

Daniel Park

From: Rebecca De Vries
Sent: Friday, 9 March 2018 12:09 PM
To: Rebecca Kenny; Isaac Harslett
Cc: Kim Kirstein
Subject: RE: TLPI for flooding at the Gold Coast

Hi Rebecca,

I just called and left a voice message. Feel free to give me a call back.

It's not a prohibition to development on flood affected land, so I think the way UDIA are interpreting the proposed TLPI is a bit confused.

The council are requiring that development achieves a minimum area of flood free land (up to a designated flood level), which could still achieve development to be constructed on a podium style engineered solution.

This might sound a bit confusing, but in short – the TLPI seeks to prevent residential development occurring above areas at risk of high and extreme flood hazard. This is a very concise summary, so might not do the TLPI justice entirely...

I have also reviewed the UDIA submission which we have received on the proposed TLPI, which does not raise any concern for the risks to development in flood prone areas, and merely seeks to emphasis (without evidence) that this could impact on achieving dwelling targets, and impact on the state interest in development and construction.

There will always be competing state interests, and an appropriate balance needs to be achieved. I would suggest the risk associated with development in flood affected areas is fairly significant and should not be ignored like it has been by the UDIA submission.

Sorry for sending such a long email. Please call me to discuss, and especially if you are looking at discussing this further with UDIA.

Thanks,
Bec



**Queensland
Government**

Rebecca de Vries
Principal Planning Officer
Planning and Development Services – SEQ South
Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 5644 3220
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Rebecca Kenny
Sent: Thursday, 8 March 2018 5:09 PM
To: Isaac Harslett <Isaac.Harslett@dsdmip.qld.gov.au>
Cc: Rebecca De Vries <Rebecca.DeVries@dsdmip.qld.gov.au>
Subject: RE: TLPI for flooding at the Gold Coast

Thanks Isaac

Rebecca, when you get a chance, can you give me a few lines on whether this will be an issue over The Spit?

cheers



**Queensland
Government**

Rebecca Kenny
Director – Priority Planning Projects
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

P [REDACTED]
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
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From: Isaac Harslett
Sent: Thursday, 8 March 2018 4:49 PM
To: Rebecca Kenny <Rebecca.Kenny@dsdmip.qld.gov.au>
Cc: Rebecca De Vries <Rebecca.DeVries@dsdmip.qld.gov.au>
Subject: RE: TLPI for flooding at the Gold Coast

Hi Rebecca

Sorry to do this to you but Rebecca de Vries is currently looking after the Flood TLPI from our office. I'm not 100% on the details so I'm not sure if the Spit would be affected.

Cheers



**Queensland
Government**

Isaac Harslett
Principal Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
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From: Rebecca Kenny
Sent: Thursday, 8 March 2018 4:36 PM
To: Isaac Harslett <Isaac.Harslett@dsdmip.qld.gov.au>
Subject: TLPI for flooding at the Gold Coast

Hi Isaac

We met with the UDIA Gold Coast representative this morning about The Spit.

He mentioned concerns that the TLPI current proposed for flooding would have a significant effect on developable land on The Spit.

I admit I haven't been following the TLPI closely, but are you able to confirm if this is correct?

cheers



**Queensland
Government**

Rebecca Kenny
Director – Priority Planning Projects
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

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RTI RELEASE - DSDMIP



Pages 311 through 316 redacted for the following reasons:

Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

Daniel Park

From: Thomas Holmes
Sent: Monday, 8 January 2018 1:26 PM
To: Daniel Park
Cc: Isaac Harslett; Adam Norris
Subject: 20180108 - Notice of request for further information and to pause a timeframe - TLPI
Attachments: 20180108 - Notice of request for further information and to pause a timeframe - TLPI.docx

Hi Dan,

Few comments. Let me know what you think.

Keen to have a look at it before it goes back to Isaac as well, just to check grammar etc before going again. I won't bring up anything new.

Cheers,



**Queensland
Government**

Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

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PO Box 3290, Australia Fair QLD 4215
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Department of Infrastructure,
Local Government and Planning

Our reference: MC17/XXXX / MA XXXXX
Your reference: PD113/1303(P1)

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Commented [TH1]: New header/footer -- footer is our address for this office.

8 January 2018

Mr Dale Dickson
Chief Executive Officer
City of Gold Coast
PO Box 5042
Gold Coast MC QLD 9729

Attention: Amanda Tzannes

Dear Ms Tzannes,

Commented [TH2]: Recommend removal. It doesn't normally go to her, just Kelli Adair.

Notice of request for further information and to pause a timeframe

(Given under chapter 3, part 2, section 8.2 and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)

Thank you for submitting the Gold Coast City Plan 2015 (planning scheme) proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed amendment) to the Honourable Jackie Trad MP, former Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning on 4 January 2018 for state interest review under chapter 3 of the Minister's Guidelines and Rules 2017 (MGR).

Commented [TH3]: They submitted it to the new Minister.

Commented [TH4]: Pretty sure italics.

The Department of State Development, Manufacturing, Infrastructure and Planning (the department), formerly the Department of Infrastructure, Local Government and Planning, has carried out a review of the proposed amendment and determined that additional information is needed.

Commented [TH5]: Do we need former if they submit to current government.

Commented [TH6]: Recommend adding in some fluff here.

Under chapter 3, part 2, section 8.2 of the MGR, I hereby give notice requesting the following information:

1. *Compliance with section 23(1)(a) and (b) of the Planning Act 2016*

Commented [TH7]: Where's the resolution item?

The material submitted with the proposed amendment has not adequately demonstrated compliance with section 23(1)(a) and (b) of the *Planning Act 2016* (the *Planning Act*).

The material submitted with the proposed amendment has stated that the TLPI is required due to:

Commented [TH8]: I would name the letter, i.e. the explanatory statement.

Commented [TH9]: The TLPI or the proposed amendment.

- development of floodplains exceeding its natural yield required for flood protection
- and the negative impacts on residents' sense of safety.

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Commented [TH10]: Recommend dot pointing and having specific what they said.

No additional information has been provided to support these as significant and immediate risks that require a TLP.

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Commented [TH11]: As/are - up to you.

Commented [TH12]: Spell out.

Please provide appropriate supporting information demonstrating:

Commented [TH13]: Quite vague. Recommend removal of the word. Appropriate is left to someone's opinion.

- That the proposed amendment is responding to a risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area.
- That the delay involved in using the process in sections 18 and 22 of the Planning Act to make or amend another local planning instrument would increase the risk.

To assist in providing the required supporting information demonstrating this and in accordance with state interest policy 2 of the State Planning Policy July 2017, Natural Hazards, Risk and Resilience, it is recommended that you provide:

Commented [TH14]: Quite broad. Recommend specific item.

- a fit-for-purpose risk assessment in accordance with state interest policy 2 of the State Planning Policy July 2017, Natural Hazards, Risk and Resilience that demonstrates that the current requirements of the planning scheme do not achieve an acceptable or tolerable level of risk to people and property and that the proposed amendment will achieve an acceptable or tolerable level of risk to people and property.

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- X report
- X material

Commented [TH15]: Recommend other ways we would like them to demonstrate there is the risk of adverse cultural, economic, env or social conditions.

Guidance on risk assessments is located in the State Planning Policy - state interest guidance material - Natural hazards, risk and resilience - Flood, July 2017.

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Commented [TH16]: I reckon this is may come across bad, i.e. telling them where it is. Recommend removal.

Under chapter 3, part 3, section 10.1 of the MGR, notice is hereby given that the timeframe for the proposed amendment has been paused. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 22 January 2018. On 23 January 2018, the process will resume at section 8.3, chapter 3, part 3 of the MGR.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, Planning and Development Services, Department of State Development, Manufacturing, Infrastructure, Local Government and Planning, on [redacted] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Commented [TH18]: Of the department

Yours sincerely

Isaac Harslett
 AI-Manager, Planning and Development Services (SEQ South)



Queensland
Government

Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: MC18/175
Your reference: PD113/1303(P1)

30 January 2018

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
PO Box 5042
GCMC QLD 9729

Dear Mr Dickson,

Notice to pause a timeframe

(Given under and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

On 15 January 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) sent the Gold Coast City Council (the council) a notice requesting additional information on the proposed TLPI and pausing the assessment timeframes under the MGR until 30 January 2018. The department has not received the information requested in this notice.

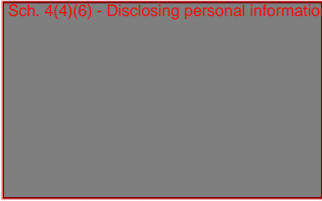
On 30 January 2018, the department received an email from the council requesting that the current pause be extended for a further two weeks. The department has considered this request and agrees to extend the duration of the current pause to allow for the council to provide the information requested in the notice.

Under chapter 3, part 3, section 10.1 of the of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.5 of the MGR, this notice extends the duration of the pause notice given on 15 January 2018. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 14 February 2018. The MGR process will resume at section 8.3, chapter 3, part 3 of the MGR on 15 February 2018.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

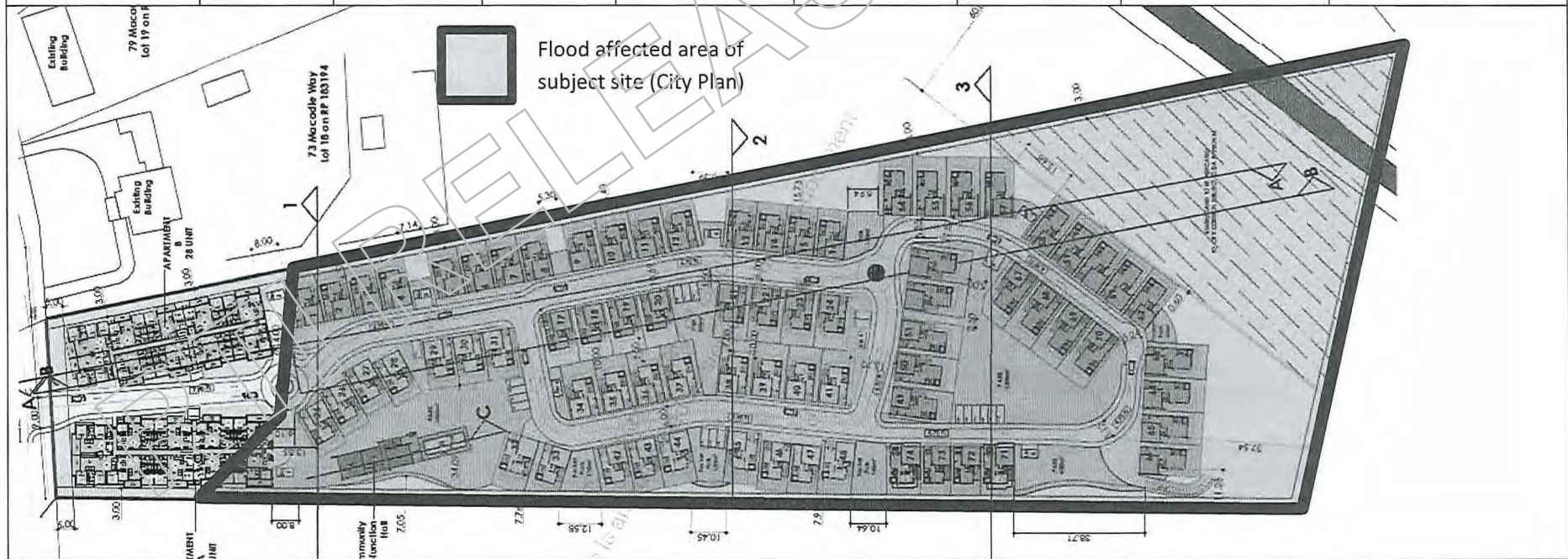
Sch. 4(4)(6) - Disclosing personal information



Kim Kirstein
Manager, Planning and Development Services (SEQ South)

RTI RELEASE - DSDMIP

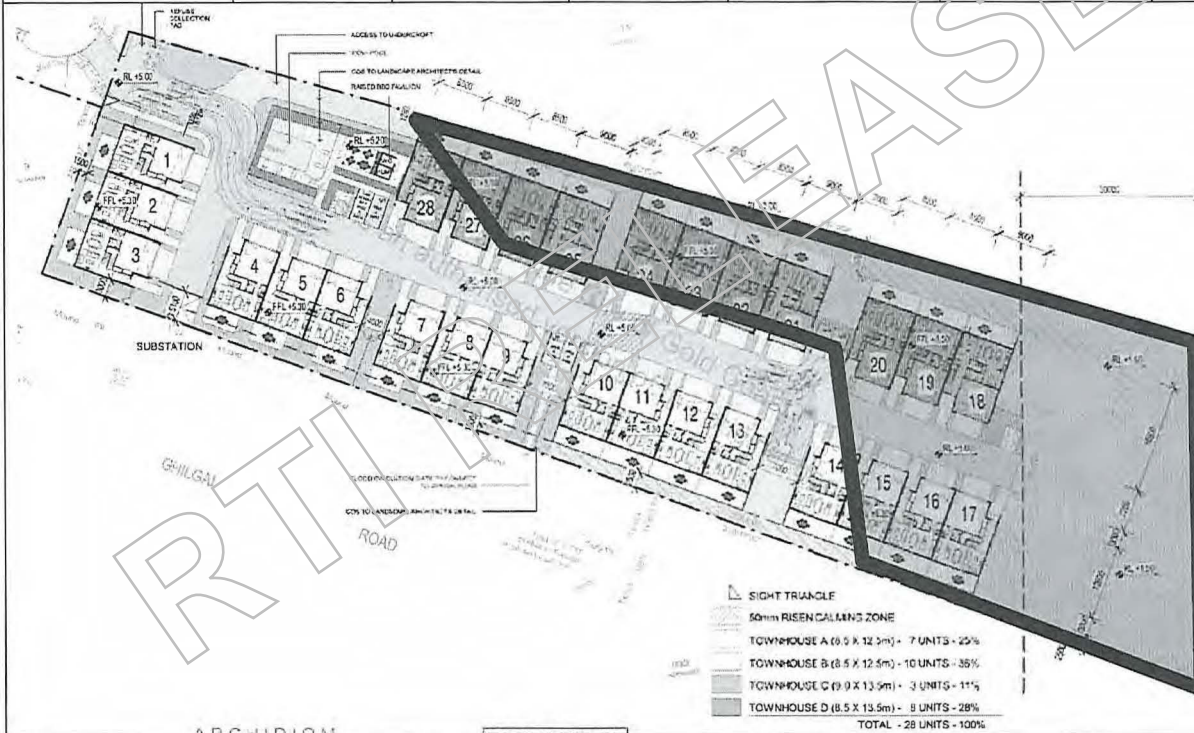
Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material Change of Use for a Retirement Facility (Low Care) (MCU201601646)	Aust Superior Group Pty Ltd c/- Place Design Group Pty Ltd	67-71 Macadie Way, Merrimac (Lot 17 on RP183194)	130 dwellings	SPA - Decision	22 /12/2016 Properly made 12/01/2017 Information request 19/10/2017 Information response extension 07/12/2017 Information response	Flood hazard: (post development) Extreme flood hazard (4.16m flood depth) Mitigation: Pole and pier	Approximately 21 dwellings	Two submissions (1) Risk of flood impact on below ground parking areas (1) Impact of podium development on flood hazard for existing properties in area (1) Aesthetics of podium development (1) Traffic impact




Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for Material Change of Use for Multiple Dwellings (Total of 383 units) (MCU201701712)	Myall Group Pty Ltd c/- Zone Planning Group	46 Bourton Road, Merrimac (Lot 12 on RP162287)	113 dwellings	PA - Decision	27/11/2017 Properly made 02/01/2018 Information request 01/02/2018 Information response 06/02/2018 Commence public notification	<u>Flood hazard:</u> (post development) Extreme flood hazard (3.25m flood depth) <u>Mitigation:</u> Pole and pier	Approximately 4 dwellings	One submission (1)Traffic impact

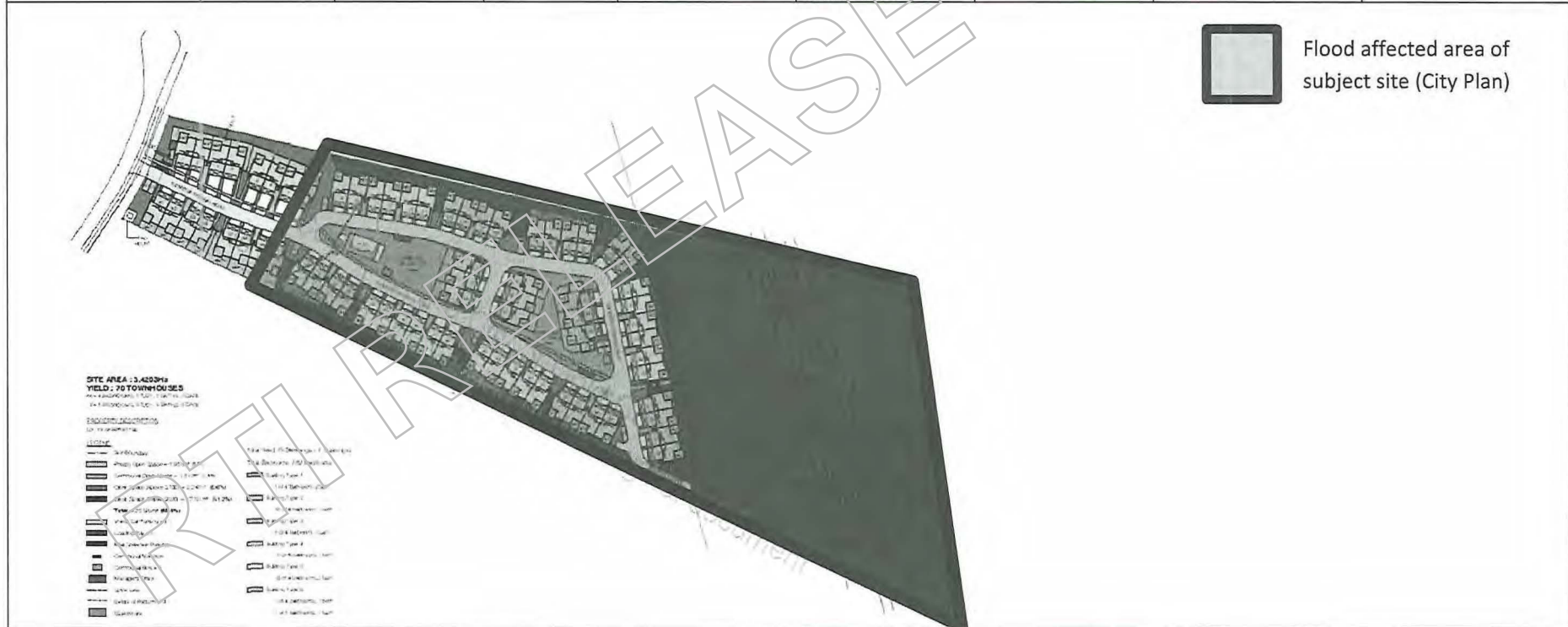










Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material Change of Use for Multiple Dwellings (29 dwelling units) (MCU201701594)	Harta Pty Ltd c/- Urban Planning Services	19 Sunrise Court, Merrimac (Lot 10 on SP244749)	29 units	PA – Decision	03/11/2017 Properly made 30/11/2017 Information request	<u>Flood hazard:</u> (post-development) Extreme flood hazard (2.95m flood depth) <u>Mitigation:</u> Pole and pier	Approximately 13 units	Eight submissions (8) Traffic and access impacts (1) Impact of podium development on flood hazard for existing properties in area (1) Upkeep of area under podiums and use as storage area.



