



Queensland  
Government

Rebecca de Vries  
Principal Planning Officer  
**Planning and Development Services – SEQ South**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Thomas Holmes

**Sent:** Wednesday, 7 February 2018 3:35 PM

**To:** Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>

**Cc:** Rebecca De Vries <[Rebecca.DeVries@dilgp.qld.gov.au](mailto:Rebecca.DeVries@dilgp.qld.gov.au)>; Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>

**Subject:** TLPI No. 5 - attached material.

Council's lodgement attached.

Everything is being updated/processed now.

However, you should be aware, council have been requested to provide **Statements of Reasons under the Judicial Review Act** and council have advised the Minister and Council may be a party to the judicial review.



Queensland  
Government

Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

## Daniel Park

---

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:04 PM  
**To:** Kim Kirstein  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe  
**Attachments:** TLPI No. 5 - Notice to pause a timeframe.docx

Hi Kim,

For your review and approval. I have made changes based on the email from Nicole.

Regards,



Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Streert, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

---

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 3:54 PM  
**To:** Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>; Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

Hi Kim,

Kelli has told us that Nicole is drafting the notice/email to us now and that it will be with us this afternoon.

The paragraph you have taken issue with is per the template. Having said that I can amend it if you wish to make it read better.

When are you going offline today?

Regards,



Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Streert, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 3:44 PM  
**To:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>; Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>  
**Subject:** TLPI No. 5 - Notice to pause a timeframe

Comments per attached.

RTI RELEASE - DSDMIP





Queensland  
Government

Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175  
Your reference: PD113/1303(P1)

30 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson

**Notice to pause a timeframe**

*(Given under and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

On 15 January 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) sent the Gold Coast City Council (the council) a notice requesting additional information on the proposed TLPI and pausing the assessment timeframe under the MGR until 30 January 2018.

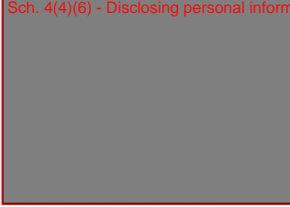
On 30 January 2018, the department received an email from the council requesting that the current pause period be extended until 16 February 2018. The department has considered this request and agrees to extend the duration of the pause period.

Under chapter 3, part 3, section 10.1 of the of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.5 of the MGR, the pause that commenced on 16 January 2018 is extended. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 16 February 2018. The MGR process will resume at chapter 3, part 3, section 8.3 of the MGR on 17 February 2018.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information



**Kim Kirstein**  
**Manager, Planning and Development Services (SEQ South)**

RTI RELEASE - DSDMIP

## Daniel Park

---

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 5:05 PM  
**To:** Kim Kirstein; Thomas Holmes  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe  
**Attachments:** TLPI No. 5 - Notice to pause a timeframe.pdf

Hi Kim,

Email to Kelli is below. Are you happy for me to send out with approved notice?

Hi Kelli

I refer to the Gold Coast City Council's (the council) email of 30 January 2018 to the Department of State Development, Manufacturing, Infrastructure and Planning (the department) requesting an extension of the pause period for the proposed Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI).

Please find attached a notice confirming that the department has agreed to pause the timeframe until 16 February 2018 under chapter 3, part 3, section 10.1 of the *Minister's Guidelines and Rules*. The department's assessment of the proposed TLPI will resume on 19 February 2018.

If you require further information, I encourage you to contact Daniel Park in the department on [REDACTED] or by email at [Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au).

Regards,



Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 4:53 PM  
**To:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Daniel Park <Daniel.Park@dilgp.qld.gov.au>  
**Subject:** FW: TLPI No. 5 - Notice to pause a timeframe

Go with the friendlier version please per attached. Just add in the one little hook to the relevant section for probity where the yellow highlight is.

Approved per change for progression.

Thanks

Kim



Kim Kirstein  
Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] [REDACTED] Sch. 4(4)(6) - Disclos  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:37 PM  
**To:** Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

Hi Kim,

Friendlier version attached.

Let me know which one you want sent out.

Regards,



Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Streert, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 4:33 PM  
**To:** Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>; Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>  
**Subject:** TLPI No. 5 - Notice to pause a timeframe

Approved as attached.

I still don't like that last para but run with it if it is templated.

Also, don't forget to keep dates to one line and not break across 2 lines.

Thanks  
Kim



Queensland  
Government

Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175  
Your reference: PD113/1303(P1)

30 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson

**Notice to pause a timeframe**

*(Given under and chapter 3, part 3, section 10.1 and pursuant to chapter 3, part 2, section 8.3 and chapter 3, part 3, section 10.2 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

On 15 January 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) sent the Gold Coast City Council (the council) a notice requesting additional information on the proposed TLPI and pausing the assessment timeframe under the MGR until 30 January 2018.

On 30 January 2018, the department received an email from the council requesting that the current pause period be extended until 16 February 2018. The department has considered this request and agrees to extend the duration of the pause period.

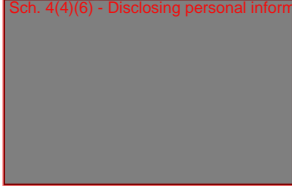
This notice therefore pauses the timeframe for the proposed TLPI until 16 February 2018 under chapter 3, part 3, section 10.1 of the MGR. The department's assessment of the proposed TLPI will resume on 19 February 2018.



If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal inform



**Kim Kirstein**  
Manager, Planning and Development Services (SEQ South)

RTI RELEASE - DSDMIP

## Daniel Park

---

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:42 PM  
**To:** Kim Kirstein  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

No, MGR only allows for pauses not extensions. The effect is that if a pause is given before a current pause has ended the period is extended.



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  

---

P 07 5644 3214  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

---

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 4:40 PM  
**To:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Daniel Park <Daniel.Park@dilgp.qld.gov.au>  
**Subject:** FW: TLPI No. 5 - Notice to pause a timeframe

So are we extending or repausing? Perhaps we need the first version which has the complicated links....surely it can't be that complicated?? Should there just be a provision allowing it to be extended??



**Queensland  
Government**

Kim Kirstein  
Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  

---

P 07 5644 3213 M Sch. 47 (6) - Disc  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

---

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:37 PM  
**To:** Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

Hi Kim,

Friendlier version attached.

Let me know which one you want sent out.

Regards,



Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein

**Sent:** Tuesday, 30 January 2018 4:33 PM

**To:** Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>; Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>

**Subject:** TLPI No. 5 - Notice to pause a timeframe

Approved as attached.

I still don't like that last para but run with it if it is templated.

Also, don't forget to keep dates to one line and not break across 2 lines.

Thanks  
Kim



## Daniel Park

---

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:20 PM  
**To:** Kim Kirstein  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe  
**Attachments:** TLPI No. 5 - Notice to pause a timeframe.docx

Hi Kim,

Minor amendment to the date our timeframes restarts as 17 February is a Saturday.



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:04 PM  
**To:** Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

Hi Kim,

For your review and approval. I have made changes based on the email from Nicole.

Regards,



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 3:54 PM



**To:** Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>; Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

Hi Kim,

Kelli has told us that Nicole is drafting the notice/email to us now and that it will be with us this afternoon.

The paragraph you have taken issue with is per the template. Having said that I can amend it if you wish to make it read better.

When are you going offline today?

Regards,



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein

**Sent:** Tuesday, 30 January 2018 3:44 PM

**To:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>; Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>

**Subject:** TLPI No. 5 - Notice to pause a timeframe

Comments per attached.





Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175  
Your reference: PD113/1303(P1)

30 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson

**Notice to pause a timeframe**

*(Given under and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

On 15 January 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) sent the Gold Coast City Council (the council) a notice requesting additional information on the proposed TLPI and pausing the assessment timeframe under the MGR until 30 January 2018.

On 30 January 2018, the department received an email from the council requesting that the current pause period be extended until 16 February 2018. The department has considered this request and agrees to extend the duration of the pause period.

Under chapter 3, part 3, section 10.1 of the of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.5 of the MGR, the pause that commenced on 16 January 2018 is extended. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 16 February 2018. The MGR process will resume at chapter 3, part 3, section 8.3 of the MGR on 19 February 2018.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information  
[REDACTED]

**Kim Kirstein**  
Manager, Planning and Development Services (SEQ South)

RTI RELEASE - DSDMIP

## Daniel Park

---

**From:** Thomas Holmes  
**Sent:** Monday, 8 January 2018 9:30 AM  
**To:** Teresa Luck  
**Cc:** Daniel Park  
**Subject:** RE: TLPI No 5 (Minimum land above designated flood level and residential risk reduction) MC18/175

Hi Teresa,

Yes, the Minister's decision date is Friday 2 February 2018.

I was counting Day 0 as the 4<sup>th</sup> January.

Regards,



**Queensland  
Government**

Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P 07 5644 3217  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Teresa Luck  
**Sent:** Monday, 8 January 2018 9:23 AM  
**To:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>  
**Subject:** FW: TLPI No 5 (Minimum land above designated flood level and residential risk reduction) MC18/175

Hi Thomas

Based on the below, is the minister's decision date – Friday 2 February?

Can you confirm please.

Cheers  
Teresa



**Queensland  
Government**

Teresa Luck  
Director  
**Office of the Deputy-Director General – Planning Group**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] M [REDACTED] Sch. 4(4)(6) - Disc  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)



**From:** Planning Group Correspondence  
**Sent:** Monday, 8 January 2018 9:20 AM  
**To:** Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>  
**Subject:** FW: TLPI No 5 (Minimum land above designated flood level and residential risk reduction) MC18/175

**From:** Thomas Holmes  
**Sent:** Friday, 5 January 2018 11:27 AM  
**To:** Planning Group Correspondence <PlanningGroupCorrespondence@dip.qld.gov.au>  
**Subject:** RE: TLPI No 5 (Minimum land above designated flood level and residential risk reduction)

Hi Meaghan,

Yes, statutory dates are:

- Minister's decision - 20 b.d from lodgement

Internal dates include:

- With Min's office – 15 b.d from lodgement
- DG – 2 b.d
- DDG – 0.5 b.d
- ED – 0.5 b.d
- RD – 0.5 b.d
- Manager – +1 b.d
- Officer – finalised 10 b.d from lodgement

Thanks again,

  
Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Planning Group Correspondence  
**Sent:** Friday, 5 January 2018 11:12 AM  
**To:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>  
**Subject:** RE: TLPI No 5 (Minimum land above designated flood level and residential risk reduction)

Hi Thomas

I forgot to ask if there are any statutory timeframes for this one. Could you let me know if there's a date that the Min needs to make a decision by?

Thanks

Meaghan



**Queensland  
Government**

Meaghan Dwyer  
Correspondence Coordinator  
**Office of the Deputy Director-General  
Planning Group**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 3452 6774  
E [meaghan.dwyer@dilgp.qld.gov.au](mailto:meaghan.dwyer@dilgp.qld.gov.au)  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Thomas Holmes  
**Sent:** Friday, 5 January 2018 11:09 AM  
**To:** Meaghan Dwyer <[Meaghan.Dwyer@dilgp.qld.gov.au](mailto:Meaghan.Dwyer@dilgp.qld.gov.au)>; Planning Group Correspondence <[PlanningGroupCorrespondence@dsdip.qld.gov.au](mailto:PlanningGroupCorrespondence@dsdip.qld.gov.au)>  
**Cc:** Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)>; Adam Norris <[Adam.Norris@dilgp.qld.gov.au](mailto:Adam.Norris@dilgp.qld.gov.au)>; Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>  
**Subject:** FW: TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Importance:** High

Hi Meaghan,

FYI - As discussed, this was the email noting a formal lodgement was received from the council yesterday regarding TLPI No. 5.

I understand this is also with the minister's office.

Regards,



**Queensland  
Government**

Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 5644 3217  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** PARKER Kellie [<mailto:KPARKER@goldcoast.qld.gov.au>]  
**Sent:** Thursday, 4 January 2018 4:20 PM  
**To:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>  
**Cc:** ADAIR Kelli <[KADAIR@goldcoast.qld.gov.au](mailto:KADAIR@goldcoast.qld.gov.au)>; COUSINS Martine <[MCOUSINS@goldcoast.qld.gov.au](mailto:MCOUSINS@goldcoast.qld.gov.au)>; MIRFENDERESK Hamid <[HMIRFENDERESK@goldcoast.qld.gov.au](mailto:HMIRFENDERESK@goldcoast.qld.gov.au)>; TZANNES Amanda <[ATZANNES@goldcoast.qld.gov.au](mailto:ATZANNES@goldcoast.qld.gov.au)>; Kim Kirstein <[Kim.Kirstein@dilgp.qld.gov.au](mailto:Kim.Kirstein@dilgp.qld.gov.au)>  
**Subject:** TLPI No 5 (Minimum land above designated flood level and residential risk reduction)  
**Importance:** High

Hi Thomas

I have been able to track down the TLPI letter (scanned copy which has a white mark over part of the CEO's signature, so I have also attached in the same document our internal pink copy of the letter out). I believe this would have been mailed out on the 22<sup>nd</sup> December (which is the date the CEO's signed letter appears to have been scanned into our system).

I have also attached:

- The TLPI;
- The explanatory statement; and
- The City Planning Committee report of 5 December 2017 (this report is in part confidential, a redacted version will be made available on Council's website).

I have also provided below the official resolution numbers for the Committee and Council meetings:

748th Council Meeting 8 December 2017  
 City Planning Committee Meeting 5 December 2017

REPORT  
 37

**ITEM 9** **CITY PLANNING**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)** **REPORT CONFIDENTIAL**

**COMMITTEE RECOMMENDATION** CP17.1205.009  
 moved Cr PJ Young seconded Cr O'Neill

- 1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.
- 2 To prepare a Temporary Local Planning Instrument to implement minimum flood free land.
- 3 To endorse the proposed *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017*, in the form of Attachment 1.
- 4 That the commencement date of *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017* be 8 December 2017.
- 5 That Council writes to the Minister to request approval of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and consideration of 8 December 2017 commencement date.
- 6 That Council provide the *Temporary Local Planning instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and relevant supporting material in the form of Attachment B in accordance with Schedule 3 of the Minister's Guidelines and Rules.
- 7 Further to the Minister's response, a report will be brought back to Council seeking adoption of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017*.

