

QUEENSLAND FLOODS
COMMISSION OF INQUIRY

STATEMENT OF PETER ARTEMIEFF

I, **PETER ARTEMIEFF** Director, Water Industry Asset Management and Standards, Department of Environment and Resource Management, of c/- ■ George Street Brisbane in the State of Queensland, solemnly and sincerely affirm and declare:

Requirement from Queensland Floods Commission of Inquiry

1. I provide this statement as a supplement to that provided by Mr Russell Keith Cuerel and adopt the same requirement items issued to him.
2. While I have been the Director, Water Industry Asset Management and Standards since 1999, the personnel within DERM who provide advice as requested by DCS with respect to SPP 1/03 only came within the scope of my responsibilities in February 2007.
3. As such I have reviewed records relevant to this requirement prior to this time. Whilst I have no personal knowledge of the advice given prior to February 2007 I have used those records as the source of the matters contained herein.

Item 1: His role and position within the Department of Environment and Resource Management (DERM).

4. My responsibility is the regulation of water and sewerage services in Queensland. This means I am responsible for the registration of service providers and staff who approve: drinking water quality management plans; strategic asset management plans; drought management plans; and, system leakage management plans that are required to be prepared under the *Water Supply (Safety and Reliability) Act 2008*.

JWC

Date: 5/10/11
Exhibit Number: 731

5. My staff also respond to requests from DCS with respect to SPP 1/03 matters when they require technical advice on flood issues.
6. I am also aware that the Department's planning files have already been provided to the Commission. As such I have not duplicated documents by attaching them to this statement when they are already before the Commission either in response to a requirement and/or annexed to other people's statements.

Item 2: The role of DERM in drafting and administering the State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SPP 1/03).

7. My department was invited to sit on the Government Advisory Committee which had been created, as I understand it, by the then DES. I understand that my Department received that invitation because of work it had conducted on the issue of flood as a risk.
8. DERM's primary task was to provide advice on the flood aspects of the draft policy, such as, guidelines for determining flood hazards and flood standards.
9. As far as I am aware, and as far as I can ascertain from the documents I have reviewed to date, DERM's primary role with respect to the drafting of SPP 1/03 was through the Government Advisory Committee to which I have already referred. To the best of my knowledge it was DCS who was responsible for drafting the policy.
10. DERM's role is to provide high level technical advice to DCS, when requested, on whether planning schemes meet the requirements of SPP 1/03 with respect to flood, for example:
 - *An adequate flood map* - DERM checks the flood map that has been included in the planning scheme – that it is, for the 1% Annual Exceedence Probability (AEP) flood and does it show

which areas and properties are affected. DERM does not check the accuracy of any underlying modelling or other supporting studies;

- *Carried out adequate flood studies* – for example, DERM confirms whether the flood information in the scheme appears to reflect what the Department knows about the most current information for the area (for example where a study has recently been funded by the government, the outcomes of that study should be reflected in the plan);
- *Identified an appropriate defined flood event in its planning scheme* – where a local government has adopted a Defined Flood Event (DFE) below the 1% AEP, DERM will provide comments to DCS on how the local government might justify a lower AEP (for example they have assessed and understand the risks associated with impact of larger floods and the community understands that a more frequent flood has been used as the DFE); and
- *Taken steps to appropriately reflect the SPP 1/03 with respect to flood in its planning scheme* - DERM will comment on whether the provisions applying to development within the natural hazard management area-flood reflect the “specific outcomes” stated in the SPP and are compatible with the proposed “solutions for development in a natural hazard management area – flood” in the SPP Guideline. I understand these documents have already been provided to the Commission annexed to the statement of Mr Russell Cuerel RKC-08.

11. Section 8 of the State Planning Policy Guideline outlines DERM’s role in providing advice to DCS.

Item 3: How DERM interacted with the Department of Local Government and Planning (DLGP) and the Department of Community Safety (DCS) during the process of drafting the SPP 1/03.

12. To the best of my knowledge and based on the documents I have been able to review to date, DERM's interaction with DLGP and DCS was through the Government Advisory Committee but was limited to flood related matters.

13. It may well be that Directors-General of the three departments and other senior level officers working at the departments at the time, had discussions about the drafting of the policy, but, if so, I am not aware of same.

Item 4: How DERM interacts with the DLGP and DCS to administer the SPP 1/03. Please explain by reference to the specific examples of:

- a) **The Brisbane City Plan;**
- b) **Bundaberg City Plan;**
- c) **Ipswich Planning Scheme; and**
- d) **Emerald Shire Council Planning Scheme.**

14. DERM has no interaction with DLGP that I am aware of. As stated, DERM provides technical advice to DCS when it makes such requests. I refer to paragraph 10 above which sets out DERM's role with respect to SPP 1/03.

