

QUEENSLAND FLOODS COMMISSION OF INQUIRY

STATEMENT OF BRENDAN JOHN NELSON

I, **BRENDAN JOHN NELSON** of c/- Level 9, 119 Charlotte Street, Brisbane in the State of Queensland solemnly and sincerely affirm and declare:

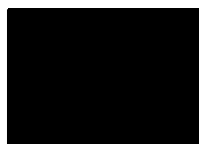
1. I am the General Manager, Land Use Planning in the Queensland Reconstruction Authority. Prior to commencing this role in January 2011, I was the Executive Director, Planning Services in the Office of Growth Management Queensland, in the former Department of Infrastructure and Planning where I was responsible for delivering on both regional and statutory planning for Queensland, planning reform implementation and the delivery of Smart eDA, the State Government's commitment to electronic development assessment.
2. I have been a private consultant, worked internationally and have held various planning positions with Queensland local governments during almost 18 years in planning. I hold a Bachelor of Environmental Science (Griffith) and Graduate Diploma of Urban and Regional Planning (with Distinction) from QUT. I am a Corporate Member and Certified Practicing Planner with the Planning Institute of Australia.

Requirement from Queensland Floods Commission of Inquiry

3. I have seen a copy of a letter dated 19 August 2011, which is attachment BJN-01, from the Commissioner, Queensland Floods Commission of Inquiry to me requiring a written statement under oath or affirmation, and which details the topics my statement should cover.

Item 1: The roles of the Queensland Reconstruction Authority, the Lockyer Valley Regional Council and any other relevant entity in creating the Grantham Development Scheme ('the Scheme');

4. The Queensland Reconstruction Authority (the Authority) has worked closely with the Lockyer Valley Regional Council (the Council) since its establishment, to determine the level of support necessary for the efficient and timely recovery of Grantham. The creation of the Development Scheme was a collaborative effort from both the Authority and the Council. Prior to the creation of the Development Scheme, key deliverables, including the master planning led by the Council and the declaration of a reconstruction area led by the Authority were required to be progressed. Both of these deliverables were crucial in the preparation of the Development Scheme for the Grantham Reconstruction Area. An outline of the roles of each entity in creating the Development Scheme is outlined as follows:



Master Planning

Lockyer Valley Regional Council

5. The Council commenced one on one consultation sessions with members of the Grantham community in February 2011. The Authority understands that the consultation sessions resulted in residents being differentiated by those wanting to leave Grantham; those wanting to stay within Grantham and relocate to higher ground; and those wanting to rebuild in their current location.
6. Council advised that the overwhelming response was from residents who wanted to stay within Grantham and relocate to higher ground. Based on these consultation sessions, and to ensure that the future of Grantham was not just about the relocation of residents but also to strengthen the community, the Council led a master planning exercise that would shape the future of the Grantham Township.
7. To support community input into the master planning process, the Council engaged the services of Jude Munro & Associates and Diecke Richards (Urban Designers) to commence the visionary workshops and to run the community consultation sessions. At each session, members of the Council and the Authority were present and helped facilitate the sessions.
8. Workshop sessions were held on 19, 23 and 26 March 2011. Each workshop had its own theme:
 - 19 March 2011 – Visionary Workshop
 - 23 March 2011 – Reaffirm priorities
 - 26 March 2011 – Presentation of Master Plan
9. As the Authority was an observer during these sessions, the following are observations that were made:
10. The session on 19 March 2011 asked community members three key questions:
 - What do you like about Grantham?
 - What don't you like about Grantham?
 - What would you like to see in Grantham?
11. Some of the answers to these questions included the community wanting to feel safe, wanting alternate access routes, wanting to relocate to higher ground and wanting the convenience centre to be reopened as soon as possible.
12. The session held on 23 March 2011 was very similar to that held on 19 March 2011, however it was held to ensure that as many community members as possible were able to participate in the workshop and to ensure that community views on the priorities for Grantham were identified and recorded.

13. Having received and heard all of the feedback from the community, the session on 26 March 2011 was convened by Council to present both a 2 year master plan and a 20 year master plan to the community.
14. As a result of the community consultation and the Council led master planning exercise, the need to support the timely and voluntary relocation of residents to higher ground within Grantham was considered essential. On 23 March 2011, the Council formally sought via Council resolution that the Premier and Minister for Reconstruction declare Grantham as a Reconstruction Area under s43 of the *Queensland Reconstruction Authority Act 2011* (the QldRA Act).
15. At or about the same time, the Council commenced negotiations to acquire parcels of land on higher ground to the north of the existing township. On 25 March 2011, Council entered into a contract to purchase 18 parcels of freehold land containing an area of approximately 378 hectares to support the voluntary relocation of displaced residents.
16. On 8 April 2011, the Council settled on the purchase of this land which is attachment BJN-02A.
17. On 4 May 2011, the Council formally endorsed the proposed Master Plan for Grantham which included the proposed future development of the site purchased by the Council. A copy of this resolution is included at attachment BJN-02B.
18. The parcels of land purchased by the Council were zoned Rural General under the Gatton Planning Scheme 2007 and were located outside the urban footprint of the *South East Queensland Regional Plan 2009-2031* (SEQRP). The regulatory provisions of the SEQRP would normally restrict residential development outside of the Urban Footprint, other than where it is being proposed as part of a new *Sustainable Planning Act 2009* (SPA) Planning Scheme.

Declaration of the Reconstruction Area

Queensland Reconstruction Authority

19. As outlined above, the Authority worked closely with the Council during the community consultation sessions and was aware of the need to ensure that no regulatory hurdles would impact upon the objective of relocating residents to higher ground. As noted above, on 23 March 2011 the Council formally requested that the Premier and Minister for Reconstruction to declare Grantham a Reconstruction Area under s43 of the QldRA Act.
20. Based on the request of the Council and in meeting the requirements under s43 of the QldRA Act, the Authority sought endorsement from the Authority's Board to recommend to the Premier and Minister for Reconstruction that in accordance with s43 of the QldRA Act, that a declaration regulation be made to declare a Reconstruction Area at Grantham.

21. The Authority has vested powers under the QldRA Act that can be exercised to support efficient recovery and reconstruction efforts. Specifically, s43(1) of the QldRA Act allows that a regulation may declare a part of the State to be a reconstruction area. Section 43(2) of the QldRA Act requires that *"the Minister must not recommend to the Governor in Council the making of a regulation under subsection (1) unless the Minister is satisfied:*
- a) the part of the State has been directly or indirectly affected by a disaster event; and*
 - b) the declaration is necessary to facilitate flood mitigation for affected communities, or the protection, rebuilding and recovery of affected communities."*
22. In this regard, the Lockyer Valley Regional Council was disaster activated for all Natural Disaster and Recovery Relief Arrangements (NDRRA) on 6 December 2010. More specifically, it is noted that Grantham was severely impacted by devastating flash flooding and torrential rain on 10 January 2011 which resulted in 10 houses being completely destroyed, 19 houses being beyond repair and 119 houses sustaining significant damage. The Authority considered that the declaration of Grantham as a Reconstruction Area met the requirements of s43(2)(a) of the QldRA Act.
23. The Authority did however undertake an assessment of options available to support the delivery of the Council Master Plan. These options included:
- a) Lodgement of a Master Plan through a normal development application process in accordance with SPA;
 - b) Use of a Temporary Local Planning Instrument in accordance with SPA;
 - c) Preparation of a State Regulatory Planning Provision in accordance with SPA; and
 - d) Declaration of a Reconstruction Area under the *QldRA Act*.
24. Options a), b) and c), were discounted for reasons including conflict with the SEQRP regulatory provisions, and likely timeframes. Option d) was determined to be the only available option that would ensure the quickest means of delivery of the reconstruction process for the Grantham community and importantly enabling some residents to be back in their homes by Christmas 2011.
25. Section 43(3) of the QldRA Act requires that *"Before recommending to the Governor in Council the making of a declaration regulation, the Minister must have regard to the responsibilities of the relevant local government for matters about land use, and the giving of development approvals, for the local government's area."*
26. Following the request of the Council on 23 March 2011, the Authority's Board endorsed the recommendation to declare Grantham as a Reconstruction Area, the Premier and Minister for Reconstruction approved the recommendation, and on 8 April 2011, the Governor in Council declared Grantham a reconstruction area through the *Queensland Reconstruction Authority Regulation 2011*. A copy of the regulation is included at attachment BJN-03.

