

QUEENSLAND FLOODS
COMMISSION OF INQUIRY

STATEMENT OF GARY LEONARD MAHON


I, **GARY LEONARD MAHON**, c/- 125 Park Road, Kedron, in the State of Queensland, Assistant Director-General, Strategic Policy Division, Department of Community Safety state:

1. I provide this statement in response to the Queensland Floods Commission of Inquiry Requirement number 1684613 addressed to me and dated 26 August 2011.

Role and position within the Department of Community Safety

2. I hold the position of Assistant Director-General, Strategic Policy Division and I have been employed by the Department of Community Safety (previously the Department of Emergency Services (DES)) since 24 July 2006. For ease of reference, I will refer to the Department throughout this statement as 'DCS', appreciating that it may at relevant times have been DES. I will also refer to other departments by reference to their current names, for example, DERM and DLGP.
3. I have been employed in state public service positions for over 30 years and my experience includes operational, policy and strategic planning in three large and diverse departments.
4. I have held positions at the Senior Executive level for the last 12 years.
5. I also hold an Executive Masters of Public Administration from the Australian and New Zealand School of Government.

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6. As the Assistant Director-General, Strategic Policy Division, I have a number of key accountabilities, including:
- (a) The agency's strategic policy, monitoring performance, planning (incorporating SPP 1/03), and legislative programme.
 - (b) The delivery of legal services to the department and processing right to information applications; and
 - (c) The delivery of the agency's executive service functions which includes, Cabinet and parliamentary services, Ministerial and Executive Correspondence, and Media and communications.

Role of DCS in drafting and administering the State Planning Policy 1/03 (SPP 1/03)

Drafting SPP 1/03

7. Having only joined DCS on 24 July 2006, I have had to rely on available records in responding to the Commission's questions, particularly regarding the drafting of SPP 1/03.
8. Our records indicate that, since the introduction of the Integrated Planning Act (1997), there were requests from DLGP for DCS to comment on local government planning schemes, development control plans and other related policies. However there was no statutory obligation for development applications to be reviewed by local government in relation to hazard mitigation including flood.

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9. A briefing note dated 18 October 1999 describes the emerging case for a State Planning Policy on land use planning for disaster mitigation and provided approval for a letter outlining same from DCS to DLGP. The briefing note dated 18 October 1999 (enclosing the letter) is attached and marked **GLM-1**.
10. In a letter dated 16 December 1999, the Director-General of DLGP responded to DCS and supported the proposed SPP. This letter, dated 16 December 1999 is attached and marked **GLM-2**.
11. SPP 1/03 was drafted between 2001 and 2003.
12. The objective of SPP 1/03 was to assist in slowing the rate of increase in the costs to the community, the Government and the insurance industry of recovering from a natural disaster.
13. DCS chaired an inter-agency Government Advisory Committee (GAC) established in June 2001 to provide strategic advice on the development of SPP 1/03. In August 2001, DCS issued a Consultation Report for community consultation about the intent to prepare an SPP. The Report (including analysis) is attached and marked **GLM-3**. A Ministerial Brief (dated 21 December 2001) was prepared to advise the Minister of the outcomes of public consultation and that brief is attached and marked **GLM-4**.
14. Approval was given to engage town planning consultants to draft the SPP and Guidelines in March 2002. An Executive Brief (dated 14 March 2002) seeking approval to engage consultants is attached and marked **GLM-5**.

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15. Between 10 October 2002 and 13 December 2002, DCS sought community feedback on a Draft SPP and Guideline. DCS held workshops in 12 regional centres, which over 650 people attended and 68 written submissions were received. A draft of the SPP and the Guideline dated 29 August 2002 are attached and marked **GLM-6**.
16. In 2003, DCS provided an analysis of the issues raised during public consultation to the GAC. A consultation stage report summarizing the outcomes of the consultation stage of the draft SPP is attached and marked **GLM-7**.
17. The GAC was established in June 2001 to provide strategic advice for the development of the SPP. The GAC had representatives from DES, DLGP, DNRM, DSD, DPW, DPC, QT, DMR, DPI and EPA. Minutes of the first recorded GAC meeting held on 29 July 2001 are attached and marked **GLM-8**.
18. The GAC considered the analysis and recommended responses to submissions as prepared by DCS. For example, regarding submission number 59 on page 20 the Gold Coast City Council raised *"the SPP does not require a local government to adopt a flood event within a specified timeframe, until such time the SPP does not come into effect"*. In this example, the analysis was that *"Local Governments will be required to identify Natural Hazard Management Areas and include suitable measures when making and amending planning schemes"*. This effectively introduces an 8 year timeframe for implementation of the SPP."
19. A table detailing the analysis of the issues raised in submissions on the draft SPP, dated 7 March 2003, is attached and marked **GLM-9**.
20. The Minister for Local Government and Planning subsequently adopted the SPP 1/03 on 19 May 2003. The SPP was subsequently gazetted on 20 June 2003 and took effect on 1 September 2003. The Gazette notice dated 20 June 2003 is attached and marked **GLM-10**.

