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## 11 Buy-backs and land swaps

### 11.1 Property buy-backs

Property buy-back programs differ from compulsory resumption programs. In a buy-back program, the property owner willingly sells his or her property, usually to the local or state government. Some councils in Queensland operate formal programs under which they purchase privately owned properties and re-use the land for purposes other than residential. This may occur as part of a broader floodplain management plan or on an ad hoc basis. The programs are usually referred to as 'voluntary purchase schemes' or 'property buy-back programs'.

The buy-back of properties often provides the ideal solution to the problem of mitigating the impact of damage to existing buildings in areas particularly exposed to natural hazards such as floods. It enables the clearing of potential obstructions in the floodplain, including residential and other structures, with the objective of mitigating risk to life through flood,<sup>1</sup> and may, in some circumstances, be 'the only feasible and economically justified management measure for the more hazardous areas of the floodplain'.<sup>2</sup>

However, property buy-back programs are expensive to administer, and the lack of available funding is a major limiting factor to their implementation as a flood risk mitigation measure.<sup>3</sup> Given the cost involved, property acquisitions by governments tend only to occur in very high risk areas and only where other flood risk mitigation measures are insufficient to protect lives. In some circumstances, a number of properties may need to be relocated from particularly exposed areas of the floodplain to other locations, as occurred at Grantham in the Lockyer Valley following the catastrophic flooding there on 10 January 2011.

#### 11.1.1 Benefits and limitations

The benefit to the community of a property buy-back program, and the consequential removal of structures in the floodplain, is the minimisation of the risk posed by flood to life and property. Property buy-backs afford the owners of properties the benefit of eliminating the costs of repair or rebuilding after flooding as well as the opportunity to sell a potentially unattractive asset, given its exposure to the flood hazard.

Without appropriate planning to accompany property buy-backs, land may remain unused for any purpose for an extended period of time. The removal of buildings from the flood affected area, coupled with a moratorium on any new development, can amount to 'sterilisation' of the land. Decisions should be made for the future use of the land from which properties have been removed, recognising and accommodating the flood hazard. There may be opportunities to use the land for purposes that do not pose a risk to the health and safety of prospective users and which are commensurate with the risk posed by flood, such as the establishment of nature conservation and recreational areas.

### 11.1.2 Current arrangements

The Queensland Government does not currently operate a state administered buy-back program for properties at a high risk of flooding. In the past, there have been acquisitions of certain properties through joint Commonwealth/Queensland government schemes, but these have occurred on an ad hoc basis around the state, rather than through a targeted risk reduction program.<sup>4</sup>

Since 2007 the Queensland Government has received five applications for funding for property buy-backs from the Ipswich Rivers Improvement Trust.<sup>5</sup> Each of these proposals sought funding to acquire, through a voluntary purchase scheme, houses in Goodna on the basis that they were highly susceptible to flooding from the nearby Woogaroo Creek. Funding was provided for one of the acquisition projects in the 2008/2009 financial year.<sup>6</sup>

The Natural Disaster Resilience Program provides a possible source of funding for councils wishing to buy back properties in high risk areas. It is a funding program administered in partnership by the Queensland Government (Department of Community Safety) and the Commonwealth Government, and is aimed at improving resilience to natural disasters through mitigation works, measures and related activities.<sup>7</sup> Funding for eligible projects usually occurs through equal contributions by the applicant (for example, a council), the Queensland Government and the Commonwealth Government. Exceptions to that funding model are considered by the Queensland Government on a case by case basis.<sup>8</sup> Funding applications must meet specific guidelines and even though an application may be technically eligible, the limited availability of funding (which is approximately \$11 million per year) may mean that it fails.<sup>9</sup> Councils are unable to obtain funds directly from the Natural Disaster Resilience Program: it is for the Queensland Government to determine each application's eligibility for funding.<sup>10</sup>

Some councils in Queensland have introduced strategies to purchase high risk properties so that the land can be used for non-residential purposes (for example, for use as a public park or for drainage easements).<sup>11</sup> However, given the expense of such programs, council buy-back programs have generally only been adopted in larger councils, and even then, only on a small scale.

