

## Virginia Bruce

---

**From:** Jane Hodgkinson <Jane.Hodgkinson@dilgp.qld.gov.au>  
**Sent:** Saturday, 16 December 2017 10:05 AM  
**To:** Anika Hume; Catherine Palmer  
**Cc:** Media DILGP; Bronwyn Blagoev; Media; Bryony Hillless; Andrew Evans; Kerry Doss  
**Subject:** FW: GCCC new proposed TLPI re flood risk

Hi - and one more as an FYI that also went to Barnaby.

Cheers  
jane

Jane Hodgkinson  
Director, Media

Department of Infrastructure, Local Government and Planning Level 39, 1 William Street, Brisbane QLD 4000, p. [REDACTED]

[REDACTED] | m. [REDACTED] | e. jane.hodgkinson@dilgp.qld.gov.au

Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

From: Kerry Doss  
Sent: Friday, 15 December 2017 5:53 PM  
To: barnaby.kerdel@ministerial.qld.gov.au  
Cc: Jane Hodgkinson <Jane.Hodgkinson@dilgp.qld.gov.au>; Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>  
Subject: GCCC new proposed TLPI

Hi Barnaby,

one more thing before I head off. I met with [REDACTED] from the Urban Land Development Institute this afternoon.

[REDACTED] raised the fact that her Gold Coast UDIA members were concerned about a proposed Temporary Local Planning instrument to deal with flooding areas on the Gold Coast. I rang GCCC and they will be sending the request for the TLPI through to the Minister on Monday. It apparently went through Council this week. We were not given a heads up by GCCC.

The attached link has the basis for the TLPI.

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We will examine this on Monday to test if it meets the test under the Planning Act. Because of the risk created by flooding it is probable that it will meet the test. From my quick reading of the TLPI it appears to be addressing matters that were raised in the Commission of Enquiry to the 2011 floods.

I doubt it will come up over the weekend but industry may come out in the media. This info is just in case.

I can be contacted to discuss should this come up.

Regards

Kerry Doss

Deputy Director-General  
Planning Group

Department of Infrastructure, Local Government and Planning Level 13, 1 William Street, Brisbane QLD 4000 p. [REDACTED]

[REDACTED] | m. [REDACTED] | e. Kerry.Doss@dilgp.qld.gov.au Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

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RTI RELEASE



## Virginia Bruce

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**From:** Andrew Evans <Andrew.Evans@dsd.qld.gov.au>  
**Sent:** Thursday, 21 December 2017 4:20 PM  
**To:** Anika Hume; Catherine Palmer  
**Cc:** Bryony Hillless; Media  
**Subject:** media update from DSDMIP  
**Attachments:** image001.png; image003.jpg; image004.png

Howdy,

Where things are at

- \* Lindeman Island has now gone to Mercury, contacted deputy editor to ensure it gets a run
- \* Six Mile Creek Dam has now gone to Sunshine Coast Daily, spoke to Bill Hoffman to push it along
- \* Herston Quarter scheduled to go out tomorrow morning widely, probably around 9am
- \* Aiming to get Bundy and Bromelton done today
- \* Cairns Port to go tomorrow morning so we can maximise coverage in weekend edition
- \* METS info - coming from us to you today
- \* AQIAF - three announcements (Redback, Hanson, EGR), if you still want these in the first week back would be good to let companies know tomorrow. They may all be on leave / shutdown. Probably best to wait to the week beginning Jan 8.
- \* Cook Medical - want the min to visit week of 8 Jan ( 8 Mile Plains)?
- \* BrewDog - CFO visiting from England to decide on its Development Application - does Min want to meet? 8 or 9 January - 1WS
- \* I have to talk to you tomorrow about Racecourse Road and community consultation - Townsville
- \* TLPI - Gold Coast HIB coming to you tomorrow
- \* Grocon

So, all in all, not much going on.

Cheers  
Andrew

Andrew Evans  
Media Manager  
Engagement, Communication and Media  
Department of State Development,  
Manufacturing, Infrastructure and Planning

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P 07 3452 7814 M

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

Level 17, 1 William Street, Brisbane QLD 4000 PO Box 15009, City East QLD 4002 [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)  
<[https://linkprotect.cudasvc.com/url?a=http://www.statedevelopment.qld.gov.au/social-media/about-us/news-media-events/social-media.html%3futm\\_source%3demailsignature%26utm\\_medium%3demail%26utm\\_campaign%3dDSD%2520email%2520promo%2520signature&c=E,1,UaAyMSmUQQUxgxw6jnHCWOpJ\\_C7NS6GX6qbpCFhwQixl\\_0A-64i0ykZsEmYyJ2PrLRq\\_L8JeO83FUG1c61OTBjjXVNCdo6t4Pp4ezvD6&typo=1](https://linkprotect.cudasvc.com/url?a=http://www.statedevelopment.qld.gov.au/social-media/about-us/news-media-events/social-media.html%3futm_source%3demailsignature%26utm_medium%3demail%26utm_campaign%3dDSD%2520email%2520promo%2520signature&c=E,1,UaAyMSmUQQUxgxw6jnHCWOpJ_C7NS6GX6qbpCFhwQixl_0A-64i0ykZsEmYyJ2PrLRq_L8JeO83FUG1c61OTBjjXVNCdo6t4Pp4ezvD6&typo=1)>

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RTI RELEASE



## Virginia Bruce

---

**From:** Andrew Evans <Andrew.Evans@dsd.qld.gov.au>  
**Sent:** Friday, 22 December 2017 10:10 AM  
**To:** Anika Hume; Carmel Carrick  
**Cc:** Catherine Palmer; Media; Tennille Layn  
**Subject:** FW: HPE Content Manager Document : D17/307441 : HIB - Gold Coast City Council TLPI No. 5  
**Attachments:** HIB - Gold Coast City Council TLPI No. 5.DOCX; HIB - Gold Coast City Council TLPI No. 5.tr5

Hi Anika / Cath,

Can one of you give me a call about this one when you get a chance.

Thanks  
Andrew

From: Lachlan Clark  
Sent: Thursday, 21 December 2017 4:43 PM  
To: Carmel Carrick <Carmel.Carrick@dsd.qld.gov.au>  
Cc: Andrew Evans <Andrew.Evans@dsd.qld.gov.au>; Media <Media@dsd.qld.gov.au>; Media DILGP <MediaDILGP@dilgp.qld.gov.au>  
Subject: FW: HPE Content Manager Document : D17/307441 : HIB - Gold Coast City Council TLPI No. 5

Hi Carmel,

Endorsed DDG versions attached, note as discussed - \* As at 21 December 2017, the proposed TLPI No.5 is yet to be formally received by the department.

Cheers,

Lachlan Clark  
Senior Media Officer  
07 3452 6742

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

Pages 6 through 10 redacted for the following reasons:

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Sch. 3(6)(c)(i) - Infringe the privileges of Parliament

RTI RELEASE

## Virginia Bruce

---

**From:** Media <Media@dsd.qld.gov.au>  
**Sent:** Friday, 22 December 2017 10:46 AM  
**To:** Anika Hume; Carmel Carrick  
**Cc:** Catherine Palmer; Media; Tennille Layn  
**Subject:** RE: HPE Content Manager Document : D17/307441 : HIB - Gold Coast City Council TLPI No. 5  
**Attachments:** FW: GCCC new proposed TLPI

No need to call. Just read the attached.

From: Andrew Evans  
Sent: Friday, 22 December 2017 10:10 AM  
To: Anika Hume <Anika.Hume@ministerial.qld.gov.au>; Carmel Carrick <Carmel.Carrick@dsd.qld.gov.au>  
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**Sent:** Friday, 22 December 2017 10:42 AM  
**To:** Andrew Evans  
**Cc:** Media; Media DILGP  
**Subject:** FW: GCCC new proposed TLPI

Hi Andrew,

As discussed please see below.

Cheers,

Lachlan Clark

From: Kerry Doss  
Sent: Friday, 15 December 2017 5:53 PM  
To: barnaby.kerdel@ministerial.qld.gov.au  
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Deputy Director-General  
Planning Group

Department of Infrastructure, Local Government and Planning Level 13, 1 William Street, Brisbane QLD 4000 p. 07 3452 7909 | m. [redacted] | e. Kerry.Doss@dilgp.qld.gov.au Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

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Kerry Doss

Deputy Director-General  
Planning Group

Department of Infrastructure, Local Government and Planning Level 13, 1 William Street, Brisbane QLD 4000 p. 07 3452 7909 | m. Sch. 4(4)(b) - Disclosing personal information e. Kerry.Doss@dilgp.qld.gov.au Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

## Virginia Bruce

---

**From:** Catherine Palmer <Catherine.Palmer@ministerial.qld.gov.au>  
**Sent:** Friday, 22 December 2017 10:54 AM  
**To:** Barnaby Kerdel  
**Subject:** FW: GCCC new proposed TLPI  
**Attachments:** image001.png; image002.png

FYI

Catherine Palmer  
Media Advisor  
Office of the Hon. Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning

[REDACTED] Sch. 4(4)(6) - Disclosing personal information  
1 William Street Brisbane QLD 4000  
PO Box 48 Brisbane QLD 4001

From: Lachlan Clark [mailto:Lachlan.Clark@dilgp.qld.gov.au]  
Sent: Friday, 22 December 2017 10:42 AM  
To: Andrew Evans <Andrew.Evans@dsd.qld.gov.au>  
Cc: Media <Media@dsd.qld.gov.au>; Media DILGP <MediaDILGP@dilgp.qld.gov.au>  
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Deputy Director-General

Planning Group

Department of Infrastructure, Local Government and Planning Level 13, 1 William Street, Brisbane QLD 4000 p. 07 3452 7909 | m. [Redacted] e. Kerry.Doss@dilgp.qld.gov.au Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

RTI RELEASE

## Virginia Bruce

---

**From:** Catherine Palmer <Catherine.Palmer@ministerial.qld.gov.au>  
**Sent:** Tuesday, 6 February 2018 12:34 PM  
**To:** Barnaby Kerdel  
**Subject:** pinks  
**Attachments:** image001.png; image002.png

Hi Barnaby

Here's the preliminary list for the pinks. Let me know what you need me to do next.

Sch. 3(6)(c)(i) - Infringe the privileges of Parliament

Catherine Palmer  
Media Advisor  
Office of the Hon. Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning

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

1 William Street Brisbane QLD 4000  
PO Box 48 Brisbane QLD 4001

## Virginia Bruce

---

**From:** Robert Gardiner <Robert.Gardiner@ministerial.qld.gov.au>  
**Sent:** Monday, 8 January 2018 12:50 PM  
**To:** State Development  
**Subject:** FW: Gold Coast TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Attachments:** COMMITTEE REPORT DEC\_MINIMUM\_FLOOD\_FREE\_LAND\_TLPI\_AGENDA\_REPORT.pdf; LETTER from CEO.pdf; TEMPORARY\_LOCAL\_PLANNING\_INSTRUMENT\_EXPLANATORY\_STATEMENT\_NO\_5\_(MINIMUM\_LAND\_ABOVE\_DESIGNATED\_FLOOD\_LEVEL\_AND\_RESIDENTIAL\_RISK\_REDUCTION)\_2017.pdf; TEMPORARY\_LOCAL\_PLANNING\_INSTRUMENT\_NO\_5\_(MINIMUM\_LAND\_ABOVE\_DESIGNATED\_FLOOD\_LEVEL\_AND\_RESIDENTIAL\_RISK\_REDUCTION)\_2017.pdf

**Importance:** High

**From:** Executive Correspondence DILGP [mailto:executivecorrespondence@dilgp.qld.gov.au]  
**Sent:** Friday, 5 January 2018 4:28 PM  
**To:** Yvonne Braganza <Yvonne.Braganza@dilgp.qld.gov.au>  
**Cc:** state.development@ministerial.qld.gov.au; DSD DLO <DLO@dsd.qld.gov.au>; Robert Gardiner <Robert.Gardiner@ministerial.qld.gov.au>  
**Subject:** MGR: Gold Coast TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Importance:** High

Hi Yvonne

Please register the attached Minister Dick Correspondence.

Please assign to Planning Group.  
MBN and response template required.  
Due date to DG is 10 BD with day one being today.

FYI Linda – I have actioned.

Davina

**From:** Planning Group Correspondence  
**Sent:** Friday, 5 January 2018 11:49 AM  
**To:** Executive Correspondence DILGP <[executivecorrespondence@dilgp.qld.gov.au](mailto:executivecorrespondence@dilgp.qld.gov.au)>  
**Subject:** Gold Coast TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Importance:** High

Hi ESU

Would you be able to pop this on the Source and assigned to Planning Group please? The timeframe on this one is 20 business days from lodgement. Min's Office get 5 business days and DG gets 2 business days to consider so I think this one will be due to ESU on 22 January 2018. A brief and letter template will be required.

Thanks

Meaghan





Correspondence Coordinator  
Office of the Deputy Director-General  
Planning Group  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
E [meaghan.dwyer@dilgp.qld.gov.au](mailto:meaghan.dwyer@dilgp.qld.gov.au)  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Thomas Holmes  
**Sent:** Friday, 5 January 2018 11:09 AM  
**To:** Meaghan Dwyer <[Meaghan.Dwyer@dilgp.qld.gov.au](mailto:Meaghan.Dwyer@dilgp.qld.gov.au)>; Planning Group Correspondence <[PlanningGroupCorrespondence@dsdip.qld.gov.au](mailto:PlanningGroupCorrespondence@dsdip.qld.gov.au)>  
**Cc:** Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)>; Adam Norris <[Adam.Norris@dilgp.qld.gov.au](mailto:Adam.Norris@dilgp.qld.gov.au)>; Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>  
**Subject:** FW: TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Importance:** High

Hi Meaghan,

FYI - As discussed, this was the email noting a formal lodgement was received from the council yesterday regarding TLPI No. 5.

I understand this is also with the minister's office.

Regards,



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](http://www.dsdmip.qld.gov.au)

**From:** PARKER Kellie [<mailto:KPARKER@goldcoast.qld.gov.au>]  
**Sent:** Thursday, 4 January 2018 4:20 PM  
**To:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>  
**Cc:** ADAIR Kelli <[KADAIR@goldcoast.qld.gov.au](mailto:KADAIR@goldcoast.qld.gov.au)>; COUSINS Martine <[MCOUSINS@goldcoast.qld.gov.au](mailto:MCOUSINS@goldcoast.qld.gov.au)>; MIRFENDERESK Hamid <[HMIRFENDERESK@goldcoast.qld.gov.au](mailto:HMIRFENDERESK@goldcoast.qld.gov.au)>; TZANNES Amanda <[ATZANNES@goldcoast.qld.gov.au](mailto:ATZANNES@goldcoast.qld.gov.au)>; Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>  
**Subject:** TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Importance:** High

Hi Thomas

I have been able to track down the TLPI letter (scanned copy which has a white mark over part of the CEO's signature, so I have also attached in the same document our internal pink copy of the letter out). I believe this would have been mailed out on the 22<sup>nd</sup> December (which is the date the CEO's signed letter appears to have been scanned into our system).

I have also attached:



- The TLPI;
- The explanatory statement; and
- The City Planning Committee report of 5 December 2017 (this report is in part confidential, a redacted version will be made available on Council's website).

I have also provided below the official resolution numbers for the Committee and Council meetings:

748th Council Meeting 8 December 2017  
City Planning Committee Meeting 5 December 2017

REPORT  
37

**ITEM 9** **CITY PLANNING**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)** **REPORT CONFIDENTIAL**

**COMMITTEE RECOMMENDATION** CP17.1205.009  
moved Cr PJ Young seconded Cr O'Neill

- 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 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*.

**CARRIED**

Which was then endorsed at the Council meeting of 8 December 2017.

**ADOPTION OF THE CITY PLANNING COMMITTEE REPORT**

**RESOLUTION** G17.1208.016 moved Cr Caldwell seconded Cr Gates

That the Report of the City Planning Committee's Recommendations of Tuesday, 5 December 2017, numbered CP17.1205.001 to CP17.1205.009, be adopted with the exception of Recommendation Numbers CP17.1205.003 and CP17.1205.005 which were specifically resolved.

**CARRIED UNANIMOUSLY**

Please let me know if you require any further information.

Kind regards

**Kellie Parker**  
A/Supervising Planner  
City and Regional Planning  
City Planning  
City of Gold Coast

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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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legislation and could result in disqualification from office and a  
penalty of up to 100 units.

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Date: 20 December 2017  
Contact: Amanda Tzannes  
Location: Waterside East  
Telephone: [REDACTED]  
Your reference: [REDACTED]  
Our reference: PD113/1303(P1)

CITY OF  
**GOLD COAST.**

The Honourable Cameron Dick MP  
Minister for State Development, Infrastructure and Planning  
and Minister of Manufacturing  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

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

This letter seeks your consideration, under the Minister's Guidelines and Rules, of a proposed Temporary Local Planning Instrument addressing the development of land in the City Plan flood overlay area.

The purpose of proposed *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (TLPI) is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. The proposed TLPI will affect the operation of the City Plan Flood overlay code to ensure:

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

Council also resolved to seek your approval of an earlier effective date of 8 December 2017, under s9(4) of the *Planning Act 2016*. This will minimise instances of development applications that compromise the intended outcomes of the TLPI and ensure timely implementation.

The TLPI provisions are consistent with the proposed updates to the City Plan flood overlay code contained in City Plan Major Update 2, which is currently undergoing State interest review.

Attachments to this correspondence include:

- 1. the proposed TLPI;
- 2. a written statement explaining why the City of Gold Coast proposes to make the TLPI and how it complies with section 23(1) of the *Planning Act 2016*; and
- 3. electronic versions of all relevant documentation.

To support flood resilience, the City of Gold Coast is seeking your approval for the proposed TLPI and the earlier effective commencement date of 8 December 2017.

If you wish to discuss any aspect of this correspondence, please contact Amanda Tzannes, Manager City Planning on telephone [REDACTED] or by email [amanda.tzannes@goldcoast.qld.gov.au](mailto:amanda.tzannes@goldcoast.qld.gov.au).

[REDACTED]  
C. Dickson  
Chief Executive Officer  
Council of the City of Gold Coast

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P 1300 GOLD COAST (1300 465 326)

Surfers Administration Centre

Herang Administration Centre

Date: 20 December 2017  
Contact: Amanda Tzannes  
Location: Waterside East  
Telephone: [REDACTED]  
Your reference:  
Our reference: PD113/1303(P1)

The Honourable Cameron Dick MP  
Minister for State Development, Infrastructure and Planning  
and Minister for Manufacturing  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

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

This letter seeks your consideration, under the Minister's Guidelines and Rules, of a proposed Temporary Local Planning Instrument addressing the development of land in the City Plan flood overlay area.

The purpose of proposed *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (TLPI) is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. The proposed TLPI will affect the operation of the City Plan Flood overlay code to ensure:

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

Council also resolved to seek your approval of an earlier effective date of 8 December 2017, under s9(4) of the *Planning Act 2016*. This will minimise instances of development applications that compromise the intended outcomes of the TLPI and ensure timely implementation.

The TLPI provisions are consistent with the proposed updates to the City Plan flood overlay code contained in City Plan Major Update 2, which is currently undergoing State interest review.

Attachments to this correspondence include:

1. the proposed TLPI;
2. a written statement explaining why the City of Gold Coast proposes to make the TLPI and how it complies with section 23(1) of the *Planning Act 2016*; and
3. electronic versions of all relevant documentation.

To support flood resilience, the City of Gold Coast is seeking your approval for the proposed TLPI and the earlier effective commencement date of 8 December 2017.

If you wish to discuss any aspect of this correspondence, please contact Amanda Tzannes, Manager City Planning on telephone [REDACTED] or by email [atzannes@goldcoast.qld.gov.au](mailto:atzannes@goldcoast.qld.gov.au).

Yours faithfully

[REDACTED]  
Dale Dickson  
**Chief Executive Officer**  
Council of the City of Gold Coast

Temporary Local  
Planning Instrument  
Explanatory  
Statement

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

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CITY OF  
**GOLD**COAST.

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# 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.

RTI RELEASED



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**For more information**

**P** 1300 GOLDCOAST (1300 465 326)

**W** [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)

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CITY OF  
**GOLD**COAST.

# Temporary Local Planning Instrument

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

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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
<b>Hazard considerations for development</b>	
<p><b>PO9</b></p> <p>Development for land uses listed in <b>Table 8.2.8-4</b> 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><b>AO9</b></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 <b>Table 8.2.8-4</b> determined by applying the criteria and standards set out in <b>Table 8.2.8-5</b>.</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
<b>Hazard considerations for residential development</b>	
<p><b>PO16</b></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"> <li>(a) Flood inundation depth exceeding 0.6 metres; and</li> <li>(b) Flood water velocity exceeding 0.8 metres per second.</li> </ul> <p><b>Note: This also applies to development elevated above Designated Flood Level.</b></p>	<p><b>AO16</b></p> <p>No acceptable outcome is provided.</p>

Performance outcomes	Acceptable outcomes
<b>Minimum area above Designated Flood Level</b>	
<p><b>PO17</b></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><b>AO17.1</b></p> <p>Where development associated with reconfiguring a lot is for a Residential Use and involves lot sizes of 500m<sup>2</sup> or greater, 50% of the area of each lot or 400m<sup>2</sup> of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p><b>AO17.2</b></p> <p>Where development associated with reconfiguring a lot, is for a Residential Use and involves lot sizes of less than 500m<sup>2</sup>, 70% of the area of each lot or 300m<sup>2</sup> of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p><b>AO17.3</b></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.



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**For more information**

**P** 1300 GOLDCOAST (1300 4E5 326)

**W** [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)

---

CITY OF  
**GOLDCOAST.**

## Virginia Bruce

---

**From:** DSD DLO <DLO@dsd.qld.gov.au>  
**Sent:** Thursday, 4 January 2018 9:16 AM  
**To:** State Development  
**Subject:** FW: Submission made to Hon Cameron Dick - City of Gold Coast TLPI No 5  
**Attachments:** Letter to Minister - TLPI No 5.pdf

For processing please



Queensland  
Government

Regards

**Linda Lloyd**

Departmental Liaison Officer  
Cabinet Services

Department of State Development, Manufacturing,  
Infrastructure and Planning

P [REDACTED] M [REDACTED] Sch. 4(4)(6) - Disclosing  
personal information  
E [dlo@dsd.qld.gov.au](mailto:dlo@dsd.qld.gov.au)

Level 36, 1 William Street, Brisbane QLD 4000

PO Box 15009, City East QLD 4002

[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Executive Correspondence DILGP  
**Sent:** Tuesday, 2 January 2018 3:11 PM  
**To:** DSD DLO <DLO@dsd.qld.gov.au>; Robert Gardiner <Robert.Gardiner@dilgp.qld.gov.au>; Robert Gardiner <Robert.gardiner@ministerial.qld.gov.au>  
**Cc:** David Attrill <David.Attrill@dsd.qld.gov.au>  
**Subject:** FW: Submission made to Hon Cameron Dick - City of Gold Coast TLPI No 5

For action/correspondence sheeting please.

Davina

**From:** Planning Group Correspondence  
**Sent:** Tuesday, 2 January 2018 2:49 PM  
**To:** Executive Correspondence DILGP <[executivecorrespondence@dilgp.qld.gov.au](mailto:executivecorrespondence@dilgp.qld.gov.au)>  
**Subject:** FW: Submission made to Hon Cameron Dick - City of Gold Coast TLPI No 5

Good Afternoon,

Can you please log the attached as ministerial incoming corro?

We are anticipating a large volume of letters about this issue so the regional office is proposing to create a standard response to use in most cases.

Thanks,  
Sophie



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](http://www.dsdmip.qld.gov.au)

**From:** Adam Norris  
**Sent:** Friday, 22 December 2017 3:09 PM  
**To:** Planning Group Correspondence <[PlanningGroupCorrespondence@dscip.qld.gov.au](mailto:PlanningGroupCorrespondence@dscip.qld.gov.au)>  
**Subject:** FW: Submission made to Hon Cameron Dick - City of Gold Coast TLPI No 5

Please see attached a letter addressed to the minister regarding the Gold Coast City Council Temporary Local Planning Instrument 5.