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21. SPP 1/03 covers three hazards, being flood, bushfire and landslide. The analysis below is in relation to the flood aspects only.

Administering SPP 1/03

22. DCS' roles and responsibilities regarding SPP 1/03 are set out in Section 8 of the SPP 1/03 Guideline.

23. Section 8.5 of the Guideline states that DCS reviews draft planning schemes to determine whether the SPP has been appropriately reflected, thereby achieving the State's interest in respect of natural hazard management, and conveys advice to DLGP.

24. DCS provides advice to DLGP on whether or not the local planning scheme appropriately reflects SPP 1/03 requirements through the State interest review process. DCS responds to specific requests of DLGP at stages known as the first and second state interest review.

25. The main steps of the process coordinated by the Strategic Policy Division of DCS are:

- (a) DCS receives a written request from DLGP to review the planning scheme/amendments as part of the first State interest review to assist the Minister for Local Government (the Minister) to determine if the proposed planning scheme/amendments adversely affect State interests. DLGP provides the proposed planning scheme content submitted by Local Government to DCS electronically with a template for DCS to record comments or issues with respect to DCS State interests.
- (b) DCS requests DLGP obtain from Council all natural hazard background studies that informed the development of the flood mitigation components of the planning scheme. These studies are then forwarded to DERM for their review and advice.

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- (c) DCS officers, assisted as necessary by town planning consultants, review the planning scheme against SPP 1/03, specifically the extent to which Outcomes 1 to 6 of the SPP are addressed.
- (d) Written DCS advice (including DERM comments with regard to technical flood matters) on the extent to which the planning scheme adequately reflects SPP 1/03 is sent to DLGP in the required template provided by DLGP.
- (e) As outlined in DLGP's Statutory Guideline 02/09, if it is determined by the Minister for DLGP that a second State interest review is required, DLGP forwards the Local Government response and planning scheme revisions to each agency as deemed necessary by DLGP (which may include DCS) with a formal request to conduct a second State interest review.
- (f) DCS reviews (using town planning consultants as necessary and consulting DERM again on flood technical matters) and advises DLGP if the matters raised by DCS on the first state interest review have been satisfactorily resolved.

26. A table illustrating the above process is attached and marked **GLM-11**.

27. Section 8.6 of the Guideline states that DCS provides advice on interpreting and implementing the SPP and should be consulted by local governments about integrating the SPP into planning schemes.

28. In 2003, DCS coordinated training and information sessions on SPP 1/03 in 10 regional centres to over 350 people. A map (with commentary) showing the extent of the training and information sessions is attached and marked **GLM-12**.

29. A training package is available on the DCS website and is marked at attached **GLM-13**.

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30. When requested, DCS provides informal advice to Councils on interpreting and implementing SPP 1/03. For example, councils may contact DCS if they are contemplating a new planning scheme and are seeking advice on how that planning scheme should incorporate SPP 1/03.
31. Section 8.7 of the Guideline states that DCS, in consultation with DERM on flood and landslide hazards, provides advice about the appropriate level of hazard assessment to determine natural hazard management areas when preparing planning schemes.
32. During the first state interest review, DCS requests DLGP obtain from Council all natural hazard background studies that informed the development of the flood mitigation components of the planning scheme. These studies are then forwarded to DERM for their review and advice.
33. DCS consults DERM for technical aspects of natural hazard management areas (flood) such as hydraulic studies.
34. Section 8.8 of the Guideline states that DCS provides advice on the appropriate agencies and officers to contact in relation to specific natural hazard management issues. For example, if a Council wishes to conduct a flood study, DCS would refer that council to DERM for advice on how to undertake a flood study.
35. At a June 2001 stakeholder workshop, support for the development of a State Planning Policy was expressed by the Commonwealth, State and Local Government; academics with expertise in land use planning, climatology and disaster management; and peak bodies such as the Local Government Association Queensland, Urban Development Institute of Australia, Planning Institute of Australia.

