STATEMENT

Prepared by: Clinton Hanney, Solicitor

Date: 9.9.2011

Name: Paul Andrew Eagles

Address: C/- Level 4 229 Elizabeth Street Brisbane

Occupation: Chief Executive Officer

I, PAUL ANDREW EAGLES Chief Executive Officer of the Urban Land Development Authority (ULDA), state:

- I have been asked to make this statement to the Queensland Floods Commission of Inquiry and this statement responds to the requests set out in the letter from Her Honour Justice Catherine E Holmes dated 25 August 2011.
- 2. I was appointed the inaugural Chief Executive Officer of the Urban Land Development Authority (ULDA) in December 2007. Prior to this appointment I held senior development management positions with Stockland and Delfin Lend Lease.

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- 3. The Minister responsible for administering the *Urban Land Development Authority Act* 2007 (Act) is responsible for declaring an urban development are (UDA), setting the boundaries of the UDA and making the interim land use plan (ILUP) although the ULDA provides assistance in investigating sites and preparing ILUPS.
- 4. While the ULDA is not responsible for the declaration of a UDA, nor has any powers in an area until a UDA is declared, UDA staff do assist the Department by providing advice, resources and support in the preparation of the submissions prior to declaration of a UDA.
- 5. At the time of preparation of this statement fourteen UDAs had been declared with a further one in the process of being declared. As the size and characteristics of each UDA varies markedly, the amount of analysis and investigation prior to declaration can vary significantly.

Process used by the ULDA and considerations taken into account by the ULDA (specifically with reference to flood risk) when:

Investigating sites to be declared UDAs and selecting the boundaries of the UDA

- 6. A UDA is declared by regulation under s.7 of the *Urban Land Development Authority Act 207* (Act).
- 7. Examples of the process and considerations for different types of UDAs include:
- For the UDAs of Woolloongabba, Bowen Street Roma and Clinton, their small size and location well away from water courses and flood impacts meant that the investigation in relation to flood risk was not required.
- For UDAs which may have the potential for flood risk, the typical processes the ULDA undertakes in investigating potential UDAs, include:
 - a) A initial desk top review of site characteristics/issues. This is usually conducted via review of relevant planning documents including the local government planning

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schemes, regional plans, State planning and management documents. A critical element of this review is the consideration of Council flood and storm surge maps in the planning scheme and the associated flood studies;

- b) Preliminary discussions with the local authority staff and councilors;
- c) Site visits;
- d) Preparing and distribution of a background report to State and local government agencies requesting comments; and
- e) Conducting government agency briefing sessions and workshops with local authority staff.

When preparing an ILUP

- 8. Section 8 of the Act requires that when a UDA is declared, the declaration regulation must make an ILUP and that the ILUP regulates development until such time as a development scheme for the UDA takes effect.
- 9. When preparing the content for an ILUP, the ULDA would typically:
 - a) Consider the information obtained through the preliminary site evaluation/assessment and feedback from the interagency briefing sessions and Council;
 - b) Prepare a development "vision" for the UDA;
 - Identify potential early development areas. Areas subject to flooding or potential flooding would not typically be identified as early development areas;
 - d) Prepare interim development assessment criteria to apply to the early development areas and distribute the draft ILUP to State agencies and local government for comment; and
 - e) Prepare a final draft ILUP for consideration by Department of Local Government and Planning and the Minister.

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When preparing a proposed development scheme for a UDA

- 10. Section 24 of the Act requires the ULDA to prepare a proposed development scheme for the UDA.
- 11. When preparing a development scheme for a UDA, the ULDA would typically
 - a) Undertake a detailed site evaluation and assessment of flood impacts. At this stage the ULDA would consider whether additional flood information was required prior to preparing the development scheme. In the case of UDAs with little available Council data or known complex waterways the ULDA has commissioned independent expert advice during the preparation of the development scheme. Hydraulic studies were commissioned by the ULDA prior to the gazettal of the Fitzgibbon, Oonoonba and Caloundra South UDAs for these reasons;
 - b) In the case of Caloundra South UDA, the ULDA commissioned an independent flooding and water quality review to test both the landowner and the Council's flood solutions. Annexed to this statement and marked PE1 is copy of this review;
 - c) The land use pattern and preferred development scenario for the UDA is chosen to take into account the existing information, and any additional analysis, on flooding. Typically areas known to flood are designated as open space;
 - d) In addition when drafting the development scheme consideration is given to what development controls and assessment criteria are needed in relation to flood impacts and risk;
 - e) Prior to the draft development schemes being put on public display a range of activities are undertaken to ensure the schemes are technically sound documents, including:
 - Circulation to State and local government agencies requesting feedback;
 and

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- ii. Meetings with key stakeholders such as the local authority and landowners;
- f) During the statutory notification of the proposed development scheme the draft development scheme and supporting information (including any supporting information) is put on public display for comment and allows the opportunities for submissions; and
- g) Upon the close of the statutory notification submission period, a submissions report is prepared which provides a comment and recommendation in relation to each submission which must be considered by the ULDA Board prior to submitting the development scheme to the Minister for consideration.

