

Our Ref: A23/143418

26 June 2023

Mr John Ramsy
Executive Commissioner
Tasmanian Planning Commission
tpc@planning.tas.gov.au

Dear Mr Ramsy,

SES REPRESENTATION – DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to provide a submission to the Tasmanian Planning Commission (TPC) on the draft Tasmanian Planning Policies.

The State Emergency Service (SES) strongly supports the establishment of this important component of the Tasmanian planning system and note its significance moving toward a modern system of planning that can guide strategic and statutory planning for the future.

SES commend the way the Tasmanian Planning Policies (TPPs) have been drafted as an integrated set of policies and strongly support this approach. SES note that matters relevant to emergency management, coastal inundation and flood risk management have been integrated into five of the seven TPPs.

SES made a submission to the State Planning Office (SPO) on the first draft of the Tasmanian Planning Policies (TPPs) and acknowledge that the SPO has provided responses to matters raised in that SES submission.

Some matters SES raised in its submission on the first draft TPPs did not result in changes to the draft TPPs. These matters are reiterated in this submission for TPC consideration. This submission also contains new matters not previously raised.

SES's overarching position with respect to the draft Tasmanian Planning Policies is to provide improvements to the system of planning that deal with flood risk and other environmental hazards in a way that:

- is uncomplicated and provides a consistent system that is efficient to implement;
- provides risk-based planning outcomes that address flood risks (and other environmental hazards) to people, private and public property, and infrastructure, and maximises the resilience of the community post flooding; and
- can communicate flood risk (and other environmental hazards) clearly to the public and all users of the planning system.

SES has focused its comments on matters related to flood risk management (from flooding from rainfall and coastal inundation) and emergency management and tabulated its comments into an attachment to this letter.

In addition to the attached specific comments, there is a need to revise the “risk language” used throughout the draft TPPs to provide for consistency and clear communication of the planning system. Examples of where there may be a need for definitions or clearer wording are provided:

- "Avoidsignificant risk" - does this mean no development?
- "Where not practical to avoid"
- Avoid ...unless tolerable
- Incompatible use - is this vulnerable, hazardous, or critical use?
- What is tolerable? Is it to manage the use or development to have the same residual risk as an equivalent development that is not exposed to the hazard?
- What is significant?
- Susceptibility versus prone?
- Risk of harm...tolerable
- Are we minimising harm, exposure or risk - they are different things
- Minimise the impact.. potential to cause harm...reduce cost"
- What type of cost and by how much?
- Do we have different types of tolerable risk for different use and developments?

Please contact the Manager Flood Policy Unit – Chris Irvine, on 6173 3700, or by email chris.irvine@ses.tas.gov.au , if you wish to discuss any of the matters raised in this submission.

Sincerely



Mick Lowe
Executive Director SES and Volunteers

ATTACHMENT 1

TPP POLICY TOPIC	OPERATIVE PART NUMBER	OPERATIVE PART DETAIL	SES COMMENT
Settlement	1.1.3 – 6 a)	<p>Promote the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:</p> <p>a) the identified values, physical constraints, environmental hazards, and the strategic context of the location</p>	<p>SES strongly support this strategy and see it providing opportunity to deliver nuanced planning outcomes for existing settlements with higher flood and coastal inundation risks that are likely to exacerbate over time with climate change.</p> <p>SES seek for this strategy to be retained in the final TPPs.</p>
	1.2.2	<p>To improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community.</p>	<p>SES support this objective, however, the contribution that emergency services provide to the wellbeing of the community is not provided for in the strategies.</p> <p>The strong rate of population growth occurring in Tasmania is placing increased pressure on the transport network and causing congestion in city centres. This congestion contributes to problems which limit emergency response vehicle's ability to respond in as short time-frames as possible to emergency situations and events. It also impacts on the ability of the community to respond appropriately to emergency warnings that may be issued.</p>

			<p>With the impacts of climate change occurring alongside a growing population, the need for land use planning transport network solutions to address congestion problems becomes more urgent from an emergency management point of view.</p> <p>There is a place within this policy for addressing this significant transport-emergency management-liveability-wellbeing matter.</p>
Environmental Hazards	3.3.3 - 1	Identify and map land that is subject to flooding based, as a minimum, on land inundated by the 1% Annual Exceedance Probability (AEP), or an alternative as determined by the State Government in response to climate change.	<p>SES support the intent of this strategy but seek a wording change that would better support mapping outputs that provide for risk based planning outcomes:</p> <p><i>“Identify and map land that is vulnerable to flooding based, as a minimum, on a 1% Annual Exceedance Probability (AEP) flood event, or an alternative as determined by State Government for the management of flood risks associated with climate change and other matters.”</i></p> <p>The State Government may elect to determine a flood prone hazard area that is a function of multiple AEPs.</p>
	3.3.3 - 4	Avoid locating, or intensifying, incompatible use and development on land subject to flood hazards unless hazard reduction and protection measures are considered and, where appropriate, incorporated into the planning and ongoing functioning of the use	<p>This strategy has tried to combine strategies 3.3.3 – 4 and 3.3.3 – 6 from the first draft TPP’s.</p> <p>The resulting revised strategy is very confusing and its intent is unclear.</p>

