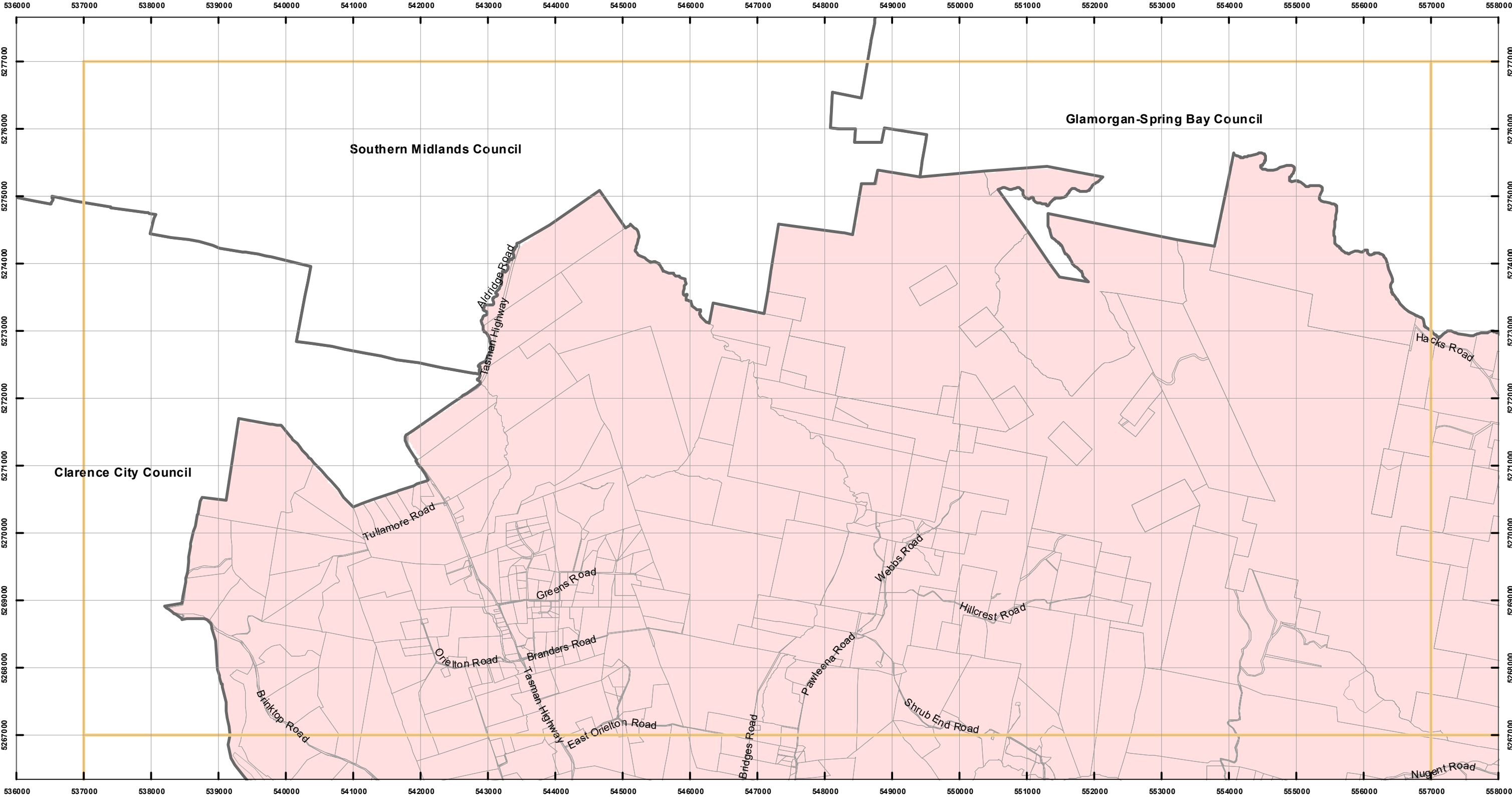
As discussed in this report, introducing the mapping as a planning scheme overlay is consistent with all relevant strategic planning considerations. It is anticipated that this will ultimately occur through the Tasmanian Planning Scheme process however timing is uncertain. Introducing the overlay through an amendment of the Sorell Interim Planning Scheme 2015 has the benefit of a shorter implementation timeframe, meaning the benefits of the overlay can be delivered sooner.

Sorell Council has already endorsed the draft bushfire-prone areas overlay as part of its Local Provisions Schedule for the Tasmanian Planning Scheme. The version enclosed with this report is anticipated to be form the basis for a draft amendment to the Sorell Interim Planning Scheme 2015. It is noted that additional land has been mapped-out in this version to account for recent subdivision activity at Midway Point.



APPENDIX A

Bushfire-Prone Areas Overlay

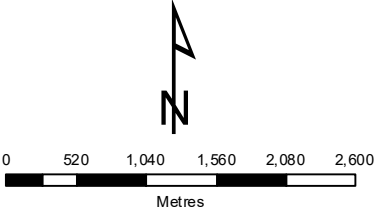
SORELL INTERIM PLANNING SCHEME 2015 - BUSHFIRE-PRONE AREAS OVERLAY



Legend

-  Planning Scheme area boundary
-  Bushfire-prone area

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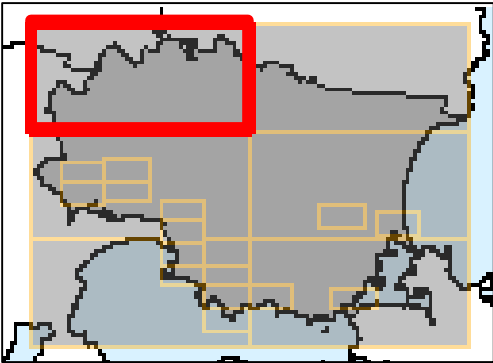


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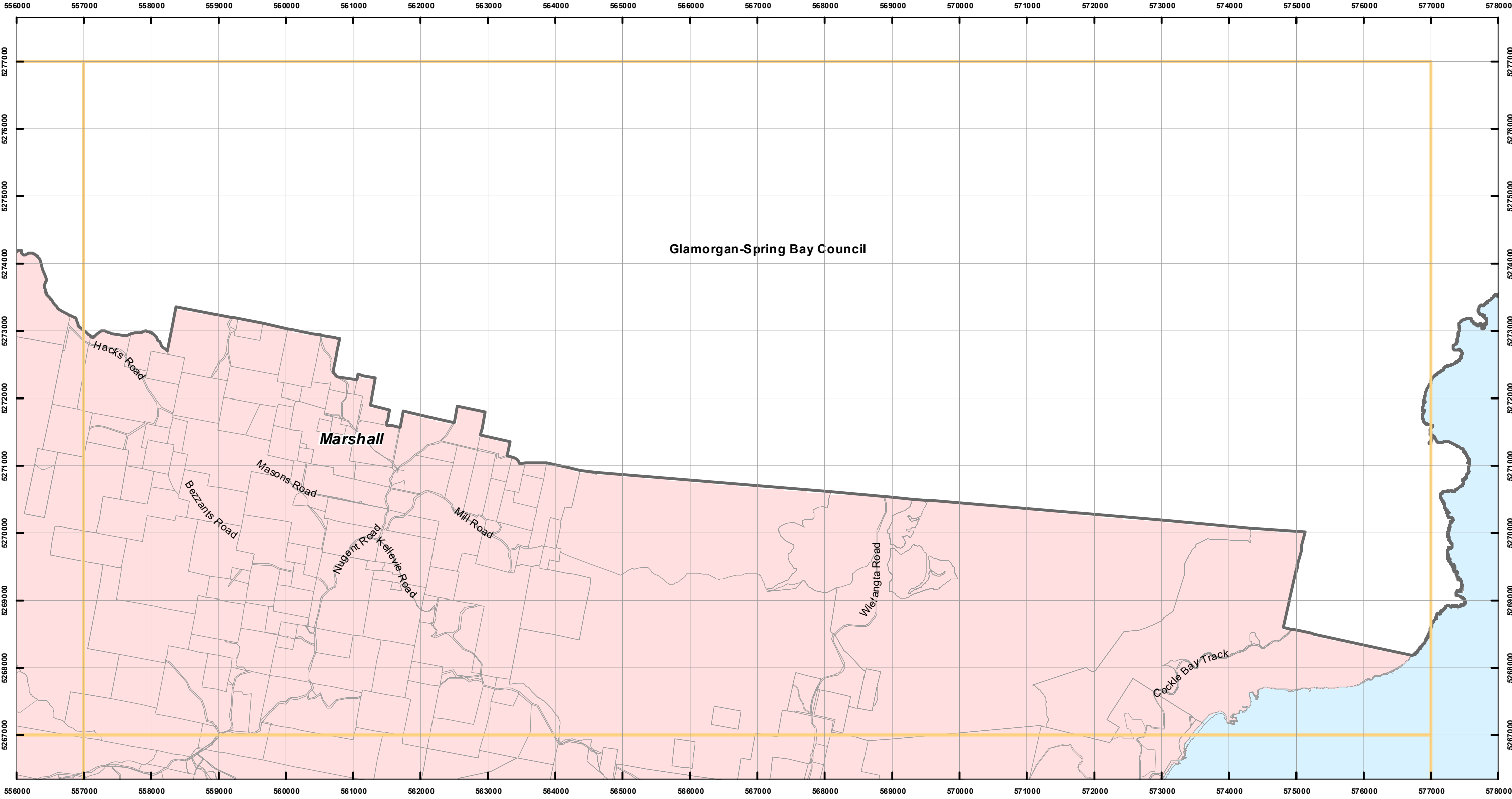
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LOCATION MAP





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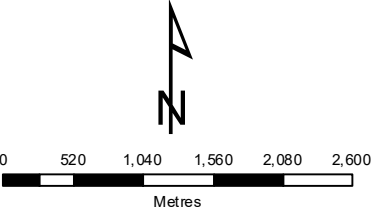


Map 2 of 21

Legend

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-  Bushfire-prone area

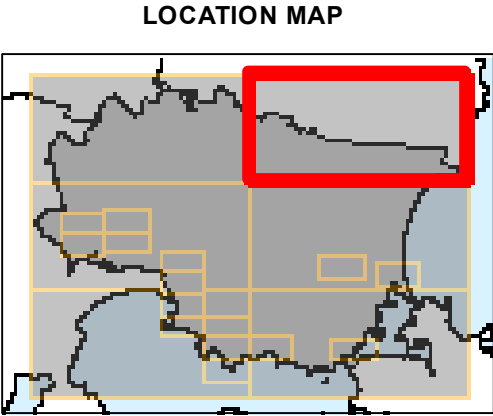
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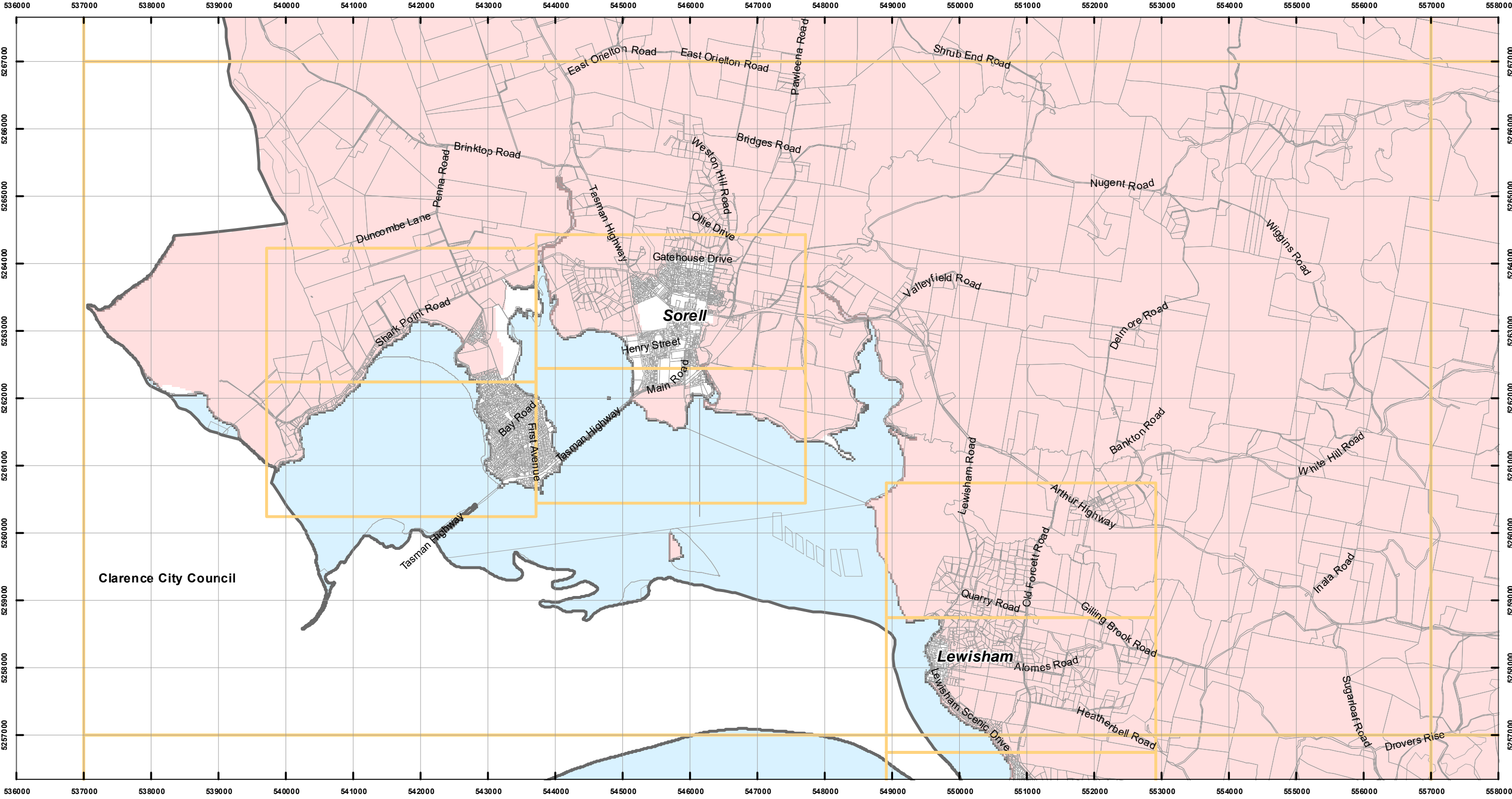
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Map 3 of 21