Creation of the Development Scheme

Queensland Reconstruction Authority

27. In accordance with s62 of the QldRA Act, the Authority may make a development scheme for a declared project, a reconstruction area or part of a reconstruction area. The Development Scheme for the Grantham Reconstruction Area was prepared by the Authority in accordance with s62 to s74 of the QldRA Act. The following consultants assisted the Authority in the preparation of the Proposed Development Scheme:

- Buckley Vann Town Planning - Town Planners
- PLACE Design Group - Urban Designers, Master Planners, 3D Visualisation specialists and Environmental Consultants
- MWH – Civil Engineers

28. In accordance with s63 of the QldRA Act, the Authority can make a Proposed Development Scheme which applies to all proposed development within the boundaries of the Reconstruction Area.

29. Section 63(2) of the QldRA Act outlines the content that must be included within the Proposed Development Scheme which includes:

- a land use plan regulating development in the area;
- a plan for infrastructure in the area;
- an implementation strategy to achieve the reconstruction function of the authority for the project or in the area, to the extent it is not achieved by the land use plan or the plan for infrastructure.

30. The Authority used the Master Plan endorsed by the Council on 4 May 2011 as the basis for the preparation of the land use plan. The Authority translated this plan into a regulatory framework known as the Proposed Development Scheme in accordance with the requirements outlined in s63(2) of the QldRA Act in addition to consultation with the Local Government as per s65 of the QldRA Act. The Authority also held numerous meetings with state agencies to discuss the Proposed Development Scheme and incorporated relevant state agency interests.

31. The relevant agencies consulted during the preparation of the Proposed Development Scheme included:

- Department of Local Government and Planning
- Department of Environment and Resource Management
- Department of Communities
- Department of Community Safety
- Department of Employment, Economic Development and Innovation
- Department of Premier and Cabinet

- Department of Transport and Main Roads
- Education Queensland
- Energex Ltd
- Queensland Health
- Queensland Rail
- Board for Urban Places

32. On 11 May 2011, the Authority in accordance with s66 of the QldRA Act released for public notification the Proposed Development Scheme. In doing so, the Authority met the requirements under s66 including placing the Proposed Development Scheme on the Authority website, publishing a gazette notice and publishing an ad in the Gatton Star. A copy of the Proposed Development Scheme is included as attachment BJN-04.
33. The Proposed Development Scheme was placed on public notification for 30 business days commencing 11 May 2011 and closing on 23 June 2011. Upon the commencement of the public notification, the Authority hosted two community meetings at the Grantham State School. The first session was held on Wednesday, 11 May 2011 at 6pm where around 90 residents attended. The second was held on Saturday, 14 May 2011 at 10am where 12 residents attended.
34. During this public notification period, any member of the public was invited to provide a submission on the Proposed Development Scheme. The Authority created a number of avenues for submissions to be lodged including:
- Lodgement of feedback forms at the community consultation sessions;
 - Lodgement of feedback forms in submissions boxes provided at the Lucky 7 Shop Grantham and at Lockyer Valley Regional Council chambers, Gatton;
 - Via email to info@qldra.org.au;
 - In person at either Lockyer Valley Regional Council, Gatton or the Authority, Charlotte Street, Brisbane; and
 - The Authority also advised that if any member of the community wanted to discuss the Proposed Development Scheme then members of the Authority were happy to meet and discuss.
35. Consultation on the Proposed Development Scheme resulted in six (6) submissions being received. Of these six (6), four (4) were from *affected owners* as defined by the QldRA Act. One (1) affected owner submission was received from Lockyer Valley Regional Council.
36. In accordance with s68 – s70 of the QldRA Act, the Authority considered the submissions received within the submissions period and after doing so, amended the Proposed Development Scheme where appropriate. The amended Proposed Development Scheme is known as the Submitted Scheme.
37. On 30 June 2011 and in accordance with s70 of the QldRA Act, the Authority provided to the Premier and Minister for Reconstruction, a Submissions Report which summarised the

submissions and a copy of the Submitted Scheme. A copy of the Submissions Report is included as attachment BJN-05 and the Submitted Scheme is included as attachment BJN-06.

38. At the same time as providing a copy of the Submissions Report and Submitted Scheme to the Premier and Minister for Reconstruction, the Authority carried out its obligations in accordance with s71 of the QldRA Act whereby each submitter, including those not identified as an *affected owner*, being provided with a copy of the Submissions Report and the Submitted Scheme. Those identified as an *affected owner* (a person who owns land in, or that adjoins the reconstruction area) were then provided in accordance with s71(c) of the QldRA Act, 20 business days to make representations to the Premier and Minister for Reconstruction in relation to the submitted scheme. This period closed on 29 July 2011.
39. As no representations were made, it was recommended to the Premier and Minister for Reconstruction that the submitted scheme become the Development Scheme for the Grantham Reconstruction Area. In accordance with s74 of the QldRA Act, the Development Scheme can only take effect via approval under a regulation.
40. On 4 August 2011, the Governor in Council approved the *Queensland Reconstruction Authority Amendment Regulation 2011* which gave effect to the Development Scheme for the Grantham Reconstruction Area. The Development Scheme is a statutory instrument under the *Statutory Instruments Act 1992* and has the force of law. A copy of the Development Scheme is included in attachment BJN-07.

Item 2: The roles of the Queensland Reconstruction Authority, the Lockyer Valley Regional Council and any other relevant entity in administering the Scheme;

Queensland Reconstruction Authority

41. The Authority prepared the Development Scheme for the Grantham Reconstruction Area. The Authority has no ongoing responsibility in the administering of the Scheme, other than to undertake amendments in accordance with s76 of the QldRA Act. No proposals currently exist for amendments to the Development Scheme.

Lockyer Valley Regional Council

42. The administration of the Development Scheme and any applications lodged within the Reconstruction Area remains the responsibility of the Assessment Manager, Lockyer Valley Regional Council.

Referral Agencies

43. In accordance with s64 of the QldRA Act, a Development Scheme may provide that an entity that would otherwise be a referral agency for a development application for the Reconstruction Area is not a referral agency for the development application.

44. In accordance with s64 of the QldRA Act, under this Development Scheme, the referral triggers under schedule 7, table 2, item 39 (relating to reconfiguring a lot to which division 3 of the state planning regulatory provisions for the SEQRP applies) and schedule 7, table 3, item 12 (relating to a material change of use to which division 2 of the state planning regulatory provisions for the SEQRP applies) of the *Sustainable Planning Regulation 2009*, do not apply to development within the Reconstruction Area.
45. All other Referral Agency jurisdictions continue to apply for assessable development within the Development Scheme.