CARRIED

Which was then endorsed at the Council meeting of 8 December 2017.

**ADOPTION OF THE CITY PLANNING COMMITTEE REPORT**

**RESOLUTION** G17.1208.016 moved Cr Caldwell seconded Cr Gates

That the Report of the City Planning Committee's Recommendations of Tuesday, 5 December 2017, numbered CP17.1205.001 to CP17.1205.009, be adopted with the exception of Recommendation Numbers CP17.1205.003 and CP17.1205.005 which were specifically resolved.

CARRIED UNANIMOUSLY

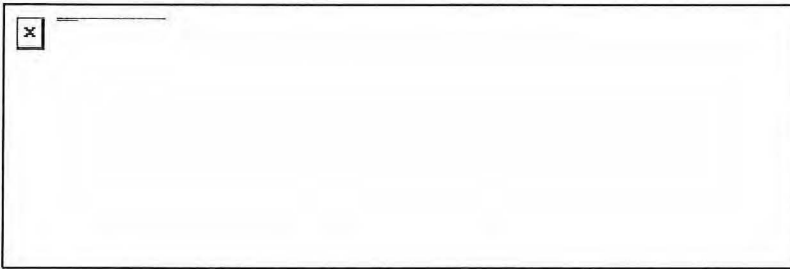
Please let me know if you require any further information.

Kind regards

**Kellie Parker**  
A/Supervising Planner  
City and Regional Planning  
City Planning  
City of Gold Coast

T: [REDACTED]  
PO Box 5042 Gold Coast Mail Centre Qld 9729  
[cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)

**CITY OF  
GOLD COAST.**



Council of the City of Gold Coast - confidential communication This email and any files transmitted with it are confidential and are intended solely for the use of the addressee. If you are not the intended recipient be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. If you have received this email in error, please immediately notify us. You must destroy the original transmission and its contents. Before opening or using attachments, check them for viruses and defects. The contents of this email and its attachments may become scrambled, truncated or altered in transmission. Please notify us of any anomalies. Our liability is limited to resupplying the email and attached files or the cost of having them resupplied.



## Daniel Park

---

**From:** Thomas Holmes  
**Sent:** Wednesday, 14 February 2018 2:21 PM  
**To:** Kim Kirstein; Daniel Park  
**Cc:** Rebecca De Vries  
**Subject:** RE: TLPI No.5 briefing package

Can we chat first thing tomorrow morning? Given our timeframes to get it up.



**Queensland  
Government**

Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

---

**From:** Kim Kirstein  
**Sent:** Wednesday, 14 February 2018 11:10 AM  
**To:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Daniel Park <Daniel.Park@dsdmip.qld.gov.au>  
**Cc:** Rebecca De Vries <Rebecca.DeVries@dsdmip.qld.gov.au>  
**Subject:** Re: TLPI No.5 briefing package

Hi

We need to have a chat to confirm our position and I need an understanding of the issues we have with the justification first please.

Briefing package can still be pulled together in terms of AR background etc and also our assessment.

Use structure of AR we used for the other Talzpi brief you did Thomas.

Thanks  
Kim

Kim Kirstein  
Manager - Planning and Development Services (SEQ South) (Mon, Tues, Thurs, Fri)  
Department of Infrastructure, Local Government and Planning  
Level 1, 7 Short Street Southport QLD 4215  
p. [REDACTED] | m. [REDACTED] | e. [kim.kirstein@dilgp.qld.gov](mailto:kim.kirstein@dilgp.qld.gov)

---

**From:** Thomas Holmes  
**Sent:** Wednesday, February 14, 2018 9:15:17 AM  
**To:** Kim Kirstein; Daniel Park  
**Cc:** Rebecca De Vries  
**Subject:** RE: TLPI No.5 briefing package

Hi Kim,

As you know, we are recommending refusal for the TLPI.

Before we get into the final details, are we confident this is the direction we are heading?



Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein  
**Sent:** Tuesday, 13 February 2018 9:18 AM  
**To:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>; Daniel Park <[Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au)>  
**Cc:** Rebecca De Vries <[Rebecca.DeVries@dilgp.qld.gov.au](mailto:Rebecca.DeVries@dilgp.qld.gov.au)>  
**Subject:** TLPI No.5 briefing package

Hi,

Can I please have the council's justification/ response printed for my review. We also need to prioritise this work please so that the draft briefing package is ready to go by the end of the week and with me for review.

Thanks  
Kim



Kim Kirstein  
Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] M [REDACTED] Sec 4(4), 31 - Disal  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

## Daniel Park

---

**From:** Isaac Harslett  
**Sent:** Tuesday, 9 January 2018 3:19 PM  
**To:** Nathan Rule  
**Cc:** Daniel Park; Thomas Holmes; Luke Lankowski; Kim Kirstein  
**Subject:** Temporary Local Planning Instrument No.5  
**Attachments:** Notice of request for further information and to pause a timeframe - TLPI.docx

Hi Nathan

As discussed please find attached the request for information and pause notice for the Gold Coast TLPI No.5 (Flood).

It would be greatly appreciated if you could please review prior to the SEQ South Office sending the notice to council.

The HIB is currently being updated to reflect this notice.

Cheers



Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)



Queensland  
Government

Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175/ TLPI-00046  
Your reference: PD113/1303(P1)

9 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson,

**Notice of request for further information and to pause a timeframe**

*(Given under chapter 3, part 2, section 8.2 and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has carried out a review of the proposed TLPI and determined that additional information is needed.

Under chapter 3, part 2, section 8.2 of the MGR, I hereby give notice requesting the following information:

1. *Compliance with section 23(1)(a) and (b) of the Planning Act 2016*

The material submitted with the proposed TLPI has not adequately demonstrated compliance with section 23(1)(a) and (b) of the *Planning Act 2016* (the Planning Act)

The explanatory statement submitted with the proposed TLPI states that the proposed TLPI is required due to:

- *an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and*
- *negative impacts on residents' sense of safety and expectations relating to development in a floodplain.*



The explanatory statement does not demonstrate serious and immediate risks that require a temporary local planning instrument to the *Gold Coast City Plan 2015*.

Please provide supporting information demonstrating:

- That the proposed TLPI is responding to a risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area.
- That the delay involved in using the process in sections 18 and 22 of the Planning Act to make or amend another local planning instrument would increase the risk.

To assist in providing the required supporting information, it is recommended that you provide:

- A fit-for-purpose risk assessment in accordance with state interest policy 2 of the *State Planning Policy July 2017, Natural Hazards, Risk and Resilience* which demonstrates that the current requirements of the Gold Coast City Plan 2015 do not achieve an acceptable or tolerable level of risk to people and property and that the proposed TLPI will achieve an acceptable or tolerable level of risk to people and property.
- A hydraulic report or similar that identifies why the construction methodologies commonly used in addressing the existing requirements of the planning scheme, including pier or pole construction, are not sufficient to address flood hazards.
- The number of properties affected by the proposed TLPI.
- Supporting maps showing the properties, their defined flood level and contours, and their zoning under the Gold Coast City Plan 2015 that are:
  - identified to be affected by the proposed TLPI
  - exposed to a flood inundation depth exceeding 0.6 metres and flood water velocity exceeding 0.8 metres per second.

Under chapter 3, part 3, section 10.1 of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 23 January 2018. On 24 January 2018, the process will resume at section 8.3, chapter 3, part 3 of the MGR.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, Planning and Development Services, of the department on [REDACTED] or by email at [bestplanning-SEQS@dilgp.qld.gov.au](mailto:bestplanning-SEQS@dilgp.qld.gov.au).

Yours sincerely

Sch. 4(4)(b) - Dir. 10.1 mg p  
[REDACTED]

**Isaac Harslett**  
A/Manager, Planning and Development Services (SEQ South)

## Daniel Park

---

**From:** Daniel Park  
**Sent:** Friday, 12 January 2018 9:06 AM  
**To:** Thomas Holmes  
**Subject:** TLIP No.5 Standard response  
**Attachments:** TLPI No.5 - standard response.docx

Let me know what you think.

Regards,



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)



Pages 318 through 320 redacted for the following reasons:

-----  
Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

## Daniel Park

---

**From:** Daniel Park  
**Sent:** Monday, 15 January 2018 4:54 PM  
**To:** Adam Norris  
**Cc:** Thomas Holmes  
**Subject:** TLPI information request and stop the clock notice  
**Attachments:** 20180108 - Notice of request for further information and to pause a timeframe - TLPI (2).docx

Hi Adam,

Please find the attached for your approval. I have made changes in accordance with the markup provided by Graeme.

Regards,



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 5644 3214  
Level 1, 7 Short Streert, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)



Queensland  
Government

Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175  
Your reference: PD113/1303(P1)

15 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson,

**Notice of request for further information and to pause a timeframe**

*(Given under chapter 3, part 2, section 8.2 and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has carried out a review of the proposed TLPI and determined that additional information is needed.

The material submitted with the proposed TLPI has not adequately demonstrated compliance with section 23(1)(A) and (b) of the *Planning Act 2016* (the Planning Act).

The explanatory statement submitted with the proposed TLPI states that the proposed TLPI is required due to:

- an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and
- negative impacts on residents' sense of safety and expectations relating to development in a floodplain.

Under chapter 3, part 2, section 8.2 of the MGR, I hereby give notice requesting the following information:

1. *Compliance with section 23(1)(a) and (b) of the Planning Act*

The explanatory statement does not demonstrate the serious and immediate risks that justifies the use of a temporary local planning instrument to the *Gold Coast City Plan 2015*.

Please provide information that demonstrates:

- the proposed TLPI is responding to a risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area.
- the delay involved in using the process in sections 18 and 22 of the Planning Act to make or amend another local planning instrument would increase the risk.

To assist in the assessment of the temporary local planning instrument please provide:

- a statement on why the current mitigation measures within the *Gold Coast City Plan 2015* are insufficient to address the future cumulative impacts of flood hazards; and
- legible maps showing the number of properties affected by the proposed TLPI

Under chapter 3, part 3, section 10.1 of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 30 January 2018. The MGR process will resume at section 8.3, chapter 3, part 3 of the MGR on 31 January 2018.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information

**Adam Norris**  
**A/Manager, Planning and Development Services (SEQ South)**

## Daniel Park

---

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 3:44 PM  
**To:** Thomas Holmes; Daniel Park  
**Subject:** TLPI No. 5 - Notice to pause a timeframe  
**Attachments:** TLPI No. 5 - Notice to pause a timeframe.docx

Comments per attached.

RTI RELEASE - DSDMIP





Department of  
State Development,  
Manufacturing,  
Infrastructure and Planning

Our reference: MC18/175  
Your reference: PD113/1303(P1)

30 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson

**Notice to pause a timeframe**

*(Given under and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

On 15 January 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) sent the Gold Coast City Council (the council) a notice requesting additional information on the proposed TLPI and pausing the assessment timeframe under the MGR until 30 January 2018.

On 30 January 2018, the department received an email from the council requesting that the current pause period be extended for a further two weeks. The department has considered this request and agrees to extend the duration of the pause period.

**Commented [KK1]:** We may not get the email in time so can draft this based – we understand that the council requires an additional 2 weeks to the current pause period,

Under chapter 3, part 3, section 10.1 of the of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.5 of the MGR, the pause that commenced on 15 January 2018 is extended. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 14 February 2018. The MGR process will resume at chapter 3, part 3, section 8.3 of the MGR on 15 February 2018.

**Commented [KK2]:** Wow –this is very jargonistic... Is this per the template? Or can we simplify.



If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Sch. 4(4)(6) - Disclosing person  
[REDACTED]

**Kim Kirstein**  
Manager, Planning and Development Services (SEQ South)

## Daniel Park

---

**From:** Thomas Holmes  
**Sent:** Wednesday, 7 February 2018 4:52 PM  
**To:** Kim Kirstein  
**Cc:** Daniel Park; Rebecca De Vries  
**Subject:** TLPI No. 5 (Flood) - GCCC council response 7/02/2018  
**Attachments:** 5 December item and report.pdf; 11 October 2017 item presentation report.pdf; Letter and statement of reasons.pdf; submissions.pdf

Hi Kim,

As discussed,

### Background

- On 7 February 2018, Gold Coast City Council responded to the department's request for further information and notice to pause the assessment timeframe on 15 January 2018.
- On 19 February 2018, the department's assessment timeframe re-commences, regardless of the council's response.
- The council responded via Ezi-scheme and included the four attached documents.
- The council suggested they have provided a full response to the department's request.

### Council response 7/02/2018

- Council are in receipt of requests for a Statements of Reasons under the *Judicial Review Act 1991*. The council has provided these 'requests'.
- Council identified the Councillor's resolution for an earlier effective date was made at a public meeting, and therefore the Minister should approved the council's request for an earlier effective date of 8 December 2017.
- Council provided some further justification to the existing arguments for why the amendment should be enacted as a TLPI, which includes:
  - development application examples
  - concerns with residents sense of safety
  - issues in relation to compliance of pylon development
  - absorption capacity of the flood plain

The department is now considering the further information and whether there is sufficient to support the TLPI.

Regards,



**Queensland  
Government**

Thomas Holmes  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P 07 5644 3217  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

Refer 11 page attachments

## 1 BASIS FOR CONFIDENTIALITY

- 1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

## 2 EXECUTIVE SUMMARY

This report seeks Council's endorsement of the proposed Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017). The proposed TLPI No.5 2017 has been prepared further to a Council resolution G17.1017.013 endorsing a new flood policy to ensure residential development is not exposed to:

- a flood inundation depth greater than 0.6 metres; and
- a flood water velocity greater than 0.8 metres per second.

In addition, the proposed TLPI No.5 2017 will also require Reconfiguring a Lot applications for residential, commercial and industrial uses to provide a sufficient area of land at or above the Designated Flood Level (DFL).