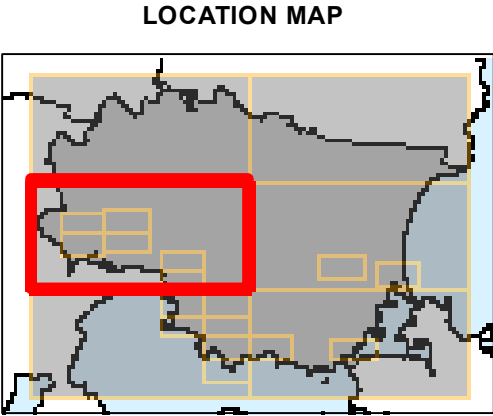
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- Bushfire-prone area

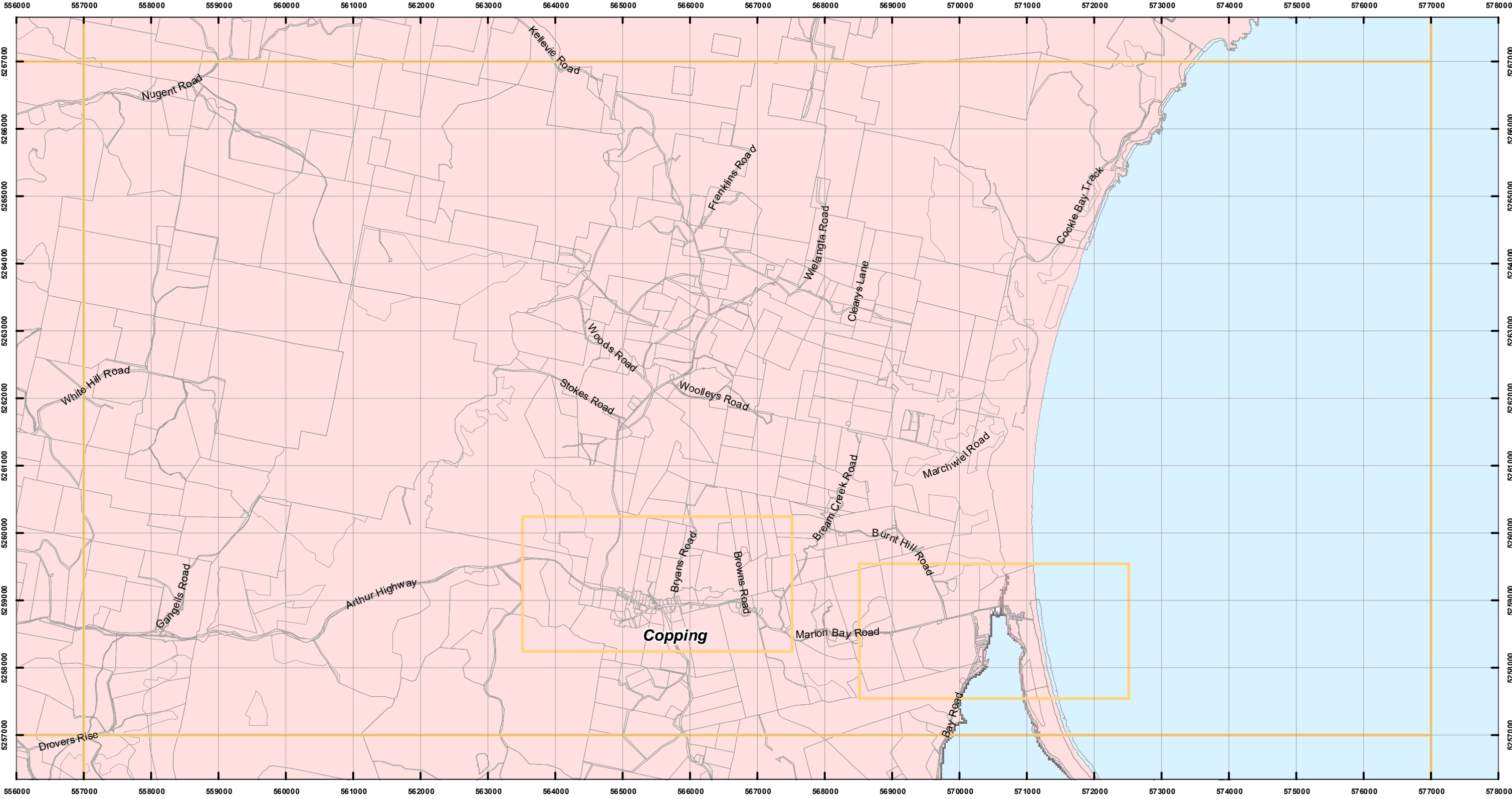
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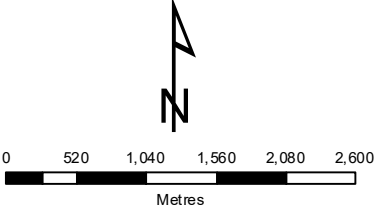
Map 4 of 21

Legend

 Planning Scheme area boundary

 Bushfire-prone area

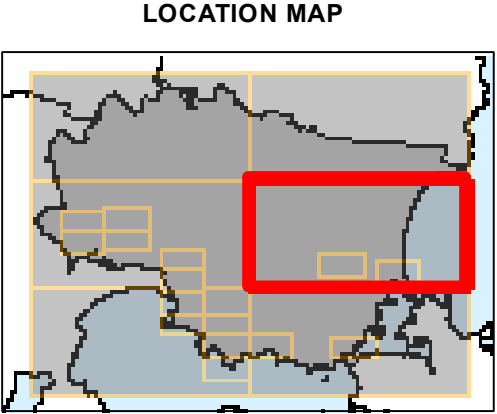
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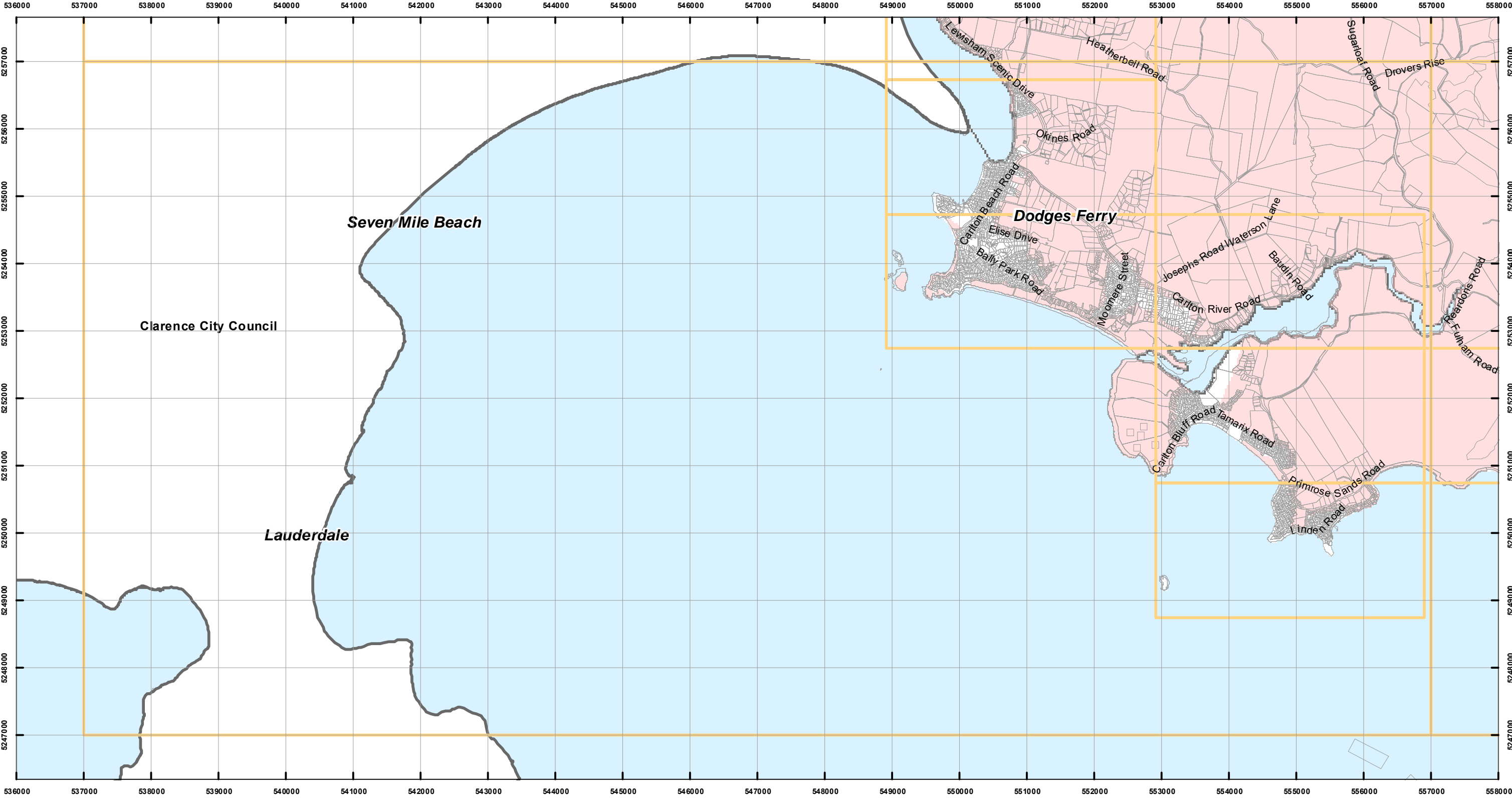
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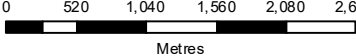


