



tasmanian conservation trust inc

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24 June 2011

Draft Planning Directive Bushfire Prone Areas Code Submission by the Tasmanian Conservation Trust

- 'Draft Planning Directive Bushfire Prone Areas Code' is referred to in this submission as the Draft PD.
- 'Bushfire Prone Areas Code Background Paper' is referred to in this submission as the Background Paper.

Recommendation regarding restricting development

The Victorian Bushfires Royal Commission (VBRC) report (Rec. 40) recommends to "substantially restrict new developments and subdivisions in those areas of highest risk in the Bushfire-prone Overlay".

The Tasmanian Government response did not rule out such a course of action in Tasmania, however the Draft PD and Background Paper fail to mention this as an option.

The Tasmanian Government response is articulated in two documents:

- 'Tasmanian Government Position on Victorian Bushfire Royal Commission', September 2010; and
- 'Review of Construction and Development Control in Bushfire Prone Areas', Department of Premier and Cabinet, 2 August 2010

The Background Paper should have at least discussed this issue e.g. whether the state government was still assessing whether to proceed with such measures or if such measures were to be implemented through means other than the proposed PD. Presumably this omission was not an over-sight by the TPC?

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It would be preferable to allow for planning authorities to restrict or prohibit development in some circumstances on the basis that in extreme situations the risk cannot reasonably be expected to be managed or mitigated but must be avoided entirely.

The consequences of not putting in place specific measures to prohibit or restrict developments in high bushfire-prone areas (and relying solely on the Draft PD) is that human life may be put at risk; maintaining these areas will probably involve massive vegetation clearance and fire-fighting will be more costly and risky.

Accreditation for production of fire management plans

The Background Paper (page 9) states that the TFS will be responsible for accrediting people to produce fire management plans but planning authorities will not be required to even see them let alone access them. How will the general public know what these plans contain and whether the plan may affect them and why? Where is the transparency from the general public's perspective?

E.1.1.1 – Purpose

The TCT questions why the purpose of the Draft PD is solely focused on minimising risk to human life and property rather than balancing these objectives with protection of the environment – as per the Tasmanian Government's response to the VBRC Report recommendation 41.

In the report, 'Tasmanian Government Position on Victorian Bushfire Royal Commission', it is stated in response to the VBRC Report recommendation 41 that: "The Tasmanian Government acknowledges the competing needs of maintaining biodiversity and fire protection and seeks to balance the two".

The TCT recommends that the purpose be amended to reflect the State Government's intention.

E.1.3. – Definitions

Vegetation

The full definition of vegetation is not contained in the Draft PD and the relevant Australian Standard which is referred to is not readily available. How are we to make comment on this definition?

The TCT questions why public reserves and parklands, botanical gardens, nurseries, orchids, wind breaks etc are excluded from the definition of vegetation when they could add to fuel loads and increase bushfire risk. Why is this not explained in the Background Paper?

Fire Prone Area

There appears to be no explanation of the definition of Fire Prone Areas. The definition originated from the DPAC 'Review of Construction Control in Bushfire Prone Areas' but this document does not explain or justify the definition either.

The Background Paper should have explained how the definition was derived and in particular justify how the important numbers were determined e.g. why one hectare of vegetation, why 100m etc.

The Draft DP does not contain any measures relating to high bushfire risk areas as recommended in the Tasmanian Government response to the VBRC report. The DPAC report 'Review of Construction Control in Bushfire Prone Areas' (page 3) states that:

"The control of construction in bushfire prone areas in Tasmania requires a number of core components:

- A definition of a 'bushfire prone area' that can be sensibly applied in the Tasmanian context and directs attention towards areas of high bushfire risk."

The Draft PD does not contain a prioritization of bushfire prone areas e.g. high, moderate and low, based on vegetation type, topography etc, and this would seem to be a significant omission.

The TCT recommends the Draft PD be finalised only when there is an acceptable map as per DPAC recommendation No.3.

1.5 – Discretionary use

Why include schools, hospitals and aged care facilities as discretionary (and can therefore be refused presumably to protect vulnerable people) but not include subdivisions in order to protect similarly vulnerable people?

1.6.3 – Water supply

There are many factors which will effect the likelihood that a water tank or dam will be maintained and that water will be retained for fire fighting and not used elsewhere but these factors are not mentioned.

We suggest that development should be restricted where it is highly unlikely that water supply is maintained.

E.1.6 – Use and development in fire prone areas

A defensible space must be created and maintained on a continuing basis and for the "life of the development" (as per recommendation 41 of the VBRC Report). The TCT can see no measures in the Draft PD which will ensure this is the case.

Bushfire management plans must follow TFS guidelines but shouldn't the Draft PD state what the guidelines require to ensure these are legal requirements? We also question whether the guidelines are sufficiently detailed?

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