Item 3: The application and effect of the Scheme;

46. In accordance with s78(2) of the QldRA Act, the Development Scheme suspends that part of the current Gatton Planning Scheme which regulates development within the Reconstruction Area, save for the provisions expressly referred to in the Development Scheme. In accordance with s78(1) of the QldRA Act, if a conflict exists between the Development Scheme and any other planning instrument, policy or code, the Development Scheme prevails.
47. The Development Scheme for the Grantham Reconstruction Area will continue to apply until the new SPA compliant planning scheme for the Lockyer Valley Regional Council takes effect. If at the time the QldRA Act expires (s139 of the QldRA Act) and Council's new SPA compliant planning scheme is not in effect, powers under s112 of the QldRA Act may be required to be exercised to ensure that the Development Scheme continues to have effect.
48. For the Development Scheme, the process for determining a level of assessment is:
- 1) Identify the type of development proposed by referring to the relevant definitions;
 - 2) Identify the Land Use Plan zone and applicable precinct the site is located in by referring to Map 2 - Land Use Plan, Map 3 - Land Use Plan Inset and Map 4 - Precinct Plan;
 - 3) Determine the level of assessment by referring to the Table of Assessment in the relevant zone/ precinct of the Land Use Plan.
49. The Development Scheme states the category of development for all development in the Reconstruction Area. The categories of development are:

Exempt development

If development is exempt in the Development Scheme through reference to a plan or map contained in the Development Scheme, the Minister has discretion to decide if a proposal is consistent with that plan or map if there are minor variations involved.

Some exempt development in the land use plan is subject to certain criteria for exemption. If development does not comply with the identified criteria, the development becomes code assessable unless an alternative level of assessment is specifically identified in the table of

assessment. Where such development is code assessable, the applicable codes will be the relevant zone code and any other code that may be listed in the criteria for exemption for that form of development, including identified codes of the Gatton Planning Scheme.

Self assessable development

Self assessable development complies with the land use plan if it complies with the probable solutions of the identified codes of the Gatton Planning Scheme or the relevant acceptable outcomes of the applicable precinct code. If development does not comply with these performance outcomes or acceptable outcomes, the development is code assessable. Where such development is code assessable, the applicable codes will be the relevant zone code and any other code that may be listed in the criteria for exemption for that form of development, including identified codes of the Gatton Planning Scheme.

Compliance assessable development

Compliance assessable development complies with the land use plan if it complies with the probable solutions of the identified codes of the Gatton Planning Scheme or the relevant acceptable outcomes of the applicable zone code. If development does not comply with these performance outcomes or acceptable outcomes, the development is code assessable. Where such development is code assessable, the applicable codes will be the relevant zone code and any other code that may be listed in the criteria for exemption for that form of development, identified codes of the Gatton Planning Scheme.

Code assessable development

Code assessable development complies with the land use plan if it complies with:

- the intent or purpose of the zone and / or precinct in which it is located;
- the probable solutions of the identified codes of the Gatton Planning Scheme; and
- the relevant acceptable outcomes of the applicable zone code under the Development Scheme.

If a development meets all the acceptable outcomes / probable solutions of the relevant codes, then the development is taken to comply with the intent or purpose of the zone / precinct, as well as with the performance / specific outcomes of the relevant codes. If a development does not meet all of the acceptable outcomes / probable solutions of the relevant codes the development is Impact assessable.

Impact assessable development

Impact assessable development complies with the land use plan if it complies with:

- the intent or purpose of the zone and /or precinct in which it is located;
- the probable solutions of the relevant code of the Gatton Planning Scheme; and
- the relevant acceptable outcomes of the applicable zone code under the Development Scheme.

If a development meets all the acceptable outcomes / probable solutions of the relevant codes, then the development is taken to comply with the intent or purpose of the precinct, as well as with the performance / specific outcomes of the relevant codes. If a development does not meet all of the acceptable outcomes/ probable solutions of the relevant codes, then it will be assessed on its individual merits.

50. Definitions

Terms used in this land use plan have the same meaning as set out in the Queensland Planning Provisions (v2.0) or the SPA. However, where:

- (a) a use which is mentioned in a Gatton Planning Scheme code referred to in the land use plan; or
- (b) a term referred to in the land use plan;

is not defined in the Queensland Planning Provisions (v2.0), the Gatton Planning Scheme definition applies.

If they are not defined therein, they have their plain English meaning.

51. Relationship to Gatton Planning Scheme

The land use plan refers to, or relies upon various provisions of the Gatton Planning Scheme. To the extent there is any inconsistency between the land use plan and those provisions, the land use plan prevails.

For the purpose of the land use plan, any reference in an identified code of the Gatton Planning Scheme to:

- (a) a zone, means a zone or precinct of the land use plan;
- (b) the Urban residential zone, means the Residential living 1 precinct of the land use plan;
- (c) the Park residential Zone, means the Residential living 2 precinct and Rural residential 1 precinct;
- (d) the Rural residential Zone, means the Rural residential 2 precinct;
- (e) the Commercial Zone, means the Local Centre Zone of the land use plan;
- (f) the Industry Zone, means the Low Impact Industry Zone of the land use plan;
- (g) the Open Space and Recreation Zone, means the Recreation and Open Space Zone of the land use plan;
- (h) the Community Facilities Zone, means the Community purposes zone of the land use plan; and
- (i) a Rural general or Rural agriculture zone, means the Rural Agricultural precinct or the Rural general precinct of the land use plan.

52. Building work

Building work as defined in the SPA is not regulated by the land use plan.

53. Plumbing and Drainage Work

Plumbing and Drainage Work as defined in the SPA is not regulated by the land use plan.

54. Gatton Planning Scheme

References in the Development Scheme to the Gatton Planning Scheme refer to the Planning Scheme for the former Gatton Shire commencing on 1 July 2007 and any subsequent amendments.

Item 4: The Scheme's use of development controls to encourage or discourage development, including by reference to the following, with examples where possible:

- a) levels of assessment;**
- b) the land swap arrangement;**
- c) the existing town centre;**

a) *Levels of Assessment*

- 55. The principle driver in the preparation of the Development Scheme was the development of a strategic vision for the Reconstruction Area. This strategic vision was critical in the determination of how the regulatory framework would be calibrated through levels of assessment. The overwhelming outcome of the vision is to see displaced residents participating in Council's land swap programme to be relocated to the higher ground.
- 56. Fundamentally, the development controls within the Development Scheme are calibrated to meet community expectations for future development within the Development Scheme area, expressed through the Development Scheme's Vision.
- 57. The Development Scheme uses levels of assessment and forms of development criteria (such as building height or lot size) to encourage or discourage certain development in accordance with the Vision.
- 58. This approach also has the effect of reducing planning scheme complexity for development consistent with the Vision, and discouraging development that is inconsistent. Many forms of development in the Reconstruction Area are either exempt or self-assessable, with simple assessment criteria for these types of development. For example:
 - Reconfiguring a Lot (Subdivision) to facilitate relocation of residents to the proposed new settlement area in Grantham is exempt development where it complies with certain lot size and frontage widths – subdivision is generally code assessable in other local government planning schemes;
 - Operational works not associated with a material change of use are self assessable – this type of development is commonly code assessable in other local government planning schemes; and
 - Material Change of Use for establishment of new facilities within the township have a reduced level of assessment where they are consistent with the vision.

