

LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND



LOCAL GOVERNMENT
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OF QUEENSLAND LTD

SUBMISSION #2

TO

QUEENSLAND FLOOD COMMISSION OF INQUIRY

7 APRIL 2011

1. Introduction

1.1 This submission has been prepared by the Local Government Association of Queensland (LGAQ) with respect to the balance of matters contained within the Commission's Terms of Reference (TOR), and requested to be addressed in submissions lodged by 4 April 2011.

1.2 Matters related to flood preparedness were addressed in the LGAQ submission lodged on 11 March 2011 (LGAQ #1).

1.3 This submission focuses on aspects of land use planning and steps that could be taken to minimise flood impacts on infrastructure and property.

1.4 As with the first submission to the Commission, this LGAQ submission focuses on generic issues applicable across the State. Individual council submissions will no doubt focus on specific matters at the local level.

1.5 Attachment A provides extracts from the LGAQ Policy Statement adopted in September 2010 dealing with Disaster Management and Climate Change. These policies deal with a number of issues raised in this submission including adequate funding and resourcing as well as appropriate legislative and policy frameworks to avoid exposure of councils to undue risk.

2. TOR (g) - Land Use Planning

2.1 Under the *Sustainable Planning Act 2003* (SPA), councils across the State play an important role in land use planning by:

- a. Preparing and administering local planning instruments;
- b. Assessing development applications;
- c. Planning for and providing infrastructure essential for development; and
- d. Ensuring compliance with the SPA and taking appropriate enforcement action where necessary.

2.2 State Planning Policies have been developed on a number of matters of State interest. Of particular relevance to the Commission is State Planning Policy 1/03 (Mitigating the Adverse Impacts of Flood, Bushfire and Landslide) (SPP 1/03) which is aimed at ensuring that the natural hazards of flood, bushfire, and landslide are adequately considered when making decisions about development.

2.3 However, SPP 1/03 does not currently provide detailed guidance to assist local governments incorporate climate change science and potential impacts resulting from climate change into their planning schemes. This needs to be addressed. As noted in LGAQ #1, the Inland Flooding Study was designed to enhance resilience to climate change. Government funding to produce similar

advice for coastal communities would be appropriate. It is understood the State Government will shortly release a coastal plan which will deal with issues of sea level rises resulting from climate change.

2.4 Under SPP 1/03, there is no set standard for determining the Defined Flood Event (DFE). SPP 1/03 states that *“The Queensland Government’s position is that, generally, the appropriate flood event for determining a natural hazard management area (flood) is the 1% Annual Exceedance Probability (AEP) flood. However, it may be appropriate to adopt a different DFE depending on the circumstances of individual localities.”*

2.5 Implementation of SPP 1/03 to date has resulted in varied planning provisions, mapping standards, and mapping coverage in pre-amalgamation planning schemes. The latitude allowed in SPP 1/03 for utilising various approaches to identify hazard prone areas and mitigation measures resulted in considerable inconsistency in pre-amalgamation planning schemes.

2.6 There is a need for SPP 1/03 to be more specific on standards and methodologies in order to minimise discrepancies in the approach to flood studies and determination of the DFE, and to ensure consistency between localities in defining the DFE.

2.7 Once the DFE is mapped, contemporary planning schemes (prepared pursuant to the State’s Queensland Planning Provisions) are able to ensure that this constraint is considered in the allocation of new zones and land uses and in the assessment of development applications through:

- Identifying the DFE as a trigger for a higher level of assessment; and
- Identifying the applicability of a flood code to that land.

2.8 SPP 1/03 is currently being reviewed by the State Government. The opportunity exists to introduce more specific standards, guidelines and methodologies as noted above, while ensuring that this policy represents national “best practice”.

2.9 There is an urgent need for reliable flood data across the entire State. Individual local governments have had some difficulty in determining an appropriate DFE either due to a lack of funding for hydrology consultants or a lack of verifiable local knowledge about the last major flood event.