**From:** [REDACTED] <[\[REDACTED\]@zoneplanning.com.au](mailto:[REDACTED]@zoneplanning.com.au)>  
**Sent:** Friday, 22 December 2017 2:29 PM  
**To:** Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>; atzannes@goldcoast.qld.gov.au  
**Cc:** [REDACTED] <[\[REDACTED\]@zoneplanning.com.au](mailto:[REDACTED]@zoneplanning.com.au)>; [REDACTED] <[\[REDACTED\]@jewelgroup.com.au](mailto:[REDACTED]@jewelgroup.com.au)>; [REDACTED] <[\[REDACTED\]@myallgroup.com.au](mailto:[REDACTED]@myallgroup.com.au)>; mail@goldcoast.qld.gov.au; GC SARA <[GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au)>  
**Subject:** Submission made to Hon Cameron Dick - City of Gold Coast TLPI No 5

Hi Kim and Amanda

Please find attached correspondence submitted to Hon Cameron Dick in regard to City of Gold Coast's TLPI No 5 for your information.

Please do not hesitate to contact me should you have any questions or would like to discuss further.

Kindly

[REDACTED]



[REDACTED]

**Gold Coast** 1638 Tweed Street, Burleigh Heads QLD 4220 | PO Box 3805, Burleigh Town QLD 4220 | Ph 07 5562 2303.  
**Gladstone** 2/172 Goondoon St | PO Box 5332 | Gladstone, QLD 4680 | Ph 07 4972 3831.

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RTI RELEASE



22 December 2017

GOLD COAST | GLADSTONE

The Hon Cameron Dick MP  
Minister for State Development, Manufacturing,  
Infrastructure and Planning  
Unit 1, 80 Wembley Road  
Woodridge Qld 4114

p 07 5562 2303  
info@zoneplanning.com.au  
[zoneplanning.com.au](http://zoneplanning.com.au)  
ABN 36 607 362 238

Dear Sir

**CITY OF GOLD COAST TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) NO. 5 MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION) 2017**

We write to you as an industry stakeholder and on behalf of our client, Myall Group, regarding City of Gold Coast's recent TLPI No 5 which it is understood is currently with your office for your endorsement.

Firstly, we would like to make it very clear that we do not support development occurring in locations which place undue risk to persons and/or property. We also understand that the recent litigation cases occurring in relation to the Brisbane 2011 are fresh on everyone's mind.

However, we have concerns in regard to the proposed TLPI No 5 in that trying to achieve a certain outcome, decisions are being made in haste of which have had little (if any) peer review, or consultation with key external stakeholders, experts in the area of flooding and natural hazard risk management, or industry in general.

The purpose of the TLPI 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 provision seeks to strengthen Council's commitment to ensure development in flood affected areas is safe and resilient"* with proposed amendments to the Flood Overlay Code to ensure:

- 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.*

(Source: <http://www.goldcoast.qld.gov.au/planning-and-building/temporary-local-planning-instrument-no-5-2017-43294.html>)

Additionally, the amendments seek to *"...discourage the proliferation of Residential Uses constructed on platforms above Flood Affected Land"*.

This provision is clear in its intent that podium development does not occur in the City. However, no peer reviewed technical data has been made available to support that this type of development (construction method) is ineffective or that it creates a danger to persons or property in a severe weather event. In fact, local based hydraulic modelling data indicates otherwise and this type of development is supported by structural engineers and qualified natural hazard risk management experts.

Additionally, this type of development is considered a more sustainable construction method compared to traditional cut and fill processes (of which Council officers have confirmed they are supportive of) due to their limited impact on the environment – being piers/columns verses substantial earthworks and recontouring of the natural environment.

Furthermore, in seeking to introduce the term ‘flood resilience’ in to the TLPI, Council has offered no explanation as to what this means and how it can be achieved. The term resilience is a broadly used term and varies across different contexts; however, it is mostly referred to the ability to bounce back or recover from a significant event and / or the ability to adapt to different situations. In the context of disaster management, flood resilience can be explained as reducing the devastating impacts of floods before a flood event occurs. In the case of podium development, this type of development seeks to do just this – despite the TLPI seeking to “...discourage the proliferation of Residential Uses constructed on platforms above Flood Affected Land”.

Should the proposed TLPI be endorsed in its current form, Myall Group, as a local developer with international investment ties, will be directly affected by these changes. Myall Group lodged a development application into Council on 27 November 2017 with no knowledge of the impending release of the TLPI. In this specific situation, a prelodgement meeting was held with Council officers in August 2017 prior to lodging the development application; of which officers were supportive of the proposed podium residential development (which adjoins a Court approved podium residential development), giving Myall Group confidence to move forward with the development.

At the specific request of Council’s Hydraulic officers, substantial flood modelling was ‘required’ to be undertaken and Council’s Prelodgement Meeting Minutes did not indicate that the proposed development format was unacceptable. That is, there was no indication that a podium format would be unsupported by Council providing visual amenity and technical aspects could be achieved, including flood mitigation to a 500 year ARI flood event. As local flood data was not available from Council in relation to the subject site, detailed flood modelling was undertaken at considerable cost to Myall Group to ensure the development was technically sound – of which the hydraulic modelling data confirmed to be the case. In regard to the visual amenity, landscape buffers the full perimeter of the podium were proposed as requested by officers.

Discussion with Council officers, both within the Council’s policy and development assessment sections, indicate that they are not prepared in dealing with the TLPI and are unable to provide any advice in regard to applications currently being assessed through the development assessment process. Furthermore, the hundreds of thousands of dollars invested in the preparation of expert reports in support of the development (some ‘required’ by Council officers), along with tens of thousands of dollars in Council application fees should also be considered.

Again, we are not supporting inappropriate development in unsafe locations, podium development has proven to be a structurally and technically sound construction method in areas of inundation over many years, both locally and internationally.

It is respectfully requested that due consideration be given to the facts and peer reviewed technical evidence be sought prior to making a decision in regard to TLPI No 5.

Additionally, consideration is also requested in regard to the substantial investment that has been made by developers in preparing their development applications and expert reports for Council’s assessment, with no prior knowledge or consultation in regard to Council’s proposed TLPI No 5.

Should you have any queries concerning the above please contact myself or [REDACTED] of this office on [REDACTED]. We look forward to receiving your response to the items raised in this correspondence at your earliest convenience.

Yours sincerely

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

[REDACTED]  
[REDACTED]  
**ZONE PLANNING GROUP**

CC:

1. Kim Kirstein  
Manager, Gold Coast SARA  
South East Queensland (South)  
Department of  
PO Box 3290  
Australia Fair  
Southport Qld 4215  
Email: [GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au)
2. Amanda Tzannes  
Manager, City Planning  
City of Gold Coast  
PO Box 5042  
GCMC QLD 9729  
Email: [atzannes@goldcoast.qld.gov.au](mailto:atzannes@goldcoast.qld.gov.au) / [mail@goldcoast.qld.gov.au](mailto:mail@goldcoast.qld.gov.au)

## Virginia Bruce

---

**From:** [REDACTED]@zoneplanning.com.au>  
**Sent:** Thursday, 18 January 2018 6:15 PM  
**To:** External - Woodridge Electorate Office; State Development  
**Cc:** GCSARA@dilgp.qld.gov.au; tom.holmes@dilgp.qld.gov.au;  
atzannes@goldcoast.qld.gov.au  
**Subject:** Gold Coast City Council Temporary Local Planning Instrument 5 Submission  
**Attachments:** TLPI submission to Minister 18118.pdf; Zone CP amendment submission.pdf

Dear Minister,

Please find attached for your attention a submission relating Gold Coast City Council's recent request for you to approve a temporary local planning instrument (TLPI) relevant to flooding issues in the City.

Also attached is a copy of a recent submission made to Gold Coast City Council as part of the statutory advertising process for a recent amendment to the 2016 Cityplan, which again relates to flooding issues in the City.

We respectfully urge you to investigate both these matters and take them into consideration when making your decision.

Please feel free to call us on [REDACTED] if you wish to discuss the matter.

Regards

[REDACTED]

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Gold Coast

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RTI RELEASE

18 January 2018

GOLD COAST | GLADSTONE

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ABN 36 607 362 238

The Hon Cameron Dick MP  
Minister for State Development, Manufacturing,  
Infrastructure and Planning  
Unit 1, 80 Wembley Road  
Woodridge QLD 4114

By email: [Woodridge@parliament.qld.gov.au](mailto:Woodridge@parliament.qld.gov.au)  
[statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)

Dear Sir

**FLOOD POLICY MEASURES IN THE CITY OF GOLD COAST  
INCLUDING THE CITY OF GOLD COAST TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) NO. 5  
(MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION) 2017**

The purpose of this correspondence is to bring to your attention a number of flood policy issues being prepared by Gold Coast City Council, and to seek your assistance in ensuring that a logical, transparent and robust outcome is achieved in relation to the adoption of these policies.

This matter is relevant to your portfolio, as you will shortly be asked by Gold Coast City Council to sign off on a Temporary Local Planning Instrument (TLPI) relating to flooding issues, and will, in the coming months, also be asked to sign off on an amendment to the 2016 Gold Coast City Plan which relates to new flood levels in the City.

The combined effect of these two policy measures will be to severely restrict development potential in a large part of the City of Gold Coast, which will have significant, and seemingly unforeseen economic consequences for the City's economy.

We believe these policy measures have not been adequately 'thought through' and that it would be appropriate to undertake genuine public consultation with the development industry and broader community before any new measures are introduced.

No such consultation has occurred to date, and there is an air of secrecy surrounding these matters, which have all been addressed as confidential items behind closed doors.

The reason for approaching you directly in relation to these matters is that no opportunity for consultation has been provided by Council, and hence the only remaining avenue to air our concerns involves a direct approach to you and your Department.

We are aware that a number of similar submissions relating to the same matter have also been sent to your office for your consideration.

We trust you will instruct your Department to thoroughly investigate the issues raised in this submission, and will take these matters into consideration when providing your 'sign off' on these two flood related policy matters being proposed by Gold Coast City Council.

A detailed discussion of these matters is as follows:

#### **ISSUE #1**

##### **AMENDMENT TO THE 2016 GOLD COAST CITY PLAN RELATING TO FLOOD LEVELS**

In late 2017, Council publicly advertised a group of amendments to the 2016 Gold Coast City Plan which were, on the whole, fairly uncontroversial.

A matter of significant importance however, relates to new flood levels which are proposed to be introduced for the flood prone parts of the City.

As you would be aware, many parts of the City of Gold Coast are flood prone, and hence this matter is a significant development constraint to be considered for new development proposals, and also has a significant financial impost on residents in the affected areas due to high insurance premiums.

No one disputes the right of local government to review flood levels from time to time, and particularly to take into consideration the effects of sea level rise.

The complaint being raised in relation to Council's actions regarding the new flood levels is that no supporting information whatsoever, by way of technical reports or similar, have been provided to inform the community as to why flood levels have been changed in particular parts of the City. Justification for the changes in flood levels is apparently contained within a confidential report considered by Council, which has not been disclosed to the broader community.

If the recently introduced Planning Act 2017 genuinely promotes transparent public consultation in relation to matters of public policy, then a report detailing the reasons why changes to flood levels have been made should be made available as part of the consultation process for the community to review.

The changes in flood level were contained in an interactive mapping tool on Council's website, which disclosed existing and proposed Q100 flood levels throughout the City. Through the use of this tool, the community was able to identify what specific changes were proposed to flood levels for their properties.

At the conclusion of the statutory public advertising period, Council removed the interactive flood mapping tool from their website, despite this information being of crucial importance to those making decisions on future development projects. We have asked for this mapping to be reinstated and to date this has not occurred.

While the changes in flood levels vary throughout the City, the most dramatic changes are in the Burleigh Heads/ Palm Beach/ Currumbin area, where Q100 levels have been increased by 70cm to 75cm or more.

Clearly changes of this extent will have a significant bearing on access to insurance and the ability to redevelop flood prone sites in the affected suburbs.

We believe that residents deserve the right to obtain information from Council regarding how particular flood levels were determined, so that they can ask their own flood experts to review such information to confirm whether it is accurate or not.

This has not been done, and consequently we believe that statutory advertising process relating to new flood levels in the amendment to the 2016 City Plan is flawed and incomplete, and should be redone by making the relevant information available.

We anticipate that Council will not be inclined to agree to this request, and hence we urge you to intervene to require the re-advertising of Council's flood mapping at the time that the matter is presented to you for your sign off.

For your information please find attached a copy of the submission sent to Gold Coast City Council by Zone Planning Group regarding the abovementioned issues (**Attachment #1**).

## **ISSUE #2**

### **PROPOSED INTRODUCTION OF A TLPI 5 – MINIMUM LAND ABOVE FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION**

As mentioned previously, Council have resolved to adopt this TLPI and to forward the matter to your office for sign off.

Two important questions arise in relation to this matter, which are:

- 1) **What are the reasons for the introduction of a modified policy, and to what extent is Council's current flood policy not addressing the identified issue(s)?; and**
- 2) **What has necessitated the urgency such that the matter needs to be dealt with via a TLPI, rather than through a standard planning scheme amendment process, including community consultation?**

#### **The Existing Approval Process**

Before examining the proposed TLPI amendments, it is worth reviewing Council's current processes for the approval of development in flood affected areas.

The 2016 Gold Coast City Plan contains overlay mapping which identifies flood affected areas, and also contains a 'Flood Overlay Code' which contains detailed information on appropriate measures for development in flood affected areas.

As mentioned previously, the area of flood affected land in the City is extensive and hence the mapping and overlay code are frequently referred to for development proposals throughout the City.

The Flood overlay code contains a series of 'best practice' standards as follows:

#### **Self Assessable Development**

- A balance of flood storage is to be achieved to the designated Q100 flood level.

- Building floor levels must be above the designated Q100 flood level, plus a 'freeboard' allowance depending on the type of development being proposed.
- Garages and carparking areas are not to be inundated beyond a medium hazard.
- Development cannot interfere with overland flow of stormwater.

### Assessable Development

- A balance of flood storage is to be achieved to the designated Q100 flood level.
- Building floor levels must be above the designated Q100 flood level, plus a 'freeboard' allowance depending on the type of development being proposed.
- Garages and carparking areas are not to be inundated beyond a medium hazard.
- Development cannot interfere with overland flow of stormwater.
- Development does not increase the number of people calculated to be at risk from flooding.
- Demonstration that sufficient access or egress is available during Q100 flood events.

It is often a complex process to achieve compliance with all the above requirements, and in recent years podium style development on raised concrete piers has been used because it allows a flood storage balance to be achieved, provides Q100 and sometimes PMF (probable maximum flood) immunity, and is capable of providing facilities and centrally managed safety measures to enable communities to safely withstand flood events.

Podium style development has been approved by Council for the last 5 to 10 years in a manner which is compliant with Council's Flood Overlay Code (since 2016) and a similar code contained within the 2003 Gold Coast Planning Scheme prior to that.

Examples of approved and constructed developments in the City are:

- The 'Sage' residential development at Bourton Road Merrimac
- The Queensland Government's Robina Hospital
- The Commonwealth Games indoor sporting facility at Carrara
- Bunnings Warehouse at Burleigh Waters
- Broadbeach Waters Police Citizens Youth Club

Council have been more than happy to approve such development (including residential development) on raised concrete structures provided that a Flood Evacuation Management Plan (FEMP) accompanies a development application.

In fact, Council have been very strict in relation to who is able to prepare such reports, and insist that only flood risk experts are able to prepare FEMPs in Medium to High hazard flood situations. Molino Stewart, a Sydney based flood risk firm are Council's preferred author of reports, and Council have routinely approved FEMPs provided by this firm for a variety of development types.

Doing so apparently absolves Council from any legal risk associated with approving development in flood affected areas, and also ensures a safe outcome suitable to the insurance industry and future residents.

In summary, Council's existing Flood Overlay Code has apparently been operating to Council's satisfaction since 2016, and Council have been more than happy to rely on the professional expertise of flood risk professionals to determine that podium style development in flood affected areas is appropriate from a flood risk perspective.

## The Proposed Changes in Council's TLPI No 5

Council seeks to amend the Flood overlay code to introduce two new Performance Outcomes, being PO16 and PO17, to be added to the end of the existing Flood Overlay Code. The purpose of the TLPI is to cause these provisions to have immediate effect (retrospective to December 8, 2017), rather than waiting until the standard planning scheme amendment process under the plan making procedure in the Planning Act is completed, thus preventing any public consultation from occurring in relation to this matter.

We say that the matters being covered by the TLPI are not new, do not represent some immediate risk requiring urgent resolution, and should not be undertaken in a manner which deprives the community of a public consultation opportunity.

The applicable provisions of the TLPI are:

### **PO16 - Hazard considerations for residential development**

*'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:*

- (a) Flood inundation depth exceeding 0.6 metres; and*
- (b) Flood water velocity exceeding 0.8 metres per second.*

*Note: This also applies to development elevated above Designated Flood Level'.*

and:

### **PO17 – Minimum area above Designated Flood Level**

*'Development involving reconfiguration of 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'.*

The acceptable outcomes or AOs are listed for this PO which seek to require that 50% or 400m<sup>2</sup> of each residential lot created exceeding 500m<sup>2</sup> in area, must be above the Q100 flood level. For proposed residential lots with areas of less than 500m<sup>2</sup>, 70% or 300m<sup>2</sup> must be above the Q100 level. Further, any ROL for Commercial Use or Industrial Use must have 60% of the area of a new allotment must be above the Q100 flood level.

Interestingly the TLPI does not seek to prevent podium or cut /fill pad style development being undertaken for retail, commercial, industrial or recreational developments where no subdivision of land is proposed.

## What is the Impact of TLPI No 5?

When considering the impact and effect of TLPI No 5 on the development potential of flood affected sites in the City, it should be remembered that Council are also seeking to increase the Q100 flood levels in the City (without adequate justification or consultation), as discussed earlier in this submission.

Higher flood levels in the City will make PO16 and PO17 very difficult to comply with in the vast majority of the flood affected parts of the City, and in effect act as a prohibition on residential

development on podiums and fill pads. This is due to the fact that large parts of the City will have a Q100 flood level which is more than 60cm above the current ground level.

Again, it is interesting that the TLPI will not prevent non-residential development such as retail, commercial, recreational or industrial developments from occurring on elevated concrete platforms, irrespective of the flood depth, in instances where the subdivision of land is not proposed.

#### **Observations in Relation to TLPI No 5**

As mentioned previously, there are 2 aspects to consider here, being:

- a) why is a new policy required/ how is current policy failing?; and
- b) why is a new policy required to be introduced so urgently?

Council's motivation for introducing this policy as a TLPI is difficult to understand, and can only be gleaned from an examination of confidential Council resolutions (CP17.1011.008 and CP17.1011.011) which have been heavily redacted; and the 'object statement' contained within the TLPI itself.

The following section of this submission seeks to examine the reasons of justification provided in these documents and provides a response.

#### ***Council Justification Point #1***

***Council's intention within the Gurangunbah Structure Plan, 2003 Gold Coast Planning Scheme and current version of the 2016 City Plan is that clusters of development should occur through a balance of cut and fill, and not on engineered building platforms.***

**Response** - As mentioned previously, Council has been approving development on engineered platforms for a substantial period of time in a number of locations throughout the City. Documents such as the 2003 Gurangunbah Local Area Plan were very flexible, and enabled an applicant to present different ways of addressing a range of flood constraints.

Council has for many years approved such development in medium and high flood depth scenarios, subject to provision of a Flood Evacuation Management Plan (FEMP) prepared by a recognized flood risk expert.

The fact that the development industry is examining this style of development more frequently is due to the fact that there is a dwindling supply of land in the southern part of the City, and that such development is now economically viable due to buoyant market conditions.

Previous Council policy has never knowingly precluded such development from occurring, and the fact that it has been approved for the last 5 to 10 years is evidence of this.

It is unclear as to why a TLPI is considered to be an appropriate means of resolving an issue which Council have known about and supported for a substantial period of time.

Additionally, PO 16 of the TLPI prevents the filling of any land subject to a Q100 flooding depth exceeding 600mm where intended to be used for a residential purpose, and hence will preclude the 'clustering' of development that the author of the TLPI claims is the intent of the Gurangunbah LAP and other documents relating to flooding in the City.

***Council Justification Point #2***

***The TLPI will ensure that a portion of the land for all development remains at or above the relevant design flood planning level.***

**Response** - Because the TLPI doesn't seek to preclude retail, commercial, industrial or recreational development from being constructed on elevated platforms or fill pads, it can be assumed that the motivation behind the TLPI has nothing to do with building aesthetics, and is solely to do with human safety.

Assuming that human safety is genuinely Council's greatest concern, the TLPI doesn't explain why development constructed on an earth mound is any safer than that constructed on an elevated platform, but in any event both methods of construction are banned in circumstances where the flood depth exceeds 600mm.

It is often the case that development constructed on concrete piers and a podium has a higher level of flood immunity than development constructed on an earth fill pad. This is because achieving a cut fill balance of earth on a site is a costly and time consuming process and hence will be undertaken to the minimum standard, being Q100 level immunity, with the freeboard component typically being contained within the built form of a building structure. By contrast a podium development is able to be relatively easily constructed with a higher level of flood immunity, sometimes up to PMF (probable maximum flood) representing something similar to a 1 in 500 year event. Some residential developments such as the 'Sage' development at Merrimac have their carparking level above Q100 level, meaning that the floor level of the lowest residential level is something like 3 metres above Q100 level. This means that podium style developments are highly resilient to flood events and that dwellings within such developments are likely to never experience flooding.

Additionally, FEMPs ensure that residential designs and operational procedures will provide a very safe environment for residents such that they have no need to take any risks to leave a flood affected property during a flood event.

In summary there is nothing inherently safe about a development being constructed on a fill pad as opposed to concrete piers and a podium structure. Both forms of development require an FEMP to be prepared in situations where Q100 flood depth exceeds 600mm, however a podium style development is able to be constructed at a higher level, relatively easily, often providing for a Q500 level of immunity.

In such circumstances, podium development actually serves as a place of refuge for surrounding existing residential development which is situated below the Q100 level.

***Council Justification Point #3***

***Council's report claims that the policy will ensure that a portion of the land for all development remains at or above the relevant Q100 flood level, and will resolve the potential risks associated with extensive platform development.***

**Response** – Council's statement is incorrect. Nothing in the TLPI prevents retail, commercial, industrial or recreational landuses being established on podium structures in situations where no subdivision of land is necessary. Additionally, it is relatively rare for the subdivision of land to occur in flood prone areas in the manner anticipated in Council's TLPI. It is far more common for community title development to occur which does not require initial subdivision of land.



Council's report does not identify what the potential risks associated with podium development are. What are they?

***Council Justification Point #4***

***Podium development will facilitate the expansion of the development footprint across the City's floodplains, which is undesirable.***

**Response** - Flood affected areas of the City, whether they be contained within the Gurangunbah conceptual land use map area or otherwise, are contained within a variety of zones under the 2016 City Plan, most of which promote and facilitate many forms of development including residential development.

A case in point in the 'Limited Development Zone' in the City Plan, which allows for residential development to occur in a 'medium rise' format. Despite the negative name for this zone, it can and does facilitate many forms of development (including residential development) provided that flooding issues are appropriately addressed.

Land use zones which are flood prone already allow for extensive residential development to occur, and have been factored into SEQRP infill population targets. Precluding development in these areas will undermine the potential for the City to achieve recently adopted SEQRP population growth targets and will exacerbate the current shortage of development land in the southern part of the City.

Has Council examined this issue and taken it into consideration?

***Council Justification Point #5***

***Clusters of islands utilizing a cut fill balance and use of lakes (ie Emerald Lakes) are a preferred form of development compared to development on raised podiums.***

**Response** - Council's TLPI precludes both methods of construction from occurring for residential development in situations where Q100 flood depth exceeds 600mm, which will be a common occurrence after Council's new Q100 flood levels are introduced as per the proposed City Plan amendment.

While development on a filled earth platform may be Council's preference compared to raised concrete platforms, PC16 of the TLPI clearly precludes both forms of construction from occurring for residential development where flood depth exceeds 600mm, thus severely restricting development in flood prone areas throughout the City.