The purpose of the proposed TLPI No.5 2017 is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. As such, the TLPI No.5 2017 will amend the operation of the Flood overlay code provided in City Plan by including new overall outcomes and assessment benchmarks to be applied during development assessment. It is envisaged that the TLPI No.5 2017 will have a life span of 2 years from the following proposed commencement date of 8 December 2017.

Section 9(4) of the *Planning Act 2016* allows Council, with the Minister's agreement, to make the TLPI take effect from the day Council resolved to give the TLPI and the request for an earlier effective day to the Minister for approval.

Council is requested to endorse the proposed TLPI No.5 2017 included in **Attachment A** which will allow Council to write to the Minister seeking its approval. Further to the Minister's approval, Council will be required to adopt the draft TLPI No.5 2017.

## 3 PURPOSE OF REPORT

The purpose of this report is to:

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION  
may be an offence under the Local Government Act 2009 and other  
legislation and could result in disqualification from office and a  
penalty of up to 100 units.

**CONFIDENTIAL**

- (a) seek Council's endorsement of Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 provided in **Attachment A** of this report; and
- (b) seek permission for Council to write to the Minister:
  - a. seeking approval of the Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017);
  - b. providing the TLPI No.5 2017 and relevant supporting material identified in Schedule 3 of the Minister's Guidelines and Rules; and
  - c. seeking approval for the commencement of the TLPI No.5 2017, to be 8 December 2017.

Once the Minister provides a response, a further report will be presented to Council to seek endorsement to adopt the TLPI No.5 2017.

#### **4 PREVIOUS RESOLUTIONS**

On the 11 October 2017, Council resolved to (G17.1017.013):

- ...
2. *To endorse the proposed minimum flood free land policy as identified in Attachment 1 to inform updates to the Flood overlay code as part of Major update 2 package.*
- ...
5. *To prepare a Temporary Local Planning instrument to implement minimum flood free land and return a TLPI package for endorsement before making a submission to the Minister for Planning.*

On the 22 November 2017, City Planning Committee resolved the Design for Flood package to be progressed to State Interest review. This package includes approval of the necessary changes to the proposed wording of the Flood overlay code to make it consistent with TLPI.

#### **5 DISCUSSION**

##### **5.1 Background**

Council resolved on 11 October 2017 (G17.1017.013) to prepare a Temporary Local Planning Instrument (TLPI) to implement the flood policy position described as 'Minimum flood free land'.

The 'Minimum flood free land' policy aims to ensure that development in flood affected areas of the city are exposed to no more than a medium flood hazard. A medium flood hazard includes, among other elements, development exposed to:

- a flood inundation depth of up to and less than 0.6 metres; and
- a flood water velocity of no more than 0.8 metres per second.

The City Plan Major update 2 amendment package includes updates to the Flood overlay code to implement the 'Minimum flood free land' policy. However, at the time of preparing this report, Major 2 update is in the process of being sent to the minister for the State Interest

review. Given that the plan making process is a long-term process, it is considered that enacting the policy through a TLPI will provide for the maintenance of the City's flood resilience while Major update 2 is being processed through the required statutory process.

## **5.2 Proposed TLPI**

The resolution (G17.1017.013) to prepare the TLPI, included proposed wording to implement the 'Minimum flood free land' policy. In preparing the TLPI, this wording was refined. It is therefore necessary under s 9(4) of the *Planning Act 2016* for Council to again resolve to make the TLPI with the proposed commencement date of the 8 December 2017

**Attachment A** contains the proposed *Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* and supporting Explanatory Statement.

The proposed TLPI will affect the operation of City Plan (version 4) Flood overlay code through:

- a) Inserting additional assessable development criteria PO16 and PO17 to ensure that a Reconfiguring a Lot application provides sufficient land above the designated flood level (DFL) for residential, commercial and industrial uses. In addition, ensuring land is above the DFL reduces flood risks to users of the site by minimising the possibility of a high flood hazard occurring adjacent to the developments building footprint.
- b) Amending PO9/AO9 to remove any inconsistency that may arise in the assessment of residential uses under the proposed PO16; and
- c) Inserting new additional overall outcomes (l), (m) and (n) to the Flood overlay code to ensure:
  - i) Residential development is not of a type or design nor occurs on land that is exposed to high or extreme flood hazards;
  - ii) Avoiding the development of lots on land which does not have a sufficient area of land above the DFL; and
  - iii) Discouraging of the proliferation of multi dwelling development on constructed platforms above flood affected land.

## **5.3 The need for a TLPI**

**Attachment B** contains the Explanatory Statement that Council is required to provide to the Minister with our request to (a) approve the TLPI and (b) seek a commencement date from the 8 December 2017. In the Explanatory Statement the following points are made in support of making the TLPI.

*'Section 23(1) of the Planning Act 2016 says that a local government may make a TLPI if the local government and Minister decide —*

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and;*
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and*
- (c) the making of the TLPI would not adversely affect State interests.*

*The proposed TLPI is considered to satisfy each of these requirements.*

- (a) The city's floodplains are critical in providing for significant flood storage, environmental values and open space requirements. It is essential that the flood absorption capacity of floodplains is maintained. As discussed above in section 2 of this statement, there are significant risks if the local government does not implement a requirement for a sufficient area of land above the Designated Flood Level and does not regulate building on platforms on highly flood affected land, namely:*
- i. an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and*
  - ii. negative impacts on residents' sense of safety and expectations relating to development in a floodplain.*
- (b) Given the importance of maintaining the long-term function and resilience of the city's floodplains, it is proposed that this immediate risk be addressed by way of the proposed TLPI as an effective tool that can apply in the interim period while an amendment to the City Plan is finalised.*
- (c) The proposed TLPI would not adversely affect State interests as the maintenance of the flood absorption capacity and the management of community expectations relating to development in a floodplain are matters currently regulated by the Flood Overlay Code in the City Plan. The proposed TLPI is consistent with the State interest guideline – Natural hazards, risk and resilience dated April 2016 which contemplates local government including development requirements in planning schemes with respect to development within an area affected by a natural hazard such as flood. '*

By seeking the Minister's support for a commencement date being the 8 December 2017, Council will be better able to provide advice to applicants as to how the TLPI is to be addressed in development applications. The alternative to commencing the TLPI on the 8 December is to await the following steps to be completed:

1. The Minister considers our proposal to make a TLPI and issues a letter of approval;
2. Upon receiving a letter of approval, Council resolves to adopt the TLPI; and
3. The TLPI commences on the day it is gazetted (estimated to be early to mid 2018).

Notwithstanding the above the Minister may decide to approve the TLPI and not support our request for an earlier commencement date.

**6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN**

Gold Coast 2022 outcome 3.1, "Our City is Safe".

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the Local Government Act 2009 and other legislation and could result in disqualification from office and a penalty of up to 100 units.

**CONFIDENTIAL**

**7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT**

No impact

**8 FUNDING AND RESOURCING REQUIREMENTS**

**Budget/Funding Considerations**

No additional budget or resources will be required.

**9 RISK MANAGEMENT**

Risk No CO000644.

Natural Hazards Resilience – The City is not adequately resilient to natural hazards shocks resulting in loss of life, cessation of Council business, reputational damage and economic downturn.

**10 STATUTORY MATTERS**

Section 23 of the *Planning Act 2016* provides the statutory basis for making or amending TLPIs.

This TLPI is required to address the State Planning Policy 2017, and in particular the Natural Hazards, Risk and Resilience interest.

**11 COUNCIL POLICIES**

Not applicable.

**12 DELEGATIONS**

Not Applicable.

**13 COORDINATION & CONSULTATION**

Name and/or Title of the Stakeholder Consulted	Directorate or Organisation	Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)
Supervising Engineer Hydraulics & Water Quality	Planning and Environment	Yes
Coordinator City Plan	Planning and Environment	Yes
A/City Solicitor, Legal Services	Office of the Chief Operating Officer	Yes

**14 STAKEHOLDER IMPACTS**

**External / community stakeholder Impacts**

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the *Local Government Act 2009* and other legislation and could result in disqualification from office and a penalty of up to 100 units.

**CONFIDENTIAL**

- The intention of this TLPI is to improve community safety through the provision of a viable solution for flood-cognisant development.

#### **Internal (Organisational) Stakeholder Impacts**

- This TLPI will assist the development assessment process, in the interim until Major update 2 to be adopted

#### **15 TIMING**

Upon Council resolving to adopt the TLPI, the proposed instrument and explanatory document will be forwarded to the Minister for approval. It is recommended that Council adopt the TLPI, with a commencement date of 8 December 2017.

#### **16 CONCLUSION**

Council have endorsed a flood policy position 'Minimum flood free land' and have resolved to prepare a TLPI. The TLPI No.5 2017 will amend the City Plan (version 4) Flood overlay code to ensure the abovementioned policy will be in place until City Plan Major update 2 is approved.

The proposed TLPI No.5 2017 is provided in **Attachment A** and it is recommended that Council endorse the adoption of the TLPI and sending it to the Minister for approval **with the material in Attachment B**. It is also recommended that the TLPI No.5 2017 has a commencement date of 8 December 2017.

#### **17 RECOMMENDATION**

**It is recommended that Council resolves as follows:**

- 1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.**
- 2 To prepare a Temporary Local Planning Instrument to implement minimum flood free land.**
- 3 To endorse the proposed *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017*, in the form of Attachment 1.**
- 4 That the commencement date of *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017* be 8 December 2017.**
- 5 That Council writes to the Minister to request approval of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and consideration of a 8 December 2017 commencement date.**
- 6 That Council provide the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and relevant supporting material in the form of Attachment B in accordance with Schedule 3 of the Minister's Guidelines and Rules.**

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the *Local Government Act 2009* and other legislation and could result in disqualification from office and a penalty of up to 100 units.

**CONFIDENTIAL**



- 7 Further to the Minister's response, a report will be brought back to Council seeking adoption of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017*.

Author:  
Pradesh Ramiah  
Supervising Planner  
29 November 2017

Authorised by:  
Dyan Currie  
Director Planning and Environment

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION  
may be an offence under the *Local Government Act 2009* and other  
legislation and could result in disqualification from office and a  
penalty of up to 100 units.

CONFIDENTIAL

Temporary Local  
Planning Instrument  
Explanatory  
Statement

---

**No. 5 (Minimum Land Above  
Designated Flood Level and  
Residential Risk Reduction) 2017**

---

CITY OF  
**GOLDCOAST.**

---

# Division 1 – Written statement as to why the local government proposes to make the TLPI and how the proposed TLPI complies with section 23(1) of the Planning Act 2016

As required by *Minister's Guidelines and Rules – July 2017, Schedule 3*

## 1 Description of the proposed TLPI

The proposed temporary local planning instrument is cited as *Temporary Local Planning instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (proposed TLPI)*.

The proposed TLPI applies to all of the City of Gold Coast planning scheme area.

The proposed TLPI seeks to affect the current Planning Scheme being the City Plan 2016 Version 4.

The proposed TLPI creates new assessment benchmarks that will apply to the assessment of development applications against the Flood overlay code to reduce risk for residential development and require development to have a sufficient area of land above the Designated Flood Level to mitigate the risks and/or hazards associated with flooding.

Under the *Planning Act 2016* (the **Act**) section 23(6), a temporary local planning instrument operates for up to two years. It is intended that the proposed TLPI will be repealed by adoption of an amendment of the City Plan that specifically repeals the TLPI, in accordance with section 24.

## 2 Why the local government has proposed to make the TLPI

The current Flood Overlay Code in the City Plan is unclear in relation to the level of acceptable risk for residential development and does not identify a minimum requirement for flood free land. This has led to the creation of highly engineered development solutions, such as buildings on platforms, in high and extreme flood hazard areas of the city's floodplains.

Information provided to the local government following the major flood events associated with ex-tropical cyclone Debbie in March 2017 revealed issues with the recent emergence of the building on platform approach which provides for floodplain storage within void spaces between the natural ground level and habitable floor levels, namely:

- (1) concerns by residents about their sense of safety in response to deep flood water under their buildings and debris impacting their house and the use of spaces beneath the buildings for storage or ancillary living space; and
- (2) concerns raised by emergency services personnel about the potential for flooding of residential levels and a general misunderstanding about the building on platform design approach.

To prevent compromising the long-term function and resilience of the city's floodplains and to manage community expectations relating to development in a floodplain, the local government has decided to make the proposed TLPI to seek to ensure that:

- (1) Residential development (including development elevated above Designated Flood Level) only occurs in areas that are exposed to flood inundation depths and velocities not exceeding those applicable to medium flood hazard and does not occur in areas that are exposed to a high or extreme flood hazard.
- (2) Lots have a sufficient area of land above the Designated Flood Level to accommodate the intended use and effectively and adequately mitigate the risks and/or hazards associated with flooding.

## 3 How the proposed TLPI complies with the Act section 23(1)

Section 23(1) of the Act says that a local government may make a TLPI if the local government and Minister decide —

- (a) *there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and;*

- 
- (b) *the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and*
  - (c) *the making of the TLPI would not adversely affect State interests.*

The proposed TLPI is considered to satisfy each of these requirements.

- (a) The city's floodplains are critical in providing for significant flood storage, environmental values and open space requirements. It is essential that the flood absorption capacity of floodplains is maintained. As discussed above in section 2 of this statement, there are significant risks if the local government does not implement a requirement for a sufficient area of land above the Designated Flood Level and does not regulate building on platforms on highly flood affected land, namely:
  - (i) an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and
  - (ii) negative impacts on residents' sense of safety and expectations relating to development in a floodplain.
- (b) Given the importance of maintaining the long-term function and resilience of the city's floodplains, it is proposed that this immediate risk be addressed by way of the proposed TLPI as an effective tool that can apply in the interim period while an amendment to the City Plan is finalised.
- (c) The proposed TLPI would not adversely affect State interests as the maintenance of the flood absorption capacity and the management of community expectations relating to development in a floodplain are matters currently regulated by the Flood Overlay Code in the City Plan. The proposed TLPI is consistent with the State interest guideline – Natural hazards, risk and resilience dated April 2016 which contemplates local government including development requirements in planning schemes with respect to development within an area affected by a natural hazard such as flood.