Map 5 of 21

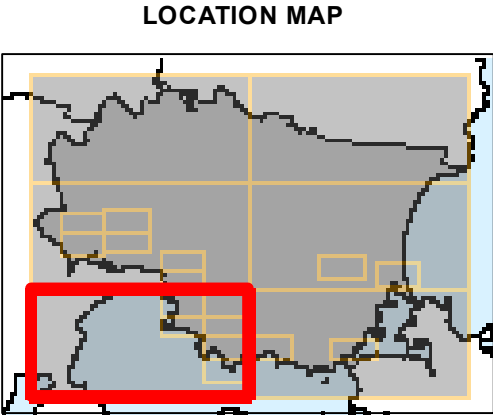
Legend

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-  Bushfire-prone area

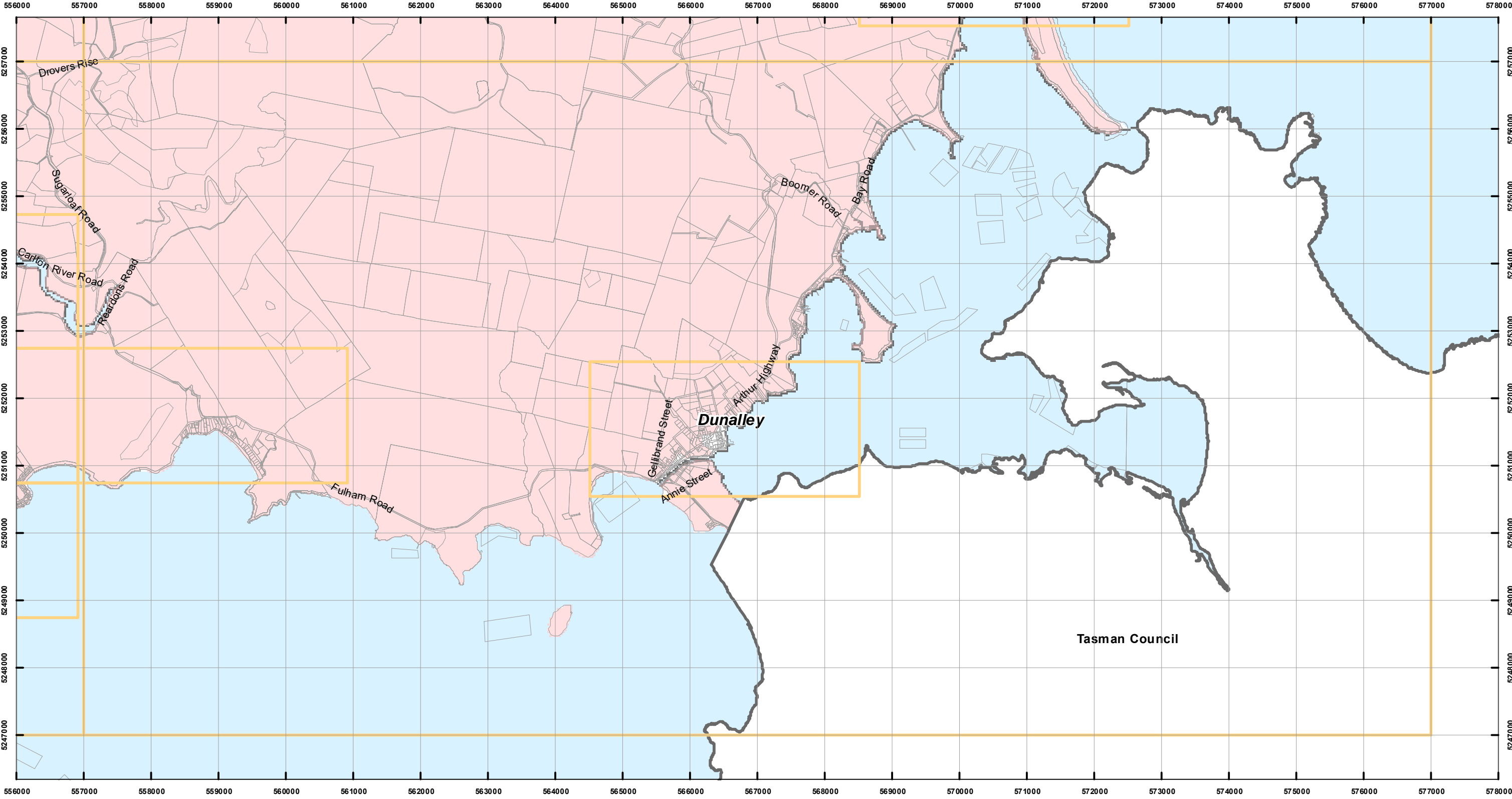
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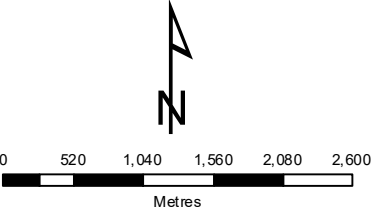
Map 6 of 21

Legend

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 Bushfire-prone area

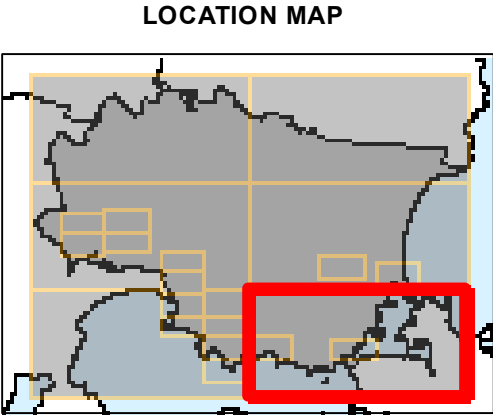
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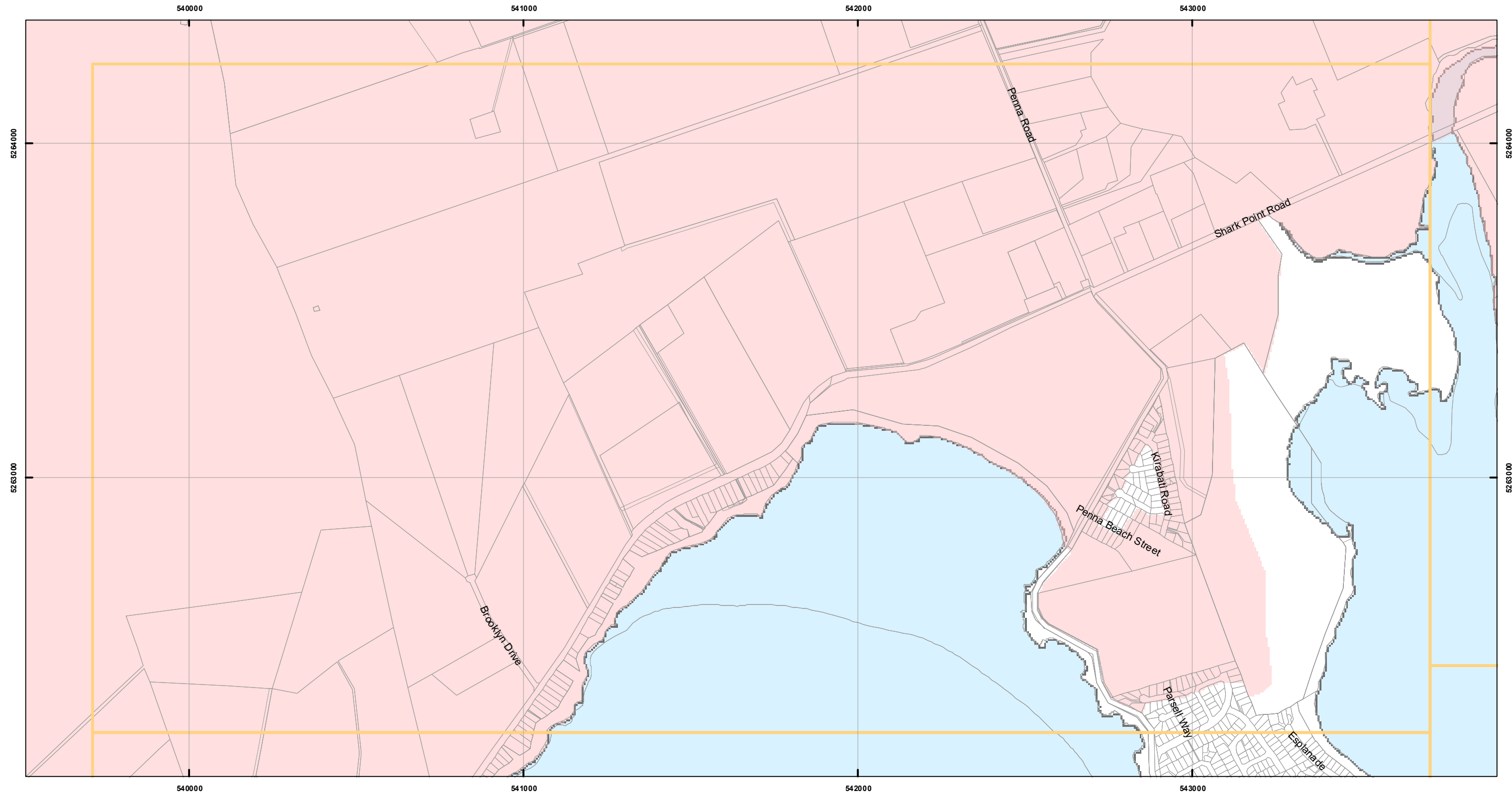
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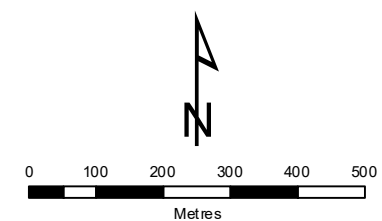
Map 7 of 21

Legend

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 Bushfire-prone area

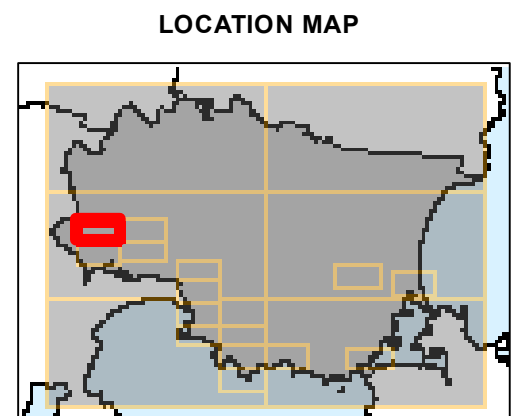
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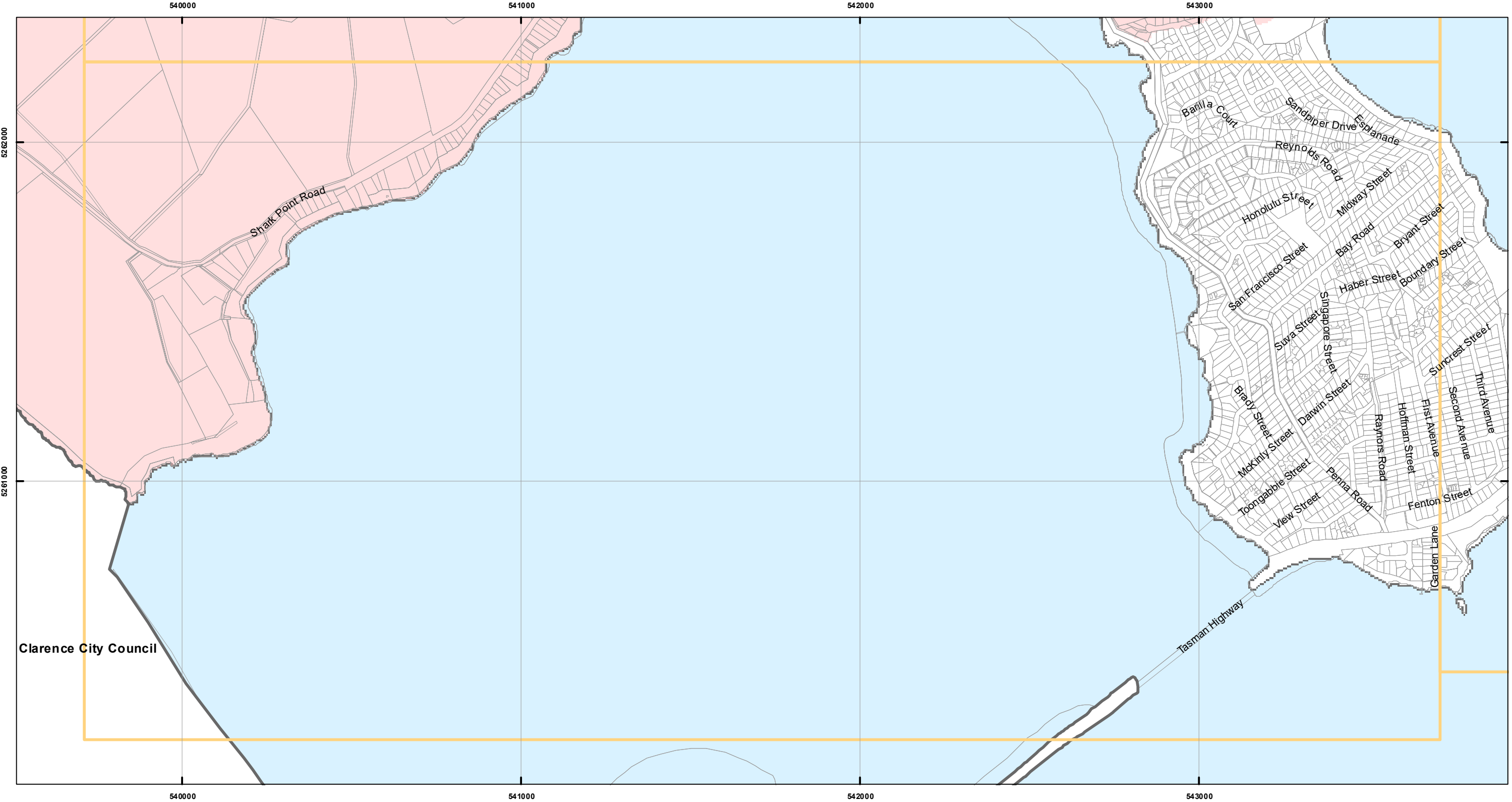
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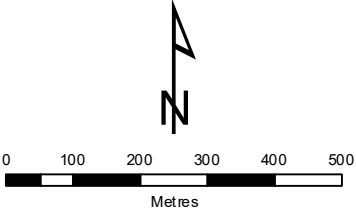
Map 8 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

