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Ms Kelly Grigsby
Chief Executive Officer
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Hobart TAS 7001
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Dear Ms Grigsby,

REPRESENTATION RE: DRAFT HOBART LPS FLOOD-PRONE HAZARD AREA APPLICATION TO 8 BUCHANAN AVENUE, SANDY BAY

Gray Planning has been engaged by the owners of 8 Buchanan Avenue in Sandy Bay to prepare and lodge a representation that objects to the application of the proposed Flood-Prone Hazards Area overlay to a portion of their property.

The property owners are concerned about the lack of specific detail about the proposed overlay which appears to have originated from desktop modelling only. While the portion of the overlay affecting their property is extremely marginal, it does carry implications for future insurance requirements for their property that they are likely to be burdened with. It also carries implications for information required as part of future applications for development of their property.

The only reference to flooding is in the accompanying report prepared for the draft LPS for Code C12.0 Flood Prone Hazard areas is a single sentence in the supporting LPS report (on page 8) which states:

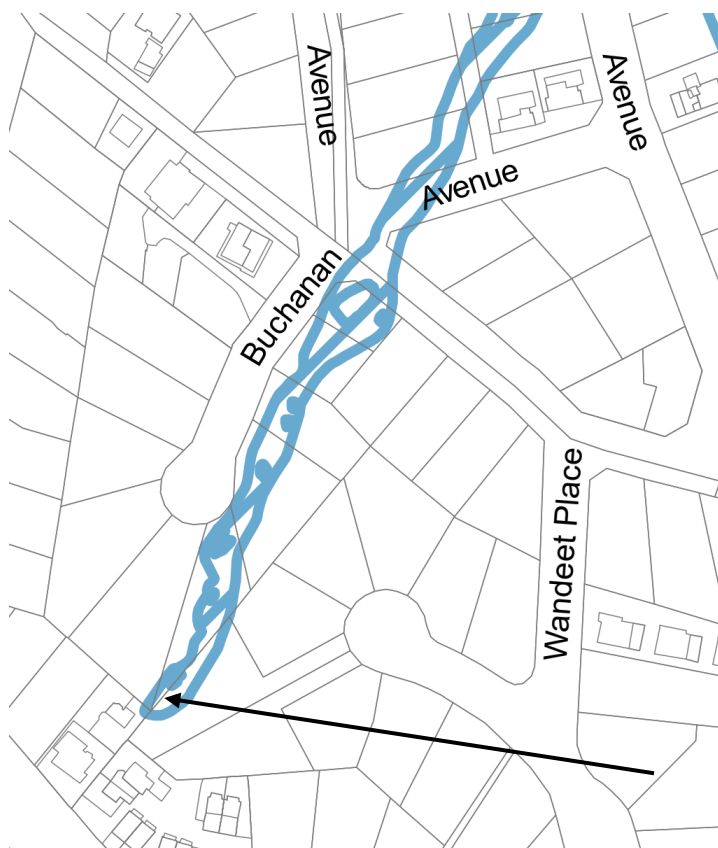
C12.0 Flood-Prone Areas Hazard Code The Hobart LPS includes a flood prone hazard area overlay applied in accordance with clause FPHAZ 1 and 2 of Guideline No.1.

For members of the community, the question arises for some of these properties to be mapped (that previously have no such mapping applied) with the Flood-Prone Hazard Areas overlay is what information or data is Council relying on that clearly demonstrates that



these properties have a reasonable degree of flood impact that justifies them being mapped?

I attach the draft C12.0 mapping proposed for 8 Buchanan Avenue which shows properties on the southern side of Buchanan as being extensively covered with this overlay:



Above: draft Flood-Prone Hazard Area overlay mapping as advertised for the draft LPS. The black arrow shows the extent of your property affected by the overlay area. No scale.

Council have previously undertaken what appears to be desktop modelling to determine areas that may be affected by flooding from 1 in 100 year events and this information is publicly available on the Council website. Council have also noted studies of well known watercourses that do periodically flood such as Hobart Rivulet.

On their website Council note the following about the modelled data which now forms the basis for the new C12.0 LPS overlay:

The modelling has been done at a catchment wide level and provides an indication of potential hazards but may not be accurate at a property level. Seek independent advice for your site-specific flood risk.



It is my view that applying the overlay should be applied to affect properties based on actual data and not assumptions that Council has.

The application of the overlay on my client's property at 8 Buchanan Avenue is that they may be in a position for requiring flood insurance for their property as a result of being identified as being apparently at risk of flood. The other implication is that for any dwelling extension exceeding 20sqm of floor area, they may be subject to a requirement to lodge a Flood Hazard Report. These are expensive reports for any property owner to engage.

Currently, the C12.0 Code can be applied by Council in the following circumstances:

C12.2.1 This code applies to development of land within a flood-prone hazard area.

C12.2.2 This code applies to use of land within a flood-prone hazard area if for: (a) a change of use that converts a non-habitable building to a habitable building; or (b) a new habitable room within an existing building.

C12.2.3 This code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a permit, or required in response to a request under section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood.

C12.2.4 The planning authority may only make a request under clause C12.2.3 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.

Under C12.2.1 and C12.2.2 it is stated that the Code will apply to land within a 'flood prone hazard area'. The portion of 8 Buchanan Avenue that is mapped as potentially a flood prone area is the very small portion mapped in the far SE corner.

There is a risk however, that Council could potentially require a flood hazard report for a house extension proposal to the dwelling under C12.2.4 'based on information in its possession'. This clause and the way it has been worded enables Council to potentially make such a request.

As the proponent for the LPS and zoning and overlays to be applied, it is submitted that Council should have definitive data available that justifies the application of any overlay.

Having inspected the property at 8 Buchanan Avenue, the existing dwelling is a mid to late 20th century construction with non habitable floor area and a garage at ground level with habitable rooms well above NGL.

The subject site is not adjacent to, or near a known or mapped watercourse. The subject site is not low lying. The subject site is not in a flood catchment area. The subject site is not in a coastal area. The subject site is not in a topographical catchment comprising a dry watercourse. The subject site is not immediately downhill of (or nearby) a Council reserve.



Under the current Interim Planning Scheme, the subject site and neighbouring properties are not mapped at all.

Under the proposed new overlay mapping, the source of the inundation appears to originate from 8 Buchanan Avenue and units at 307 and 311 Churchill Avenue that sit directly below Churchill Avenue that has full stormwater management infrastructure applied along the length of the road.

In summary, there appears to be no logical source for the generation of flood waters as mapped in the overlay. Additionally, the subject site at 8 Buchanan Avenue does not have any characteristics that would reasonably suggest any potential for particular flood prone hazards to justify application of any overlay to map it as being flood prone.

Council state on their website that a property may be at risk of flooding if it has any of the following characteristics:

Your property may be at risk of flood damage if:

- you are near a waterway, including ephemeral waterways that are usually dry, and waterways that are fully piped underground
- your property is in a natural depression, including at a dip in the road
- your property slopes up into natural bushland
- your property is in a low-lying area near the Derwent River.

None of these apply to 8 Buchanan Avenue.

In the absence of any robust or definitive flood data that justifies the application of the overlay, it is requested that then overlay be wholly removed from 8 Buchanan Avenue.

Should you wish to discuss the above, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA

Principal Consultant, Gray Planning

On behalf of the owners of 8 Buchanan Avenue, Sandy Bay