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36. In May 2003, a joint letter from the Minister for Local Government and Planning and the Minister for Emergency Services was sent to all 68 submitters to the SPP public consultation, attaching a summary of issues raised and the proposed response. For example, the main issue raised in the submissions was the lack of a "default" mechanism for flood in the SPP. The response recognised the constraint on adopting the flood component of SPP due to a lack of existing flood data. The response stated *"that unlike the situation for bushfire and landslide, it has not been possible to identify a workable default natural hazard management area for flood because there is a lack of reliable State-wide data on flooding. Also, the flood studies that are required to generate reliable flood data can be resource intensive for local governments. In the absence of reliable flood data, it is not feasible to mandate a specific level of flood immunity that would be equally applicable to all parts of the State."* The letter (undated copy) is attached and marked **GLM-14**.

DCS interaction with DLGP and DERM in drafting and administering SPP 1/03 – Specific examples with respect to the Brisbane City Plan, Bundaberg City Plan, Ipswich Planning Scheme and Emerald Shire Council Planning Scheme

37. DCS's role in drafting and administering SPP 1/03 and interaction with DLGP and DERM is set out in paragraphs 7 to 36 above.

38. DCS is not a referral agency so it does not ordinarily assess any development applications submitted to local governments. However, records show that between 1 September 2003 and 31 March 2007, DCS reviewed some development applications. This was because Guide 6 of the *Guides to the use of the Integrated Development Assessment System (IDAS) development application forms* provided that where a development application triggered a referral to three or more concurrence agencies all State Agencies (including DCS) were required to review the application. A copy of the Guide is attached and marked **GLM-15**.

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Brisbane City Plan

39. A search of our records reveals that on 22 June 2004, DLGP invited agencies, including DCS, to review proposed amendments to the Brisbane City Plan. An email from DLGP to DCS dated 22 June 2004 is attached and marked **GLM-16**.
40. On 26 July 2004, DCS informed DLGP that it did not agree BCC's proposed amendment which amounted to a statement that SPP 1/03 was reflected in the City Plan. An email dated 26 July 2004 from DCS to DLGP is attached and marked **GLM-17**.
41. Although DCS acknowledged the Brisbane City Plan included codes to ensure development was compatible with the hazard, the lack of information on the hazard and mapping precluded agreement to the position that SPP 1/03 is reflected in the scheme.
42. On 16 August 2004, DLGP informed DCS that Brisbane City Council had no objection to deleting reference to SPP 1/03 in the proposed amendments to the City Plan. I refer to the email at GLM-15 in this regard.
43. On 31 May 2005, DCS was invited to provide further comment, if required, on the proposed Brisbane City Plan amendments. As DCS understood, reference to SPP 1/03 had been withdrawn from the proposed amendments. A search of records reveals a response from DCS. A copy of the email from DLGP on 31 May 2005 is attached and marked **GLM-18**.
44. Since 2005 DCS has commented on various components of the Brisbane City Plan such as neighborhood plans and renewal strategies. In doing so, DCS has reminded BCC through DLGP that the City Plan is not compliant with SPP 1/03. An example is the *Taringa-St Lucia draft renewal strategy* dated 6 June 2011 and this document is attached and marked **GLM-19**.

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Bundaberg City Plan

45. On 16 September 2003, DCS advised DLGP that the Bundaberg City Plan did not appropriately reflect SPP 1/03. Reasons included: lack of justification for a flood immunity level of Q50; and no provision for different flood immunity of essential services infrastructure. A letter dated 16 September 2003 from DCS to DLGP is attached and marked **GLM-20**.
46. On 7 November 2003, via DLGP, Bundaberg City Council argued in favour of Q50 because of: an extensive flood warning system; historical acceptance in the community; and long warning time. Council also stated that, since there was no mapping for Annual Exceedance Probability of 0.2% and 0.5%, it was not practicable to require specific critical infrastructure to be above these levels. An email from Bundaberg City Council to DLGP dated 7 November 2003 is attached and marked **GLM-21**. See pages 5, 6 and 7 of this attachment for the information related to DCS.
47. On 12 November 2003, DCS informed DLGP that it was consulting DERM over the acceptability of a 2% AEP and that lack of flood mapping was not an acceptable reason not to identify 0.2% and 0.5% AEPs as criteria for critical infrastructure in the scheme. An email from DCS to DLGP dated 12 November 2003 is attached and marked **GLM-22**.
48. On 21 November 2003, DCS informed DLGP that it had reviewed the revised flood management code and associated comments. DCS advised that it understood that the amendments to the flood management code within the Bundaberg City Council Plan had been appropriately reflected. However, amongst other comments, DCS advised that Council should amend the purpose of the code. An email from DCS to DLGP dated 21 November 2003 is attached and marked **GLM-23**.