 Flood affected area of subject site (City Plan)

Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material Change of Use for Multiple Dwellings (MCU201701561)	Griffin Property Development Pty Ltd ATF The Griffin Development Trust c/- Urban Planning Services	73-77 Macadie Way, Merrimac (Lot 18 on RP183194)	70 dwellings	PA – Decision	27/10/2017 Properly made 23/11/2017 Information request 27/12/2017 Information response 08/01/2018 Public notification	<u>Flood hazard:</u> Extreme flood hazard (2.95m flood depth) <u>Mitigation:</u> Pole and pier	Approximately 16 dwellings	Zero submissions



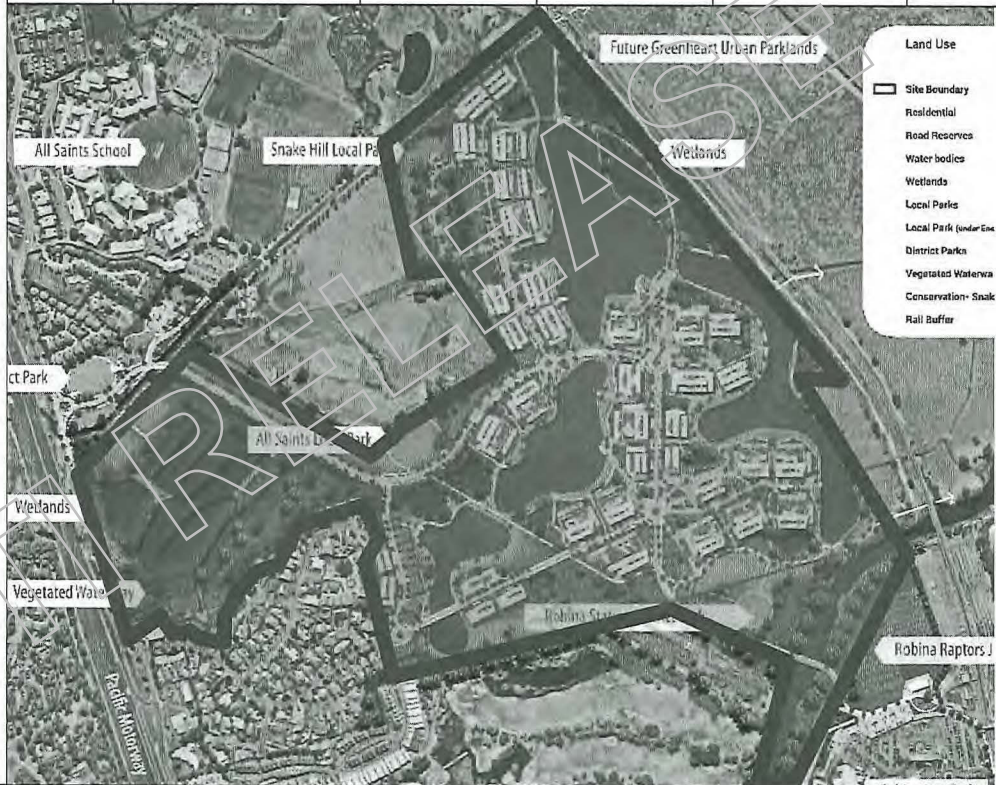
Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
<p>Preliminary Approval for making a Material Change of Use to vary the effect of the <i>Gold Coast Planning Scheme 2003</i> (Version 1.2), pursuant to section 242 of the <i>Sustainable Planning Act 2009</i>, to facilitate the development of land described for Business Activities, Community Activities, Industrial Activities, Recreation and Environmental Activities, Residential Activities, Tourism and Entertainment Activities and Transport and Infrastructure Activities, in accordance with the Robina Transit Development Plan (MCU201500601)</p>	<p>Palmer Leisure Australia Pty Ltd c/- Place Design Group Pty Ltd</p>	<p>57 Paradise Springs Avenue, Robina (Lot 4 on RP842335 and Lot 502 on RP886098)</p>	<p>2,500 units</p>	<p>SPA – Information response</p>	<p>09/06/2015 Properly made 07/07/2015 Information request 19/06/2015, 13/11/2015, 19/05/2016, 25/11/2016, 30/05/2017 and 13/12/2017 Information response extension</p>	<p><u>Flood hazard:</u> Extreme flood hazard (3.15m flood depth) <u>Mitigation:</u> Pole and pier</p>	<p>Approximately 0 units</p>	<p><i>Development application has not yet undergone public notification</i></p>
<div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <ul style="list-style-type: none">  2,500 RESIDENTIAL DWELLINGS  9 holes PUTTING GOLF COURSE RETAINED  59 hectares OPEN SPACE 400-1000+ DOUBLE AREAS  3 - 30 STOREYS OF RESIDENTIAL BUILDINGS  5 mins TO ROBINA TOWN CENTRE  1.2 km TO ROBINA TRAIN STATION VIA ACTIVE LINK <p> Flood affected area of subject site (City Plan)</p> </div> </div>								


Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Preliminary approval pursuant to section 242 of the <i>Sustainable Planning Act 2009</i> for a Material Change of Use of premises to vary the effect of the City Plan (Version 3) to facilitate the development of a master planned residential community in accordance with the Breakwater Plan of Development	Walker Robina Pty Ltd c/- Place Design Group Pty Ltd	154 Highfield Drive, Merrimac (Lot 2 on RP223566, Lot 3 on RP851086, Lot 997 on SP100222, Lot 902 on SP107453, Lot 1 on SP190868 and Lot 741 on SP215167)	2,000 units	SPA – Information response	Properly made 14/07/2017 Information request 11/08/2017 27/12/2017 Information response extension	<u>Flood hazard:</u> Extreme flood hazard (2.35m flood depth) <u>Mitigation:</u> Earthworks and pole and pier	<i>Number not known due to earthworks component of development</i>	<i>Development application has not yet undergone public notification</i>

Preliminary Approval pursuant to section 241 of the *Sustainable Planning Act 2009* for Reconfiguration of a Lot to create management lots

Preliminary Approval pursuant to section 241 of the *Sustainable Planning Act 2009* for Operational Works (change to ground level) for bulk earthworks

(MCU20170959)



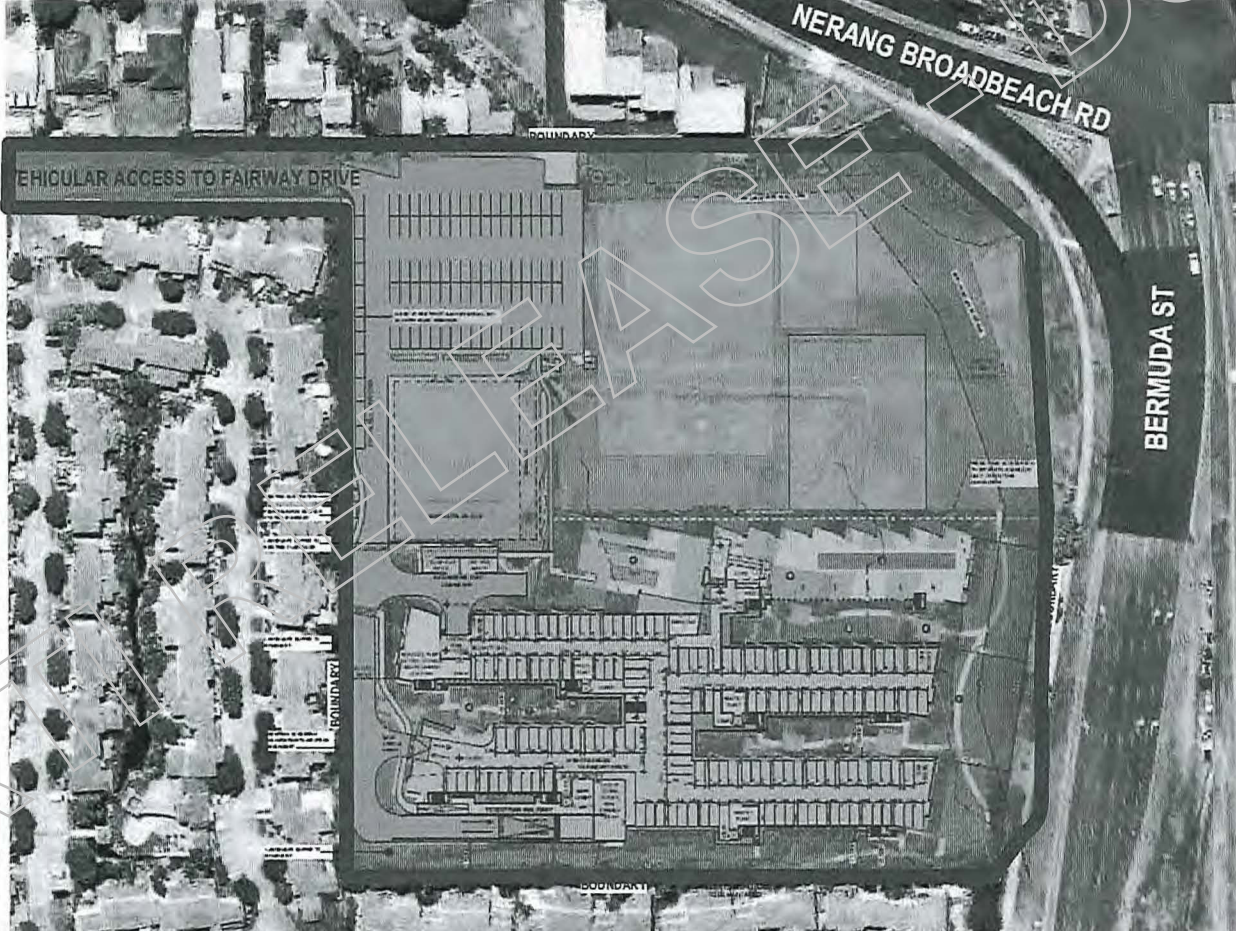
 Flood affected area of subject site (City Plan)

Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Preliminary Approval for making a Material Change of Use to vary the effect of the <i>Gold Coast Planning Scheme 2003 (Version 1.2)</i> , pursuant to section 242 of the <i>Sustainable Planning Act 2009</i> , to facilitate the development of land described for Business Activities, Community Activities, Industrial Activities, Recreation and Environmental Activities, Residential Activities, Tourism and Entertainment Activities and Transport and Infrastructure Activities, in accordance with the Green Heart Gardens Development Plan.		153-205 Gooding Drive and Boowagga n Road, Merrimac (Lot 23 on SP178025 and Lot 5 on SP214289)	Up to 5,000 dwellings	SPA – Awaiting DSDMIP referral response	<p>Properly made 09/06/2018</p> <p>Information request period extension 19/06/2015</p> <p>Information request 07/07/2015</p> <p>Information response extension 16/11/2015, 19/05/2016, 25/11/2016, 29/05/2017, 19/12/2017</p> <p>Information response 05/02/2018</p>	<p><u>Flood hazard:</u> (Pre-development) Extreme flood hazard (>3m flood depth)</p> <p>(Post-development) No flood hazard for residential areas, extreme flood hazard for other areas (>4.3m flood depth)</p> <p><u>Mitigation:</u> Earthworks (raised building pads and artificial lakes)</p>	Up to 5,000 dwellings due to earthworks component	<p>Six submissions</p> <p>(6) Traffic</p> <p>(2) Property values</p> <p>(3) Altered flood runoff from site</p> <p>(1) Improper use of area under pole and pier development</p> <p>(4) impacts to non-transport infrastructure</p> <p>(2) Impacts to conservation areas and green space</p> <p>(1) Shadow impacts</p> <p>(2) Lack of community park land and facilities</p> <p>(4) out of character</p>



(MCU201500551)



Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material change of use (Impact assessment) to establish a Retirement facility.	Oak Tree Retirement Village Balling Pty Ltd c/- Victor G Feros Planning Consultants	18 Fairway Drive, Clear Island Waters (Lot 42 on SP123226	94 living units	PA – Information response	Properly made 01/02/2018 Information request 09/02/2018	Flood hazard: Extreme flood hazard (2.87m flood depth) Mitigation: Pole and pier	Approximately 0 units	<i>Development application has not yet undergone public notification</i>
Development Permit for Reconfiguring a Lot to divide land into parts by agreement (a lease area for a term exceeding 10 years) (MCU201800030)								

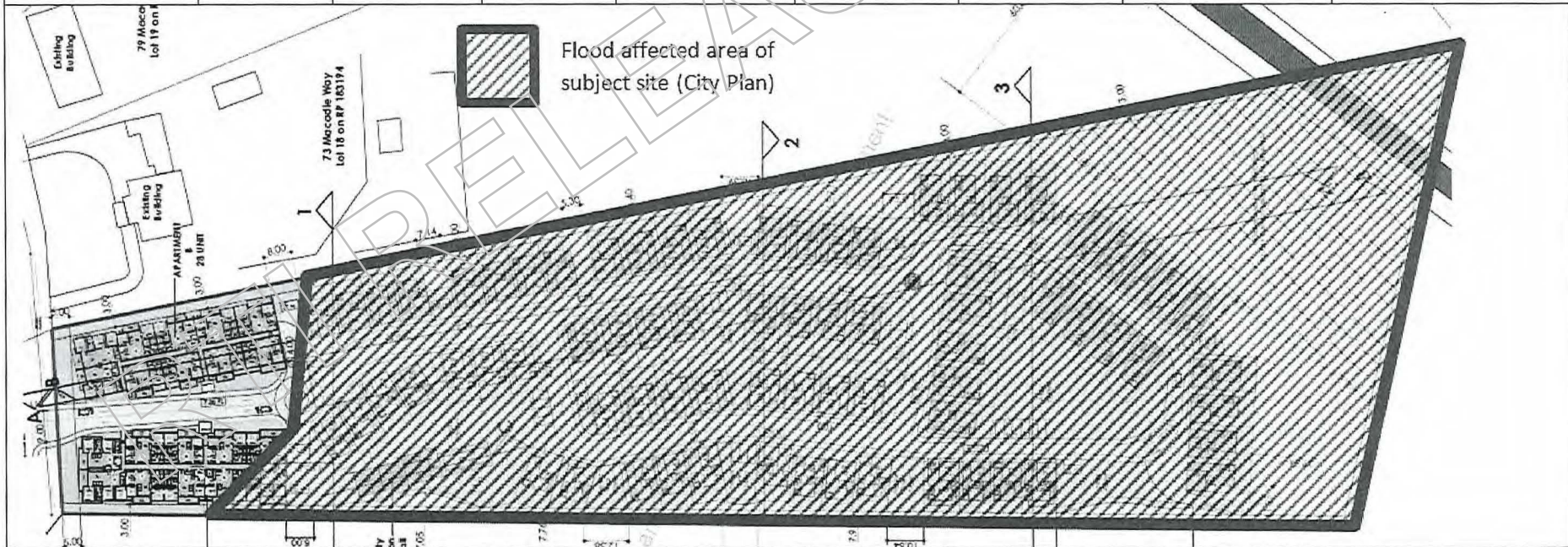


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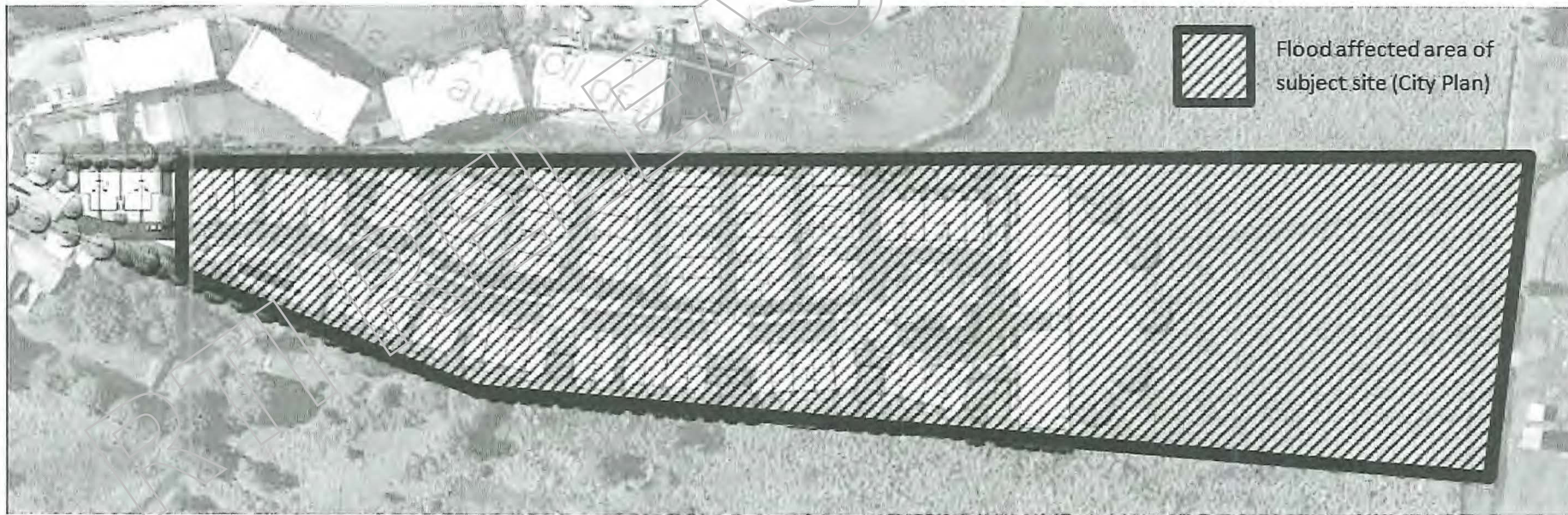
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|---------------------------------|---------------------------------|--|---|
| A - 67-71 Macadie Way, Merrimac | C - 19 Sunrise Court, Merrimac | E - 57 Paradise Springs Avenue, Robina | G - 153-205 Gooding Drive, Merrimac |
| B - 46 Bourton Road, Merrimac | D - 73-77 Macadie Way, Merrimac | F - 154 Highfield Drive, Merrimac | H - 18 Fairway Drive, Clear Island Waters |



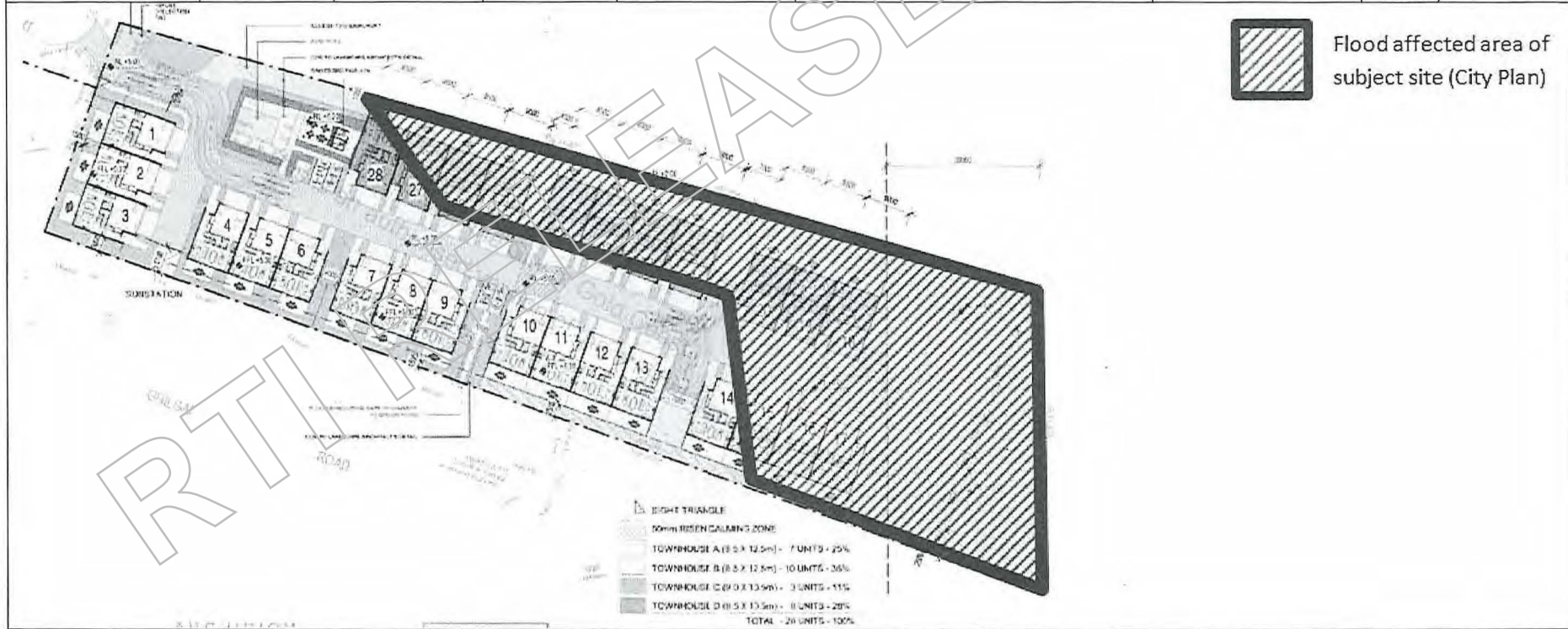
Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material Change of Use for a Retirement Facility (Low Care) (MCU201601646)	Aust Superior Group Pty Ltd c/- Place Design Group Pty Ltd	67-71 Macadie Way, Merrimac (Lot 17 on RP183194)	130 dwellings	SPA - Decision	22 /12/2016 Properly made 12/01/2017 Information request 19/10/2017 Information response extension 07/12/2017 Information response	<u>Flood hazard:</u> Post-development - extreme flood hazard (4.16m flood depth) <u>Mitigation:</u> Pole and pier	Approximately 46 dwellings	Two submissions raised the following issues: <ul style="list-style-type: none">• risk of flood impact on below ground parking areas (raised once)• impact of pole development on flood hazard for existing properties in area (raised once)• aesthetics of pole development (raised once)• traffic impact (raised once).