***Council Justification Point #6***

***The 'drivers' for the policy are:***

- 1) Supporting sustainable development on the City's floodplains to accommodate projected population growth;***
- 2) Ensuring the flood absorption capacity of floodplains are maintained; and***
- 3) Managing community expectation relating to the development of a floodplain.***

**Response** – The meaning of the term 'unsustainable' is unclear in Council's report. What exactly is unsustainable about development contained on engineered podiums? It is the case that a podium approach to balancing flood storage capacity is more sustainable as it involves far less modification of land including disruption to vegetation and ecosystems, but in any event the TLPI prevents a filled scenario where flood depth exceeds 600mm Q100 flood depth.



The meaning of the term 'flood absorption capacity' is unclear and undefined in Council's reports. If Council means 'flood storage capacity' then there is no difference between a filled or platform outcome. Both can achieve the same flood storage result.

In terms of community expectation, it is again unclear as to what Council are referring to in their report. A cut fill balance outcome in medium and high flood depth areas is an accepted and long-standing development practice on large flood affected sites in the City, ie Emerald Lakes, The Glades, Varsity Lakes, Salacia Waters etc. The community are very familiar with this form of development and there is no apparent community opposition to such a development outcome. Similarly, development on raised piers is common on the floodplain, (ie Commonwealth Games indoor sports centre, Robina Hospital, Bunnings Warehouse Burleigh Waters and Sage residential development), and there is no known community opposition to this form of development.

Council should identify any community concerns that they are aware of in relation to this matter.

The broader community would however expect that they are able to sensibly develop their own flood affected properties in various established urban areas to improve their Detached Dwellings or to undertake modest infill developments such as a Dual Occupancy on suburban allotments which are appropriately zoned. Schedule 1 of the TLPI makes it clear that a 'Residential Use' includes both a Dwelling House and a Dual Occupancy, which are precluded from being developed either on a podium structure or a fill pad as per PO16 in circumstances where the flood depth exceeds 600mm. By way of an example, the whole of the flood affected part of Palm Beach will not be able to be redeveloped according to the TLPI, because the new Q100 level will increase by 75 cm, new development is required to balance flood storage capacity, and development on raised platforms or fill pads cannot occur where flood depth exceeds 600mm.

It is fair to say that this outcome, when becoming public knowledge, will be completely contrary to community expectations.

If the TLPI is introduced, no doubt the community will also ask why no community consultation was undertaken in relation to a policy which affects the value of their land assets so significantly.

***Council's Justification Point #7***

***Platforms have a limited design life and will need to be renewed over a 50 or 70 year cycle, resulting in substantial costs to the community.***

**Response** - The design life of a development built on a podium will be no different to the design life of a comparable form of development built on a filled pad. A podium development simply raises the foundation structure above flood level when under standard conditions the equivalent structure would be situated underground. Multiple Dwellings, whether built on a platform or within a fill pad will have an equivalent design life, and if Council has any evidence to the contrary it should be disclosed to the community.

***Council's Justification Point #8***

***Platform development requires maintenance beneath the platform and for the void area to remain open, which poses a compliance issue for Council.***

**Response** - Any residential development occurring on a raised podium will be a community title development with a body corporate. A community management statement (CMS) is required to be prepared, and must comply with any conditions of approval, requirements of an FEMP or any other

conditioned flood requirements or the body corporate will face insurance and compliance consequences.

This will be a self regulating arrangement which will not create any enforcement burden for Council.

Despite Council's concerns regarding maintenance and compliance issues, the TLPI will not regulate non residential development on podium structures where no subdivision is required. Why would such maintenance and compliance issues only arise in relation to residential developments?

Does Council have any evidence of non compliant activity beneath raised podiums which has created an enforcement burden for Council?

***Council Justification Point #9***

***Development located on podiums will create environmental health issues associated with water ponding.***

**Response -** If this is a major problem, why have Council only sought to prohibit residential podium development instead of all development? What evidence does Council have of increased water ponding associated with development located on elevated platforms? Such development is required to be free draining consistent with conditions of approval. Development situated on fill pads requires compensatory excavation which may be in the form of ephemeral wetlands or lakes which may also create environmental health impacts associated with insects, odor and post flood clean up.

***Council Justification Point #10***

***The floodplain is zoned 'Limited Development' which allows for concentrated development potential to be achieved without the use of podiums.***

**Response -** This is simply incorrect. The TLPI has the potential to apply to all landuse zones which are on flood affected land, not just land within the Limited Development Zone. The Limited Development Zone only represents a small proportion of the total amount of flood affected land in the City, which is otherwise situated in a variety of other zones. Irrespective of which zone the land is situated in, and whether the particular proposal is on a fill pad or on a platform, the TLPI acts to prohibit residential development where the Q100 flood depth exceeds 600mm. This will prevent any residential development occurring anywhere in the City where flood depth exceeds 600mm which will have significant adverse economic consequences.

***Council Justification Point #11***

***The proposed TLPI does not restrict land use intensification beyond the area able to be achieved through a cut fill balance.***

**Response -** This is simply incorrect. Proposed PO16 also clearly prevents development occurring on a fill pad where the flood depth exceeds 600mm, which means that most of the flood prone parts of the City will not be able to be developed via a cut/fill balance method of construction when Council's new flood levels are introduced.

***Council Justification Point #12***

***A TLPI is justified because there is a significant risk of serious adverse cultural, economic, environmental or social conditions occurring.***

**Response -** Council's confidential redacted report provides no justification of what this perceived risk is or how it falls into the above categories referred to in the Planning Act. We reiterate that this is not

a new issue and that there has been no previous indication that Council has any concerns in relation to existing development patterns in flood prone areas. Council have willingly approved many developments in medium and high hazard flood designations subject to receiving a suitable FEMP.

There is simply no urgent or dangerous situation which warrants the introduction of a TLPI with retrospective effect. If Council wishes to pursue this matter they should do so through a standard planning scheme amendment process which provides an opportunity for genuine community consultation.

**Council Justification Point #13**

**The policy will promote community safety.**

**Response** - Under the heading 'Stakeholder Impacts' Council's resolution CP17.1011.008 states that:

*'The ultimate outcome of this policy is community safety through the provision of a viable solution for flood cognizant development.'*

The above statement does not make any sense. The term flood cognizant development is unknown, and the problem to which the policy purports to provide a 'viable solution' is not stated. As discussed previously, podium style development, or development in flood depths exceeding 600mm which employs a cut fill balance approach are not new, and are the subject of detailed flood risk assessments utilizing Council's nominated flood risk consultants which Council have been more than willing to approve.

With regard to consultation, there has been no consultation whatsoever in relation to this matter, and the opinions of the development industry and the broader community have not been sought.

**SUMMARY**

Through this correspondence we believe we have accurately summarised why there is no need to amend existing flood policy as proposed by Council, and why the perceived issues are neither new nor urgent so as to justify their introduction through a TLPI process.

There are clearly adequate measures in Council's existing flood policy to ensure that matters of human safety are appropriately addressed, and that recognized flood risk experts make 'project by project' decisions regarding flood risk issues. Under the current system, if a development represents an unacceptable flood risk, it will simply not be approved. As such there is no need for Council to introduce an 'across the board' prohibition on these matters.

The proposed TLPI amendments are poorly drafted, have not been adequately thought through, and the significant economic consequences have not been considered in any way.

The introduction of new and higher flood levels in many parts of the City will ensure that many greenfield and brownfield sites will have a flood depth of 600mm or greater, and hence will be undevelopable if the TLPI is introduced. This measure will be applicable to all residential forms of development including redevelopment of houses and dual occupancies in existing suburban areas, and will have significant adverse economic consequences to a large group of people who have not been consulted in any way about this matter.



## CONCLUSION

Under the Minister's Guidelines and Rules (under the Planning Act), we respectfully urge you to take the following action in relation to this matter:

Under Part 2 (Temporary Local Planning Instrument), and specifically section 8.2;

*'The Minister may request additional information from the local government after the Minister receives the proposed TLPI or TLPI amendment under Section 8.1'.*

This submission demonstrates that there are numerous unanswered questions relating to this matter, for which you would be entitled to seek further information from Council.

Relevant information to seek from Council in relation to this matter would be:

- Are Council seeking to modify flood levels in the City, and if so to what extent do the changed flood levels have any relationship to the effects of the proposed TLPI?
- Has Council released any technical reports justifying how they arrived at new flood levels under the proposed City Plan amendment? If not, why not?
- Council is understood to currently require Flood Evacuation Management Plans to resolve issues of flood risk and safety for flood affected developments. Have Council lost confidence in FEMPs as a means of resolving flood risk issues and if so what events have prompted this loss of confidence?
- What are the economic consequences associated with preventing residential development in flood affected areas of the city with a flood depth exceeding 600mm as per the TLPI?
- If Council have concerns regarding podium development in the City, why does the TLPI not seek to regulate podiums for non-residential development in instances where subdivision of land is not required?
- Has Council examined the impact of the proposed TLPI and proposed higher flood levels on the ability of the City to accommodate the recently adopted SEQRP infill population targets for the City?
- How many residential properties in the City will be affected by the proposed TLPI changes, under both the current flood levels and the proposed flood levels being sought through the City Plan amendment?
- What are the significant adverse cultural, economic, environmental or social risks that Council are relying upon to justify the use of a TLPI to facilitate the proposed flood code amendments, as the Planning Act requirements?
- Given that all forms of podium development, including residential development have been approved in the City over the last 5 to 10 years, what has prompted the current urgency to regulate this development via a TLPI instead of a standard planning scheme amendment?

- Why are other Local Government Authorities such as Brisbane City Council supporting and promoting podium development while Gold Coast City Council's TLPI seeks to oppose such outcomes?

We contend that a detailed public consultation exercise is warranted in relation to a matter of such importance, and urge you to direct Council to undertake such consultation prior to this matter progressing any further via either the TLPI process or planning scheme amendment process.

We also respectfully urge you to direct Council to retract/abandon their position that the TLPI be applicable to current development applications retrospectively from December 8 pending your sign off of the TLPI.

Thank you for your consideration of this matter and feel free to contact us on [REDACTED] should you require any further information.

Yours sincerely

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

**ZONE PLANNING GROUP**

CC

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15 November 2017

Chief Executive Officer  
City of Gold Coast  
PO Box 5042  
GCMC QLD 9729

Via Email: [cityplansubmissions@goldcoast.qld.gov.au](mailto:cityplansubmissions@goldcoast.qld.gov.au)

Dear Sir,

**SUBMISSION IN RELATION TO CITY PLAN MAJOR UPDATE – NOVEMBER 2017  
FLOODING ISSUES**

This submission is provided to Council in response to the public advertising of the City Plan Major Update which closes on 15 November 2017 following a 30 business day advertising period.

This submission is made on behalf of Zone Planning Group.

We have reviewed the City Plan amendment submission as a whole, and have concluded that most of the proposed amendments will not have any significant impact on the broader community or the existing process for obtaining development approvals in the City.

The exception is the proposed amendments to the flood mapping contained in the draft City Plan amendment.

We have significant concerns about the process which has been followed by Council in relation to the adoption of new flood levels in the City, and further concerns about the impact these changes will have on the future direction of, and potential for development within the City.

**INADEQUATE AND FLAWED CONSULTATION PROCESS**

We note that Council considered this matter at the City Planning Committee meeting on 20 July 2016, and at full Council Meeting on 26 July 2016 (some 15 months ago) where the following resolution was made concerning an agenda item titled '*Update of the flood overlay map city plan major update 1 – PD113/1301(P1)*'.

Committee recommendation CP16.0720.010, which was considered as a confidential item, was carried as the following resolution at the Council meeting held on 26 July 2016:

1. *That the report/attachment be deemed a confidential document and treated as such in accordance with sections 171(3) and 200(5) of the Local Government Act 2009 and that the document remain confidential unless Council decide otherwise by resolution.*
2. *That the flood overlay map in the City Plan be amended to include*
  - a) *State Government mandated 80cm sea level rise.*
  - b) *State Government mandated 10% increase in storm tide intensity.*
  - c) *MTAC recommended 10% increase in rainfall intensity.*
  - d) *Adoption of 50% of total wave setup at the mouth of the Tallebudgera and Currumbin Creeks.*
  - e) *The most up to date flood related topographic, landuse, technological and hydrological data.*
3. *That the proposed flood map be included as part of Council's submission to State Government for first State Interest check as part of City Plan Major update 1.*
4. *That officers continue investigations regarding wave setup at the mouth of the Tallebudgera and Currumbin Creeks.*

Of note, Section 171(3) of the Local Government Act and Section 200(5) of the Local Government Act relate to the treatment of confidential information by Councilors and Council staff. These sections of the Act do not provide any insight into the reasons why the item was made confidential by Council.

The item in question continues to be a confidential item and no subsequent reason has been provided as to why the matter remains confidential despite enquiries being made on this issue.

As a general observation, it isn't immediately apparent as to why Council would require an item dealing with an important issue such as flood levels to be treated as a confidential item. If the applied methodology is robust and defensible, the matter should be treated as non-confidential to enable the general public to examine and consider the recommendations and findings of the report when reviewing the recently released flood mapping (including the rationale behind the need for the changes).

The fact that the item was made confidential, and remains confidential some 15 months after adoption, implies that Council has its own doubts about the methodology applied to flood levels in the City, or otherwise has concerns about the robustness of the work, or alternately may be concerned about any adverse reaction from the general public.

When we became aware that the City Plan amendment included a revision to flood levels within the City, we interrogated the document to determine upon what basis the changed flood levels had been adopted, and what methodology had been applied to conclude that varying changes needed to be made in different parts of the City.

Concurrent with this investigation, we also interrogated the interactive mapping facility on the City of Gold Coast website which, under a tab for 'Draft and Historic Content', identifies (for the first time),



existing Q100 flood levels under Council's current flooding regime and proposed flood levels under the proposed amendment.

This review broadly concluded that:

- 1) There are no supporting documents which have been made publicly available to the community to explain why flood levels have been changed in specific parts of the City.
- 2) The changes in flood level vary significantly in different catchments, but a broad observation is that Q100 flood levels decrease in the northern parts of the City, rise modestly in the central parts of the City (ie the Nerang River catchment), and rise significantly (by more than 70- 75 cm) in the southern creek catchments, namely Tallebudgera Creek and Currumbin Creek.

The only document forming part of the City Plan amendment package which attempts to explain the specific reasons for the changes in flood levels is an explanatory 'flyer' titled 'Flood Overlay Mapping' containing two A4 pages of information.

This document identifies that flood modelling has been utilized to inform the new levels and specifically states that:

*'The draft maps were developed utilizing the latest topographic, land use, technological, hydrological data and the latest State Government and Council policies. As a result, Council can provide the community with more informed flood information to build the City's resilience.'*

*The updated mapping considers future changes to climate, incorporating the projected increase in sea level of 0.8m above present day levels by 2100, established by the State Government in 2015. The updated mapping also includes the State Government's projected 10% storm tide intensity and 10% rainfall intensity based on advice from industry representatives.'*

*As a result of increased accuracy in the mapping, some areas within the City have been removed from the mapped flood extent, while other areas have now been included'.*

Clearly it is not possible to meaningfully comment on the revised flood levels without having some understanding of specifically how the decisions regarding these new flood levels were made. It is also not possible for affected property owners to seek their own expert advice from hydraulic engineers in relation to this matter, as the information is simply not available.

Every affected landowner in the City should be afforded the right to review the background reporting and if necessary to employ suitably qualified experts where necessary to provide a critical review of the assumptions made in those reports, given the significant adverse consequences associated with the changes.

Given that this information is not available to review, we contend that the current City Plan amendment advertising process is flawed and invalid, and that it should recommence with the necessary information being made available to all affected persons.

## **FLOOD MAPPING OBSERVATIONS**

As stated earlier, the interactive flood mapping tool allows a comparison to be made between existing Q100 flood levels and proposed Q100 flood levels.



These levels are extremely important to the feasibility of any new development on flood affected sites as they:

- Determine the depth of flood waters during a Q100 event thus determining if a Flood Evacuation Management Plan is required.
- Determine the habitable floor level which is typically 300mm above the Q100 level for a standard residential development and 400mm above the Q200 level for a range of other more sensitive landuses and therefore have significant design ramifications.
- Determines the extent of works required to achieve a flood storage balance on a development site and consequently have a significant impact on the extent and design of a development footprint.
- Determine the flood depth for parking of vehicles in garages and therefore cause further design ramifications.

Whilst there is no explanation provided on the interactive mapping tool, it is assumed that the figure depicted in grey is a current Q100 RL, and the figure depicted in black is a proposed Q100 RL.

Assessing the difference between the current and proposed flood level figures allows the increase in flood level to be determined, however as Council have identified, there are instances in the City where the Q100 flood levels will decrease, particularly in the northern part of the City.

In terms of the central and southern parts of the City, a cross section of flood level differences is as follows:

Site	Current Q100 Level	Proposed Q100 Level	Difference (+/-)
Hope Island Canal	2.32	2.43	+0.11m
Paradise Point	2.32	2.35	+0.03m
Oxley Drive Biggera Waters	2.44	2.45	+0.01m
Frank Street Labrador	2.37	2.41	+0.04m
Loders Creek at Stevens Street	2.74	2.67	-0.07m
Chevron Island	2.75	2.95	+0.20m
Gold Coast Arts Centre	2.9	3.11	+0.21m
Peninsular Drive Surfers Paradise	2.97	3.11	+0.14m
Isle of Capri	2.97	3.11	+0.14m
Emerald Lakes Carrara	4.39	4.42	+0.03m
Carrara Stadium	4.54	4.65	+0.11m
Nerang Street, Nerang	6.33	5.87	-0.46m
All Saints School	4.31	4.37	+0.06m
Robina Stadium	4.29	4.35	+0.06m
Robina Hospital	4.33	4.4	+0.07m
Surfers Paradise Golf Club	4.22	4.33	+0.11m
Star Casino	3.73	3.84	+0.11m
Cottesloe Drive Pizze Park	3.91	4.08	+0.17m



Bond University	3.92	4.12	+20m
Azzura Island	3.92	4.12	+20m
Dunlop Drive Burleigh Waters	3.93	4.18	+25m
Elanora Drive Burleigh Heads	2.47	3.21	+74m
Tallebudgera Drive Palm Beach	2.47	3.22	+75m
Palm Beach State School	2.35	3.22	+75m
Guinness Ck Road at 19 <sup>th</sup> Ave	3.53	3.95	+42m
Elanora Sewer Treatment Plant	3.33	3.85	+52m
Eleventh Ave Palm Beach	2.46	3.22	+76m
PBC High School	2.47	3.05	+58m
Pines Shopping Centre	2.54	3.3	+76m
Currumbin RSL	2.48	3.07	+59m
Traders Way Currumbin	2.55	3.32	+76m
Currumbin Special School	2.64	3.4	+86m
Currumbin Ck Rd at Stackpole Street	4.99	5.9	+91m
Boyd Street at Inland Drive	5.97	6.00	+03m
Douglas Street Kirra	3.16	3.58	+42m

As mentioned previously, the interactive mapping generally indicates that there is a reduction in the Q100 level in the north of the City, a modest increase in the central part of the City and a significant increase in the southern part of the City.

Some high level questions arise from the observed changes, particularly in relation to the Tallebudgera Creek and Currumbin Creek catchments, where increases of 75 centimeters are apparent.

These questions are:

#### QUESTION 1

Is Council advocating a 'retreat' strategy in relation to future sea level rise, or does Council have a strategy to 'defend' the established parts of the City in the face of future sea level rise?

#### QUESTION 2

Does Council have information relating to the proportion of the new flood levels which consist of 'sea surge flooding' relative to the component which consists of 'Riverine flooding'? This is a relevant consideration in terms of compliance with A01 of the Flood overlay code which states that:

'The flood storage volume on the site is maintained up to the Designated Flood Level'.

If Council accepts that it is pointless to try and balance flood storage capacity associated with sea level rise, then the component of the new Q100 level associated with sea level rise needs to be clearly identified, so as to avoid unnecessary complexity associated with future development applications.

#### QUESTION 3

Have the insurance consequences associated with the new Q100 levels been taken into consideration by Council, in terms of increases in premiums associated with flood insurance and access to flood insurance? It is well known that lower lying parts of the City have experienced significant increases in

insurance premiums associated with flood events over the last decade. Will the insurance industry deny flood insurance to existing property owners who own dwellings in the nominated flood affected areas, where the new Q100 level exceeds the floor levels for those existing dwellings?

#### **QUESTION 4**

In light of increases in the Q100 level exceeding 75 cm in the Currumbin Creek and Tallebudgera Creek catchments, it is likely that the depth of flood waters on development sites in flood affected areas of Burleigh, Palm Beach and Currumbin will exceed a depth of 1 metre. If flood depth exceeds 1 metre as a consequence of the changes, will Council require flood evacuation management plans (FEMPs) to be undertaken by a nominated flood risk expert for every form of affected development (for example a dwelling house)? Such reports cost between \$5,000 and \$10,000 to prepare and are a significant cost impost to applicants.

#### **QUESTION 5**

In the event that Council do require FEMPs to be prepared for flood depths exceeding 1 metre based on the new Q100 flood level, will Council allow any suitably qualified engineer to undertake such a report? To date Council has only allowed a select few self proclaimed 'risk experts' to undertake such reports when there is no specific qualification that sets a risk expert apart from any other RPEQ engineer.

#### **QUESTION 6**

Has Council taken the new Q100 flood levels into account when determining the maximum code assessable building heights under the Cityplan? The 2 storey (9 metre)\* height designation is commonly found in flood prone areas of the City. If the flood level increases significantly and a 300mm freeboard is required to be added to that level, it is highly likely that a standard 2 storey or partial third storey dwelling house will not physically fit within 9 metres and will hence be impact assessable. Is the 9 metre height limit still appropriate in areas which are subject to significant increases in the Q100 flood level?

#### **QUESTION 7**

The Flood Overlay code in A 06.1 requires that a flood storage balance is achieved for all forms of development in the City. Achieving a flood storage balance is a difficult and expensive thing to do on smaller sites, of which there are many in the flood affected areas of Burleigh, Palm Beach, Currumbin and elsewhere. Has Council undertaken any analysis of what effect the new Q100 flood levels will have on the ability to redevelop sites in terms of the practical ability to achieve a flood storage balance?

#### **QUESTION 8**

Has Council taken into consideration the potential for the new Q100 level to practically prevent redevelopment occurring on land affected by the new flood mapping, and the extent to which that may present Council achieving the residential density targets identified in the City Plan and the SEQRP?

#### **QUESTION 9**

AO 3.1 and 3.2 of the Flood overlay code requires that garages are built at approximately the same level, and attached to the main dwelling above the Q100 level or alternately does not permit garages to be inundated to a depth which is greater than a medium hazard. A significant increase in the Q100 flood level will not practically allow the AO to be achieved for smaller scale developments. Will Council provide leniency in relation to this issue and allow garages to be inundated from the applicable ground level to the Q100 level?

#### QUESTION 10

Will Council maintain the current interactive flooding mapping tool permanently on the City of Gold Coast website or will it be removed following the public consultation period? We contend that this is important public information that will have a significant bearing on the redevelopment potential of many sites around the City. As such this information should be permanently displayed on Council's website, in lieu of the inefficient and expensive process of undertaking flood searches for individual sites. If Council is of the view that the mapping is correct, and it is known to exist, it should be permanently available to the general public.

#### QUESTION 11

Part 4 of Council's 26 July 2016 resolution, discussed previously, states:

- 4 *That officers continue investigations regarding wave setup at the mouth of the Tallebudgera and Currumbin Creeks.*

As these investigations have presumably been occurring for the past 15 months since the resolution was made, can Council advise of the result of those investigations and the extent to which they have changed the findings which have led to the recommendation to adopt the new Q100 levels shown in the City Plan amendment?

#### SUMMARY

There are a range of significant negative impacts for the redevelopment of flood affected sites, associated with modifications to the Q100 flood level.

This submission identifies that the new Q100 level is significantly higher than the existing Q100 level in many parts of the City but particularly in the Tallebudgera Creek and Currumbin Creek catchments. As the Flood overlay code is not proposed to be amended as part of this current City Plan amendment process, it is assumed that it will continue to be applied by Council's hydraulic engineers in a manner similar to that applicable to the current flood mapping.

