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Ms Kim Hossack
 General Manager
 Tasman Council
 1713 Main Road
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RECEIVED
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BY:

Dear Ms Hossack

Representation – Tasman Draft Local Provisions Schedule

Thank you for the opportunity to make a representation on the Tasman Draft Local Provisions Schedule (LPS). This representation raises matters related to:

- Flood-prone areas hazards;
- Coastal inundation hazards;
- Zoning; and
- Emergency management.

Flood-prone areas hazards

The State Emergency Service (SES) notes that a Flood-Prone Areas Hazard Overlay, has not been included as part of the draft LPS. The Supporting Report, exhibited as part of the draft LPS documentation, makes the following statements regarding the application of the Flood-Prone Areas Hazard Code:

"Table 2.3 Code Translation

Flood-Prone Areas Code – The Code is optional and applies by a mapped overlay. As there is no riverine flood mapping available the Code is not used."

"4.12 Code 12.0 Flood-Prone Areas Code

This Code is an optional Code that considers riverine flood risk. This Code is not used in the LPS"

The SES take this opportunity to confirm the Flood-Prone Areas Hazard Code, as part of the State Planning Provisions, is prescribed, and is not an optional code. The code applies to all use and development irrespective of the zoning of the land.

The SES notes that while sufficient data is not yet available to inform a comprehensive Flood-Prone Areas Hazard Overlay for the municipal area, there may be areas within the Tasman municipal area are known to be at risk from flooding.

In recognition of the limited flood-prone areas mapping across Tasmania, the State Government is undertaking the Tasmanian Flood Mapping Project. This project will deliver a state-wide comprehensive and consistent flood hazard map later this year. The map will be made available to planning authorities for land use planning purposes, including updating or introducing LPS Flood-Prone Areas Hazard Overlays. The SES invite Tasman Council to participate in this project.

Until the state-wide flood hazard map is delivered, many flood-prone areas will remain unmapped within a LPS Flood-Prone Areas Hazard Overlay.

SES take this opportunity to confirm the absence of a Flood-Prone Areas Hazard Overlay in a LPS does not preclude the implementation of the Flood-Prone Areas Hazard Code.

The Flood-Prone Hazard Areas Code applies in a number of circumstances, including; to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is requested by a planning authority, as subject to risk from flood or that has the potential to cause increased risk from flood.

A planning authority may request such a report where it reasonably believes, based on information in its possession, that the land is subject to risk from flood, or has the potential to cause increased risk from flood.

SES is working with the Department of Justice to prepare draft guidance on what information a planning authority should use to determine if it reasonably believes that land is subject to risk from flood, or where a proposed use or development has the potential to cause increased risk from flood, including offsite impacts and damages. A request will be made to the Tasmanian Planning Commission to consider issuing the guidance under section 8A of the *Land Use Planning and Approvals Act 1993*.

In the interim, SES suggests that, to determine if it reasonably believes land is subject to risk from flood, or where a proposed use or development has the potential to cause increased risk from flood, including offsite impacts and damages, planning authorities should have regard to the best, publicly available flood hazard information including:

- any report adopted by a council in accordance with the *Building Regulations 2016* and *Director's Determination – Riverine Inundation Hazard Areas*;
- any flood study available on the Australian Flood Risk Information Portal;
- any flood hazard report prepared in accordance with the Flood-Prone Areas Hazard Code; any flood marks, photos, or other historical evidence that are publicly discoverable;
- Flood Data books available from the Department of Primary Industries, Parks, Water and Environment; and,
- the modelled 2016 flood high water mark extent map available on ListMap (layer called June 2016 Flood HWM Extent).

Coastal inundation hazards

SES notes the draft LPS has incorporated the Coastal Inundation Hazard Code and Overlay. The Code overlay mapping, and Code list in *TAS – Table C11.1 – Coastal Inundation Hazard Bands AHD Levels*, have been informed by appropriate the data source, (*Coastal Hazards Technical Report*, prepared by the Department of Premier and Cabinet (DPAC) in 2016), and prepared in accordance with the *TPC Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*.

SES recommends that an additional row be included in the draft LPS Written Document, *TAS – Table C11.1 – Coastal Inundation Hazard Bands AHD Levels*, to account for land within the municipality affected by the Coastal Inundation Areas Hazard but not located in a specified locality. This additional information is consistent with the *DPAC Coastal Hazards Technical Report* as follows:

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
All other localities	1	2.4	3	2.7

SES supports the use of this information in the draft LPS to enable the full application of the Code and the [*Director's Determination – Building Requirements for Coastal Inundation Hazard Areas*](#), which commenced on the 16 March 2020, and will apply when the LPS is made.

The SES notes there are areas of land mapped as coastal inundation hazard investigation areas in the draft LPS on land surrounding:

- Prices Bay
- Saltwater River
- Lagoon Bay
- Crooked Billet Bay
- Koonya
- Roaring Beach Bay.

If there is increasing demand for the use and development of this land, it may be efficient and effective practice for Council to have this land surveyed and classified into the appropriate coastal inundation hazard bands, as provided for in the draft LPS, *TAS Table C11.1 – Coastal Inundation Hazard Bands AHD Levels*, or excluded from the coastal inundation hazard areas.

Zoning

SES notes there are changes in zoning in the transition from the Interim Planning Scheme to the draft LPS. SES supports the use of zones that provide for the management of density in flood-prone and coastal inundation hazardous areas.

Emergency Management

SES notes that parts of the developed Sloping Main area, are surrounded by land at high, medium and low risk of coastal inundation. Safe access, to and from this locality, may be limited during storms and elevated ocean water level events, with the coastal inundation mapping showing areas of Sloping Main Road at risk of inundation.

The *Tasman draft LPS*, in conjunction with the *Tasman Municipal Emergency Management Plan*, together make an important contribution to the management of coastal inundation risk. Regular reviews of the *Tasman Municipal Emergency Management Plan* should continue to include specific consideration of coastal inundation emergencies in combination with changes to use and development in the Sloping Main locality.

Yours faithfully



Matt Brocklehurst
Acting Director