2.10 There is a need for funding to update flood studies to consider a range of flood events including up to the Probable Maximum Flood (PMF) as defined in SPP1/03, along with associated flood mapping. This will allow investigation of the implications of extreme rainfall events, including the potential for catastrophic damage and loss of life. Additional funding to investigate the impacts of climate change including storm surge impacts is also required.

2.11 While the 1:100 flood event should be the standard for determining the DFE, (as recommended by SPP 1/03), and consequently the key determinant for land use planning, information and mapping of more severe events up to the PMF

would provide important input to disaster management plans as well as providing further guidance on land use issues. As SPP 1/03 notes, *“the PMF defines the extent of flood-prone land. Generally, it is not physically or financially possible to provide general protection against this event.”*

2.12 Additional funding would also support reviews of the adequacy of flood mitigation strategies and emergency flood management measures, including location and immunity of refuge areas, safe evacuation routes, warning times and systems and procedures. Fast tracking of such reviews is essential.

2.13 It is also important that the community understands that the DFE is not the full extent of potentially flood-prone land but rather a planning tool which represents a balance where the probability of an adverse flood event becomes unacceptably high. There also needs to be better communication about what a 1:100 event means in terms of probability of a similar event from year to year.

2.14 While the DFE will provide a means of avoiding more intensive development of currently undeveloped flood prone land, in many areas existing development will already be situated within the DFE. In these situations it will be important to consider which of the following suite of planning and design responses are appropriate to the particular circumstances:

- a. The choice of materials in buildings that could be the subject of flood inundation;
- b. The uses permitted in flood liable parts of buildings;
- c. Whether the existing use should be permitted to be intensified;
- d. The preparation of evacuation plans and measures;
- e. Whether buildings should be raised above the DFE;
- f. Whether the site should be filled above the DFE.

2.15 For example, a number of major CBD buildings had essential building services located in basements that flooded, with a lengthy period required to reinstate these services and allow the building to reopen.

2.16 A concern for councils is the issue of liability where approval is given to rebuild in areas affected by the recent flood events. Councils could be subject to claims for injurious affection if applications to rebuild are refused. Similarly, where approval is given, even though the flooding risk is noted, there may be claims against councils if the property is affected by future flooding, even though the risk was known by the owner. There may also be a need for property titles to note flood risk potential to inform future purchasers. Again, claims for compensation could arise were this notation to impact on property values.

2.17 Uncertainties in relation to liability or injurious affection need to be removed. The Gold Coast City Council in its second submission to the Commission (provided by Council to LGAQ) has noted that in NSW there is a legislative exemption from liability for reasonably-based local government decision making. Council suggested similar legislation is required in Queensland. Annexure B of the Gold Coast City submission provides details of this NSW legislation. LGAQ supports

this approach to removing uncertainties in relation to liability and injurious affection.

2.18 In the case of severely affected properties additional funding should be made available to councils to permit these properties to be purchased, and re-used as public land, compatible with the flood risk. This initiative would assist in mitigating impacts from future events.

2.19 Additional funding to support “flood proofing” of essential council infrastructure (water and sewerage) would be desirable.

3. TOR (c) - Recovery and Resupply

3.1 In many locations across the State, it was difficult to move supplies and equipment to flood affected communities for recovery assistance. This was a particular problem in North Queensland with major highways including the Bruce Highway cut in a number of places.

3.2 In some communities shortages of food and essential supplies occurred and some towns ran out of cash so residents were unable to purchase required goods after the flood event.

3.3 Clearly there is a need for increased investment to “flood proof” major transport links. A more secure inland route to North Queensland should be investigated in this context. A number of councils consider this to be the most cost effective option for enhancing recovery and resupply operations in North Queensland.

