

From: "Irvine, Chris" <Chris.Irvine@ses.tas.gov.au>
Sent: Thu, 16 Sep 2021 10:57:57 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Cc: "Stewart, Ann" <Ann.Stewart@ses.tas.gov.au>
Subject: SES Representation - Launceston Draft Local Provisions Schedule
Attachments: SES Representation - Launceston Draft Local Provisions Schedule.PDF

[You don't often get email from chris.irvine@ses.tas.gov.au. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Please find attached the SES representation on the Launceston draft Local Provisions Schedule to the Tasmanian Planning Scheme.

Regards

Chris Irvine
Manager, Flood Policy Unit

State Emergency Service, Department of Police, Fire and Emergency Management
Cnr Argyle and Melville Streets Hobart
GPO Box 1290, Hobart TAS 7001
p: 03 6173 2718 I m: 0429 909 097
e: chris.irvine@ses.tas.gov.au I w: www.ses.tas.gov.au

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

Our ref: A21/I80936

15 September 2021

Mr Michael Stretton
General Manager
City of Launceston Council
PO Box 396
LAUNCESTON TAS 7250

Dear Mr Stretton

Representation – Launceston Draft Local Provisions Schedule

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

- Flood-prone area hazards;
- Coastal inundation hazards; and
- Zoning and Specific Area Plans

Flood-prone area hazards

The State Emergency Service (SES) notes that a Flood-Prone Areas Hazard Overlay, has been included as part of the draft LPS. The Overlay has been based on the Flood-Prone land currently mapped in the *Launceston Interim Planning Scheme 2015* (LIPS). The Launceston draft LPS Supporting Report recognises the limitations of the Flood-Prone Areas Overlay and states:

'In the Draft LPS, the position is to maintain the status quo pending the comprehensive work program which is underway to investigate the development of a Levee Protected Areas Specific Area Plan which will be underpinned by a best practice land use planning framework for levee protected areas.'

SES supports this approach and requests to be consulted in the preparation of this Specific Area Plan and a future amendment to the Overlay.

SES notes that the 1% AEP Flood-Prone Areas mapped in the City of Launceston (CoL) Stormwater Management Plan have not been included in the draft LPS Overlay. The scope of work that CoL currently has underway for the levee protected areas, may not include consideration of flood-prone areas outside of the levee protected areas. SES recommend that a future amendment of the LPS Flood-Prone Areas Hazard Overlay include consideration of other contemporary flood studies of the municipality including:

- *CoL Stormwater Management Plan*
- *North and South Esk Flood Modelling and Mapping Update Levee Breach Assessment*

- *North and South Esk Rivers Flood Modelling and Mapping Update Volume 2: Flood Mapping*

SES notes that the draft LPS Flood-Prone Areas Hazard Overlay and the flood-prone areas maps in the *Launceston Flood Risk Management Act 2015*, and the Launceston Flood Authority Rules, may not be mapped with consistency. The SES recommends that the CoL examine the impact of mapping inconsistencies on land use planning matters and steps be taken to align these maps as appropriate.

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 City of Launceston 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 takes 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 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 *LAU– 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*.

There are several errors in the LAU-Table C11.1 – Coastal Inundation Hazard Bands AHD Levels. Table 1 is provided to assist council in correcting these errors. SES recommends that Table LAU-C11.1 be amended to reflect the corrected data.

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
Dilston	1.7	2.6	3.2	2.9
Invermay	1.8	2.6	3.2	2.9
Launceston	1.8	2.6	3.2	2.9
Mowbray	1.8	2.6	3.2	2.9
Newnham	1.8	2.6	3.2	2.9
Newstead	1.8	2.6	3.2	2.9
Norwood	1.8	2.6	3.2	2.9
Ravenswood	1.8	2.6	3.2	2.9
St Leonards	1.8	2.6	3.2	2.9
Swan Bay	1.4	2.6	3.2	2.9
West Launceston	1.8	2.6	3.2	2.9
Windermere	1.6	2.6	3.2	2.9
Launceston Average	1.8	2.6	3.2	2.9

Table 1: Recommended replacement for Table LAU-C11.1

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.

Invermay/Inveresk Flood Inundation Specific Area Plan

SES notes that the *LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan* has largely carried over the provisions from the LIPS 2015 *E16.0 Invermay/Inveresk Flood Inundation Area Code*.

As with the *Flood-Prone Areas Hazard Code*, the draft LAU-S10.0 SAP is designed to manage the risks posed by a 1% AEP flood event. This draft SAP includes *Development and Buildings Standards* that require floor levels of 3.7m AHD in the Residential use class and 3.4m AHD for all buildings not in the Residential use class. SES understands that the 3.4m AHD and 3.7m AHD levels were based on Council initiated modelling undertaken in 2008 of the expected inundation levels in the event of a levee failure during a 1% AEP flood event.

SES notes that the Council initiated *North and South Esk Flood Modelling and Mapping Update Levee Breach Assessment 2018*, describes inundation levels of a modelled levee breach during a 1% AEP flood event for the Invermay area as being between 4.6m AHD and 4.9m AHD. This is a significant increase of around 1.2m over the 2008 modelling.

SES notes the Council's current work to develop a Levee Protected Areas SAP for the Invermay/Inveresk, Newstead, and Launceston areas that will replace the current draft *LAU-S10.0 SAP* as a future amendment to the LPS. The development of the SAP and subsequent incorporation into the LPS may take several years, during which time the proposed *draft LAU-S10.0 SAP* will be the main planning instrument managing flood risks in Invermay/Inveresk. When taking the updated inundation levels into consideration, the draft *LAU-S10.0 SAP* will not manage the risks of a 1% AEP flood event in the event of a levee failure.

SES recommends that as an interim measure, until a new Levee Protected Areas SAP is incorporated into the LPS, the current draft *LAU-S10.0 Invermay/Inveresk Flood Inundation SAP* be amended to increase the minimum flood height requirements for residential and non-residential use classes to levels between 4.6m AHD and 4.9m AHD.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AL' or 'Andrew Lea', enclosed within a large, loopy oval shape.

Andrew Lea ESM
Director