This will pose a range of practical difficulties which may result in development being economically unviable or not possible at all. The public need to be assured that Council has taken adequate consideration of these issues before making a decision on the new Q100 flood levels and more importantly has been transparent in explaining the rationale behind the changes and their consequences.

Similarly, the insurance consequences for those residents living on flood affected land will be significant. Their premiums will rise, or alternately their insurers will decline to offer a flood policy. This will have a significant impact on the economy of the City and the general public need to know that Council has taken this consideration into account before making a decision.

Unfortunately, it is apparent that there is no publicly available background material demonstrating how the proposed Q100 levels have been arrived at, and hence there has been no opportunity for the general public to seek expert advice on this issue to interrogate Council's assumptions.

As such we have concluded that the flood mapping component of the current City Plan amendment process is incomplete and invalid and should be redone, by making the necessary information, including all reports considered by Council on July 26, 2016, publicly available for review by the general public.



Should you have any queries concerning the above please contact me on [Redacted]

Yours sincerely

[Redacted]

[Redacted]

**ZONE PLANNING GROUP**

RTI RELEASE

## Virginia Bruce

---

**From:** DSD DLO <DLO@dsd.qld.gov.au>  
**Sent:** Wednesday, 20 December 2017 4:59 PM  
**To:** State Development  
**Subject:** Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017  
**Attachments:** Burchills CoGC TLPI No. 5 Submission Objection.pdf

Good Afternoon

Please find attached received from Executive correspondence group DILGP for action.



**Queensland  
Government**

Regards

**Linda Lloyd**

Departmental Liaison Officer  
Cabinet Services

Department of State Development, Manufacturing,  
Infrastructure and Planning

P 07 3452 7027 M

E [dlo@dsd.qld.gov.au](mailto:dlo@dsd.qld.gov.au)

Level 36, 1 William Street, Brisbane QLD 4000

PO Box 15009, City East QLD 4002

[www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

sch. 4(4)(6) -  
disclosing personal  
information

**From:** Executive Correspondence DILGP  
**Sent:** Wednesday, 20 December 2017 4:56 PM  
**To:** DSD DLO <DLO@dsd.qld.gov.au>  
**Cc:** Planning Group Correspondence <PlanningGroupCorrespondence@dsdip.qld.gov.au>; Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>  
**Subject:** FW: Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017

Hi Linda

For action please/printing and an executive correspondence action coversheet.

David Attrill has asked me to forward this to you. I will also forward to you other correspondence I received from Planning and Infrastructure groups once it is received.

Thanks  
Davina Suttie

**Davina Suttie**

**Manager (Executive Services Unit)**

Cabinet and Executive Services | Strategy, Governance and Engagement  
Department of Local Government, Racing and Multicultural Affairs

P: [REDACTED] E: [Davina.Suttie@dilgp.qld.gov.au](mailto:Davina.Suttie@dilgp.qld.gov.au) | W: [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au)

**From:** Planning Group Correspondence  
**Sent:** Wednesday, 20 December 2017 10:18 AM  
**To:** Executive Correspondence DILGP <[executivecorrespondence@dilgp.qld.gov.au](mailto:executivecorrespondence@dilgp.qld.gov.au)>  
**Subject:** FW: Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017

Good Morning,

Can we please get the attached letter to Minister Dick added to the source and assigned back to Planning Group?

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](http://www.dsdmip.qld.gov.au)

**From:** Thomas Holmes  
**Sent:** Wednesday, 20 December 2017 10:08 AM  
**To:** Planning Group Correspondence <[PlanningGroupCorrespondence@dsdip.qld.gov.au](mailto:PlanningGroupCorrespondence@dsdip.qld.gov.au)>  
**Cc:** Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)>; Adam Norris <[Adam.Norris@dilgp.qld.gov.au](mailto:Adam.Norris@dilgp.qld.gov.au)>; Trent Stanton <[Trent.Stanton@dilgp.qld.gov.au](mailto:Trent.Stanton@dilgp.qld.gov.au)>  
**Subject:** FW: Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017

Hi Team,

Do you mind creating a workflow for this correspondence and assigning to myself for action.

The corro is regarding a proposed TLPI by the council and relates to a recent HIB – WR17/51109. We are yet to receive the proposed amendment.

We are expecting a number of these objections. Is there any sort of approval that we need to make a standard response?

It is addressed to the new minister and sent via our office.

Regards,

**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. 07 5644 3217 | e. [thomas.holmes@dilgp.qld.gov.au](mailto:thomas.holmes@dilgp.qld.gov.au)

**From:** Kim Kirstein  
**Sent:** Tuesday, 19 December 2017 3:12 PM  
**To:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>  
**Cc:** Tim Pearson <[Tim.Pearson@dilgp.qld.gov.au](mailto:Tim.Pearson@dilgp.qld.gov.au)>; Dominique Gallagher <[Dominique.Gallagher@dilgp.qld.gov.au](mailto:Dominique.Gallagher@dilgp.qld.gov.au)>; Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)>  
**Subject:** FW: Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017

FYA and inclusion in the AR once the Planning Minister receives the instrument for approval.

Kim

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

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

Please consider the environment before printing this email.

From: [redacted] [burchills.com.au](mailto:[redacted]@burchills.com.au)

Sent: Tuesday, 19 December 2017 2:56 PM

To: Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>

Cc: [redacted] [burchills.com.au](mailto:[redacted]@burchills.com.au)

Subject: Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017

Good afternoon Kim,

I trust that all is well.

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*, which was formally released to the public on Friday 8 December 2017. After extensive review of the contents of this new instrument, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development and construction sectors across the City.

On behalf of Burchills Engineering Solutions' Managing Director, [redacted] please find attached a submission that we have compiled objecting to this new piece of legislation.

We kindly request that yourself and your colleagues in the Queensland Government review the contents of this submission, and in due course, provide us with feedback on how the points raised within our submission have been considered.

Please feel free to give me a call if you would like to discuss any aspects of the submission in further detail. Also, we are more than happy to meet with yourself and your colleagues to discuss the contents of our submission in further detail.

We look forward to hearing from you.

Many regards,



PO Box 3766, Australia Fair, Southport Qld 4215  
Level 2, 26 Marine Parade, Southport Qld 4215



Please note the Burchills Office will be closed from midday on Friday 22nd December 2017 and reopens on Monday 8th January 2018. Our team look forward to partnering with you again in the year ahead. Wishing you and your family a very Merry Christmas!



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RTI RELEASE



Our Ref: Our Ref  
 Enquiries to: [REDACTED]

Tuesday, 19 December 2017

Hon Cameron Dick MP  
 Minister for State Development, Manufacturing, Infrastructure and Planning  
 PO Box 15009  
 CITY EAST QLD 4002

Dear Minister

**Re: City of Gold Coast Temporary Local Planning Instrument No. 5  
 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017  
 Submission Objecting to the Proposed Introduction of this Instrument**

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (from herein, the TLPI), which was formally released to the public on Friday 8 December 2017.

We thank you for the opportunity to present a submission objecting to the contents of this Instrument.

After extensive review of the contents of this TLPI, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development and construction sectors across the City.

For example, we are confident that the TLPI's envisaged policy shift will render a range of pending projects as being unachievable. A selection of these key projects includes:

Project	Address	Land Size	Development Yield
67 Macadie Way, Merrimac	67 Macadie Way, Merrimac	3.6ha	56 Residential Units & 74 Town House Dwellings
The Italo Club Retirement Village	18 Fairway Drive, Clear Island Waters	3.86ha	94 Residential Units
Parkwood Golf Course	76-122 Napper Rd, Parkwood	56.49ha (Total lot area)	260 room Retirement Facility.
The Link Way, Mudgeeraba	lot 42 on SP184241, lot 30 on SP270379,	60.44ha	928 Units and 339 Townhouses



Project	Address	Land Size	Development Yield
	lot 24 on 868214 and lot 25 on SP270379		
Green Heart Gardens	153 Gooding Drive, Merrimac	75.95ha	5,000 multi-residential units and 8,000m <sup>2</sup> of commercial floor space
Robina Transit (Palmer Colonial)	57 Paradise Springs Avenue, Robina	70ha	2,500 residential units

As can be seen from the scale of the abovementioned projects, extensive economic impacts on the construction industry will be felt if they do not proceed. Furthermore, population growth targets for the City of Gold Coast will become harder to realise, thus further accentuating housing affordability issues.

Table 1 has been prepared below, which provides a technical review of the perceived issues that appear to have guided the development of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*. As you will read in our review, we firmly believe that resilient development in the floodplain is achievable, subject to adherence with suitable development controls.

RTI RELEASE



**Table 1 – Technical Review of Perceived Issues associated with Development in Flood Affected Areas**

Perceived Issues	Discussion	Burchills' Feedback
<p><b>(a) Increase in development footprint in flood affected areas</b></p>	<p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• The proposed TLPI affects existing developed areas that experience flood event depths exceeding 0.6m and velocities exceeding 0.8m/s. This includes many suburbs that are earmarked for higher density "missing middle" redevelopment including many along the Light Rail corridor. Suburbs such as Budd's Beach, Chevron Island, Paradise Island, Carrara (namely the localities near Monaco St and Nerang Broadbeach Rd), Mermaid Beach, Miami, Burleigh are heavily impacted by this proposed regulatory shift.</li> <li>• The proposed TLPI fails to appreciate that new proposals for development within the floodplain are required to prepare rigorous Flood Emergency Management Plans (FEMP), with the activation of these Plans during flood events often resulting in these developments having very little to no impact on emergency services resources. In fact, these contemporary development proposals in the floodplain may in fact contribute to reducing risks in neighbouring flood prone areas.</li> <li>• The proposed Acceptable Outcome AO17.1 to PO17 from the TLPI may have an unintended consequence upon rural residential subdivisions, requiring 400m<sup>2</sup> or 50% of the site area (whichever is greater) to be at or above the Defined Flood Level for 'Residential' uses. Previous Rural Residential subdivisions required the provision of a 1,000m<sup>2</sup> building envelope to be provided at or above the DFL. This proposed Acceptable Outcome will require further refinement so that it does not affect specific zones.</li> <li>• The proposed TLPI is based purely upon only two (2) independent hydraulic variables (depth and velocity). It has become best practice both nationally and internationally to categorise flood hydraulic hazard based upon the velocity x depth product, of which is omitted from the instrument. Reference is made below to the NSW Floodplain Development Manual figures that outline a sensible approach that all NSW Councils (and several Councils in other states) have adopted for assessing hazardous conditions:</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
		<div style="display: flex; justify-content: space-around;"> <div data-bbox="757 272 1252 746"> </div> <div data-bbox="1330 272 1825 746"> </div> </div> <p><b>Notes</b></p> <ol style="list-style-type: none"> <li>At velocities in excess of 2.0 m/s, the stability of foundations and poles can be affected by scour. Also, grass and earth surfaces begin to scour and can become rough and unstable.</li> <li>The velocity of floodwaters passing between buildings can produce a hazard which may not be apparent if only the average velocity is considered. For instance, the velocity of floodwaters in a model test has risen from an average of 1 m/sec to 3 m/sec between houses.</li> <li>Vehicle instability is initiated by buoyancy.</li> <li>At floodwater depths in excess of 2.0 meters and even at low velocities, there can be damage to light-framed buildings from water pressure, flotation and debris impact.</li> </ol> <p>Derived from laboratory testing and flood conditions which caused damage.</p> <p><b>Notes</b></p> <p>The degree of hazard may be either -</p> <ul style="list-style-type: none"> <li>reduced by establishment of an effective flood evacuation procedure.</li> <li>increased if evacuation difficulties exist.</li> </ul> <p>In the transition zone highlighted by the median colour, the degree of hazard is dependant on site conditions and the nature of the proposed development.</p> <p><b>Example:</b> If the depth of flood water is 1.2 m and the velocity of floodwater is 1.4 m/sec then the provisional hazard is <b>high</b></p> <p><b>FIGURE L1 - Velocity &amp; Depth Relationships</b></p> <p><b>FIGURE L2 - Provisional Hydraulic Hazard Categories</b></p> <p>These categories are provisional because they</p> <ul style="list-style-type: none"> <li>Council's current approach to hazard categorisation requires expert industry review and engagement. A peak flood depth of say 0.65m and velocity at that peak of &lt;0.5m/s (typical of most of the lower Gold Coast floodplain) many experts would argue is not high hazard. Imposing such a constraint across the City's vast floodplain would unnecessarily sterilise development and force developers to assess their options in other local government authorities that have taken a more holistic approach to assessing applications in the floodplain (like Tweed Shire Council for example).</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
		<ul style="list-style-type: none"> <li>• Determining hazard needs to include other factors in addition to just depth and velocity. For any development application that has a proposed footprint within a 'high hazard' zone, whether the flow is being transferred over the design surface or underneath a platform, a proper risk assessment needs to be undertaken in conjunction with a Multi Criteria Analysis and Cost Benefit Assessment to ensure that a rigorous decision is made based on a range of factors and not just independent velocity and depth variables.</li> <li>• Flood mitigation measures (structural and non-structural) once assessed needs to be viewed in line with "what is the residual risk?" question and can the residual risk be adequately managed. A Flood Emergency Management Plan (FEMP) can greatly assist in reducing the risk such that the high hazard can be managed, as well as having a 'state of the art' flood warning and forecasting system in place. Developers that are seeking a development proposal within high flood hazard zones should commit to undertaking water level flood gauging at the sites upstream and downstream extents to confirm the actual flood mechanics that forms part of the hazard categorisation.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that the introduction of a TLPI in this circumstance is not warranted. Any planning instrument should be informed and considered for implementation on after Council has developed a detailed hydraulic and land use master plan for the City's floodplains. The hydraulic and land use master plan can then be used to guide what is and is not possible on a particular site, subject to a site-specific hydraulic assessment being prepared to support a development proposal.</p> <p>Furthermore, our view is that based on the above feedback, a potential alternative policy approach would be to protect major flow paths and to allow controlled podium development in backwater/storage areas.</p>
<b>(b) Asset renewal</b>	<i>Similar to other assets, platforms have a design life and will need to be renewed over a 50 or 70 year cycle resulting in</i>	<ul style="list-style-type: none"> <li>• Podiums and platforms are designed and constructed to have an equivalent design life as any other type of built form, therefore this perceived lifecycle issue does not appear to relevant.</li> <li>• Podiums and platform structures are designed by experienced and qualified engineers certified by the State Government under the Board of Professional Engineers.</li> <li>• The costs associated with maintenance and replacement obligations are borne by the property owner/s and are not borne by the community.</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
	<p><i>substantial costs to the community.</i></p>	<p><b>Summarising Comments</b></p> <p>Burchills submits that the technical query regarding the design life of platform and podium assets has no technical basis and should therefore be rejected.</p>
<p><b>(c) Safety</b></p>	<p><i>Building on platform provides habitable floors that are normally only a few metres above ground level with potential of full inundation of land under the building even during minor floods</i></p>	<ul style="list-style-type: none"> <li>• The Gold Coast floodplains are flooded by slow rising, longer duration events that provide ample warning time for people to move or evacuate and for moveable property to be relocated or moved to higher ground. Furthermore, platform and podium developments are designed to ensure that the structural integrity of the structure is maintained during flood events. Accordingly, we are unable to understand what risks humans are being exposed to by flood inundation under buildings.</li> <li>• Development with flood free access and evacuation routes – If fenced balconies overhang flood water, what is the safety issue?</li> <li>• Development proposals in medium flood hazard areas under the current planning requirements are required to be supported by a comprehensive Flood Emergency Management Plan which addresses matters such as refuge areas above flood, maintaining continuous power supply, water, food supply, medical needs, fire, communications evacuation, and security. Under the new planning instrument development will be allowed in flood affected areas that do not require these management measures to be considered.</li> <li>• Refuge in place provisions apply to new development where residents' access and egress can be cut-off by floodwaters, generally providing refuge areas above probable maximum flood (PMF) level.</li> <li>• High-rise balconies pose a greater risk to life from falls onto hard surfaces?</li> <li>• There is greater potential for scour to occur on unprotected properties (higher in the catchment) exposed to high velocity flows in close proximity to creek / river channels than podium developments set on floodplains (generally low velocity environments) during extreme weather events.</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
		<p><b>Summarising Comments</b></p> <p>Burchills submits that based on the particular characteristics of flood events across the Gold Coast, that residents often receive extended warning periods to enable them to pack up and retreat to higher ground. Notwithstanding, the specific design criteria for developments within the floodplain, including the need to adhere to the requirements of Flood Emergency Management Plans, results in such projects being safe and resilient in cases of flood.</p>
<p><b>(d) Compliance ramifications</b></p>	<p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• It is acknowledged that some developments may not maintain undercroft areas correctly, although it must be noted that non-compliance with development approval conditions is an issue that is confronted by Council with any development project.</li> <li>• Council already operates a canal maintenance team which provides surveillance of unlawful land uses and construction activities. It is expected that such a team will be able to expand their reach to also regularly examine compliance of development projects within the floodplain.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that compliance ramifications are a potential issue needing to be managed, as they are with any development project. In order to remedy this perceived issue, Council may require via conditions of approval that developers prepare and submit annual reports demonstrating compliance with requirements relating to maintenance of these undercroft areas.</p>
<p><b>(e) Potential environmental health impacts</b></p>	<p><i>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</i></p>	<ul style="list-style-type: none"> <li>• Compared to often unkempt nature of pre-development floodplains, we would expect less ponding and fewer potential health concerns arising from development projects being carried out in the floodplain.</li> <li>• The TLPI would allow podiums only up to 0.6m above the ground, which renders the ability to access and maintain these sites to be difficult and potentially dangerous.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
	<p><i>safe distance from buildings and not directly under the residential buildings.</i></p>	<ul style="list-style-type: none"> <li>The issues that have been raised can be addressed by the preparation and implementation of an Undercroft Management Plan and a Groundwater Management Plan. Burchills has worked on several such Plans and are happy to present examples if sought.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that a development project within the floodplain that is well-located, designed and managed will promote a style of development that reduces potential environmental health impacts on the surrounding ecosystem and on residents of the area.</p> <p>Through the preparation and implementation of technical reports such as Undercroft Management Plans and Groundwater Management Plans, an extensive range of environmental information is obtained which results in tailored mitigatory measures being employed for the life of the project.</p>
<p><b>Other Issues for Discussion</b></p>		
<p><b>(f) Land Use</b></p>		<ul style="list-style-type: none"> <li>Areas being developed in the floodplain are typically close to existing infrastructure and represent efficient infill development opportunities.</li> <li>The majority of the subject sites seeking to be developed in the floodplain are generally privately-owned, are of low value and offer minimal use prospects.</li> <li>Development of such prospects offers Council the opportunity to collect headworks charges and ongoing payments of rates from new residents.</li> <li>Development of such prospects offers the opportunity to levy contributions to contribute to the proposed Green Heart open space initiative along with other Council initiatives in the future.</li> <li>As part of the preparation of the TLPI, we are unsure as to whether visual amenity considerations are applicable. If so, examples of particular attributes of examined projects should be nominated and presented to the industry for broader examination.</li> <li>The introduction of the TLPI may be seen as a strategic approach to Council seeking to acquire the land within the floodplain. If this is the case, this approach needs to be presented and discussed in further detail with affected stakeholders.</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
		<ul style="list-style-type: none"> <li>• Council policy relating to floodplain management and flood emergency management is flawed and the industry and community needs to be consulted to form a holistic masterplan that all parties are in agreement with.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that Council should embark upon the development of a holistic masterplan relating to development projects in the floodplain. Such a project should be driven by a collaborative working group that includes government and industry stakeholders, with its initial piece of work being to examine and assess the various perceived issues detailed within this document.</p>
<b>(g) Process</b>		<ul style="list-style-type: none"> <li>• Overall, the lack of consultation with industry stakeholders and affected parties regarding the contents and the release of the TLPI is of concern.</li> <li>• No independent engineering or planning assessment appears to have been undertaken, with several potential unintended consequences of the TLPI being observed.</li> <li>• The lack of transition period created by the introduction of the TLPI prejudices developers with significant financial exposure in current and pending development applications.</li> <li>• No guidance on the application of the TLPI has been provided, which results in uncertainty surrounding how the instrument affects development projects across the floodplain.</li> <li>• Council's information briefing (provided with only 24 hours' notice) was unclear in its guidance when numerous typical example development cases were discussed.</li> <li>• Questions remain as to whether the State Government's 0.8m sea level rise figure has been used to support the introduction of the TLPI. This is a separate issue which will be addressed via updated flood mapping, which is yet to be released by Council.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that the process by which the TLPI has been prepared and introduced into the public sphere has not enabled the forms of rigorous discussion required to better understand the rationale behind its implementation and to better investigate the true implications of it becoming Council policy.</p>



Perceived Issues	Discussion	Burchills' Feedback
		We firmly believe that the State Government, working with Council, should seek to establish a collaborative working group including government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

RTI RELEASE



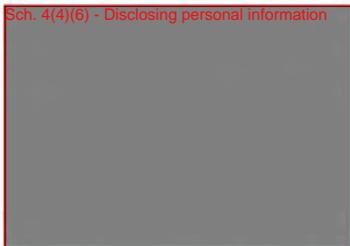
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We kindly request the opportunity to meet with yourself and stakeholders from SARA and the Queensland State Government to discuss the abovementioned information in further detail.

Further, we look forward to working in collaboration with government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

Should you have any queries or require any additional information relating to the above, please do not hesitate to contact  on  or via mobile 

Yours faithfully

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


  
Managing Director

**cc: Kim Kirstein**  
Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning

RTI RELEASE



## Virginia Bruce

---

**From:** Graeme Bolton <Graeme.Bolton@dilgp.qld.gov.au>  
**Sent:** Tuesday, 13 February 2018 2:00 PM  
**To:** External - Tim Pearson; Barnaby Kerdel; Megan Bayntun; Josef Chick; External - Robert Gardner; Robert Gardiner  
**Cc:** Elizabeth Dickens; Joshua Leddy; Christopher Aston; Dominique Gallagher; Teresa Luck  
**Subject:** RE: MO and Planning Group Catch up on incoming Planning Scheme matters  
**Attachments:** image001.png; 2018-02-13 MGR MALPI Run Sheet V1.pdf

Hi All,

Please find attached a copy of the MGR/MALPI register for our weekly discussion.

Regards,

Graeme.

Graeme Bolton

Executive Director, Planning and Development Services Planning Group Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 3452 6741 M Sch. 4(4)(6) - Disclosing personal information  
Level 13, 1 William Street, Brisbane QLD 4000 PC Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

-----Original Appointment-----

From: Tim Pearson  
Sent: Thursday, 18 January 2018 9:30 AM  
To: Tim Pearson; Barnaby Kerdel; Megan Bayntun; Graeme Bolton; josef.chick@ministerial.qld.gov.au; Robert Gardiner; Robert Gardiner  
Cc: Elizabeth Dickens; Joshua Leddy; Christopher Aston; Dominique Gallagher  
Subject: MO and Planning Group Catch up on incoming Planning Scheme matters  
When: Wednesday, 14 February 2018 9:00 AM-9:45 AM (UTC+10:00) Brisbane.  
Where: <<1 William Street (1WS) - 38 Floor - Meet 38.03>>

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1	Planning Group MGR and MALPI: Run Sheet							Wednesday, 14 February 2018			08/02 - Note about date format - Just keep an eye on the dates after you enter them - ExcelOnline seems to think we are on Armenian time so can change 05/01 to 01/05 and can be stubborn in converting. Let me know if you spot issues. Regards, Darrian 3432 2411									
2	General Information										Current Stage			Department & Contact						

s. 73(2) - Not relevant/ Out of scope



MC18/175	TLPI-00046	4/01/2018	Gold Coast City Council	MGR	TLPI	TLPI No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017	TLPI to introduce new requirements to manage development in a flood areas. Relates to extent of area that must be flood free to allow for development to occur.	02 SEQ South	Daniel Park	Minister	Approval to adopt	Author	22/02/2018	29/02/2018	7/03/2018	The development industry and peak bodies raised concerns with the proposed TLPI and its lack of consultation and transparency.  15/01/2018 - TLPI timeframe paused to seek further information from the council justifying there is an urgent and significant risk. The time for council to respond was extended to 16 February 2018.  7/02/2018 - The council responded to the request for further information and identified they are in receipt of a request for Statements of Reasons under the Judicial Review Act 1991. The department is considering the further
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s. 73(2) - Not relevant/ Out of scope



## Virginia Bruce

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**From:** External - Woodridge Electorate Office <woodridge@parliament.qld.gov.au>  
**Sent:** Monday, 8 January 2018 2:33 PM  
**To:** State Development  
**Subject:** FW: Proposed TLPI No.5 Gold Coast City Council  
**Attachments:** 180103 - Arcadis Australia Pacific Pty Ltd letter to Hon Cameron Dick.pdf

Hi V

This one is for you.