59. In the area that was significantly impacted by the flash flood event on 10 January 2011, the Development Scheme sought to designate and zone this land as Limited Development (Constrained Land). It was acknowledged that some residents affected by the 10 January 2011 event wanted to stay and rebuild on the same land. The Development Scheme allows for this where residents elevate their habitable floor levels above the defined flood level. Any new residential development in this area is discouraged and this is reflected in the intent of the zone. Any proposed new residential development would be subject to an Impact Assessable application and therefore require public notification and would be discouraged.
60. A similar approach has been applied to the Harris Street Precinct within the Open Space and Recreation Zone.

b) The Land Swap Arrangement

61. The Development Scheme facilitates the implementation of Council's land swap program by facilitating the designation of land suitable for residential use and the removal of red tape to allow the land required for the land swap to be delivered in the most timely and efficient manner. Part 3 – Implementation Strategy of the Development Scheme outlines the importance and relationship of Council's Land Swap Program to the Development Scheme, noting the intention of delivering a land swap program over an extended period of time through the removal of regulatory hurdles and providing flexibility in the final development form.

c) The Existing Town Centre

62. The Development Scheme maintains the viability of the Grantham town centre by maintaining existing use rights in the Local centre zone. The existing centre is designated within the Local centre zone within the Development Scheme and encourages a range of township uses including the establishment of Markets.
63. The overall suggested outcome for the zone as per the Development Scheme is:

The Local centre zone is the heart of Grantham - a vibrant market place featuring a mix of uses and activities that provide day-to-day services for the town, its broader community and visitors. It is focused on Anzac Avenue, and includes shops, cafes, arts and crafts, an art gallery, a museum and a hotel.

On weekends, the local centre is transformed into a significant local produce and industry market with temporary and permanent stall facilities under covered shade structures. The whole main street of Anzac Avenue has a rural town character and builds on the amenity of the nearby parks. Landmark entry structures mark "Fruit Stall" corner where William Street and Anzac Avenue meet.

William Street provides the ideal setting for cafes and a pleasant walk up to the Butter Factory Community Centre from the Local centre.

New residential development is not preferred in the Local centre zone. However it is acknowledged that some residents may wish to remain and therefore, if a dwelling house existed on the subject land on 10 January 2011, a new dwelling house or rebuilding of a dwelling house will require habitable floor levels are to be at least 300mm above the defined flood level.

Where achievable and practical, commercial, business and retail uses are encouraged to rebuild having regard to the defined flood level, noting requirement to maintain equitable access.

64. A new area to create employment opportunities was nominated in the Low impact industry zone. Approximately 2.5Ha of land has been identified between the Local centre zone and the new grade separated flyover to be built by the Department of Transport and Main Roads. The area proposed for employment opportunities will provide additional jobs for local residents.

Item 5: How the Scheme differs from other planning schemes;

65. The Development Scheme was developed from a community led Master Planning process initiated by the Council. The role of the Authority in drafting the Development Scheme was to translate the Council Master Plan into a regulatory framework.
66. It is a local planning instrument prepared in accordance with s66 of the QldRA Act that suspends those parts of the existing Gatton Planning Scheme which regulate development within the Reconstruction Area, save for the provisions expressly referred to in the Development Scheme, and replaces them with provisions that more appropriately reflect the community expectations for development in the Reconstruction Area.
67. The Development Scheme is the first SPA compliant local planning instrument in Queensland and has been prepared using Queensland Planning Provisions – version 2.0 (QPP). Currently, every planning scheme in Queensland has been prepared in accordance with the superseded *Integrated Planning Act 1997* (IPA).
68. Planning schemes prepared in accordance with the IPA do not have a statutory strategic plan or vision. Utilising the QPP and the approach underpinned by SPA, the Grantham Development Scheme was prepared with a development assessment framework that could be calibrated against the community vision.
69. By using this technique, the levels of assessment allowed the removal of extensive and unnecessary red tape. More specifically and by reference to the Development Scheme, reference should be made to the extent of exempt, self assessable, compliance and code assessable development provided for in the land use plan.

70. One such example of the removal of red tape is for the Reconfiguring a lot in the Residential Living zone which is identified as exempt development (ie no approvals required) if the lots comply with the Residential Living zone code, are owned by Council and in accordance with a lot layout master plan determined by Council. No such level of exemption applies for this form of development in any other planning scheme in Queensland.

Item 6: Whether and why the Scheme is an appropriate instrument for long term use;

71. The Development Scheme was primarily created to guide development within the Grantham Reconstruction Area for the purposes of expediting the rebuilding effort required for the relocation of displaced Lockyer Valley residents.
72. The Scheme is an appropriate instrument to guide the future of the Grantham Township beyond the life of the Authority. Specifically the Development Scheme supports the future growth and strengthening of the community including the establishment of a Showgrounds Precinct, employment areas and expansion capacity whilst limiting the potential for future redevelopment in areas affected by the January 2011 flooding event.
73. The Development Scheme for the Grantham Reconstruction Area will continue to apply until the new planning scheme for the Lockyer Valley Regional Council takes effect. If at the time the QldRA Act expires (s139 of the QldRA Act) and Council's new SPA compliant planning scheme is not in effect, powers under s112 of the QldRA Act may be exercised to ensure that the Development Scheme continues to have effect. The Development Scheme for the Grantham Reconstruction Area has been drafted to facilitate the streamlined adoption and its incorporation into the new SPA compliant planning scheme at some future time.

Item 7: The relationship between the Scheme and State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SPP1/03);

74. As noted in Point 5 above, the Development Scheme for the Grantham Reconstruction Area was prepared under the QldRA Act and not under the SPA. In making the Development Scheme under s63(4) of the QldRA Act, the Authority must consider, but is not bound by, a requirement under any of the following relevant to the project or area:
- (a) a planning instrument;
 - (b) a plan, policy or code made under the SPA or another Act.

This includes State Planning Policies.

75. In preparing the Development Scheme, consideration was given to SPP1/03. The principles of SPP1/03 are reflected throughout the Development Scheme. Specific details of this include:

- Any proposed development identified in the Gatton Planning Scheme's Potential Bushfire Risk Area Overlay and the Steep and Unstable Land Overlay will continue to require assessment against the Overlay Codes in the Development Scheme;
 - The land use plan within the Development Scheme has been prepared with direct consideration of the extent of the 10 January 2011 flooding events:
 - Provisions in the Low impact industry zone, Local centre zone, Limited development (Constrained land) zone codes reflect that where practical, essential services are elevated above the defined flood level;
 - The nomination of a defined flood level as assessment criteria for uses proposed within the affected area; and
 - Designation of new residential land outside of the area impacted by the 10 January 2011 flooding event, which is acknowledged as being an extreme event.
76. The Lockyer Valley Regional Council is currently preparing its SPA compliant planning scheme which will require consideration of SPP1/03 in the preparation and making process as required under SPA. To help inform this process, the Council is also undertaking a flood study which will be one of the studies used to inform the new SPA planning scheme and to also identify final defined flood levels particularly in areas impacted by the 10 January 2011 flooding event.
77. The Development Scheme requires the 'defined flood level' for the land use plan to be determined by Lockyer Valley Regional Council having regard to the flooding on 10 January 2011. Council may initially adopt an interim level and final level following further studies.
78. The existing Gatton Planning Scheme has been identified as appropriately reflecting bushfire and landslide matters from SPP1/03. The reliance by the Development Scheme on these existing provisions of the Gatton Planning Scheme ensures that with respect to bushfire and landslide, the Development Scheme appropriately reflects the SPP1/03. In relation to flooding, it is noted that the existing Gatton Planning Scheme does not appropriately reflect SPP1/03. Given the flood studies currently being prepared by Council, the Development Scheme provides for Council to adopt a 'defined flood level'. The allocation of land uses in the Development Scheme was undertaken to ensure that all new residential lots were located above the 10 January 2011 event which is acknowledged as being an extreme event.