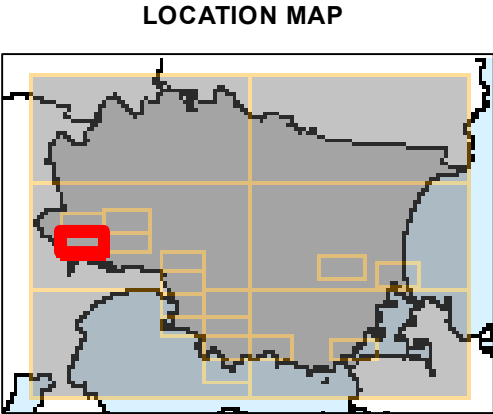
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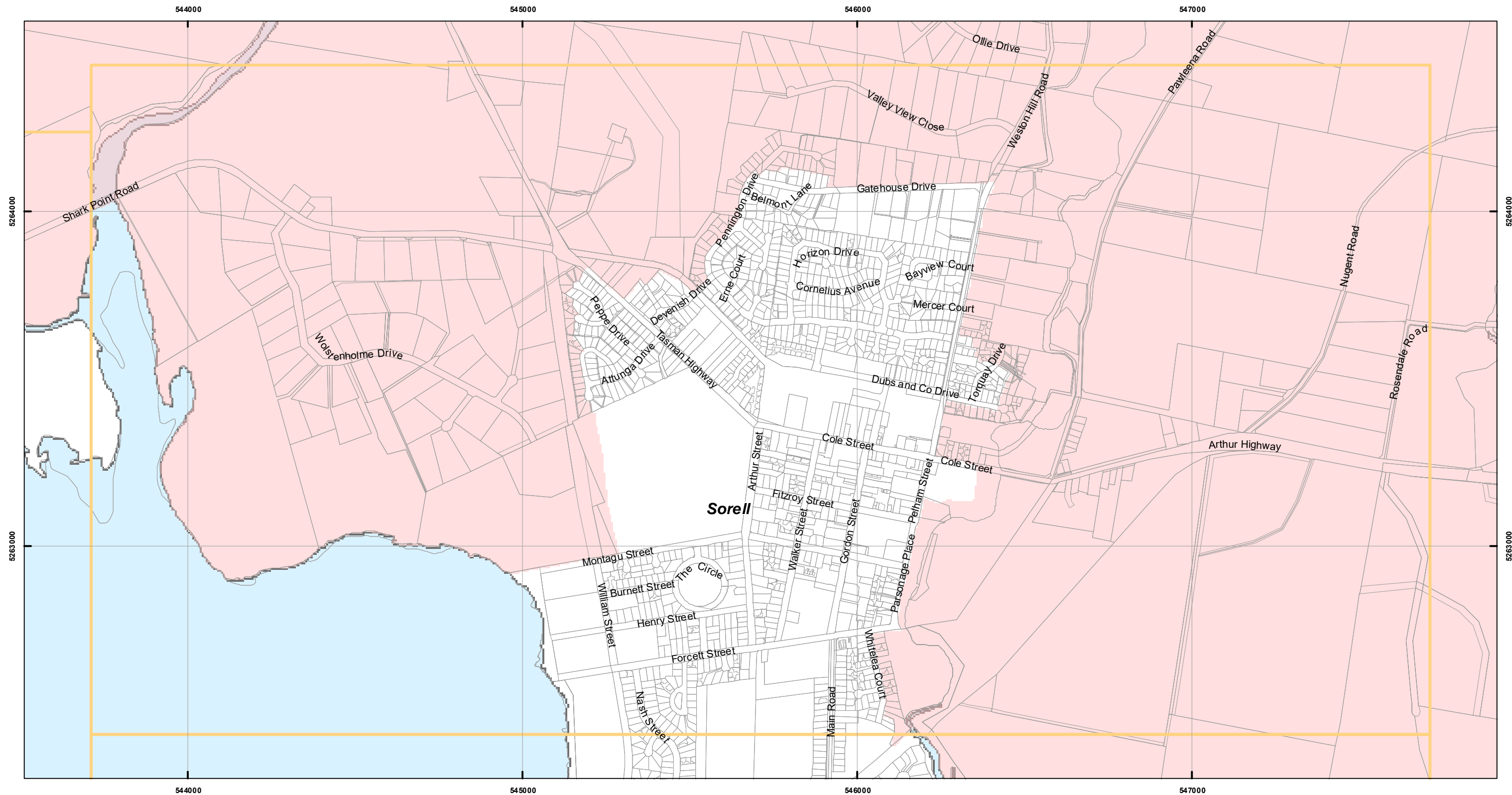
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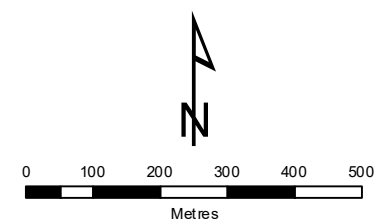


Map 9 of 21

Legend

- Planning Scheme area boundary
 Bushfire-prone area

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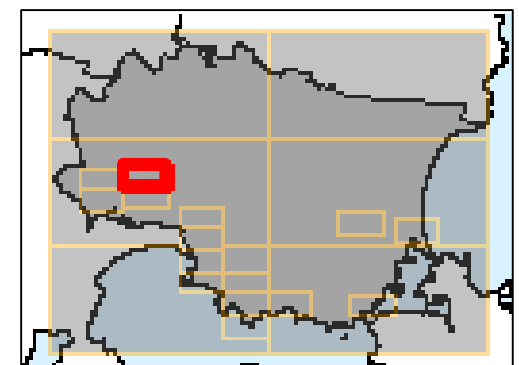


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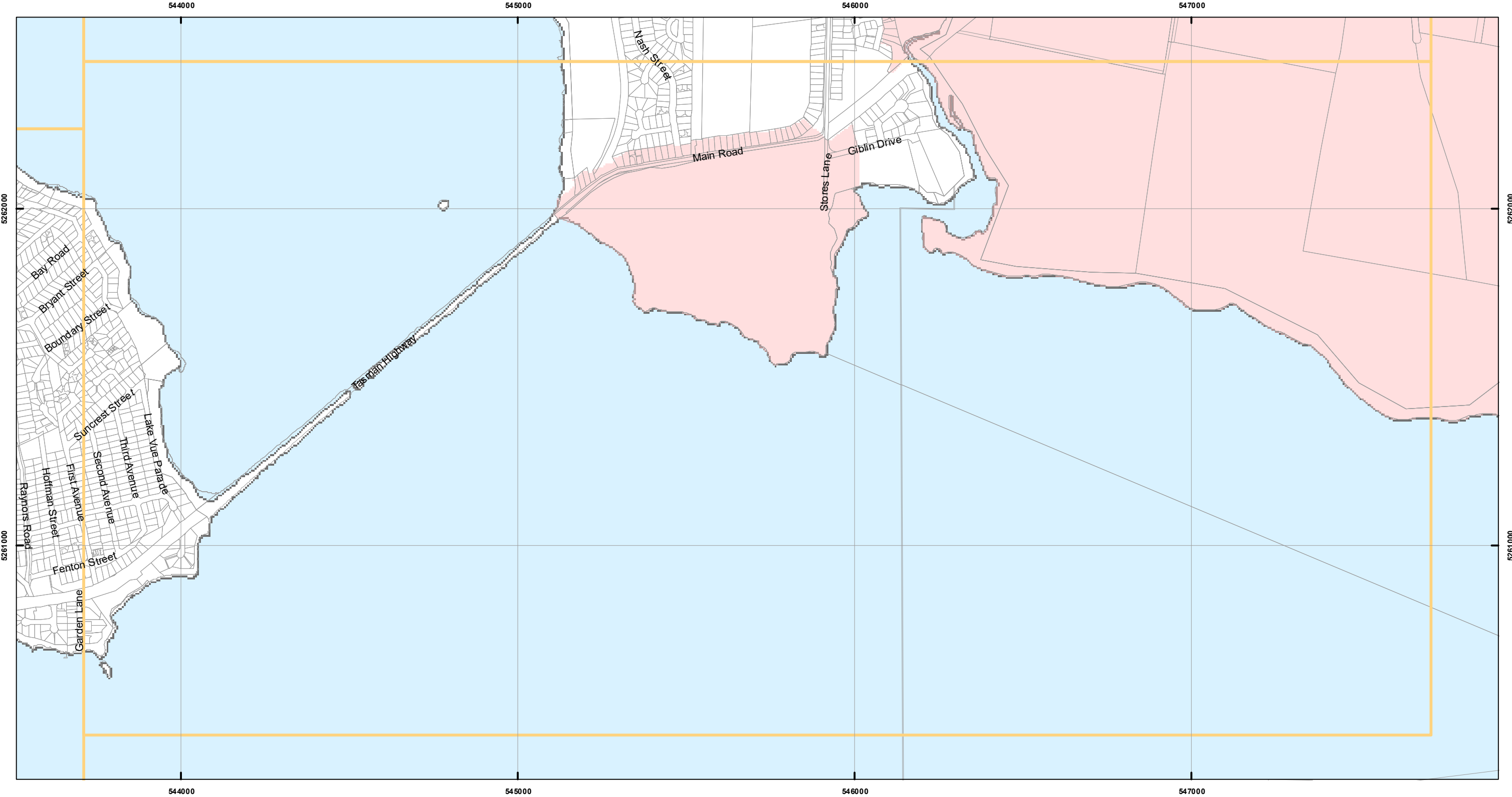
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LOCATION MAP





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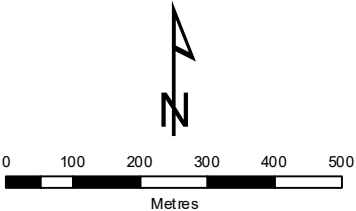
Map 10 of 21

