



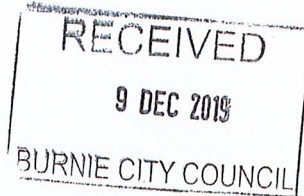
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Our ref: A19/232046

5 December 2019

Mr Andrew Wardlaw
General Manager
Burnie City Council
PO Box 973
BURNIE TAS 7320



Dear Mr Wardlaw,

Representation – Burnie City Draft Local Provisions Schedule

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

- Flood-Prone Hazards; and
- Coastal Inundation Hazards.

Flood-Prone Hazards

State Emergency Service (SES) notes that the draft LPS Flood-Prone Areas Hazard Overlay, is based on the 1% AEP, drawn from the:

- Shorewell Creek Flood Study 2010;
- Whalebone Creek Flood Study 2010;
- Cooee Creek Flood Study 2011;
- Emu River Flood Study 2018; and
- Romaine Dam – Dam Safety Emergency Plan 2018.

SES notes that while the majority of flood-prone areas will have been identified in the overlay, there may be areas within the Burnie City municipality that are at risk from flooding and not mapped.

In recognition of the limitations of information relating to flood-prone areas 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 by 2021. The map will be made available to planning authorities for land use planning activities including updating LPS Flood-Prone Areas Hazard Overlays. The SES invite Burnie City Council to participate in this project.

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

The Flood-Prone Hazard Areas Code applies in a number of circumstances, including to use of 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SES is working with the Department of Justice to prepare draft guidance on what information a planning authority should use to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood. 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 that land is subject to risk from flood or has the potential to cause increased risk from flood, planning authorities should have regard to the best, publicly available flood hazard information including:

- any report adopted by a council in accordance with regulation 52(2)(b) of the *Building Regulations 2016*;
- any flood study available on the Australian Flood Risk Information Portal - <https://www.ga.gov.au/scientific-topics/community-safety/flood/afrip>;
- 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*).

SES notes that there is a proposed change in zoning to several lots in the West Mooreville Road and Janet Drive area that are affected by the Flood-Prone Area overlay, from Low Density Residential in the current planning scheme to General Residential in the draft LPS. SES notes that any future intensification in density as a result of a change in zoning in the hazardous area, will be managed by the Planning Authority in accordance with the Flood-Prone Areas Hazard Code.

Coastal Inundation Hazards

SES notes that the draft LPS written instrument includes a table headed, *BUR – Table C11.1 Coastal Inundation Hazard Bands AHD Levels*, on page 25, and that the data included in this table has been informed by the Department of Premier and Cabinet's - *Coastal Hazards Technical Report - Appendix 9*. SES supports the use of this table to inform the application of the Coastal Inundation Hazard Code.

Yours faithfully



Andrew Lea ESM
Director