		and development to reduce the level of risk to people, property and infrastructure to a tolerable risk level.	The overall 'risk language' is not clear and can be confusing. There may be a need to revise the statement for consistency and clear communication of the planning system.
	3.3.3 - 7	<p>Support the development of flood mitigation infrastructure that has the capacity to lower the risk of flood hazards and provide greater protection to human life, property and infrastructure, if:</p> <p>a) the flood hazard is not diverted to an area that will expose people, property and infrastructure to an increased risk of harm where a level of tolerable risk cannot be achieved and maintained;</p> <p>b) the impact on environmental values are considered and minimised;</p> <p>c) the cost to the community is considered and minimised; and</p> <p>d) careful consideration is given to the appropriateness of intensifying the use and development of the area being protected to avoid exposing additional people, property and infrastructure to flood hazards, especially considering the unpredictability of climate change induced flood events.</p>	<p>SES recommended an amendment to this strategy in the first draft of the TPPs to remove part d) of the strategy as it does not align with current best practice flood risk management. The SPO did not support the SES recommendation.</p> <p>As the strategy is currently drafted, it implies that flood mitigation infrastructure will be supported if it has considered the appropriateness of intensifying use and development in the protected area. SES do not support intensification of development in protected areas.</p> <p>A suggested rewording is proposed as:</p> <p><i>“d) intensification of use and development in the area being protected is avoided.”</i></p> <p>SES position on this matter is clarified:</p> <ul style="list-style-type: none"> • There are settlements in Tasmania that have been developed on flood-prone land, leaving a legacy of flood risks to be addressed in the present day. Managing flood risk in existing settlements by implementing solutions like land use planning, building controls and emergency management can be relevant and effective. These solutions do not always

			<p>provide adequate flood risk management outcomes, and unacceptable residual risks can remain. Structural flood mitigation infrastructure, if implemented with other solutions, can offer the best outcomes for disaster resilience in these instances.</p> <ul style="list-style-type: none"> • Structural flood mitigation management options should work as an integrated solution with land use planning controls to ensure that residual risk (risk that accounts for failure of the structural mitigation option) will be managed. For example, a flood levee construction proposal should demonstrate how emergency management and land use planning controls operate together to manage flood risk to existing development and discourage the intensification of new use and development behind the proposed levee, thereby avoiding the flood paradox¹.
	3.4.1	Applies to the Coastal Zone as defined in the State Coastal Policy 1996, which is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the highwater mark.	<p>While this definition accords with the SCP 1996, it may not be adequate for the purpose of the TPPs, without the inclusion of the concept of significant risk as identified in Clause 1.4.1 of the SCP 1996.</p> <p>While the term significant risk has fallen from general use since 1996 a definition for the</p>

¹ Gissing, A.V.L., Jonathan; Tofa, Matalena; Haynes, Katharine., *Flood levee influences on community preparedness - a paradox* The Australian Journal of Emergency Management, Jul 2018. 33: p. 38-43.

			<p>term has been created for the purpose of the SPP coastal inundation and erosion codes and applied for several years – to include land exposed to coastal hazards out to 2100.</p> <p>SES suggest an improved application description would clarify the design event that should be planned for. A clarification to the application could include:</p> <p><i>“Applies to the land impacted by coastal hazards now and out to 2100”.</i></p>
	3.4.3 - 1	Identify and map land that is subject to coastal erosion and coastal inundation, based on a projected sea level rise of not less than 0.8 metres by 2100 or the latest adopted State Government sea level rise measurements, that considers the effects of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.	<p>SES support the intent of this strategy but suggest a wording change that would better support mapping outputs that reflect Tasmania’s current coastal hazard mapping and that are not constrained by methods of hazard assessment that do not reflect contemporary hazard assessment methodologies.</p> <p><i>“Identify and map land that is at significant risk of coastal erosion now and out to 2100, and coastal inundation to a 1% AEP storm surge event now and out to 2100. The State Government will provide a Sea Level Rise Planning Allowance that will be used as a minimum level for the consideration of climate change.”</i></p>
	3.4.3 – 7 and 8	Encourage coastal defences that work with natural processes to protect human life,	SES agree with the intent of the strategies described, however, note that they may not

		<p>property and infrastructure or mitigate coastal erosion and coastal inundation risks where possible.</p> <p>Facilitate the provision of engineered coastal defences to protect human life, property and infrastructure from coastal inundation and coastal erosion, where the social, environmental and economic considerations are included in the planning and decision-making process.</p>	<p>align with the intent of the SCP 1996 clause 1.4.2 without further qualification or redrafting.</p>
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