Legend

 Planning Scheme area boundary

 Bushfire-prone area

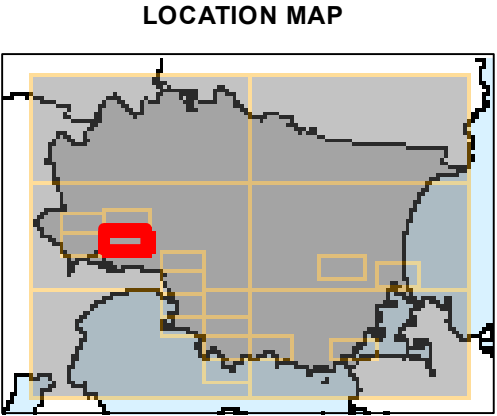
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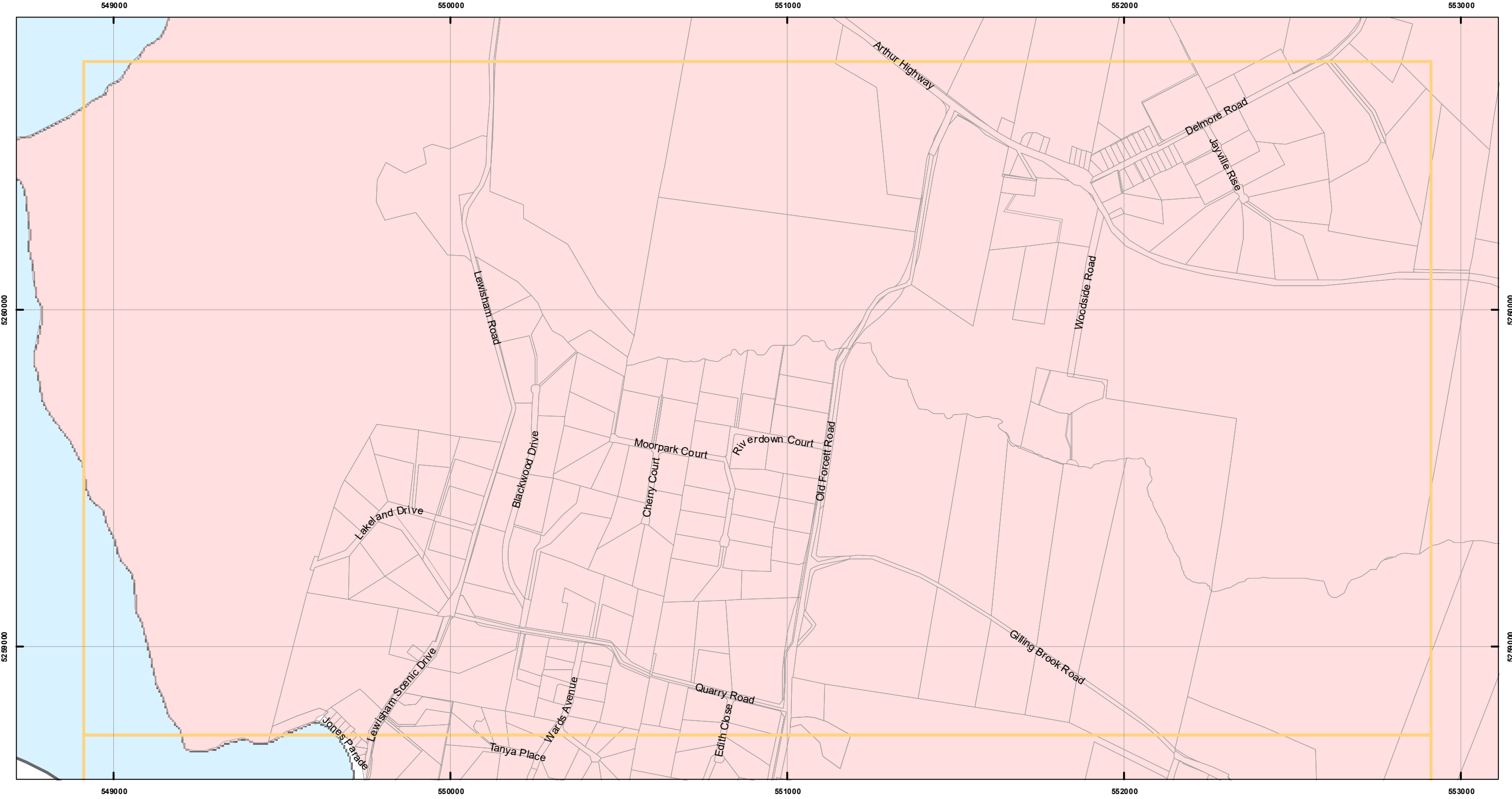
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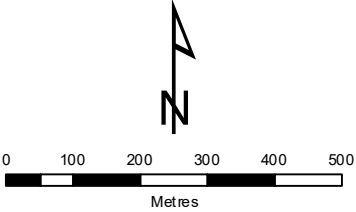
Map 11 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

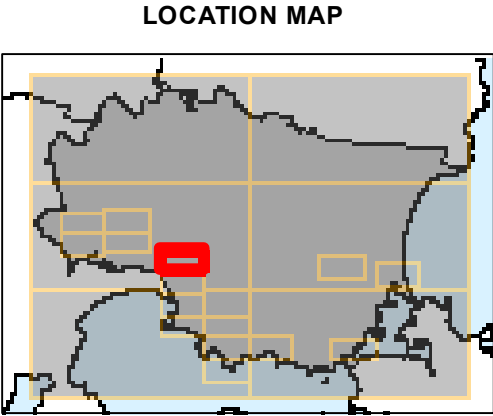
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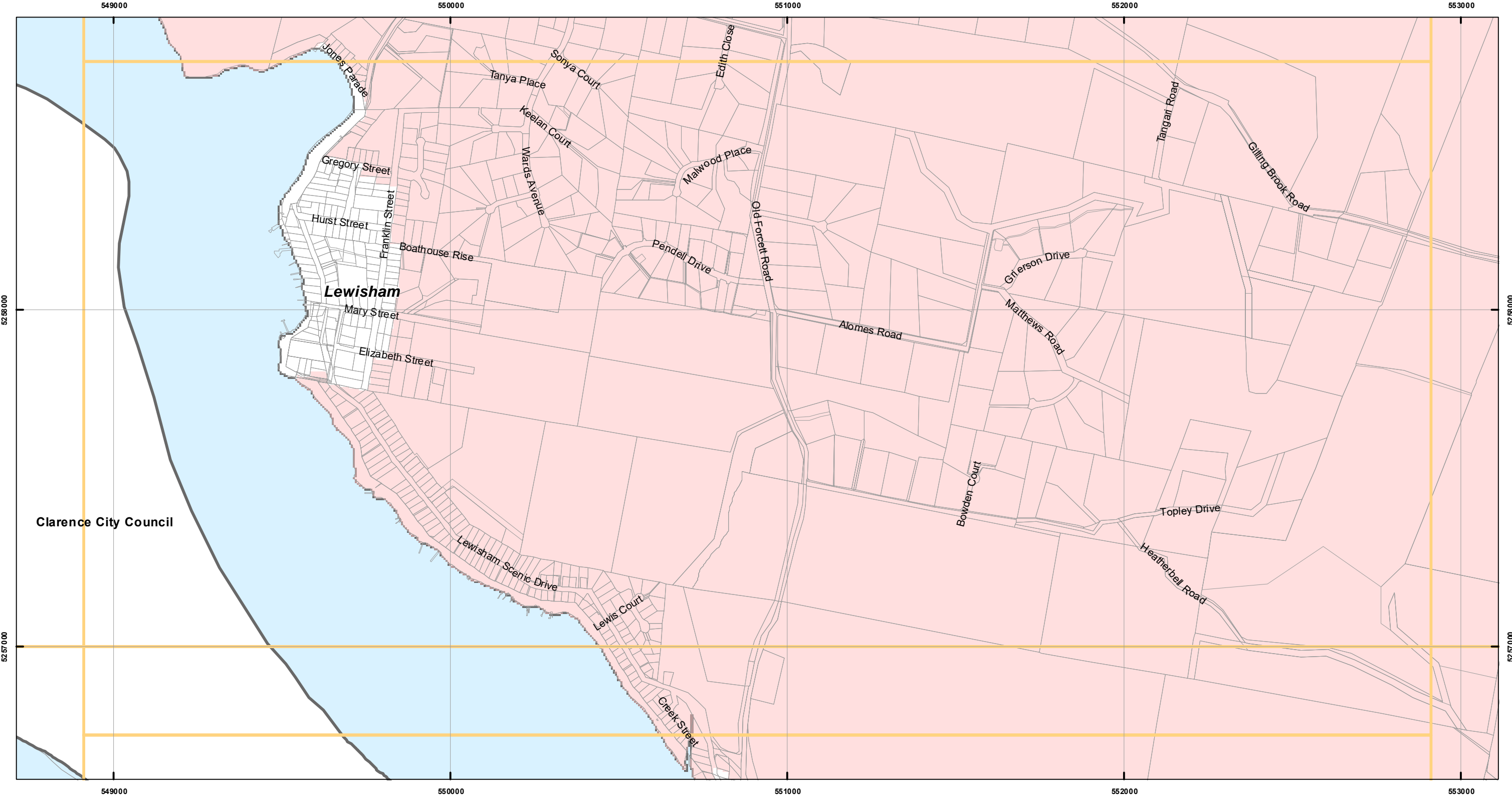
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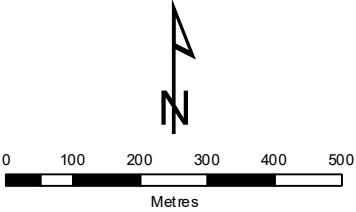
Map 12 of 21

Legend

 Planning Scheme area boundary

 Bushfire-prone area

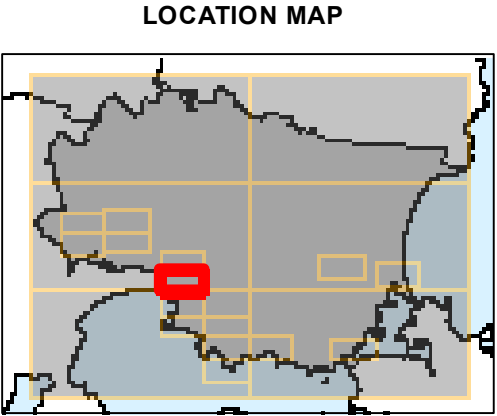
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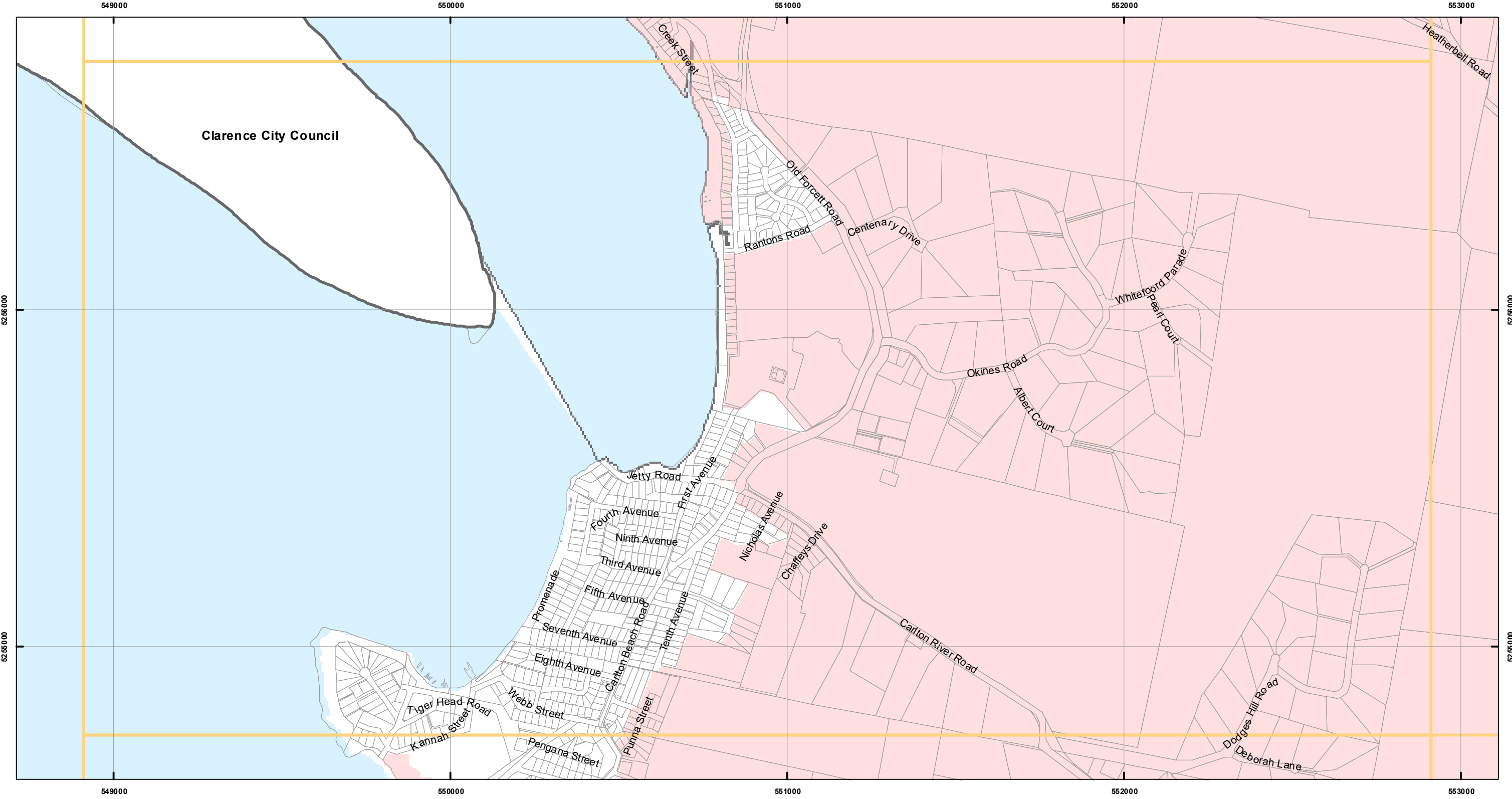
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SORELL INTERIM PLANNING SCHEME 2015 - BUSHFIRE-PRONE AREAS OVERLAY



