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Mr Matthew Atkins
General Manager
Devonport Council
PO Box 604
DEVONPORT TAS 7310

Dear Mr Atkins

Representation – Draft Devonport Local Provisions Schedule

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

- Flood-prone areas hazards;
- Coastal inundation hazards; and
- Zoning;

Flood-prone areas hazards

The State Emergency Service (SES) notes that the draft LPS does not incorporate a Flood-Prone Areas Hazard Overlay. The *Draft Devonport LPS Supporting Report – section 3.5* provides the following explanatory statement regarding the absence of the overlay and operation of the Flood-Prone Areas Hazard Code:

“The draft LPS does not include an overlay map to inform the application of this Code. The Code can operate without reference to an overlay map”.

Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application, clause FPHAZ 2, provides the following guidance to Council preparing a Flood-Prone Areas Hazard overlay. “In determining the extent of the flood-prone hazard area overlay, planning authorities may utilise their own data, including any equivalent overlay contained in an interim planning scheme or section 29 planning scheme for that municipal area, or data from other sources.”

With respect to the above guidance, SES notes that a study prepared by Entura and commissioned by Latrobe Council in 2018, included modelling of the Mersey River downstream of Latrobe to just upstream of the Bass Highway Victoria Bridge in Devonport. The model was calibrated to the June 2016 flood event. The modelled extent includes the reach of the Mersey River from the boundary of the Latrobe and Devonport municipal areas to just upstream of the Bass Highway Victoria Bridge in Devonport. Consideration should be

given to incorporating mapping from this study into the Devonport LPS Flood-Prone Areas Overlay.

Additionally, Entura on behalf of Central Coast Council are currently in the process of finalising a Lower Forth River flood study that will include sections of the east bank of the Forth River that are within the Devonport Municipal Area. Consideration should be given to incorporating the 1% AEP layer from this study into the Devonport Council Flood-Prone Areas Overlay if it is finalised in a timely manner to coincide with the further preparation of the Devonport LPS.

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. The map will be made available to planning authorities for land use planning purposes, including updating LPS Flood-Prone Areas Hazard Overlays. The SES invite Devonport City 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 that 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 Areas Hazard 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 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](#);
- 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 that the draft LPS includes a Coastal Inundation Hazard Overlay. The overlay mapping, and Code list in *DEV – 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 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 *Coastal Inundation Hazard Code*, and the [*Director's Determination – Coastal Inundation Hazard Areas*](#) which commenced on the 16 March 2020 and will apply when the LPS is made.

Zoning

SES notes that there are few 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.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Andrew Lea', is positioned above the printed name.

Andrew Lea ESM
Director