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**Sent:** Thu, 24 Mar 2022 11:50:16 +1100  
**To:** hvc@huonvalley.tas.gov.au  
**Cc:** Stewart, Ann  
**Subject:** SES Representation - Huon Valley Draft Local Provisions Schedule  
**Attachments:** SES Representation - Huon Valley Draft Local Provisions Schedule.PDF

Please find attached the SES representation on the draft Huon Valley LPS.

Regards

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Our ref: A22/64814

22 March 2022

Mr Jason Browne  
General Manager  
Huon Valley Council  
PO Box 210  
HUONVILLE TAS 7109

Dear Mr Browne

### **Representation – Huon Valley Draft Local Provisions Schedule**

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

- Flood-prone area hazards;
- Coastal inundation hazards; and
- Zoning.

#### **Flood-prone areas hazards**

The State Emergency Service (SES) notes that a Flood-Prone Areas Hazard Overlay, has not been included as part of the draft LPS. The Flood Risk Area mapped in the Huon Valley Interim Planning Scheme has not transitioned over into the draft LPS. SES note that the decision to not transition this layer into the draft LPS was made based on the need to update the Flood-Prone Areas Hazard mapping to include flood risk areas from the following studies:

- Huon Valley Flood Resilience 2017
- Mountain River Flood Study 2018
- Kermantie River Flood Study 2018
- Skinners Creek Flood Study 2018

SES also note that the draft LPS Supporting Report states that the Planning Authority will make use of clause C12.2.3 of the Flood-prone Areas Hazard Code until a Flood-prone Areas Hazard Overlay is introduced into the LPS as an amendment.

SES urge the Planning Authority to introduce a Flood-prone Areas Hazard Overlay into the draft LPs as soon as practicable, recognising that the Overlay provides utility not only for the decision-making capability of the Planning Authority, but also to the public as a flood risk communication and planning tool. In the absence of the Overlay, SES consider it is not reasonable to expect the public to be able to extract, understand and respond appropriately to the flood risk information contained in the flood studies described above, thereby introducing a community safety risk into the Municipality.

SES take this opportunity to recognise the limited flood-prone areas mapping across Tasmania and inform Huon Valley Council that the State Government is undertaking a 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 Huon Valley 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 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 Premier and Cabinet 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:

- Flood-prone Areas Hazard Overlays
- 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 *LAT – Table C11.1 – Coastal Inundation Hazard Bands AHD Levels*, have been informed by the appropriate 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*.

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 and Specific Area Plans (SAPs)**

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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Leon Smith', with a small red dot at the end of the signature.

Leon Smith  
**Acting Director**