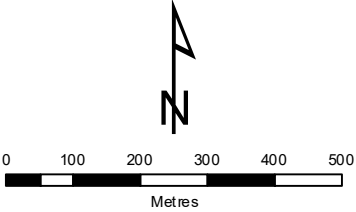
Map 13 of 21

Legend

 Planning Scheme area boundary

 Bushfire-prone area

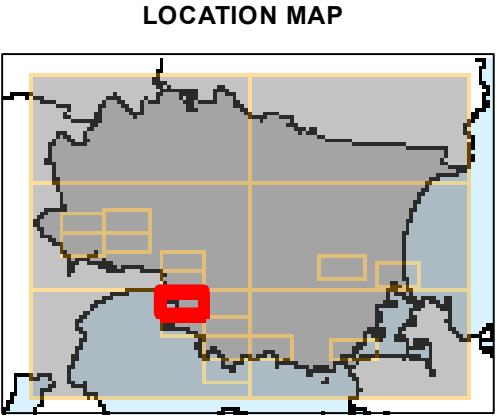
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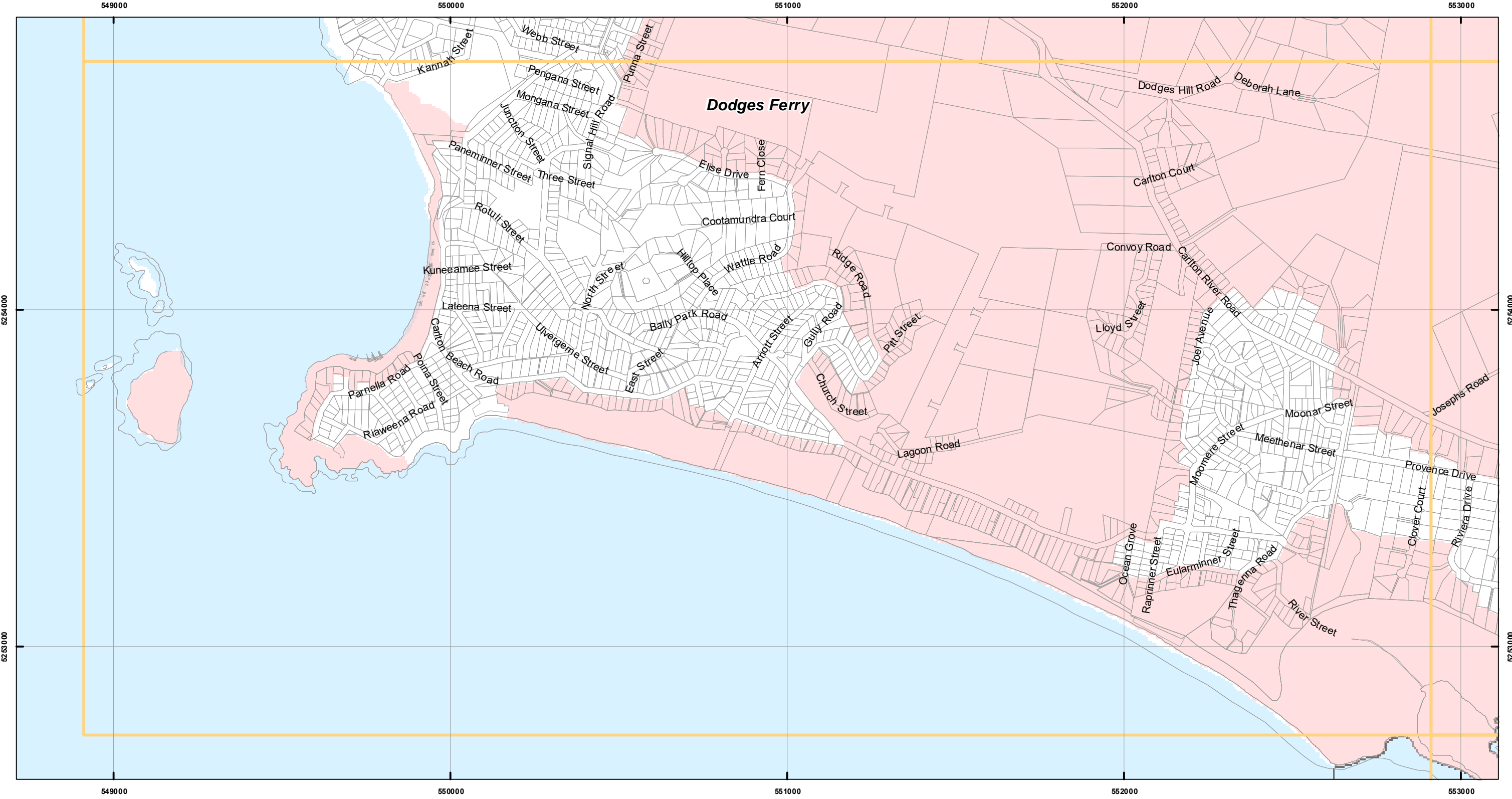
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Sorell Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

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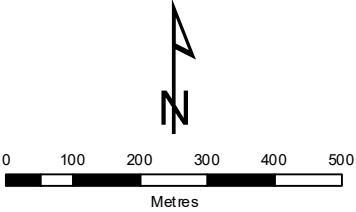
Map 14 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

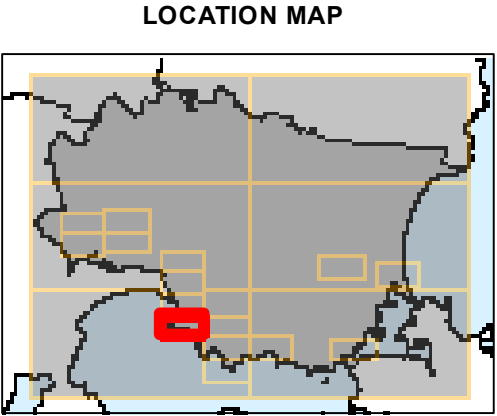
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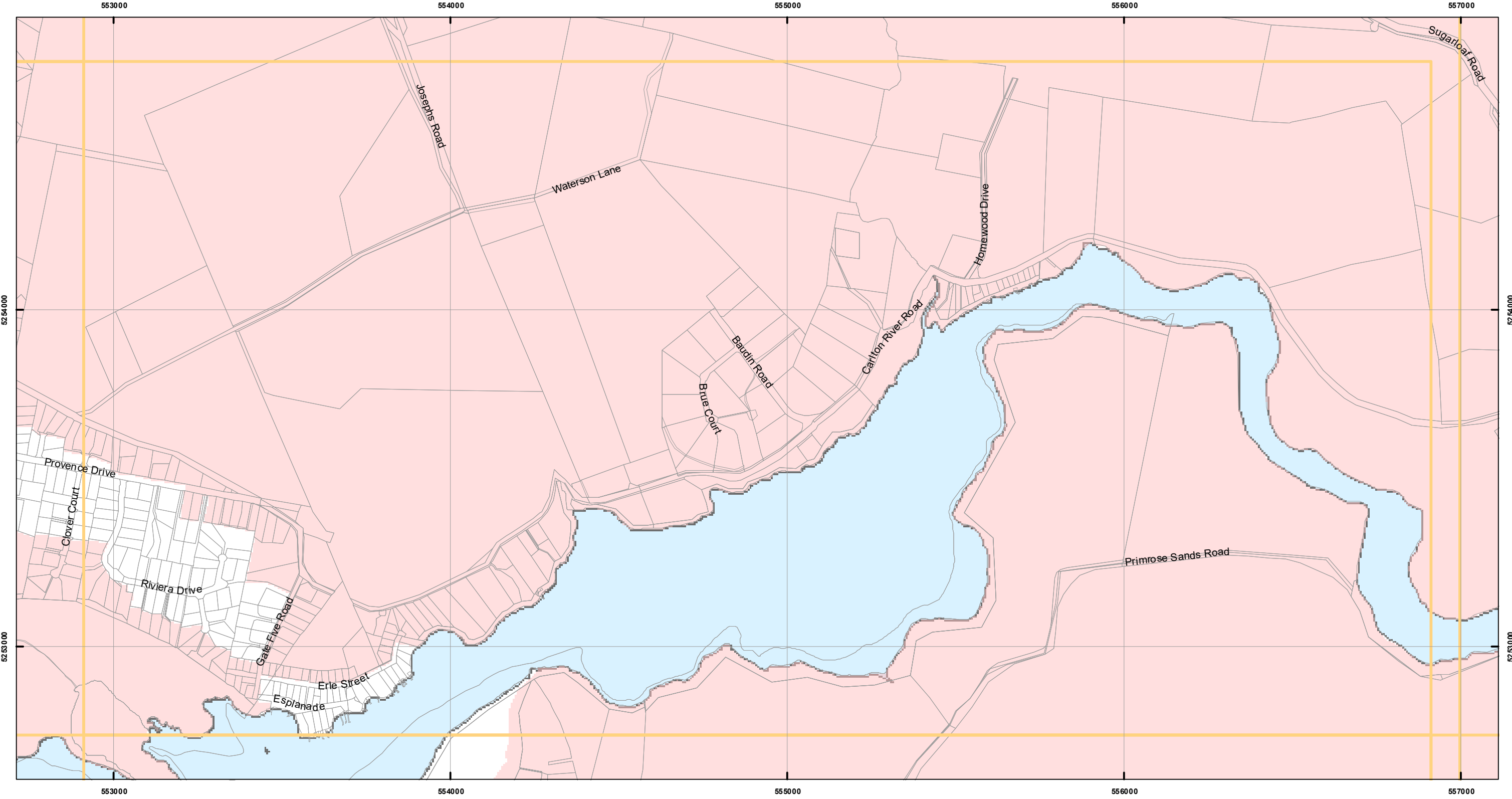
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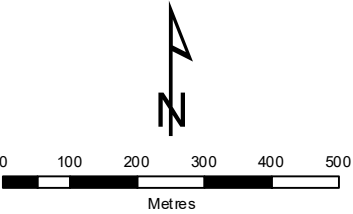
Map 15 of 21

Legend

 Planning Scheme area boundary

 Bushfire-prone area

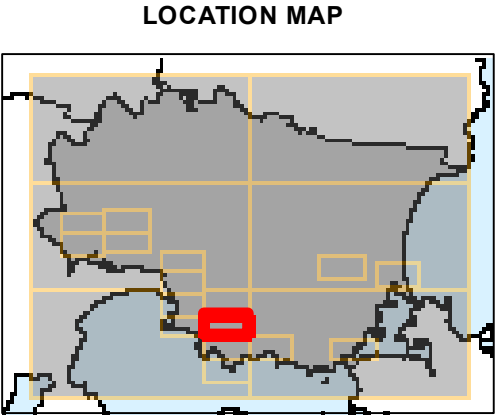
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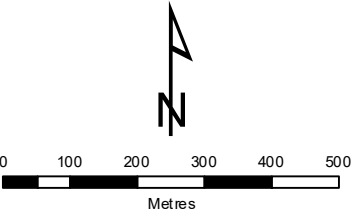
Map 16 of 21