---

**For more information**  
**P 1300 GOLD COAST (1300 465 326)**  
**W [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)**

---

CITY OF  
**GOLD COAST.**

Temporary Local  
Planning Instrument

---

**No. 5 (Minimum Land Above  
Designated Flood Level and  
Residential Risk Reduction) 2017**

---

CITY OF  
**GOLDCOAST.**

---

# Contents

<b>Part 1 – Preliminary</b> .....	<b>2</b>
1 Short title .....	2
2 Object .....	2
3 Dictionary .....	2
4 Interpretation .....	2
5 Duration of temporary local planning instrument .....	2
<b>Part 3 – Application of the temporary local planning instrument</b> .....	<b>2</b>
6 Area to which temporary local planning instrument applies .....	2
7 Relationship with City Plan .....	2
8 Application of Temporary Local Planning Instrument .....	3
<b>Part 4 – Effect on the City Plan</b> .....	<b>3</b>
9 Affected provisions of the City Plan .....	3
<b>Schedule 1 – Dictionary</b> .....	<b>4</b>



---

## Part 1 – Preliminary

### 1 Short title

This temporary local planning instrument may be cited as *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*.

### 2 Object

The object of the temporary local planning instrument is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on land in flood affected areas in the planning scheme area by —

- (a) identifying land that is at or above the Designated Flood Level as minimum flood free land;
- (b) affecting the operation of the City Plan by including additional assessment benchmarks in the Flood Overlay Code so that:
  - (A) development for Residential Uses (including development elevated above Designated Flood Level) only occurs in areas that are exposed to flood inundation depths and velocities not exceeding those applicable to medium flood hazard and does not occur in areas that are exposed to a high flood hazard or extreme flood hazard; and
  - (B) lots have a sufficient area of land above the Designated Flood Level to effectively and adequately mitigate the risks and/or hazards associated with flooding.

### 3 Dictionary

The dictionary in Schedule 1 defines particular words used in this temporary local planning instrument.

### 4 Interpretation

Where a term used in this temporary local planning instrument is not defined under section 3 (Dictionary), the term shall, unless the context otherwise indicates or requires, have the meaning assigned to it by—

- (a) The *Planning Act 2016*;
- (b) the City Plan, where the term is not defined in the *Planning Act 2016*.

### 5 Duration of temporary local planning instrument

This temporary local planning instrument will have effect in accordance with section 23(6) of the *Planning Act 2016* for a period not exceeding two years from the commencement of this temporary local planning instrument.

The commencement date of this temporary local planning instrument is 8th December 2017.

## Part 3 – Application of the temporary local planning instrument

### 6 Area to which temporary local planning instrument applies

This temporary local planning instrument applies to all of the planning scheme area.

### 7 Relationship with City Plan

If the City Plan is inconsistent with this temporary local planning instrument, this temporary local planning instrument—

- (a) prevails to the extent of the inconsistency; and
- (b) has effect in place of the City Plan, but only to the extent of the inconsistency.





## 8 Application of Temporary Local Planning Instrument

This temporary local planning instrument applies to development applications being assessed against the assessment benchmarks in Part B of the Flood Overlay Code for assessable development pursuant to the City Plan.

## Part 4 – Effect on the City Plan

### 9 Affected provisions of the City Plan

This temporary local planning instrument affects the operation of the Flood Overlay Code in the City Plan by:

- (a) Inserting the following additional overall outcomes in Section 8.2.8.2(3) of the Flood Overlay Code:
- (l) avoiding development of Residential Uses on land that is exposed to high and extreme flood hazards;*
  - (m) avoiding the development of lots that do not have a sufficient area of land above the Designated Flood Level; and*
  - (n) discouraging the proliferation of Residential Uses constructed on platforms above Flood Affected Land."*
- (b) Replacing the assessable development benchmarks PO9 and AO9 in Part B Table 8.2.8-2 Flood overlay code – for assessable development with the following:

**Table 8.2.8-2: Flood overlay code – for assessable development**

Performance outcomes	Acceptable outcomes
Hazard considerations for development	
<p><b>PO9</b></p> <p>Development for land uses listed in <b>Table 8.2.8-4</b> must be designed and constructed to avoid causing undue exposure to flood hazard.</p> <p>The application of this performance outcome to Residential Uses is subject to the application of performance outcome PO16, which is to prevail.</p>	<p><b>AO9</b></p> <p>Development is to be designed and constructed so that the development does not give rise, or cause exposure, to more than the degree of flood hazard specified in <b>Table 8.2.8-4</b> determined by applying the criteria and standards set out in <b>Table 8.2.8-5</b>.</p> <p>The application of this acceptable outcome to Residential Uses is subject to the application of performance outcome PO16, which is to prevail.</p>

- (c) Inserting the following additional assessable development benchmarks into Part B Table 8.2.8-2 Flood overlay code – for assessable development:

**Table 8.2.8-2: Flood overlay code – for assessable development**

Performance outcomes	Acceptable outcomes
Hazard considerations for residential development	
<p><b>PO16</b></p> <p>To ensure that development for Residential Uses is located so as to effectively mitigate risks to life and property, such development must not occur on land that is exposed to either or both of the following flood hazards:</p> <ul style="list-style-type: none"> <li>(a) Flood inundation depth exceeding 0.6 metres; and</li> <li>(b) Flood water velocity exceeding 0.8 metres per second.</li> </ul> <p><b>Note:</b> This also applies to development elevated above Designated Flood Level.</p>	<p><b>AO16</b></p> <p>No acceptable outcome is provided.</p>

Performance outcomes	Acceptable outcomes
Minimum area above Designated Flood Level	
<p><b>PO17</b> Development involving reconfiguring a lot must ensure that any lot created has a sufficient area of land above the Designated Flood Level to effectively accommodate the associated intended use while also adequately mitigating the risks and/or hazards associated with flooding.</p>	<p><b>AO17.1</b> Where development associated with reconfiguring a lot is for a Residential Use and involves lot sizes of 500m<sup>2</sup> or greater, 50% of the area of each lot or 400m<sup>2</sup> of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p><b>AO17.2</b> Where development associated with reconfiguring a lot, is for a Residential Use and involves lot sizes of less than 500m<sup>2</sup>, 70% of the area of each lot or 300m<sup>2</sup> of each lot (whichever is greater) must be at or above the Designated Flood Level.</p> <p><b>AO17.3</b> Where development associated with reconfiguring a lot, is for a Commercial Use or an Industrial Use, 60% of the area of each lot must be at or above the Designated Flood Level.</p>

## Schedule 1 – Dictionary (Section 2)

"**Commercial Use**" means the same as commercial use defined in the Planning Regulation 2017

"**Flood Affected Land**" means land any part of which is below the Designated Flood Level.

"**Industrial Use**" means activities listed in Schedule 1 Table SC1.1.2: Defined Activity Group, Column 1 Activity Group Industrial activities, Column 2 Uses

"**Residential Use**" means the use of land for a Dwelling House, Dwelling Unit, Multiple Dwelling or Dual Occupancy.



---

**For more information**  
**P 1300 GOLD COAST (1300 465 326)**  
**W [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)**

---

CITY OF  
**GOLD COAST.**

**ITEM 9**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

**CITY PLANNING**

Refer 11 page attachments

**1 BASIS FOR CONFIDENTIALITY**

- 1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

**2 EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the proposed Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017). The proposed TLPI No.5 2017 has been prepared further to a Council resolution G17.1017.013 endorsing a new flood policy to ensure residential development is not exposed to:

- a flood inundation depth greater than 0.6 metres; and
- a flood water velocity greater than 0.8 metres per second.

In addition, the proposed TLPI No.5 2017 will also require Reconfiguring a Lot applications for residential, commercial and industrial uses to provide a sufficient area of land at or above the Designated Flood Level (DFL).

The purpose of the proposed TLPI No.5 2017 is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. As such, the TLPI No.5 2017 will amend the operation of the Flood overlay code provided in City Plan by including new overall outcomes and assessment benchmarks to be applied during development assessment. It is envisaged that the TLPI No.5 2017 will have a life span of 2 years from the following proposed commencement date of 8 December 2017.

Section 9(4) of the *Planning Act 2016* allows Council, with the Minister's agreement, to make the TLPI take effect from the day Council resolved to give the TLPI and the request for an earlier effective day to the Minister for approval.

Council is requested to endorse the proposed TLPI No.5 2017 included in **Attachment A** which will allow Council to write to the Minister seeking its approval. Further to the Minister's approval, Council will be required to adopt the draft TLPI No.5 2017.

**3 PURPOSE OF REPORT**

The purpose of this report is to:

- (a) seek Council's endorsement of Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 provided in **Attachment A** of this report; and

---

**ITEM 9**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

---

**CITY PLANNING**

Refer 11 page attachments

**1 BASIS FOR CONFIDENTIALITY**

- 1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

**2 EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the proposed Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017). The proposed TLPI No.5 2017 has been prepared further to a Council resolution G17.1017.013 endorsing a new flood policy to ensure residential development is not exposed to:

- a flood inundation depth greater than 0.6 metres; and
- a flood water velocity greater than 0.8 metres per second.

In addition, the proposed TLPI No.5 2017 will also require Reconfiguring a Lot applications for residential, commercial and industrial uses to provide a sufficient area of land at or above the Designated Flood Level (DFL).

The purpose of the proposed TLPI No.5 2017 is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood affected land. As such, the TLPI No.5 2017 will amend the operation of the Flood overlay code provided in City Plan by including new overall outcomes and assessment benchmarks to be applied during development assessment. It is envisaged that the TLPI No.5 2017 will have a life span of 2 years from the following proposed commencement date of 8 December 2017.

Section 9(4) of the *Planning Act 2016* allows Council, with the Minister's agreement, to make the TLPI take effect from the day Council resolved to give the TLPI and the request for an earlier effective day to the Minister for approval.

Council is requested to endorse the proposed TLPI No.5 2017 included in **Attachment A** which will allow Council to write to the Minister seeking its approval. Further to the Minister's approval, Council will be required to adopt the draft TLPI No.5 2017.

**3 PURPOSE OF REPORT**

The purpose of this report is to:

- (a) seek Council's endorsement of Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 provided in **Attachment A** of this report; and

---

**ITEM 9 (Continued)**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

---

- (b) seek permission for Council to write to the Minister:
- a. seeking approval of the Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017 (TLPI No.5 2017);
  - b. providing the TLPI No.5 2017 and relevant supporting material identified in Schedule 3 of the Minister's Guidelines and Rules; and
  - c. seeking approval for the commencement of the TLPI No.5 2017, to be 8 December 2017.

Once the Minister provides a response, a further report will be presented to Council to seek endorsement to adopt the TLPI No.5 2017.

#### **4 PREVIOUS RESOLUTIONS**

On the 11 October 2017, Council resolved to (G17.1017.013):

- ...
2. *To endorse the proposed minimum flood free land policy as identified in Attachment 1 to inform updates to the Flood overlay code as part of Major update 2 package.*

...

  5. *To prepare a Temporary Local Planning Instrument to implement minimum flood free land and return a TLPI package for endorsement before making a submission to the Minister for Planning.*

On the 22 November 2017, City Planning Committee resolved the Design for Flood package to be progressed to State Interest review. This package includes approval of the necessary changes to the proposed wording of the Flood overlay code to make it consistent with TLPI.

#### **5 DISCUSSION**

##### **5.1 Background**

Council resolved on 11 October 2017 (G17.1017.013) to prepare a Temporary Local Planning Instrument (TLPI) to implement the flood policy position described as 'Minimum flood free land'.

The 'Minimum flood free land' policy aims to ensure that development in flood affected areas of the city are exposed to no more than a medium flood hazard. A medium flood hazard includes, among other elements, development exposed to:

- a flood inundation depth of up to and less than 0.6 metres; and
- a flood water velocity of no more than 0.8 metres per second.

The City Plan Major update 2 amendment package includes updates to the Flood overlay code to implement the 'Minimum flood free land' policy.

REDACTED

##### **5.2 Proposed TLPI**

**ITEM 9 (Continued)**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

REDACTED

Attachment A contains the proposed *Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* and supporting Explanatory Statement.

The proposed TLPI will affect the operation of City Plan (version 4) Flood overlay code through:

- a) Inserting additional assessable development criteria PO16 and PO17 to ensure that a Reconfiguring a Lot application provides sufficient land above the designated flood level (DFL) for residential, commercial and industrial uses. In addition, ensuring land is above the DFL reduces flood risks to users of the site by minimising the possibility of a high flood hazard occurring adjacent to the developments building footprint.
- b) Amending PO9/AO9 to remove any inconsistency that may arise in the assessment of residential uses under the proposed PO16; and
- c) Inserting new additional overall outcomes (l), (m) and (n) to the Flood overlay code to ensure:
  - i) Residential development is not of a type or design nor occurs on land that is exposed to high or extreme flood hazards;
  - ii) Avoiding the development of lots on land which does not have a sufficient area of land above the DFL; and
  - iii) Discouraging of the proliferation of multi dwelling development on constructed platforms above flood affected land.

[REDACTED]



---

**ITEM 9 (Continued)**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

---

REDACTED

**6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN**

Gold Coast 2022 outcome 3.1, "Our City is Safe".

**7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT**

No impact

**8 FUNDING AND RESOURCING REQUIREMENTS**

**Budget/Funding Considerations**

No additional budget or resources will be required.

**9 RISK MANAGEMENT**

Risk No CO000644.

Natural Hazards Resilience – The City is not adequately resilient to natural hazards shocks resulting in loss of life, cessation of Council business, reputational damage and economic downturn.



**ITEM 9 (Continued)**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

**10 STATUTORY MATTERS**

Section 23 of the *Planning Act 2016* provides the statutory basis for making or amending TLPIs.

This TLPI is required to address the State Planning Policy 2017, and in particular the Natural Hazards, Risk and Resilience interest.