### 11.1.3 Council buy-back programs

Following the 1974 Brisbane flood, the Brisbane City Council participated with the Queensland and Commonwealth governments in a jointly funded compulsory and voluntary house purchasing scheme.<sup>12</sup> More recently, and in response to a priority recommendation contained in a 2005 report,<sup>13</sup> the Brisbane City Council has instituted a residential property buy-back scheme: the 'Voluntary Home Purchase Scheme'. As its title suggests, it operates solely on a voluntary basis: selling is at the owner's discretion and there is no forced resumption by the council. Each year the council allocates funding to purchase residential properties that are at risk of frequent flooding. The council identifies eligible houses for the scheme,<sup>14</sup> and prioritises which properties will be purchased based on the predicted frequency and depth of future flooding. The buy-back scheme operates in accordance with four eligibility criteria:

- the property is flooded during a flood with an average recurrence interval of two years
- the property is in a residential zone
- floodwaters inundate the residential dwelling on the property
- there is no other viable infrastructure solution (such as pipes) available to remove the flooding problem.<sup>15</sup>

As at May 2011 there were approximately 525 properties within the Brisbane City Council area that could be adversely affected during a creek flood with an average recurrence interval of two years.<sup>16</sup> The council has approached the owners of some 242 properties to participate in the scheme, which has resulted in acceptance in respect of 55 properties. Those 55 properties were purchased for a total cost of \$24.21 million.<sup>17</sup>

There have been some concerns raised about the criteria applied by the council. The current eligibility criterion that the property be inundated by a flood with an average recurrence interval of two years may be overly restrictive: many properties are ruled as ineligible even though they flood frequently. An independent review panel has acknowledged this limitation and suggested that the council should consider an extension of the scheme to cover less frequent flooding, noting, however, that this would require a 'very substantial increase' in the program's funding.<sup>18</sup> The council has previously sought funding from the Queensland and Commonwealth governments to support the scheme, but the funding requests have either been rejected or ignored.<sup>19</sup> A councillor raised, by submission to the Commission, the concerns of residents of his ward affected by the 2010/2011 floods about the

process' being too slow and inadequately funded, although a number still desired to use the program so they could sell their properties and move elsewhere.<sup>20</sup>

Apart from its property buy-back scheme, the council has purchased riverfront land at Tennyson Reach which was substantially inundated in the January 2011 floods. This land had been part of a parcel on which the council had approved a multi-storey residential development, but because of the developer's difficulties in selling the units, compounded by the flooding, the continuation of the development project became economically unviable. As part of the council's agreement to acquire the piece of riverfront land,<sup>22</sup> the property developer has agreed to develop a park on the site for public use.<sup>23</sup>

A 2002 report prepared for the Ipswich City Council suggested that the council, as part of a long-term flood risk prevention strategy, consider the acquisition and removal of properties within the primary flow area of the floodplain.<sup>24</sup> The report noted that to acquire all such properties would cost in the order of \$112 million and that the council would require significant external funding to embark on such a program. At the time, the council considered the proposal difficult to implement, for financial reasons. It has suggested in evidence to the Commission that the Queensland and Commonwealth governments should provide increased financial assistance to enable it to acquire high risk land that would be inundated by a flood with an average recurrence interval of 20 years.<sup>25</sup> The council currently estimates that the cost to purchase land at this risk level within its council boundary would be in the order of hundreds of millions of dollars.<sup>26</sup> The council's chief executive officer explained, too, that in some instances the problem of inundation in some of the older areas of the city could only be solved by the acquisition of properties and the removal of buildings to create overland flow paths.<sup>27</sup>

The Bundaberg Regional Council has indicated that it would like to discuss with the Queensland and Commonwealth governments the possibility of a collaborative program to buy back flood prone homes.<sup>28</sup> The council has previously had a policy in place under which it has, over time, acquired some properties along drainage lines and created public parklands. Under this arrangement the council provided one third of the funding, with the rest provided by the Queensland and Commonwealth governments in equal measure.<sup>29</sup> The council considers this approach to be a cost-effective solution for low-lying properties in the long term, but the financial commitment the council can make to the program requires annual review.<sup>30</sup> It has also identified the need to extend future buy-backs to areas susceptible to flood that are outside of the city, but within the council's boundary.<sup>31</sup>