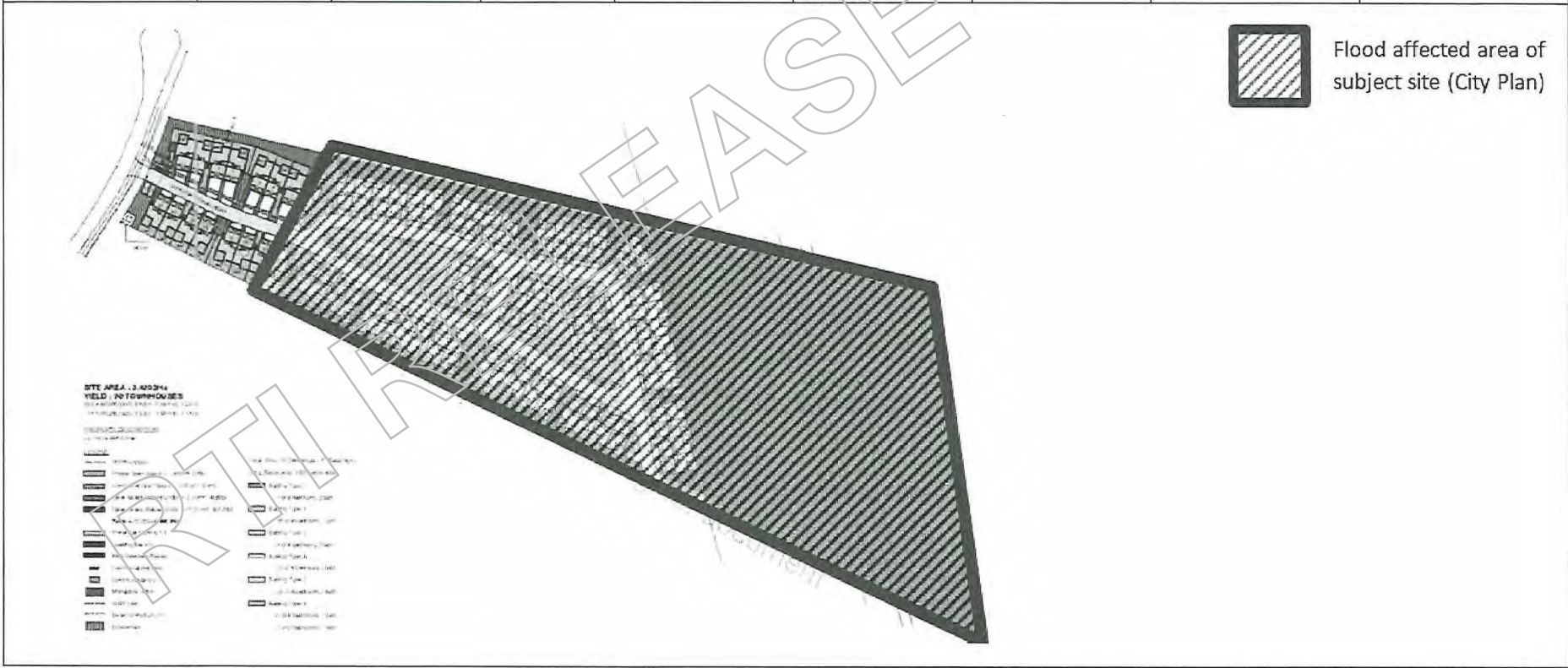
Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for Material Change of Use for Multiple Dwellings (Total of 383 units) (MCU201701712)	Myall Group Pty Ltd c/- Zone Planning Group	46 Bourton Road, Merrimac (Lot 12 on RP162287)	113 dwellings	PA - Decision	27/11/2017 Properly made 02/01/2018 Information request 01/02/2018 Information response 06/02/2018 Commence public notification	<u>Flood hazard:</u> Post-development - extreme flood hazard (3.25m flood depth) <u>Mitigation:</u> Pole and pier	Approximately 4 dwellings	One submission raised the following issue: • traffic impact.











Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material Change of Use for Multiple Dwellings (28 dwelling units) (MCU201701594)	Harta Pty Ltd c/- Urban Planning Services	19 Sunrise Court, Merrimac (Lot 10 on SP244749)	28 units	PA – Decision	03/11/2017 Properly made 30/11/2017 Information request	Flood hazard: Post-development - extreme flood hazard (2.95m flood depth) Mitigation: Pole and pier	Approximately 13 units	Eight submissions raised the following issues: <ul style="list-style-type: none"> • traffic and access impacts (raised eight times) • impact of pole development on flood hazard for existing properties in area (raised once) • upkeep of area under poles and use as storage area (raised once).



Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Development Permit for making a Material Change of Use for Multiple Dwellings (MCU201701561)	Griffin Property Development Pty Ltd ATF The Griffin Development Trust c/- Urban Planning Services	73-77 Macadie Way, Merrimac (Lot 18 on RP183194)	70 dwellings	PA – Decision	<p>27/10/2017 Properly made</p> <p>23/11/2017 Information request</p> <p>27/12/2017 Information response</p> <p>08/01/2018 Public notification</p>	<p><u>Flood hazard:</u> Post-development - extreme flood hazard (2.95m flood depth)</p> <p><u>Mitigation:</u> Pole and pier</p>	Approximately 13 dwellings	Zero submissions



Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
<p>Preliminary Approval for making a Material Change of Use to vary the effect of the <i>Gold Coast Planning Scheme 2003</i> (Version 1.2), pursuant to section 242 of the <i>Sustainable Planning Act 2009</i>, to facilitate the development of land described for Business Activities, Community Activities, Industrial Activities, Recreation and Environmental Activities, Residential Activities, Tourism and Entertainment Activities and Transport and Infrastructure Activities, in accordance with the Robina Transit Development Plan</p> <p>(MCU201500601)</p>	<p>Palmer Leisure Australia Pty Ltd c/- Place Design Group Pty Ltd</p>	<p>57 Paradise Springs Avenue, Robina (Lot 4 on RP842335 and Lot 502 on RP886098)</p>	<p>2,500 units</p>	<p>SPA – Information response</p>	<p>09/06/2015 Properly made</p> <p>07/07/2015 Information request</p> <p>19/06/2015, 13/11/2015, 19/05/2016, 25/11/2016, 30/05/2017 and 13/12/2017 information response extension</p>	<p><u>Flood hazard:</u> Post-development - extreme flood hazard (3.15m flood depth)</p> <p><u>Mitigation:</u> Pole and pier</p>	<p>Approximately 0 units</p>	<p><i>Development application has not yet undergone public notification</i></p>
<div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <ul style="list-style-type: none">  2,500 <small>RESIDENTIAL DWELLINGS</small>  9 holes <small>9 HOLES (9 HOLES)</small>  59 hectares <small>59 HECTARES (59 HECTARES)</small>  3 - 30 <small>3 - 30 (3 - 30)</small>  5 mins <small>5 MINS (5 MINS)</small>  1.2 km <small>1.2 KM (1.2 KM)</small> </div> <div style="margin-left: 20px;">  Flood affected area of subject site (City Plan) </div> </div>								




Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Preliminary approval pursuant to section 242 of the <i>Sustainable Planning Act 2009</i> for a Material Change of Use of premises to vary the effect of the City Plan (Version 3) to facilitate the development of a master planned residential community in accordance with the Breakwater Plan of Development	Walker Robina Pty Ltd c/- Place Design Group Pty Ltd	154 Highfield Drive, Merrimac (Lot 2 on RP223566, Lot 3 on RP851086, Lot 997 on SP100222, Lot 902 on SP107453, Lot 1 on SP190868 and Lot 741 on SP215167)	2,000 units	SPA – Information response	Properly made 14/07/2017 Information request 11/08/2017 27/12/2017 Information response extension	<u>Flood hazard:</u> Post-development - extreme flood hazard (2.35m flood depth) <u>Mitigation:</u> Earthworks and pole and pier	<i>Number not known due to earthworks component of development</i>	<i>Development application has not yet undergone public notification</i>

Preliminary Approval pursuant to section 241 of the *Sustainable Planning Act 2009* for Reconfiguration of a Lot to create management lots

Preliminary Approval pursuant to section 241 of the *Sustainable Planning Act 2009* for Operational Works (change to ground level) for bulk earthworks

(MCU20170959)




 Flood affected area of subject site (City Plan)

Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
Preliminary Approval for making a Material Change of Use to vary the effect of the <i>Gold Coast Planning Scheme 2003 (Version 1.2)</i> , pursuant to section 242 of the <i>Sustainable Planning Act 2009</i> , to facilitate the development of land described for Business Activities, Community Activities, Industrial Activities, Recreation and Environmental Activities, Residential Activities, Tourism and Entertainment Activities and Transport and Infrastructure Activities, in accordance with the Green Heart Gardens Development Plan.		153-205 Gooding Drive and Boowagga n Road, Merrimac (Lot 23 on SP178025 and Lot 5 on SP214289)	Up to 5,000 dwellings	SPA – Awaiting DSDMIP concurrence agency response	<p>Properly made 09/06/2018</p> <p>Information request period extension 19/06/2015</p> <p>Information request 07/07/2015</p> <p>Information response extension 16/11/2015, 19/05/2016, 25/11/2016, 29/05/2017, 19/12/2017</p> <p>Information response 05/02/2018</p>	<p><u>Flood hazard:</u></p> <p>Pre-development - extreme flood hazard (>3m flood depth)</p> <p>Post-development - no flood hazard for residential areas, extreme flood hazard for other areas (>4.3m flood depth)</p> <p><u>Mitigation:</u></p> <p>Earthworks (raised building pads and artificial lakes)</p>	<p>Approximately 0 dwellings based on pre-development topography.</p> <p>Approximately 5,000 dwellings due to earthworks component.</p>	<p>Six submissions raised the following issues:</p> <ul style="list-style-type: none"> • traffic (raised six times) • impact to property values (raised twice) • impact of pole development on flood hazard for existing properties in area (raised three times) • improper use of area under pole development (raised once) • impacts to non-transport infrastructure (raised four times) • impacts to conservation areas and green space (raised twice) • shadow impacts (raised once) • lack of community park land and facilities (raised twice) • out of character with area (raised four times).

(MCU201500551)



Development description	Applicant	Site address	Dwellings proposed	Planning legislation and current status	Summary of events	Flood hazard and mitigation method	Number of dwellings outside flood hazard area	Submission numbers and issues
<p>Development Permit for making a Material change of use (Impact assessment) to establish a Retirement facility.</p>	<p>Oak Tree Retirement Village Balling Pty Ltd c/- Victor G Feros Planning Consultants</p>	<p>18 Fairway Drive, Clear Island Waters (Lot 42 on SP123226</p>	<p>94 living units</p>	<p>PA – Information response</p>	<p>Properly made 01/02/2018 Information request 09/02/2018</p>	<p><u>Flood hazard:</u> Post-development - extreme flood hazard (2.87m flood depth) <u>Mitigation:</u> Pole and pier</p>	<p>Approximately 0 units</p>	<p><i>Development application has not yet undergone public notification</i></p>
<p>Development Permit for Reconfiguring a Lot to divide land into parts by agreement (a lease area for a term exceeding 10 years)</p> <p>(MCU201800030)</p>	 <p data-bbox="1556 598 1870 694"> Flood affected area of subject site (City Plan) </p>							





Legend

- | | | | |
|---------------------------------|---------------------------------|--|---|
| A - 67-71 Macadie Way, Merrimac | C - 19 Sunrise Court, Merrimac | E - 57 Paradise Springs Avenue, Robina | G - 153-205 Gooding Drive, Merrimac |
| B - 46 Bounon Road, Merrimac | D - 73-77 Macadie Way, Merrimac | F - 154 Highfield Drive, Merrimac | H - 18 Fairway Drive, Clear Island Waters |



Page 15 redacted for the following reason:

Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

Daniel Park

From: Kim Kirstein
Sent: Tuesday, 13 February 2018 9:17 PM
To: Daniel Park
Cc: Rebecca De Vries; Thomas Holmes
Subject: Attachment 1 - STANDARD RESPONSE - Concerns about Gold Coast City Council's proposed TLPI No 5
Attachments: Attachment 1 - STANDARD RESPONSE - Concerns about Gold Coast City Council's proposed TLPI No 5.DOCX

Hi,

Comments per the attached for actioning.

Kim

RTI RELEASE - DSD/MIP



Page 17 redacted for the following reason:

Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

Temporary Local
Planning Instrument

**No. 5 (Minimum Land Above
Designated Flood Level and
Residential Risk Reduction) 2017**

CITY OF
GOLD COAST.

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Part 1 – Preliminary

1 Short title

This temporary local planning instrument may be cited as *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*.

2 Object

The object of the temporary local planning instrument is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on land in flood affected areas in the planning scheme area by —

- (a) identifying land that is at or above the Designated Flood Level as minimum flood free land;
- (b) affecting the operation of the City Plan by including additional assessment benchmarks in the Flood Overlay Code so that:
 - (A) development for Residential Uses (including development elevated above Designated Flood Level) only occurs in areas that are exposed to flood inundation depths and velocities not exceeding those applicable to medium flood hazard and does not occur in areas that are exposed to a high flood hazard or extreme flood hazard; and
 - (B) lots have a sufficient area of land above the Designated Flood Level to effectively and adequately mitigate the risks and/or hazards associated with flooding.

3 Dictionary

The dictionary in Schedule 1 defines particular words used in this temporary local planning instrument.

4 Interpretation

Where a term used in this temporary local planning instrument is not defined under section 3 (Dictionary), the term shall, unless the context otherwise indicates or requires, have the meaning assigned to it by—

- (a) The *Planning Act 2016*;
- (b) the City Plan, where the term is not defined in the *Planning Act 2016*.

5 Duration of temporary local planning instrument

This temporary local planning instrument will have effect in accordance with section 23(6) of the *Planning Act 2016* for a period not exceeding two years from the commencement of this temporary local planning instrument.

The commencement date of this temporary local planning instrument is 8th December 2017.

Part 3 – Application of the temporary local planning instrument

6 Area to which temporary local planning instrument applies

This temporary local planning instrument applies to all of the planning scheme area.

7 Relationship with City Plan

If the City Plan is inconsistent with this temporary local planning instrument, this temporary local planning instrument—

- (a) prevails to the extent of the inconsistency; and
- (b) has effect in place of the City Plan, but only to the extent of the inconsistency.

8 Application of Temporary Local Planning Instrument

This temporary local planning instrument applies to development applications being assessed against the assessment benchmarks in Part B of the Flood Overlay Code for assessable development pursuant to the City Plan.

Part 4 – Effect on the City Plan

9 Affected provisions of the City Plan

This temporary local planning instrument affects the operation of the Flood Overlay Code in the City Plan by:

- (a) Inserting the following additional overall outcomes in Section 8.2.8.2(3) of the Flood Overlay Code:
- (l) *avoiding development of Residential Uses on land that is exposed to high and extreme flood hazards;*
 - (m) *avoiding the development of lots that do not have a sufficient area of land above the Designated Flood Level; and*
 - (n) *discouraging the proliferation of Residential Uses constructed on platforms above Flood Affected Land.*
- (b) Replacing the assessable development benchmarks PO9 and AO9 in Part B Table 8.2.8-2 Flood overlay code – for assessable development with the following:

Table 8.2.8-2: Flood overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Hazard considerations for development	
<p>PO9</p> <p>Development for land uses listed in Table 8.2.8-4 must be designed and constructed to avoid causing undue exposure to flood hazard.</p> <p>The application of this performance outcome to Residential Uses is subject to the application of performance outcome PO16, which is to prevail.</p>	<p>AO9</p> <p>Development is to be designed and constructed so that the development does not give rise, or cause exposure, to more than the degree of flood hazard specified in Table 8.2.8-4 determined by applying the criteria and standards set out in Table 8.2.8-5.</p> <p>The application of this acceptable outcome to Residential Uses is subject to the application of performance outcome PO16, which is to prevail.</p>

- (c) Inserting the following additional assessable development benchmarks into Part B Table 8.2.8-2 Flood overlay code – for assessable development:

Table 8.2.8-2: Flood overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Hazard considerations for residential development	
<p>PO16</p> <p>To ensure that development for Residential Uses is located so as to effectively mitigate risks to life and property, such development must not occur on land that is exposed to either or both of the following flood hazards:</p> <ul style="list-style-type: none"> (a) Flood inundation depth exceeding 0.6 metres; and (b) Flood water velocity exceeding 0.8 metres per second. <p>Note: This also applies to development elevated above Designated Flood Level.</p>	<p>AO16</p> <p>No acceptable outcome is provided.</p>

Performance outcomes	Acceptable outcomes
Minimum area above Designated Flood Level	
<p>PO17</p> <p>Development involving reconfiguring a lot must ensure that any lot created has a sufficient area of land above the Designated Flood Level to effectively accommodate the associated intended use while also adequately mitigating the risks and/or hazards associated with flooding.</p>	<p>AO17.1</p> <p>Where development associated with reconfiguring a lot is for a Residential Use and involves lot sizes of 500m² or greater, 50% of the area of each lot or 400m² of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p>AO17.2</p> <p>Where development associated with reconfiguring a lot, is for a Residential Use and involves lot sizes of less than 500m², 70% of the area of each lot or 300m² of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p>AO17.3</p> <p>Where development associated with reconfiguring a lot, is for a Commercial Use or an Industrial Use, 60% of the area of each lot must be at or above the Designated Flood Level.</p>

Schedule 1 – Dictionary (Section 2)

“**Commercial Use**” means the same as commercial use defined in the Planning Regulation 2017

“**Flood Affected Land**” means land any part of which is below the Designated Flood Level.

“**Industrial Use**” means activities listed in Schedule 1 Table SC1.1.2: Defined Activity Group, Column 1 Activity Group Industrial activities, Column 2 Uses

“**Residential Use**” means the use of land for a Dwelling House, Dwelling Unit, Multiple Dwelling or Dual Occupancy.

For more information

P 1300 GOLDCOAST (1300 4E5 326)

W cityofgoldcoast.com.au

CITY OF
GOLDCOAST.

Pages 24 through 61 redacted for the following reasons:

Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

Daniel Park

From: Thomas Holmes
Sent: Wednesday, 10 January 2018 3:18 PM
To: Daniel Park
Cc: Isaac Harslett
Subject: Corro received for TLPI No. 5

Hi Dan,

When you get a moment, no rush, do you mind filling out the below table with the corro you have received for TLPI no. 5. Our corro team just wants a consolidated list of the corro items as there are different levels of signatory and we want them all changed to be approved by our DDG.

Re: Gold Coast City Plan - TLPI No. 5 – Flood
Source file: F17/13715

Correspondence received:

Date received	Source	Constituent
4/01/18	MC18/127	Michael Bale and Associates on behalf of numerous consultants on the Gold Coast
	MC18/214	Arcadis



Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

Pages 63 through 72 redacted for the following reasons:

Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

File note

Date of conversation:	14 December 2018		
File Note Author: (Action Officer)	Daniel Park		
Subject:	Public event to discuss proposed TLPI		
People involved in conversation	Pridesh Ramiah (Gold Coast City Council)	Amanda Tzannes (Gold Coast City Council)	
Record of:	Telephone Call <input type="checkbox"/>	Face-to-face discussion <input checked="" type="checkbox"/>	SMS or Text message <input type="checkbox"/>
Contact with Lobbyists	Registered Lobbyist <input type="checkbox"/>	Register of Contacts with Lobbyists Updated (see below) <input type="checkbox"/>	Client of Lobbyists <input type="checkbox"/>

Details of conversation:

On 14 December 2018, the Gold Coast City Council (the council) held a public event to discuss the TLPI No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (proposed TLPI).

The public event involved a presentation from Pridesh and a question and answer session between attendees, Pridesh and Amanda.

The public event was attended by Daniel Park, Thomas Holmes and Trent Stanton from the Department of State Development, Manufacturing, Infrastructure and Planning and approximately 60 members of the public, including many engineers and planning consultants.

Pridesh stated that on 17 October 2017, the council endorsed a minimum flood free land approach for inclusion in Major Amendment 2 to the *Gold Coast City Plan 2015* (City Plan) and the proposed TLPI.

Pridesh stated that in November 2017, the council began drafting the proposed TLPI to respond to previous assessments undertaken by the council and development approvals that did not maintain the Gold Coast's flood resilience.

Pridesh stated that the proposed TLPI only applied to assessable development, did not amend levels of assessment and did not prohibit platform development.

Pridesh stated that the proposed TLPI responds:

- to platform development where land is exposed to high and extreme flood hazards
- issues with platforms being adversely affected by high and extreme flood hazards, including impacts of disturbed acid sulfate soils.

Pridesh stated that under the proposed TLPI it is intended that fill will ensure development is exposed to medium flood hazards or less and that compliance with the proposed TLPI does not require the ground level to be entirely raised above the defined flood level.

Pridesh stated that the council will give the proposed TLPI weight when assessing any development application that has not reached the decision stage.

A question and answer session was then held. The following is a summary of this session.

Question: Where is flood resilience defined.

Answer (Pridesh): The SPP?

Question: What is the extent of properties affected by the proposed TLPI?

Answer (Pridesh): Council analysis shows that 2% of properties on the Gold Coast will be affected by the proposed TLPI.

Question: Under the proposed TLPI, existing 600 square metre lots at Paradise Point being developed as Dual Occupancies will not be able to achieve compliance with the proposed TLPI and other requirements of the City Plan.

Action Officer:	Daniel Park	Page 1 of 2
Area:	Planning and Development Services (SEQ South)	
Telephone	[REDACTED]	

File note

Answer (Pridesh): This may be the case, however any affected development will be looked at on a case-by-case basis.

Question: Why has the proposed TLPI been rushed by the council without consultation with Mayorai Technical Advisory Committee (MTAC).

Answer (Amanda): A recommendation went to the committee to involve MTAC, however this was removed by the committee. The proposed TLPI responds to immediate issues in the Gold Coast.

Question: Mapping by Burchills Engineering Solutions shows large areas of Budds Beach, Broadbeach and other coastal strip areas will be affected by the proposed TLPI. In addition, the 2% of properties affected by the proposed development will increase to 10% under new flood mapping being assessed by the State Government.

Answer (Pridesh): The proposed TLPI is necessary to respond to immediate issues in the Gold Coast.

Question: Engineers can use platform development and still respond to acid sulfate issues, flood impacts on poles, undercroft storage and flood emergency management procedures. There is no clear technical reason why platform development is not sufficient to mitigate flood impacts.