Item 8: The Queensland Reconstruction Authority's role in respect of, and process for creating, its Rebuilding Guidelines and toolkits;

79. The Authority's relevant functions as outlined in s10 of the QldRA Act provide specifically for the following:
- (b) *to work closely with affected communities to ensure each community's needs are recognised in the rebuilding and recovery of the communities;*
 - (g) *to facilitate flood mitigation for affected communities and to ensure the protection, rebuilding and recovery of affected communities is:*

- (i) *effectively and efficiently carried out; and*
- (ii) *appropriate, having regard to the nature of the disaster event.*

80. Given the events of Summer 2010/2011, the Authority initiated the preparation of a number of guidelines and toolkits to assist each community in the rebuilding and recovery efforts. In the case of Lockyer Valley (Grantham), this was through the preparation of the *Rebuilding Grantham Together – Development Scheme for the Grantham Reconstruction Area*. In the case of Severe Tropical Cyclone Yasi (Cyclone Yasi) affected communities; this was through the preparation of a series of guidelines – *Planning for a stronger, more resilient North Queensland* including *Part 1 – Rebuilding in storm tide prone areas - Tully Heads/ Hull Heads*. In addition to this, the Authority has also prepared guidelines for floodplain management (*Planning for stronger, more resilient floodplains*) and electrical infrastructure (*Planning for stronger, more resilient electrical infrastructure in flooding and cyclones*). Detail on each of these guidelines and toolkits are outlined below:

Rebuilding Grantham Together – Development Scheme for the Grantham Reconstruction Area

81. In accordance with 2 above.

Planning for stronger, more resilient North Queensland

82. The significant damage and devastation seen in North Queensland (Tully Heads and Hull Heads) was largely as a result of the storm tide associated with Cyclone Yasi. In contrast, houses outside of the storm tide zones, built to the current wind load standards performed well.

83. During consultation with Cassowary Coast Regional Council and the local community, the Authority identified that the majority of residents in Tully Heads and Hull Heads were seeking to rebuild their homes on their current properties. The Authority identified an opportunity to work with the community to improve the level of resilience for future storm tide events. The Authority commenced work on a series of guidelines to be delivered in four parts:-

- Part 1 - Rebuilding in storm tide prone areas – Tully Heads and Hull Heads included as attachment BJN-08;
- Part 2 - Wind Resistant Housing (in DRAFT) included as attachment BJN-09;
- Part 3 - Preparing for a Cyclone (underway); and
- Part 4 - Building in low lying coastal areas (yet to be commenced).

84. The Authority partnered with leading cyclone and design experts including James Cook University's Cyclone Testing Station, CSIRO, the Office of the Government Architect, Australian Institute of Architects, GHD and Cassowary Coast Regional Council in the preparation of Part 1 of these Guidelines.

85. Part 1 of the guideline was developed to support a “building back better” campaign specifically in the areas of Tully Heads and Hull Heads as a result of Cyclone Yasi. This guideline is intended to:
- assist home owners and occupiers of key issues associated with rebuilding in a storm tide prone area including reinforcing design for wind loads;
 - provide guidance to assist in the design of dwellings to improve their resilience in the event of a storm tide inundation;
 - provide guidance to assist in ensuring design outcomes are compatible with the character of the local area; and
 - understand the approvals process including building certification and selection of contractors.
86. The main objectives of the guideline are to:
- improve the resilience of residential dwellings to the impact of a storm tide event caused predominantly by a Cyclone;
 - assist to safeguard property in a storm surge event; and
 - improve the broader long term sustainability of dwellings and their local context.
87. The Authority launched Part 1 of these guidelines at the Tully Heads community hall on 20 April 2011. Over 100 residents attended the release where experts provided an overview of what happened during Cyclone Yasi including wind speeds and storm tide levels and architects presented the key design considerations to help improve the impact of storm tide damage.
88. Following this session, the Authority hosted a ‘Meet the Experts’ session on Saturday, 7 May 2011 where residents were able to discuss the rebuilding proposals with engineers, architects, builders and members of the Cyclone Testing Station. Over 35 groups took part in the expert sessions.
89. Comment was invited from the industry, state agencies and the community on the draft guideline. These submissions were considered and where appropriate were reflected in the final Part 1 Guideline which was released on 15 July 2011 at the Cyclone Testing Station in Townsville.
90. Part 2 – *Wind Resistant Housing* was prepared with input from the Cyclone Testing Station and the Bureau of Meteorology. Part 2 draws from the significant information available on Wind Resistant Housing. Part 2 commenced public consultation on 15 July 2011 and concluded on 26 August 2011. No submissions were received on the draft Part 2 guidelines. The draft Part 2 Guideline – Wind Resistant Housing is currently being finalised. A copy of the draft guideline is included at attachment BJN-09.
91. Part 3 and 4 Guidelines are yet to be released.

92. The Authority has been recently approached by the Northern Territory Government who are preparing a design document for communities in storm tide prone areas. The Northern Territory Government has acknowledged that the content and recommendations of the Part 1 guideline is transferrable to their communities and has sought permission from the Authority to use Part 1 as a guide to the development of their own document. Appropriate acknowledgement and reference in the Northern Territory document will be provided and the Authority will review and comment on the draft which is expected by the end of October 2011.

Planning for stronger, more resilient floodplains

93. To ensure that Queensland learns from the recent natural disasters, the Authority has partnered with the Department of Local Government and Planning (DLGP), the Department of Environment and Resource Management (DERM) and the Department of Community Safety (DCS) to deliver a two part guideline supporting greater resilience and understanding of our floodplains and to better inform and influence the land use planning process, entitled – *Planning for stronger, more resilient floodplains*.
94. The purpose of the project is to identify both interim and long term planning solutions, including a mapping product, to promote a greater correlation between land use planning and floodplain management at a river sub-basin level. A copy of the draft Part 1 guideline is included at attachment BJN-10. Part 2 (not yet prepared) proposes to build on this work and provide detailed guidance to Council's in the preparation of new SPA compliant planning schemes and a flood study template.
95. Part 1 of the guideline is a voluntary toolkit including mapping which identifies an interim floodplain assessment overlay area (floodplain maps) and interim floodplain development assessment controls (model planning scheme code).
96. In delivering the Part 1 guideline, the Authority has worked collaboratively with Geoscience Australia, Banana Shire Council and the Fitzroy Basin Association. More than 10 other Council's and the Local Government Association of Queensland have been consulted in the preparation of this Guideline. The CSIRO and the Bureau of Meteorology have expressed interest in a particular partnership supporting the delivery of *Part 2 – Flood Study Template and Standard Planning Scheme Provisions*.
97. In recognition of the time and cost involved in the preparation of detailed flood mapping and studies by Councils, the Authority, with the support of DERM, commenced a mapping exercise in June 2011 to establish interim mapping of all of Queensland's floodplains to support Councils' existing planning schemes.
98. The dataset to inform the interim mapping product is identified as an Interim Floodplain Assessment Overlay (floodplain maps) and was developed using the following overall principles:
- suitability for a Statewide approach;

- a consistent approach;
- repeatable if more accurate data is available in the future; and
- evidential and justifiable.