Residents of the Moreton Bay Regional Council area have been lobbying for a buy-back program, similar to that operated by the Brisbane City Council, to be introduced by their council.<sup>32</sup> The council is currently preparing a draft buy-back policy for flood affected properties.<sup>33</sup> Development of the policy will entail consideration of issues such as the risk to life and the velocity of rivers in certain areas.<sup>34</sup> It may take some time to finalise.<sup>35</sup>

### 11.1.4 Future considerations

Many submissions received by the Commission recognised the financial implications for the various levels of government responsible for administering a buy-back scheme. A number proposed a long-term approach.<sup>36</sup> An urban designer recommended a 'flood retreat' program, entailing a 'phased reduction in the number of people, properties and infrastructure assets' exposed to flood risk,<sup>37</sup> as part of a master plan process.<sup>38</sup> This long-term view was echoed by another expert in environmental planning who suggested that freehold land in flood prone areas should revert to the public estate, noting that it would require strong political leadership.<sup>39</sup> One Brisbane Valley resident in the Somerset Regional Council area pointed out that it was 'bad economics' to repeatedly rebuild residential and commercial buildings after floods.<sup>40</sup>

A number of local government representatives appearing before the Commission said that property buy-backs were appropriate in certain circumstances, and were being considered by their councils as a flood mitigation option.<sup>41</sup> The Commission notes a uniformity of view, both in the evidence before the Commission and more generally, as to the need for support, including funding, from the Queensland and Commonwealth governments.<sup>42</sup> As discussed, the Natural Disaster Resilience Program presents a potential source of funding for councils but, being a competitive grants program with a defined budget, has limited ability to meet funding applications.

Best practice approaches to floodplain management require that all levels of government take a long-term view of land planning measures (20 to 30 years),<sup>43</sup> including property buy-backs, in areas that are significantly exposed to flood hazard. Given the voluntary nature of buy-back programs and the fact that in areas particularly susceptible to flood there may be a need to acquire a large number of properties, councils in particular may need to regard

buy-backs as part of their longer-term broader floodplain management strategy. A longer-view approach has been adopted by the Gold Coast City Council, which, as part of its sustainable flood management strategy, is reviewing the current buy-back practices of other local authorities. However, the council does not expect to complete its assessment until 2015 and has not confirmed that it will implement a formal buy-back program.<sup>44</sup>

Property buy-back programs can, in some circumstances, provide an effective long-term solution for properties that are particularly exposed to the flood hazard. As noted above, they have been successfully implemented by some councils in areas at serious flood risk. Other councils should consider buy-backs as part of a strategic floodplain management program, obtaining funding, where possible, through the Natural Disaster Resilience Program.

### *Recommendation*

- 11.1 Councils should consider implementing a property buy-back program in areas that are particularly vulnerable to regular flooding, as part of a broader floodplain management strategy, where possible obtaining funding from the Natural Disaster Resilience Program for this purpose.

## 11.2 Rebuilding Grantham

In response to the loss of life and property in Grantham caused by the 2010/2011 floods, and particularly the events of 10 January, the Lockyer Valley Regional Council committed to developing a master plan and land swap program for the Grantham area.

To enable it to quickly relocate willing residents to higher ground, the council asked the Premier and Minister for Reconstruction to declare Grantham a reconstruction area under the *Queensland Reconstruction Authority Act 2011*.<sup>45</sup> This declaration was made on 8 April 2011.<sup>46</sup> Its effect was to give the Queensland Reconstruction Authority primary responsibility for co-ordinating and managing the rebuilding and recovery of Grantham. To do so, the authority created a new development scheme for the Grantham reconstruction area.



*Grantham house being relocated to higher ground (photo courtesy Lockyer Valley Regional Council)*

### 11.2.1 Land swap program

In late March 2011, the Lockyer Valley Regional Council entered into a contract to purchase 18 parcels of freehold land, covering an area of approximately 378 hectares, to enable the voluntary relocation of displaced residents.<sup>47</sup> The tract of land is situated directly north of the existing town of Grantham and is elevated above the January 2011 flood levels.<sup>48</sup> Its purchase enabled the council to implement a land swap program.