When assessing development applications and considering flood risk.

Statutory process

- 12. Section 57 of the Act sets out the considerations that must be taken into account when the ULDA makes a decision in relation to a development application.
- 13. Section 58 of the Act permits the ULDA to impose conditions on a development approval.

Administrative process

- 14. UDAs encompass areas that vary greatly from inner urban redevelopment areas such as Bowen Hills UDA to the major Greenfield areas, such as Ripley Valley. The risk of flooding can occur via different mechanisms e.g. riverine, overland flow and local drainage.
- 15. In addition to the provisions of the ILUPs and development schemes, the ULDA has published a number of guidelines which outline the standards for development in UDAs and therefore play an important role in development assessment. These guidelines will also include Draft ULDA Guideline no.15 (Protection from Flood and Storm tide Inundation) (Draft Guideline). Annexed to this statement and marked PE2 is a copy of

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the Draft Guideline.

- 16. UDA development applications require the submission of sufficient engineering details to determine if the site is flood affected or if the development of the site will adversely affect adjoining properties. The ULDA adopt a 'non-worsening' approach to all developments.
- 17. Where flooding impacts are possible based on information obtained from council or a flood study:
 - a) The developer is requested to submit a detailed flood study with the application, which assesses the existing flooding situation and proposed flooding post development;
 - b) These studies are then forwarded to external consultants for review on behalf of the ULDA. Comments are received from the consultants;
 - c) The ULDA then will either arrange a meeting with the developer and their consultants, to discuss the submitted flood study or a 'Request for Further Information' will be forwarded to the developer seeking a response to specific concerns; and
 - d) Development approval is only issued once the ULDA is satisfied that the flood model and the works proposed will ensure that the development of the site is not precluded by any flood impacts and no other properties are adversely affected in terms of flooding by the development.
- 18. The following examples provide details on how alternative sites from different UDA are assessed -

RNA Site, Bowen Hills

19. Flooding within Bowen Hills can occur due to excess rainfall within local catchments combined with inadequate underground drainage systems and poorly defined overland flow paths.

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- 20. For example, the existing RNA site floods as a result of rainfall within the existing catchment exceeding the capacity of the underground stormwater system resulting in overland flow within Water Street, this flow then ponds on the RNA site.
- 21. A Flood Report was prepared for the existing site and for the proposed development.

 Annexed to this statement and marked PE3 is a copy of this flood report. The report showed that the developer was required to provide alternative flood storage to ensure that 'no worsening' occurred to the downstream properties. This alternative flood storage will be achieved by an underground tank. The flood report has been assessed by external consultants acting on behalf of the ULDA.

Ripley Valley

- 22. The Ripley Valley is bisected by Bundamba Creek, which drains through Ipswich to the Bremer River. Any increase in flooding due to the development in Ripley Valley will adversely affect the existing residents of Ipswich.
- 23. Map 3a in the Ripley V alley UDA Submitted Development Scheme reflects Ipswich City Council's flooding information for Ripley Valley and identifies land potentially impacted by a 1:100 flood event. Annexed to this report and marked Annexure PE4 is a copy of the submitted development scheme.
- 24. Ipswich City Council has instigated the preparation of a flood model for Ripley Valley, thereby allowing developments to be assessed against the model to ensure that separately or when combined achieved a 'no-worsening' to the existing residents of Ipswich.
- 25. This model will be finalised in the near future and every development submitted to the ULDA will be assessed against the model to ensure compliance.

The extent to which State Planning Policy 1/03 forms any part of the ULDA's considerations in determining land use.

26. Appropriate development schemes reference the Queensland Government's policy position set out in State Planning Policy 1/03 in relation to flooding.