99. The floodplain maps were derived from overlaying available state-wide information sources, including best available:

- Drainage location information;
- Contour information (typically 10 metre contours);
- Satellite imagery (typically Landsat 5);
- Interpreted or actual flood information from 2010/2011 events;
- DERM gauging station information; and
- Pre-clear Vegetation Mapping of Landzone 3 (Alluvium) and Landzone 1 (Estuarine) and SALI Soil Flooding Limitation Mapping.

100. Individual maps have been designed for display with the cadastre at 1:50,000 scale to allow for all properties to be located in respect to the interim floodplain area.

101. Hard copy mapbooks have currently been prepared for 39 river sub-basins covering an area greater than the size of Victoria, and this mapping will also be made available on the Authority's website for public viewing. By the end of October 2011, the Authority utilising resources from DERM will have mapped approximately 40 per cent of the State's area, which when combined with existing Council flood mapping represents coverage for approximately 90 per cent of the State's population. By mid 2012, floodplain maps for all relevant areas of the State are intended to be available. Included in the Part 1 Guideline is a model planning scheme code which is intended for inclusion in existing Local Government IPA compliant planning schemes.

102. The Authority's web site displaying this floodplain mapping is www.qld.gov.au/floodcheck

103. The Model Interim Floodplain Assessment Code (the model code) provides interim development controls for development within the floodplain areas identified by the floodplain mapping. The floodplain mapping and model code are intended to work in partnership (to be known as an 'Interim Floodplain Assessment Overlay') within existing planning schemes as a regulatory mechanism to manage development in floodplain areas.

104. The purpose of the model code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property. The key development outcomes sought by the model code relate to:

- building design and site layout for material changes of use and lot reconfigurations;
- extent of filling in both urban and rural contexts;
- management of and design requirements for dangerous or hazardous materials on site; and

- design and siting requirements for community infrastructure.

105. The model code draws from the provisions of the SPP1/03 and provides a streamlined adoption process by Council's with DLGP. The model code applies to any development that is deemed assessable under the local government planning scheme on land wholly or partially within the area show on the floodplain maps.

106. It is not intended that the interim controls set a level of assessment for particular development. The application of the model code in development assessment relies on other components of the planning scheme to trigger development as assessable. Therefore, the model code only applies where the planning scheme already deems a particular development type as requiring assessment under the scheme. This minimises the regulatory impact of the model code and streamlines its integration into existing planning schemes. It also allows for the adoption of the model code and mapping to be subject to a minor planning scheme amendment process. A minor scheme amendment can be made quickly via a Council resolution and approval by the Planning Minister.

107. To support the adoption of the mapping, the Authority has prepared a Temporary State Planning Policy (TSPP) - *Planning for stronger more resilient floodplains*. The TSPP is proposed to be made by the Planning Minister in accordance with s47 of the SPA. A copy of the draft TSPP is included at attachment BJN-11.

108. The TSPP temporarily suspends Annex 3 clauses 3.1 and 3.2 of the existing SPP1/03 which outlines the process for the designation of the Natural Hazard Management Area (Flood) (NHMA).

109. The TSPP will allow that in addition to clauses 3.1 & 3.2, the floodplain maps provided by the Authority, or as amended by the relevant local government, can be designated as a NHMA (Flood) for the local government area. The TSPP will also provide for the implementation of the proposed amendments to the Queensland Development Code as these building provisions are triggered where flood mapping is available and adopted by a local government. The TSPP gives effect to options for how a local government may choose to designate a NHMA (Flood). The TSPP effectively streamlines the adoption process for the floodplain mapping prepared by the Authority.

110. The Part 1 guideline prepared by the Authority is the supporting guideline for the TSPP and therefore a public consultation period for the guideline (40 business days) is expected to commence on 17 September 2011 and run through to 11 November 2011. This consultation period will front load the public consultation period to support the proposed minor amendment to planning scheme process. This is to ensure that each local government choosing to adopt the floodplain mapping and scheme provisions does not have to undertake further consultation individually as the Authority has undertaken this process on their behalf.

111. The implementation of the guideline will principally focus on local governments in regional

Queensland who may require assistance with integrating floodplain management into their existing planning schemes. Not all local governments will benefit from the Part 1 guideline. It is a fit for purpose and voluntary solution, intended as an interim measure for inclusion in existing planning schemes particularly in circumstances where there is no current flood mapping. Local governments may also choose to use the Part 1 Guideline and floodplain mapping as one form of reflecting SPP1/03 in their existing planning scheme.

112. Local governments may also choose to use the mapping and the Part 1 guideline to inform the preparation of their new SPA-compliant planning schemes including their new strategic plans. In addition, Part 2 of the Guideline (under preparation) will build on the work completed to date to provide further specific guidance to local governments on how they may choose to integrate floodplain management matters into their new SPA compliant planning schemes.

113. The reintroduction of strategic plans and the QPP framework under SPA provides an excellent opportunity for state-wide consistency and front loading of floodplain management matters into new SPA compliant planning schemes.

Planning for stronger, more resilient electrical infrastructure in flooding and cyclones

114. The Authority has partnered with Ergon Energy, ENERGEX Limited (ENERGEX) and Powerlink to produce an all encompassing guideline, *Planning for stronger, more resilient electrical infrastructure – Improving the resilience of electrical infrastructure in flooding and cyclones* (Draft Guideline). A copy of the draft guideline is included as attachment BJN-12.

115. The main objectives of the draft guideline are to:

- assist Queenslanders in understanding the electricity network;
- promote a greater understanding of the impacts that natural disasters can have on electricity supply;
- identify lessons learnt from the recent natural disasters;
- improve the resilience of electrical infrastructure across Queensland to the impacts of floods and cyclones;
- ensure Queenslanders are aware of the importance of being adequately prepared for the potential loss of power in future disaster events; and
- to provide recommendations for electricity distribution, land use planning, emergency planning and management, building and design and the homeowner.

116. Whilst not yet released, it is intended that this guideline will be an advisory document that raises awareness of the issues that relate to the resilience of electrical infrastructure.

Item 9: The Queensland Reconstruction Authority's findings about the implementation of *State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* in local planning schemes and in particular, any challenges or difficulties identified;

117. The Authority's consideration of flood issues within local government planning schemes has been undertaken within the scope of the Authority's functions as defined in the QldRA Act.
118. The Authority has therefore considered the issue of flooding broadly in the context of the reconstruction of affected communities and seeking to build resilience against future events.
119. In the course of researching current flood resilience techniques and strategies in Queensland, the Authority, in partnership with the DLGP, conducted a review of all Planning Schemes currently in force in Queensland (a total of 127 schemes) to understand how floodplains and flooding is mapped in these Planning Schemes by reference to the SPP1/03. An earlier report on the review of the initial 77 schemes was provided to the Commission on 29 August 2011. A full review (in draft) of all 127 schemes has been provided to the Authority on 15 September and is included as attachment BJN-13.
120. Many of Queensland's existing Planning Schemes are still in effect from pre-Council amalgamations. Therefore, many local government areas have more than one planning scheme in operation within its boundaries.
121. The draft review included as attachment BJN-13 identified that there is no standard or consistent methods employed through planning schemes to manage development within floodplains throughout Queensland. Indeed, it is generally treated differently in every planning scheme.
122. The draft review also identified that whilst the majority of planning schemes included some level of floodplain management provisions, the majority of planning schemes did not contain flood mapping.
123. The Authority has utilised the interim findings of the initial draft review to inform its approach to the preparation of the two part Guideline *Planning for Stronger, More Resilient Floodplains* (refer to Item 8 above). The floodplain mapping supporting this Guideline has been prepared as an interim solution in direct response to the lack of mapping in existing Planning Schemes.
124. In order to understand the potential reasons as to why planning schemes treat floodplain management differently, the Authority sought to gain a greater understanding of Australia's river systems. This was seen by the Authority as integral to developing an appropriate interim land use planning and mapping solution that would support a greater correlation between floodplain management and land use planning.
125. Some of the findings of the Authority through this information gathering on Australia's river systems were:
- In Australia, there are 12 drainage divisions nationally;
 - Queensland hosts 5 (40%) of these drainage divisions either in part or full. These include:
 - Northeast Coast (1)