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Ipswich Planning Scheme

49. On 6 February 2003, DLGP forwarded the proposed draft Ipswich City planning scheme to agencies for the first state interest review. A letter from DLGP to DCS dated 6 February 2003 is attached and marked **GLM-24**.
50. On 5 March 2003, DCS informed DLGP that, when the SPP is adopted, the Ipswich IPA planning scheme may need to be amended to achieve Outcomes 4-6 of the draft SPP 1/03. A letter from DCS to DLGP dated 5 March 2003 is attached and marked **GLM-25**.
51. On 4 December 2003, DLGP informed agencies, including DCS, that Council would submit the planning scheme for reconsideration of state interests and that, since changes relate to three main areas (the conservation zone, Marburg, and Springfield) a full state interest review was not required. An email from DLGP to all relevant state agencies dated 4 December 2003 is attached and marked **GLM-26**.
52. On 26 August 2005, DCS informed DLGP that DCS raised no issues to the draft Ipswich City Planning Scheme amendments including the Walloon Thagoona Master Plan. A copy of this letter 26 August 2005 is attached and marked **GLM-27**.
53. On 2 March 2006, DLGP wrote to DCS inviting consideration of a proposed amendment to the Ipswich City Planning Scheme, specifically the Walloon Thagoona Master Plan Amendment Package 1 of 2006. A copy of this letter, dated 2 March 2006 is attached and marked **GLM-28**.
54. Records show that on 11 April 2006, DCS replied to DLGP advising that DCS has no comment in relation to the Walloon Thagoona Master Plan. A copy of this email is attached and marked **GLM-29**.

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55. On 24 May 2007, DLGP wrote to DCS inviting comment on the second amendment package for the Ipswich planning scheme. A copy of the letter dated 24 May 2007 is attached and marked **GLM-30**.
56. A memorandum dated 5 April 2007 from the Planning Manager (Ipswich City Council) to the City Planner (Ipswich City Council) gives an overview of amendments contained in the package. The memorandum makes no reference to flood provisions, however line 43 of the accompanying table referred to amendments to the flood overlay map at OV5 of the Ipswich City Plan. A copy of the memorandum dated 5 April 2007 and accompanying table is attached and marked **GLM-31**.
57. On 20 June 2007, DCS replied to DLGP by email, stating that the amendments to the Ipswich City Planning Scheme do not raise any issues for DCS. A copy of this email is attached and marked **GLM-32**.

Emerald Shire Council Planning Scheme

58. On 1 October 2004, DCS informed DLGP that the draft Emerald Planning Scheme had not addressed the natural hazard associated with flooding and also provided further advice that might assist Council in adopting an appropriate Defined Flood Event. A copy of this letter is attached and marked **GLM-33**.
59. On 29 September 2006, DCS advised DLGP that, following the second state interest review, the draft Emerald Planning Scheme does not completely reflect SPP 1/03. In respect of the flooding aspect of the plan there was no flood hazard map and no natural hazard overlay regarding flood. Records reveal no further requests were made to DCS by DLGP. A copy of this letter is attached and marked **GLM-34**.

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Role of DCS (in conjunction with DERM and DLGP) in monitoring whether each local government has an adequate flood map, carried out adequate flood studies, identified an appropriate defined flood event in its planning scheme and taken steps to appropriately reflect the SPP 1/03 with respect to flood in its planning scheme

60. DCS does not have a role in monitoring whether each local government has an adequate flood map. DCS' responsibility is to review planning schemes at the request of DLGP and convey advice to DLGP. DCS checks whether a flood map is provided, however the adequacy of the flood map is the responsibility of DERM.

61. DCS does not have a role in monitoring whether each local government has carried out adequate flood studies. DCS' responsibility is to review planning schemes at the request of DLGP and convey advice to DLGP. The adequacy of flood studies is the responsibility of DERM.

62. DCS does not have a role in monitoring whether each local government has identified an appropriate defined flood event in its planning scheme. DCS' responsibility is to review planning schemes at the request of DLGP and convey advice to DLGP. Part of the state interest review for individual planning schemes passed to DCS by DLGP is to confirm (in consultation with DERM) that a DFE has been appropriately applied..

63. DCS does not have a role in monitoring whether each local government has taken steps to appropriately reflect the SPP 1/03 with respect to flood in its planning scheme. DCS' responsibility is to review planning schemes at the request of DLGP and provide advice to DLGP.

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64. The review of SPP 1/03 (coordinated by DCS) will assess the uptake of flood studies by local governments.

