SUBMISSION OF COMMENTS ON TEMPORARY STATE PLANNING REGULATORY POLICY (PLANNING FOR STRONGER, MORE RESILIENT FLOODPLAINS)

Sean Lisle SL: 8/27/3-08: #3366597

RECOMMENDATION:

That Council notes the Planning for stronger, more resilient floodplains guideline and the Temporary State Planning Policy (Planning for stronger, more resilient floodplains) and endorses the attached submission to the Queensland Reconstruction Authority.

INTRODUCTION:

The Queensland Reconstruction Authority has prepared the guideline – Planning for stronger, more resilient floodplains. The purpose of the guideline is to help Councils introduce consistent and specific planning controls to manage flood risks in their respective areas.

Council’s may choose to adopt the controls contained within the guideline, or to not adopt them or tailor the controls to their specific needs. Feedback is being sought by the State and closes on 11th November 2011.

BACKGROUND:

Most of Queensland’s town and cities are located on floodplains, both inland and coastal. The natural disasters experienced throughout Queensland during the summer of 2010/2011 highlighted the risk associated with flooding in those areas. The key to ensuring Queensland copes with these flood events is improving the resilience of our communities.

The Planning for stronger, more resilient floodplains guideline (Attachment 1) focuses on providing Councils with an assessment tool allowing the consideration of developments potential impact on the floodplain. It includes an Interim Floodplain Assessment Overlay and supporting planning scheme code. It aims to provide Councils with workable tools now, in lieu of detailed flood studies which will take significant time and resources to complete across the State.

To support the guideline, the State Government has prepared a Temporary State Planning Policy (Planning for stronger, more resilient floodplains) (Attachment 2). The Temporary SPP allows Councils to designate a Natural Hazard Management Area (Flood) that can include:
1. land inundated by a Defined Flood Event (DFE) and identified in a planning instrument; or

2. the Interim Floodplain Assessment Overlay and supporting planning scheme code provided by the Queensland Reconstruction Authority; or

3. the Interim Floodplain Assessment Overlay mapping and Model Code as amended by the relevant Council (provided that the amendment does not deviate from the intent of the interim provisions and the purpose as outlined in the guideline and the Temporary SPP).

The Temporary SPP allows Council to undertake a minor planning scheme amendment process to incorporate these features. For Councils currently preparing new planning schemes these features can also be incorporated during that process. Council may also prepare a Temporary Local Planning Instrument (TLPI) for adoption of the mapping and code provisions.

**COMMENT:**

The guideline and Temporary SPP are based on the Total Catchment Floodplain Management approach. The approach considers both upstream and downstream implications of proposed land use developments and floodplain management activities across boundaries. The guideline and Temporary SPP contains an assessment tool available for use by all Councils in an attempt to achieve cross boundary consistency.

The Interim Floodplain Assessment Overlay (Floodplain Maps) has been developed for the majority of Queensland catchments, including several catchments in the Cairns Region. They have been developed using multiple datasets (including for example: contours, landsat imagery, stream monitoring information, vegetation and soil mapping and aerial photography at the 2011 floods and other flood events). As a result the Floodplain Maps give a fairly broad representation of flood risk in an area.

It would be useful to know which datasets informed the Floodplain Maps for the Cairns Region in particular, the extent of the flood events used to determine the flood hazard boundaries and whether they take into account the extent of existing development or existing flood management structures. It would also be useful to know if the Floodplain maps consider the storm surge risk. This information would enable Council to comprehensively review of Council’s existing Floodplain Mapping against those contained in the guideline.

Prior to Council undertaking a comprehensive review of the Floodplain Maps, Council has concerns regarding the holistic nature of the maps and the indication that a greater area than expected may now be considered flood prone. This is most noticeable in the newly developed urban areas such as Trinity Beach, where those developments have been built with relevant consideration to flood hazard and now fall within the Interim Floodplain Assessment Overlay.
The Interim Floodplain Assessment Overlay (Model Code) seeks to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised, and that development does not increase the potential for flood damage on site or to other property. Council understands and supports this purpose.

Council’s existing Planning Schemes employ a 1% AEP (Annual Exceedance Probability) flood standard to guide development outcomes. The recent flooding events across Queensland have highlighted the importance to have regard to more extreme events in developing flood management strategies. This is reflected in the code in that an AEP standard is not defined for building design. In its place the code includes development outcomes, such as the following:

- New buildings are elevated or located on the highest part of the site;
- Residential dwellings are not constructed as single storey slab on ground (for higher density development should ensure only non habitable rooms are located on the ground floor); and
- Road and pathway layout provide safe and clear and direct evacuation paths.

These may have the potential to cause significant consequences for development and maybe contentious when development occurs in existing urban areas built to previous standards. In the absence of a defined AEP standard, developers may choose to undertake site specific flood hazard studies to justify deviations from these outcomes. In the absence of a defined AEP standard or site specific flood hazard studies, development will be required to meet those development outcomes. Again, this maybe contentious when development occurs in existing urban areas or involves minor, smaller scale development.

Council will raise these concerns with the State in its submission (Attachment 3). Council will also raise concerns regarding the appearance of the Code, for example the simplified representation of built form outcomes.

Once finalised, Council will be required to have consideration to Guideline and the SPP. It is recommended that action on the SPP be considered following its release.

Council may also wish to update its own Flood Hazard Mapping with the Floodplain Maps provided by the State after thorough review by Council.