Broadly speaking, this program allows eligible property owners in the Lockyer Valley towns of Grantham, Helidon, Murphys Creek, Postman's Ridge and Withcott to 'swap' their land for part of the newly purchased council land.<sup>49</sup> The program is governed by the Grantham Relocation Policy.<sup>50</sup> The key features of the policy are that:

- landowners who meet the eligibility criteria participate voluntarily<sup>51</sup>
- the council offers unencumbered residential allotments to eligible landowners at no cost in exchange for their transferring ownership of their land, unencumbered, to council<sup>52</sup>
- blocks of comparable size are offered, up to 10 000 square metres; if a landowner elects to take a smaller block than his or her existing one, no compensation is paid for the difference<sup>53</sup>
- landowners are responsible for meeting the cost of building their homes on the new blocks<sup>54</sup>
- the process is a staged one: initial stages accommodate affected members of the community while later stages allow other lots to be developed and sold to provide revenue to council to help offset the cost of the land offer program<sup>55</sup>
- the timeframes are short, so that allotments were able to be allocated to eligible landowners in July 2011, with the land offer program expected to terminate on 1 July 2012.<sup>56</sup>

The Lockyer Valley Regional Council's land swap program is a unique use of a planning measure to guard against the repetition of a disaster. Like a buy-back scheme, it facilitates the relocation of uses and people away from high flood hazard land. However, unlike a buy-back scheme, it also enables the collective relocation of a community, which carries social benefits as well as achieving floodplain management goals.

### 11.2.2 Grantham Development Scheme

Commencing in February 2011, the council began extensive community consultations to inform its master planning exercise for the Grantham area.<sup>57</sup> The master plan formed the basis of the development scheme prepared by the Queensland Reconstruction Authority for the Grantham reconstruction area.<sup>58</sup>

The development scheme was given effect on 4 August 2011.<sup>59</sup> The pace at which the scheme was developed and delivered was one of its advantages.<sup>60</sup> In making the Grantham Development Scheme, the authority engaged in similar processes to those that apply to making a planning scheme under the *Sustainable Planning Act 2009* (for example consulting state agencies and giving public notification of the proposed scheme), but it completed these tasks within significantly condensed timeframes.<sup>61</sup>

Grantham previously fell within the scope of the Gatton Planning Scheme, but that scheme's operation is now suspended for the Grantham reconstruction area, except for any provision expressly referred to in the Grantham Development Scheme.<sup>62</sup> The Lockyer Valley Regional Council is responsible for administering the development scheme and determining any application lodged under it.

The development scheme was created primarily to expedite the rebuilding required within the Grantham reconstruction area.<sup>63</sup> The scheme achieves this by regulating development so as to encourage the relocation of residents participating in the council's land swap program to higher ground and meet many of the other reconstruction needs of the community, such as rebuilding of the main street, within two years.<sup>64</sup> For example, under the Grantham Development Scheme, the following are exempt development, not requiring any approvals:

- reconfiguring a lot within the residential living zone, provided the lot complies with the Residential Living Zone Code, is owned by council and accords with the lot layout master plan determined by council<sup>65</sup>
- a house in the residential living zone if it accords with the Residential Living Zone Code.<sup>66</sup>

(The Residential Living Zone Code merely specifies minimum lot frontages and areas, and for buildings and structures, maximum heights and minimum setbacks.)<sup>67</sup>

The flood-devastated area of Grantham is designated ‘Limited Development (Constrained Land)’ under the Grantham Development Scheme.<sup>68</sup> This designation allows residents who want to rebuild on the land they owned on 10 January 2011 to do so, provided the habitable flood level is 300 millimetres above the defined flood level.<sup>69</sup> However, any new residential development in the area significantly affected by the flash flooding of 10 January 2011 is discouraged:

- The purpose of the zone is expressed as identifying land known to be significantly affected by one or more development constraints, such as flooding, which severely restrict the land’s ability to be developed for residential purposes.<sup>70</sup>
- No new subdivision of lots is intended in the zone, while amalgamation of lots is encouraged so that existing lots can be aggregated for agricultural uses.<sup>71</sup>
- The table of assessment provides that any new residential development will be impact assessable.<sup>72</sup>

The Grantham Development Scheme is the first planning instrument in Queensland to apply the Queensland Planning Provisions (version 2.0), created under the *Sustainable Planning Act 2009*.<sup>73</sup> This will ease the incorporation of the Grantham Development Scheme into any future *Sustainable Planning Act* compliant planning scheme for the Lockyer Valley area.<sup>74</sup> Until such a scheme for the Lockyer Valley is given effect, the Grantham Development Scheme will continue to apply to the Grantham area.<sup>75</sup>

In making the Grantham Development Scheme, the Queensland Reconstruction Authority was required to consider State Planning Policy 1/03: *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*, but was not bound to comply with it.<sup>76</sup> The authority’s general manager of land use planning is of the view that the development scheme reflects State Planning Policy 1/03 in principle;<sup>77</sup> the Commission agrees. The primary way in which the development scheme deals with flooding is by reference to the extent of the 10 January 2011 flooding, for example:

- residential zones are located outside the area affected by the 10 January 2011 flood
- the scheme incorporates a defined flood level and provides that this level is as determined by the Lockyer Valley Regional Council having regard to the flooding on 10 January 2011.<sup>78</sup>

Given these aspects, the Commission views the Grantham Development Scheme as an appropriate instrument to direct and regulate the development of the Grantham reconstruction area until such time as the new Lockyer Valley Planning Scheme and the Lockyer Valley Regional Council’s floodplain management study are completed. (In forming this view, the Commission has taken into account the evidence of the council officer responsible for overseeing the redevelopment of Grantham that the development scheme may require some modification to clarify and streamline its provisions over the long term.<sup>79</sup>)

### 11.2.3 Suitability of the Grantham response for other areas

The Lockyer Valley Regional Council’s land swap program, coupled with the Queensland Reconstruction Authority’s development scheme, is a timely and effective floodplain management response to the unique circumstances of Grantham.

Whether other councils are able to implement a land swap program similar to the Lockyer Valley Regional Council’s program, in isolation or together with zoning controls, and whether it would be appropriate for them to do so, will depend on the circumstances they face. Relevant matters include views of the community, the availability of close, undeveloped and unconstrained land, council’s financial resources and whether floodplain management principles justify restricting development of the land within the floodplain.

The success of the Grantham project, however, provides a template for a response to floodplain management which other councils in similar circumstances may wish to adopt.

## (Endnotes)

- 1 Smith, DI, Handmer, JW, McKay, JM, Switzer, MAD & Williams, BJ 1995, Non-structural Measures for Flood Mitigation—Current Adoption in Urban Areas, Volume 1, Report to the National Landcare Programme, CRES, ANU, Canberra [p39].

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- 2 Exhibit 1007, Standing Committee on Agriculture and Resource Management (SCARM), Floodplain management in Australia: best practice principles and guidelines, SCARM Report 73, 2000 [p7: para: 2.3.2.1].

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- 3 Financial considerations associated with property buy-backs, such as the benefit-cost ratio, have not been canvassed by the Commission. Other publications deal with this matter in some detail; see, for example, Department of Transport and Regional Services, Benefits of flood mitigation in Australia, 2002.

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- 4 For example, in 2002/2003 under its regional flood mitigation program the Commonwealth Government provided \$250 000 financial assistance to (then) Thuringowa City Council to acquire six flood prone properties which did not meet council's flood related development controls and which were subject to inundation and damage.

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- 5 A river improvement trust is a statutory authority that has, as one of its functions, the prevention or mitigation of flooding of land by riverine flood. Applications for funding were made under the Natural Disaster Resilience Program and its predecessor, the Natural Disaster Mitigation Program.

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- 6 Correspondence from the Queensland Government, Natural Disaster Resilience Program funding and property buy-backs, 2 December 2011 [p8].

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- 7 Exhibit 500, Natural disaster program partnership agreement implementation plans, Covering letter [p1].