**11 COUNCIL POLICIES**

Not applicable.

**12 DELEGATIONS**

Not Applicable.

**13 COORDINATION & CONSULTATION**

Name and/or Title of the Stakeholder Consulted	Directorate or Organisation	Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)
Supervising Engineer Hydraulics & Water Quality	Planning and Environment	Yes
Coordinator City Plan	Planning and Environment	Yes
A/City Solicitor, Legal Services	Office of the Chief Operating Officer	Yes

**14 STAKEHOLDER IMPACTS**

External / community stakeholder Impacts

- The intention of this TLPI is to improve community safety through the provision of a viable solution for flood-cognisant development.

REDACTED

REDACTED

**15 TIMING**

Upon Council resolving to adopt the TLPI, the proposed instrument [REDACTED] will be forwarded to the Minister for approval. It is recommended that Council adopt the TLPI, with a commencement date of 8 December 2017.

**16 CONCLUSION**

Council have endorsed a flood policy position 'Minimum flood free land' and have resolved to prepare a TLPI. The TLPI No.5 2017 will amend the City Plan (version 4) Flood overlay code to ensure the abovementioned policy will be in place until City Plan Major update 2 is approved.



---

**ITEM 9 (Continued)**  
**FLOOD FREE LAND TLPI**  
**PD113/1303(P1)**

---

The proposed TLPI No.5 2017 is provided in **Attachment A** and it is recommended that Council endorse the adoption of the TLPI and sending it to the Minister for approval. [REDACTED]  
[REDACTED] It is also recommended that the TLPI No.5 2017 has a commencement date of 8 December 2017.

**17 RECOMMENDATION**

It is recommended that Council resolves as follows:

- 1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.
- 2 To prepare a Temporary Local Planning Instrument to implement minimum flood free land.
- 3 To endorse the proposed *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017*, in the form of Attachment 1.
- 4 That the commencement date of *Temporary Local Planning Instrument No.5 (Flood Free Land and Risk Reduction) 2017* be 8 December 2017.
- 5 That Council writes to the Minister to request approval of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and consideration of a 8 December 2017 commencement date.
- 6 That Council provide the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017* and relevant supporting material in the form of Attachment B in accordance with Schedule 3 of the Minister's Guidelines and Rules.
- 7 Further to the Minister's response, a report will be brought back to Council seeking adoption of the *Temporary Local Planning Instrument No.5 (Flood Free Land and Residential Risk Reduction) 2017*.

Author:  
Pradesh Ramiah  
Supervising Planner  
29 November 2017

Authorised by:  
Dyan Currie  
Director Planning and Environment

Pages 28 through 59 redacted for the following reasons:

-----  
duplicate

RTI RELEASE - DSDMIP

---

**ITEM 8** **CITY PLANNING**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

**ATTACHMENT 1 – EXAMPLE OF APPLICATION EMPLOYING THE BUILDING ON PLATFORM OUTCOME**

**1 BASIS FOR CONFIDENTIALITY**

- 1.1 It is recommended that this report be considered in Closed Session pursuant to section 275 (1) of the *Local Government Regulation 2012* for the reason that the matter involves
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- 1.2 It is recommended that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the *Local Government Act 2009*.

**2 EXECUTIVE SUMMARY**

The city's floodplains are critical in providing for significant flood storage, environmental values and open space requirements. Previously the Guragunbah (Merrimac/Carrara) Flood Plain Structure Plan and Hydraulic Master Plans were developed to provide an integrated approach for the planning and future management of the remaining undeveloped areas of the Merrimac/Carrara floodplain.

The overarching outcome of these two plans, which were implemented in the City's superseded Planning Schemes, was to allow for clusters of development to occur in floodplains through balanced cut and fill, without compromising the function of the floodplain and the safety of residents.

However, the current Flood overlay code under City Plan does not regulate a minimum requirement of flood free land. This has led to the creation of highly engineered development solutions, such as building on platforms, [REDACTED]

To address this policy issue, it is recommended that the minimum requirement for flood free land policy is introduced in the Flood overlay code as part of Major update 2 and through a Temporary Local Planning Instrument. This policy is proposed to be triggered by the lodgment of both Material Change of Use (MCU) and Reconfiguring a Lot (ROL) development applications.

The introduction of the proposed policy will ensure that:

- i. a portion of the land for all development remains at or above the relevant design flood planning level; and
- ii. the potential risks associated with extensive platform development within [REDACTED]

This matter was identified as part of the 'Designing for Flood' item endorsed as part of the scope for the Major 2 update.

---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

**3 PURPOSE OF REPORT**

The purpose of this report is to seek Council's endorsement to introduce the "minimum flood free land" policy into the City Plan's Flood overlay code and to prepare a (Temporary Local Planning Instrument) TLPI.

**4 PREVIOUS RESOLUTIONS**

On 28 March 2017, Council resolved that the introductory paper, "update on natural hazard project" be noted. This report provided Council with an outline of the proposed updates to Council's flood free access policy set out in the Flood overlay code in City Plan (G17.0328.025).

On 30 May 2017, Council resolved to include 'Designing for Flood' updates within the scope for City Plan Major update 2 (G17.0530.018). This item included the investigation of flood free access, minimum requirement of flood free land and other administrative amendments to improve the workability of the code.

**5 DISCUSSION**

**5.1 Background**

The city's floodplains are critical to the flood resilience of the city and have been subject to extensive research, most notably the development of the Guragunbah (Merrimac/Carrara) Structure Plan and Hydraulic Master Plan in 1998. The Merrimac Carrara Floodplain Structure Plan produced planning measures for incorporation into the City of Gold Coast's planning instruments. The extent of the Merrimac/Carrara floodplain is illustrated in Figure 1.



**Figure 1: Extent of the Merrimac/Carrara floodplain.**

---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

The outcome of these two strategic studies was to allow clusters of development to occur within the Merrimac/Carrara floodplain. This was to be achieved through the use of a balanced cut-and-fill approach to elevate land within the floodplain without adversely impacting on the functionality of the floodplain and the safety of residents.

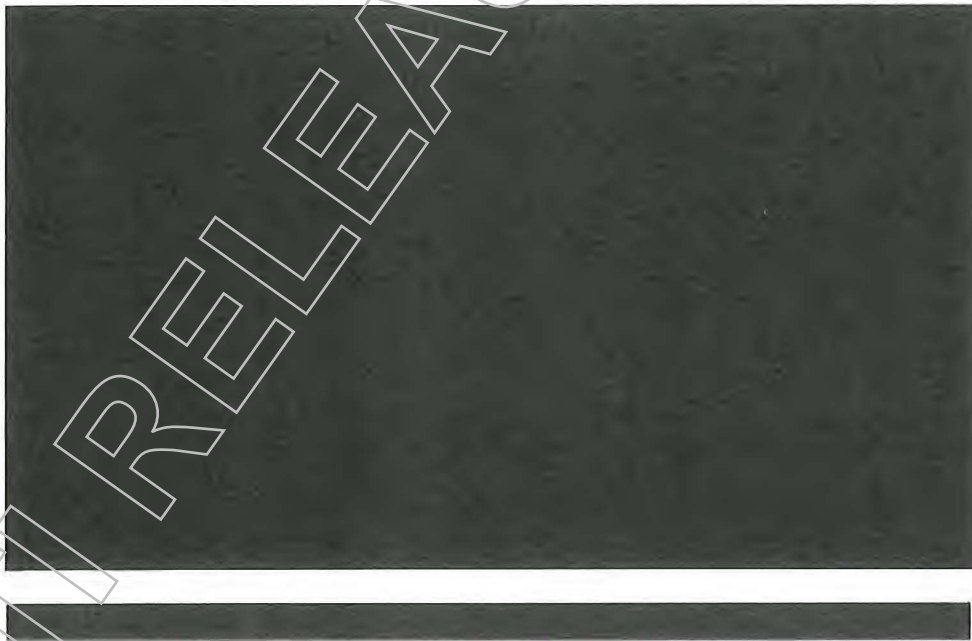
Consequently, the criteria for assessing development in these locations require consideration of cumulative impacts and the use of a balanced cut-and-fill approach. This approach meant that during a major flood event, the elevated portions of land within the floodplain would become islands of development within the floodplain, connected to each other and essential services.

There is a lack of clarity regarding minimum requirements for flood free land in City Plan, and more specifically in the Flood overlay code, which has led to highly engineered development solutions in the floodplain, such as building on platforms [REDACTED]

Such solutions facilitate the expansion of the development footprint across the city's floodplains [REDACTED]

## **5.2 Key differences in floodplain development approaches**

The use of minimum flood free land and building on platform has been employed [REDACTED]  
[REDACTED] Each of these approaches is discussed in detail below.



### **5.2.1 Type 1 - Minimum flood free land approach**

The area shown as Type 1 in Figure 2 is the manifestation of the Guragunbah Hydraulic Master Plan, and as such, development has been designed as a cluster of islands, connected to each other and surrounded by an extensive waterbody, created through a



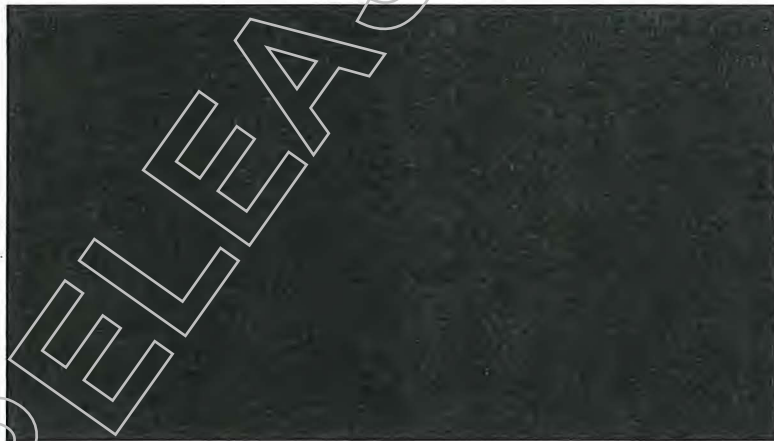
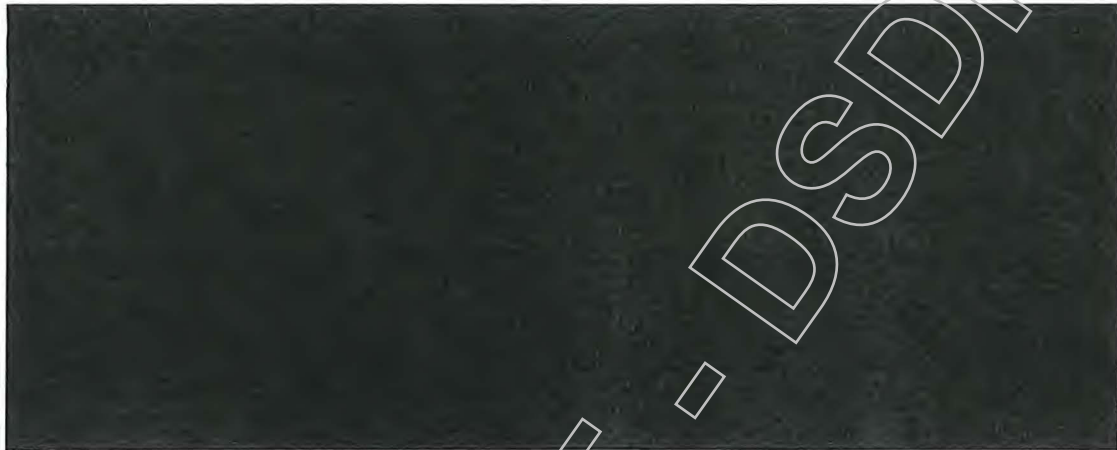
---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

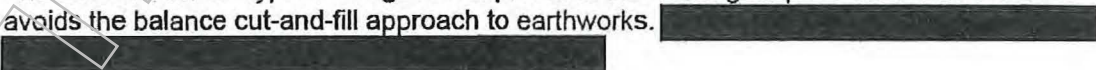
balance cut-and-fill approach, to protect the functionality of the floodplain and safety of residents.

An aerial view of the development within the identified Type 1 area is presented in **Figure 3**. It shows that buildings are on flood free land during defined flood events.



**5.2.2 Type 2 - Building on Platform approach**

The area shown as Type 2 in **Figure 2** represents the building on platform solution which avoids the balance cut-and-fill approach to earthworks.



---

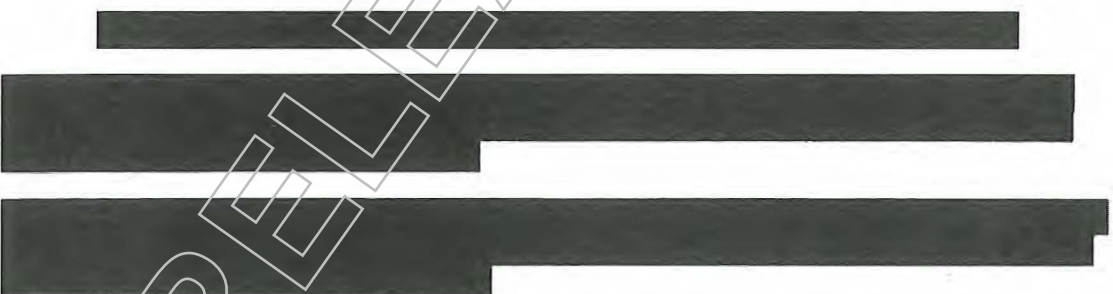
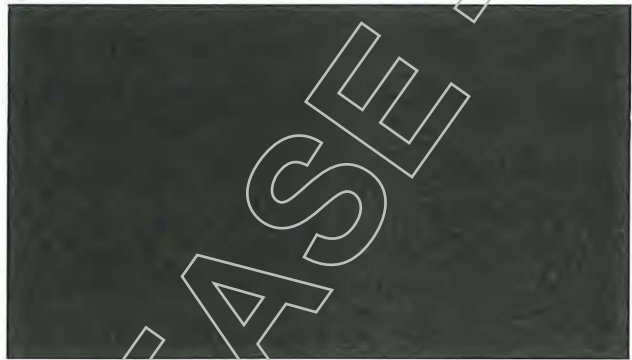
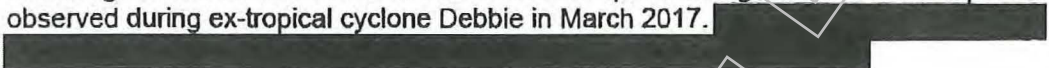
**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---



To avoid the need to balance cut-and-fill, typically these developments create void spaces between the natural ground level and habitable floor levels, which serves as the required floodplain storage.

