

# Policy

---

**Title:** **Establishment of Bushfire Hazard Management Areas in Bushland Reserves for New Developments on Adjoining Property**

**Category:** **Recreation, Parks, Bushland and Reserves**

**Date Last Adopted:** 23 September 2019

---

## 1. Objectives

To ensure new bushfire hazard management areas for the benefit of residential dwellings are contained within the property being developed.

To minimise the number and extent of any new bushfire hazard management areas established in the City's bushland and reserves network for the benefit of adjoining dwellings.

To ensure that new bushfire hazard management areas for the benefit of residential dwellings are only established in the City's bushland and reserves where, without such areas, existing vacant lots would be unable to be developed for a dwelling.

To provide clear requirements and criteria that enable assessment of requests to establish bushfire hazard management areas in the City's bushland reserves for the benefit of adjoining dwellings. To provide a consistent approach to the establishment and management of any bushfire hazard management areas in the City's bushland reserves for the benefit of adjoining dwellings.

## 2. Background

With the release of AS3959:2009 (Australian Standard for Construction of Buildings in Bushfire-Prone Areas) and the incorporation of that standard into the National Construction Code and Planning Directive 5 (Bushfire-Prone Areas Code), there is a statutory obligation to provide and maintain managed areas (Bushfire Hazard Management Areas) around new homes in bushfire prone areas.

In some cases, the dimensions of the required works mean that some pre-existing lots are too small to contain the necessary Bushfire Hazard Management Area wholly

within the subject lot. These lots will rely on the establishment of Bushfire Hazard Management Areas on adjoining properties.

As many pre-existing lots adjoin the City of Hobart's bushland reserves network, there is a need for a formal Council policy on how Bushfire Hazard Management Areas in the City's bushland reserves network are assessed and managed for the benefit of adjoining development.

### 3. Policy

That:

1. Where possible, all bushfire hazard management areas should be contained within the property being developed, irrespective of the presence of an existing City maintained bushfire hazard management area within a bushland reserve adjoining the subject property.
2. Bushfire hazard management areas in bushland reserves will only be considered where the requested bushfire hazard management area is for the development of a new single dwelling, or an extension to an existing single dwelling, on a vacant lot that was created prior to Planning Directive 5. Bushfire hazard management areas for new subdivisions, non-habitable buildings (i.e. sheds, garages, gazebos and the like) and additional dwellings (i.e. studios, ancillary dwellings, multiple dwellings and the like) will not be approved in a bushland reserve.
3. Bushfire hazard management areas in bushland reserves may be considered for multiple dwellings only for lots created prior to Planning Directive 5 and only where the HMA requirement would be no greater than that required for a single dwelling on the lot sited and designed to minimise the extent of the HMA in the adjoining bushland reserve.
4. When submitting a request an applicant acknowledges that:
  - (i) the maximum extent of the bushfire hazard management areas on the bushland reserve network will be the minimum necessary to provide a buffer appropriate for a habitable building constructed to BAL-40 under AS3959:2009.
  - (ii) the applicant is responsible for gaining all necessary statutory approvals, including all required documentation and associated costs (i.e. planning, legal, environmental and building).
  - (iii) the initial establishment of the bushfire hazard management area on City of Hobart land will be implemented by the City's staff and/or City managed contractors.

- (iv) all costs associated with establishment of the bushfire hazard management area will be borne by the applicant.
  - (v) the initial establishment of the bushfire hazard management area on City of Hobart land will be implemented by the City of Hobart following the issue of a building permit, but before a certificate of occupancy.
  - (vi) the ongoing management of the bushfire hazard management area on City of Hobart land will be managed and funded by the City of Hobart as part of the annual urban firebreak program.
5. If considering making a request for the establishment of a bushfire hazard management area in a bushland reserve, a potential applicant should contact the City of Hobart at the earliest possible stage.

**A development application proposing works in a bushland reserve should not be prepared, or submitted, without first achieving the consent of the General Manager.**

6. Where the incorporation of a bushland reserve in a bushfire hazard management area is requested, and the proposal satisfies clauses 2-5 of the policy, the City will assess request having regard to:
- (i) the likely impacts upon the natural and cultural values of the land (including recreational and visual amenity values),
  - (ii) the relevant management plan and/or strategy documents
  - (iii) available management resources
  - (iv) any practical alternatives to site and design the proposed dwelling in order to minimise the extent of any works in the bushland reserve.
7. Following assessment and endorsement by the relevant Director, the request will be submitted for the General Manager's consideration. If approved, written land owner confirmation will be provided which will then allow the lodgement of a development application.
8. Final approval for the establishment of a bushfire hazard management area is then subject to the development receiving all necessary statutory approvals.
9. Only where an applicant can demonstrate there are exceptional circumstances will the City consider a request that does not meet all of the requirements (1-5 above).
10. In such cases it is the responsibility of the applicant to provide supporting evidence to the Council that substantiates their request. Any such request must be approved by the Council.

## 4. Legislation, Terminology and References

### **AS3959:2009**

*Australian Standard for Construction of Buildings in Bushfire-Prone Areas.*

### **BAL-40**

A Bushfire Attack Level specification, as defined in AS3959:2009 Section 2. The required buffer zone for a BAL-40 house in forested areas ranges from 12m on flat ground to 28m on steep ground (15 to 20 degrees downslope).

### **Bushfire Hazard Management Plan**

A plan drawn up using AS3959:2009 that describes the architectural and land management requirements for a development to achieve an acceptable level of bushfire risk management. Bushfire Hazard Management Plans are drawn up by practitioners accredited by Tasmania Fire Service in the use of AS3959:2009.

### **Bushland Reserve**

Public land owned and/or managed by the City of Hobart for its bushland values.

<b>Responsible Officer:</b>	Director City Amenity
<b>Policy first adopted by the Council:</b>	27/4/2015
<b>History</b>	
Amended by Council	7/3/2016
Amended by Council	23/9/2019
<b>Next Review Date:</b>	September 2021
<b>Files Reference:</b>	F16/65235