Legend

 Planning Scheme area boundary

 Bushfire-prone area

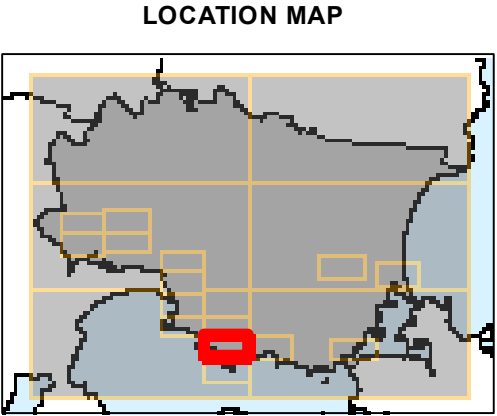
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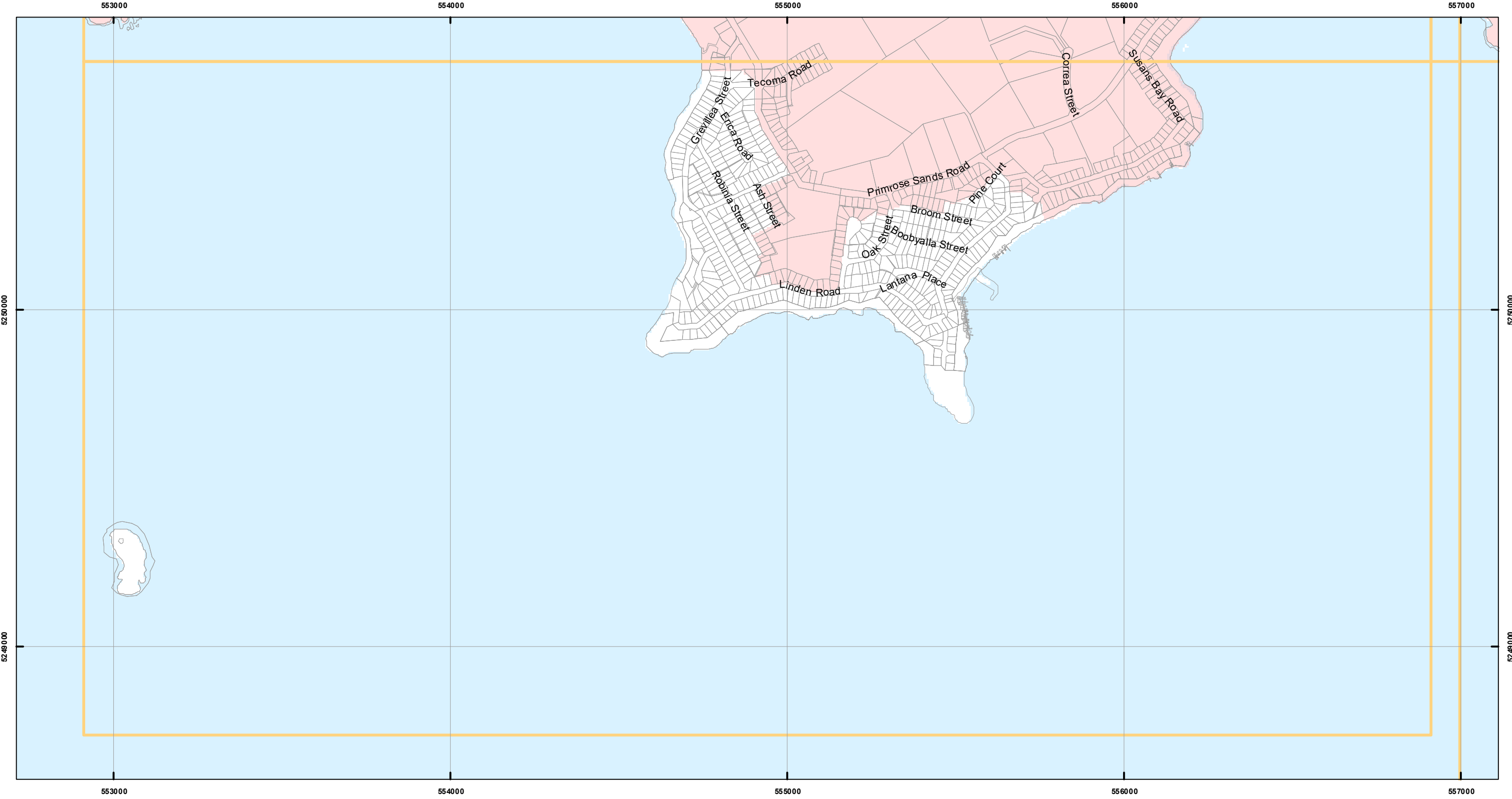
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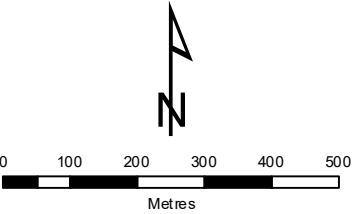
Map 17 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

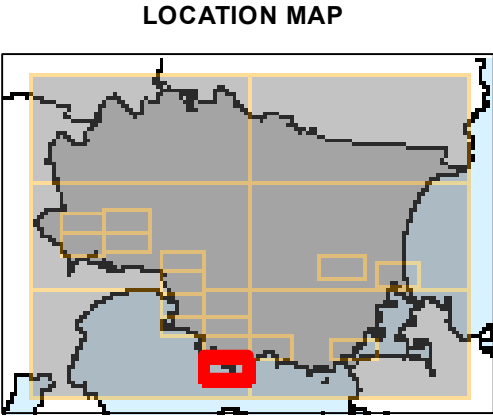
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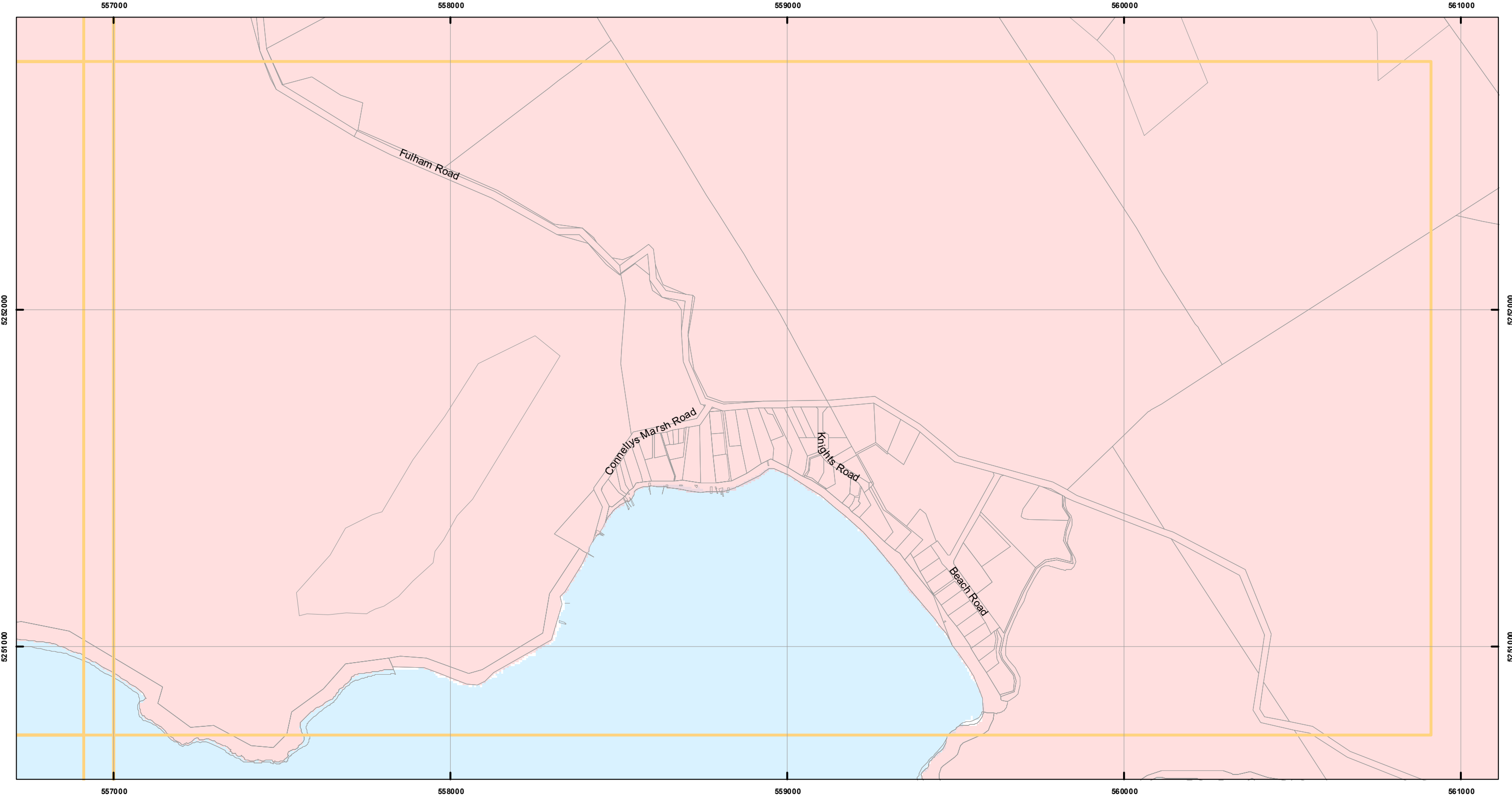
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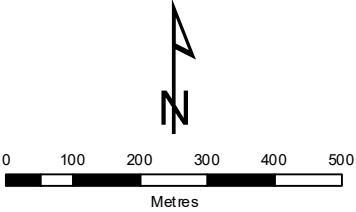
Map 18 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