During major storm events, these void spaces become inundated as the floodplain performs its storage function. The use of the allowable floodplain storage within the void spaces was observed during ex-tropical cyclone Debbie in March 2017.



It is further noted that the development [redacted] has buildings that are only partially on platform. However, Council is now in receipt of a number of applications that indicate a much greater extent of platform development as illustrated in Figure 7 with the location of the proposed development shown in Figure 8 below.





---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**5.4 Minimum flood free land policy drivers**

The drivers for this policy include:

- 1) supporting sustainable development within city's floodplains to accommodate projected population growth;



**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

- 2) ensuring the flood absorption capacity of floodplains are maintained; and
- 3) managing community expectation relating to development in a floodplain.

In addition and in response to the building on platform approach, the following issues are summarised in Table 1.

**Table 1 – Building on platform discussion**

Issues	Discussion
Increase in development footprint in flood affected areas	The expansion of the development footprint across the city's floodplains impacts on the absorption capacity of the floodplain; waterways and environment; and the adaptive capacity of floodplains responding to future changes.
Asset renewal	Similar to other assets, platforms have a design life and will need to be renewed over a 50 or 70 year cycle, resulting in substantial costs to the community.
Safety	Building on platform provides habitable floors that are normally only a few meters above ground level with potential of full inundation of land under the building even during minor floods.
Compliance ramifications	The use of building on platform requires that the area under the building will be maintained to function as floodplain storage and/or overland flow path (i.e. cannot be built in). Once built, this critical aspect will be difficult to verify to ensure the development is complying with the conditions of approval.
Potential environmental health impacts	Increased ponding of water and potential environmental health impacts. Based on the Guraganbah master plan vision, ponding of water would occur on the floodplain at a safe distance from buildings and not directly under the residential buildings.
[Redacted]	[Redacted]

A key driver for the recent emergence of the building on platform approach is associated with land valuation. As a result, it is becoming more economically feasible to engineer solutions on highly flood affected land.

It is important to note however, that these locations are also zoned limited development. This allows for concentrated development potential, where density outcomes and yield can be attained without extensive expansion into the flood plain (building on platform).

**5.5 Proposed policy framework for “minimum flood free land”**

Complying with the key intents of the State interest (with respect to natural hazards), it is considered that a policy position on the provision of minimum flood free land for development provides an appropriate solution that addresses the drivers and challenges identified in Section 5.4 of this report, reducing these risks to an acceptable and tolerable level.

In addition, the proposed reinstatement of the policy does not restrict land use intensification, but minimises an increase in the extent of development footprint across the floodplain, beyond the natural yield of land required for flood protection – the primary purpose. The natural yield of a parcel of land is defined as the maximum flood free building footprint, which can be created through balance cut and fill within the boundaries of the property.

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

In response to stakeholder consultation, an assessment of current best practice and the superseded flood policy framework was undertaken. It is recommended that the Flood overlay code is updated as follows:

<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	

**5.6 Proposed pathway for implementation**

The *Planning Act 2016* provides Council with two pathways for the City to implement the requirement for a “minimum of flood free land”. This includes a long term and interim approach.

**5.6.1 Amending City Plan**

The long term approach is to amend the Flood overlay code, which Council has already resolved to do for City Plan Major update 2. It is anticipated this body of work will be presented to Council for endorsement for the first round of State Interest.

**5.6.2 Temporary Local Planning Instrument**

[REDACTED] an interim TLPI approach is recommended.

Under *Planning Act 2016* where there are significant risks of serious adverse cultural, economic, environmental or social conditions happening in the local government area (s23, *Planning Act 2016*), Council and the Minister of Planning may decide to prepare a Temporary Local Planning Instrument (TLPI).



---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

A TLPI can be in effect for 2 years and may suspend or affect the operation of City Plan but does not amend or repeal. Further, a TLPI is not an adverse planning change (i.e. there is no liability to Council for compensation) and does not create a superseded planning scheme. The Minister has 20 days to approve a local government submission to make a TLPI.

It is recommended that as part of the proposed pathway for implementation: (a) Council amend the Flood overlay code to provide for a minimum of flood free land as part of Major Update 2 and (b) resolve to prepare a TLPI to implement the requirement for a minimum of flood free land as an interim measure.

**6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN**

Gold Coast 2020 outcome 3.1, "Our City is Safe".

**7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT**

Not Applicable.

**8 FUNDING AND RESOURCING REQUIREMENTS**

No additional budget or resources will be required.

**9 RISK MANAGEMENT**

Risk No CO000644.

Natural Hazards Resilience – The City is not adequately resilient to natural hazards shocks resulting in loss of life, cessation of Council business, reputational damage and economic downturn.

**10 STATUTORY MATTERS**

This proposed update is required to address the State Planning Policy 2017, and in particular the Natural Hazards, Risk and Resilience interest.

Major update 2 commenced under the previous statutory guideline, *Making or amending a local planning instrument* (MALPI) and will continue to progress under this guideline.

**11 COUNCIL POLICIES**

Not Applicable.

**12 DELEGATIONS**

Not Applicable.

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

**13 COORDINATION & CONSULTATION**

Name and/or Title of the Stakeholder Consulted	Directorate or Organisation	Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)
Supervising Engineer Hydraulics & Water Quality	Planning and Environment	Yes
Coordinator City Plan	Planning and Environment	Yes
Executive Coordinator	Legal Services	Yes

**14 STAKEHOLDER IMPACTS**

**External / community stakeholder Impacts**

- The ultimate outcome of this policy is community safety through the provision of a viable solution for flood-cognisant development.

**Internal (Organisational) Stakeholder Impacts**

- This policy will assist the development assessment process.

**15 TIMING**

This matter will form part of the scope for the Major update 2 package as endorsed by Council on 30 May 2017. It is anticipated this body of work will be brought back to Council with the complete draft package prior to state interest review.

Council may resolve to make a TLPI immediately. Pursuant to this decision a TLPI package can be brought back to Council prior to submission to the Minister for Planning. A Minister has 20 days to either approve or not approve Council's submission.

**16 CONCLUSION**

The city's floodplains are critical to the flood resilience of the city. The policy and practice of sustainable flood risk management provides for community safety in balance with environmental and development outcomes.

The minimum flood free land policy position provides an acceptable solution to the abovementioned challenge of sustainable development within the city's floodplains.

The recommended policy framework is proposed to be implemented in the Flood overlay code as part of Major update 2. It is anticipated this body of work will be brought back to Council with the complete drafted package prior to state interest review.

---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

In response to the long-term amendment process via *Making or amending a local planning instrument* (MALPI) and the potential loss of city's flood resilience associated with building on platforms in high to extreme hazards areas, an interim TLPI approach is recommended.

**17 RECOMMENDATION**

It is recommended that Council resolves as follows:

- 1 That the report be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with section 171 (3) and 200 (5) of the *Local Government Act 2009*.**
- 2 To endorse the proposed minimum flood free land policy as identified in Attachment 1 to inform updates to the Flood overlay code as part of Major update 2 package.**
- 3 That the Mayoral Technical Advisory Committee be consulted on the proposed content prior to progressing to State interest review.**
- 4 Following review by the Mayoral Technical Advisory Committee, the Chief Executive Officer be authorised to make any administrative and consequential amendments prior to progressing to State interest review.**
- 5. To prepare a Temporary Local Planning Instrument to implement minimum flood free land and return a TLPI package for endorsement before making a submission to the Minister for Planning.**

*Author:*  
Hamid Mirfenderesk  
Coordinator Natural Hazards Team

*Authorised by:*  
Dyan Currie  
Director Planning and Environment



---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

Changed recommendation

**COMMITTEE RECOMMENDATION**      **CP17.1011.008**  
moved Cr Caldwell                      seconded Cr Gates

- 1 That the report be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with section 171 (3) and 200 (5) of the *Local Government Act 2009*.
- 2 To endorse the proposed minimum flood free land policy as identified to inform updates to the Flood overlay code as part of Major update 2 package.
- 3 To prepare a Temporary Local Planning Instrument to implement minimum flood free land and return a TLPI package for endorsement before making a submission to the Minister for Planning.

**CARRIED**

RTI RELEASE - DSD/MIP



---

**ITEM 8 (Continued)**  
**MAJOR UPDATE 2 – DESIGNING FOR FLOOD - MINIMUM FLOOD FREE LAND POLICY**  
**PD113/1303(P1)**

---

Attachment 1 - REDACTED

RTI RELEASE - DSDMIP





Pages 73 through 81 redacted for the following reasons:

-----  
duplicate

RTI RELEASE - DSDMIP

# OXMAR PROPERTIES

Suite 5 Level 2 Homemaker City  
Cnr Gympie & Zillmere Roads Aspley  
PO Box 842 Aspley Qld 4034  
P 3263 4977 - F 3263 4966  
office@oxmarproperties.com.au  
www.oxmarproperties.com.au

Friday 22nd December 2017

Hon Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

**Re: City of Gold Coast Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017**

**Submission Objecting to the Proposed Introduction of this Instrument**

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (from herein, the TLPI), which was formally released to the public on Friday 8 December 2017.

We thank you for the opportunity to present a submission objecting to the contents of this TLPI.

By way of background, Oxmar Properties is a highly-credentialed property developer with over 30 years of experience delivering a range of projects across Queensland. For further information on our company, please feel free to visit the website, [www.oxmarproperties.com.au/about-us/](http://www.oxmarproperties.com.au/about-us/)

We have recently acquired a site situated on the southern side of the Link Way at Mudgeeraba, which consists Lot 42 on SP184241, Lot 30 on SP270379, Lot 24 on SP868214 and Lot 25 on SP270379. The development site measures 60.44ha in size and is proposed to be improved through the construction of 1776 residential units and other residential accommodation facilities, which has a value of over \$350 million intended to be invested into the local development and construction sectors.

After extensive review of the contents of this TLPI, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development prospects of this site, in addition to a range of other investment opportunities that we are presently considering across the City.

Specifically focusing on the Link Way Project, the following details the extensive work that we have undertaken to date to assure that the project satisfies our Company's pledge, being "to develop consistently high quality residential environments, which enhance the lives of the people who live there and the community as a whole":

1. Oxmar Properties have engaged extensively with Gold Coast City Council (GCCC) regarding the nature and style of development suitable for the site and to meet residential demands clearly expressed by the community.
2. Oxmar Properties have facilitated a number of pre-lodgement meetings with GCCC Officers and affected Local Area Councillors to discuss the Project.
3. Oxmar Properties have engaged a team of specialist technical consultants and are expected to be in a position to lodge a formal Development Application with the GCCC in January 2018. We have expended several hundred thousand dollars to date to get to this point.
4. In selecting their consulting team for the Project, Oxmar Properties engaged Burchills Engineering Solutions as their technical engineering services firm, whom have several decades of specialist experience working on development and planning in the floodplains across the City. Burchills has undertaken best practice Flood Emergency Management planning and design that has been the cornerstone of the iterative development of the Project's overall proposal scheme.
5. Oxmar Properties notes that construction of the Project will both enhance the local environment and will reduce the flood impacts on adjacent GCCC community infrastructure. Further, the proposed upgrade to Link Way will provide flood free access to the shopping centre for new residents and the broader community.

In summary, Oxmar Properties wishes to emphasise that the regulations contained within the TLPI would render approximately half of the likely development yield from the Link Way Project as not being achievable. This would result in a significant negative economic impact being felt on the local construction industry, whilst also exacerbating population growth and housing affordability issues being felt across the City.

Oxmar Properties' primary concerns brought about by the introduction of the TLPI relates to the process by which it has been introduced, specifically:

- Overall, the lack of consultation with industry stakeholders and affected parties regarding the contents and the release of the TLPI is of concern.
- No independent engineering or planning assessment appears to have been undertaken, with several potential unintended consequences of the TLPI being observed.
- The lack of transition period created by the introduction of the TLPI prejudices developers with significant financial exposure in current and pending development applications.
- No guidance on the application of the TLPI has been provided, which results in uncertainty surrounding how the instrument affects development projects across the floodplain.
- Council's information briefing (provided with only 24 hours' notice) was unclear in its guidance when numerous typical example development cases were discussed.

- There remains questions as to whether the State Government's 0.8m sea level rise figure has been used to support the introduction of the TLPI. This is a separate issue which will be addressed via updated flood mapping, which is yet to be released by Council.

Oxmar Properties firmly believe that the State Government, working with Council, should seek to establish a collaborative working group including government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

We kindly request that this submission is read in conjunction with other objections that have been presented from other industry stakeholders, including those from Burchills Engineering Solutions, whom we have engaged as our engineering consulting services firm for the Link Way Project. Their submission was issued on Tuesday, 19 December 2017.

We look forward to working in collaboration with government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

Should you have any queries or require any additional information relating to the above, please do not hesitate to contact [REDACTED] or via mobile [REDACTED]

Yours faithfully

[REDACTED]  
Sch. 4(4)(6) - Disclosing personal

PHIL MURPHY  
Managing Director

cc: **Kim Kirstein**  
Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning

Our Ref: Our Ref  
Enquiries to: [REDACTED]

Tuesday, 19 December 2017

Hon Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

**Re: City of Gold Coast Temporary Local Planning Instrument No. 5  
(Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017**

**Submission Objecting to the Proposed Introduction of this Instrument**

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (from herein, the TLPI), which was formally released to the public on Friday 8 December 2017.