Answer (Pridesh): The proposed TLPI is necessary to respond to immediate issues in the Gold Coast.

Question: The requirement for considering flood hazards is focused on the safety of people/residents. Platform development and flood free refuge areas are sufficient to do this. The proposed TLPI appears to be responding to something else.

Answer (Pridesh): The SPP talks about risk to people and property, not just people.

Answer (Amanda): I'm happy to look at whether some of the redacted reports can be provided. This is unlikely to be allowed until after the State Government has completed its assessment of the proposed TLPI.

Question: The proposed TLPI will require expensive flood velocity modelling for even small developments.

Answer (Pridesh): I haven't seen any internal modelling that shows where flood velocity is high or extreme hazard and the flood depth is medium hazard or lower.

Question: Will any mapping of flood velocity be released?

Answer (Pridesh): Maybe

Answer (Amanda): Council is looking to produce some fact sheets to explain the proposed TLPI.

Question: Was there any engineering advice given on this and is this mainly targeted at large development on floodplains?

Answer (Amanda): A recommendation went to the committee for external advice but this was removed.

Question: Will the council give refunds on assessment fees or consulting engineer and planner fees that won't be paid by developers due to the proposed TLPI?

Answer (Amanda): If a development application has been lodged under the *Planning Act 2016* the council will give weight to the proposed TLPI irrespective of anything else but development applications under the repealed *Sustainable Planning Act 2009* must have not reached the decision stage.

Question: Can the council not pause the Planning Minister's assessment of the proposed TLPI until after consultation with the industry has taken place?

Answer (Amanda): Council consider that platform development does not avoid flood hazards.

Question: Can the flood level mapping prepared for Major Amendment 1A and Major Amendment 1B be put back on the council website to allow for the community to understand the impact of the proposed TLPI?

Answer: Council is looking to put up static mapping based on consultation from Major Amendment 1A and 1B.

End of event

Action Officer:	Daniel Park	Page 2 of 2
Area:	Planning and Development Services (SEQ South)	
Telephone		

Daniel Park

From: BENNETTS Nicole <NBENNETTS@goldcoast.qld.gov.au>
Sent: Tuesday, 30 January 2018 3:54 PM
To: Kim Kirstein
Cc: ADAIR Kelli; Thomas Holmes; Best Planning SEQ South; Daniel Park; Rebecca De Vries; Adam Norris; KIRWAN Camille
Subject: RE: Proposed Temporary Local Planning Instrument No.5 - Notice of request for further information and to pause a timeframe

Hi Kim,

As discussed with Kelli earlier today, we are formally seeking an extension to the response period for the stop the clock notice for TLPI-5.

We are seeking an extension until Friday 16th February 2018.

Given the response is currently due by COB today, we respectfully request your urgent consideration and response.

Any questions, please let me know.

Kind Regards,

Nicole Bennetts RPIA
Senior Planning Advisor
Director's Office
Planning & Environment
City of Gold Coast

T: [REDACTED] M [Sch. 4(4)(6) - Disclosing]
PO Box 5042 GCMC Qld 9729
W: cityofgoldcoast.com.au

**CITY OF
GOLD COAST.**

From: Adam Norris [mailto:Adam.Norris@dlgp.qld.gov.au]
Sent: Monday, 15 January 2018 5:10 PM
To: KIRWAN Camille
Cc: ADAIR Kelli; BENNETTS Nicole; PARKER Kellie; Thomas Holmes; Best Planning SEQ South; Kim Kirstein; Daniel Park; Rebecca De Vries
Subject: Proposed Temporary Local Planning Instrument No.5 - Notice of request for further information and to pause a timeframe

Hi Camille

I refer to the Gold Coast City Council's (the council) letter received on 4 January 2018 to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning submitting the proposed Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) under chapter 3 of *Minister's Guidelines and Rules 2017* (MGR).

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has identified matters that require further information to progress the proposed TLPI to the Planning Minister.

In regard to the assessment timeframes in the MGR, the department has paused the timeframes until 30 January 2018 and the timeframes will resume on 31 January 2018.

If you require further information, I encourage you to contact Daniel Park in the department on [REDACTED] or by email at Daniel.Park@dilqp.qld.gov.au.

Regards,



Adam Norris
A/Manager
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

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Be part of the celebrations that unite our nation at the Gold Coast Australia Day event at Broadwater Parklands! The event will offer an all-nations food truck feast, live music, the JJ Richards Adventure Zone and a spectacular fireworks display set to rival New Years Eve. For more information: www.cityofgoldcoast.com.au/australiaday

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Daniel Park

From: Rebecca De Vries
Sent: Thursday, 8 February 2018 1:51 PM
To: Kim Kirstein
Cc: Daniel Park; Thomas Holmes
Subject: RE: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)
Attachments: Letter to agencies TLPI No. 5.docx
Importance: High

Hi Kim,

Can you please approve the letter attached for Tom to send. I have made some minor changes per attached. There are tight timeframes for this, so would love to get it out today!

Also, the agencies might be a bit upset with a three day turn around, so we have asked that if they have concerns, that they contact us.

Tom – can you please send this as the primary case officer?

Thanks,



**Queensland
Government**

Rebecca de Vries
Principal Planning Officer
Planning and Development Services – SEQ South
Department of State Development,
Manufacturing, Infrastructure and Planning

P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Thomas Holmes
Sent: Thursday, 8 February 2018 1:24 PM
To: Rebecca De Vries <Rebecca.DeVries@dilgp.qld.gov.au>
Cc: Daniel Park <Daniel.Park@dilgp.qld.gov.au>
Subject: FW: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Hi Bec,

We are seeking to send out an email to agencies to seek their review of the amended TLPI.

Can you please review the attached letter "Letter to agencies TLPI No.5" and then proceed to Kim.

I have attached the word document showing my track changes.

Cheers



Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Daniel Park

Sent: Thursday, 8 February 2018 10:18 AM

To: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>

Subject: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Hi Thomas,

As discussed can you please review the email below. Note that I have not included the submission letter from Oxmar Properties as an attachment as it is not relevant to the agencies assessment of the proposed TLPI.

This email will be sent to all original agencies for the TLPI and additionally to Susan Mercer to pass on to Queensland Fire and Emergency Services. Of the original state agencies who reviewed the proposed TLPI, only Housing and Public Works provided a comment.

Good Morning,

Your state agency recently provided an assessment of the Gold Coast City Council's (the council's) prepared Temporary Local Planning Instrument (minimum land above designated flood level and residential risk reduction) No.5 (the proposed TLPI).

On 7 February 2018, the council provided additional justification and supporting information on the proposed TLPI in response to a request for the further information provided by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 15 January 2018. Please note that the council has not changed any provisions of the proposed TLPI.

The department is requesting your additional assessment of the proposed TLPI, including the relevant additional information provided by the council. All relevant documents have been attached to this email and are also available through the EziScheme online portal (reference TLPI-00046).

Can you please email your response to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Tuesday 13 February 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas Holmes on [REDACTED] as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.



Queensland
Government

Daniel Park
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Daniel Park [<mailto:Daniel.Park@dilgp.qld.gov.au>]

Sent: Monday, 8 January 2018 4:31 PM

To: Natural Hazards <NaturalHazards@dilgp.qld.gov.au>; hicb@oir.qld.gov.au; HHS CA Town Planning <HHSCATownPlanning@hpw.qld.gov.au>; BCQ Stateinterest <bcqstateinterest@hpw.qld.gov.au>

Cc: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>

Subject: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Good Afternoon,

Gold Coast City Council (the council) has prepared a Temporary Local Planning Instrument (TLPI) to the Gold Coast City Plan 2015, titled the proposed TLPI (minimum land above designated flood level and residential risk reduction) No.5.

The council, utilising *the Minister's Guidelines and Rules* is now seeking the Planning Minister's approval to proceed to adopt the proposed TLPI.

On 5 December 2017, the council tabled a confidential report relating to the proposed TLPI. On 8 December 2017, the council resolved to send the proposed TLPI to the Planning Minister for approval and to seek an early effective date of 8 December 2017.

As the council has now progressed the proposed TLPI for approval, the department is now requesting your state agency assessment of the proposed TLPI. All relevant documents have been attached to this email and will be shortly be available through the EziScheme online portal.

Can you please reply to this email with any comments you have on the proposed TLPI with regards to your relevant state interests.

Note that the contents of the proposed TLPI is included within Major Update 2 for the Gold Coast City Council. If your agency comments with respect to the provisions of the proposed TLPI are the same as those you have already provided for Major Update 2 please reply stating this to be the case.

Please note that all comments and responses are to be emailed to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Friday 12 January 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas on 5644 3210 as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.



Daniel Park
 Senior Planning Officer
Planning and Development Services (SEQ South)
 Department of State Development,
 Manufacturing, Infrastructure and Planning

P [REDACTED]
 Level 1, 7 Short Street, Southport QLD 4215
 PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

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Thank you.



Good Morning,

Your state agency recently provided an assessment of the Gold Coast City Council's (the council's) prepared Temporary Local Planning Instrument (minimum land above designated flood level and residential risk reduction) No.5 (the proposed TLPI).

On 15 January 2018, our department the Department of State Development, Manufacturing, Infrastructure and Planning (the department) requested further justification from the council, to why

On 7 February 2018, the council provided additional justification and supporting further information on the proposed TLPI in response to a our the department's request, for the further information provided by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 15 January 2018. Please note that the council has not changed any provisions of the proposed TLPI.

The department is requesting your agency's additional assessment of the proposed TLPI, including the relevant additional information provided by the council. All relevant documents have been attached to this email and are also available through the EziScheme online portal (reference TLPI-00046).

Can you please email your response to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Tuesday, 13 February 2018**. If you have any concerns with achieving this timeframe, please do not hesitate to contact the undersigned to discuss.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas Holmes Daniel Park on [REDACTED] as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.

Daniel Park

From: Daniel Park
Sent: Monday, 8 January 2018 11:39 AM
To: Isaac Harslett
Cc: Thomas Holmes; Adam Norris
Subject: Flood TLPI - Draft stop the clock and request for information
Attachments: 20180108 - Notice of request for further information and to pause a timeframe - TLPI.docx

Gents,

Find attached my draft stop the clock and request for information notice to GCCC regarding TLPI No.5.

Comments are welcome and appreciated.

Regards,



**Queensland
Government**

Daniel Park
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au



Queensland
Government

Department of Infrastructure,
Local Government and Planning

Our reference: MC17/XXXX / MA XXXXX
Your reference: PD113/1303(P1)

8 January 2018

Mr Dale Dickson
Chief Executive Officer
City of Gold Coast
PO Box 5042
Gold Coast MC QLD 9729

Attention: Amanda Tzannes

Dear Ms Tzannes,

Notice of request for further information and to pause a timeframe

(Given under chapter 3, part 2, section 8.2 and chapter 3 part 3, section 10.1 of the Minister's Guidelines and Rules)

Thank you for submitting the Gold Coast City Plan 2015 (planning scheme) proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (proposed amendment) to the Honourable Jackie Trad MP, former Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning on 4 January 2018 for state interest review under chapter 3 of the Minister's Guideline and Rules 2017 (MGR).

The Department of State Development, Manufacturing, Infrastructure and Planning (the department), formerly the Department of Infrastructure, Local Government and Planning, has carried out a review of the proposed amendment and determined that additional information is needed.

Under chapter 3, part 2, section 8.2 of the MGR, I hereby give notice requesting the following information:

1 *Compliance with section 23(1)(a) and (b) of the Planning Act 2016*

The material submitted with the proposed amendment has not adequately demonstrated compliance with section 23(1)(a) and (b) of the *Planning Act 2016* (the Planning Act).

The material submitted with the proposed amendment has stated that the TLPI is required due to development of floodplains exceeding its natural yield required for flood protection and the negative impacts on residents' sense of safety. No

additional information has been provided to support these as significant and immediate risks that require a TLPI.

Please provide appropriate supporting information demonstrating:

- That the proposed amendment is responding to a risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area.
- That the delay involved in using the process in sections 18 and 22 of the Planning Act to make or amend another local planning instrument would increase the risk.

To assist in demonstrating this and in accordance with state interest policy 2 of the *State Planning Policy* July 2017, Natural Hazards, Risk and Resilience it is recommended that you provide a fit-for-purpose risk assessment that demonstrates that the current requirements of the planning scheme do not achieve an acceptable or tolerable level of risk to people and property and that the proposed amendment will achieve an acceptable or tolerable level of risk to people and property.

Guidance on risk assessments is located in the *State Planning Policy - state interest guidance material – Natural hazards, risk and resilience – Flood*, July 2017.

Under chapter 3, part 3, section 10.1 of the MGR, notice is hereby given that the timeframe for the proposed amendment has been paused. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 22 January 2018. On 23 January 2018, the process will resume at section 8.3, chapter 3, part 3 of the MGR.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, Planning and Development Services, Department of State Development, Manufacturing, Infrastructure, Local Government and Planning, on [REDACTED] or by email at bestplanning-SEQS@dlgp.qld.gov.au.

Yours sincerely

Isaac Harslett
A/ Manager, Planning and Development Services (SEQ South)

Daniel Park

From: Daniel Park
Sent: Friday, 15 December 2017 12:50 PM
To: Thomas Holmes
Cc: Kim Kirstein
Subject: Flood TLPI - Preliminary assessment
Attachments: Flood TLPI - Preliminary assessment.docx

Hi Thomas,

Here is the preliminary assessment from the other day. I've made a few quick changes.

Regards,

Dan

RTI RELEASE - DSDMIP



Flood TLPI No.5 – Preliminary assessment

Gold Coast City Plan

- On 16 November 2015, the former Planning Minister provided as an enclosure to the State Interest Review of the then proposed Gold Coast City Plan that the plan appropriately integrated the flood aspect of the natural hazards, risk and resilience state interest of the State Planning Policy July 2014.
- The current city plan includes requirements relating to the design of buildings in flood areas. These requirements mainly focus on the building floor levels of habitable buildings being above the designated flood level, ensuring safe access in flood affected areas and ensuring the certain uses are compatible with specific annual exceedance probability (AEP) flood events (i.e. Residential buildings and 1.0% AEP)

SPP changes July 2014 – July 2017

- The changes between the July 2014 SPP and the July 2017 SPP are minimal with regards to flooding. The changes include
 - Amended SPP **definitions** for each natural hazard to require the consideration of projected climate change impacts when identifying these areas, to reflect a consistent approach to climate change.
 - Amended **state interest policy** to include consideration of the storage of hazardous materials (Policy 5c).
 - Removal of **assessment benchmark** relating to coastal protection work and relocation of these requirements to a new **state interest policy** relating to coastal protection work to only be undertaken as a last resort where there is an imminent threat to public safety (Policy 7).

Proposed TLPI

- The proposed TLPI seeks to identify and mitigate the impacts of flood hazard by
 - Identifying land that is at or above the Designated Flood Level as minimum flood free land
 - Including additional assessment benchmarks in the Flood Overlay Code so that
 - Residential uses (including development elevated above the Designated Flood Level) only occurs in areas where the flood inundation depths and velocities are below the medium flood hazard and does not occur in areas that are identified as high or extreme flood hazard
 - Lots have sufficient area of land above the Designated Flood Level to effectively and adequately mitigate the risks and/or hazards associated with flooding.
- These changes are enacted by:
 - The inclusion of additional overall outcomes relating to the development of lots without sufficient land above the Designated Flood level and the specific consideration of flood hazard on residential uses.
 - The amendment of an existing PO and AO (PO9 and AO9) to require that any development to which the PO and AO apply is subject to PO16 and AO16 and that PO16 and AO16 prevail.
 - The introduction of PO16, AO17, PO17, AO17.1, AO17.2 and AO17.34.

- The introduction of four new definitions, being:
 - Commercial Use
 - Flood Affected Land
 - Industrial Use
 - Residential Use.
- The major change is the additional PO's and AO's.
 - PO16 requires that development for a Residential Use must not occur on land that is exposed to a flood inundation depth exceeding 0.6 metres and/or flood water velocity exceeding 0.8 metres per second, irrespective of whether the development is located above the Designated Flood Level.
 - The thresholds in PO16 are taken from an existing hazard level table (as taken from the SPP guidance material) that currently relates to a different AO on safe egress and evacuation (AO11). The inundation depths and water velocity of PO16 are associated with the medium hazard levels, but are only two of the criteria, with the other criteria relating to evacuation distances, timing and means of egress.
 - PO17 requires that development involving reconfiguring a lot for Residential, Commercial or Industrial Uses has, for each lot create a sufficient area of land to accommodate the intended use while also adequately mitigating the risk and/or hazards associated with flooding. It includes three AO's that stipulate different minimum areas based on the size of the lot created and the intended use (see Table 1).

Lot size	Extent of each lot that must be at or above the Designated Flood Level.
Reconfiguring a lot associated with a Residential use	
500 square metres or greater	50% or 400 square metres (whichever is greater)
Less than 500 square metres	70% or 300 square metres (whichever is greater)
Reconfiguring a lot associated with a Commercial Use or Industrial Use	
	60% of the area

It is unclear how the local government has arrived at the thresholds provided in the AO's. Of note is a lot of 550 square meters would be required to have 400 square metres of the land above the designated flood level. The focus on total land area and not the usable land area is a shift in the planning scheme, which has generally allowed development on flood free land so long as a safe means of egress is provided and the floor levels of habitable dwellings are above the flood level.

Impact of TLPI

The Gold Coast includes significant areas that are affected by the flood overlay. These areas include the coastal 'strip' of the Gold Coast, the entirety of the canelands, Ormeau, Yatala and Coomera, Coombabah, Arundel, Carrara, Merrimac and Arundel.

Development of existing small to moderate sized lots are likely to be moderately to highly affected by the proposed change, as while appropriate filling can take place to bring the level of the lot above the inundation level, this can cause issues for crossover and surrounding uses due to the difference in ground levels. This may depend on how local government officers enforce the requirements of PO16 and PO17.

Any reconfiguration a flood affected areas, particularly for single and dual occupancy dwellings is likely to be significantly affected. As some of these areas represent significant greenfield stock, additional dwelling

houses are likely to be constrained once the TLPI is in effect. To achieve the acceptable outcomes on flood affected land, significant and costly filling is likely to be required.

While industrial and commercial uses will be affected, particularly land around Yatala and Ormeau, the extent of land considered likely reconfiguration for industrial and or commercial uses is low.

Relationship to SPP

The SPP guidance material for flooding provides example planning scheme provisions that include similar matters to that raised in the TLPI. The examples provided are less prescriptive than those proposed under the TLPI. However, the guidance material does specifically note that the example code provisions are broad in nature, and that flood risk assessments will provide additional detail to enable local governments to tailor the planning process to local circumstances.

In particular, a number of the PO's and AO's of the example provisions relating to refining the flood hazard overlay code provisions state that new urban uses and/or residential uses are not located in medium or high hazard areas. This corresponds to PO16, which specifically references the medium hazard risk thresholds as being the acceptable level for new residential uses.

In particular, the first of the example AO's relating to boundary realignment/rearrangements (see Figure X) is nearly identical to that of PO17.

TLPI requirements

Section 23 of the Planning Act 2016 states that a "local government may make a TLPI if the local government and Minister decide—

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
- (c) the making of the TLPI would not adversely affect State interests.

The proposed TLPI is likely to comply with item (c) above. Item (a) and (c) have not yet been demonstrated by the council. In particular, considering the existing protection for property and people contained within the existing planning scheme, a strong justification will be required to comply with (b).

Relationship to Major Amendment 1

Major Update 1 also includes changes to flood overlay mapping to include:

- (a) 80cm sea level rise (consistent with State Government policy);
- (b) 10% increase in storm tide intensity (as per State Government requirements);
- (c) 10% increase in rainfall intensity;
- (d) 50% of total wave setup at the mouth of the Tallebudgera and Currumbin Creeks; and
- (e) the most up-to-date flood related topographic, land use, technological and hydrological data.

This change in the flood overlay will result in additional properties being included within the flood affected area under the planning scheme. As a result, assessable development on these properties would be required to meet the requirements of the TLPI.

Relationship to Major Amendment 2

Major Update 2 includes the same overlay code changes as the TLPI.

Relationship to Update 2 – Coastal Hazards

The coastal hazards update relates to the siting of buildings and structures within the erosion prone area. As a result, Update 2 – Coastal Hazards does not relate to the TLPI.

Conclusion

The proposed TLPI is responding to the significant level of flooding affecting areas of the Gold Coast by ensuring that residential uses are not located on high or extreme flood hazard areas, and that any reconfiguring of a lot for a residential, industrial or commercial use includes sufficient space for the intended use that is not flood affected.

This is a logical extension of the current planning scheme requirements, which mostly focus on ensuring that flood effects are mitigated through safe access points, and the raising of floor heights above the required flood level.

However, the acceptable outcomes provided by the planning scheme are likely to be difficult to achieve in many areas, including the limited greenfield areas represented in the Gold Coast.

PO17 and PO16 are likely to be supported under the SPP as they align with the example provisions under the SPP guidance material. AO17.1 to AO17.3 are unlikely to be supported without strong supporting material.

The proposed TLPI will also require particularly strong justification and supporting information to adequately demonstrate the change is responding to a significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area and that the delay in undertaking the change as a major amendment will increase the risk.