65. When the SPP took effect in September 2003, an eight year timeframe was envisaged for the introduction of the flood component because of a lack of flood data.

66. However, post local government amalgamations in 2007 and the introduction of the *Sustainable Planning Act (SPA) 2009* in 2009, DCS is finding that Councils are only now beginning to offer new draft planning schemes to DLGP for review.

In the event the SPP 1/03 is not appropriately reflected with respect to flood in its planning scheme, any processes followed or actions taken by DCS to ensure compliance with the SPP 1/03 in the future

67. DCS does not have a role in ensuring compliance with SPP 1/03 in the event that it is not adequately reflected in a planning scheme with respect to flood (or bushfire or landslide).

68. DCS has administered three funding programs available to local governments for disaster resilience, mitigation and risk management. Within the scope of these programs, local governments may apply for support to fund flood-studies to assist with adequately reflecting SPP 1/03 in their planning scheme. These programs are: the Natural Disaster Risk Management Studies Program (NDRMSP), the Natural Disaster Mitigation Program (NDMP), and the Natural Disaster Resilience Program (NDRP). These schemes are discussed in more detail below.

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SPP 1/03's designation of the 1% Annual Exceedance Probability (AEP) flood as generally the appropriate flood event for determining a natural hazard management area

69. Oversight of the SPP drafting process was provided by the GAC.

70. The initial draft SPP dated 28 March 2002, identified 5 options for specific natural hazard prone areas for flood. A copy is attached and marked **GLM-35**.

71. Three options had 1% AEP as the effective default following comprehensive flood studies.

72. One option had medium, high and extreme zones as defined in appendix K of *Flood plain management in Australia; best practice principles in guidelines*.

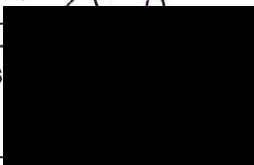
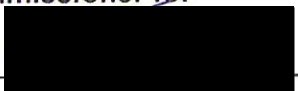
73. One option had the local government assessment manager determining the DFE following comprehensive flood studies.

74. At the subsequent GAC workshop on 11 April 2002, the DERM representative is recorded as outlining only one option as recorded in the meeting minutes. The minutes of the GAC workshop on 11 April 2002 are attached and marked **GLM-36**.

75. On 24 May 2002 a GAC meeting discussed a focus workshop that occurred on 10 May 2002 with the Urban Development Institute of Australia (UDIA), the Royal Australian Planning Institute (RAPI) and the Local Government Association of Queensland (LGAQ). Discussion included:

- (a) what was a reasonable definition of a natural hazard prone area for flood;
- (b) whether the SPP could apply to flooding on 'Day 1' given the availability of information in some local governments; and

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- (c) the longer term benefits of requiring local governments to undertake flood studies, in particular whether the benefits justify the costs and resources required.

76. Minutes of the GAC meeting on 24 May 2002 are attached and marked **GLM-37**.
77. SPP 1/03 is not based upon a single flood height of 1% AEP. The SPP recommends (Guideline Appendix 2) that natural hazard management areas (flood) ideally should be determined from a comprehensive floodplain management study as outlined in the SCARM report. Important aspects of the SCARM report's risk-based approach are included in the SPP (eg Guideline Section 2.27 to 2.31)
78. DCS expected that with the variability of risk across the State it would follow that some variability in DFE would be proposed by local governments. This reflects the importance of local conditions expressed in the SCARM Report (for example section K4 on page 75). It is also one of the conclusions of public consultation on a 2001 Discussion Paper that "it would be inappropriate to set a consistent flood level across the State as the impacts of flooding are influenced by local conditions". The SCARM report is attached and marked **GLM-38**.
79. The SPP (Guideline Appendix 9) requires different levels of flood immunity to be applied to community infrastructure, for example: water treatment plants and electricity substations to 0.5% AEP (Q200), while hospitals and major electricity switch yards are at 0.2% AEP (Q500). This reflects the zoned approach in Table 3.1 of the SCARM report.
80. In accordance with the SPP, the onus rests with local government to conduct the floodplain management study, set a defined flood event based upon assessed risk, and implement the associated development constraints through its planning scheme.