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27. State Planning Policy 1/03 is also referenced in Draft ULDA Guideline 15 (Protection from Flood and Storm Tide Inundation) and the following UDA development schemes where indicated. The relevant development schemes are annexed to this statement and marked as indicated in the 3rd column:—

UDA	References to State Planning Policy 1/03	Annexure No.
Bowen Hills	Clause 3.7 Urban Design and Sustainability, Community Safety and Well Being p 13 Footnote 2	PE5
·	Clause 3.10 Lot Design. p 19 Footnote 10	
Northshore Hamilton	Clause 3.7 Urban Design and Sustainability, Community Safety and Well Being p 12 Footnote 2	PE6
	Clause 3.10 Lot Design. p 18 Footnote 14	
Fitzgibbon Brisbane	Clause 3.12 Lot Design p 14 Footnote 10. Sub Precinct 1b p 31 Footnote 23	PE7
Yarrabilba (Submitted Development Scheme)	Clause 3.3.9, p 14	PE8
Greater Flagstone (Submitted Development Scheme)	Clause 3.3.9, p 15	PE9
Ripley Valley (Submitted Development Scheme)	Clause 3.3.9, p 12	PE10
Caloundra South (Submitted Development Scheme)	Clause 3.3.9, p 16	PE11

The development controls in place in UDA development schemes to manage or mitigate

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the risk of floodingPE8

28. All UDA development schemes contain UDA-wide criteria requiring development to ensure that people and property are safe from potential hazards from flooding where flooding was identified as a risk in the UDA at the time the development scheme was created. The development schemes for the UDAs of Moranbah, Blackwater, Greater Flagstone, Yarrabilba, Ripley Valley and Caloundra South also make reference to the current Queensland Floods Commission of Inquiry.

The following table identifies those development schemes that contain flooding criteria and those do not for the reason mentioned above, and those references.

UDA	Development Constraints/Controls in Development Schemes relating to flooding	Annexure No.
Bowen Hills	Clause 3.7, p 13 Clause 3.10, p 19	PE5
Northshore Hamilton	Clause 3.7, p 12 Footnote 2 p 12 Clause 3.10, p 18 Footnote 14 p 18 P 46 precinct outcomes	PE6

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UDA	Development Constraints/Controls in Development Schemes relating to flooding	Annexure No.
Fitzgibbon, Brisbane	Flood Immunity pg 11 Clause 3.12, p 14. Land Use Plan 3.0 p 26	PE7
	Land Use Plan 3.0 p 29	
	Footnote 17	
	Footnote 20	
	Land Use Plan 3.0 Precinct 1, sub precinct intent p 30	
	Footnote 22	
	Sub precinct outcomes p 31 footnote 23	
	Sub precinct outcomes p 33, footnote 25	
ī	Sub precinct outcomes p 34,	
	Footnote 26	
	Land Use Plan precinct 2 p 39	
	Footnote 30	
	Land Use Plan precinct 3 pg 42	
	Footnote 31	
	Land Use Plan precinct 4, transport	
	p 45 Infrastructure Plan Flood Mitigation p 60	
Oonoonba, Townsville	Clause 2.3, p 4 Environment and Sustainability p 9 Footnote 3 p 9 Clause 3.4.1, p 10	PE12
Clinton, Gladstone	Nil	PE13
Andergrove Mackay	Nil	PE14

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UDA	Development Constraints/Controls in Development Schemes relating to flooding	Annexure No.
Woolloongabba, Brisbane	Nil	PE15
Blackwater	Clause 3.3.8 (viii), p 12 Open Space Zone intent, p 13 Preparing a UDA development application, p 26	PE16
Moranbah	Clause 3.3.6 (v), p 10 Clause 3.3.6 (v), p 10 Precinct 2 (ix), p 23 Precinct 2 (xiv), p 23 Preparing a UDA development application, p 29	PE17
Roma	Nil	PE18
Yarrabilba (Submitted Development Scheme)	Background, p2 Clause 3.3.8, p 13 Clause 3.3.9, p 14	PE8
Greater Flagstone (Submitted Development Scheme)	Clause 3.3.8, p 14 Clause 3.3.9, p 15 Environmental Protection Zone, p 24	PE9
Ripley Valley (Submitted Development Scheme)	Clause 3.3.8, p 12 Clause 3.3.9, p 12 Clause 3.4.1, p17 (zone provisions) Environmental Protection Zone, p 20	PE10
Caloundra South (Submitted Development Scheme)	Clause 3.3.8, p 14 Clause 3.3.9, p 15 Clause 3.3.9, p 16 Environmental Protection Zone, p 26	PE11

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

(1) This written statement by me dated $9/9/11$ and contained in the pages numbered 1 to 12 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 9 th day of September 2011
Before me:
Clinton James Hanney Solicitor

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Clinton James Hanney - Solicitor, ULDA
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