☺ Kyles

[REDACTED]  
Electorate Officer  
Office of Hon Cameron Dick MP  
State Member for Woodridge  
Minister for State Development, Manufacturing, Infrastructure and Planning  
P O Box 2486  
**LOGAN DC QLD 4114**  
P: (07) 3445 4100  
E: [woodridge@parliament.qld.gov.au](mailto:woodridge@parliament.qld.gov.au)



**From:** [REDACTED] [arcadis.com]  
**Sent:** Wednesday, 3 January 2018 10:29 AM  
**To:** Woodridge Electorate Office <Woodridge@parliament.qld.gov.au>  
**Subject:** Proposed TLPI No.5 Gold Coast City Council

Dear Hon Mr Dick,

Please find attached letter in relation to a proposed Temporary Local Instrument that is being considered for adoption by the City of Gold Coast. I would welcome any further discussions / clarification on any of the matters relating to this topic.

Regards,

[REDACTED]  
**Arcadis** | Level 7 Premion Place, Cnr Queen & High Street, Southport | QLD 4215 | Australia

T. [REDACTED]  
[www.arcadis.com](http://www.arcadis.com)

M. [REDACTED] Sch. 4(4)(6) - Disclosing personal information



Be green, leave it on the screen.



Registered office: Level 16, 580 George Street, Sydney NSW 2060, Australia ABN 76 104 485 289

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Hon Cameron Dick  
Minister for State Development, Infrastructure and Planning

Woodridge@parliament.qld.gov.au

Arcadis Australia Pacific Pty Ltd  
Level 16, 580 George Street  
Sydney NSW 2000  
Tel No: +61 2 8907 9000  
www.arcadis.com/au

3/01/2018

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

Dear Minister

It has been advised through a notification issued by the City of Gold Coast via a Planning and Development Alert dated 8<sup>th</sup> December that the City had resolved to introduce a Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction).

I wish to raise concerns in relation to both the process of implementation of this TLPI as well as the content of the proposed Instrument and its effects on the development industry of the Gold Coast.

The City of Gold Coast has introduced the TLPI with disregard to the effects on the ability for good quality development land to be provided to the industry, has not provided any community/industry consultation and the TLPI does not provide for sound engineering or risk management justification.

On 14<sup>th</sup> December 2017, Council conducted an industry briefing to the Gold Coast Development Industry. This briefing was held with limited notice and no formal advice on its content prior to the briefing. At this briefing the development industry was united in its objection to the TLPI and it was apparent that the objectives in implementing the TLPI was not clear or adequate justification provided.

It is recommended that the Minister reject the implementation of the TLPI in its current form and direct the City of Gold Coast to undertake formal public consultation with the industry.

The following are the key concerns of the TLPI in its current form;

- The TLPI was introduced without any industry consultation and has a great bearing on the ability of Council to meet its target housing needs. At the Industry Briefing it was advised that approximately 2,500 lots would be affected by this change. It was not clear as to the number of potential dwellings that would be lost for development potential or how existing infill development targets would be met due to this change. It is also not clear how the latest flood modelling undertaken by Council (yet to be implemented) will affect the number of properties mentioned, as any increase in flood levels will increase the number of properties affected by this planning instrument. Attached to this letter is a series of maps illustrating the flood depth >0.6m for a select number of areas

within the city that are currently zoned for residential use, some in medium and high density corridors.

- The TLPI is to be introduced retrospective to 8<sup>th</sup> December 2017. Many significant developments are currently in the planning or assessment phases of applications with significant costs expended by developers and industry professions. Implementing significant changes to planning controls retrospective will result in significant impost onto existing applications and land values
- The TLPI (PO16) does not provide any acceptable outcome for the development of land that has existing levels of flood inundation depth greater than 0.6m and flood water velocity exceeding 0.8 meters per second. This provision does not allow for cut to fill operations to occur over land to balance flood plain storage and / or mitigate flood impacts. This type of constraint inhibits good quality developments that have been created on the Gold Coast such as Emerald Lakes, Royal Pines Resort and Residential, Lakelands, Palm Meadows etc.
- The TLPI (PO16) specifically notes that development elevated above the Designated Flood Level is not permitted and the proposed changes to the Flood Overlay Code recommend "discouraging the proliferation of Residential Uses constructed on platforms above flood Affected Land". There is no engineering justification or reasonable risk management explanation as to the reasoning as to why this type of development is not a suitable outcome for development. In fact, developments that are elevated above the designated flood level are generally Community Title developments which incorporate a higher level of Flood Risk Management through the provision of Flood Emergency Management Plans.
- The TLPI (PO16) and its specific recommendation to discourage residential uses constructed on existing land inundated by greater than 0.6m of flood depth has an unintended consequence of preventing infill development in areas of the Gold Coast that are zoned for medium and / or high density. Areas such as Surfers Paradise, Budds Beach, Labrador, Paradise Point, Chevron Island are proposed in the City Plan for increased density not only for medium or high density but also for low density development. Existing houses and duplex sites will not be permitted for development in areas that can be suitably managed through the provision of onsite refuge and or flood emergency management provisions.



Based upon the above major concerns it is recommended that the Minister consider the following recommendations;

- Reject the TLPI in its current form and seek the City of Gold Coast to engage a professional (Registered Professional Engineer of Queensland) to undertake a review of the engineering and risk management effects of the instrument and advise on the suitability of the proposed changes.
- That the City of Gold Coast undertake a comprehensive review of the land affected by the proposed TLPI and its effects on housing supply.
- That a review to be undertaken on the effects of land owner rights for compensation due to diminished asset values.
- That any new policy give consideration to sufficient timing for implementation that allows for existing developments that are in the development application stages.

Yours sincerely

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



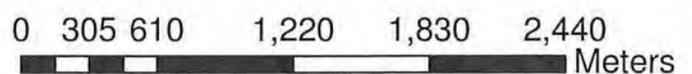
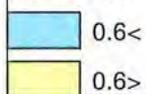
Enc. Flood Maps

# GENERAL BROADBEACH/ MERMAID/ MIAMI AREA FLOOD HAZARD DEPTHS 100 YEAR ARI STORM EVENT



## Legend

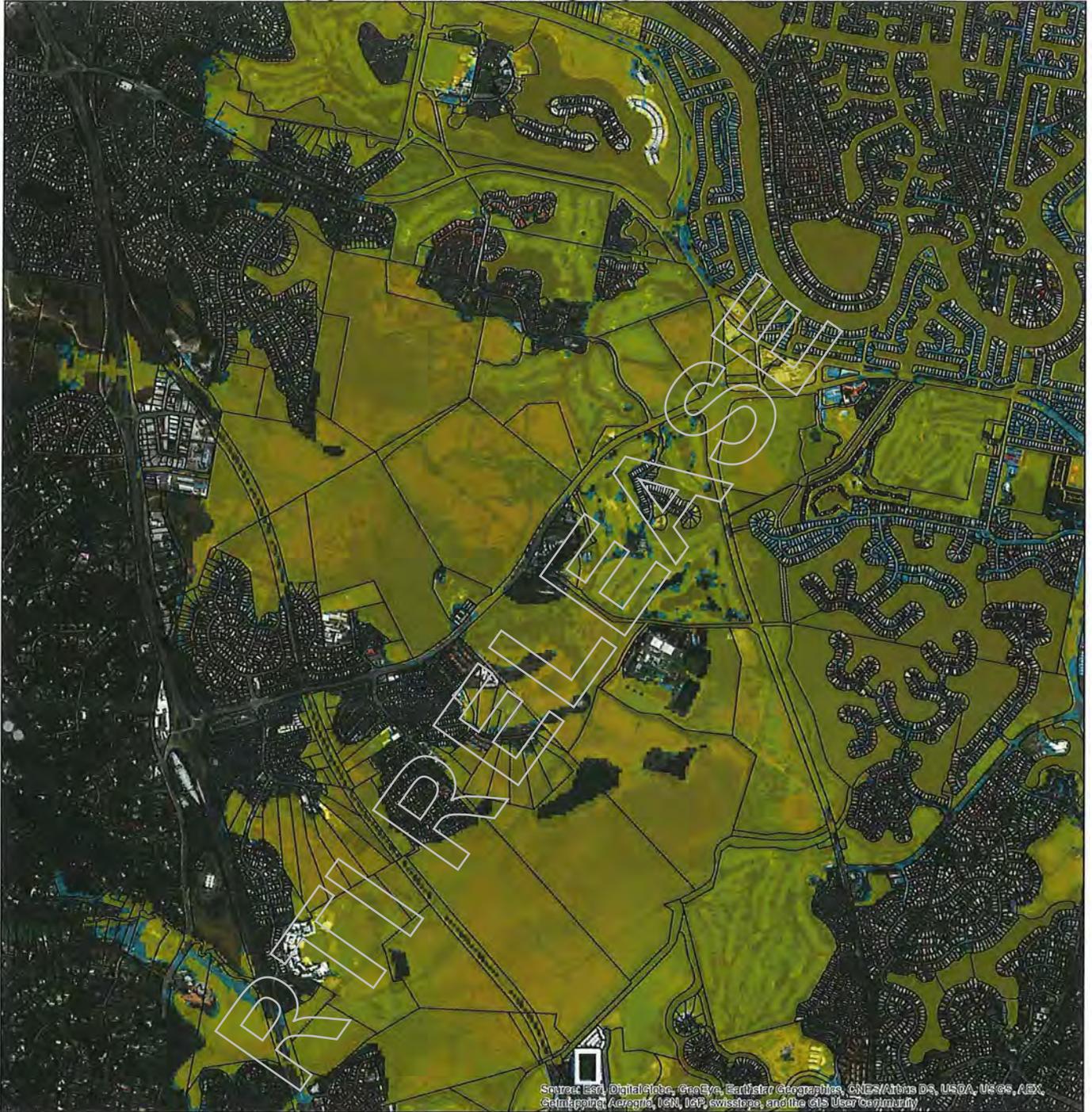
NERANG 100YEAR DEPTH (m)



Nerang MIKE Flood v2016 Model

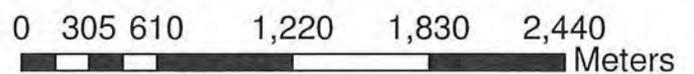


# GENERAL CARRARA / MERRIMAC FLOOD HAZARD DEPTHS 100 YEAR ARI STORM EVENT



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, Calmapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Legend	
NERANG 100YEAR DEPTH (m)	
	0.6<
	0.6>

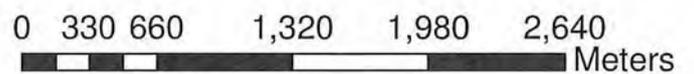


# GENERAL HOPE ISLAND/ PARADISE POINT FLOOD HAZARD DEPTHS 100 YEAR ARI STORM EVENT



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Geomatics, AeroGRID, IGN, JCF, swisstopo, and the GIS User Community

Legend	
COOMERA 100YEAR DEPTH (m)	
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	0.6>

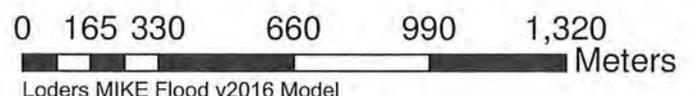


CoomeraM21\_2008 Model

# GENERAL SOUTHPORT/ LABRADOR FLOOD HAZARD DEPTHS 100 YEAR ARI STORM EVENT



Legend	
100YEAR LODERS CREEK DEPTH (m)	
	0.6<
	0.6>



# GENERAL SURFERS PARADISE AREA FLOOD HAZARD DEPTHS 100 YEAR ARI STORM EVENT



## Legend

NERANG 100YEAR DEPTH (m)

0.6<

0.6>



**ARCADIS** Design & Consultancy  
for natural and  
built assets

0 195 390 780 1,170 1,560  
Meters

Nerang MIKE Flood v2016 Model

## Virginia Bruce

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**From:** donotreply\_webcontactform@cabinet.qld.gov.au  
**Sent:** Saturday, 20 January 2018 9:09 PM  
**To:** State Development  
**Subject:** City of Gold Coast Temporary Planning Amendment - Flood Plane

**Importance:** High

Cabinet Contact email for Cameron Dick MP Minister for State Development, Manufacturing, Infrastructure and Planning

Subject: City of Gold Coast Temporary Planning Amendment – Flood Plane Title

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

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

Dear Minister,

I live at Emerald Lakes on the Gold Coast a very successful development in which many people live work and recreate.

This estate is but one example of development that can occur in flood plains with minimal to no impact on flood conveyance or levels.

Gold Coast City Council is seeking your approval to restrict or curtail development within the flood plains even though there are various design solutions that can allow development in such areas without any undue adverse impact on others.

Housing affordability is a major issue and further reduction of developable land on the Gold Coast will further restrict supply and thus raise costs for much needed housing.

You as Minister must be extremely wary of granting your approval without properly considering the likely impact on land availability and housing affordability.

Brisbane is a prime example of a City that has significant development within land potentially impacted in Q100 events yet nonetheless functions well as a City. Admittedly there are at times these rare large events where damage occurs but it would be madness to prevent development on the basis of the minor statistical occurrence of such events. That is not to say we should be reckless and we do need to be sensible but a complete ban as proposed without proper consideration of the design solutions is not in the State interest and thus should be rejected by you

<<https://u3008840.ct.sendgrid.net/wf/open?upn=xdP8QDiDvc-2BiDhEADK8JfJdDXbELz0LCLp-2F-2BF2vJJTFRjOtJZgnmI1JJ-2F1UQtm7LVk5ehiLToHza7-2Bl5qLoQn39tmNhgEH4Q5UKgISWlvtMR1FQ16Qp9lwdYqgelpjNvFSXpSRz2eSBsrh7XspqmiYJd6Tj7hUJhkocqHFrvPubrZB5PexKShssqa3ekIFwQvOchPODYpy4X6XQ7G5vH6S8jWkasE1JkqxXrY2JsKY03-2FX27hcKYxr5vBMIB>>

## Virginia Bruce

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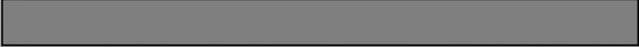
**From:** donotreply\_webcontactform@cabinet.qld.gov.au  
**Sent:** Monday, 18 December 2017 4:11 PM  
**To:** State Development  
**Attachments:** 20171218\_TLPI no. 5 Walker Submission+Annexures\_FINAL.pdf  
**Importance:** High

Cabinet Contact email for Cameron Dick MP Minister for State Development, Manufacturing, Infrastructure and Planning



Please find attached a submission to the Minister on the City of Gold Coast Temporary Local Planning Instrument No.5

<<https://u3008840.ct.sendgrid.net/wf/open?upn=xdP8QDiDvc-2BiDhEADK8JfJdDXbELz0LCLp-2F-2BF2vIJJTFRjOtJZgnml1JJ-2F1UQtmMSyu88SxbGYnbYU9dMtgEheoHcwOfGYyvbfcSiPoXK9DrnV0HJ9CUQFtcDmFpW-2FpblZifqe5EkXFal9PcipaRvPLdE2KzGw8fwEd1J5roGRg7pv63ZZIHgA5cKa4AeHSqMKXehbqBm42br6966BwdVZk4dG>>



RTI RELEASE

18 December 2017



Hon Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure & Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

**CITY OF GOLD COAST TEMPORARY LOCAL PLANNING INSTRUMENT NO. 5 (MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION)**

**1.0 INTRODUCTION**

1.1 I write with reference to the City of Gold Coast (**Council**) *Temporary Local Planning Instrument No.5 (Minimum Land above Designated Flood Level and Residential Risk Reduction) 2017* (TLPI No.5) and Council's resolution on 8 December 2017 to refer it to the Minister for approval.

1.2 Walker Robina Pty Ltd (**Walker**) strongly objects to the approval and adoption of the TLPI No.5 and requests the Minister rejects it for the following reasons:

- There is no significant risk of serious adverse cultural, economic, environmental or social consequences to the local government area as Council's Flood Code adequately controls development within a flood plain.
- There is no urgency to deliver this TLPI. The standard planning scheme amendment process within sections 18 to 22 of the *Planning Act 2016* (Qld) (**PA**) should have occurred.
- The making of the TLPI No. 5 will adversely affect State interests.
- Council's attempt to rush through a TLPI aimed at defeating existing development applications that otherwise had a good prospect of approval has resulted in a gross denial of natural justice for Walker, other developers and landowners. The process undertaken lacks transparency, accountability and due process.
- In Walker's view, the making of this TLPI is a misuse of the TLPI provisions and is tantamount to vexatious behaviour. It is our understanding that the TLPI recommended by Council has been prepared in part to stop our Development Application.

1.3 The reasons outlined above are expanded in the following sections.

## 2.0 TLPI NO. 5 (MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION)

- 2.1 At a meeting on 8 December 2017, Council resolved to endorse TLPI No. 5 and refer it to the Minister for approval. Council states that 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. Council's position is that the provisions seek to strengthen its commitment to ensure development in flood affected areas is safe and resilient.
- 2.2 Council's website says TLPI No. 5 amends the operation of the City Plan Flood overlay code to ensure:
- Residential uses are only exposed to medium or less flood hazard; and
  - Reconfiguration of Lot applications (**ROLS**) provide sufficient land at or above the Designated Flood Level.
- 2.3 In itself this is an admirable goal, however, there are far reaching consequences which are not addressed.
- 2.4 Council proposes an earlier commencement date i.e. they have sought to have it apply to all relevant applications lodged on or after the 8 December 2017. It will also apply to applications lodged prior to this date which made under the PA and are currently being assessed; or made under the *Sustainable Planning Act 2009 (Qld)* (**SPA**) currently being assessed that have not reached the decision stage.
- 2.5 The Council report, agenda and minutes discussing the TLPI are not publicly available therefore, it is not possible to understand Council's justification for implementing the TLPI with such urgency.
- 2.6 Council has not issued a practice note explaining the background, purpose or intended effect of TLPI No. 5. Council held a presentation to industry on the 14 December 2017. However, Council did not provide clarity at this presentation, and in fact, this presentation highlighted that Council had not worked through the proposed TLPI in any detail.
- 2.7 TLPI No. 5 seeks to impose principles and standards to development assessment that do not appear to have been formulated on a factual basis and lacked relevant engineering input, thereby prohibiting Walker's development.

## 3.0 BACKGROUND TO WALKER'S CONCERNS

### About Walker Corporation

- 3.1 Walker is Australia's largest private diversified development company with over 50 years' experience. We have delivered over 1,000 projects nationally and internationally. Today, Walker has a project pipeline of \$25 billion of work to complete in the next 15 years. Walker has always been driven by a desire to deliver great places to live, work and play.

- 3.2 Walker has a 20-year history of development in Queensland including residential projects at Hope Island, Brisbane, Ipswich and Gladstone, office towers in Brisbane and industrial warehousing and logistics facilities in Moreton Bay and Ipswich.

The Breakwater Road, Robina Project

- 3.3 The Breakwater Road Site encompasses 73 hectares of land listed in table 1 and illustrated at **Annexure 1**.

**Table 1:** The Breakwater, Robina Site

Address	Property Description	Land owner
138-152 Highfield Drive, Merrimac	Lot 3 on RP851086	State Government, entrusted to Council as reserve land
154-170 Highfield Drive, Merrimac	Lot 2 on RP223566*	Baymill Investments Pty Ltd
172-182 Highfield Drive, Robina	Lot 902 on SP108453*	Baymill Investments Pty Ltd
0 Breakwater Road, Merrimac	Lot 1 on SP190865*	
0 Robina Town Centre Drive, Robina	Lot 997 on SP100222	State Government, entrusted to Council as reserve land
261a Robina Town Centre, Robina	Lot 741 on SP215167	State Government, entrusted to Council as reserve land

\*These properties were subject to the Guragunbah State Planning Regulatory Provision (SPRP). However, since the commencement of the *Planning Act 2016* they are known as the 'Guragunbah Area' as per the definition in the *Planning Regulation 2017*

- 3.4 Walker has an agreement with the owners of lots 1, 2 and 902 to develop the land and has a letter of offer and Owner's Consent from the Department of Natural Resources and Mines (**DNRM**) for proposed works within lots 3, 741 and 997.
- 3.5 On 30 June 2017 Walker lodged a development application under the SPA over the Breakwater, Robina site with the City of Gold Coast Council seeking approval for:
- S.242 Preliminary Approval for a Material Change of Use of premises to vary the effect of City Plan (*Version 3*) to facilitate the development of a master planned residential community in accordance with the Breakwater Plan of Development;
  - Preliminary Approval for the Reconfiguration of a Lot to create the management lots; and
  - Operational Works (change to ground level) for bulk earthworks.
- 3.6 The proposal presents an opportunity for the highest and best use of the land and introduces a master plan which enhances the interface with surrounding open space areas, supports management of the Guragunbah flood plain and provides a quality infill development with valuable access to the Robina centre and railway. It includes 2,000 dwellings and 1,000 m<sup>2</sup> of commercial activity space, with opportunities for other uses such as medical and education. 35.8 hectares of the site have been earmarked for public open space. A copy of the master plan for the site is provided at **Annexure 2**.

3.7 The Breakwater Road project will result in numerous community benefits:

- Provide 2,000 new homes for an estimated 3,700 people that are close to the future Central Park, sporting facilities, Robina Town Centre, Hospital, and Rail Station and the Pacific Motorway.
- Connect the Merrimac and Robina communities to those facilities with new roads, bicycle ways and walking trails.
- Directly contribute a \$1.2 billion boost to the state economy post 2018 Commonwealth Games.
- Indirectly contribute \$1.8 billion when flow-on effects are included.
- Save the government \$120 million on infrastructure that it would have to spend building new 'greenfield' suburbs.
- Create an estimated average 293 jobs per year while it's being built.
- Foster healthy and active lifestyles with over 35 hectares landscaped public parkland, sports facilities, natural areas and lakes, with cycle ways and walking trails for recreation and for travel to schools, shops, work, the Train Station and future Central Park development.
- Reduce reliance on car travel, which is good for the environment and also for household budgets.
- Include new road connections, alternate routes and improved access for the existing community, the Hospital, the Raptors sporting club and the All Saints Anglican School.
- Improve regional water quality with rehabilitated wetlands for treating stormwater.
- Reduce flooding on adjoining low lying land, including school playing fields and council parklands and the Robina Hospital car park.
- Improve access to existing inaccessible or under used public reserves to the north and south of the site.
- Efficiently use land that is currently vacant, degraded, and full of weedy coral tree.
- Include 3.2 hectares of restored bushland and protect large native trees on Snake Hill and scattered through the site.
- Include 14.2 hectares of restored and rehabilitated wetlands and 15 hectares of lakes that will improve natural water way quality and provide habitat.
- Provide new road connections to existing communities and key urban facilities (M1 to Hospital) that will be available during more extreme flooding.

3.8 Walker has undertaken extensive consultation with Council staff, the Mayor, Councillors, staff from DNRM, representative from All Saints School, Robina Hospital, Robina Raptors and the local community, during the preparation of the DA and post lodgement. This consultation was to facilitate openness and ensure there is understanding about the type of development proposed and the willingness of Walker to work with Council and the community to provide a suitable development outcome. A summary of this consultation is provided at **Annexure 3**.

- 3.9 At no point during this consultation on our development application was Walker or any of our consultants informed that Council would prohibit development in the floodplain. Our approach to the Breakwater Project was to undertake a certain amount of cut and fill to provide roads up to the flood level without impacting upon flood storage. The built form would also be above the flood level, expressed as buildings on podiums with landscaped undercroft areas. We have prepared a detailed and thorough application in good faith, in accordance with the legislation and planning controls that currently apply.
- 3.10 On 14 July 2017, Council issued an acknowledgement notice. On 11 August 2017, an information request was issued.
- 3.11 Walker has referred the application to the relevant agencies.
- 3.12 Walker is in the process of preparing detailed responses to Council and the Department of State Development, Infrastructure and Planning (DSDIP) information requests. Our response submission was due to be finalised and submitted at the end of January 2018. In preparing the DA and the response, Walker has spent over \$2million.