We thank you for the opportunity to present a submission objecting to the contents of this Instrument.

After extensive review of the contents of this TLPI, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development and construction sectors across the City.

For example, we are confident that the TLPI's envisaged policy shift will render a range of pending projects as being unachievable. A selection of these key projects includes:

Project	Address	Land Size	Development Yield
67 Macadie Way, Merrimac	67 Macadie Way, Merrimac	3.6ha	56 Residential Units & 74 Town House Dwellings
The Italo Club Retirement Village	18 Fairway Drive, Clear Island Waters	3.86ha	94 Residential Units
Parkwood Golf Course	76-122 Napper Rd, Parkwood	56.49ha (Total lot area)	260 room Retirement Facility.
The Link Way, Mudgeeraba	lot 42 on SP184241, lot 30 on SP270379,	60.44ha	928 Units and 339 Townhouses

Project	Address	Land Size	Development Yield
	lot 24 on 868214 and lot 25 on SP270379		
Green Heart Gardens	153 Gooding Drive, Merrimac	75.95ha	5,000 multi-residential units and 8,000m <sup>2</sup> of commercial floor space
Robina Transit (Palmer Colonial)	57 Paradise Springs Avenue, Robina	70ha	2,500 residential units

As can be seen from the scale of the abovementioned projects, extensive economic impacts on the construction industry will be felt if they do not proceed. Furthermore, population growth targets for the City of Gold Coast will become harder to realise, thus further accentuating housing affordability issues.

Table 1 has been prepared below, which provides a technical review of the perceived issues that appear to have guided the development of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017*. As you will read in our review, we firmly believe that resilient development in the floodplain is achievable, subject to adherence with suitable development controls.

RTI RELEASED



**Table 1 – Technical Review of Perceived Issues associated with Development in Flood Affected Areas**

Perceived Issues	Discussion	Burchills' Feedback
<p><b>(a) Increase in development footprint in flood affected areas</b></p>	<p><i>The expansion of the development footprint across the city's floodplains impacts on the absorption capacity of the floodplain; waterways and environment; and the adaptive capacity of floodplains responding to future changes.</i></p>	<ul style="list-style-type: none"> <li>• The proposed TLPI affects existing developed areas that experience flood event depths exceeding 0.6m and velocities exceeding 0.8m/s. This includes many suburbs that are earmarked for higher density "missing middle" redevelopment including many along the Light Rail corridor. Suburbs such as Budd's Beach, Chevron Island, Paradise Island, Carrara (namely the localities near Monaco St and Nerang Broadbeach Rd), Mermaid Beach, Miami, Burleigh are heavily impacted by this proposed regulatory shift.</li> <li>• The proposed TLPI fails to appreciate that new proposals for development within the floodplain are required to prepare rigorous Flood Emergency Management Plans (FEMP), with the activation of these Plans during flood events often resulting in these developments having very little to no impact on emergency services resources. In fact, these contemporary development proposals in the floodplain may in fact contribute to reducing risks in neighbouring flood prone areas.</li> <li>• The proposed Acceptable Outcome AO17.1 to PO17 from the TLPI may have an unintended consequence upon rural residential subdivisions, requiring 400m<sup>2</sup> or 50% of the site area (whichever is greater) to be at or above the Defined Flood Level for 'Residential' uses. Previous Rural Residential subdivisions required the provision of a 1,000m<sup>2</sup> building envelope to be provided at or above the DFL. This proposed Acceptable Outcome will require further refinement so that it does not affect specific zones.</li> <li>• The proposed TLPI is based purely upon only two (2) independent hydraulic variables (depth and velocity). It has become best practice both nationally and internationally to categorise flood hydraulic hazard based upon the velocity x depth product, of which is omitted from the instrument. Reference is made below to the NSW Floodplain Development Manual figures that outline a sensible approach that all NSW Councils (and several Councils in other states) have adopted for assessing hazardous conditions:</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
		<div style="display: flex; justify-content: space-around;"> <div data-bbox="763 277 1240 724"> <p><b>FIGURE L1 - Velocity &amp; Depth Relationships</b></p> <p>These categories are provisional because they</p> </div> <div data-bbox="1317 277 1794 724"> <p><b>FIGURE L2 - Provisional Hydraulic Hazard Categories</b></p> </div> </div> <p><b>Notes</b></p> <ol style="list-style-type: none"> <li>At velocities in excess of 2.0 m/s, the stability of foundations and poles can be affected by scour. Also, grass and earth surfaces begin to tear and can become rough and unstable.</li> <li>The velocity of floodwaters passing between buildings can produce a hazard, which may not be apparent if only the average velocity is considered. For instance, the velocity of floodwaters in a model test has risen from an average of 1 m/sec to 3 m/sec between houses.</li> <li>Vehicle instability is initially by buoyancy.</li> <li>At floodwater depths in excess of 2.0 meters and even at low velocities, there can be damage to light-framed buildings from water pressure, flotation and debris impact.</li> </ol> <p>Derived from laboratory testing and flood conditions which caused damage.</p> <p><b>Notes</b></p> <p>The degree of hazard may be either -</p> <ul style="list-style-type: none"> <li>reduced by establishment of an effective flood evacuation procedures.</li> <li>increased if evacuation difficulties exist.</li> </ul> <p>In the transition zone highlighted by the median colour, the degree of hazard is dependent on site conditions and the nature of the proposed development.</p> <p><b>Example:</b></p> <p>If the depth of flood water is 1.2 m and the velocity of floodwater is 1.4 m/sec then the provisional hazard is high.</p> <p>• Council's current approach to hazard categorisation requires expert industry review and engagement. A peak flood depth of say 0.65m and velocity at that peak of &lt;0.5m/s (typical of most of the lower Gold Coast floodplain) many experts would argue is not high hazard. Imposing such a constraint across the City's vast floodplain would unnecessarily sterilise development and force developers to assess their options in other local government authorities that have taken a more holistic approach to assessing applications in the floodplain (like Tweed Shire Council for example).</p>



Perceived Issues	Discussion	Burchills' Feedback
		<ul style="list-style-type: none"> <li>• Determining hazard needs to include other factors in addition to just depth and velocity. For any development application that has a proposed footprint within a 'high hazard' zone, whether the flow is being transferred over the design surface or underneath a platform, a proper risk assessment needs to be undertaken in conjunction with a Multi Criteria Analysis and Cost Benefit Assessment to ensure that a rigorous decision is made based on a range of factors and not just independent velocity and depth variables.</li> <li>• Flood mitigation measures (structural and non-structural) once assessed needs to be viewed in line with "what is the residual risk?" question and can the residual risk be adequately managed. A Flood Emergency Management Plan (FEMP) can greatly assist in reducing the risk such that the high hazard can be managed, as well as having a 'state of the art' flood warning and forecasting system in place. Developers that are seeking a development proposal within high flood hazard zones should commit to undertaking water level flood gauging at the sites upstream and downstream extents to confirm the actual flood mechanics that forms part of the hazard categorisation.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that the introduction of a TLPI in this circumstance is not warranted. Any planning instrument should be informed and considered for implementation on after Council has developed a detailed hydraulic and land use master plan for the City's floodplains. The hydraulic and land use master plan can then be used to guide what is and is not possible on a particular site, subject to a site-specific hydraulic assessment being prepared to support a development proposal.</p> <p>Furthermore, our view is that based on the above feedback, a potential alternative policy approach would be to protect major flow paths and to allow controlled podium development in backwater/storage areas.</p>
<b>(b) Asset renewal</b>	<i>Similar to other assets, platforms have a design life and will need to be renewed over a 50 or 70 year cycle resulting in</i>	<ul style="list-style-type: none"> <li>• Podiums and platforms are designed and constructed to have an equivalent design life as any other type of built form, therefore this perceived lifecycle issue does not appear to be relevant.</li> <li>• Podiums and platform structures are designed by experienced and qualified engineers certified by the State Government under the Board of Professional Engineers.</li> <li>• The costs associated with maintenance and replacement obligations are borne by the property owner/s and are not borne by the community.</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
	<p><i>substantial costs to the community.</i></p>	<p><b>Summarising Comments</b>                      Burchills submits that the technical query regarding the design life of platform and podium assets has no technical basis and should therefore be rejected.</p>
<p><b>(c) Safety</b></p>	<p><i>Building on platform provides habitable floors that are normally only a few metres above ground level with potential of full inundation of land under the building even during minor floods</i></p>	<ul style="list-style-type: none"> <li>• The Gold Coast floodplains are flooded by slow rising, longer duration events that provide ample warning time for people to move or evacuate and for moveable property to be relocated or moved to higher ground. Furthermore, platform and podium developments are designed to ensure that the structural integrity of the structure is maintained during flood events. Accordingly, we are unable to understand what risks humans are being exposed to by flood inundation under buildings.</li> <li>• Development with flood free access and evacuation routes – If fenced balconies overhang flood water, what is the safety issue?</li> <li>• Development proposals in medium flood hazard areas under the current planning requirements are required to be supported by a comprehensive Flood Emergency Management Plan which addresses matters such as refuge areas above flood, maintaining continuous power supply, water, food supply, medical needs, fire, communications evacuation, and security. Under the new planning instrument development will be allowed in flood affected areas that do not require these management measures to be considered.</li> <li>• Refuge in place provisions apply to new development where residents' access and egress can be cut-off by floodwaters, generally providing refuge areas above probable maximum flood (PMF) level.</li> <li>• High-rise balconies pose a greater risk to life from falls onto hard surfaces?</li> <li>• There is greater potential for scour to occur on unprotected properties (higher in the catchment) exposed to high velocity flows in close proximity to creek / river channels than podium developments set on floodplains (generally low velocity environments) during extreme weather events.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
		<p><b>Summarising Comments</b></p> <p>Burchills submits that based on the particular characteristics of flood events across the Gold Coast, that residents often receive extended warning periods to enable them to pack up and retreat to higher ground. Notwithstanding, the specific design criteria for developments within the floodplain, including the need to adhere to the requirements of Flood Emergency Management Plans, results in such projects being safe and resilient in cases of flood.</p>
<p><b>(d) Compliance ramifications</b></p>	<p><i>The use of building on platform requires that the area under the building will be maintained to function as floodplain storage and/or overland flow path (i.e. cannot be built in). Once built, this critical aspect will be difficult to verify to ensure the development is complying with the conditions of approval.</i></p>	<ul style="list-style-type: none"> <li>• It is acknowledged that some developments may not maintain undercroft areas correctly, although it must be noted that non-compliance with development approval conditions is an issue that is confronted by Council with any development project.</li> <li>• Council already operates a canal maintenance team which provides surveillance of unlawful land uses and construction activities. It is expected that such a team will be able to expand their reach to also regularly examine compliance of development projects within the floodplain.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that compliance ramifications are a potential issue needing to be managed, as they are with any development project. In order to remedy this perceived issue, Council may require via conditions of approval that developers prepare and submit annual reports demonstrating compliance with requirements relating to maintenance of these undercroft areas.</p>
<p><b>(e) Potential environmental health impacts</b></p>	<p><i>Increased ponding of water and potential environmental health impacts. Based on the Guraganbah master plan vision, ponding of water would occur on the floodplain at a</i></p>	<ul style="list-style-type: none"> <li>• Compared to often unkempt nature of pre-development floodplains, we would expect less ponding and fewer potential health concerns arising from development projects being carried out in the floodplain.</li> <li>• The TLPI would allow podiums only up to 0.6m above the ground, which renders the ability to access and maintain these sites to be difficult and potentially dangerous.</li> </ul>



Perceived Issues	Discussion	Burchills' Feedback
	<p><i>safe distance from buildings and not directly under the residential buildings.</i></p>	<ul style="list-style-type: none"> <li>The issues that have been raised can be addressed by the preparation and implementation of an Undercroft Management Plan and a Groundwater Management Plan. Burchills has worked on several such Plans and are happy to present examples if sought.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that a development project within the floodplain that is well-located, designed and managed will promote a style of development that reduces potential environmental health impacts on the surrounding ecosystem and on residents of the area.</p> <p>Through the preparation and implementation of technical reports such as Undercroft Management Plans and Groundwater Management Plans, an extensive range of environmental information is obtained which results in tailored mitigatory measures being employed for the life of the project.</p>
<p><b>Other Issues for Discussion</b></p>		
<p><b>(f) Land Use</b></p>		<ul style="list-style-type: none"> <li>Areas being developed in the floodplain are typically close to existing infrastructure and represent efficient infill development opportunities.</li> <li>The majority of the subject sites seeking to be developed in the floodplain are generally privately-owned, are of low value and offer minimal use prospects.</li> <li>Development of such prospects offers Council the opportunity to collect headworks charges and ongoing payments of rates from new residents.</li> <li>Development of such prospects offers the opportunity to levy contributions to contribute to the proposed Green Heart open space initiative along with other Council initiatives in the future.</li> <li>As part of the preparation of the TLPI, we are unsure as to whether visual amenity considerations are applicable. If so, examples of particular attributes of examined projects should be nominated and presented to the industry for broader examination.</li> <li>The introduction of the TLPI may be seen as a strategic approach to Council seeking to acquire the land within the floodplain. If this is the case, this approach needs to be presented and discussed in further detail with affected stakeholders.</li> </ul>

Perceived Issues	Discussion	Burchills' Feedback
		<ul style="list-style-type: none"> <li>• Council policy relating to floodplain management and flood emergency management is flawed and the industry and community needs to be consulted to form a holistic masterplan that all parties are in agreement with.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that Council should embark upon the development of a holistic masterplan relating to development projects in the floodplain. Such a project should be driven by a collaborative working group that includes government and industry stakeholders, with its initial piece of work being to examine and assess the various perceived issues detailed within this document.</p>
<p><b>(g) Process</b></p>		<ul style="list-style-type: none"> <li>• Overall, the lack of consultation with industry stakeholders and affected parties regarding the contents and the release of the TLPI is of concern.</li> <li>• No independent engineering or planning assessment appears to have been undertaken, with several potential unintended consequences of the TLPI being observed.</li> <li>• The lack of transition period created by the introduction of the TLPI prejudices developers with significant financial exposure in current and pending development applications.</li> <li>• No guidance on the application of the TLPI has been provided, which results in uncertainty surrounding how the instrument affects development projects across the floodplain.</li> <li>• Council's information briefing (provided with only 24 hours' notice) was unclear in its guidance when numerous typical example development cases were discussed.</li> <li>• Questions remain as to whether the State Government's 0.8m sea level rise figure has been used to support the introduction of the TLPI. This is a separate issue which will be addressed via updated flood mapping, which is yet to be released by Council.</li> </ul> <p><b>Summarising Comments</b></p> <p>Burchills submits that the process by which the TLPI has been prepared and introduced into the public sphere has not enabled the forms of rigorous discussion required to better understand the rationale behind its implementation and to better investigate the true implications of it becoming Council policy.</p>



Perceived Issues	Discussion	Burchills' Feedback
		We firmly believe that the State Government, working with Council, should seek to establish a collaborative working group including government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

RTI RELEASE - DSD/MP



The experience you deserve

We kindly request the opportunity to meet with yourself and stakeholders from SARA and the Queensland State Government to discuss the abovementioned information in further detail.