Boundary realignments/rearrangements

Boundary realignments and rearrangements could reduce the amount of available land for development or hinder access and evacuation processes. Local governments may wish to include specific code requirements to address boundary realignments/rearrangements in flood hazard areas.

Some examples of provisions that address boundary realignments/rearrangements in flood hazard areas are included in table 16.

Table 16: Realignment/rearrangement of boundaries

Performance outcome	Acceptable outcome
PO Development layout does not increase the risk to existing or future people, property or infrastructure located on the premises or other premises.	AO Development ensures there is sufficient area outside the flood hazard area to accommodate the intended use(s). AO Development ensures that building envelopes avoid areas of high hazard or risk. AO Development ensures that the entry points into the development are located to provide a safe and clear evacuation route path that meets the requirements of table 11 during floods up to the DFE.

FIGURE 1 - SPP EXAMPLE PROVISIONS RELATING TO REALIGNMENT/REARRANGEMENT OF BOUNDARIES FOR FLOOD AREAS

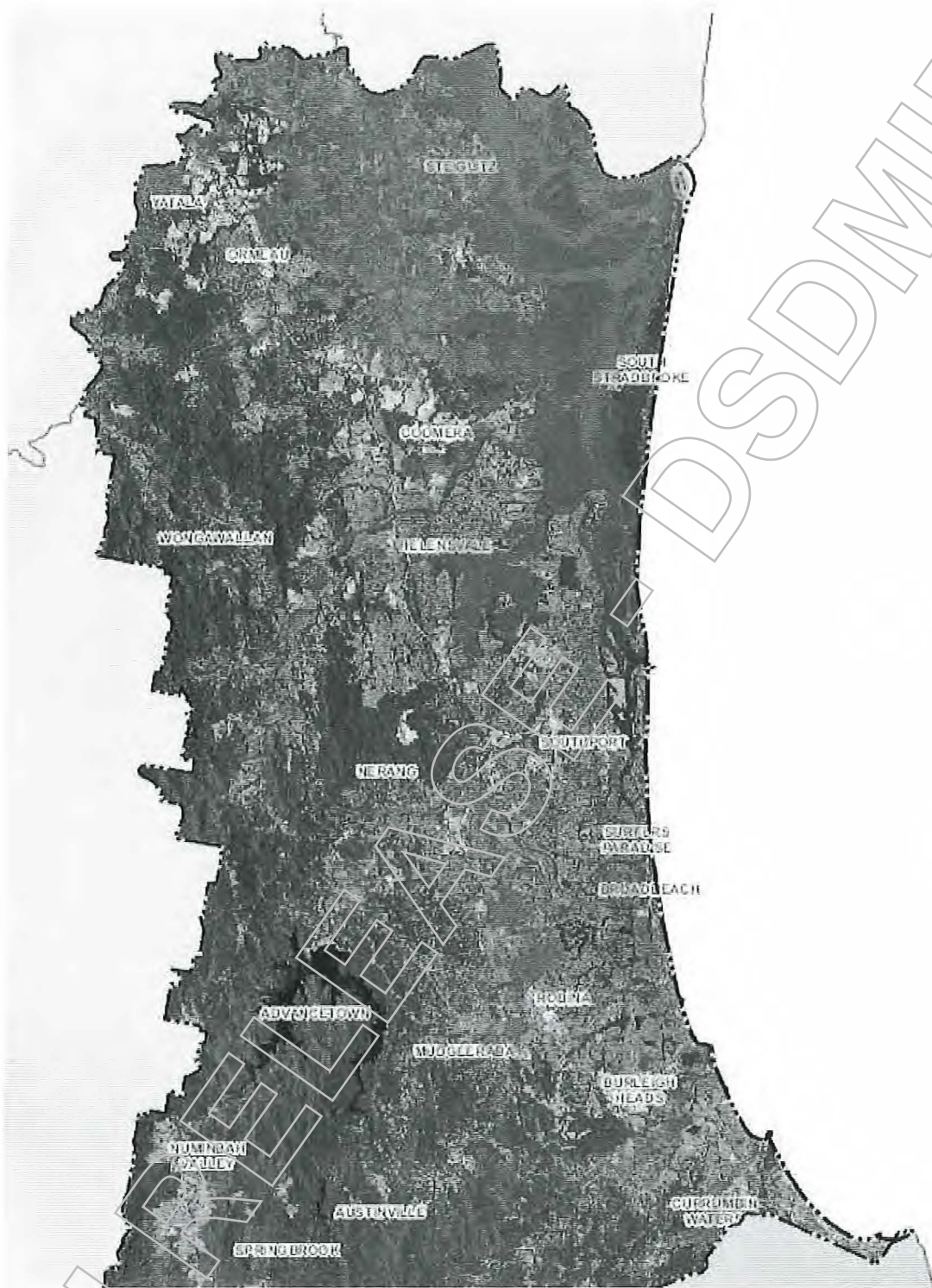


Performance outcome	Acceptable outcome
Risk-compatible land use	
PO1 Development is compatible with the level of risk associated with the natural hazard, such that: <ol style="list-style-type: none"> urban development in the high hazard or high risk area is avoided urban development in the medium or low hazard or risk areas mitigates the flood risk community infrastructure is located to minimise risk to people and property. 	AO1.1 Development in high hazard or high risk areas is limited to non-urban uses.
	AO1.2 Development in medium or low hazard/risk areas is consistent with the overall outcomes of the applicable zone.
	AO1.3 Community infrastructure is located in accordance with the community infrastructure flood immunity standards specified in table 12.
Resilient built form	
PO2 Development is resilient to flood events by ensuring design and built form take appropriate account of the potential risks of flooding.	AO2.1 A new building or extension to an existing building is not located in a high hazard or high risk area.
	AO2.2 A new residential building in the flood hazard area provides a finished habitable floor level to at least the level specified in table 9.
	OR Where a finished habitable floor level is not prescribed, a new building is: <ol style="list-style-type: none"> not located within the flood hazard area; or located on the highest part of the site to minimise entrance of floodwaters.
PO3 Development ensures that a use which requires an interface with the public realm (including a commercial or residential use) maintains a functional and attractive relationship with the	AO2.3 A new non-residential building (other than Class 10 buildings) in the flood hazard area: <ol style="list-style-type: none"> provides a finished floor level to at least the level specified in table 9
	OR Where a finished floor level is not prescribed, a new non-residential building (other than Class 10 buildings) is: <ol style="list-style-type: none"> not located in the flood hazard area; or located on the highest part of the site to minimise entry of floodwaters.
	AO3.1 Development for a residential use where pier and pole construction is utilised: <ol style="list-style-type: none"> if understorey screening is provided it is a minimum of 50% permeable to allow for the flow of floodwater through the understorey.

Part E

Example planning scheme provisions

Performance outcome	Acceptable outcome
	<ul style="list-style-type: none"> b) providing a retail or food and beverage use, if consistent with the purpose of the applicable zone and precinct, which interfaces with and overlooks the street; c) urban design treatments that screen the understorey of the building from view from the adjacent street frontage but do not impede flood flow.
Siting, access and isolation	
PO4 Development siting and layout responds to flooding potential and maintains personal safety at all times.	AO4.1 A lot for an urban purpose: <ul style="list-style-type: none"> a) is not located in the flood hazard area; or b) has a ground level above the DFE.
	AO4.2 Development complies with the filling requirements of table 10.
	AO4.3 Development in a greenfield area protects a flood conveyance area by providing an easement or reserve over the area of the premises up to the DFE.
	AO4.4 The road and/or pathway layout in the development provides a safe and clear evacuation path: <ul style="list-style-type: none"> a) to ensure persons are not physically isolated from an adjacent flood-free urban area; b) by locating entry points into the reconfiguration above the DFE and avoiding cul-de-sacs or other non-permeable layouts; and c) in the form of at least one evacuation route that meets the requirements of table 11 during floods up to the DFE.
	AO4.5 Development allows for an area within the development site at or above the flood planning level with sufficient space to accommodate the likely population of the development in safety for a relatively short time until flash flooding subsides (if applicable) or people can be evacuated.
	AO4.6 Development ensures that: <ul style="list-style-type: none"> a) signage is provided on a road or pathway indicating the position and path of all safe evacuation routes off the premises; b) if the premise contains or is within 100m of a waterway, hazard-warning signage and depth indicators are provided at each key hazard point, such as at a waterway crossing or an entrance to a low-lying reserve.
Infrastructure and utilities	
PO5 Utilities/infrastructure in a site (including roads electricity, gas, water supply, wastewater and telecommunications) supports community resilience during flood	AO5.1 Utilities infrastructure components that are likely to fail to function as a result of intrusion of floodwaters or are likely to result in contamination from floodwaters are: <ul style="list-style-type: none"> a) not located in the flood hazard area; b) located above the flood planning level; or



Daniel Park

From: Thomas Holmes
Sent: Friday, 15 December 2017 8:28 AM
To: Kim Kirstein
Cc: Daniel Park; Trent Stanton
Subject: FW: Branch Alert

FYI – call to arms and a submission coming through.

This will have to go in the assessment report, when it is prepared.

Thomas Holmes
Senior Planning Officer
Planning and Development Services
Department of Infrastructure, Local Government and Planning
Level 1, 7 Short St, Southport QLD 4215
p. [REDACTED] | e. thomas.holmes@dilgp.qld.gov.au

From: Thomas Holmes
Sent: Thursday, 14 December 2017 7:37 PM
To: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>
Subject: Fwd: Branch Alert

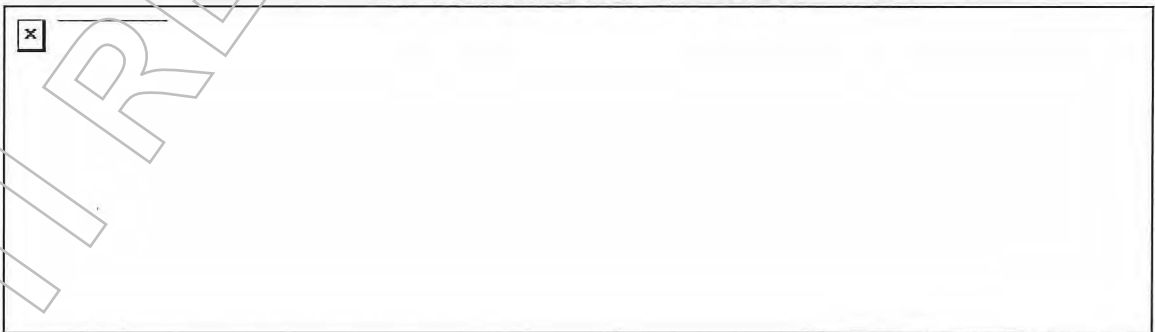
Sent from my iPhone

Begin forwarded message:

From: "UDIA Qld Gold Coast Logan" <goldcoast@udiaqld.com.au>
Date: 14 December 2017 at 9:27:32 am AEST
To: <
Subject: Branch Alert

City of Gold Coast Industry Briefing being held TODAY on Flood TLPI

Having trouble viewing this email? [View Online](#)



Dear Gold Coast Logan Branch member

The City of Gold Coast advised late yesterday of a briefing being held today regarding the

Temporary Local Planning Instrument No 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (TLPI No 5).

We urge any members who are available to attend to do so.

Date: Today (14 December)

Time: 3:30-4:30pm

Venue: Room 1.4, Level 1, Waterside East, 9 Holden Place, Bundall

RSVP: Email mcousins@goldcoast.qld.gov.au

If you cannot attend we urge you to email and express your interest in attending a briefing at another time. Send your email to mcousins@goldcoast.qld.gov.au

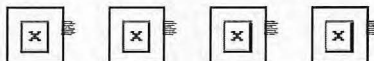
The branch committee is working on a submission on this important issue.

Council states the purpose of TLPI No 5 is to prevent the potential loss of the City's flood resilience and enable the sustainable mitigation of flood hazard on land included on City Plan's Flood overlay map.

Should the Minister approve, the TLPI No 5 will have a lifespan of two years from the commencement date of 8 December 2017 and will be considered in the assessment of all development applications:

- lodged on or after the 8 December 2017
- made under the Planning Act 2016 currently being assessed
- made under the Sustainable Planning Act 2009 currently being assessed that have not reached the decision stage.

Any queries please email the branch via goldcoast@udiaqld.com.au.



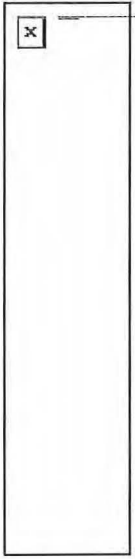
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www.udiaqld.com.au

This email was sent by UDIA Qld, Urban Development Institute of Australia Queensland, Level 12 120 Edward Street, Brisbane, QLD 4000, Australia to



RTI RELEASE - DSDMIP



Daniel Park

From: Isaac Harslett
Sent: Monday, 15 January 2018 4:35 PM
To: Thomas Holmes; Daniel Park
Subject: FW: Capture and Send
Attachments: 15-01-2018_15-57-11_E176M140359_nathan.rule-dilgp.qld.gov.au.pdf



**Queensland
Government**

Isaac Harslett
Principal Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Nathan Rule
Sent: Monday, 15 January 2018 4:34 PM
To: Adam Norris <Adam.Norris@dilgp.qld.gov.au>
Cc: Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>
Subject: Fwd: Capture and Send

Graeme's comments attached.

With Regards

Nathan Rule
Director, Planning (Southern Region)
Department of State Development, Manufacturing, Infrastructure and Planning

From: Equitrac@qgaaad.qld.gov.au <Equitrac@qgaaad.qld.gov.au>
Sent: Monday, January 15, 2018 3:58:51 PM
To: Nathan Rule
Subject: Capture and Send

Scan: nathan.rule@dilgp.qld.gov.au via Capture and Send:



Queensland
Government

Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: MC18/175/ TLPI-00046
Your reference: PD113/1303(P1)

12 January 2018

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
PO Box 5042
GCMC QLD 9729

Dear Mr Dickson

Notice of request for further information and to pause a timeframe

(Given under chapter 3, part 2, section 8.2 and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017 (MGR)*.

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has carried out a review of the proposed TLPI and determined that additional information is needed.

Under chapter 3, part 2, section 8.2 of the MGR, I hereby give notice requesting the following information:

1. *Compliance with section 23(1)(a) and (b) of the Planning Act 2016*

The material submitted with the proposed TLPI has not adequately demonstrated compliance with section 23(1)(a) and (b) of the *Planning Act 2016* (the Planning Act).

The explanatory statement submitted with the proposed TLPI states that the proposed TLPI is required due to:

- *an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and*
- *negative impacts on residents' sense of safety and expectations relating to development in a floodplain.*

Justifies the use of

The explanatory statement does not demonstrate serious and immediate risks that require a temporary local planning instrument to the Gold Coast City Plan 2015.

Please provide supporting information demonstrating:

- that the proposed TLPI is responding to a risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- that the delay involved in using the process in sections 18 and 22 of the Planning Act to make or amend another local planning instrument would increase the risk.

please To assist in providing the required supporting information, it is recommended that you provide:

- a statement on why the current mitigation measures within the Gold Coast City Plan 2015 are insufficient to address the future cumulative impacts of flood hazards; and
- supporting maps showing the number of properties affected by the proposed TLPI.

legible

Under chapter 3, part 3, section 10.1 of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 29 January 2018. On 30 January 2018, the process will resume at section 8.3, chapter 3, part 3 of the MGR. on 30 January 2018.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, Planning and Development Services, of the department on [redacted] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Isaac Harslett
A/Manager, Planning and Development Services (SEQ South)

RTI RELEASED

Daniel Park

From: Thomas Holmes
Sent: Monday, 15 January 2018 3:38 PM
To: Adam Norris
Cc: Daniel Park
Subject: FW: Correspondence - Proposed TLPI No 5 - Gold Coast City Council

FYI



Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 5644 3217
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Sophie Smith
Sent: Monday, 15 January 2018 3:19 PM
To: Executive Correspondence DSD <ExecutiveCorrespondenceDSD@dsd.qld.gov.au>
Cc: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Meaghan Dwyer <Meaghan.Dwyer@dilgp.qld.gov.au>
Subject: Correspondence - Proposed TLPI No 5 - Gold Coast City Council

Hi David

We have been receiving a few letters about the TLPI No 5 down the Gold Coast, and expect to receive quite a few more.

Our regional office has drafted a standard response for these but while this is getting finalised are you able to liaise with the DLO about getting a consistent signatory for this corro.

Some are coming to us as DG response and the rest as DDG response. If possible, can we please get all the below (and any future) to be a DDG response? I have highlighted the two which are DG response currently.

WR18/1597	10/01/2018 at 4:02 PM	Correspondence received on proposed TLPI No. 5
MC18/293	12/01/2018 at 1:47 PM	NRN : Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/233	10/01/2018 at 9:21 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/214	9/01/2018 at 12:07 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/127	4/01/2018 at 1:58 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/111	4/01/2018 at 1:16 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/102	4/01/2018 at 10:40 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
DGC18/14	3/01/2018 at 3:30 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/44	3/01/2018 at 10:52 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/3	2/01/2018 at 2:56 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council

I am happy to send the standard response up to get endorsement from the DG or the DLO once Kerry and Teresa are happy with.

Thanks
Sophie



**Queensland
Government**

Sophie Smith
Correspondence Officer
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3452 7658
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.dsdmip.qld.gov.au

RTI RELEASE - DSDMIP



Daniel Park

From: Isaac Harslett
Sent: Thursday, 11 January 2018 11:54 AM
To: Daniel Park; Thomas Holmes
Subject: FW: Corro received for TLPI No. 5



**Queensland
Government**

Isaac Harslett
A/Manager
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Sophie Smith
Sent: Thursday, 11 January 2018 10:55 AM
To: Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>
Cc: Planning Group Correspondence <PlanningGroupCorrespondence@dsdip.qld.gov.au>; Meaghan Dwyer <Meaghan.Dwyer@dilgp.qld.gov.au>
Subject: RE: Corro received for TLPI No. 5

Hi Isaac

Thanks for that.

We will ensure we make the source container for these **WR18/1597** and have the standard name as:
- Concerns - Proposed TLPI No 5 - Gold Coast City Council – (NAME)

I will email the DLO to get confirmation that we can respond at DDG level for all of these today. Please send through our proposed standard response when it is ready so I can work on getting the a OK for this too. It is possible we will need to brief that up but I will get back to you on that.

Regards



**Queensland
Government**

Sophie Smith
Correspondence Officer
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

P [REDACTED]
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.dsdmip.qld.gov.au

From: Isaac Harslett
Sent: Wednesday, 10 January 2018 3:55 PM
To: Sophie Smith <Sophie.Smith@dilgp.qld.gov.au>
Subject: FW: Corro received for TLPI No. 5

FYI table below in relation to TLPI flood corro



Isaac Harslett
A/Manager
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Daniel Park
Sent: Wednesday, 10 January 2018 3:39 PM
To: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>
Cc: Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>
Subject: RE: Corro received for TLPI No. 5

Hi Thomas

The table has been filled out.

Regards,



Daniel Park
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Streert, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Thomas Holmes
Sent: Wednesday, 10 January 2018 3:18 PM
To: Daniel Park <Daniel.Park@dilgp.qld.gov.au>
Cc: Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>
Subject: Corro received for TLPI No. 5

Hi Dan,

When you get a moment, no rush, do you mind filling out the below table with the corro you have received for TLPI

no. 5. Our corro team just wants a consolidated list of the corro items as there are different levels of signatory and we want them all changed to be approved by our DDG.

Re: Gold Coast City Plan - TLPI No. 5 – Flood

Source file: F17/13715

Correspondence received:

Date received	Source	Constituent
4/01/18	MC18/127	Michael Bale and Associates on behalf of numerous consultants on the Gold Coast
Unclear, 8/1/18 or 9/1/18	MC18/214	Arcadis
03/01/18	MC18/3	Property Council of Australia
20/12/17	MC18/44	Burchills Engineering Solutions on behalf of their clients on the Gold Coast
02/01/2018	DGC18/14	



Queensland
Government

Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

Daniel Park

From: Thomas Holmes
Sent: Tuesday, 12 December 2017 1:04 PM
To: Daniel Park
Subject: FW: Early effective date of TLPIs under MGR.
Attachments: FW: Temporary Local Planning Instrument No 5

FYI – email sent and advice back.

Council's proposed TLPI attached.

Being lodged this week.

Thomas Holmes
Senior Planning Officer
Planning and Development Services
Department of Infrastructure, Local Government and Planning
Level 1, 7 Short St, Southport QLD 4215
p. [REDACTED] e. thomas.holmes@dilgp.qld.gov.au

From: Kate Bourne
Sent: Monday, 11 December 2017 10:15 PM
To: Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>; Shane Spargo <Shane.Spargo@dilgp.qld.gov.au>
Cc: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Tim Pearson <Tim.Pearson@dilgp.qld.gov.au>; Roisin McCartney <Roisin.McCartney@dilgp.qld.gov.au>
Subject: RE: Early effective date of TLPIs under MGR.

Hi Kim

Thanks for your email regarding TLPIs and the application of an early effective date.

The Guidance for Minister's Guidelines and Rules (<http://betterplanning.qld.gov.au/resources/planning/better-planning/mgr/guidance.pdf>) provides some guidance on TLPIs and earlier effective dates (pages 21, 22 and 23). In short, the guidance relates to the application of section 9(4) of the Planning Act.