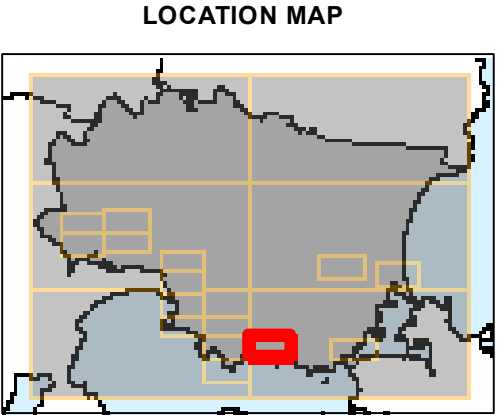
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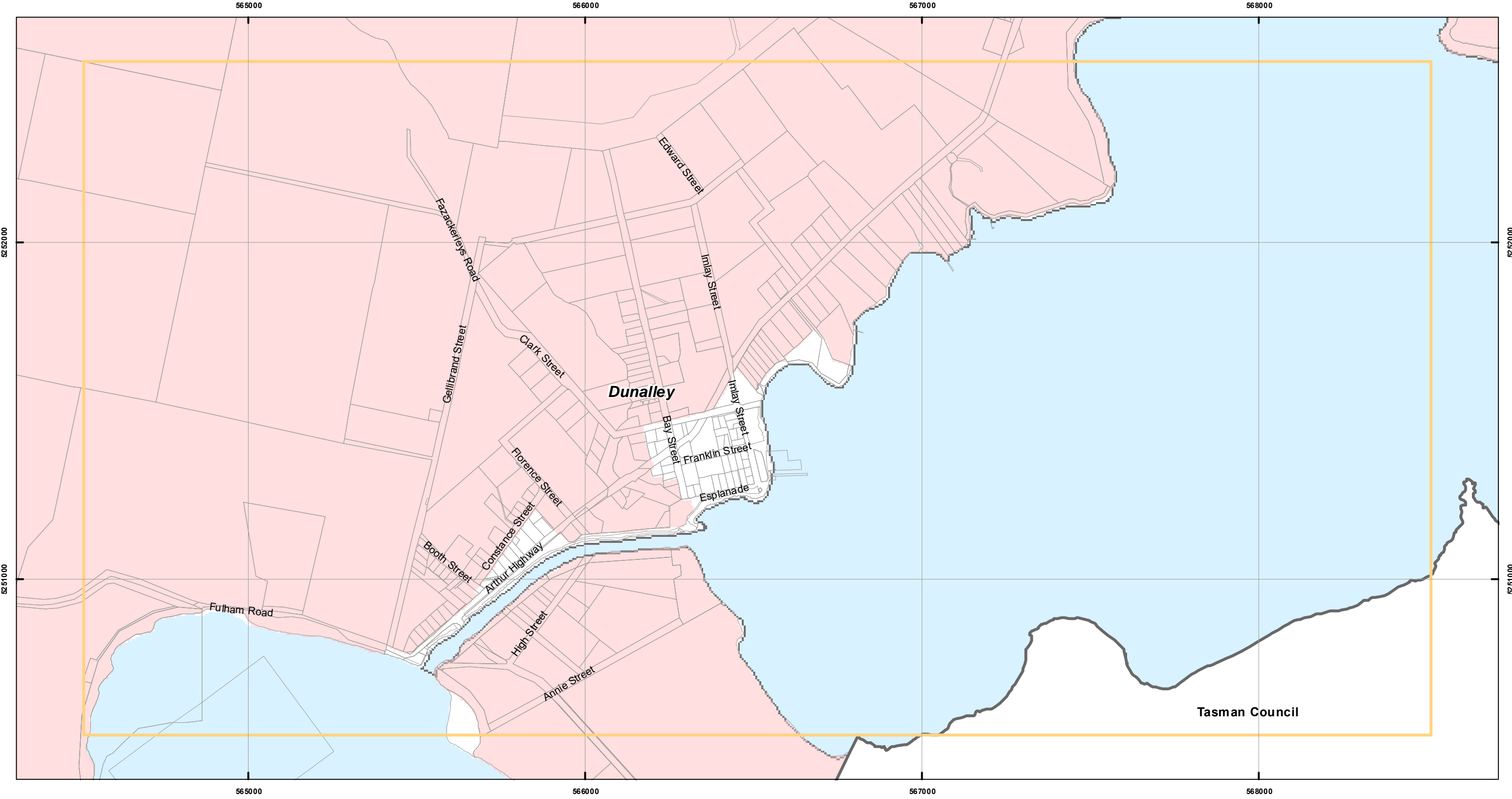
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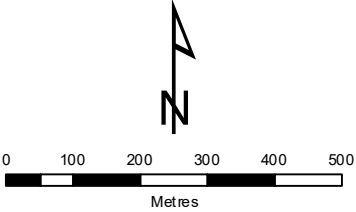


Map 19 of 21

Legend

- Planning Scheme area boundary
- Bushfire-prone area

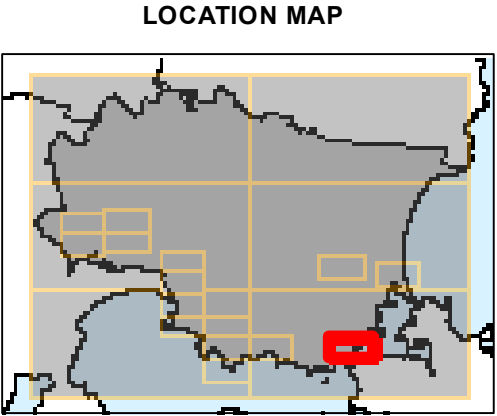
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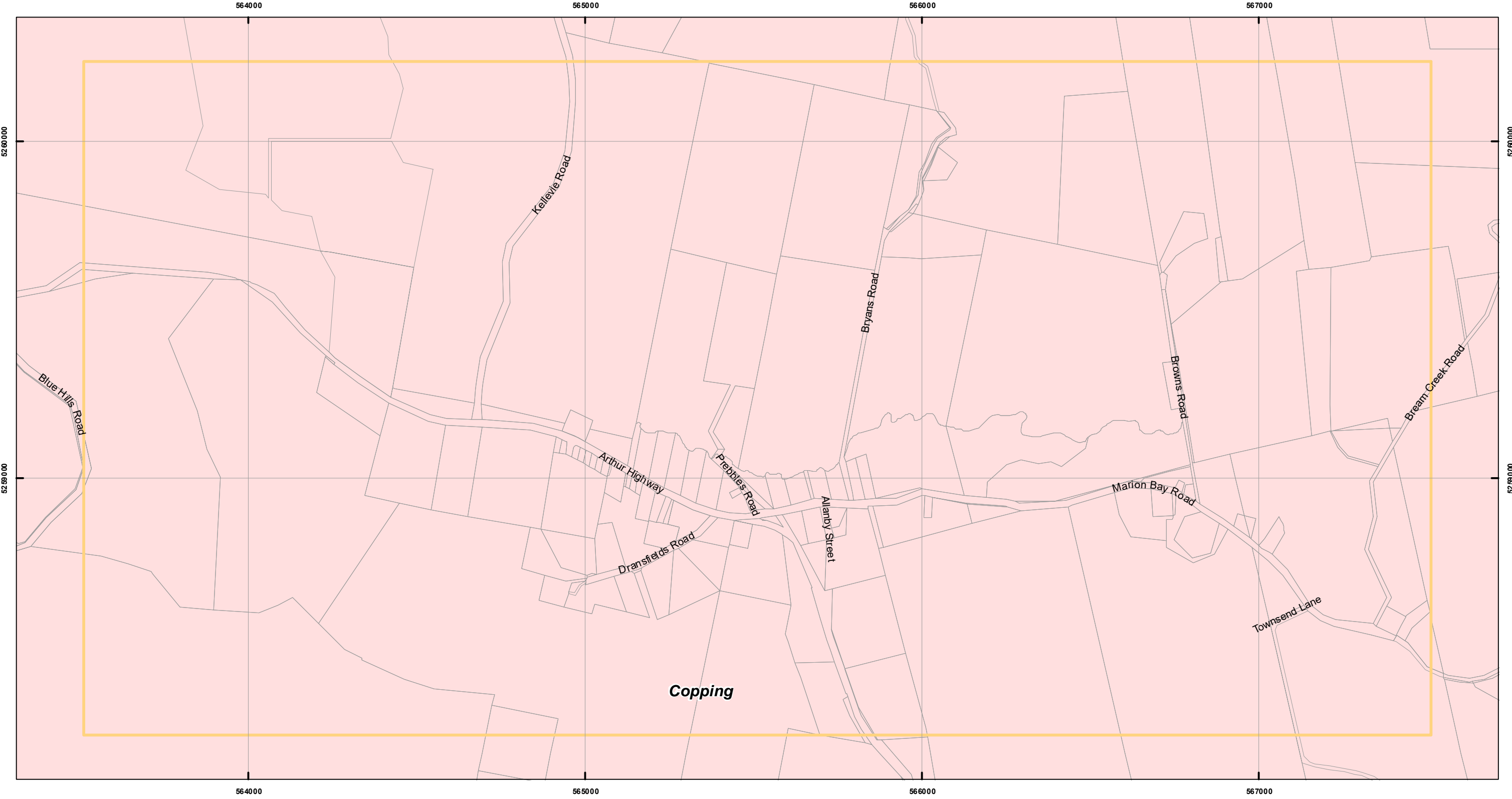
Coordinate System: GDA 94 MGA Zone 55

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SORELL INTERIM PLANNING SCHEME 2015 - BUSHFIRE-PRONE AREAS OVERLAY



Map 20 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

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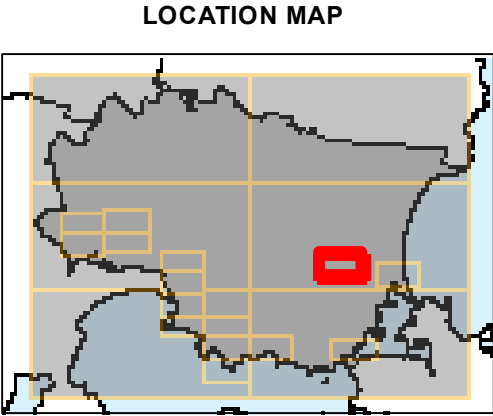
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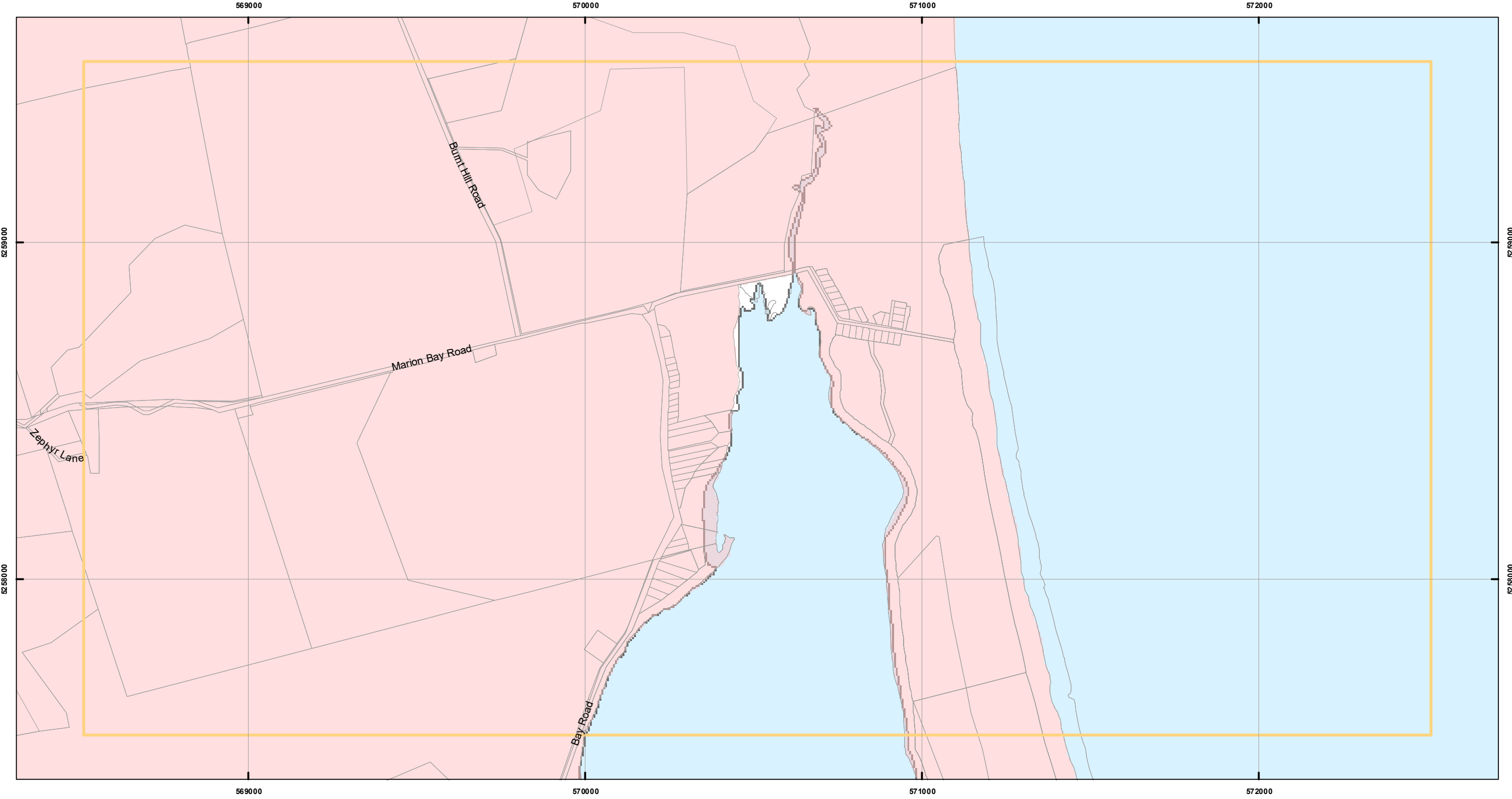
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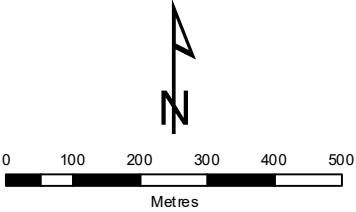
Map 21 of 21

Legend

Planning Scheme area boundary

Bushfire-prone area

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