Impact on TLPI No. 5 on the Breakwater Road Project

- 3.13 The Breakwater Road development application was properly made under the SPA on 30 June 2017. As such, it will be assessed under the SPA (see section 288, PA).
- 3.14 Section 317(1) of the SPA states that, in assessing an application, the assessment manager may give the weight it is satisfied is appropriate to the planning instrument that came into effect after the application was made, but before the day the decision stage for the application started.
- 3.15 Our understanding of the impact of the TLPI, based upon advice from our hydraulic engineering expert is that, it will effectively preclude any residential development on the Breakwater Road site, or elsewhere in the floodplains of the Gold Coast. Only limited flood fringe development where depths are less than 0.6m (presumably on the DFE but not stated) and velocities are below 0.8 m/s.
- 3.16 Further, TLPI No. 5 seeks to impose principles and standards to development assessment that lack an evidence base and, therefore suffer from basic lack of certainty and clarity. It patently ignores proven engineering performance solutions that can enable the sustainable mitigation of flood hazard on land included on the City of Gold Coast City Plan's flood overlay – such as those incorporated in the design of the Breakwater Road Project.



#### 4.0 WALKER'S CONCERNS ABOUT TLPI NO. 5

- 4.1 Section 23 of the PA states that a local government may make a TLPI in the following circumstances:
- there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
  - 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
  - the making of the TLPI would not adversely affect State interests.
- 4.2 None of the circumstances are present in the case of TLPI No. 5.
- Significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- 4.3 The concept of significant risk of adverse cultural, economic, environmental or social conditions happening implies that the chance of a severe widespread irreversible negative outcome is imminent. This is not the case in relation to developing flood affected land within the Gold Coast local government area.
- 4.4 The Gold Coast has extensive areas affected by floodwater inundation, and development has progressed in these areas competently and safely since the introduction Guragunbah (Merrimac/Carrara Floodplain) Hydraulic Masterplan which set the framework for floodplain development within the Gold Coast City Area generally. The master plan has been in place for nearly 20 years.
- 4.5 Council's City Plan contains a Flood Code. Engineering expert advice is that this code adequately addresses development within flood affected areas. Existing development applications on land that is flood affected must be prepared in accordance with the requirements of this code.
- 4.6 A range of flood resilient development, including but not limited to podium development has been approved by Council and subsequently built across the Gold Coast. These developments are able to function effectively. These projects provide examples of benchmark floodplain development and engineering within the floodplain environment.
- 4.7 The Breakwater Road Project, as designed, complies with Council's Flood Code and best practice:
- Flood free road access is provided from existing high land into the floodplain;
  - There is no flood storage loss internally;
  - No conveyance issues externally; and
  - Flood resilient and RPEQ certified development scheme consisting of podium decks with landscaped under crofts extending over the floodplain in accordance with extensive hydraulic modelling and sensitivity testing.
- 4.8 There is no demonstrated "significant risk of serious adverse cultural, economic, environmental or social conditions happening".

- 4.9 The Breakwater Road Project and other projects have demonstrated compliance with the Flood code and are best practice, and thus do not carry risk or threat to public safety because they are properly engineered.

The delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk

- 4.10 As demonstrated above, there is clearly no significant risk of an adverse event occurring. As there is no risk, Council should have pursued a formal amendment to their City Plan in accordance with sections 18-22 of the PA.
- 4.11 Bypassing this process by rushing through a TLPI aimed at defeating existing development applications that otherwise had a good prospect of approval undermines trust in governance and deters investment because due process is not followed.
- 4.12 Walker has spent more than \$2million preparing the documentation supporting the Breakwater Road Project. There have been numerous meetings with Council officers and Councillors prior to and during the course of the application to ensure that all of the issues were handled through mutual agreement. At no point during this process did Council inform Walker that it had major concerns about the proposed development within the floodplain, which would preclude the development from occurring.
- 4.13 The existing planning scheme is capable of preventing or controlling the serious environmental harm or serious adverse conditions referred to in section 23 of the PA.
- 4.14 We note that a number of existing developments are in place or approved that are of a similar nature to that now being precluded if TLPI No. 5 comes into effect.
- 4.15 In Walker's view, the making of this TLPI is a misuse of the TLPI provisions. The adoption of the TLPI would delay development applications and assessment for up to two years. It is too blunt an instrument and does not meet the test of urgency required under state legislation.

The making of the TLPI would not adversely affect State interests

- 4.16 A state interest is defined under the PA as follows:

**State interest** means an interest that the Minister considers—

- (a) affects an economic or environmental interest of the State or a part of the State; or
- (b) affects the interest of ensuring this Act's purpose is achieved.

- 4.16 As TLPI No. 5 will essentially preclude any residential development on a flood plain on the Gold Coast, if the TLPI is approved and the Breakwater Road Site sterilised, it will impact upon the state interests outlined in table 2.



**Table 2: The Breakwater, Robina state interests**

State Planning Policy (SPP) themes	Relevant State interests	Impact on State Interest
Liveable communities and housing	Housing supply and diversity Liveable communities	<ul style="list-style-type: none"> <li>• The TLPI No. 5 sterilises development of the Guragunbah Area. With limited land supply available the Urban Footprint, this will unnecessarily restrict land supply on the Gold Coast and prevent the development of land in areas that are accessible and well connected to services , employment and infrastructure.</li> <li>• The Breakwater Road Project is consistent with the Shaping SEQ Regional Plan, it focuses infill development around the Principal Regional Activity Centre of Robina, Robina Hospital, the major transport node at the Robina Railway Station and Robina Stadium. This maximises the effective use of existing infrastructure, services and facilities. If sites such as Breakwater Road are sterilised, there will be a heightened reliance on greenfield land supply on the urban fringe.</li> <li>• The Breakwater Road Project addresses the impacts and challenges of climate change through the effective design and siting of buildings, the integration of transport and land use planning, and the delivery of quality urban design.</li> <li>• If the TLPI is approved a range of positive outcomes will be foregone including loss of opportunity for:               <ul style="list-style-type: none"> <li>○ diverse affordable housing options that will make a significant contribution (2,000 dwellings) to assisting in meeting the Gold Coast's SEQ Regional Plan housing targets</li> <li>○ affordable key worker accommodation options at a location in close proximity to the Robina Hospital, major schools and the heavy rail network</li> <li>○ transit oriented development outcomes that will reduce reliance on the private car and minimise the carbon footprint of urban development</li> <li>○ significant new, high quality public open spaces that connect residents to nature and new pedestrian and cycle networks connecting the western side of Mudgeeraba Creek to the Robina centre.</li> </ul> </li> </ul>
Economic growth:	Development and construction	<ul style="list-style-type: none"> <li>• Planning for development and construction supports a major employment industry for Queensland. The TLPI removes certainty for the property industry.</li> <li>• If approved the TLPI will delay development applications and investment for up to two years.</li> <li>• A range of economic benefits will be foregone if the Breakwater Road Project is sterilised by the TLPI:               <ul style="list-style-type: none"> <li>○ The Breakwater Road Project investment is forecast to be \$725.6 million.</li> <li>○ The peak construction employment is 485 FTE positions in 2021/22, with an average across the construction period of 293 FTE positions per year.</li> <li>○ Over 15 years, the direct economic contribution of the project equates to \$1.2 billion of gross state project (discounted at 7%).</li> <li>○ 56% or \$660 million of this contribution is due to the expenditure of the residents that will live in the proposed development, while 44% or \$516 million is attributable to expenditure during construction.</li> <li>○ When the flow-on impacts of this expenditure are taken into account the total economic contribution over 15 years exceeds \$1.8 billion.</li> <li>○ The economic contribution of the project will result in fiscal benefits to government through payroll tax of \$21.8 million.</li> <li>○ The infill location of the development is estimated to save government approximately \$120 million (discounted at 7%) in avoided infrastructure costs, such as power, water and sewage connections, and social infrastructure such as schools and hospitals, that may be required for an urban fringe development.</li> </ul> </li> </ul>

State Planning Policy (SPP) themes	Relevant State Interests	Impact on State Interest
Environment and heritage	Biodiversity	<p>The Breakwater Road Site is in a degraded and disturbed condition characterised by:</p> <ul style="list-style-type: none"> <li>• disturbance to riparian ecosystems, including drainage modification and historical clearing of riparian vegetation;</li> <li>• substantial weed invasion and the absence of native vegetation recruitment, leading to an ecosystem absent of any native fauna habitat;</li> <li>• historical, large scale clearing of native vegetation and fauna habitat;</li> <li>• the presence of introduced and pest plant and animal species; and</li> <li>• the use of the site for cattle grazing.</li> </ul> <p>The Breakwater Road Project proposes ecological restoration of approximately 32.1 hectares of the site and the inclusion of the following areas:</p> <ul style="list-style-type: none"> <li>• 3.2 ha of bushland habitat;</li> <li>• 14.7 ha of lacustrine habitat;</li> <li>• 11.3 ha of palustrine habitat; and</li> <li>• 2.9 ha of riverine habitat.</li> </ul> <p>This opportunity to enhance biodiversity of the site and habitat connectivity will be lost if TLPI No. 5 is approved.</p>
Safety and resilience to hazards	Natural hazards, risk and resilience	<ul style="list-style-type: none"> <li>• The planning system sets out to ensure that risks associated with natural hazards, including the projected impacts of climate change, are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards. The SPP advocates for an integrated, evidence based planning process that is <b>one component</b> of an integrated disaster management strategy.</li> <li>• In making this TLPI, Council has taken a drastic position with no regard for innovative approaches to achieving development outcomes that mitigate flood risk to people and property and other risk management strategies such as community education and awareness.</li> <li>• It is also noted that the Project will provide flood free access to the M1 for Robina Hospital, which will be foregone if the development cannot proceed because of the TLPI.</li> </ul>
Infrastructure	Infrastructure integration	<p>The Breakwater Road Project will maximise the benefits of past and ongoing investment in infrastructure and facilities through optimal land use-transport integration and contribution to a land use pattern that encourages sustainable transport options.</p>

## 5.0 CONCLUSION

- 5.1 Clearly, TLPI No. 5 has not been prepared in accordance with the process outlined within section 23 of the PA.
- 5.2 Council has failed to demonstrate there is a significant adverse risk, that a delay undertaking a formal planning scheme amendment would increase the risk and that there is no impact upon state interests.
- 5.3 It appears that the purpose of TLPI No. 5 is to defeat development applications, based upon unsubstantiated information and preclude development that has been legitimately made and would otherwise have good prospects of approval. The Breakwater Road proposal is based upon sound hydraulic information. Council's actions are contrary to the intent of the legislation. Their action ignores the myriad of innovative, performance-based solutions that can achieve the desired outcome in terms of resilience and safety.

- 5.4 It is requested the Minister use his discretion to:
- Review and request more information on the intent of TLPI No. 5 and the evidence base for its urgency; and
  - Review and request more information on the impact of TLPI No. 5 upon state interests.
- 5.5 If the Minister considers the circumstances around the preparation TLPI No. 5 to be outside the intent of the PA, we ask that he not approve TLPI No. 5.
- 5.6 If the Minister decides to approve TLPI No. 5, we ask that he delay the commencement of TLPI No. 5. Due to the pervasive impact of TLPI no. 5, it should only be applicable to new development applications lodged after the commencement date and not be given weight in the assessment of development applications that were lodged prior to the TLPI's commencement.
- 5.7 Walker would like to thank the Minister for his time reviewing our objection. We are available to discuss this in person and if you have any further questions please do not hesitate to contact me on [REDACTED] or via email [REDACTED] [walkercorp.com.au](mailto:[REDACTED]@walkercorp.com.au).

Yours sincerely



**Walker Corporation Pty Ltd**

ANNEXURES: 1. Breakwater Robina Site  
2. Breakwater Robina Masterplan  
3. Consultation Summary

cc: **Kim Kirstein**  
Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning



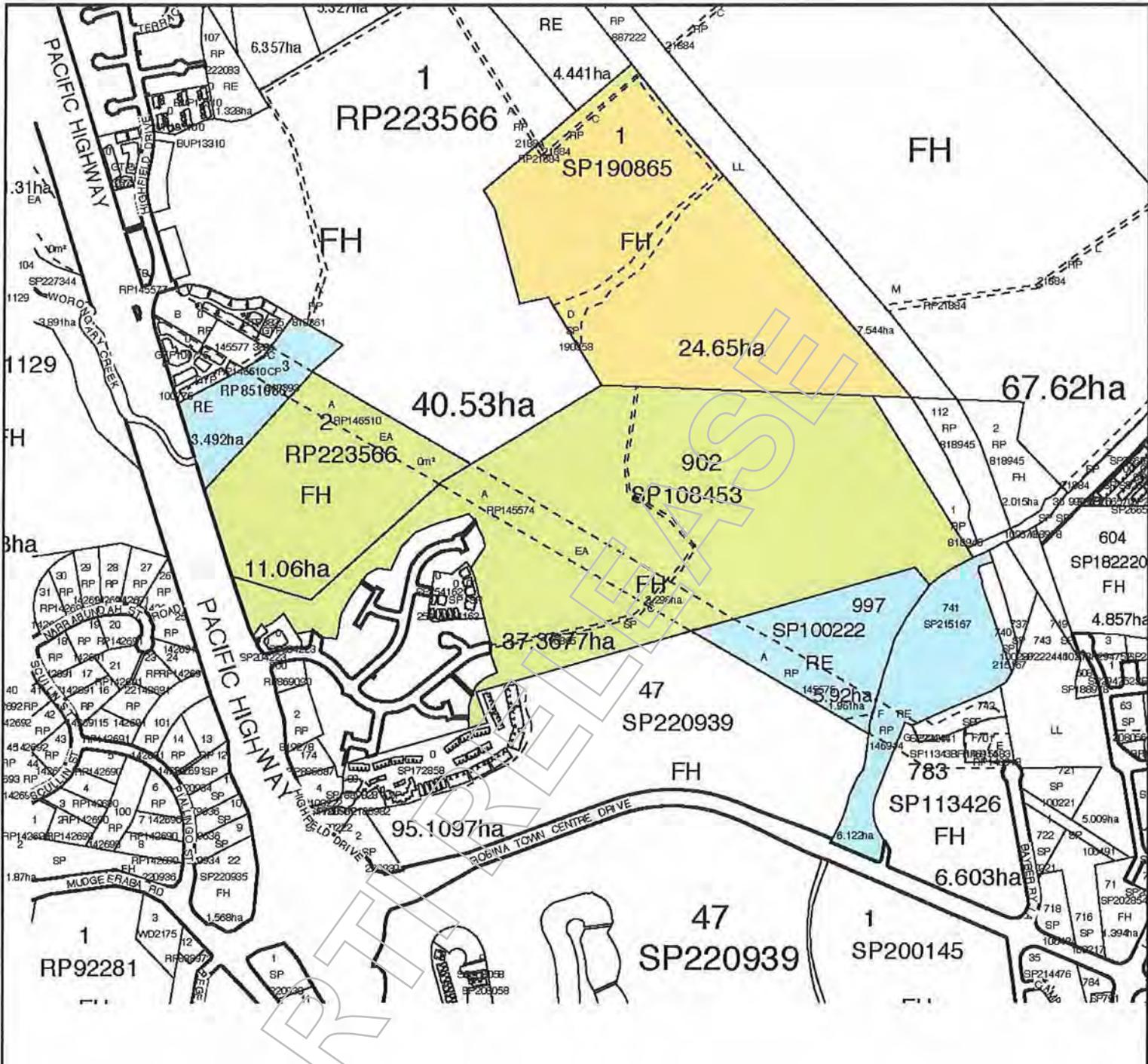
# Annexure 1

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Breakwater Road, Robina Site

RTI RELEASE





DESCRIPTION	OWNER	AREA (hectares)
 Lot 3 RP 851086 Lot 997 SP 100222 Lot 741 SP 215167	State	3.492
 Lot 1 SP 190865		24.65
 Lot 2 RP 223566 Lot 902 SP 108453	Baymill Investments Pty Ltd Baymill Investments Pty Ltd	11.06 37.3677
<b>TOTAL</b>		<b>88.6117</b>

# Annexure 2

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Breakwater Road, Robina Master Plan

RTI RELEASE





2000 DWELLINGS  
73 HECTARE  
**SITE**

3700  
NEW RESIDENTS

DESIRABLE  
PROXIMITY TO  
AGRICULTURE TRANSPORT EDUCATION HEALTHY LIVING

50  
HECTARES  
COMMUNITY  
OPEN  
SPACE

IMPROVED  
CONNECTIVITY  
MERRIMAC → ROBINA → GREEN HEART

# BREAKWATER ROBINA

50 HECTARES  
PUBLIC OPEN SPACE  
& PARKLAND

UNLOCK  
GREENHEART



NEW ROADS  
WITH BETTER  
FLOOD  
IMMUNITY

IMPROVED  
UPSTREAM  
WATER  
QUALITY

120  
MILLION

SAVING  
IN GOVERNMENT  
INFRASTRUCTURE  
COMPARED TO  
GREENFIELD  
DEVELOPMENT

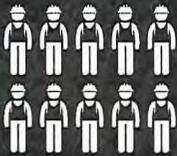
1.2  
BILLION  
GSP

DIRECT  
CONTRIBUTION  
& FLOW ON  
BENEFITS

AVERAGE  
293  
JOBS  
DURING CONSTRUCTION



PEAKING  
485  
JOBS  
DURING CONSTRUCTION



DELIVERS  
INFRASTRUCTURE  
CONTRIBUTES  
TO EXISTING  
& FUTURE  
INFRASTRUCTURE

STRATEGIC  
LOCATION FOR  
DENSITY  
UNDER SEQ  
REGIONAL PLAN

NEW  
TRANSPORT  
NETWORK  
CONNECTIONS

ADJOINING  
ROBINA  
REGIONAL  
ACTIVITY  
CENTRE



# Annexure 3

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## Consultation Summary

RTI RELEASE



## Consultation Summary

Subject	Date	Meeting Attendees
Breakwater, Robina Project Overview	26/04/2016	Cr Bob La Castra & Walker
Breakwater, Robina Project Overview	16/06/2016	Mayor Tom Tate & Walker [REDACTED]
Breakwater, Robina Project Overview	27/06/2016	Council & Walker
Breakwater, Robina Project Overview	27/06/2016	Cr Hermann Vorster & Walker
Preliminary Discussions   Walker Corp proposal at Breakwater Dr, Robina	13/07/2016	Council & Walker
Breakwater Site - Robina - Access to Council Trustee Parkland	22/07/2016	Council & Walker
Breakwater, Robina Project Overview & Hospital Car park	1/08/2016	Walker and Robina Hospital (Gold Coast Hospital and Health Service)
Breakwater, Robina Project Overview	11/08/2016	Mayor Tom Tate & [REDACTED]
Breakwater, Robina Project Overview	21/08/2016	Cr Cameron Caldwell & Walker
Breakwater - Pre Lodgement with Council	13/12/2016	Council & Walker
Meeting major project 154 Highfield Drive Merrimac	13/12/2016	Council & Walker
2nd meeting Hydraulics Prelodgement meeting 154 Highfield Drive Merrimac File No PN158804/16	30/01/2017	Council & Walker
3rd Prelodgement meeting Traffic 154 Highfield Drive Merrimac File No PN158804/16	31/01/2017	Council & Walker
Meeting Town Planning Prelodgement Meeting 154 Highfield Drive Merrimac File No PN158804/16	31/01/2017	Council & Walker
Prelodgement meeting Environmental, Parks, Open Space 154 Highfield Drive Merrimac File No PN158804/16	2/02/2017	Council & Walker
Prelodgement meeting Gold Coast Water and Subdivision 154 Highfield Drive Merrimac File No PN158804/16	8/02/2017	Council, GC Water & Walker
Community Information Evening - Northern Connection Road - CANCELLED	30/03/2017	Walker & local community
Meeting with Walker re proposed new roads	11/04/2017	Walker & Robina Raptors
Meeting with Walker re proposed new roads	11/04/2017	Walker and Robina Hospital (Gold Coast Hospital and Health Service)
Breakwater Road on State Land Community Consultation (rescheduled)	12/04/2017	Walker & local community
Meeting with Walker re proposed new roads	12/04/2017	Walker & All Saints Anglican School
Meeting with [REDACTED] of Walker regarding Breakwater Project, Robina for Walker	26/04/2017	Cr Bob La Castra & Walker
CR Bob La Castra - Update on Community Consultation	26/04/2017	Cr Bob La Castra & Walker
Meeting to discuss hydraulics Walker Breakwater project - Breakwater Drive Robina	6/06/2017	Council & Walker
Walker Breakwater Project - planning, community benefits (open space) and infrastructure agreements	22/06/2017	Council & Walker
Meeting with Robina Raptors Rugby League Club about Walker update	27/06/2017	Walker & Robina Raptors
Meeting with All Saints Anglican School about Walker update	27/06/2017	Walker & local community
Discussion   Walker preliminary approval application, Breakwater Rd Robina	27/06/2017	Council & Walker
[REDACTED] Walker preliminary approval application, Breakwater Rd Robina	28/06/2017	Cr Hermann Vorster & Walker
Discussion - Walker Corp Application (Breaker Road, Robina)	4/10/2017	Council & Walker
Meeting re Walker application - Breakwater Robina	19/10/2017	Council & Walker
rescheduled - To discuss Open Space - Walker Breakwater 154 Highfield Drive Merrimac PN158804/01/DA5	12/12/2017	Council & Walker

## Virginia Bruce

---

**From:** DSD DLO <DLO@dsd.qld.gov.au>  
**Sent:** Thursday, 4 January 2018 9:17 AM  
**To:** State Development  
**Subject:** FW: Gold Coast City Council TLPI - Letter  
**Attachments:** Oxmar Letter to Minister.pdf

For processing please



**Queensland  
Government**

Regards

**Linda Lloyd**

Departmental Liaison Officer  
Cabinet Services  
Department of State Development, Manufacturing,  
Infrastructure and Planning

P [REDACTED] M [REDACTED] Sch. 4(2)(6) -  
disclosing personal  
information  
E [dlo@dsd.qld.gov.au](mailto:dlo@dsd.qld.gov.au)  
Level 36, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Executive Correspondence DILGP  
**Sent:** Tuesday, 2 January 2018 3:12 PM  
**To:** Robert Gardiner <[Robert.gardiner@ministerial.qld.gov.au](mailto:Robert.gardiner@ministerial.qld.gov.au)>; Robert Gardiner <[Robert.Gardiner@dilgp.qld.gov.au](mailto:Robert.Gardiner@dilgp.qld.gov.au)>;  
DSD DLO <[DLO@dsd.qld.gov.au](mailto:DLO@dsd.qld.gov.au)>  
**Cc:** Sophie Smith <[Sophie.Smith@dilgp.qld.gov.au](mailto:Sophie.Smith@dilgp.qld.gov.au)>  
**Subject:** FW: Gold Coast City Council TLPI - Letter

For action/correspondence sheeting please

Davina

**From:** Planning Group Correspondence  
**Sent:** Tuesday, 2 January 2018 2:50 PM  
**To:** Executive Correspondence DILGP <[executivecorrespondence@dilgp.qld.gov.au](mailto:executivecorrespondence@dilgp.qld.gov.au)>  
**Subject:** FW: Gold Coast City Council TLPI - Letter

Good Afternoon,

Here is another one, can you please log the attached as ministerial incoming corro?

Thanks,  
Sophie



**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

**From:** Adam Norris  
**Sent:** Friday, 22 December 2017 3:43 PM  
**To:** Planning Group Correspondence <[PlanningGroupCorrespondence@dsdip.qld.gov.au](mailto:PlanningGroupCorrespondence@dsdip.qld.gov.au)>  
**Cc:** Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)>  
**Subject:** FW: Gold Coast City Council TLPI - Letter

Good afternoon,

Please find attached another letter to the minister submitted via email today.