4. TOR (c) - Social and Community Issues Including Volunteers, Local Support and Donations

4.1 Flooding events result in significant social issues in affected communities.

4.2 Uncertainty in relation to insurance cover was a major issue. However, events of this nature result in a variety of human responses, and support services need to be available to assist people in putting their lives back together. Many of those affected were from vulnerable groups, often without financial and other resources to support them in the recovery. Strong links need to be established with local networks and services that provide support for communities.

4.3 Services such as financial advice, counselling, respite and psychological support are likely to be required over an extended period.

4.4 A particular concern is the impact of workforce and business loss in smaller communities affected by severe events. Destruction of a mainstay industry has the

potential to undermine the sustainability of the community. There is a need for strategies to focus on rebuilding economically sustainable communities following major flooding and other natural disaster events.

4.5 As noted in LGAQ #1, there needs to be a particular focus on management of evacuation centres to provide safe refuge for people in need of protection and/or separation from other individuals (eg AVOs).

4.6 Volunteers in communities across the State offered assistance to councils and service organisations. In some cases, volunteer resources could not be appropriately used as organisations were unable to undertake background and identity checks. State-wide procedures need to be developed to manage spontaneous volunteers during disaster events.

4.7 Councils also reported issues about local offers of farm machinery and equipment to assist recovery. However, as these vehicles only carry farm, not road registration, use could not be made of this potential resource. Some form of locally based short term permit system operated by councils should be considered to maximise available resources.

4.8 Councils have also raised concerns about offers of local community support in making temporary road repairs to reinstate local access. While these offers of assistance were appreciated, councils were concerned that such works might be a potential liability.

4.9 A number of councils have reported problems in handling donated goods that arrived at flood affected locations due to a lack of coordination and appropriate storage facilities. A state-wide policy is required to coordinate the management of donated goods.

ATTACHMENT A

EXTRACTS FROM LGAQ POLICY STATEMENT SEPTEMBER 2010

3.6 Disaster Management

3.6.1 Natural Disaster Relief & Recovery Arrangements (NDRRA)

3.6.1.1 Arrangements for natural disaster relief and recovery funding should be amended to allow more flexibility in the use of that funding for the betterment of damaged assets where it is deemed necessary and appropriate. Funds for this upgrading of assets should be made available on the basis of equal shares of funding from Federal, State and Local Government.

3.6.2 Community Disaster Resilience and Disaster Mitigation

3.6.2.1 The Federal and State Governments should commit to continued funding of the Natural Disaster Resilience Program (NDRP) as a fund to assist local governments to undertake community resilience building projects to reduce the impacts of identified natural disaster risks on communities.

3.6.2.2 The Federal and State Governments should commit to specific funding programs to enable local governments to undertake essential physical mitigation programs to further reduce the exposure of communities to the impacts of natural disasters and to ensure the protection of essential community infrastructure.

5.1.6 Climate Change

5.1.6.1 Local Government is committed to providing a leadership role to assist local and regional communities, including industry, to understand and address the impacts of climate change.

5.1.6.2 Local Government is committed to working in partnership with all spheres of government, industry and community to develop and implement effective climate change strategies focusing on mitigation and adaptation.

5.1.6.3 Local Government is committed to utilising current and reputable scientific information, robust risk assessment methodologies and community engagement when developing mitigation and adaptation strategies, establishing priorities and the allocation of resources.

5.1.6.4 Local Government requires appropriate policy and legislative frameworks from the Federal and State Governments to allow required decision making and responses to climate change without prejudice or undue risk exposure.

5.1.6.5 Local Government requires timely access to high quality, nationally consistent but locally appropriate data and methodologies from the Federal and State Governments to assist it in responding to climate change impacts.

5.1.6.6 Local Government requires timely access to high quality, nationally consistent but locally appropriate standards and codes from the Federal and State Governments to assist it in ensuring responses to climate change are safe, appropriate and equitable.

5.1.6.7 Local Government requires appropriate levels of funding and resourcing assistance to meet urgent climate change mitigation and adaptation requirements for the short and long term protection and benefit of communities.