

MINISTER FOR URBAN DEVELOPMENT AND PLANNING

PUBLIC CONSULTATION REPORT OF THE DEVELOPMENT POLICY ADVISORY COMMITTEE (DPAC) - BUSHFIRE MANAGEMENT (PART 3) MINISTERIAL PAR

INTRODUCTION

On 24 May 2007, the Minister for Urban Development and Planning, released the draft Bushfire Management (Part 3) Ministerial Plan Amendment Report (PAR), for concurrent public and council consultation.

The Development Policy Advisory Committee (DPAC), notes that the draft PAR (Part 3), is the third of the series of PARs and proposes to introduce updated bushfire-risk mapping into thirteen (13) Local Government Areas and bring the bushfire-related planning terminology and requirements in those Council's Development Plans, into line with changes, which have been introduced through Parts 1 and 2 of the PAR framework which has occurred in the rest of regional South Australia.

The public consultation period for the draft PAR, concluded on 24 July 2007. Two (2) DPAC Public Hearings were scheduled to be held on 8 and 14 August 2007, in Hahndorf and Victor Harbor. While two people who had a submission initially requested to be heard, these requests were subsequently withdrawn, and accordingly the Public Hearings did not take place.

This report is submitted to the Minister pursuant to Section 26(7) of the *Development Act 1993*, being the advice of the DPAC on the matters raised as a result of public consultation and the proposed amendments to the draft PAR.

DRAFT PAR

The draft Bushfire Management (Part 3) Ministerial PAR, has been prepared in accordance with Section 24(1)(d) and 26(1) of the *Development Act 1993*, in order to introduce revised bushfire risk mapping into the thirteen (13) Development Plans as set out in Table 1 below. Section 24(1)(d) of the Act, allows the Minister to prepare an amendment where the same amendment, or substantially the same amendment, is to be made to two (2) or more Development Plans.

Table 1:

Development Plan	
<ul style="list-style-type: none">• Adelaide Hills Council• Alexandrina Council• The Barossa Council• Burnside (City)• Campbelltown (City)• Mid Murray Council• Mitcham (City)	<ul style="list-style-type: none">• Mount Barker (DC)• Onkaparinga (City)• Playford (City)• Tea Tree Gully (City)• Victor Harbor (DC)• Yankalilla (DC)

The DPAC notes that the intention of the draft PAR, is to address the aims of the Premier's Bushfire Summit, which called for a review of the existing bushfire policy framework, in order to update and to introduce controls over development in bushfire risk areas. In relation to development and land use planning matters relevant to the *Development Act 1993*, the draft PAR seeks to action recommendation 12 of the Summit, being:

"A review of the bushfire policy framework and development plans (including land use and infrastructure) to update development controls in designated Bushfire Prone Areas and to consider extending the number of Bushfire Prone Areas."

The DPAC notes that based on the overarching premise of reducing risk to life and property from bushfires, the main purpose of the draft PAR, is to extend the application of bushfire planning and building requirements to land use and built form to identified parts of the State.

The 'Statement of Investigations' prepared as part of the draft PAR, contains a review of the bushfire prone area requirements currently operating in the Mount Lofty Ranges and environs, which were put in place by the 2001 Ministerial Bushfire Management PAR. It was generally considered that these requirements provide a sound foundation for the assessment of new developments in areas at risk from bushfire. The draft PAR therefore, seeks to extend the basic philosophy contained within these policies to other regions affected by bushfire hazard.

The DPAC notes that the proposed policy framework for the draft (Part 3) PAR, has been developed and refined following the DPAC recommendations and public and council consultation on the (Part 1) PAR and (Part 2) PAR and includes:

- Inserting new Objectives and Principles of Development Control under a new heading of "Bushfire Protection" and deleting existing bushfire policies in each affected Development Plan, where there is conflict with the new policies and to remove repetition;
- inserting a new council-wide Principle of Development Control under the heading "Land Division", to ensure that the layout of development in areas identified as being an "Excluded Area from Bushfire Protection Planning Provisions", has regard to the need to allow for safe access and egress by emergency services and residents during bushfire;
- inserting Bushfire Protection Area figures (maps) into the relevant Development Plans; and
- removing residential and other forms of habitable development (e.g. tourist accommodation) from the lists of Complying development for all zones covered by the High, Medium and General Bushfire Risk areas, except where the area falls within an "Excluded Area from Bushfire Protection Planning Provisions" as shown on the Bushfire Protection Area figures (maps).

KEY PUBLIC AND GOVERNMENT AGENCY COMMENTS

The Summary of Public and Government Agency Submissions Tables (Attachment 1), provide responses to the issues raised during the public and council consultation process and any recommended amendments. A total of twelve (12) public submissions and twelve (12) Government Agency submissions have been received in relation to the draft PAR. The submissions which have been received, are largely supportive of the policies contained in the draft PAR.

