

From: Flinders Council
Sent: Wednesday, 28 July 2021 1:32 PM
To: Development Services; Jacqui Viney; Vicki Warden
Subject: FW: SES Representation - Flinders Draft Local Provisions Schedule
Attachments: SES Representation - Flinders Draft Local Provisions Schedule.PDF

Follow Up Flag: Follow up
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-----Original Message-----

From: Irvine, Chris <Chris.Irvine@ses.tas.gov.au>
Sent: Wednesday, 28 July 2021 1:12 PM
To: Flinders Council <office@flinders.tas.gov.au>
Cc: Stewart, Ann <Ann.Stewart@ses.tas.gov.au>
Subject: SES Representation - Flinders Draft Local Provisions Schedule

Please find attached the SES Representation on the Flinders draft Local Provisions Schedule

Regards

Chris Irvine
Manager, Flood Policy Unit

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Our ref: A21/148888

26 July 2021

Mr Warren Groves
General Manager
Flinders Council
PO Box 40
WHITEMARK TAS 7255

Dear Mr Groves

Representation – Flinders Draft Local Provisions Schedule

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

- Flood-prone area hazards;
- Coastal inundation hazards; and
- Zoning.

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 mapping of the Flood-Prone Areas Hazard Code:

“Clause LP1.7.10 requires the LPS to contain an overlay showing the areas for the application of the Flood-Prone Areas Hazard Code if a planning authority has flood-prone areas in the municipal area.

No transitional provisions under Schedule 6, Clause 8D (2) of LUPAA apply to this code and no Flood-Prone Hazard Area overlay for the SPP Flood-Prone Areas Hazard Code have been identified.”

The SES notes that there may be areas within the Flinders municipal area known to be at risk from flooding but not yet mapped in the draft overlay.

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 in 2022. 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 Flinders 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 *FLI – 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 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.

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.

SES notes that the:

- *FLI-S1.0 Coastal Settlement Specific Area Plan;*
- *FLI-S2.0 Whitemark Rural Living Specific Area Plan;*
- *FLI-S3.0 Coastal Areas Specific Area Plan; and*
- *FLI-S4.0 Lady Barron Port Specific Area Plan*

do not seek to include additional provisions to the Coastal Inundation Hazard Area Code or the Flood-prone Hazard Area Code, nor do they seek to modify or substitute provisions from these codes, and do not affect the implementation of these codes.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AL' with a large loop and a trailing flourish.

Andrew Lea ESM
Director