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- 8 Exhibit 534, Statement of Gary Mahon, 7 September 2011 [p24: para 118].

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- 9 Correspondence from the Queensland Government, Request for further information: Natural Disaster Resilience Program and property buy-backs, 6 January 2012 [p1-2].

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- 10 Exhibit 500, Natural disaster program partnership agreement implementation plans, Covering letter [p2].

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- 11 For example, this is a feature of the scheme operated by Brisbane City Council.

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- 12 Lord Mayor's Taskforce on suburban flooding: Strategies to reduce the effect of significant rain events on areas of Brisbane prone to flooding, 2005 [p9].

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- 13 Lord Mayor's Taskforce on suburban flooding: Strategies to reduce the effect of significant rain events on areas of Brisbane prone to flooding, 2005.

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- 14 Transcript, Rory Kelly, 3 October 2011, Brisbane [p3523, line 53].

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- 15 Submission of Brisbane City Council, 11 March 2011, Attachment 4: Be FloodWise Fact Sheet – Voluntary Home Purchase Scheme.

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- 16 Arnison, P, Gotterson, R, Apelt, C, 2011, Independent Review of Brisbane City Council's Response to the January 2011 Flood [p59].

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- 17 Exhibit 946, Statement of Julie McLellan, 4 November 2011 [p36: para 149].

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- 18 Arnison, P, Gotterson, R, Apelt, C, 2011, Independent Review of Brisbane City Council's Response to the January 2011 Flood [p59].

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- 19 Submission of Brisbane City Council, 11 March 2011, Appendix 5 [p8].

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- 20 Submission of Councillor Steve Griffiths, undated [p9].

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- 21 Exhibit 739, Statement of Brett Draffen, 26 September 2011 [p15: para 103-106].

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- 22 Transcript, Colin Jensen, 10 November 2011, Brisbane [p4915: line 10].

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- 23 Exhibit 955, Statement of Colin Jensen, 20 October 2011 [p3: para 1.9].

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- 24 Exhibit 855, Ipswich City Council Natural Disaster Risk Management Studies Program, Stage 3: Risk Evaluation and Treatment, August 2002 [p35: para: 3.2.2].

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- 25 Exhibit 912, Statement of John Stephen Adams, 25 October 2011 [p9: para 20].

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- 26 Exhibit 912, Statement of John Stephen Adams, 25 October 2011 [p9: para 22].

