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Department of  
**Justice and Attorney-General**

18 January 2012

[REDACTED]  
Executive Director  
Qld Floods Commission of Inquiry  
Level 30, 400 George Street  
BRISBANE QLD 4000

Dear [REDACTED]

### **Queensland Floods Commission of Inquiry - State Representation - Queensland Development Code**

As part of the Commission's final report, the State has been asked to consider the timing of the early adoption of the proposed new Queensland Development Code (QDC). Following consideration of early adoption of the draft QDC, the State has decided to delay adoption until the Commission's final report is released to allow for any alterations considered necessary, noting that delays resulting from the Commission's draft recommendations will result in further uncertainty for applicants about the building standards to be applied in flood prone areas.

The State has also been asked to comment on the terminology used in the "referral agency" provisions in the draft QDC. In particular, the State has been asked to consider whether, with respect to the referral agency trigger, the introduction of the terminology "impracticable or undesirable" may create uncertainty. Further, the State has been asked to comment on whether it may be appropriate for the provisions to prescribe the matters local government must consider as a referral agency.

The State considers that this wording provides sufficient flexibility for local governments to consider a wide range of matters when making its determination. This wording was specifically selected so as not to unduly restrict local governments when deciding what matters are relevant considerations within their local government area.

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In addition, further guidance was to be provided to local governments in the form of a guideline addressing the matters they may wish to consider when making a decision as part of their referral agency role.

Yours faithfully

Assistant Crown Solicitor  
for **Crown Solicitor**