- Gulf of Carpentaria (9)
- Murray Darling Division (4)
- Bulloo – Bancannia Division (10)
- Lake Eyre Division (11)
- Each drainage division contains a number of river basins. Within Queensland, there are 75 river basins;
- Each river basin is then divided into a number of sub-basins or more commonly known as catchments. In Queensland there are 128 sub-basins (or catchments);

Importantly, this exercise demonstrated that not one drainage division, river basin or sub-basin correlated with any administrative boundary whether it be a State or local government area.

126. Having gained the understanding that local government boundaries do not correlate with the hierarchy of our river systems, it became apparent to the Authority that the way in which we manage our floodplains needed to be wider than the jurisdiction of a local government area and therefore a planning scheme.

127. The process to adopt flood mapping would normally require a flood study. A flood study traditionally has two core components:

- *Hydrologic analysis* or estimation of flood discharges for floods of various magnitudes; and
- *Hydraulic analysis* or determination of the extent, depths and velocities of flooding.

128. Based on the understanding of the river systems, the Authority acknowledged that there would be a level of difficulty for some Council's particularly in low-growth areas to be able to fund such studies.

129. In recognition of the time and cost to prepare detailed flood mapping and studies by Council's, the Authority, with the support of DERM, commenced a mapping exercise in June 2011 to establish interim mapping of Queensland's floodplains to support Councils' existing planning schemes in order to address the lack of mapping and lack of consistency in approach across the State.

Item 10: Opinion about the implementation of *State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* in local government planning schemes and in particular, any challenges or difficulties identified;

130. Based on the analysis and research undertaken as part of the *Planning for stronger, more resilient floodplains* project being undertaken by the Authority, I have identified 8 main challenges associated with the implementation of SPP1/03 in local government planning schemes with particular reference to flooding. These main challenges are identified below:

Cost

131. The development of a comprehensive floodplain management plan envisaged in most circumstances by SPP1/03 is likely to cost more than \$100,000 and may exceed \$500,000 depending on the level of data available. This cost is prohibitive for the majority of local governments with low population bases.

Timing

132. The preparation of flood studies and floodplain management plans envisaged by SPP1/03 usually occurs following a successful grant application, given the costs outlined above. Grant funding cycles usually occur on a financial year basis and rarely correspond with the timing associated with the preparation of planning schemes.

133. Section 91 of SPA requires local governments to review their planning scheme every 10 years. Local governments in low or no growth areas are unlikely to review their planning schemes prior to this. This means that the integration of flood studies and floodplain management plans into planning schemes may not always be aligned and can often be disconnected.

Fit for Purpose

134. A one size fits all approach to floodplain mapping and flood studies is not considered appropriate in Queensland given the variability of the landscape and the expanse between population centres. Instead, a maturity model which recognises basic provisions and mapping for low growth / rural local governments, scalable upwards for moderate and higher growth local governments is considered appropriate.

Boundary Disconnect

135. The reliance on local governments to implement SPP1/03 is constrained by the fact that local government boundaries do not correlate with catchments or sub basins. Indeed, there are no local government boundaries in Queensland that correspond to a catchment boundary.

Scope

136. Flood studies are often undertaken in isolation of other flood studies and the scope is often limited to part of a catchment only, having regard to the boundary disconnect and cost issues outlined above.

137. Given the introduction of SPA, an opportunity exists to develop a consistent methodology and approach to the undertaking of flood studies and the manner in which they are incorporated into land use plans and planning schemes.

Resources

138. There are a limited number of specialist consultants available to undertake the detailed flood studies envisaged by SPP1/03. The capacity for the majority of local governments, particularly in rural centres to maintain flood models once developed and to assess development proposals against detailed engineering models is limited.

Data

139. The availability of data across Queensland to support the provision of detailed floodplain mapping and flood studies is limited in some locations. The acquisition of this data (ie Digital Elevation Models [DEM], Contours, etc) is often expensive and captured in isolated segments.

140. Access to previous flood studies often has limited visibility and sharing of data is often limited.

Legislation

141. The legislative framework existing at the time of the development of SPP1/03 was the IPA. Under the IPA, there was a strong focus on planning process.

142. This changed following the introduction of the SPA in December 2009 with a focus around delivering sustainable outcomes. With the introduction of SPA, there was also an increased focus on standardisation and a reduction in complexity. The intent of the changes under SPA was to 'front load' planning systems with greater emphasis on planning strategically and collaboratively between state, local government and the community.

143. There are no SPA planning instruments that are currently operational in Queensland apart from the Development Scheme for the Grantham Reconstruction Area. For the majority of the reasons outlined above, the front loading and full implementation of SPP1/03 into local government planning schemes has been relatively limited, instead relying on the deferral of SPP1/03 matters until the development assessment process which is not ideal. This approach creates the potential for inconsistency and doesn't allow a catchment (basin/sub basin view) to be formed.

144. An innovation in SPA is the creation of the QPP, which is a standard approach to planning schemes to improve community engagement and the understanding of planning. Part 2 of the *Planning for stronger, more resilient floodplains* guidelines proposed by the Authority will rely on developing a standardised approach in managing Queensland floodplains and undertaking flood studies. To date, there has been little or no consistency in this approach across Queensland.

Item 11: The Queensland Reconstruction Authority's findings about the challenges for local government of flood mapping and the relationship between these challenges and the capacity of local governments to implement *State Planning Policy 1/03*:

Mitigating the Adverse Impacts of Flood, Bushfire and Landslide through their local planning scheme;

145. In the course of researching current flood resilience techniques and strategies in Queensland, the Authority found that drainage divisions, river basins and river sub basins do not follow local government administrative boundaries. The responsibility for floodplain management in one catchment area can therefore lie with multiple local governments, who each may administer a section of the catchment within their jurisdiction in a different manner. The draft review of Queensland's Planning Schemes undertaken by the Authority in conjunction with DLGP found that the control of development within catchments is generally administered differently in each local government area (refer to response to Item 9 above).

146. Further, the draft review included at attachment BJN-13 found that 63% of local government planning schemes did not contain flood mapping.

147. The draft review did not draw conclusions or identify challenges for local government in relation to the reasons why flood mapping is not included in these planning schemes, nor the capacity of local government to implement SPP1/03. The Authority's review simply analysed whether SPP1/03 was appropriately reflected in the planning scheme or not, noting that planning schemes which do not appropriately reflect the flooding component of SPP1/03 can still apply the relevant provisions of SPP 1/03 through the development assessment process, even though it is not ideal for the reasons outlined in Item 10 above.