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- 27 Transcript, Carl Wulff, 19 October 2011, Ipswich [p4195: line 20-29]; Exhibit 853, Statement of Carl Wulff, 2 September 2011 [p19: para 111-112].
- 28 Transcript, Peter Byrne, 11 October 2011, Bundaberg [p3906: line 16].
- 29 Transcript, Peter Byrne, 11 October 2011, Bundaberg [p3906: line 20].
- 30 Transcript, Peter Byrne, 11 October 2011, Bundaberg [p3906: line 29].
- 31 Exhibit 764, Submission of the Bundaberg Regional Council, 18 March 2011 [p14: para 13].
- 32 Submission of Wyatt Roy MP, March 2011 [p4: para 5].
- 33 Transcript, John Rauber, 26 September 2011, Brisbane [p3148: line 16; p3148: line 21].
- 34 Transcript, John Rauber, 26 September 2011, Brisbane [p3148: line 26].
- 35 Transcript, John Rauber, 26 September 2011, Brisbane [p3148: line 33].
- 36 Submission of Gretchen Young, 24 April 2011 [p2]; Submission of Dennis Sharkey, 12 February 2011 [p4]; Submission of Chas Keys, undated [p1, 9].
- 37 Submission of Roy Barrett, March 2011 [p3: para 4(2)].
- 38 Submission of Roy Barrett, March 2011 [p9].
- 39 Submission of Darryl Low Choy, 30 March 2011 [p4].
- 40 Submission of Fred Williams, 23 February 2011 [p2].
- 41 Transcript, Peter Byrne, 11 October 2011, Bundaberg [p3906: line 20]; Transcript, Carl Wulff, 19 October 2011, Brisbane [p4195: line 25]; Transcript, John Rauber, 26 September 2011, Brisbane [p3148: line 16].
- 42 Transcript, Peter Byrne, 11 October 2011, Bundaberg [p3906: line 16]; Exhibit 912, Statement of John Stephen Adams, 25 October 2011 [p9: para 20]; Arnison, P, Gotterson, R, Apelt, C, 2011, Independent Review of Brisbane City Council's Response to the January 2011 Flood [p59]; Submission of Wyatt Roy MP, March 2011 [p5]; Brisbane Lord Mayor's Budget Speech, 8 June 2011 [p10]; Submission of the Local Government Association of Queensland, 7 April 2011 [p5: para 2.18].
- 43 Exhibit 1007, Standing Committee on Agriculture and Resource Management (SCARM), Floodplain management in Australia: best practice principles and guidelines, SCARM Report 73, 2000 [p3: para 1.4].
- 44 Second submission of the Gold Coast City Council, undated [p31].
- 45 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p3: para 14].
- 46 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p4: para 26].
- 47 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p3: para 15].
- 48 Exhibit 602, Grantham Relocation Policy, 11 May 2011 [p2].
- 49 Transcript, Jamie Simmonds, 22 September 2011, Brisbane [p3055: line 58]; Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p1: para 1].
- 50 Transcript, Jamie Simmonds, 22 September 2011, Brisbane [p3055: line 55]; Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p3: para 12]; Exhibit 602, Grantham Relocation Policy, 11 May 2011.
- 51 Exhibit 602, Grantham Relocation Policy, 11 May 2011 [p2: para 1.2.4; p4: para 1.2.6, 1.2.7].
- 52 Transcript, Jamie Simmonds, 22 September 2011, Brisbane [p3056: line 41; page 3057: line 1]; Exhibit 602, Grantham Relocation Policy, 11 May 2011 [p5: para 1.2.9; p7: para 1.2.17].
- 53 Transcript, Jamie Simmonds, 22 September 2011, Brisbane [p3056: line 44]; Exhibit 602, Grantham Relocation Policy, 11 May 2011 [p5: table 1; p7: para 1.2.13].
- 54 Transcript, Jamie Simmonds, 22 September 2011, Brisbane [p3056: line 52].
- 55 Exhibit 602, Grantham Relocation Policy, 11 May 2011 [p4: para 1.2.1].
- 56 Exhibit 602, Grantham Relocation Policy, 11 May 2011 [p10: table 2].
- 57 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p2: para 5 – p3 para 13; p 13: para 65].
- 58 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p5: para 30]; Exhibit 601,

- Statement of Jamie Simmonds, 18 September 2011 [p1: para 2].
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- 59 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p7: para 40].
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- 60 Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p3: para 18].
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- 61 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p5: para 30 – p6 para 40].
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- 62 Section 78(2), *Queensland Reconstruction Authority Act 2011*; Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p8: para 46; p13: para 66]; Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p2: para 8].
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- 63 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p14: para 71].
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- 64 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p11: para 55, 58] and Annexure BJN-07 [p5; p52].
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- 65 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p34].
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- 66 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p34].
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- 67 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p35].
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- 68 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p21-23].
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- 69 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p22].
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- 70 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p21].
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- 71 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p21].
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- 72 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p22].
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- 73 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p13: para 67] and Annexure BJN-07 [p52]; Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p2: para 9].
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- 74 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p14: para 73]; Annexure BJN-07 [p52].
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- 75 Sections 112 and 138, *Queensland Reconstruction Authority Act 2011*; Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p8: para 47]; Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p3: para 16].
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- 76 Section 63(4), *Queensland Reconstruction Authority Act 2011*; Statement of Brendan Nelson, 15 September 2011 [p14: para 74 – p15: para 75].
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- 77 Exhibit 538, Statement of Brendan Nelson, 15 September 2011 [p14: para 7]; Annexure BJN-07 [Map 2].
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- 78 Exhibit 538, Statement of Brendan Nelson, 15 September 2011, Annexure BJN-07 [p42].
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- 79 Transcript, Jamie Simmonds, 22 September 2011, Brisbane [p3053: line 19]; Exhibit 601, Statement of Jamie Simmonds, 18 September 2011 [p3: para 17].
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