Other than the above, there is currently no other guidance in the Planning Act and MGR re the Minister's interpretation of an effective date. Unfortunately, with [REDACTED] and [REDACTED] both being on leave there are few people to ask about interpretation. Shane, is this something you could ask Megan about tomorrow?

As you are aware, an early effective date for a TLPI is a new feature of the Planning Act and wasn't something that was possible under the Sustainable Planning Act.

Brisbane City Council have recently approved a Planning Act resolved TLPI with an earlier effective date (MC17/3994). The officer's justification is provided below and may be of assistance.

An earlier effective date

Section 9(4)(b) of the Planning Act provides that with your agreement in writing, the effective day for the making of a TLPI is day the local government, at a public meeting, resolved to give the TLPI, and the request for an earlier effective day, to you for approval.

The council, at a public meeting held on the 29 August 2017, resolved to give the TLPI and the request for an earlier effective day to you for your approval. It is noted that the Planning Act and MGR does not specify any additional requirements which you must consider in determining whether you should grant an early effective date. Due to the risk to heritage, character and cultural values, it is recommended that you approve the council's request for an early effective date.

Your query:

- What must be considered by the Planning Minister in making a decision on whether to agree to the earlier effective date? Refer to comments above.
- What are the implications for Development Applications which are currently being assessed by the council? E.g.
 - Can the council only consider the proposed TLPI once it is approved, should the Planning Minister decide to approve it?
 - If so, what does this mean for DAs currently in the system and which may have a decision date before any approval date of the proposed TLPI, noting that this proposed TLPI may limit development from being able to happen in medium flood areas, which can currently occur?
 - Are council liable for the change?
 - Is the state liable for approving the change which has implications for current DA's?
 - What decision weight must be given to this new effective date, and what liability are we placing on the Minister for approving such a date?

The Guidance for Minister's Guidelines and Rules states the following:

If the local government resolves, at the same public meeting at which the TLPI is proposed to be made or amended, to also seek the Minister's agreement to the earlier commencement of the TLPI or TLPI amendment and the Minister agrees, the TLPI or TLPI amendment commences on the day the public meeting was held (the earlier effective day). This arrangement reflects the fact that some TLPIs may act to restrict particular development rights or opportunities, and the delay between the local government resolving to make the TLPI and the Minister's agreement to it being made may present an opportunity for pre-emptive development that may compromise the intended outcomes of the TLPI.

This arrangement contains an element of retrospectivity in the commencement of any TLPI to which it applies. However, the requirement for the local government to resolve at the same public meeting at which the TLPI is proposed to seek the Minister's agreement to the early commencement is an important transparency measure, as the fact that early commencement is a possibility will be known to anyone who attended, or has access to, the record of the meeting.

The above statement, however, is dependent on the Minister signing off on the earlier effective date.

Kim, are you looking to refuse the TLPI or get the council to resubmit the TLPI (with substantial changes)? If you are looking to refuse the TLPI or get them to resubmit with substantial changes, legal advice may need to be obtained (if Megan can't assist).

I hope the above answers most of the questions you have raised.

I am back in the office on Wednesday if you would like to discuss further.

Cheers

Kate

From: Kim Kirstein

Sent: Monday, 11 December 2017 2:58 PM

To: Shane Spargo <Shane.Spargo@dilgp.qld.gov.au>; Kate Bourne <Kate.Bourne@dilgp.qld.gov.au>

Cc: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Tim Pearson <Tim.Pearson@dilgp.qld.gov.au>

Subject: Early effective date of TLPIs under MGR.

Hi Shane/ Kate

We have some questions around the process requirements for assessing a councils request for an early effective date for TLPIs under the MGR, and how the early effective date works on the ground in a DA sense, which Thomas has put together per the below:

• **Background:**

- On 8 December 2017, Gold Coast City Council resolved to:
 - commence the approval process for a new TLPI (related to minimum flood free access and risk to residential properties); and
 - seek an earlier effective date of 8 December 2017.
- The council have publicly notified the proposed TLPI and its earlier effective date through their website, Planning and Development Alerts, and their council resolution on 8 December 2017 (which is above and beyond the MGR requirements) (**see attached**).

• **Issue:**

- Council are seeking the proposed TLPI to commence on 8 December 2017, which is the same date of the council resolution.
- When lodged, we have a statutory 20 business days to make the decision and provide the recommendation to the DG within 10 business days.
- Delaying the proposed TLPI for confirmation on our policy will cause concerns with the council given the significant risk this TLPI is seeking to solve.
- No internal or external guidance, including in the explanatory notes of the *Planning Act 2016* is provided on what justification the council needs to provide for the Planning Minister to consider the council's request for an early effective date, or the role of the department in endorsing/assessing whether the earlier effective date is appropriate. It only speaks to the role of transparency in notifying the public of the early commencement date through the councillor meeting.
- This proposed TLPI affects major development applications, currently being assessed on the Gold Coast.

• **Query:**

- What must be considered by the Planning Minister in making a decision on whether to agree to the earlier effective date?
- What are the implications for Development Applications which are currently being assessed by the council? E.g.
 - Can the council only consider the proposed TLPI once it is approved, should the Planning Minister decide to approve it?
 - If so, what does this mean for DAs currently in the system and which may have a decision date before any approval date of the proposed TLPI, noting that this proposed TLPI may limit development from being able to happen in medium flood areas, which can currently occur?
 - Are council liable for the change?
 - Is the state liable for approving the change which has implications for current DA's?
 - What decision weight must be given to this new effective date, and what liability are we placing on the Minister for approving such a date?

Kim

Kim Kirstein

Manager – Planning and Development Services (SEQ South) (Mon, Tues, Thurs, Fri)

Department of Infrastructure, Local Government and Planning

Level 1, 7 Short Street, Southport

p. [REDACTED] m. [REDACTED] | e. kim.kirstein@dilgp.qld.gov.au

Please consider the environment before printing this email.

RTI RELEASE - DSDMIP



Daniel Park

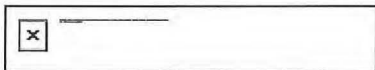
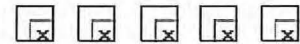
From: GC SARA
Sent: Monday, 11 December 2017 10:04 AM
To: Gold Coast Planning Team
Subject: FW: Temporary Local Planning Instrument No 5

FYI

From: Planning and Environment [mailto:planning&developmentalert@goldcoast.qld.gov.au@cmail19.com] **On Behalf Of** Planning and Environment
Sent: Friday, 8 December 2017 1:43 PM
To: GC SARA <GCSARA@dilgp.qld.gov.au>
Subject: Temporary Local Planning Instrument No 5



8 December 2017 Web version



Temporary Local Planning Instrument No 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017



The City of Gold Coast (City) resolved to prepare and endorse a Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (TLPI No 5). Council has asked the Minister to approve an earlier commencement of TLPI No 5 from 8 December 2017.

The purpose of TLPI No 5 is to prevent the potential loss of the City's flood resilience and enable the sustainable mitigation of flood hazard on land included on City Plan's Flood overlay map. The provisions seek to strengthen Council's commitment to ensure development in flood affected areas is safe and resilient.

TLPI No 5 amends the operation of the Flood overlay code by ensuring:

- (a) residential uses are only exposed to medium or less flood hazard; and
- (b) ROL's provide sufficient land at or above the Designated flood level.

Should the Minister approve, the TLPI No 5 will have a lifespan of two years from the commencement date of 8 December 2017 and will be considered in the assessment of all development applications:

- lodged on or after the 8 December 2017,
- made under the *Planning Act 2016* currently being assessed; or
- made under the *Sustainable Planning Act 2009* currently being assessed that have not reached the decision stage.

Further information please contact the City Plan unit on 1300 151 267.

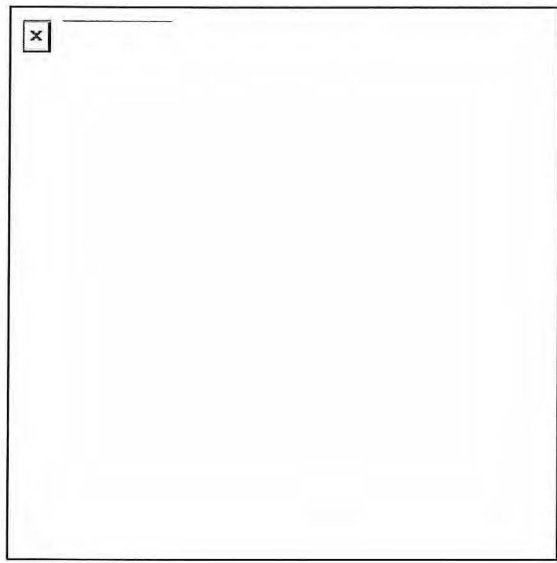
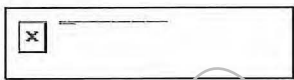
[View TLPI No 5](#)

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RTI RELEASE - DSDMIP



Daniel Park

From: Sophie Smith
Sent: Tuesday, 16 January 2018 12:12 PM
To: Daniel Park
Cc: Adam Norris; Isaac Harslett; Meaghan Dwyer
Subject: FW: ESU REQUEST - Corro re Proposed TLPI No 5 - Gold Coast City Council

Hi Daniel

The DLO have confirmed that all the TLPI's will be DDG responses.

I will work on getting sign off for the standard response this week.



Sophie Smith
Correspondence Officer
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.dsdmip.qld.gov.au

From: DSD DLO
Sent: Tuesday, 16 January 2018 12:08 PM
To: Executive Correspondence DSD <ExecutiveCorrespondenceDSD@dsd.qld.gov.au>
Cc: Sophie Smith <Sophie.Smith@dilgp.qld.gov.au>; David Attrill <David.Attrill@dsd.qld.gov.au>
Subject: RE: ESU REQUEST - Corro re Proposed TLPI No 5 - Gold Coast City Council

Thanks Cassy- please mend DG response request to reflect DDG response



Regards
Linda Lloyd
Departmental Liaison Officer
Cabinet Services
Department of State Development, Manufacturing,
Infrastructure and Planning
P [REDACTED] M [REDACTED] (Sch. 4(4)(6) - Disclos
E dlo@dsd.qld.gov.au
Level 38, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.dsdmip.qld.gov.au

From: Executive Correspondence DSD
Sent: Tuesday, 16 January 2018 11:52 AM
To: DSD DLO <DLO@dsd.qld.gov.au>
Cc: Sophie Smith <Sophie.Smith@dilgp.qld.gov.au>; David Attrill <David.Attrill@dsd.qld.gov.au>
Subject: ESU REQUEST - Corro re Proposed TLPI No 5 - Gold Coast City Council

Hi Linda

We're receiving a few letters about the TLPI No 5 down the Gold Coast, and expect to receive quite a few more.

The Planning regional office has drafted a standard response for that should be finalised soon. Once ready, we can send up for DG/MO approval to use going forward.

Some of these are coming to us as DG response and the rest as DDG response. If possible, can we please get all the below (and any future) to be a DDG response? I have highlighted the two which are DG response currently.

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MC18/102	4/01/2018 at 10:40 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
DGC18/14	3/01/2018 at 3:30 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/44	3/01/2018 at 10:52 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/3	2/01/2018 at 2:56 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council

Cheers, Cass



Cassy Aggett
Senior Correspondence Officer
Office of the Director-General
Department of State Development,
Manufacturing, Infrastructure and Planning
P [redacted] E cassandra.aggett@dsc.qld.gov.au
Level 38, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.dsdmip.qld.gov.au

Daniel Park

From: Thomas Holmes
Sent: Thursday, 8 February 2018 4:31 PM
To: Daniel Park
Cc: Rebecca De Vries
Subject: FW: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)
Attachments: Letter to agencies TLPI No. 5.docx
Importance: High

FYI



Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Kim Kirstein
Sent: Thursday, 8 February 2018 2:30 PM
To: Rebecca De Vries <Rebecca.DeVries@dilgp.qld.gov.au>; Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>
Subject: FW: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)
Importance: High

Approved. But call before you send to explain timeframe and why it's so short.

Kim



Kim Kirstein
Manager
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
[REDACTED] Sch. 4(4)(6) - Disclos
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Rebecca De Vries
Sent: Thursday, 8 February 2018 1:51 PM
To: Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>
Cc: Daniel Park <Daniel.Park@dilgp.qld.gov.au>; Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>
Subject: RE: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and

residential risk reduction)

Importance: High

Hi Kim,

Can you please approve the letter attached for Tom to send. I have made some minor changes per attached. There are tight timeframes for this, so would love to get it out today!

Also, the agencies might be a bit upset with a three day turn around, so we have asked that if they have concerns, that they contact us.

Tom – can you please send this as the primary case officer?

Thanks,



**Queensland
Government**

Rebecca de Vries
Principal Planning Officer
Planning and Development Services – SEQ South
Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 5644 3220
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Thomas Holmes

Sent: Thursday, 8 February 2018 1:24 PM

To: Rebecca De Vries <Rebecca.DeVries@dilgp.qld.gov.au>

Cc: Daniel Park <Daniel.Park@dilgp.qld.gov.au>

Subject: FW: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Hi Bec,

We are seeking to send out an email to agencies to seek their review of the amended TLPI.

Can you please review the attached letter "Letter to agencies TLPI No.5" and then proceed to Kim.

I have attached the word document showing my track changes.

Cheers



**Queensland
Government**

Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 5644 3217
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Daniel Park

Sent: Thursday, 8 February 2018 10:18 AM

To: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>

Subject: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Hi Thomas,

As discussed can you please review the email below. Note that I have not included the submission letter from Oxmar Properties as an attachment as it is not relevant to the agencies assessment of the proposed TLPI.

This email will be sent to all original agencies for the TLPI and additionally to Susan Mercer to pass on to Queensland Fire and Emergency Services. Of the original state agencies who reviewed the proposed TLPI, only Housing and Public Works provided a comment.

Good Morning,

Your state agency recently provided an assessment of the Gold Coast City Council's (the council's) prepared Temporary Local Planning Instrument (minimum land above designated flood level and residential risk reduction) No.5 (the proposed TLPI).

On 7 February 2018, the council provided additional justification and supporting information on the proposed TLPI in response to a request for the further information provided by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 15 January 2018. Please note that the council has not changed any provisions of the proposed TLPI.

The department is requesting your additional assessment of the proposed TLPI, including the relevant additional information provided by the council. All relevant documents have been attached to this email and are also available through the EziScheme online portal (reference TLPI-00046).

Can you please email your response to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Tuesday 13 February 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas Holmes on [REDACTED] as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.



Daniel Park
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning

[REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
PO Box 3290, Australia Fair QLD 4215
www.dsdmip.qld.gov.au

From: Daniel Park [<mailto:Daniel.Park@dilgp.qld.gov.au>]

Sent: Monday, 8 January 2018 4:31 PM

To: Natural Hazards <NaturalHazards@dilgp.qld.gov.au>; hicb@oir.qld.gov.au; HHS CA Town Planning <HHSCATownPlanning@hpw.qld.gov.au>; BCQ Stateinterest <bcqstateinterest@hpw.qld.gov.au>

Cc: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>

Subject: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Good Afternoon,

Gold Coast City Council (the council) has prepared a Temporary Local Planning Instrument (TLPI) to the Gold Coast City Plan 2015, titled the proposed TLPI (minimum land above designated flood level and residential risk reduction) No.5.

The council, utilising *the Minister's Guidelines and Rules* is now seeking the Planning Minister's approval to proceed to adopt the proposed TLPI.

On 5 December 2017, the council tabled a confidential report relating to the proposed TLPI. On 8 December 2017, the council resolved to send the proposed TLPI to the Planning Minister for approval and to seek an early effective date of 8 December 2017.

As the council has now progressed the proposed TLPI for approval, the department is now requesting your state agency assessment of the proposed TLPI. All relevant documents have been attached to this email and will be shortly be available through the EziScheme online portal.

Can you please reply to this email with any comments you have on the proposed TLPI with regards to your relevant state interests.

Note that the contents of the proposed TLPI is included within Major Update 2 for the Gold Coast City Council. If your agency comments with respect to the provisions of the proposed TLPI are the same as those you have already provided for Major Update 2 please reply stating this to be the case.

Please note that all comments and responses are to be emailed to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Friday 12 January 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas on 5644 3210 as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.



Daniel Park
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
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Thank you.

RTI RELEASE - DSS (MIA)



Good Morning,

Your state agency recently provided an assessment of the Gold Coast City Council's (the council's) prepared Temporary Local Planning Instrument (minimum land above designated flood level and residential risk reduction) No.5 (the proposed TLPI).

On 15 January 2018, ~~our department~~the Department of State Development, Manufacturing, Infrastructure and Planning (the department) requested further justification from the council, ~~to why~~

On 7 February 2018, the council provided additional justification and supporting further information on the proposed TLPI in response to a ~~our~~the department's request, for the further information provided by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 15 January 2018. Please note that the council has not changed any provisions of the proposed TLPI.

The department is requesting your ~~agency's~~ additional assessment of the proposed TLPI, including the relevant additional information provided by the council. All relevant documents have been attached to this email and are also available through the EziScheme online portal (reference TLPI-00046).

Can you please email your response to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Tuesday, 13 February 2018**. If you have any concerns with achieving this timeframe, please do not hesitate to contact the undersigned to discuss.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas Holmes Daniel Park on [REDACTED] as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.

Daniel Park

From: Thomas Holmes
Sent: Thursday, 8 February 2018 1:24 PM
To: Rebecca De Vries
Cc: Daniel Park
Subject: FW: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)
Attachments: 5 December item and report.pdf; 11 October 2017 item presentation report.pdf; Letter and statement of reasons.pdf; submissions.pdf; letter to agencies TLPI No. 5.docx

Hi Bec,

We are seeking to send out an email to agencies to seek their review of the amended TLPI.

Can you please review the attached letter "Letter to agencies TLPI No.5" and then proceed to Kim.

I have attached the word document showing my track changes.

Cheers



Thomas Holmes
Senior Planning Officer
Planning and Development Services (SEQ South)
Department of State Development,
Manufacturing, Infrastructure and Planning
P [REDACTED]
Level 1, 7 Short Street, Southport QLD 4215
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From: Daniel Park
Sent: Thursday, 8 February 2018 10:18 AM
To: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>
Subject: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Hi Thomas,

As discussed can you please review the email below. Note that I have not included the submission letter from Oxmar Properties as an attachment as it is not relevant to the agencies assessment of the proposed TLPI.

This email will be sent to all original agencies for the TLPI and additionally to Susan Mercer to pass on to Queensland Fire and Emergency Services. Of the original state agencies who reviewed the proposed TLPI, only Housing and Public Works provided a comment.

Good Morning,

Your state agency recently provided an assessment of the Gold Coast City Council's (the council's) prepared Temporary Local Planning Instrument (minimum land above designated flood level and residential risk reduction) No.5 (the proposed TLPI).

On 7 February 2018, the council provided additional justification and supporting information on the proposed TLPI in response to a request for the further information provided by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 15 January 2018. Please note that the council has not changed any provisions of the proposed TLPI.

The department is requesting your additional assessment of the proposed TLPI, including the relevant additional information provided by the council. All relevant documents have been attached to this email and are also available through the EziScheme online portal (reference TLPI-00046).

Can you please email your response to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Tuesday 13 February 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas Holmes on [REDACTED] as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.



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From: Daniel Park [<mailto:Daniel.Park@dilgp.qld.gov.au>]
Sent: Monday, 8 January 2018 4:31 PM
To: Natural Hazards <NaturalHazards@dilgp.qld.gov.au>; hicb@oir.qld.gov.au; HHS CA Town Planning <HHSCATownPlanning@hpw.qld.gov.au>; BCQ StateInterest <bcqstateinterest@hpw.qld.gov.au>
Cc: Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>
Subject: Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Good Afternoon,

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The council, utilising *the Minister's Guidelines and Rules* is now seeking the Planning Minister's approval to proceed to adopt the proposed TLPI.

On 5 December 2017, the council tabled a confidential report relating to the proposed TLPI. On 8 December 2017, the council resolved to send the proposed TLPI to the Planning Minister for approval and to seek an early effective date of 8 December 2017.

As the council has now progressed the proposed TLPI for approval, the department is now requesting your state agency assessment of the proposed TLPI. All relevant documents have been attached to this email and will be shortly be available through the EziScheme online portal.

Can you please reply to this email with any comments you have on the proposed TLPI with regards to your relevant state interests.

Note that the contents of the proposed TLPI is included within Major Update 2 for the Gold Coast City Council. If your agency comments with respect to the provisions of the proposed TLPI are the same as those you have already provided for Major Update 2 please reply stating this to be the case.

Please note that all comments and responses are to be emailed to bestplanning-SEQS@dilgp.qld.gov.au AND daniel.park@dilgp.qld.gov.au AND thomas.holmes@dilgp.qld.gov.au by **COB Friday 12 January 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas on [REDACTED] as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.


Daniel Park
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Thank you.

Refer 11 page attachments

1 BASIS FOR CONFIDENTIALITY

- 1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

2 EXECUTIVE SUMMARY

This report seeks Council's endorsement of the proposed Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017). The proposed TLPI No.5 2017 has been prepared further to a Council resolution G17.1017.013 endorsing a new flood policy to ensure residential development is not exposed to:

- a flood inundation depth greater than 0.6 metres; and
- a flood water velocity greater than 0.8 metres per second.

