



Policy 57 – Managed Grassland Fire Risk Abatement

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Fire Services Act 1979;

Statutory Authority: *Local Government Act 1993;*

Water Management Act 1999

OBJECTIVE

To reduce regulatory and cost burdens for use and development approvals in areas of manageable fire risk adjoining and upon highly productive irrigated prime agricultural land.

POLICY

This Policy applies to land within the Managed area.

Definitions

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 100 metres of an area of bushfire-prone vegetation equal to or greater than 1 hectare,

as defined within the Bushfire-Prone Areas Code of the Dorset Interim Planning Scheme 2013 or subsequent planning scheme for the municipal area:

Bushfire-prone areas overlay: means an overlay on a planning scheme map depicting bushfire-prone areas within the Dorset municipality.

Fire permit period: means a period declared to be a fire permit period, as defined within the *Fire Service Act 1979*.

Irrigation district: means an irrigation district created under Part 9 of the *Water Management Act 1999*.

Managed area: the land identified within the Dorset Fire Risk Monitored Area Map.

Notice: means an abatement notice issued in accordance with the *Local Government Act 1993*.

Nuisance: is, or is likely to be, a fire risk, as defined within the *Local Government Act 1993*.

Prime agricultural land: means agricultural land classified as Class 1, 2, or 3 land based on the class definitions and methodology from the Land Capability Handbook, Second Edition, as defined within the *State Policy on the Protection of Agricultural Land 2009*.

Background

Dorset is home to an extensive estate of prime agricultural land that is intensively and interchangeably managed for a range of grazing and horticultural purposes. Historic development patterns have resulted in the township

areas of Scottsdale, Winnaleah, Ringarooma and Legerwood being largely concentrated upon this estate. The vast majority of the municipality's prime agricultural land estate is serviced by irrigations districts, with over 25% of Dorset's total area comprised within the Scottsdale, Upper Ringarooma and Winnaleah irrigations districts alone. Through this combination of fluctuating and intensive agricultural and horticultural land management practices, historic settlement patterns of townships and the application of irrigation schemes on high-yielding prime agricultural land, numerous properties in the rural periphery of several towns are either actively or passively managed and maintained at a minimal fuel condition during the bushfire season.

In Tasmania, current building and planning regulations define grassland in agricultural landscapes (such as pasture) as constituting bushfire-prone vegetation. Applications for new use and development (including construction of a new house, extensions to an existing house, or simply locating a new shed in close proximity to a house) near pasture therefore require a bushfire report, prepared by an accredited bushfire hazard practitioner, to accompany the application. However, subsequent to considerations of flammability, moisture content (limiting fuel load curing capability) and minimum fuel load, bushfire reports for development in areas of Dorset's prime agricultural land estate regularly recommend that the bushfire risk of the offending grassland is of such low risk that the development is exempt from the regulations. In these circumstances, landowners are being unnecessarily delayed and incurring an unjustifiable out of pocket expense complying with regulation that effectively ought not to be applicable to the application at hand.

Bushfire mapping, that will spatially define land where potential exposure to bushfire hazard is sufficient to warrant a building and/or planning assessment response to achieve a tolerable level of residual risk, is being progressed in all Tasmanian municipalities via collaborative work between respective councils and the Tasmania Fire Service. This bushfire mapping will be expressed as an overlay – the 'bushfire-prone areas overlay' – that will be incorporated into each council's respective planning scheme. To ensure that suitable grassland areas are excluded from the bushfire-prone areas overlay that will be identified for Dorset municipality, a fire risk abatement regime - predicated on routine annual inspection and fire risk mitigating action – will be implemented. Land that will be subject to this regime is identified within the Dorset Fire Risk Monitored Area Map (refer to Appendix A).

Local government assumes a responsibility under the *Local Government Act 1993* to intervene to abate fire hazards where satisfied that the level of risk posed requires a management response; and it is this legal mechanism that will be employed to safeguard and underpin the ongoing efficacy of Council's fire risk abatement regime. By facilitating appropriate fire risk management within the municipality, Council will enable land that enduringly consists of low threat vegetation – and thereby unlikely to contain fire hazards that would necessitate abatement action - to be excluded from its bushfire-prone areas overlay.