Some of the key comments received are as follows:

1. Mapping

The bushfire mapping methodology is generally supported however, there are some issues which have been raised regarding the boundaries between high, medium and general bushfire risk areas. In particular, the issue of boundaries following the centre line of the roads, nor following cadastre boundaries has been raised in some of the submissions.

The DPAC notes that there exists some technical difficulties with correlations between GIS data sets and current cadastre and the final delineation of boundaries in the figures. Where these can be resolved, action should be taken to do so. Alternatively, the conversion of Development Plans into the Better Development Plan format and the introduction of coloured mapping, are expected to more accurately distinguish the various areas of bushfire risk classifications.

A number of councils have sought amendments to their bushfire classifications and excluded areas, along with a number of minor mapping corrections. In particular, the Alexandrina Council and Mid-Murray Council.

Based on local knowledge, aerial photos and site inspections, Alexandrina Council has requested that those areas proposed to be classified as 'General', be classified as 'Medium' and increasing some areas to be classified as 'High' essentially reflecting the existing 'Referral'/'Non Referral' areas. In addition, the Council has requested minor changes to the 'Excluded' township boundaries (e.g. Strathalbyn, Clayton and Goolwa South) and changing the classification of a number of townships from 'Excluded' to 'Medium' (e.g. Currency Creek, Woodchester, Langhorne Creek and Finniss). The Council also requested that Hindmarsh Island be classified as 'Medium' rather than 'General', with the exception of the marina which would be classified as 'High'.

The Mid-Murray Council has proposed to change the classification of all defined townships, settlements and shack areas from 'High' to 'Excluded'.

The DPAC notes that the bushfire mapping for the draft PAR, was based on the McArthur Fire Model and has been prepared in consultation with affected councils. Unless specifically requested by councils as part of the formal public consultation process, no mapping amendments have been made.

Where councils have requested amendments to risk classifications or exclusions, these have been considered based on any additional information which has been provided by those councils and in some instances amendments have been made to the final figures. The amendments made are not considered to be beyond the scope of the draft PAR as they 'preserve' the intent to protect property and life based on bushfire risk.

2. Policy Interpretation

A number of comments have also been made on the proposed policies and the interpretation thereof, including:

- requirements relating to vegetation densities and what is considered as unacceptable;
- the removal of prescriptive criteria for bushfire protection (and concurrently, a questioning of status of the Guideline document or documents);
- confusion with terminology for classifications under the Building Code,
- the exclusion of non-residential land uses from proposed Principles of Development Control (suggestion is that these should be included);
- a questioning of the minimum requirement for the clearing of vegetation by 20 metres (e.g. in areas such as Coromandel Valley and potential policy conflicts with desired character, etc); and
- water storage requirements in high risk urbanised areas, may be difficult to adopt and the need to clarify if this Principle of Development Control applies to dwelling additions in these areas.

The DPAC proposes minimal amendments to policies. The majority of comments related to matters of policy interpretation. The purpose of the draft PAR is to ensure appropriate measures can be taken to minimise risk of bushfire damage to life and property in bushfire risk areas of the State. No amendments are recommended to the policy. However, a minor correction is required to the Adelaide Hills Council amendment instructions.

3. Interface (Buffer) Area Sought between Excluded Areas and High Bushfire Risk Areas

The need for an interface or buffer area between Excluded Areas within or immediately adjoining areas of high bushfire risk, has been raised.

The DPAC advises that the approach adopted has been consistent with the previous two bushfire PARs. Therefore, no amendment is recommended.

4. Hazardous Vegetation

The interpretation of policy particularly in relation to the assessment of hazardous vegetation has been raised.

The DPAC recommends no changes to policies. The purpose of the draft PAR is clear and matters relating to policy interpretation are dependent on each circumstance as to the extent of vegetation coverage. It is important to have a uniform policy applying and at the development assessment stage allow for a 'uniform benchmark' for the assessment of bushfire risk.

5. Dwellings Merit Assessment in High Bushfire Risk Areas

The Department of Trade and Economic Development has raised concern with dwellings no longer being retained as Complying within bushfire risk areas. The preference is for dwellings to remain Complying subject to meeting conditions, in order to meet the recent Government policy to reduce 25% red tape in the planning system.

The DPAC recommends no changes to policies. Retaining dwellings as Complying Development in bushfire risk areas is contrary to the overall intent of this draft PAR, namely to minimise bushfire damage to life and property in High bushfire risk areas of the State.

RECOMMENDATION

1. The Development Policy Advisory Committee recommends that, subject to the draft PAR being amended as outlined above, the draft Bushfire Management (Part 3) Ministerial PAR be APPROVED, pursuant to Section 26(8) of the Development Act 1993.


Mario Barone, FPIA
PRESIDING MEMBER
DEVELOPMENT POLICY ADVISORY COMMITTEE

Attachment: (1) Summary of Public Submissions / Summary of Agency Submissions

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