**CONSIDERATIONS:**

**Corporate and Operational Plans:**

The following Goals of the Corporate Plan 2009-2014 are relevant:

Goal 1 - To ensure that the natural and built environments are managed and protected in a sustainable manner;

Goal 2 – To build more creative, innovative and self reliant communities where participation in community life is enabled and encouraged;
Goal 3 - Delivering integrated planning approach to development that creates a sustainable region reflective of our uniqueness and tropical lifestyle;

Goal 4 – To plan, deliver and maintain the Region’s infrastructure such as roads, drainage and flood mitigation and provide a sustainable high quality water supply to meet current and future needs of the community;

Goal 5 – To increase the Region’s capacity for long term economic growth by supporting opportunities for local business and local employment.

Statutory:

This submission will inform the discussion on the finalisation of the Guideline and Temporary SPP.

Financial and Risk:

There is limited financial risk associated with the recommendations contained within this report as this report relates to the implementation of policy.

There are however, inherent financial risks associated with flood events. The better we identify flood hazard and improve the resilience of our communities the extent of that financial risk will be reduced.

Sustainability:

A sustainability scorecard has been undertaken for this report. Generally the score was neutral. However, there will be some positive benefits resulting from this process for the community and in terms of preparedness for disaster management.
CONSULTATION:

Officers across a range of departments within Council including Development Assessment, Planning Strategies and Infrastructure Services and Disaster Management have been involved in preparing the submission.

OPTIONS:

Council has the option to:

1) Note the Planning for stronger, more resilient floodplains guideline and the Temporary State Planning Policy (Planning for stronger, more resilient floodplains) and endorse the attached submission on the documents to the Queensland Reconstruction Authority;

2) Note the Planning for stronger, more resilient floodplains guideline and the Temporary State Planning Policy (Planning for stronger, more resilient floodplains) and not endorse the attached submission on the documents to the Queensland Reconstruction Authority;

CONCLUSION:

The Queensland Reconstruction Authority has prepared the guideline – *Planning for stronger, more resilient floodplains*. The purpose of the guideline is to help Councils introduce consistent and specific planning controls to manage flood risks in their respective areas.

It is recommended that Council endorse the attached submission on the documents to the Queensland Reconstruction Authority. Upon finalisation of the Guideline and Temporary SPP, Council may wish to consider these documents in the preparation of the new Planning Scheme. In the interim, Council may wish adopt the State Governments Floodplain Maps.

ATTACHMENTS:

Attachment 1 – *Planning for stronger, more resilient floodplains* Guideline

Attachment 2 – Temporary State Planning Policy (*Planning for stronger, more resilient floodplains*)

Attachment 3 – Extract of Submission to the State Government

Sean Lisle  
*Strategic Infrastructure Planner*

Peter Boyd  
*Manager Planning Strategies*
Attachment 1 – *Planning for stronger, more resilient floodplains* Guideline


Attachment 2 – Temporary State Planning Policy (*Planning for stronger, more resilient floodplains*)

Attachment 3 – Extract of Submission to the State Government

**RE: FEEDBACK ON THE PROPOSED PLANNING FOR STRONGER, MORE RESILIENT FLOODPLAINS GUIDELINE AND TEMPORARY STATE PLANNING POLICY**

Council has considered the State Government’s Planning for stronger, more resilient floodplains Guideline and Temporary State Planning Policy. Council provides the following feedback:

Cairns Regional Council understands and supports the purpose of the Planning for stronger, more resilient floodplains Guideline and Temporary State Planning Policy.

Council has developed flood hazard mapping for the majority of the Region. It would be useful to know what datasets were used to generate the proposed Floodplain Maps. In addition it would be useful to understand to what extent they take into account existing development or existing flood management structures or if they consider the storm surge risk in the Region.

This information would enable Council to comprehensively review of Council’s existing Floodplain Mapping against those contained in the guideline and identify any gaps in flood hazard mapping for the Region.

With regards to the Floodplain Maps, Council has concerns regarding the broad and holistic nature of the maps. Prior to undertaking a full review, there maybe an indication that a greater area than expected may now be considered flood prone. This is most noticeable in the newly developed urban areas such as Trinity Beach, where those developments have been built with relevant consideration to flood hazard and now fall within the Interim Floodplain Assessment Overlay.

Council’s existing Planning Schemes employ a 1% AEP (Annual Exceedance Probability) flood standard to guide development outcomes. The recent flooding events across Queensland have highlighted the importance to have regard to more extreme events in developing flood management strategies. It is acknowledged that this maybe why an AEP standard is not defined for building design in the Model Code.

The Model Code includes development outcomes surrounding built form in relation to flood hazard. The development outcomes may have the potential to cause significant consequences for development and maybe particular contentious when applied to development in existing urban areas built to previous standards.

In the absence of a defined AEP standard, developers may choose to undertake site specific flood hazard studies to justify deviations from these outcomes. Without a defined AEP standard or site specific flood hazard studies, development will be required to meet those development outcomes. Again, this maybe contentious when development occurs in existing urban areas or involves minor, smaller scale development.
In terms of the appearance of the Code, Council believes that the graphic representations of built form outcomes are too simplified and do not reflect the nature of flood flow and levels (the ‘before’ and after’ representation of flood waters surrounding a development for example. In addition the appearance of vehicles maybe useful to illustrate flood levels, however, it may give the impression that the built form development outcomes such as elevating buildings may safeguard residents during flood events. In reality it is likely that during severe flood events buildings will be evacuated.