

Temporary State Planning Policy

[INSERT]/11 Planning for Stronger, More Resilient
Floodplains

DRAFT AND CONFIDENTIAL

QFCI

Date: 19/09/11 JM

Exhibit Number: 531

Sustainable Planning Act 2009
TEMPORARY STATE PLANNING POLICY
Planning for Stronger, More Resilient Floodplains
September 2011

Making the temporary State planning policy

This temporary State planning policy was made by the Honourable Paul Lucas MP, Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State under Chapter 2, Part 4, Division 3 of the *Sustainable Planning Act 2009*.

Commencement

This temporary State planning policy takes effect on [INSERT DATE].

Prepared by:

Queensland Reconstruction Authority

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August 2011

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Natural Hazard Management Area (Flood)

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Explanatory statement

Planning for Stronger, More Resilient Floodplains

During July to December 2010, extreme rainfall was experienced across large parts of eastern Australia, with Queensland experiencing its wettest Spring on record. As a result, Queensland's catchment areas were significantly saturated prior to major rain events that caused severe flooding throughout Queensland between November 2010 and April 2011.

Most of Queensland's major towns and cities are located on a floodplain, both inland and coastal. In order to ensure the resilience of these town and cities and the subsequent safety of their residents from threats of future flood events, these towns and cities must, to the greatest extent possible, be capable of withstanding or minimising the effects of future flood events.

Development within Queensland is principally regulated by local government planning schemes which provide guidelines for acceptable types of development within the boundaries of local government areas. By understanding how floodplain systems operate, future development within Queensland can incorporate measures aimed at ensuring that planning and development continues whilst minimising the effects of future flood events by incorporating specific and consistent floodplain management measures into existing planning schemes, where appropriate.

Temporary State Planning Policy (insert number): Planning for stronger, more resilient floodplains (the SPP) has been developed to support the designation of Natural Hazard Management Areas (Flood). Through the identification of NHMA (Flood) Local Governments can amend their existing planning schemes and incorporate planning scheme provisions to regulate assessable development within the NHMA (Flood).

Outcome sought by the Temporary SPP

This SPP seeks to ensure that development is planned, designed and constructed to minimise potential flood damage to towns and cities and to improve safety of individuals and communities.

This outcome supports the objective of the *Sustainable Planning Act 2009*.

Effect of the Temporary SPP

The effect of the SPP is to:

- Suspend the effect of paragraphs A3.1 and A3.2 of Annex 3 of State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide
- Make a Temporary State Planning Policy dealing with and giving effect to the matters suspended in paragraphs A3.1 and A3.2 of Annex 3 of State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide by providing local government with information necessary to determine the Natural Hazard Management Area (Flood) and then adopt an associated overlay map(s) and code by way of an amendment to an existing planning scheme.

Implementing the Temporary SPP

The Temporary SPP is to be implemented by:

- Allowing a local government to amend existing planning scheme to incorporate a Natural Hazard Management Area (Flood) in accordance with Annex 1; and to
- Informing strategic land use planning decisions for the preparation of new *Sustainable Planning Act 2009* planning schemes

The Temporary SPP will influence planning and development decisions wholly or partially within a Natural Hazard Management Area (Flood).

The Temporary SPP is supported by the Guideline: Planning for Stronger, More Resilient Floodplains, which gives further information and advice on the implementation of this Temporary SPP.

The Temporary SPP is supported by an extensive mapping process evaluating floodplains across Queensland.

1. Policy outcome

Policy outcome sought by the Temporary SPP

- 1.1 State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide requires the identification of natural hazard management areas. The identification of the natural hazard management area for flood (the Natural Hazard Management Area (Flood)) is dependent upon a local government adopting a flood event for the management of development in a particular locality.
- 1.2 To promote a better understanding of floodplains via a correlation between land use planning and floodplain management, the State government has prepared a number of tools which may be adopted by a local government to assist in identifying the Natural Hazard Management Area (Flood), and in regulating development partially or wholly within a floodplain.

2. Application of the Temporary SPP

State planning policy and State planning policy guideline

- 2.1 The Temporary State Planning Policy: Planning for Stronger, More Resilient Floodplains is a statutory instrument under the *Sustainable Planning Act 2009*.
- 2.2 The Temporary State Planning Policy Guideline: Planning for Stronger, More Resilient Floodplains (SPP guideline) provides advice about implementing the SPP and is declared to be extrinsic material under the *Statutory Instruments Act 1992*, s. 15.
- 2.3 When designating land for community infrastructure, a Minister or local government must consider the development outcomes set out in the code in Annex 1 of this policy.
- 2.4 Terms used in the SPP, code and SPP guideline have the same meaning as defined in the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*. The glossary explains particular words used in the SPP and the SPP guideline.

Areas to which the Temporary SPP applies

- 2.5 The Temporary SPP applies to all Local Government Areas.

3. Making or amending a planning instrument

Achieving the policy outcome through a local planning instrument

- 3.1 A local planning instrument achieves the policy outcome in section 1.1 to 1.2 of this Temporary SPP if it results in an amendment to a local government planning instrument, or a new local government planning instrument, which designates a Natural Hazard Management Area (Flood) as per Annex 1.

4. Information and advice about the Temporary SPP

Sources of information and advice

- 4.1 The Queensland Reconstruction Authority and the Department of Environment and Resource Management (DERM) can provide advice about implementing and interpreting the SPP, and on reflecting the SPP in a planning instrument.
- 4.2 The Guideline contains further information about the maps and code.
- 4.3 The Department of Local Government and Planning can provide advice about reflecting the SPP in a local planning instrument, and the operation of the Integrated Development Assessment System (IDAS).

Operation of the Temporary SPP

- 4.4 The Temporary SPP will operate for up to 12 months.

Annex 1

NATURAL HAZARD MANAGEMENT AREA (FLOOD)

Where proposing amendments to an existing planning instrument under the *Sustainable Planning Act 2009*, a Natural Hazard Management Area (Flood) is:

- 1) land inundated by a Defined Flood Event (DFE) and identified in a planning instrument; or
- 2) the Interim Floodplain Assessment Overlay mapping and Model Code provided by the Queensland Reconstruction Authority; or
- 3) the Interim Floodplain Assessment Overlay mapping and Model Code as amended by the relevant Local Government.

Where proposing a new planning instrument under the *Sustainable Planning Act 2009*, a Natural Hazard Management Area (Flood) is:

- 1) land inundated by a Defined Flood Event (DFE) and identified in a planning instrument; or
- 2) the Interim Floodplain Assessment Overlay mapping and Model Code provided by the Queensland Reconstruction Authority; or
- 3) the Interim Floodplain Assessment Overlay mapping and Model Code as amended by the relevant Local Government.

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