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History of the use of the Q100 line in Queensland up to the SPP 1/03

81. Prior to the SPP being introduced in 2003, some councils were applying flood mitigation measures to their development decisions.
82. I am not aware that DCS maintained a history of this use.
83. I am not aware of a formal review of the "flood height standard approach" of 1% AEP since the inception of the SPP. This is a matter for the Review of SPP 1/03.
84. In response to advice requested by the Local Government Association of Queensland (LGAQ) in 2009, the Minister for Climate Change and Sustainability and the Minister for Planning and Infrastructure jointly established the State Government/LGAQ Inland Flood Study (IFS) *Increasing Queensland's resilience to inland flooding in a changing climate*. The purpose of the IFS was to deliver:
- (a) An improved methodology for assessing inland flooding risk that considers how to take account of climate change.
 - (b) Specific policy options for improved flood risk management in the case study area, namely the Gayndah township in the North Burnett Regional Council (NBRC).
 - (c) General policy options for consideration as part of the review of State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SPP 1/03).
85. The final report delivering these outcomes was released on the Office of Climate Change website in November 2010. This report is attached and marked **GLM-39**.

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86. The study included a draft flood constraint code for assessing development applications in Gayndah based upon four flood hazard areas linked to 1% (i.e. Q100), 0.5% (i.e. Q200), and 0.2% (i.e. Q500) AEP flood levels.
87. Although DCS was not a formal partner in the project, DCS was represented on the Project Board and the Policy Planning Advisory Group that informed the development of the project deliverables.
88. The IFS was precursor work for the Review of SPP 1/03. The recommendations from the IFS, including the zoned approach, were transported into the SPP Review. This is discussed further below in the section dealing with the SPP Review.

Meaning and operation of section 6.6 of SPP 1/03

89. DCS has no role in assessing development applications.
90. The policy intent of paragraph 6.6 is that Council's must set a DFE and that a Council's planning scheme cannot be compliant with SPP 1/03 until a DFE is set.
91. It was never the intent that paragraph 6.6 permits a Council to avoid setting a DFE and therefore avoid compliance with SPP 1/03.
92. Paragraph 6.6 was inserted in SPP 1/03 to acknowledge the lack of flood data across the State, noting that it would be resource intensive and costly for local governments to conduct flood studies. It was also seen as inappropriate to apply a single "one-size-fits-all" default since there should be flexibility for Councils to respond to particular local conditions.

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93. Given the planning scheme review timetable, it was reasonable to expect that all local governments would have set a DFE within an 8 eight-year period.
94. DCS has on occasion provided advice to Councils through DLGP that their planning schemes do not adequately reflect the flood provisions of SPP 1/03 and are reminded that they should make decisions on development in flood prone areas with regard to the code in the tables to Appendix 5 of the SPP 1/03 Guideline. An example of this advice can be found at **GLM-19**.
95. Alternative flood study approaches would be referred by DCS to DERM as required by the Guideline to SPP 1/03 (section 8). DCS has no technical expertise in hydraulics.

Status of the review of the SPP 1/03

96. The IDC first met on 9 December 2010 with Ms Yolande Yorke, Executive Director of Policy and Legislative Reform in DCS as the Chair. Other members were: Bruce Stewart, Director, Environment and Resources in Department of Premier and Cabinet; Michael Papageorgiou Executive Director of Planning Policy in DLGP; and John Lane, Director, Integrated Planning, Strategy and Policy in DERM.
97. Minutes of the first meeting, the project plan and a set of Frequently Asked Questions are attached and marked **GLM-40**.
98. The Review of SPP 1/03 commenced in November 2010. There is a statutory requirement to complete the review by September 2013.

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99. Key issues to be considered in the review include:

- (a) A audit of planning schemes to determine whether and how SPP1/03 has been adequately reflected;
- (b) Introduction of climate change – a significant additional risk, the scale of which is changing over time;
- (c) Flood studies – conducted: by whom, across whole catchments/basins or by Local Government area, using which technical methodology, whether awaiting the 25-year revision of Australian Rainfall and Run-Off tables in 2014, implications of the June 2011 Commonwealth report: *A National Approach to Flood Modelling*; Attached and marked **GLM-41**.
- (d) A flood-level or zoned approach to development constraints, noting recent evidence from the UK that multi-zoned approaches in practice tend to default to the high risk zone;
- (e) Whether referral of development applications was appropriate and, if so, what the triggers should be;
- (f) Implications for communities of introducing potentially demanding new development constraints (eg as a result of climate change) alongside existing housing stock;
- (g) Introduction of adaptation strategies including questions of defend or retreat.

100. DCS had already

- (a) Been closely involved in the Inland Flood Study that established the climate change impact on extreme event rainfall – and hence flood (refer attachment “GLM-39”; and
- (b) Commissioned the work by Risk Frontiers (the commercial arm of Macquarie University) to establish a state wide natural hazard risk assessment.