In addition, the proposed TLPI No.5 2017 will also require Reconfiguring a Lot applications for residential, commercial and industrial uses to provide a sufficient area of land at or above the Designated Flood Level (DFL).

The purpose of the proposed TLPI No.5 2017 is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. As such, the TLPI No.5 2017 will amend the operation of the Flood overlay code provided in City Plan by including new overall outcomes and assessment benchmarks to be applied during development assessment. It is envisaged that the TLPI No.5 2017 will have a life span of 2 years from the following proposed commencement date of 8 December 2017.

Section 9(4) of the *Planning Act 2016* allows Council, with the Minister's agreement, to make the TLPI take effect from the day Council resolved to give the TLPI and the request for an earlier effective day to the Minister for approval.

Council is requested to endorse the proposed TLPI No.5 2017 included in **Attachment A** which will allow Council to write to the Minister seeking its approval. Further to the Minister's approval, Council will be required to adopt the draft TLPI No.5 2017.

3 PURPOSE OF REPORT

The purpose of this report is to:

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- (a) seek Council's endorsement of Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 provided in **Attachment A** of this report; and
- (b) seek permission for Council to write to the Minister:
 - a. seeking approval of the Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017);
 - b. providing the TLPI No.5 2017 and relevant supporting material identified in Schedule 3 of the Minister's Guidelines and Rules; and
 - c. seeking approval for the commencement of the TLPI No.5 2017, to be 8 December 2017.

Once the Minister provides a response, a further report will be presented to Council to seek endorsement to adopt the TLPI No.5 2017.

4 PREVIOUS RESOLUTIONS

On the 11 October 2017, Council resolved to (G17.1017.013):

- ...
2. *To endorse the proposed minimum flood free land policy as identified in Attachment 1 to inform updates to the Flood overlay code as part of Major update 2 package.*
- ...
5. *To prepare a Temporary Local Planning Instrument to implement minimum flood free land and return a TLPI package for endorsement before making a submission to the Minister for Planning.*

On the 22 November 2017, City Planning Committee resolved the Design for Flood package to be progressed to State Interest review. This package includes approval of the necessary changes to the proposed wording of the Flood overlay code to make it consistent with TLPI.

5 DISCUSSION

5.1 Background

Council resolved on 11 October 2017 (G17.1017.013) to prepare a Temporary Local Planning Instrument (TLPI) to implement the flood policy position described as 'Minimum flood free land'

The 'Minimum flood free land' policy aims to ensure that development in flood affected areas of the city are exposed to no more than a medium flood hazard. A medium flood hazard includes, among other elements, development exposed to:

- a flood inundation depth of up to and less than 0.6 metres; and
- a flood water velocity of no more than 0.8 metres per second.

The City Plan Major update 2 amendment package includes updates to the Flood overlay code to implement the 'Minimum flood free land' policy. However, at the time of preparing this report, Major 2 update is in the process of being sent to the minister for the State Interest

review. Given that the plan making process is a long-term process, it is considered that enacting the policy through a TLPI will provide for the maintenance of the City's flood resilience while Major update 2 is being processed through the required statutory process.

5.2 Proposed TLPI

The resolution (G17.1017.013) to prepare the TLPI, included proposed wording to implement the 'Minimum flood free land' policy. In preparing the TLPI, this wording was refined. It is therefore necessary under s 9(4) of the *Planning Act 2016* for Council to again resolve to make the TLPI with the proposed commencement date of the 8 December 2017

Attachment A contains the proposed *Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* and supporting Explanatory Statement.

The proposed TLPI will affect the operation of City Plan (version 4) Flood overlay code through:

- a) Inserting additional assessable development criteria PO16 and PO17 to ensure that a Reconfiguring a Lot application provides sufficient land above the designated flood level (DFL) for residential, commercial and industrial uses. In addition, ensuring land is above the DFL reduces flood risks to users of the site by minimising the possibility of a high flood hazard occurring adjacent to the developments building footprint.
- b) Amending PO9/AO9 to remove any inconsistency that may arise in the assessment of residential uses under the proposed PO16; and
- c) Inserting new additional overall outcomes (l), (m) and (n) to the Flood overlay code to ensure:
 - i) Residential development is not of a type or design nor occurs on land that is exposed to high or extreme flood hazards;
 - ii) Avoiding the development of lots on land which does not have a sufficient area of land above the DFL; and
 - iii) Discouraging of the proliferation of multi dwelling development on constructed platforms above flood affected land.

5.3 The need for a TLPI

Attachment B contains the Explanatory Statement that Council is required to provide to the Minister with our request to (a) approve the TLPI and (b) seek a commencement date from the 8 December 2017. In the Explanatory Statement the following points are made in support of making the TLPI.

'Section 23(1) of the Planning Act 2016 says that a local government may make a TLPI if the local government and Minister decide —

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and;*
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and*
- (c) the making of the TLPI would not adversely affect State interests.*

The proposed TLPI is considered to satisfy each of these requirements.

- (a) *The city's floodplains are critical in providing for significant flood storage, environmental values and open space requirements. It is essential that the flood absorption capacity of floodplains is maintained. As discussed above in section 2 of this statement, there are significant risks if the local government does not implement a requirement for a sufficient area of land above the Designated Flood Level and does not regulate building on platforms on highly flood affected land, namely:*
- i. an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and*
 - ii. negative impacts on residents' sense of safety and expectations relating to development in a floodplain.*
- (b) *Given the importance of maintaining the long-term function and resilience of the city's floodplains, it is proposed that this immediate risk be addressed by way of the proposed TLPI as an effective tool that can apply in the interim period while an amendment to the City Plan is finalised.*
- (c) *The proposed TLPI would not adversely affect State interests as the maintenance of the flood absorption capacity and the management of community expectations relating to development in a floodplain are matters currently regulated by the Flood Overlay Code in the City Plan. The proposed TLPI is consistent with the State interest guideline – Natural hazards, risk and resilience dated April 2016 which contemplates local government including development requirements in planning schemes with respect to development within an area affected by a natural hazard such as flood.*

By seeking the Minister's support for a commencement date being the 8 December 2017, Council will be better able to provide advice to applicants as to how the TLPI is to be addressed in development applications. The alternative to commencing the TLPI on the 8 December is to await the following steps to be completed:

1. The Minister considers our proposal to make a TLPI and issues a letter of approval;
2. Upon receiving a letter of approval, Council resolves to adopt the TLPI; and
3. The TLPI commences on the day it is gazetted (estimated to be early to mid 2018).

Notwithstanding the above the Minister may decide to approve the TLPI and not support our request for an earlier commencement date.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

Gold Coast 2022 outcome 3.1, "Our City is Safe".

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7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

No impact

8 FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

No additional budget or resources will be required.

9 RISK MANAGEMENT

Risk No CO000644.

Natural Hazards Resilience – The City is not adequately resilient to natural hazards shocks resulting in loss of life, cessation of Council business, reputational damage and economic downturn.

10 STATUTORY MATTERS

Section 23 of the *Planning Act 2016* provides the statutory basis for making or amending TLPIs.

This TLPI is required to address the State Planning Policy 2017, and in particular the Natural Hazards, Risk and Resilience interest.

11 COUNCIL POLICIES

Not applicable.

12 DELEGATIONS

Not Applicable.

13 COORDINATION & CONSULTATION

Name and/or Title of the Stakeholder Consulted	Directorate or Organisation	Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)
Supervising Engineer Hydraulics & Water Quality	Planning and Environment	Yes
Coordinator City Plan	Planning and Environment	Yes
A/City Solicitor, Legal Services	Office of the Chief Operating Officer	Yes

14 STAKEHOLDER IMPACTS

External / community stakeholder Impacts

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- The intention of this TLPI is to improve community safety through the provision of a viable solution for flood-cognisant development.

Internal (Organisational) Stakeholder Impacts

- This TLPI will assist the development assessment process, in the interim until Major update 2 to be adopted

15 TIMING

Upon Council resolving to adopt the TLPI, the proposed instrument and explanatory document will be forwarded to the Minister for approval. It is recommended that Council adopt the TLPI, with a commencement date of 8 December 2017.

16 CONCLUSION

Council have endorsed a flood policy position 'Minimum flood free land' and have resolved to prepare a TLPI. The TLPI No.5 2017 will amend the City Plan (version 4) Flood overlay code to ensure the abovementioned policy will be in place until City Plan Major update 2 is approved.

The proposed TLPI No.5 2017 is provided in **Attachment A** and it is recommended that Council endorse the adoption of the TLPI and sending it to the Minister for approval **with the material in Attachment B**. It is also recommended that the TLPI No.5 2017 has a commencement date of 8 December 2017.

17 RECOMMENDATION

It is recommended that Council resolves as follows:

- 1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.
- 2 To prepare a Temporary Local Planning Instrument to implement minimum flood free land.
- 3 To endorse the proposed *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017*, in the form of Attachment 1.
- 4 That the commencement date of *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017* be 8 December 2017.
- 5 That Council writes to the Minister to request approval of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and consideration of a 8 December 2017 commencement date.
- 6 That Council provide the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and relevant supporting material in the form of Attachment B in accordance with Schedule 3 of the Minister's Guidelines and Rules.

- 7 Further to the Minister's response, a report will be brought back to Council seeking adoption of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017*.

Author:
Pradesh Ramiah
Supervising Planner
29 November 2017

Authorised by:
Dyan Currie
Director Planning and Environment

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Temporary Local
Planning Instrument
Explanatory
Statement

**No. 5 (Minimum Land Above
Designated Flood Level and
Residential Risk Reduction) 2017**

CITY OF
GOLD COAST.

Division 1 – Written statement as to why the local government proposes to make the TLPI and how the proposed TLPI complies with section 23(1) of the Planning Act 2016

As required by *Minister's Guidelines and Rules – July 2017, Schedule 3*

1 Description of the proposed TLPI

The proposed temporary local planning instrument is cited as *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (proposed TLPI)*.

The proposed TLPI applies to all of the City of Gold Coast planning scheme area.

The proposed TLPI seeks to affect the current Planning Scheme being the City Plan 2016 Version 4.

The proposed TLPI creates new assessment benchmarks that will apply to the assessment of development applications against the Flood overlay code to reduce risk for residential development and require development to have a sufficient area of land above the Designated Flood Level to mitigate the risks and/or hazards associated with flooding.

Under the *Planning Act 2016 (the Act)* section 23(6), a temporary local planning instrument operates for up to two years. It is intended that the proposed TLPI will be repealed by adoption of an amendment of the City Plan that specifically repeals the TLPI, in accordance with section 24.

2 Why the local government has proposed to make the TLPI

The current Flood Overlay Code in the City Plan is unclear in relation to the level of acceptable risk for residential development and does not identify a minimum requirement for flood free land. This has led to the creation of highly engineered development solutions, such as buildings on platforms, in high and extreme flood hazard areas of the city's floodplains.

Information provided to the local government following the major flood events associated with ex-tropical cyclone Debbie in March 2017 revealed issues with the recent emergence of the building on platform approach which provides for floodplain storage within void spaces between the natural ground level and habitable floor levels, namely:

- (1) concerns by residents about their sense of safety in response to deep flood water under their buildings and debris impacting their house and the use of spaces beneath the buildings for storage or ancillary living space; and
- (2) concerns raised by emergency services personnel about the potential for flooding of residential levels and a general misunderstanding about the building on platform design approach.

To prevent compromising the long-term function and resilience of the city's floodplains and to manage community expectations relating to development in a floodplain, the local government has decided to make the proposed TLPI to seek to ensure that:

- (1) Residential development (including development elevated above Designated Flood Level) only occurs in areas that are exposed to flood inundation depths and velocities not exceeding those applicable to medium flood hazard and does not occur in areas that are exposed to a high or extreme flood hazard.
- (2) Lots have a sufficient area of land above the Designated Flood Level to accommodate the intended use and effectively and adequately mitigate the risks and/or hazards associated with flooding.

3 How the proposed TLPI complies with the Act section 23(1)

Section 23(1) of the Act says that a local government may make a TLPI if the local government and Minister decide —

- (a) *there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and;*

-
- (b) *the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and*
 - (c) *the making of the TLPI would not adversely affect State interests.*

The proposed TLPI is considered to satisfy each of these requirements.

- (a) The city's floodplains are critical in providing for significant flood storage, environmental values and open space requirements. It is essential that the flood absorption capacity of floodplains is maintained. As discussed above in section 2 of this statement, there are significant risks if the local government does not implement a requirement for a sufficient area of land above the Designated Flood Level and does not regulate building on platforms on highly flood affected land, namely:
 - (i) an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and
 - (ii) negative impacts on residents' sense of safety and expectations relating to development in a floodplain.
- (b) Given the importance of maintaining the long-term function and resilience of the city's floodplains, it is proposed that this immediate risk be addressed by way of the proposed TLPI as an effective tool that can apply in the interim period while an amendment to the City Plan is finalised.
- (c) The proposed TLPI would not adversely affect State interests as the maintenance of the flood absorption capacity and the management of community expectations relating to development in a floodplain are matters currently regulated by the Flood Overlay Code in the City Plan. The proposed TLPI is consistent with the State interest guideline – Natural hazards, risk and resilience dated April 2016 which contemplates local government including development requirements in planning schemes with respect to development within an area affected by a natural hazard such as flood.

For more information

P 1300 GOLD COAST (1300 465 326)

W cityofgoldcoast.com.au

CITY OF
GOLD COAST.

Temporary Local Planning Instrument

**No. 5 (Minimum Land Above
Designated Flood Level and
Residential Risk Reduction) 2017**

CITY OF
GOLD COAST.

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8 Application of Temporary Local Planning Instrument.....	3
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Part 1 – Preliminary

1 Short title

This temporary local planning instrument may be cited as *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*.

2 Object

The object of the temporary local planning instrument is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on land in flood affected areas in the planning scheme area by —

- (a) identifying land that is at or above the Designated Flood Level as minimum flood free land;
- (b) affecting the operation of the City Plan by including additional assessment benchmarks in the Flood Overlay Code so that:
 - (A) development for Residential Uses (including development elevated above Designated Flood Level) only occurs in areas that are exposed to flood inundation depths and velocities not exceeding those applicable to medium flood hazard and does not occur in areas that are exposed to a high flood hazard or extreme flood hazard; and
 - (B) lots have a sufficient area of land above the Designated Flood Level to effectively and adequately mitigate the risks and/or hazards associated with flooding.

3 Dictionary

The dictionary in Schedule 1 defines particular words used in this temporary local planning instrument.

4 Interpretation

Where a term used in this temporary local planning instrument is not defined under section 3 (Dictionary), the term shall, unless the context otherwise indicates or requires, have the meaning assigned to it by—

- (a) The *Planning Act 2016*;
- (b) the City Plan, where the term is not defined in the *Planning Act 2016*.

5 Duration of temporary local planning instrument

This temporary local planning instrument will have effect in accordance with section 23(6) of the *Planning Act 2016* for a period not exceeding two years from the commencement of this temporary local planning instrument.

The commencement date of this temporary local planning instrument is 8th December 2017.

Part 3 – Application of the temporary local planning instrument

6 Area to which temporary local planning instrument applies

This temporary local planning instrument applies to all of the planning scheme area.

7 Relationship with City Plan

If the City Plan is inconsistent with this temporary local planning instrument, this temporary local planning instrument—

- (a) prevails to the extent of the inconsistency; and
- (b) has effect in place of the City Plan, but only to the extent of the inconsistency.

8 Application of Temporary Local Planning Instrument

This temporary local planning instrument applies to development applications being assessed against the assessment benchmarks in Part B of the Flood Overlay Code for assessable development pursuant to the City Plan.

Part 4 – Effect on the City Plan

9 Affected provisions of the City Plan

This temporary local planning instrument affects the operation of the Flood Overlay Code in the City Plan by:

- (a) Inserting the following additional overall outcomes in Section 8.2.8.2(3) of the Flood Overlay Code:
- (l) *avoiding development of Residential Uses on land that is exposed to high and extreme flood hazards;*
 - (m) *avoiding the development of lots that do not have a sufficient area of land above the Designated Flood Level; and*
 - (n) *discouraging the proliferation of Residential Uses constructed on platforms above Flood Affected Land.*
- (b) Replacing the assessable development benchmarks PO9 and AO9 in Part B Table 8.2.8-2 Flood overlay code – for assessable development with the following:

Table 8.2.8-2: Flood overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Hazard considerations for development	
<p>PO9</p> <p>Development for land uses listed in Table 8.2.8-4 must be designed and constructed to avoid causing undue exposure to flood hazard.</p> <p>The application of this performance outcome to Residential Uses is subject to the application of performance outcome PO16, which is to prevail.</p>	<p>AO9</p> <p>Development is to be designed and constructed so that the development does not give rise, or cause exposure, to more than the degree of flood hazard specified in Table 8.2.8-4 determined by applying the criteria and standards set out in Table 8.2.8-5.</p> <p>The application of this acceptable outcome to Residential Uses is subject to the application of performance outcome PO16, which is to prevail.</p>

- (c) Inserting the following additional assessable development benchmarks into Part B Table 8.2.8-2 Flood overlay code – for assessable development:

Table 8.2.8-2: Flood overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Hazard considerations for residential development	
<p>PO16</p> <p>To ensure that development for Residential Uses is located so as to effectively mitigate risks to life and property, such development must not occur on land that is exposed to either or both of the following flood hazards:</p> <ul style="list-style-type: none"> (a) Flood inundation depth exceeding 0.6 metres; and (b) Flood water velocity exceeding 0.8 metres per second. <p>Note: This also applies to development elevated above Designated Flood Level.</p>	<p>AO16</p> <p>No acceptable outcome is provided.</p>

Performance outcomes	Acceptable outcomes
<p data-bbox="164 344 659 376">Minimum area above Designated Flood Level</p> <p data-bbox="164 389 225 416">PO17</p> <p data-bbox="164 423 783 557">Development involving reconfiguring a lot must ensure that any lot created has a sufficient area of land above the Designated Flood Level to effectively accommodate the associated intended use while also adequately mitigating the risks and/or hazards associated with flooding.</p>	<p data-bbox="810 389 895 416">AO17.1</p> <p data-bbox="810 423 1401 557">Where development associated with reconfiguring a lot is for a Residential Use and involves lot sizes of 500m² or greater, 50% of the area of each lot or 400m² of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p data-bbox="810 564 895 591">AO17.2</p> <p data-bbox="810 598 1382 732">Where development associated with reconfiguring a lot, is for a Residential Use and involves lot sizes of less than 500m², 70% of the area of each lot or 300m² of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p data-bbox="810 739 895 766">AO17.3</p> <p data-bbox="810 772 1390 884">Where development associated with reconfiguring a lot, is for a Commercial Use or an Industrial Use, 60% of the area of each lot must be at or above the Designated Flood Level.</p>

Schedule 1 – Dictionary (Section 2)

"Commercial Use" means the same as commercial use defined in the Planning Regulation 2017

"Flood Affected Land" means land any part of which is below the Designated Flood Level.

"Industrial Use" means activities listed in Schedule 1 Table SC1.1.2: Defined Activity Group, Column 1 Activity Group Industrial activities, Column 2 Uses

"Residential Use" means the use of land for a Dwelling House, Dwelling Unit, Multiple Dwelling or Dual Occupancy.



For more information
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CITY OF
GOLD COAST.

ITEM 9
FLOOD FREE LAND TLPI
PD113/1303(P1)

CITY PLANNING

Refer 11 page attachments

1 BASIS FOR CONFIDENTIALITY

- 1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

2 EXECUTIVE SUMMARY

This report seeks Council's endorsement of the proposed Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017). The proposed TLPI No.5 2017 has been prepared further to a Council resolution G17.1017.013 endorsing a new flood policy to ensure residential development is not exposed to:

- a flood inundation depth greater than 0.6 metres; and
- a flood water velocity greater than 0.8 metres per second.

In addition, the proposed TLPI No.5 2017 will also require Reconfiguring a Lot applications for residential, commercial and industrial uses to provide a sufficient area of land at or above the Designated Flood Level (DFL).

The purpose of the proposed TLPI No.5 2017 is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. As such, the TLPI No.5 2017 will amend the operation of the Flood overlay code provided in City Plan by including new overall outcomes and assessment benchmarks to be applied during development assessment. It is envisaged that the TLPI No.5 2017 will have a life span of 2 years from the following proposed commencement date of 8 December 2017.

Section 9(4) of the *Planning Act 2016* allows Council, with the Minister's agreement, to make the TLPI take effect from the day Council resolved to give the TLPI and the request for an earlier effective day to the Minister for approval.

Council is requested to endorse the proposed TLPI No.5 2017 included in **Attachment A** which will allow Council to write to the Minister seeking its approval. Further to the Minister's approval, Council will be required to adopt the draft TLPI No.5 2017.

3 PURPOSE OF REPORT

The purpose of this report is to:

- (a) seek Council's endorsement of Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 provided in **Attachment A** of this report; and

ITEM 9
FLOOD FREE LAND TLPI
PD113/1303(P1)

CITY PLANNING

Refer 11 page attachments

1 BASIS FOR CONFIDENTIALITY

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Section 9(4) of the *Planning Act 2016* allows Council, with the Minister's agreement, to make the TLPI take effect from the day Council resolved to give the TLPI and the request for an earlier effective day to the Minister for approval.