Item 12: Opinion about the challenges for local government of flood mapping and the relationship between these challenges and the capacity of local governments to implement State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide through their local planning scheme;

148. Based on the analysis and research undertaken as part of the *Planning for stronger, more resilient floodplains* project being undertaken by the Authority, my opinions about the challenges for local government of flood mapping and the relationship between these challenges and the capacity of local governments to implement SPP1/03 through their local planning scheme is consistent with my views outlined in Item 10 above.

Item 13: Other matters of relevance;

149. In addition to the matters outlined above, the following additional matters are considered of relevance to the Commission:

Rebuilding Grantham Together - Grantham Businesses TLPI

150. The community of Grantham, through the community consultation sessions, identified as their highest priority (beyond supporting the relocation of residents most affected) was the re-establishment of the commercial centre and importantly the local shop.

151. The existing temporary community centre and recovery centre at the Grantham State School was providing the community with meals and was on a volunteer based, but didn't provide for the immediate convenience needs of local residents.
152. The Lucky 7 Convenience Store has been owned and operated by Mick and Sandy Halliday for approximately 8 years. They employ eight (8) fulltime and seven (7) casual juniors. Lucky 7 is a brand owned by Metcash Limited. IGA and Campbell's Wholesale are also owned by Metcash. The store serviced the district's grocery and newsagency needs. Fast foods were also a major element of the business. Canvassing of the region, indicates that the mix of business and the services provided saw this business develop into a community asset of significance.
153. The existing store sustained major damage during the January 2011 flood event. Whilst insured, the assessment of the claim was pending. The damaged premises were an area of approximately 15m x 15m plus a free standing house at rear of property.
154. The Authority secured through Nomad Building Solutions, the donation of a temporary demountable facility for the re-establishment of a temporary shop whilst the owners resolved insurance matters and undertook the rebuild of their damaged premises. A suitable location was identified, however the site was located partly in the Open space zone and partly on road reserve and would have required an impact assessable application therefore requiring public consultation. This type of application would normally take a minimum of three months until a decision was made.
155. The Authority together with the DLGP undertook an assessment of the options that could be implemented to support the establishment of temporary facilities. These options included a declared project under the QldRA Act; lodgement of a development application; or a state planning regulatory provisions. The latter two would both involve a level of public notification. This would therefore delay the process and delay the re-establishment of the temporary premises. A declared project under the QldRA Act was rejected as an option as it was agreed between the Authority and the Council that other businesses may also wish to re-establish in a temporary manner and a declared project would be limited to one application at a time.
156. Therefore it was determined that the most appropriate mechanism for a timely and streamlined approval process was to make a temporary local planning instrument in accordance with s105 of the SPA to override the existing planning scheme and allow the temporary re-establishment of businesses.
157. A TLPI was drafted by the Authority with support from the DLGP. The TLPI provided greater certainty to the community with respect to the establishment of temporary facilities whilst the community continued its recovery and entered into a reconstruction phase. The primary purpose of the TLPI was to designate that key business activities would be deemed self-assessable development thereby only requiring approval against the Building Code of Australia and not against the planning scheme.

158. On 29 March 2011, Lockyer Valley Regional Council formally resolved to prepare a TLPI and provided the TLPI to the Minister for Local Government and Planning for consideration. On 30 March 2011, the Minister for Local Government and Planning approved for adoption the TLPI. Upon receipt of the Minister's approval, the Lockyer Valley Regional Council formally adopted Temporary Local Planning Instrument 02/11 – Grantham Businesses.
159. The demountable shop arrived on the property on 5 April 2011. After other donations, the shop was stocked and was officially opened to the public on 30 April 2011.

Rebuilding Grantham Together - Earthworks Temporary Local Planning Instrument (TLPI)

160. To facilitate the early commencement of earthworks within the Grantham Reconstruction Area and to facilitate a streamlined approval process prior to the finalised Development Scheme taking effect, a TLPI was required to provide a reduced level of assessment for Operational Works within the Grantham Reconstruction Area in order to facilitate the outcome of having residents in their homes by Christmas, 2011.
161. In consideration of time and the urgency to see the earthworks commence within the Grantham Reconstruction Area, the most appropriate and effective tool was identified as a TLPI. Other avenues considered included lodgement of a development application, or a state planning regulatory provision. Both of these options were discounted as they would delay the process of reconstruction in the new areas of Grantham.
162. Under s105 of the SPA, a local government may make a TLPI for all or part of its planning scheme area only if the Minister is satisfied:
- (a) there is a significant risk of serious environmental harm, or serious adverse cultural, economic or social conditions happening in the planning scheme area; and
 - (b) the delay involved in using the process stated in the guideline mentioned in s117(1) of the SPA to amend the planning scheme would increase the risk; and
 - (c) State interests would not be adversely affected by the proposed temporary local planning instrument; and
 - (d) the proposed temporary local planning instrument appropriately reflects the standard planning scheme provisions.
163. It was considered that the TLPI would assist in preventing potential serious adverse cultural, economic and social conditions that would emerge if the Earthworks was not able to commence prior to finalisation of the Development Scheme. The TLPI provided greater certainty to the community with respect to the early commencement of Operational Works whilst the community continued its recovery and enters into a reconstruction phase.

164. The TLPI nominated that all Operational Works activities would be deemed self-assessable development thereby only requiring assessment against the self-assessable provisions of the *Gatton Planning Scheme 2007 – Earthworks Code*.

165. On 27 May 2011 the Lockyer Valley Regional Council adopted the Temporary Local Planning Instrument 03/11 - Grantham - Operational Works.

166. The official sod turning was held on 7 June 2011.

Rebuilding Grantham Together – Road Closure

167. Under s106 of the QldRA Act, the Authority may perform functions or exercise powers for a road in a Reconstruction Area that the Authority considers necessary or desirable to perform its other functions.

168. The Authority considered it necessary to exercise this power under s106 of the QldRA Act to permanently close part of a road representing an area of about 2.428 hectares of unnamed and unformed road to facilitate commencement of construction of the Stage 1 residential lots in the Grantham Reconstruction Area.

169. On 10 June 2011 the Authority exercised powers under s106 of the QldRA Act to permanently close part of a road within the Grantham Reconstruction Area.

170. Under s107(1) of the QldRA Act, the Authority may, by gazette notice, declare that any land that has been permanently closed under s106 of the QldRA Act in a reconstruction area to be vested, in fee simple, in the Authority. The Authority exercised this power on 21 July 2011.


171. Once the land was vested with the Authority, the Authority must under s107(2) of the QldRA Act provide a copy of the gazette notice and signed survey plan to the DERM and request that they register the vesting. On 22 July 2011, the Authority formally requested that the DERM register proposed Lot 99 on SP247669 and seek a deed of grant to the Authority for the land.

172. On 28 July 2011 the Governor in Council issued a deed of grant to the Authority.


173. The vested land would ultimately form part of the stage 1 development and therefore on 1 August 2011, the Authority transferred the deed of grant for Lot 99 on SP247669 to the Council. Lot 99 on SP247669 was cancelled on 4 August 2011 at the time the stage 1 survey plan was registered and titles issued.

174. The Authority contemplated utilising the provisions of Land Titles Act 1994, however this option was discounted given the relevant timeframes.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Signed 

Taken and declared before me, at Brisbane this ^{15th} day of September 2011


Solicitor/Barrister/Justice of the
Peace/Commissioner for Declarations

PETER JOHN DIXON