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101. In November 2010, key stakeholders, including LGAQ and all local governments, were invited to submit issues they wanted to be considered in the Review. A summary of issues and interests arising from submissions is attached and marked **GLM-42**.
102. Public consultation has not yet occurred. In accordance with the Strategic Planning Instruments (SPI) Program Guideline, public consultation is to occur when a draft revised SPP has been produced.
103. The IDC will meet during September to address new issues arising from the January 2011 flood events and interim work undertaken by the Queensland Reconstruction Authority (see paragraph 105 below).
104. The floods of December 2010 and January 2011 impacted on key aspects of the review including the flood technical studies. It was also appropriate to realign the timetable of the review to benefit from the recommendations of the Queensland Floods Commission of Inquiry.
105. I understand urgent work to address floodplain management issues arising from the Queensland floods is being undertaken by the Queensland Reconstruction Authority (QRA). A temporary SPP and Guideline are being considered. When that work is complete, coupled with any of the recommendations on land use planning arising from this Commission, the IDC for the SPP Review will need to finalise the review of the flood component of the SPP.
106. The method proposed to be used for identifying the flood risk and the considerations involved in making this decision is a matter for the review in light of the work of the QRA.

This is page 21 of a statement comprising 26 page/s.

Witness

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JP/Lawyer/Commissioner for
Declarations:

Summary of the Natural Disaster Resilience Program (NDRP)

107. DCS has administered three funding programs available to local governments for disaster resilience, mitigation and risk management. These programs are the Natural Disaster Risk-management Studies Program (NDRMSP), the Natural Disaster Mitigation Program (NDMP) and the Natural Disaster Resilience Program (NDRP).

108. The types of projects covered by these schemes include:

- (a) Reducing community vulnerability to natural hazards;
- (b) Building Community Resilience;
- (c) Increasing self-reliance; and
- (d) Building partnership between sectors, supporting volunteering, encouraging a regional area approach to mitigation and countering the impacts of climate change.

109. The guidelines to the NDRP are attached and marked **GLM-43**.

110. **Natural Disaster Risk Management Studies Program (NDRMSP):** In 1999, the Commonwealth Department of Finance and Administration (DOFA) initiated the Natural Disaster Risk Management Studies Program (NDRMSP). The program ceased on 30 June 2005. The Department of Community Safety (DCS), Emergency Management Queensland (EMQ) was the lead agency contact in Queensland for administering the NDRMSP.

This is page 22 of a statement comprising 26 page/s.	
Witness ([REDACTED]):	JP/Lawyer/Commissioner for Declarations: [REDACTED]

111. Funding based on 1/3 contributions by Applicant, State and Australian Governments:

Funding Round	Aust Govt	State Govt	Total
Round 1 1999/00	\$988,236	\$988,236	\$197,6472
Round 2 2000/01	\$294,533	\$294,533	\$589,066
Round 3 2001/02	\$1,232,211	\$1,233,213	\$2,465,424
Round 4 2002/03	\$1,050,000	\$966,466	\$2,016,466
Round 5 2003/04	\$560,700	\$842,670	\$1,403,370
Round 6 2004/05	\$1,257,330	\$1,257,330	\$2,514,660

112. A total of 255 applications were received for NDRMSP with 236 (93%) focused on flood studies. Of the 255 applications received, 238 were deemed successful with 225 (95%) of these projects for Local Government flood study focused projects. A table listing applications under this program is attached and marked **GLM-44**.

113. **Natural Disaster Mitigation Program (NDMP):** The NDMP was a national program aimed at identifying and addressing natural disaster risk priorities across Queensland and was first launched on 1 April 2004. From 1 July 2004, the NDRMSP was incorporated into the new NDMP. The Department of Community Safety (DCS), Emergency Management Queensland (EMQ) was the lead agency contact in Queensland for administering the NDMP. The NDMP ceased on 30 June 2009 and was replaced by the Natural Disaster Resilience Program (NDRP).

114. Since the launch of the NDMP on 1 April 2004, NDMP provided funding to 128 Queensland projects at a total project cost of \$38,133,030.

This is page 23 of a statement comprising 26 page/s.