Dorset Fire Risk Monitored Area Map

Land within the map has been identified by applying the following criteria:

- within an irrigation district;
- prevailing quantity of prime agricultural land (Class 1-3);
- not within 100 metres of bushfire prone vegetation (excluding grassland);
- contiguous to a township;
- surrounded by a 50 metre buffer of low threat vegetation (including managed grassland) and/or non-vegetated land; and
- meets one, or both, of the following:
 - (i) used intensively for agriculture where larger than 1 hectare; or
 - (ii) surrounded by land that would qualify as managed land where smaller than 1 hectare.

Properties, or parts of properties, that meet all the above criteria have then been refined further to achieve the following objectives:

- application of the managed area should be consistent with property boundaries to the furthest extent possible;

- properties should not rely on adjoining land to be monitored and abated to qualify as managed land unless that land would also qualify as managed;
- properties must have a direct legal point of access to a public road so as to ensure that land within the managed area is practicable to monitor;
- application of the managed area must consider the topography of the land and its subsequent practicability of managing that land to be at minimum fuel load through agricultural or other means.

Land that complies with the above, or has otherwise been identified by Council staff and supported by the Tasmania Fire Service as suitable for inclusion, has been identified as managed land within the Dorset Fire Risk Monitored Area Map.

Monitoring Process

- Properties within the managed area will be inspected annually by Council within the first week of December. In addition, if a declared fire permit period applying to Dorset municipality is declared prior to the 1st November, then properties within the managed area will also be inspected by Council within the initial two weeks of that fire permit period being declared.
- Where a nuisance is identified during routine inspection, owners or occupiers of the applicable property will be served with a notice requiring the abatement of the nuisance within fourteen (14) days.
- Where a nuisance has been identified and a notice has been issued and not complied with, Council may take such action as it considers necessary to abate the applicable nuisance in accordance with the *Local Government Act 1993*. Costs for required abatement action, including administrative fees, may be charged on to the owner.

Abatement Outcomes

Council will implement an annual routine inspection and fire risk abatement regime to achieve the following outcomes within the managed area:

- In situations where grassland would be likely to cause a fire risk (e.g. curing grassland exceeding 1 hectare in area and with a height greater than 100 millimetres or otherwise identified by a Council Officer as a fire risk) is identified within 50 metres of a habitable building and/or a non-habitable building that is within 6 metres of a habitable building, Council will require the vegetation to be slashed or mown to a height of 100 millimetres or less in order to be considered to be low threat vegetation, unless otherwise determined to be at minimum fuel load.
- Where grassland is:
 - (i) within 50 metres of a habitable building and/or a non-habitable building that is within 6 metres of a habitable building; and
 - (ii) either irrigated or otherwise managed to a minimum fuel load state (e.g. through horticulture or grazing) at the time of inspection,

it is unlikely that the fuel will cure to become a fire risk to life and property and thereby not require abatement.

Grassland greater than 50 metres away from a habitable building and/or a non-habitable building that is within 6 metres of a habitable building will not be considered a fire risk to life and property and thereby not require abatement.

Responsibility

The responsibility for the operation of this policy rests with the General Manager, or the delegated authority, of the Council. Council officers that are suitably trained in fire hazard abatement will undertake the annual inspections. Council will ensure there is adequate staffing and training to comply with the intent of this policy.

Implementation and Review

This policy will only come into effect once a Bushfire-prone areas overlay that relies upon this policy is approved by the Tasmanian Planning Commission.

This policy will be reviewed - in collaboration with any other relevant authority - by Council:

- a) on a rolling three year basis;
- b) when an amendment to the Bushfire-prone areas overlay is approved by the Tasmanian Planning Commission; and
- c) in concurrence with reviews, as undertaken by the Tasmania Fire Service, of the Bushfire-prone areas overlay.

If Council determines that this policy is to be revoked or substantially amended, it must – in collaboration with both the Tasmania Fire Service and Tasmanian Planning Commission - amend the planning scheme and bushfire-prone areas overlay, in force at the time, accordingly and prior to Council's commitment being rescinded or substantially amended.