15. As to the specific examples identified in this item I understand documents have already been provided to the Commission annexed to the statement of Russell Cuerel RKC-04 to RKC-07. However if I locate more documents relevant to this item I will have them sent to the Commission.

Item 5: The role that DERM plays (in conjunction with DCS and DLGP) in monitoring whether each local government has:

- a) **An adequate flood map;**
- b) **Carried out adequate flood studies;**
- c) **Identified an appropriate defined flood event in its planning scheme; and**

d) Taken steps to appropriately reflect the SPP 1/03 with respect to flood in its planning scheme.

16. As DERM operates under the SPP 1/03 in an advisory capacity, and primarily to DCS, DERM does not have a role in monitoring whether each local government has an adequate flood map, has carried out adequate flood studies, has identified an appropriate defined flood event in its planning scheme or has taken steps to appropriately reflect the SPP 1/03 with respect to flood in its planning scheme.

17. As stated above, DCS forward local government planning schemes to DERM (as they are submitted by each local government to the State for approval by the Minister for Local Government and Planning) for advice in relation to whether they have met the requirements of SPP 1/03 with respect to flood.

18. For each planning scheme received from DCS, DERM carries out the technical analysis and provision of advice as previously set out in paragraph 10 above.

Item 6: Whether DERM has any role in initiating flood studies for catchment areas or local government areas, and if so, a description of that role.

19. I have some general awareness that the Department has initiated flood studies in the past but I am not familiar with any of the details. I am however aware that Mr Russell Cuerel has been able to identify some studies in his statement.

20. In the event that I can locate any studies other than those identified by Mr Cuerel then, I will provide them to the Commission.

Item 7: Whether DERM has any role in providing funding or other assistance for flood studies, flood models or flood maps and, if so: who such funding or assistance is provided to and the basis for such funding or assistance.

21. My work unit does not have any role of the kind referred to in this item. I am aware Mr Russell Cuerel has provided some information under this item in his statement and I refer to that.

Item 8: With respect to the position described in SPP 1/03 that, generally, the appropriate flood event for determining a natural hazard management area (flood) is the 1% Annual Exceedance Probability (AEP) flood;

- a) **Who or what body made the final decision as to that position;**
- b) **Why a flood height standard was chosen rather than an approach that specifies areas of risk (such as high, medium or low risk of inundation);**
- c) **Why a flood height standard was chosen as compared to other methods for identifying natural hazard management areas (flood);**
- d) **Why the 1% AEP flood was chosen (as compared to a different AEP flood);**
- e) **How the 1% flood was chosen, including a description of all relevant consideration;**
- f) **Whether any advice was received from any other government department or agency regarding that position, and a description of that advice.**

and

Item 9: In respect of item 8, please attach all relevant briefing notes, papers and records of decisions.

22. These are not matters within my expertise nor are they matters which can be easily ascertained from records. The questions involve specialist flood engineering expertise and that same expertise to interpret the documents held by the department relevant to these items. I refer the Commission to Mr Russell Cuerel's statement.

Item 10: The meaning and operation of section 6.6 of the SPP 1/03, including:

- a) **Clarification of how the SPP 1/03 applies to a development application where the local government has not appropriately reflected the SPP 1/03 and has not adopted a defined flood event in its planning scheme; and**

b) **Examples of different ways in which local government area, and how different approaches are ultimately reflected in the relevant planning scheme.**

23. DERM provides specialist, technical advice when requested to do so by DCS. I have set out previously the kinds of advices DERM provides. I have no role in, responsibility for, or understanding of matters of policy interpretation; our role is, as stated, the provision of technical advice.

24. With respect to item 10(b), one of my staff members, Mr Russell Cuerel has addressed this aspect of item 10. It is Mr Cuerel who has the direct knowledge of these matters.

Item 11: What involvement DERM has in commenting on or drafting the Queensland Planning Provisions.

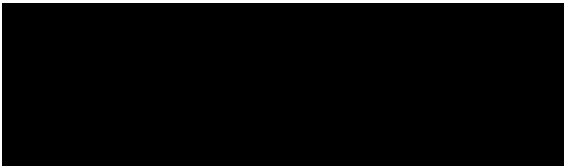
25. I have already referred to DERM's role on the Government Advisory Committee earlier on in this statement. I would anticipate that DERM will again be involved in the upcoming review of the SPP 1/03.

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

Signed


Peter Artemieff

Taken and declared before me, at Brisbane this 16th day of September 2011


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