Regards



**Queensland  
Government**

Adam Norris  
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](http://www.dsdmip.qld.gov.au)

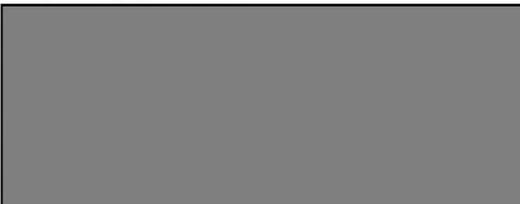
**From:** [REDACTED] <[\[REDACTED\]@oxmarproperties.com.au](mailto:[REDACTED]@oxmarproperties.com.au)>  
**Sent:** Friday, 22 December 2017 3:38 PM  
**To:** Adam Norris <[Adam.Norris@dilgp.qld.gov.au](mailto:Adam.Norris@dilgp.qld.gov.au)>  
**Subject:** FW: Gold Coast City Council TLPI - Letter

Hi Adam,  
Please see email below sent to Kim Kirstein.

Kind Regards,



**OxMAR PROPERTIES**



web: [www.oxmarproperties.com.au](http://www.oxmarproperties.com.au)



**From:** Kim Kirstein [<mailto:Kim.Kirstein@dilgp.qld.gov.au>]  
**Sent:** Friday, 22 December 2017 3:18 PM  
**To:** [REDACTED] <[\[REDACTED\]@oxmarproperties.com.au](mailto:[REDACTED]@oxmarproperties.com.au)>  
**Subject:** Automatic reply: Gold Coast City Council TLPI - Letter

Thank you for your email. I am not in the office until Monday 29 January 2018.

For urgent matters please contact, Adam Norris on [REDACTED] or email [adam.norris@dilgp.qld.gov.au](mailto:adam.norris@dilgp.qld.gov.au).

**Kim Kirstein**  
**Manager** (Mon, Tues, Thurs, Fri)  
Department of Infrastructure, Local Government and Planning  
Level 1 7 Short Street, Southport  
p. [REDACTED] e. [kim.kirstein@dilgp.qld.gov.au](mailto:kim.kirstein@dilgp.qld.gov.au)

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Friday 22nd December 2017

Hon Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

**Re: City of Gold Coast Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017**  
**Submission Objecting to the Proposed Introduction of this Instrument**

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (from herein, the TLPI), which was formally released to the public on Friday 8 December 2017.

We thank you for the opportunity to present a submission objecting to the contents of this TLPI.

By way of background, Oxmar Properties is a highly-credentialed property developer with over 30 years of experience delivering a range of projects across Queensland. For further information on our company, please feel free to visit the website, [www.oxmarproperties.com.au/about-us/](http://www.oxmarproperties.com.au/about-us/)

We have recently acquired a site situated on the southern side of the Link Way at Mudgeeraba, which consists Lot 42 on SP184241, Lot 30 on SP270379, Lot 24 on SP868214 and Lot 25 on SP270379. The development site measures 60.44ha in size and is proposed to be improved through the construction of 1776 residential units and other residential accommodation facilities, which has a value of over \$350 million intended to be invested into the local development and construction sectors.

After extensive review of the contents of this TLPI, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development prospects of this site, in addition to a range of other investment opportunities that we are presently considering across the City.

Specifically focusing on the Link Way Project, the following details the extensive work that we have undertaken to date to assure that the project satisfies our Company's pledge, being "to develop consistently high quality residential environments, which enhance the lives of the people who live there and the community as a whole":

1. Oxmar Properties have engaged extensively with Gold Coast City Council (GCCC) regarding the nature and style of development suitable for the site and to meet residential demands clearly expressed by the community.
2. Oxmar Properties have facilitated a number of pre-lodgement meetings with GCCC Officers and affected Local Area Councillors to discuss the Project.
3. Oxmar Properties have engaged a team of specialist technical consultants and are expected to be in a position to lodge a formal Development Application with the GCCC in January 2018. We have expended several hundred thousand dollars to date to get to this point.
4. In selecting their consulting team for the Project, Oxmar Properties engaged Burchills Engineering Solutions as their technical engineering services firm, whom have several decades of specialist experience working on development and planning in the floodplains across the City. Burchills has undertaken best practice Flood Emergency Management planning and design that has been the cornerstone of the iterative development of the Project's overall proposal scheme.
5. Oxmar Properties notes that construction of the Project will both enhance the local environment and will reduce the flood impacts on adjacent GCCC community infrastructure. Further, the proposed upgrade to Link Way will provide flood free access to the shopping centre for new residents and the broader community.

In summary, Oxmar Properties wishes to emphasise that the regulations contained within the TLPI would render approximately half of the likely development yield from the Link Way Project as not being achievable. This would result in a significant negative economic impact being felt on the local construction industry, whilst also exacerbating population growth and housing affordability issues being felt across the City.

Oxmar Properties' primary concerns brought about by the introduction of the TLPI relates to the process by which it has been introduced, specifically:

- Overall, the lack of consultation with industry stakeholders and affected parties regarding the contents and the release of the TLPI is of concern.
- No independent engineering or planning assessment appears to have been undertaken, with several potential unintended consequences of the TLPI being observed.
- The lack of transition period created by the introduction of the TLPI prejudices developers with significant financial exposure in current and pending development applications.
- No guidance on the application of the TLPI has been provided, which results in uncertainty surrounding how the instrument affects development projects across the floodplain.
- Council's information briefing (provided with only 24 hours' notice) was unclear in its guidance when numerous typical example development cases were discussed.



- There remains questions as to whether the State Government's 0.8m sea level rise figure has been used to support the introduction of the TLPI. This is a separate issue which will be addressed via updated flood mapping, which is yet to be released by Council.

Oxmar Properties firmly believe that the State Government, working with Council, should seek to establish a collaborative working group including government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

We kindly request that this submission is read in conjunction with other objections that have been presented from other industry stakeholders, including those from Burchills Engineering Solutions, whom we have engaged as our engineering consulting services firm for the Link Way Project. Their submission was issued on Tuesday, 19 December 2017.

We look forward to working in collaboration with government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

Should you have any queries or require any additional information relating to the above, please do not hesitate to contact [REDACTED] on [REDACTED] or via mobile, [REDACTED] Sch. 4(4)(6) - Disclosing personal information

Yours faithfully

[REDACTED] Sch. 4(4)(6) - Disclosing personal information

**cc: Kim Kirstein**  
Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning

## Virginia Bruce

---

**From:** External - Woodridge Electorate Office <woodridge@parliament.qld.gov.au>  
**Sent:** Tuesday, 19 December 2017 2:51 PM  
**To:** State Development  
**Subject:** FW: Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017  
**Attachments:** Burchills CoGC TLPI No. 5 Submission Objection.pdf  
**Importance:** High

Hi V

Another one for you lovely.

☺ Kyles

Kylie Slater  
Electorate Officer  
Office of Hon Cameron Dick MP  
State Member for Woodridge  
Minister for State Development, Manufacturing, Infrastructure and Planning  
P O Box 2486  
LOGAN DC QLD 4114  
P: (07) 3445 4100  
E: [woodridge@parliament.qld.gov.au](mailto:woodridge@parliament.qld.gov.au)



**From:** [REDACTED] burchills.com.au]  
**Sent:** Tuesday, 19 December 2017 2:50 PM  
**To:** Woodridge Electorate Office <Woodridge@parliament.qld.gov.au>  
**Cc:** [REDACTED] burchills.com.au>  
**Subject:** Objection to City of Gold Coast's Introduction of Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017  
**Importance:** High

Good afternoon Minister Dick,

Firstly, a big congratulations on your recent re-election in the seat of Woodridge and your shift in the Ministry.

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*, which was formally released to the public on Friday 8 December 2017. After extensive review of the contents of this new Instrument, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development and construction sectors across the City.

On behalf of Burchills Engineering Solutions' Managing Director, [REDACTED] please find attached a submission that we have compiled objecting to this new piece of legislation.

We kindly request that yourself and Queensland Government stakeholders review the contents of this submission, and in due course, provide us with feedback on how the points raised within our submission have been addressed.

Please feel free to give me a call if you would like to discuss any aspects of the submission in further detail. Also, we are more than happy to meet with yourself and Queensland Government stakeholders to discuss the contents of our submission.

We look forward to hearing from you.

Many regards,



PO Box 3766, Australia Fair, Southport Qld 4215  
Level 2, 26 Marine Parade, Southport Qld 4215



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Our Ref: Our Ref  
 Enquiries to: [Redacted]

Tuesday, 19 December 2017

Hon Cameron Dick MP  
 Minister for State Development, Manufacturing, Infrastructure and Planning  
 PO Box 15009  
 CITY EAST QLD 4002

Dear Minister

**Re: City of Gold Coast Temporary Local Planning Instrument No. 5  
 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017  
 Submission Objecting to the Proposed Introduction of this Instrument**

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (from herein, the TLPI), which was formally released to the public on Friday 8 December 2017.

We thank you for the opportunity to present a submission objecting to the contents of this Instrument.

After extensive review of the contents of this TLPI, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development and construction sectors across the City.

For example, we are confident that the TLPI's envisaged policy shift will render a range of pending projects as being unachievable. A selection of these key projects includes:

Project	Address	Land Size	Development Yield
67 Macadie Way, Merrimac	67 Macadie Way, Merrimac	3.6ha	56 Residential Units & 74 Town House Dwellings
The Italo Club Retirement Village	18 Fairway Drive, Clear Island Waters	3.86ha	94 Residential Units
Parkwood Golf Course	76-122 Napper Rd, Parkwood	56.49ha (Total lot area)	260 room Retirement Facility.
The Link Way, Mudgeeraba	lot 42 on SP184241, lot 30 on SP270379,	60.44ha	928 Units and 339 Townhouses



Project	Address	Land Size	Development Yield
	lot 24 on 868214 and lot 25 on SP270379		
Green Heart Gardens	153 Gooding Drive, Merrimac	75.95ha	5,000 multi-residential units and 8,000m <sup>2</sup> of commercial floor space
Robina Transit (Palmer Colonial)	57 Paradise Springs Avenue, Robina	70ha	2,500 residential units

As can be seen from the scale of the abovementioned projects, extensive economic impacts on the construction industry will be felt if they do not proceed. Furthermore, population growth targets for the City of Gold Coast will become harder to realise, thus further accentuating housing affordability issues.

Table 1 has been prepared below, which provides a technical review of the perceived issues that appear to have guided the development of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*. As you will read in our review, we firmly believe that resilient development in the floodplain is achievable, subject to adherence with suitable development controls.

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**Table 1 – Technical Review of Perceived Issues associated with Development in Flood Affected Areas**

Perceived Issues	Discussion	Burchills' Feedback
<p><b>(a) Increase in development footprint in flood affected areas</b></p>	<p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• The proposed TLPI affects existing developed areas that experience flood event depths exceeding 0.6m and velocities exceeding 0.8m/s. This includes many suburbs that are earmarked for higher density "missing middle" redevelopment including many along the Light Rail corridor. Suburbs such as Budd's Beach, Chevron Island, Paradise Island, Carrara (namely the localities near Monaco St and Nerang Broadbeach Rd), Mermaid Beach, Miami, Burleigh are heavily impacted by this proposed regulatory shift.</li> <li>• The proposed TLPI fails to appreciate that new proposals for development within the floodplain are required to prepare rigorous Flood Emergency Management Plans (FEMP), with the activation of these Plans during flood events often resulting in these developments having very little to no impact on emergency services resources. In fact, these contemporary development proposals in the floodplain may in fact contribute to reducing risks in neighbouring flood prone areas.</li> <li>• The proposed Acceptable Outcome AO17.1 to PO17 from the TLPI may have an unintended consequence upon rural residential subdivisions, requiring 400m<sup>2</sup> or 50% of the site area (whichever is greater) to be at or above the Defined Flood Level for 'Residential' uses. Previous Rural Residential subdivisions required the provision of a 1,000m<sup>2</sup> building envelope to be provided at or above the DFL. This proposed Acceptable Outcome will require further refinement so that it does not affect specific zones.</li> <li>• The proposed TLPI is based purely upon only two (2) independent hydraulic variables (depth and velocity). It has become best practice both nationally and internationally to categorise flood hydraulic hazard based upon the velocity x depth product, of which is omitted from the instrument. Reference is made below to the NSW Floodplain Development Manual figures that outline a sensible approach that all NSW Councils (and several Councils in other states) have adopted for assessing hazardous conditions:</li> </ul>





Perceived Issues	Discussion	Burchills' Feedback
		<div style="display: flex; justify-content: space-around;"> <div data-bbox="743 274 1243 742"> </div> <div data-bbox="1326 274 1825 742"> </div> </div> <p><b>Notes</b></p> <ol style="list-style-type: none"> <li>At velocities in excess of 2.0 m/s, the stability of foundations and poles can be affected by scour. Also grass and earth surfaces begin to scour and can become rough and unstable.</li> <li>The velocity of floodwaters passing between buildings can produce a hazard, which may not be apparent if only the average velocity is considered. For instance, the velocity of floodwaters in a model test has risen from an average of 1 m/sec to 3 m/sec between houses.</li> <li>Vehicle instability is initially by buoyancy.</li> <li>At floodwater depths in excess of 2.0 meters and even at low velocities, there can be damage to light-framed buildings from water pressure, flotation and debris impact.</li> </ol> <p><i>Derived from laboratory testing and flood conditions which caused damage.</i></p> <p><b>Notes</b></p> <p>The degree of hazard may be either -</p> <ul style="list-style-type: none"> <li>reduced by establishment of an effective flood evacuation procedure.</li> <li>increased if evacuation difficulties exist.</li> </ul> <p>In the transition zone highlight by the median colour, the degree of hazard is dependant on site conditions and the nature of the proposed development.</p> <p><b>Example:</b></p> <p>If the depth of flood water is 1.2 m and the velocity of floodwater is 1.4 m/sec then the provisional hazard is high</p> <p><b>FIGURE L1 - Velocity &amp; Depth Relationships</b></p> <p><b>FIGURE L2 - Provisional Hydraulic Hazard Categories</b></p> <p>These categories are provisional because they</p> <ul style="list-style-type: none"> <li>Council's current approach to hazard categorisation requires expert industry review and engagement. A peak flood depth of say 0.65m and velocity at that peak of &lt;0.5m/s (typical of most of the lower Gold Coast floodplain) many experts would argue is not high hazard. Imposing such a constraint across the City's vast floodplain would unnecessarily sterilise development and force developers to assess their options in other local government authorities that have taken a more holistic approach to assessing applications in the floodplain (like Tweed Shire Council for example).</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
		<ul style="list-style-type: none"> <li>• Determining hazard needs to include other factors in addition to just depth and velocity. For any development application that has a proposed footprint within a 'high hazard' zone, whether the flow is being transferred over the design surface or underneath a platform, a proper risk assessment needs to be undertaken in conjunction with a Multi Criteria Analysis and Cost Benefit Assessment to ensure that a rigorous decision is made based on a range of factors and not just independent velocity and depth variables.</li> <li>• Flood mitigation measures (structural and non-structural) once assessed needs to be viewed in line with "what is the residual risk?" question and can the residual risk be adequately managed. A Flood Emergency Management Plan (FEMP) can greatly assist in reducing the risk such that the high hazard can be managed, as well as having a 'state of the art' flood warning and forecasting system in place. Developers that are seeking a development proposal within high flood hazard zones should commit to undertaking water level flood gauging at the sites upstream and downstream extents to confirm the actual flood mechanics that forms part of the hazard categorisation.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that the introduction of a TLPI in this circumstance is not warranted. Any planning instrument should be informed and considered for implementation on after Council has developed a detailed hydraulic and land use master plan for the City's floodplains. The hydraulic and land use master plan can then be used to guide what is and is not possible on a particular site, subject to a site-specific hydraulic assessment being prepared to support a development proposal.</p> <p>Furthermore, our view is that based on the above feedback, a potential alternative policy approach would be to protect major flow paths and to allow controlled podium development in backwater/storage areas.</p>
<p><b>(b) Asset renewal</b></p>	<p><i>Similar to other assets, platforms have a design life and will need to be renewed over a 50 or 70 year cycle resulting in</i></p>	<ul style="list-style-type: none"> <li>• Podiums and platforms are designed and constructed to have an equivalent design life as any other type of built form, therefore this perceived lifecycle issue does not appear to relevant.</li> <li>• Podiums and platform structures are designed by experienced and qualified engineers certified by the State Government under the Board of Professional Engineers.</li> <li>• The costs associated with maintenance and replacement obligations are borne by the property owner/s and are not borne by the community.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
	<p><i>substantial costs to the community.</i></p>	<p><b>Summarising Comments</b></p> <p>Burchills submits that the technical query regarding the design life of platform and podium assets has no technical basis and should therefore be rejected.</p>
<p><b>(c) Safety</b></p>	<p><i>Building on platform provides habitable floors that are normally only a few metres above ground level with potential of full inundation of land under the building even during minor floods</i></p>	<ul style="list-style-type: none"> <li>• The Gold Coast floodplains are flooded by slow rising, longer duration events that provide ample warning time for people to move or evacuate and for moveable property to be relocated or moved to higher ground. Furthermore, platform and podium developments are designed to ensure that the structural integrity of the structure is maintained during flood events. Accordingly, we are unable to understand what risks humans are being exposed to by flood inundation under buildings.</li> <li>• Development with flood free access and evacuation routes – If fenced balconies overhang flood water, what is the safety issue?</li> <li>• Development proposals in medium flood hazard areas under the current planning requirements are required to be supported by a comprehensive Flood Emergency Management Plan which addresses matters such as refuge areas above flood, maintaining continuous power supply, water, food supply, medical needs, fire, communications evacuation, and security. Under the new planning instrument development will be allowed in flood affected areas that do not require these management measures to be considered.</li> <li>• Refuge in place provisions apply to new development where residents' access and egress can be cut-off by floodwaters, generally providing refuge areas above probable maximum flood (PMF) level.</li> <li>• High-rise balconies pose a greater risk to life from falls onto hard surfaces?</li> <li>• There is greater potential for scour to occur on unprotected properties (higher in the catchment) exposed to high velocity flows in close proximity to creek / river channels than podium developments set on floodplains (generally low velocity environments) during extreme weather events.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
		<p><b>Summarising Comments</b></p> <p>Burchills submits that based on the particular characteristics of flood events across the Gold Coast, that residents often receive extended warning periods to enable them to pack up and retreat to higher ground. Notwithstanding, the specific design criteria for developments within the floodplain, including the need to adhere to the requirements of Flood Emergency Management Plans, results in such projects being safe and resilient in cases of flood.</p>
<p><b>(d) Compliance ramifications</b></p>	<p><i>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.</i></p>	<ul style="list-style-type: none"> <li>• It is acknowledged that some developments may not maintain undercroft areas correctly, although it must be noted that non-compliance with development approval conditions is an issue that is confronted by Council with any development project.</li> <li>• Council already operates a canal maintenance team which provides surveillance of unlawful land uses and construction activities. It is expected that such a team will be able to expand their reach to also regularly examine compliance of development projects within the floodplain.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that compliance ramifications are a potential issue needing to be managed, as they are with any development project. In order to remedy this perceived issue, Council may require via conditions of approval that developers prepare and submit annual reports demonstrating compliance with requirements relating to maintenance of these undercroft areas.</p>
<p><b>(e) Potential environmental health impacts</b></p>	<p><i>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</i></p>	<ul style="list-style-type: none"> <li>• Compared to often unkempt nature of pre-development floodplains, we would expect less ponding and fewer potential health concerns arising from development projects being carried out in the floodplain.</li> <li>• The TLPI would allow podiums only up to 0.6m above the ground, which renders the ability to access and maintain these sites to be difficult and potentially dangerous.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
	<p><i>safe distance from buildings and not directly under the residential buildings.</i></p>	<ul style="list-style-type: none"> <li>The issues that have been raised can be addressed by the preparation and implementation of an Undercroft Management Plan and a Groundwater Management Plan. Burchills has worked on several such Plans and are happy to present examples if sought.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that a development project within the floodplain that is well-located, designed and managed will promote a style of development that reduces potential environmental health impacts on the surrounding ecosystem and on residents of the area.</p> <p>Through the preparation and implementation of technical reports such as Undercroft Management Plans and Groundwater Management Plans, an extensive range of environmental information is obtained which results in tailored mitigatory measures being employed for the life of the project.</p>
<p><b>Other Issues for Discussion</b></p>		
<p><b>(f) Land Use</b></p>		<ul style="list-style-type: none"> <li>Areas being developed in the floodplain are typically close to existing infrastructure and represent efficient infill development opportunities.</li> <li>The majority of the subject sites seeking to be developed in the floodplain are generally privately-owned, are of low value and offer minimal use prospects.</li> <li>Development of such prospects offers Council the opportunity to collect headworks charges and ongoing payments of rates from new residents.</li> <li>Development of such prospects offers the opportunity to levy contributions to contribute to the proposed Green Heart open space initiative along with other Council initiatives in the future.</li> <li>As part of the preparation of the TLPI, we are unsure as to whether visual amenity considerations are applicable. If so, examples of particular attributes of examined projects should be nominated and presented to the industry for broader examination.</li> <li>The introduction of the TLPI may be seen as a strategic approach to Council seeking to acquire the land within the floodplain. If this is the case, this approach needs to be presented and discussed in further detail with affected stakeholders.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
		<ul style="list-style-type: none"> <li>• Council policy relating to floodplain management and flood emergency management is flawed and the industry and community needs to be consulted to form a holistic masterplan that all parties are in agreement with.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that Council should embark upon the development of a holistic masterplan relating to development projects in the floodplain. Such a project should be driven by a collaborative working group that includes government and industry stakeholders, with its initial piece of work being to examine and assess the various perceived issues detailed within this document.</p>
<b>(g) Process</b>		<ul style="list-style-type: none"> <li>• Overall, the lack of consultation with industry stakeholders and affected parties regarding the contents and the release of the TLPI is of concern.</li> <li>• No independent engineering or planning assessment appears to have been undertaken, with several potential unintended consequences of the TLPI being observed.</li> <li>• The lack of transition period created by the introduction of the TLPI prejudices developers with significant financial exposure in current and pending development applications.</li> <li>• No guidance on the application of the TLPI has been provided, which results in uncertainty surrounding how the instrument affects development projects across the floodplain.</li> <li>• Council's information briefing (provided with only 24 hours' notice) was unclear in its guidance when numerous typical example development cases were discussed.</li> <li>• Questions remain as to whether the State Government's 0.8m sea level rise figure has been used to support the introduction of the TLPI. This is a separate issue which will be addressed via updated flood mapping, which is yet to be released by Council.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that the process by which the TLPI has been prepared and introduced into the public sphere has not enabled the forms of rigorous discussion required to better understand the rationale behind its implementation and to better investigate the true implications of it becoming Council policy.</p>

Perceived Issues	Discussion	Burchills' Feedback
		We firmly believe that the State Government, working with Council, should seek to establish a collaborative working group including government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

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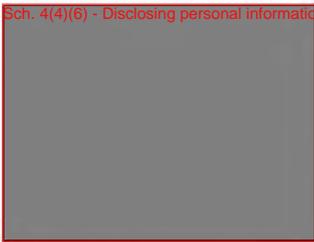
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We kindly request the opportunity to meet with yourself and stakeholders from SARA and the Queensland State Government to discuss the abovementioned information in further detail.

Further, we look forward to working in collaboration with government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

Should you have any queries or require any additional information relating to the above, please do not hesitate to contact  on  or via mobile 

Yours faithfully

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

  
Managing Director

cc: **Kim Kirstein**  
Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning



## Virginia Bruce

---

**From:** External - Woodridge Electorate Office <woodridge@parliament.qld.gov.au>  
**Sent:** Wednesday, 7 February 2018 9:21 AM  
**To:** State Development  
**Subject:** FW: City of Gold Coast Proposed Temporary Local Planning Instrument No. 5  
**Attachments:** 20180206 ltr RG to Qld Govt - TLPI 5.pdf

Morning V

This one is for you.