Council is requested to endorse the proposed TLPI No.5 2017 included in **Attachment A** which will allow Council to write to the Minister seeking its approval. Further to the Minister's approval, Council will be required to adopt the draft TLPI No.5 2017.

3 PURPOSE OF REPORT

The purpose of this report is to:

- (a) seek Council's endorsement of Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 provided in **Attachment A** of this report; and

ITEM 9 (Continued)
FLOOD FREE LAND TLPI
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- (b) seek permission for Council to write to the Minister:
- a. seeking approval of the Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017);
 - b. providing the TLPI No.5 2017 and relevant supporting material identified in Schedule 3 of the Minister's Guidelines and Rules; and
 - c. seeking approval for the commencement of the TLPI No.5 2017, to be 8 December 2017.

Once the Minister provides a response, a further report will be presented to Council to seek endorsement to adopt the TLPI No.5 2017.

4 PREVIOUS RESOLUTIONS

On the 11 October 2017, Council resolved to (G17.1017.013):

- ...
2. *To endorse the proposed minimum flood free land policy as identified in Attachment 1 to inform updates to the Flood overlay code as part of Major update 2 package.*
- ...
5. *To prepare a Temporary Local Planning Instrument to implement minimum flood free land and return a TLPI package for endorsement before making a submission to the Minister for Planning.*

On the 22 November 2017, City Planning Committee resolved the Design for Flood package to be progressed to State Interest review. This package includes approval of the necessary changes to the proposed wording of the Flood overlay code to make it consistent with TLPI.

5 DISCUSSION

5.1 Background

Council resolved on 11 October 2017 (G17.1017.013) to prepare a Temporary Local Planning Instrument (TLPI) to implement the flood policy position described as 'Minimum flood free land'.

The 'Minimum flood free land' policy aims to ensure that development in flood affected areas of the city are exposed to no more than a medium flood hazard. A medium flood hazard includes, among other elements, development exposed to:

- a flood inundation depth of up to and less than 0.6 metres; and
- a flood water velocity of no more than 0.8 metres per second.

The City Plan Major update 2 amendment package includes updates to the Flood overlay code to implement the 'Minimum flood free land' policy.

REDACTED

5.2 Proposed TLPI

ITEM 9 (Continued)
FLOOD FREE LAND TLPI
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REDACTED

Attachment A contains the proposed *Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* and supporting Explanatory Statement.

The proposed TLPI will affect the operation of City Plan (version 4) Flood overlay code through:

- a) Inserting additional assessable development criteria PO16 and PO17 to ensure that a Reconfiguring a Lot application provides sufficient land above the designated flood level (DFL) for residential, commercial and industrial uses. In addition, ensuring land is above the DFL reduces flood risks to users of the site by minimising the possibility of a high flood hazard occurring adjacent to the developments building footprint.
- b) Amending PO9/AO9 to remove any inconsistency that may arise in the assessment of residential uses under the proposed PO16; and
- c) Inserting new additional overall outcomes (l), (m) and (n) to the Flood overlay code to ensure:
 - i) Residential development is not of a type or design nor occurs on land that is exposed to high or extreme flood hazards;
 - ii) Avoiding the development of lots on land which does not have a sufficient area of land above the DFL; and
 - iii) Discouraging of the proliferation of multi dwelling development on constructed platforms above flood affected land.

ITEM 9 (Continued)
FLOOD FREE LAND TLPI
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REDACTED

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

Gold Coast 2022 outcome 3.1, "Our City is Safe".

7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

No impact

8 FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

No additional budget or resources will be required.

9 RISK MANAGEMENT

Risk No CO000644.

Natural Hazards Resilience – The City is not adequately resilient to natural hazards shocks resulting in loss of life, cessation of Council business, reputational damage and economic downturn.

ITEM 9 (Continued)
FLOOD FREE LAND TLPI
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10 STATUTORY MATTERS

Section 23 of the *Planning Act 2016* provides the statutory basis for making or amending TLPIs.

This TLPI is required to address the State Planning Policy 2017, and in particular the Natural Hazards, Risk and Resilience interest.

11 COUNCIL POLICIES

Not applicable.

12 DELEGATIONS

Not Applicable.

13 COORDINATION & CONSULTATION

Name and/or Title of the Stakeholder Consulted	Directorate or Organisation	Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)
Supervising Engineer Hydraulics & Water Quality	Planning and Environment	Yes
Coordinator City Plan	Planning and Environment	Yes
A/City Solicitor, Legal Services	Office of the Chief Operating Officer	Yes

14 STAKEHOLDER IMPACTS

External / community stakeholder impacts

- The intention of this TLPI is to improve community safety through the provision of a viable solution for flood-cognisant development.

REDACTED

REDACTED

15 TIMING

Upon Council resolving to adopt the TLPI, the proposed instrument [REDACTED] will be forwarded to the Minister for approval. It is recommended that Council adopt the TLPI, with a commencement date of 8 December 2017.

16 CONCLUSION

Council have endorsed a flood policy position 'Minimum flood free land' and have resolved to prepare a TLPI. The TLPI No.5 2017 will amend the City Plan (version 4) Flood overlay code to ensure the abovementioned policy will be in place until City Plan Major update 2 is approved.

ITEM 9 (Continued)
FLOOD FREE LAND TLPI
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The proposed TLPI No.5 2017 is provided in **Attachment A** and it is recommended that Council endorse the adoption of the TLPI and sending it to the Minister for approval [REDACTED]. It is also recommended that the TLPI No.5 2017 has a commencement date of 8 December 2017.

17 RECOMMENDATION

It is recommended that Council resolves as follows:

- 1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.
- 2 To prepare a Temporary Local Planning Instrument to implement minimum flood free land.
- 3 To endorse the proposed *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017*, in the form of Attachment 1.
- 4 That the commencement date of *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017* be 8 December 2017.
- 5 That Council writes to the Minister to request approval of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and consideration of a 8 December 2017 commencement date.
- 6 That Council provide the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and relevant supporting material in the form of Attachment B in accordance with Schedule 3 of the Minister's Guidelines and Rules.
- 7 Further to the Minister's response, a report will be brought back to Council seeking adoption of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017*.

Author:
Pradesh Ramiah
Supervising Planner
29 November 2017

Authorised by:
Dyan Currie
Director Planning and Environment

Pages 147 through 178 redacted for the following reasons:

Sch. 3(8)(1) - Breach of confidence

RTI RELEASE - DSDMIP

ITEM 8 **CITY PLANNING**
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
PD113/1303(P1)

ATTACHMENT 1 – EXAMPLE OF APPLICATION EMPLOYING THE BUILDING ON PLATFORM OUTCOME

1 BASIS FOR CONFIDENTIALITY

- 1.1 It is recommended that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 It is recommended that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

2 EXECUTIVE SUMMARY

The city's floodplains are critical in providing for significant flood storage, environmental values and open space requirements. Previously the Guragunbah (Merrimac/Carrara) Flood Plain Structure Plan and Hydraulic Master Plans were developed to provide an integrated approach for the planning and future management of the remaining undeveloped areas of the Merrimac/Carrara floodplain.

The overarching outcome of these two plans, which were implemented in the City's superseded Planning Schemes, was to allow for clusters of development to occur in floodplains through balanced cut and fill, without compromising the function of the floodplain and the safety of residents.

However, the current Flood overlay code under City Plan does not regulate a minimum requirement of flood free land. This has led to the creation of highly engineered development solutions, such as building on platforms, [REDACTED]

To address this policy issue, it is recommended that the minimum requirement for flood free land policy is introduced in the Flood overlay code as part of Major update 2 and through a Temporary Local Planning Instrument. This policy is proposed to be triggered by the lodgment of both Material Change of Use (MCU) and Reconfiguring a Lot (ROL) development applications.

The introduction of the proposed policy will ensure that:

- i. a portion of the land for all development remains at or above the relevant design flood planning level; and
- ii. the potential risks associated with extensive platform development within [REDACTED]

This matter was identified as part of the 'Designing for Flood' item endorsed as part of the scope for the Major 2 update.

ITEM 8 (Continued)
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
PD113/1303(P1)

3 PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to introduce the "minimum flood free land" policy into the City Plan's Flood overlay code and to prepare a (Temporary Local Planning Instrument) TLPI.

4 PREVIOUS RESOLUTIONS

On 28 March 2017, Council resolved that the introductory paper, "update on natural hazard project" be noted. This report provided Council with an outline of the proposed updates to Council's flood free access policy set out in the Flood overlay code in City Plan (G17.0328.025).

On 30 May 2017, Council resolved to include 'Designing for Flood' updates within the scope for City Plan Major update 2 (G17.0530.018). This item included the investigation of flood free access, minimum requirement of flood free land and other administrative amendments to improve the workability of the code.

5 DISCUSSION

5.1 Background

The city's floodplains are critical to the flood resilience of the city and have been subject to extensive research, most notably the development of the Guragunbah (Merrimac/Carrara) Structure Plan and Hydraulic Master Plan in 1998. The Merrimac Carrara Floodplain Structure Plan produced planning measures for incorporation into the City of Gold Coast's planning instruments. The extent of the Merrimac/Carrara floodplain is illustrated in Figure 1.



Figure 1: Extent of the Merrimac/Carrara floodplain.

ITEM 8 (Continued)
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
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The outcome of these two strategic studies was to allow clusters of development to occur within the Merrimac/Carrara floodplain. This was to be achieved through the use of a balanced cut-and-fill approach to elevate land within the floodplain without adversely impacting on the functionality of the floodplain and the safety of residents.

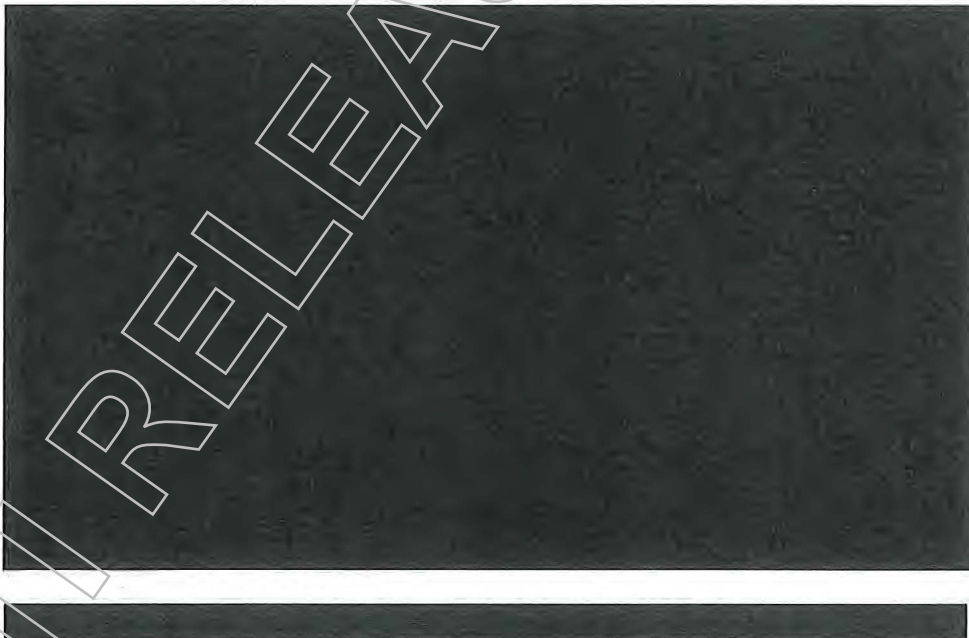
Consequently, the criteria for assessing development in these locations require consideration of cumulative impacts and the use of a balanced cut-and-fill approach. This approach meant that during a major flood event, the elevated portions of land within the floodplain would become islands of development within the floodplain, connected to each other and essential services.

There is a lack of clarity regarding minimum requirements for flood free land in City Plan, and more specifically in the Flood overlay code, which has led to highly engineered development solutions in the floodplain, such as building on platforms [REDACTED]

Such solutions facilitate the expansion of the development footprint across the city's floodplains [REDACTED]

5.2 Key differences in floodplain development approaches

The use of minimum flood free land and building on platform has been employed [REDACTED]
[REDACTED] Each of these approaches is discussed in detail below.



5.2.1 Type 1 - Minimum flood free land approach

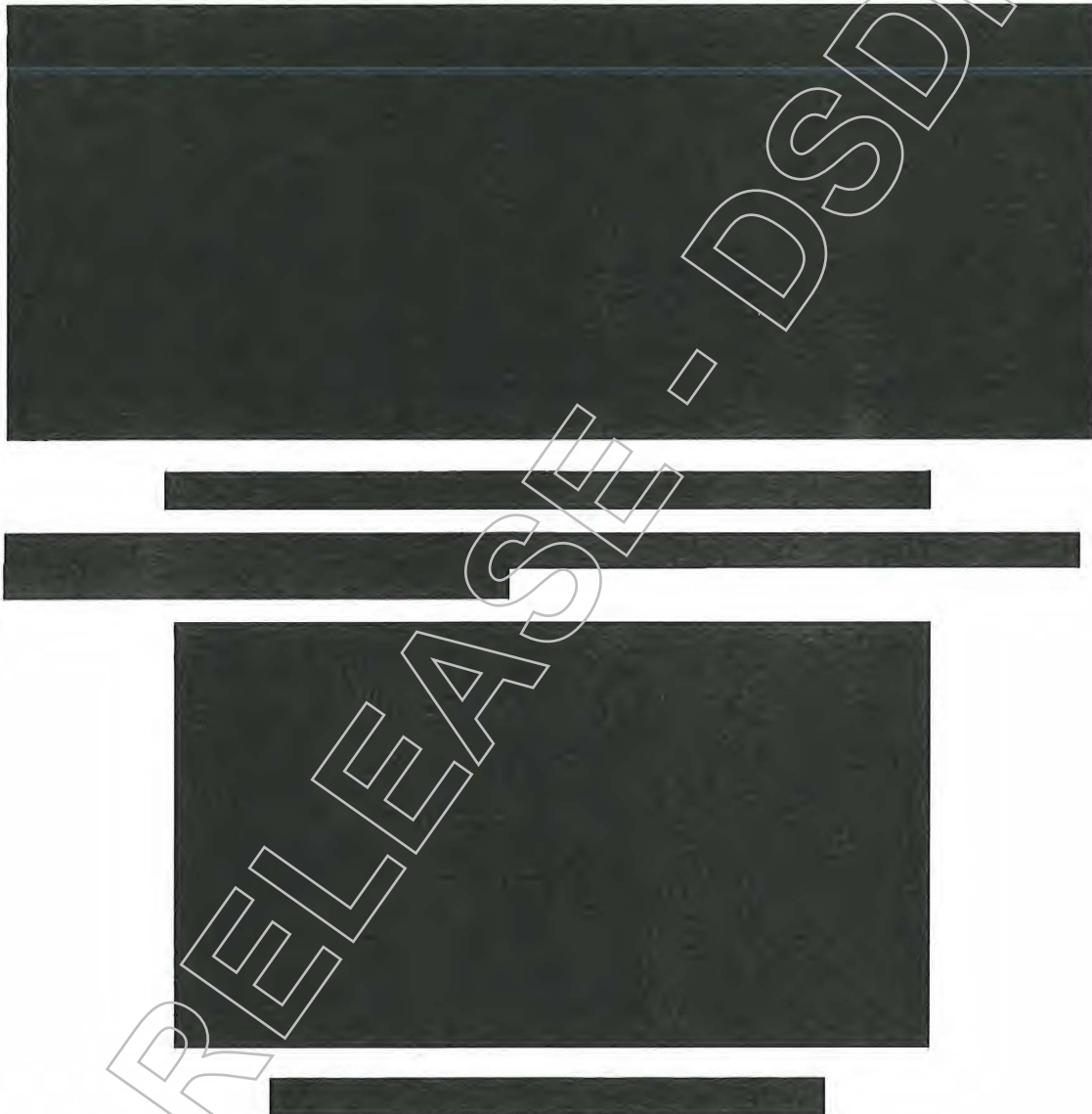
The area shown as Type 1 in Figure 2 is the manifestation of the Guragunbah Hydraulic Master Plan, and as such, development has been designed as a cluster of islands, connected to each other and surrounded by an extensive waterbody, created through a



ITEM 8 (Continued)
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
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balance cut-and-fill approach, to protect the functionality of the floodplain and safety of residents.

An aerial view of the development within the identified Type 1 area is presented in Figure 3. It shows that buildings are on flood free land during defined flood events.



5.2.2 Type 2 - Building on Platform approach

The area shown as Type 2 in Figure 2 represents the building on platform solution which avoids the balance cut-and-fill approach to earthworks. [REDACTED]

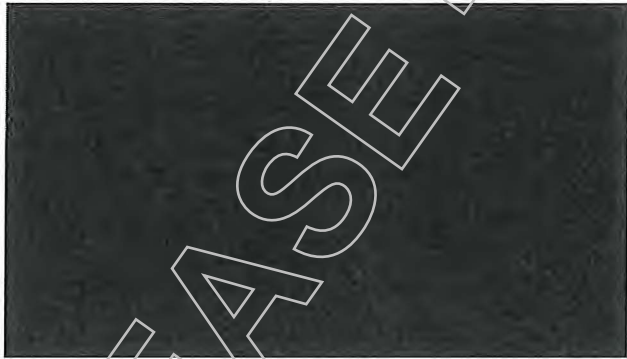


ITEM 8 (Continued)
MAJOR UPDATE 2 -- DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
PD113/1303(P1)



To avoid the need to balance cut-and-fill, typically these developments create void spaces between the natural ground level and habitable floor levels, which serves as the required floodplain storage.

During major storm events, these void spaces become inundated as the floodplain performs its storage function. The use of the allowable floodplain storage within the void spaces was observed during ex-tropical cyclone Debbie in March 2017.



It is further noted that the development [redacted] has buildings that are only partially on platform. However, Council is now in receipt of a number of applications that indicate a much greater extent of platform development as illustrated in Figure 7 with the location of the proposed development shown in Figure 8 below.



ITEM 8 (Continued)
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
PD113/1303(P1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.4 Minimum flood free land policy drivers

The drivers for this policy include:

- 1) supporting sustainable development within city's floodplains to accommodate projected population growth;



ITEM 8 (Continued)
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
PD113/1303(P1)

- 2) ensuring the flood absorption capacity of floodplains are maintained; and
- 3) managing community expectation relating to development in a floodplain.

In addition and in response to the building on platform approach, the following issues are summarised in Table 1.

Table 1 – Building on platform discussion

Issues	Discussion
Increase in development footprint in flood affected areas	The expansion of the development footprint across the city's floodplains impacts on the absorption capacity of the floodplain; waterways and environment; and the adaptive capacity of floodplains responding to future changes.
Asset renewal	Similar to other assets, platforms have a design life and will need to be renewed over a 50 or 70 year cycle, resulting in substantial costs to the community.
Safety	Building on platform provides habitable floors that are normally only a few meters above ground level with potential of full inundation of land under the building even during minor floods [REDACTED]
Compliance ramifications	The use of building on platform requires that the area under the building will be maintained to function as floodplain storage and/or overland flow path (i.e. cannot be built in). Once built, this critical aspect will be difficult to verify to ensure the development is complying with the conditions of approval.
Potential environmental health impacts	Increased ponding of water and potential environmental health impacts. Based on the Guraganbah master plan vision, ponding of water would occur on the floodplain at a safe distance from buildings and not directly under the residential buildings.
[REDACTED]	[REDACTED]

A key driver for the recent emergence of the building on platform approach is associated with land valuation. As a result, it is becoming more economically feasible to engineer solutions on highly flood affected land.

It is important to note however, that these locations are also zoned limited development. This allows for concentrated development potential, where density outcomes and yield can be attained without extensive expansion into the flood plain (building on platform).

5.5 Proposed policy framework for “minimum flood free land”

Complying with the key intents of the State interest (with respect to natural hazards), it is considered that a policy position on the provision of minimum flood free land for development provides an appropriate solution that addresses the drivers and challenges identified in Section 5.4 of this report, reducing these risks to an acceptable and tolerable level.

In addition, the proposed reinstatement of the policy does not restrict land use intensification, but minimises an increase in the extent of development footprint across the floodplain, beyond the natural yield of land required for flood protection – the primary purpose. The natural yield of a parcel of land is defined as the maximum flood free building footprint, which can be created through balance cut and fill within the boundaries of the property.

ITEM 8 (Continued)
MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY
PD113/1303(P1)

In response to stakeholder consultation, an assessment of current best practice and the superseded flood policy framework was undertaken. It is recommended that the Flood overlay code is updated as follows:

[Redacted]	
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

5.6 Proposed pathway for implementation

The *Planning Act 2016* provides Council with two pathways for the City to implement the requirement for a “minimum of flood free land”. This includes a long term and interim approach.

5.6.1 Amending City Plan

The long term approach is to amend the Flood overlay code, which Council has already resolved to do for City Plan Major update 2. It is anticipated this body of work will be presented to Council for endorsement for the first round of State Interest.

5.6.2 Temporary Local Planning Instrument

[Redacted] an interim TLPI approach is recommended.

Under *Planning Act 2016* where there are significant risks of serious adverse cultural, economic, environmental or social conditions happening in the local government area (s23, *Planning Act 2016*), Council and the Minister of Planning may decide to prepare a Temporary Local Planning Instrument (TLPI).