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Department of
Justice and Attorney-General

29 February 2012

Ms Kyla Hayden
Director, Legal and Research Services
Qld Floods Commission of Inquiry
Level 30, 400 George Street
BRISBANE QLD 4000

Dear Kyla

**Queensland Floods Commission of Inquiry - State Representation
General Land Planning Issues – Chapters 1 and 2 – Floodplain Management and
Flood Mapping**

The Commission of Inquiry has requested that the State provide submissions regarding Commonwealth, State and Council responsibility for flood mapping. The State submits the following;

1. Flood mapping is primarily a local government responsibility consistent with their responsibilities for land use planning. Local planning schemes made by Councils, development approvals given by Councils and enforcement activities undertaken by Councils are key measures which mitigate natural hazards such as flood risk. Such Council decisions also themselves influence flood risk through the alteration of the flood plain and hydrology.
2. Consequently, flood mapping remains a core function of local government to inform local planning and development approvals. It is the responsibility of each council to ensure that it is undertaken in an appropriate timeframe, taking into account their local circumstances and risks. This responsibility is made clear in evidence provided to the Commission.
3. While it is accepted that some councils will require technical and financial support to complete detailed flood studies, individual councils are responsible for discharging this responsibility.

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4. The Queensland Government provides support for these activities by Councils in two key respects. Firstly, it recognises that some councils require additional technical support and has already increased assistance available through the Queensland Reconstruction Authority and the Department of Environment and Resource Management. That technical support includes meeting with every council to assist them in interpreting the guidelines and to help understand the process for undertaking flood investigations.
5. Additionally, the State continues to provide financial support, through the Natural Disaster Resilience Program, which councils have been able to access in previous years. As previously advised, funding is being provided in the 2011/2012 round for six flood study projects at Stanthorpe, Leyburn, Central Highlands, Rockhampton, Lockyer Creek, and Flinders River. The Queensland Government announced on 12 February 2012 that it would provide a further \$10 million to South West Queensland councils for flood mitigation works, including planning.
6. It would be incorrect to conclude that local governments are absolved of their primary responsibility for flood mapping activity because they have been provided with funding assistance in the past by State or Federal Governments.
7. While the State Government will continue to provide assistance, it would be illogical to conclude that local governments are responsible for a function but not the funding of that function. Such a conclusion would be made in the absence of any detailed analysis of the local or State Government revenue base, which have not been examined in detail in the Commission's hearings. Nevertheless, it is not clear what benefit would be achieved if the State Government *were* deemed jointly responsible for funding local government functions. It would simply transfer local government costs from Queenslanders as Local Government ratepayers, to Queenslanders as State Government taxpayers.
8. Further, there is no evidence that the sole reason for some Councils not undertaking their flood mapping responsibilities over an extended period of time has been financial resourcing. There is evidence to the contrary before the Commission. The cost of floodplain mapping is relatively small compared to the resources that most Queensland councils now have available, especially in urban and high growth communities. Recent council amalgamations were designed to

ensure that councils have the financial and technical capacity to effectively perform their key functions – of which floodplain management is one. Queensland now includes nine of the twenty largest councils in Australia, measured on the basis of total operating revenue in 2009/10.

9. The Queensland Government supports clear requirements to ensure that local governments undertake their flood mapping within explicit timeframes.

Yours faithfully



Assistant Crown Solicitor
for **Crown Solicitor**