Witness

JP/Lawyer/Commissioner for
Declarations:

115. Funding based on 1/3 contributions by Applicant, State and Australian Governments.

Funding Round	Aust Govt	State Govt	Total
Round 1 2003/04	\$1,292,666	\$713,667	\$2,006,333
Round 2 2004/05	\$3,515,441	\$1,377,609	\$4,893,050
Round 3 2005/06	\$2,140,195	\$1,156,029	\$3,296,224
Round 4 2006/07	\$2,349,734	\$2,264,403	\$4,614,137
Round 5 2007/08	\$5,624,006	\$5,624,007	\$11,248,013
Round 6 2008/09	\$5,347,979	\$5,347,978	\$10,695,957

116. A total of 444 applications were received for NDMP with 108 (24%) focused on flood studies. Of the 444 applications received, 207 were deemed successful with 69 (33%) of these projects for Local Government flood study focused projects. The recorded figure of 207 successful projects includes re-applications (projects where funding had been approved in first year and a reapplication to continue the project was submitted in subsequent years with the funding allocation recorded against each funding round.) A table listing applications under this program is attached and marked **GLM-45**.

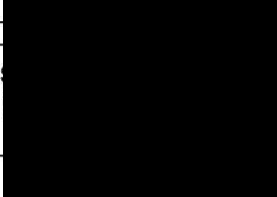
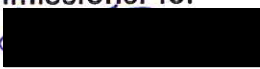
117. **Natural Disaster Resilience Program (NDRP):** The NDRP is a four year mitigation and resilience program and is a joint Australian and State Government grant program, with the Department of Community Safety the lead agency for Queensland.

118. Funding is based on 1/3 contributions by Applicant, State and Australian Governments. Exceptions to these conditions apply and are considered on a case-by-case basis.

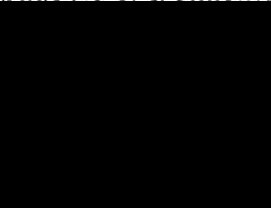
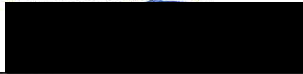
119. \$44M allocated over 4 years comprising \$10M each round for the competitive funds and \$1M each round for the strategic funds. The funding approved listed in the table below refers to competitive funds only:

Funding Round	Aust Govt	State Govt	Total
Round 1 2008/09	\$3,556,815.89	\$3,556,814.87	\$7,113,630.76
Round 2 2009/10	\$6,297,040	\$6,297,039	\$12,594,079

This is page 24 of a statement comprising 26 page/s.

Witness		JP/Lawyer/Commissioner for Declarations: 
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120. A total of 184 applications were received for NDRP with 37 (20%) focused on flood studies. Of the 184 applications received, 108 were deemed successful with 28 (26%) of these projects for Local Government flood study focused projects. A table listing applications under this program is attached and marked **GLM-46**.
121. The NDMP and the NDRMSP were announced via a joint press release by the State and Australian Governments. In addition, the then Emergency Services Minister wrote to each Local Government inviting applications upon the opening of each funding round. The programs were also advertised on the Australian Government's website.
122. The Minister for Police, Corrective Services and Emergency Services wrote to each Local Government inviting applications under the NDRP upon each round opening. The program was advertised on the Department of Community Safety's website (www.communitysafety.qld.gov.au) and featured in presentations at the LGAQ conferences. At the onset of the program in 2009, LGAQ and DCS undertook road shows across Queensland to brief Local Governments about the new program. LGAQ have a position funded by NDRP for the express purpose of promoting NDRP and assisting Council's in applying for NDRP grants. Round three of the program has just closed.

This is page 25 of a statement comprising 26 page/s.	
Witness: 	JP/Lawyer/Commissioner for Declarations: 

Involvement of the DCS in commenting on or drafting the Queensland Planning Provisions

123. DCS is contributing to the development of Queensland Planning Provisions as a member of the QPP working group.

I make this statement of my own free will believing its contents to be true and correct.

Justices Act 1886

I acknowledge by virtue of Section 110A(6C)(c)(i)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 8/SEP 2011 and contained in the pages numbered 1 to 26 is true to the best of my knowledge and belief; and
- (2) I make it knowing that, if it were admitted as evidence, I may be liable to prosecution for stating anything that I know is false.

..... Signature

Signed at Brisbane this 8th day of September 2011

This is page 26 of a statement comprising 26 page/s.

Witness
This is page 26 of a statement
comprising 26 page/s

**JP/Lawyer/Commissioner for
Declarations:**

STATEMENT OF GARY MAHON – INDEX OF ATTACHMENTS

Attachment Number	Description	Paragraph Reference
GLM-1	Memorandum (including briefing note and accompanying letter) dated 18 October 1999	9
GLM-2	Letter from DLGP dated 16 December 1999	10
GM-3	Preparation Stage Consultation Report (incorporating discussion paper) dated December 2001	13
GLM-4	Ministerial Brief dated 21 December 2001	13
GLM-5	Executive Briefing Note dated 14 March 2002	14
GLM-6	Draft of SPP and Guideline as at 29 August 2002	15