☺ Kyles

Kylie Slater  
Electorate Officer  
Office of Hon Cameron Dick MP  
State Member for Woodridge  
Minister for State Development, Manufacturing, Infrastructure and Planning  
P O Box 2486  
**LOGAN DC QLD 4114**  
P: (07) 3445 4100  
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**From:** Carolyn Rogers Sch. 4(4)(6) - Disclosing personal information  
**Sent:** Wednesday, 7 February 2018 8:56 AM  
**To:** Woodridge Electorate Office <Woodridge@parliament.qld.gov.au>  
**Subject:** City of Gold Coast Proposed Temporary Local Planning Instrument No. 5

Please find attached correspondence from Tony Tippett, Robina Group, in relation to the above matter.

regards

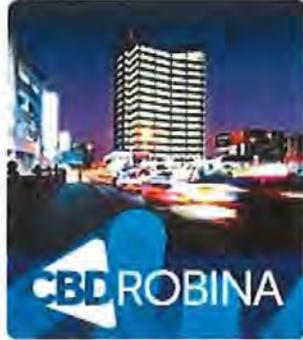
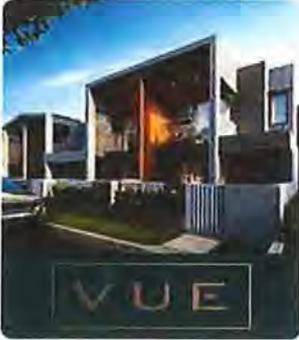
**Carolyn Rogers**  
Executive Assistant to Directors

**robina**  
GROUP

Developing Vibrant Communities

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## Virginia Bruce

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**To:** State Development  
**Subject:** FW: City of Gold Coast Proposed Temporary Local Planning Instrument No. 5  
**Attachments:** 20180206 ltr RG to Qld Govt - TLPI 5.pdf

Morning V

This one is for you.

☺ Kyles

Kylie Slater  
Electorate Officer  
Office of Hon Cameron Dick MP  
State Member for Woodridge  
Minister for State Development, Manufacturing, Infrastructure and Planning  
P O Box 2486  
**LOGAN DC QLD 4114**  
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**Sent:** Wednesday, 7 February 2018 8:56 AM  
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**Subject:** City of Gold Coast Proposed Temporary Local Planning Instrument No. 5

Please find attached correspondence from Tony Tippett, Robina Group, in relation to the above matter.

regards

**Carolyn Rogers**

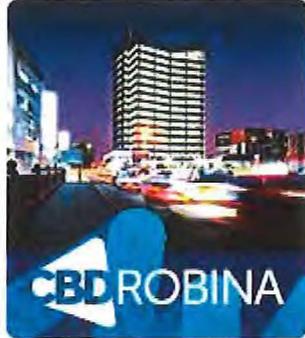
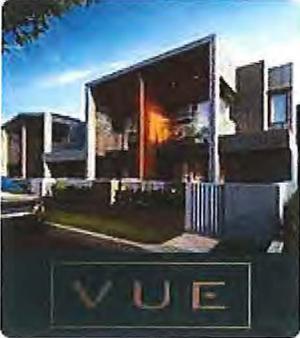
Executive Assistant to Directors

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TTcr9015

6 February 2018

Hon. Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

By email: [Woodridge@parliament.qld.gov.au](mailto:Woodridge@parliament.qld.gov.au)

Dear Minister Dick

**CITY OF GOLD COAST PROPOSED TEMPORARY LOCAL PLANNING INSTRUMENT NO. 5  
(MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK  
REDUCTION) 2017**

Robina Group is a significant investor and stakeholder within the Robina Principal Regional Activity Centre on the Gold Coast.

The Council of the City of Gold Coast has recently released its proposed *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (Proposed TLPI)*. The Proposed TLPI is proposed to take effect from 08 December 2017, subject to your approval.

Robina Group understand that the Proposed TLPI has been prepared in response to particular development applications (made by other proponents) that are currently before Council. Against that background, Robina Group has concerns regarding the drafting and broad application of the Proposed TLPI (including the potential for unintended consequences).

In the circumstances, Robina Group requests that you require the Proposed TLPI to be amended such that it is limited in its application to the particular development application/s which gave rise to its preparation. In particular, the area within the Robina Central Planning Agreement should be specifically excluded from the proposed TLPI area.

Alternatively, if it is the Council's objective to introduce a new policy position and development requirements relating to flood hazard more broadly, we respectfully suggest that the better approach would be to prepare and implement a package of amendments to the existing City Plan following the standard statutory process. This approach would provide greater opportunities for scheme drafting and stakeholder consultation. We note that the development assessment requirements relating to natural hazards set out in the current State Planning Policy could be relied upon in development assessment during this process to ensure public safety and resilience.

Please contact me directly if you would like to discuss this matter further.

Yours sincerely

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



Tony Tippett  
**Director**  
**ROBINA GROUP**

cc Kim Kirstein  
Manager - Planning and Development Services (SEQ South)  
Department of State Development, Manufacturing, Infrastructure and Planning

RTI RELEASE - DSDMIP

## Virginia Bruce

---

**From:** Kerry O'Mara <KOMara@udiaqld.com.au>  
**Sent:** Friday, 19 January 2018 3:29 PM  
**To:** State Development  
**Subject:** Correspondence from UDIA Qld regarding City of Gold Coast proposed TLPI  
**Attachments:** UDIA Letter Min GC re TLPI Flood.pdf

Dear Minister,

Please find attached correspondence from the Urban Development Institute of Australia Queensland signed by Gold Coast Logan Branch President Sean Sandford and Director of Regional Services Anna Cox.

Kind regards,

Kerry O'Mara  
Office Coordinator/Project Assistant

Urban Development Institute of Australia Queensland

Level 12, 120 Edward Street, Brisbane QLD 4000

GPO Box 2279 Brisbane QLD 4001

P: 07 3229 1589 | E: <<mailto:komara@udiaqld.com.au>> komara@udiaqld.com.au

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19 January 2018

The Honourable Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
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BY EMAIL – [statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)

Dear Minister,

**Re: City of Gold Coast proposed Temporary Local Planning Instrument No. 5**

As you are aware, the Urban Development Institute of Australia Queensland (the Institute) is a national not-for-profit organisation representing the property development industry and the Queensland office is the largest of the state bodies. The role of the Institute is to assist our members to deliver jobs, diverse housing, and thriving communities.

New economic modelling commissioned by the Institute shows that the property development industry is the third largest employer in Queensland. The Institute considers it is aligned to and has an important role to play in assisting delivery of the key economic and other policies put forward by Labor in the recent election campaign.

Further information regarding the Institute is included in our recent letter to you.

The Institute's recommendations and advocacy action is derived from member input and our independent Research Foundation. While we consider there is much to discuss and collaborate on, in this instance the Institute must express our significant concerns with the proposed TLPI and recommends that it not be approved. We **enclose** a letter from the Institute to the City of Gold Coast that reviews the proposed Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (TLPI) and details several concerns.

The TLPI is expected to impact development expectations of thousands of properties in the council area and significantly reduce potential additional dwelling supply in the City. Given the TLPI is intended to be put in effect retrospectively, the instrument would also impact existing projects that are well advanced, financed and being produced based on long standing local government rules.

In brief, the Institute is concerned that the TLPI:

- Has not been the subject of adequate consultation with the industry

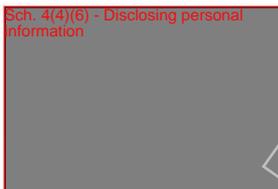
- Has not been satisfactorily justified or relevant background information provided for industry review and feedback
- Is not properly framed in that its provisions do not accord with its objective and the definition of flood resilience is unclear
- Will exclude cut and fill and podium style development in flood affected areas
- Will impact supply of a diversity of housing and achievement of South East Queensland regional plan housing supply expectations
- Would negatively affect the value of many land holdings and owners' financial situation
- Has a range of unintended effects citywide (such as to redevelopment in existing areas)
- Lacks identification of the adequacy of technical or professional engineering advice obtained during its preparation
- Effects are unclear as the current City Plan Major Update is unresolved and does not accurately portray the impact of the TLPI changes

The Institute is also concerned that the proposal does not meet the legislative requirements. It is the Institute's view that the TLPI will significantly impact state economic interests as it would apply to existing proposed developments without rights to compensation and create uncertainty and reduced development opportunity. The TLPI is also considered not to be warranted by any significant risk that would be increased by delay to planning scheme change. The Council's current planning framework already provides measures to ensure flood resilience within the city and it is likely that the TLPI will provide little additional benefit to flood mitigation but result in significant negative impacts on development and construction activity within the city.

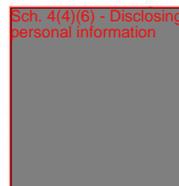
The Institute would appreciate your close examination of this TLPI and the opportunity to meet with you to discuss this matter. If you have any questions, please contact Kirsty Chessher-Brown (kchessher-brown@udiaql.com.au) on (07) 3229 1589.

Yours sincerely

**Urban Development Institute of Australia Queensland**



Anna Cox  
Director Regional Services



Sean Sandford  
President Gold Coast Logan Branch



20 December 2017

Mr Dale Dickson  
Chief Executive Officer  
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BY POST / EMAIL – [ddickson@goldcoast.qld.gov.au](mailto:ddickson@goldcoast.qld.gov.au)

Dear Mr Dickson,

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

We note from the City of Gold Coast (City) Planning and Development Alert dated 8 December that the City has resolved to prepare and endorse a Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (TLPI). We also note that Council has asked the Minister to approve backdated commencement of the TLPI from 8 December.

The Urban Development Institute of Australia (the Institute) has concerns regarding the detail and development of the TLPI, which are detailed below.

However, before detailing these concerns, we would like to take this opportunity as we come to the end of 2017 to express our thanks for Council's contribution to the productive working relationship that has existed between the Institute's Gold Coast Logan Branch and the Council throughout 2017. The year has been a successful year for the Institute and Gold Coast with a high number of development applications lodged and finalised by Council and progress on many policy issues. We look forward to continuing this relationship into 2018.

As you are aware, the Institute is a national not-for-profit organisation representing the property development industry and the Queensland office is the largest of the state bodies. The role of the Institute is to assist our members to deliver jobs, diverse housing, and thriving communities. In this context, we must indicate serious concerns of the industry with the TLPI. On the basis of the concerns outlined below, the Institute recommends the TLPI be withdrawn and that informational and other issues be resolved with industry.

The key concerns regarding the proposed TLPI are:

- Inadequate consultation has occurred with the industry
- The need for a TLPI has not been provided or satisfactorily justified
- The TLPI is not properly framed in that its provisions do not accord with its object and the definition of flood resilience is unclear
- The TLPI excludes cut and fill and podium style development in flood affected areas

- The impacts on supply of a diversity of housing and achievement of SEQ regional plan housing supply expectations
- Negative effect on the value of many land holdings and owners' financial situation if the TLPI is applied including potential loss of rights to compensation
- The TLPI has a range of unintended effects citywide (such as to redevelopment in existing areas)
- The unclear extent of external technical or professional engineering advice obtained during the preparation of the TLPI
- The issuing of the TLPI prior to the City Plan Major Update does not accurately portray the impact of the TLPI changes
- Issues with the City Plan Major Update that affect the TLPI impacts remain unresolved.

Regarding the recent City Plan Major Update, the Institute provided a submission and material which identified serious concerns with the included flood modelling, specifically:

- Inadequate information including:
  - Material for professionals to review the assumptions of the modelling
  - The basis for both the 10% increase in rainfall intensity and adoption of 50% of total wave setup at the mouth of the Tallebudgera and Currumbin Creeks
  - Whether November 2016 revision of Australian Rainfall and Runoff was considered
  - Inclusion of the flood mitigation benefits of Hinze Dam Stage 3
  - The reason for the use of 2100 as the year for the 80cm sea level increase
  - The lack of detail on any peer review of materials that may have been undertaken
  - Indication of the designated flood level
  - Identification of areas that are likely affected by the designated flood level
  - Identification of areas that are likely to be greater than 0.6 metres in depth to the designated flood level.
- Inadequate consideration of the effects of the Hinze Dam stage 3 project on flood levels.

Further information and recommendations on these points are provided below.

### **Inadequate consultation**

The TLPI has appeared without prior notice in the industry's busiest season. No consultation period was included in the notice on 8 December and the proposals indicate a very substantial change that will have very substantial impacts upon existing and intended projects.

While TLPIs do not require consultation, we consider this creates a greater moral obligation that they are only rarely, justifiably used. The Institute is not aware of any issue that justifies a departure from standard consultation requirements regarding planning scheme amendments nor any emergency or new evidence of serious risk of harm to persons or property from flooding that warrants this change.

We also note that the recent planning scheme amendment, City Plan Major Update, proposed significant changes to Council flood mapping. The Institute flagged in its submission on 15 November a number of concerns and questions. To date, we have not received clarification on those issues that are relevant to this TLPI. Adequate consultation regarding the City Plan Major Update has not yet occurred to resolve its inherent issues. The TLPI is relevant to that work and compounds our concerns that consultation has been insufficient.

The Institute recommends that, at the least, the assumptions and modelling that have resulted in the TLPI proposals should be subject to an independent technical review. The Institute would, of course, cooperatively involve itself in any review of material.

### **Inadequate information**

The Institute, in its submission on 15 November regarding the City Plan Major Update scheme amendment, indicated concerns with:

- Lack of transparency of the material available and the lack of supporting and background information
- Inadequate material for professionals to review the assumptions that underpin the flood modelling
- The basis for both the 10% increase in rainfall intensity and adoption of 50% of total wave setup at the mouth of the Tallebudgera and Currumbin Creeks
- Whether November 2016 revision of Australian Rainfall and Runoff was considered in the material
- The non-inclusion of the flood mitigation benefits of Hinze Dam Stage 3 to preserve and improve the City's flood resilience
- Use of 2100 as the year for the 80cm sea level increase
- The lack of any detail on any peer review of materials that may have been undertaken.

The draft City Plan Major Update planning scheme included flood levels that resulted in sites being indicated as liable to flooding that previously were not. We note that Council has removed this information from the interactive website mapping. This is a significant concern for the industry as it seeks to ensure development is well based and raises duty of care concerns.

The flood modelling issues of the previous City Plan Major Update remain outstanding. The Institute recommends that these issues be resolved prior to progress of the TLPI as they affect understanding of the impact of the TLPI and indeed its necessity. The Institute recommends that the TLPI is paused and relevant information distributed with a view to achieving greater agreement on the assumptions. This would underpin a robust and more widely accepted action on flood resilience for the region. The Institute considers the following additional critical information on flood modelling should be made available for review:

- Indication of the new defined Q100 level
- Updated defined Q100 flood level mapping
- Mapping of areas that would be deeper than 0.6 metres under the new level.

In addition to the underlying flood modelling information, the Institute seeks further information that is critical to enable understanding of the impact of the TLPI changes.

A statement was made by officers at the information session on 14 December that less than 2,500 properties in total are expected to be affected by the changes. However, it is clear to the Institute that the affect would most likely be more significant if the new flood levels are imposed as per the recent City Plan Major Update.

Our view on the available information is that it is likely the TLPI will affect most sites in the Gurangunbah Flood Plain, Mudgeeraba, Currumbin Creek, Tallebudgera Creek, Coomera River, and other areas that are subject to flooding. Also, the TLPI specifically lacks adequate information to clarify that some existing development approaches are permitted (further information on this is provided in the next section). The lack of resolved information is a critical shortcoming of the TLPI.

### **TLPI provisions and technical issues**

The Institute is concerned that the TLPI would remove the ability to continue cut and fill and podium style development in flood affected areas. This type of development has been accepted on the Gold Coast for at least a decade, with cutting and filling in the flood plain facilitating an increase in the area of flood free land, whilst maintaining flood storage. Also, in recent times, podiums have



been built above the flood level (not impacting flood storage) to allow for apartments and/or townhouses.

Podium style development places dwellings completely above flood level, often with access that is maintained in a flood event. We also note that in some cases there are 'remain in place' facilities that provide refuge whilst the flood passes. Members advise that in the Cyclone Debbie floods earlier this year, the latest podium style developments maintained safety, as well as power, water, sewerage, and access.

Podium style developments have been conceived and certified by Registered Professional Engineers who are registered by the Board of Professional Engineers Queensland. The standards to which these designs and certifications are undertaken are some of the most stringent in existence.

Council Officers have indicated that cut and fill and podiums may still be permitted under the TLPI. However, the TLPI is strongly worded and leads to the conclusion that this development would not be supported. Performance Outcome (PO) 16 of the TLPI is clearly against development in areas with a flood inundation depth exceeding 0.6 metres and has no Acceptable Outcomes (AO). The Institute recommends the TLPI be redrafted to clearly provide for ongoing cut and fill and podium development approaches.

#### **TLPI object and definition issues**

We note the City has used the term 'flood resilience' in the TLPI and elsewhere, and that this is a foundation term for the TLPI. The Institute considers that this term should be better defined as, at present, there is uncertainty regarding this term.

Also, the statement included in the TLPI, '*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...*' is considered at odds with the TLPI controls. Current scheme provisions do not permit impact on flood resilience and mitigation of flood hazard, and the proposed detailed changes will only have the impact of reducing development activity and the number of residential lots that may be created. Additional consequences could include devaluing property and impacting flood free area per lots. The Institute recommends the TLPI be reviewed to clarify the purpose and effects of the document.

#### **Impact of changes to Hinze Dam stage 3**

The draft City Plan Major Update indicated flood levels without adequately accounting for the flood retention effects of the Hinze Dam stage 3 project. This is a major omission that undermines the City Plan Major Update and the need for or area of impact of the TLPI.

The Institute recommends the TLPI be withdrawn until peer reviewed consideration is given to the appropriate role of effects of the Hinze Dam stage 3 project on flood levels.

#### **Consequences for the Planning Scheme**

The TLPI would prevent infill development within existing urban areas of the Gold Coast. In particular, our members have identified areas such as Paradise Point, Mermaid Beach, Palm Beach, and Burleigh Waters where many existing houses are affected by a water depth of greater than 0.6m. When combined with the updated flood levels in the City Plan Major Update, substantial areas of these redevelopment locations will be precluded from redevelopment.



These sites were often developed by either a small cut and fill operation or a suspended floor above the flood plain. A suspended floor lifting the house above the flood level is a Queensland staple and has been an acceptable outcome for nearly a century.

The TLPI will substantially impact otherwise developable properties and will significantly reduce potential additional dwelling supply in the City. This could have critical impacts on diversity of housing options and housing supply in some locations as many City lot development and key infill locations are subject to flooding. A serious reduction of housing supply would exacerbate already concerning affordability levels in the region.

It is also expected the TLPI may impact achievement of SEQ regional plan housing supply expectations, particularly for consolidating development, in the region. We note infill makes up a very large proportion of the SEQ Regional Plan and City Plan's housing supply intention for the Gold Coast. It appears that the TLPI is premature and needs to be reviewed in terms of its effect on housing development. The Institute recommends the City give further consideration to the housing supply impacts of the TLPI, particularly the significant population growth demands being made on the region.

### Compensation

The TLPI has substantial implications for the value of many land holdings and their owners' financial situations as it is not an adverse planning change for which compensation is payable. This would not be the case in a such a sudden and irrevocable manner if the changes were included in an ordinary planning scheme amendment. The Institute considers it is inappropriate to seek removal of compensation rights without well resolved background information. Also, if proposed, the community should well understand the need for such an action. The Planning Act in Section 23 (7)(b) indicates that a TLPI is not an adverse planning scheme change that would otherwise trigger rights for compensation by affected land owners.

#### *23 Making or amending TLPIS*

##### *(7) A TLPI—*

*(a) does not create a superseded planning scheme; and*

*(b) is not an adverse planning change.*

The Institute considers that the TLPI should not be approved in its present form as it can have severe impacts on land holders without adequate justification. The Institute does not consider there is sufficient available evidence that there is significant risk of serious adverse environmental or other conditions that require this urgent action.

The Institute considers that the TLPI planning scheme policy changes are preemptive and poorly based. The changes should not proceed without resolution of the issues raised in the Institute's submission to the City Plan Major Update or the issues raised in this submission.

### Conclusion

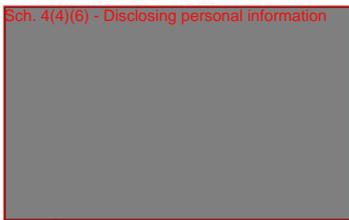
In summary, the Institute recommends Council withdraw or pause the proposed TLPI. The Institute considers that there are a number of issues that should be resolved, including:

- Lack of supporting information
- Construction of the TLPI
- Incorporation of Hinze Dam stage 3 and other factors in the flood modelling
- Impact on housing supply
- Impact on land owners' assets and rights for compensation.

The lack of resolved information is a critical shortcoming of the TLPI. Developers may commit to a site today based on current designated flood level, but following City Plan amendments will then be precluded from developing it. This type of uncertainty has the direct result of preventing the industry from delivering economic stimulus and creating jobs on the Gold Coast. It may also cause unnecessary fear and alarm amongst new and existing residents and impact on the ability of developers within the region to acquire financing.

As indicated above, the Institute places a high value on the productive working relationship between Council and its members and would welcome the opportunity to discuss this issue further. If you have any questions relating to the detail of this submission, please contact Kirsty Chessher-Brown (kchessher-brown@udiaqld.com.au) or (07) 3229 1589.

Yours sincerely  
**Urban Development Institute of Australia Queensland**



Sean Sandford  
**President Gold Coast Logan Branch**

RTI RELEASE

## Virginia Bruce

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**From:** Anne Wood <Anne.Wood@dsdmip.qld.gov.au>  
**Sent:** Tuesday, 6 March 2018 1:12 PM  
**To:** Barnaby Kerdel; Josef Chick; Amy Marsden; Megan Bayntun; Elizabeth Dickens; Dominique Gallagher; Nathan Rule  
**Cc:** Graeme Bolton; External-Tim Pearson; External-Joshua Leddy  
**Subject:** MGR Spreadsheet for MO/Planning Group meeting on Wednesday morning  
**Attachments:** MGR MALPI- 6 Mar 18.pdf

Good afternoon,

Please see PDF version of MGR Spreadsheet for your meeting tomorrow.

Kind regards

Anne Wood

A/Executive Assistant

Planning and Development Services | Brisbane

Department of State Development,  
Manufacturing, Infrastructure and Planning

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Source Ref	eziScheme Ref (if MGR)	Date received (stamped at ESU)	LGA	MGR / MALPI	Type of instrument	Title	Description	Regional office	Responsible Officer	Approver (Min / CE)	Stage	Current location	Due date to ED	Due date to Min / CE	Decision due date	Issues (insert 'Yes' or 'No') Actions/resolution
MC18/175	TLPI-00046	4/01/2018	Gold Coast City Council	MGR	TLPI	TLPI No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017	TLPI to introduce new requirements to manage development in a flood areas. Relates to extent of area that must be flood free to allow for development to occur.	02 SEQ South	Rebecca de Vries	Minister	Approval to adopt	Author	22/02/2018	28/02/2018	7/03/2018	The development industry and peak bodies raised concerns with the proposed TLPI and its lack of consultation and transparency.  7/02/2018 - The council responded to the request for further information and identified they are in receipt of a request for Statements of Reasons under the Judicial Review Act 1991. The department is currently

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE

## Virginia Bruce

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**From:** Anne Wood <Anne.Wood@dsdmip.qld.gov.au>  
**Sent:** Tuesday, 20 February 2018 3:33 PM  
**To:** Barnaby Kerdel; Josef Chick; Amy Marsden; Megan Bayntun; Elizabeth Dickens; Dominique Gallagher; Robin Clark  
**Cc:** Graeme Bolton; External-Joshua Leddy; External-Tim Pearson  
**Subject:** MGR Spreadsheet for MO/Planning Group meeting on Wednesday  
**Attachments:** MGR MALPI Run Sheet - 20 Feb 18.pdf

Good afternoon

Please see the MGR Spreadsheet in PDF form for your meeting tomorrow.

Kind regards

Anne Wood

A/Executive Assistant

Planning and Development Services | Brisbane

Department of State Development,  
Manufacturing, Infrastructure and Planning

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s. 73(2) - Not relevant/ Out of scope



RTI RELEASE

MC18/175	TLPI-00046	4/01/2018	Gold Coast City Council	MGR	TLPI	TLPI No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction)	TLPI to introduce new requirements to manage development in a flood areas. Relates to extent of area that must be flood free to allow for development.	02 SEQ South	Daniel Park	Minister	Approval to adopt	Author	22/02/2018	28/02/2018	7/03/2018	The development industry and peak bodies raised concerns with the proposed TLPI and its lack of consultation and transparency.
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