Further, we look forward to working in collaboration with government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

Should you have any queries or require any additional information relating to the above, please do not hesitate to contact [redacted] or via mobile, [redacted].

Yours faithfully

[redacted]  
Sch. 4(4)(6) - Disclosing personal information

[redacted]

cc: **Kim Kirstein**  
Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning



COPYRIGHT © This drawing is copyright and the property of Burchills Engineering Solutions. It must not be reproduced or used without the written permission of Burchills Engineering Solutions.

**FIGURE 3- 100 YR ARI EVENT - NERANG RIVER 2015 COGC MIKE MODEL COMBINATION CRITERIA - INDICATIVE NO GO ZONES FOR ELEVATED STRUCTURES OVER NATURAL GROUND SURFACE LEVEL**

PROJECTION: MGA ZONE 56  
 PROJECT: 2015 COGC MIKE MODEL RESULTS  
 DATE: DEC 2017

- LEGEND**
- Cadastral
  - Water Depth > 0.6m
  - Water Velocity > 0.8m/s

**BURCHILLS**  
 ENGINEERING SOLUTIONS  
[www.burchills.com.au](http://www.burchills.com.au)

DISCLAIMER: This figure and its contents are electronically generated, are confidential and may only be used for the purpose for which they were intended. Burchills Engineering Solutions will not accept responsibility for any consequences arising from the use of the figure for other than its intended purpose or where the drawing has been altered, amended or changed without consent, or electronically by any third party. Council 100 year ARI model data is not always the Dominant Flood Level (DFL) - Councils Flood overlay map is believed, however unconfirmed, to be a combination of 100 year ARI design storm simulations, historic conditions, and climate change simulations. As such this map is indicative on one of 100 events that is generally a good estimate of DFLs within the City of Gold Coast with exceptions. Councils model is a score 1/1m grid with regional hydrological representation and does not include many structures. As such the size of no go zones for elevated structures over the floodplain could be considerably different to that shown on a site by site basis. Councils model therefore cannot be relied upon by hydraulic consultants to categorically delineate actual no go zones for elevated structures. Engineer's prudent over natural surfaces in the indicative no go zones may require further intrusion into no go zones along with detailed hydraulic assessments at suitable modelling resolution and structure representation during DFL and MCV DA processes.



Our Ref: Z17139



22 December 2017

GOLD COAST | GLADSTONE

p 07 5562 2303

info@zoneplanning.com.au

zoneplanning.com.au

ABN 36 607 362 238

The Hon Cameron Dick MP  
Minister for State Development, Manufacturing,  
Infrastructure and Planning  
Unit 1, 80 Wembley Road  
Woodridge Qld 4114

Dear Sir

**CITY OF GOLD COAST TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) NO. 5 MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION) 2017**

We write to you as an industry stakeholder and on behalf of our client, Myall Group, regarding City of Gold Coast's recent TLPI No 5 which it is understood is currently with your office for your endorsement.

Firstly, we would like to make it very clear that we do not support development occurring in locations which place undue risk to persons and/or property. We also understand that the recent litigation cases occurring in relation to the Brisbane 2011 are fresh on everyone's mind.

However, we have concerns in regard to the proposed TLPI No 5 in that trying to achieve a certain outcome, decisions are being made in haste of which have had little (if any) peer review, or consultation with key external stakeholders, experts in the area of flooding and natural hazard risk management, or industry in general.

The purpose of the TLPI is to, "...prevent the potential loss of the City's flood resilience and enable the sustainable mitigation of flood hazard on land included on City Plan's Flood overlay map. The provision seeks to strengthen Council's commitment to ensure development in flood affected areas is safe and resilient" with proposed amendments to the Flood Overlay Code to ensure:

- a. Residential uses are only exposed to medium or less flood hazard; and
- b. ROL's provide sufficient land at or above the Designated Flood Level.

(Source: <http://www.goldcoast.qld.gov.au/planning-and-building/temporary-local-planning-instrument-no-5-2017-43294.html>)

Additionally, the amendments seek to "...discourage the proliferation of Residential Uses constructed on platforms above Flood Affected Land".

This provision is clear in its intent that podium development does not occur in the City. However, no peer reviewed technical data has been made available to support that this type of development (construction method) is ineffective or that it creates a danger to persons or property in a severe weather event. In fact, local based hydraulic modelling data indicates otherwise and this type of development is supported by structural engineers and qualified natural hazard risk management experts.

Additionally, this type of development is considered a more sustainable construction method compared to traditional cut and fill processes (of which Council officers have confirmed they are supportive of) due to their limited impact on the environment – being piers/columns verses substantial earthworks and recontouring of the natural environment.

Furthermore, in seeking to introduce the term ‘flood resilience’ in to the TLPI, Council has offered no explanation as to what this means and how it can be achieved. The term resilience is a broadly used term and varies across different contexts; however, it is mostly referred to the ability to bounce back or recover from a significant event and / or the ability to adapt to different situations. In the context of disaster management, flood resilience can be explained as reducing the devastating impacts of floods before a flood event occurs. In the case of podium development, this type of development seeks to do just this – despite the TLPI seeking to “...discourage the proliferation of Residential Uses constructed on platforms above Flood Affected Land”.

Should the proposed TLPI be endorsed in its current form, Myall Group, as a local developer with international investment ties, will be directly affected by these changes. Myall Group lodged a development application into Council on 27 November 2017 with no knowledge of the impending release of the TLPI. In this specific situation, a prelodgement meeting was held with Council officers in August 2017 prior to lodging the development application; of which officers were supportive of the proposed podium residential development (which adjoins a Court approved podium residential development), giving Myall Group confidence to move forward with the development.

At the specific request of Council’s Hydraulic officers, substantial flood modelling was ‘required’ to be undertaken and Council’s Prelodgement Meeting Minutes did not indicate that the proposed development format was unacceptable. That is, there was no indication that a podium format would be unsupported by Council providing visual amenity and technical aspects could be achieved, including flood mitigation to a 500 year ARI flood event. As local flood data was not available from Council in relation to the subject site, detailed flood modelling was undertaken at considerable cost to Myall Group to ensure the development was technically sound -- of which the hydraulic modelling data confirmed to be the case. In regard to the visual amenity, landscape buffers the full perimeter of the podium were proposed as requested by officers.

Discussion with Council officers, both within the Council’s policy and development assessment sections, indicate that they are not prepared in dealing with the TLPI and are unable to provide any advice in regard to applications currently being assessed through the development assessment process. Furthermore, the hundreds of thousands of dollars invested in the preparation of expert reports in support of the development (some ‘required’ by Council officers), along with tens of thousands of dollars in Council application fees should also be considered.

Again, we are not supporting inappropriate development in unsafe locations, podium development has proven to be a structurally and technically sound construction method in areas of inundation over many years, both locally and internationally.

It is respectfully requested that due consideration be given to the facts and peer reviewed technical evidence be sought prior to making a decision in regard to TLPI No 5.

Additionally, consideration is also requested in regard to the substantial investment that has been made by developers in preparing their development applications and expert reports for Council’s assessment, with no prior knowledge or consultation in regard to Council’s proposed TLPI No 5.

Should you have any queries concerning the above please contact myself or [REDACTED] of this office on [REDACTED]. We look forward to receiving your response to the items raised in this correspondence at your earliest convenience.

Yours sincerely

Sch. 4(4)(6) - Disclosin  
[REDACTED]

[REDACTED]  
ZONE PLANNING GROUP

CC:

1. Kim Kirstein  
Manager, Gold Coast SARA  
South East Queensland (South)  
Department of  
PO Box 3290  
Australia Fair  
Southport Qld 4215  
Email: [GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au)
2. Amanda Tzannes  
Manager, City Planning  
City of Gold Coast  
PO Box 5042  
GCMC QLD 9729  
Email: [atzannes@goldcoast.qld.gov.au](mailto:atzannes@goldcoast.qld.gov.au) / [mail@goldcoast.qld.gov.au](mailto:mail@goldcoast.qld.gov.au)



20 December 2017

Mr Dale Dickson  
Chief Executive Officer  
City of Gold Coast  
PO Box 5042  
GOLD COAST MC 9729

GPO Box 2279  
Brisbane QLD 4001  
Level 12, 120 Edward Street  
Brisbane QLD 4000

T: 07 3229 1589  
F: 07 3229 7857  
E: [udja@udjaqld.com.au](mailto:udja@udjaqld.com.au)

[www.udjaqld.com.au](http://www.udjaqld.com.au)

ACN 010 007 084  
ABN 32 885 108 968

**BY POST / EMAIL – [ddickson@goldcoast.qld.gov.au](mailto:ddickson@goldcoast.qld.gov.au)**

Dear Mr Dickson,

**Proposed Temporary Local Planning Instrument No. 5  
(Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017**

We note from the City of Gold Coast (City) Planning and Development Alert dated 8 December that the City has resolved to prepare and endorse a Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (TLPI). We also note that Council has asked the Minister to approve backdated commencement of the TLPI from 8 December.

The Urban Development Institute of Australia (the Institute) has concerns regarding the detail and development of the TLPI, which are detailed below.

However, before detailing these concerns, we would like to take this opportunity as we come to the end of 2017 to express our thanks for Council's contribution to the productive working relationship that has existed between the Institute's Gold Coast Logan Branch and the Council throughout 2017. The year has been a successful year for the Institute and Gold Coast with a high number of development applications lodged and finalised by Council and progress on many policy issues. We look forward to continuing this relationship into 2018.

As you are aware, the Institute is a national not-for-profit organisation representing the property development industry and the Queensland office is the largest of the state bodies. The role of the Institute is to assist our members to deliver jobs, diverse housing, and thriving communities. In this context, we must indicate serious concerns of the industry with the TLPI. On the basis of the concerns outlined below, the Institute recommends the TLPI be withdrawn and that informational and other issues be resolved with industry.

The key concerns regarding the proposed TLPI are:

- Inadequate consultation has occurred with the industry
- The need for a TLPI has not been provided or satisfactorily justified
- The TLPI is not properly framed in that its provisions do not accord with its object and the definition of flood resilience is unclear
- The TLPI excludes cut and fill and podium style development in flood affected areas

- The impacts on supply of a diversity of housing and achievement of SEQ regional plan housing supply expectations
- Negative effect on the value of many land holdings and owners' financial situation if the TLPI is applied including potential loss of rights to compensation
- The TLPI has a range of unintended effects citywide (such as to redevelopment in existing areas)
- The unclear extent of external technical or professional engineering advice obtained during the preparation of the TLPI
- The issuing of the TLPI prior to the City Plan Major Update does not accurately portray the impact of the TLPI changes
- Issues with the City Plan Major Update that affect the TLPI impacts remain unresolved.

Regarding the recent City Plan Major Update, the Institute provided a submission and material which identified serious concerns with the included flood modelling, specifically:

- Inadequate information including:
  - Material for professionals to review the assumptions of the modelling
  - The basis for both the 10% increase in rainfall intensity and adoption of 50% of total wave setup at the mouth of the Tallebudgera and Currumbin Creeks
  - Whether November 2016 revision of Australian Rainfall and Runoff was considered
  - Inclusion of the flood mitigation benefits of Hinze Dam Stage 3
  - The reason for the use of 2100 as the year for the 80cm sea level increase
  - The lack of detail on any peer review of materials that may have been undertaken
  - Indication of the designated flood level
  - Identification of areas that are likely affected by the designated flood level
  - Identification of areas that are likely to be greater than 0.6 metres in depth to the designated flood level.
- Inadequate consideration of the effects of the Hinze Dam stage 3 project on flood levels.

Further information and recommendations on these points are provided below.

#### **Inadequate consultation**

The TLPI has appeared without prior notice in the industry's busiest season. No consultation period was included in the notice on 8 December and the proposals indicate a very substantial change that will have very substantial impacts upon existing and intended projects.

While TLPIs do not require consultation, we consider this creates a greater moral obligation that they are only rarely, justifiably used. The Institute is not aware of any issue that justifies a departure from standard consultation requirements regarding planning scheme amendments nor any emergency or new evidence of serious risk of harm to persons or property from flooding that warrants this change.

We also note that the recent planning scheme amendment, City Plan Major Update, proposed significant changes to Council flood mapping. The Institute flagged in its submission on 15 November a number of concerns and questions. To date, we have not received clarification on those issues that are relevant to this TLPI. Adequate consultation regarding the City Plan Major Update has not yet occurred to resolve its inherent issues. The TLPI is relevant to that work and compounds our concerns that consultation has been insufficient.

The Institute recommends that, at the least, the assumptions and modelling that have resulted in the TLPI proposals should be subject to an independent technical review. The Institute would, of course, cooperatively involve itself in any review of material.

### **Inadequate information**

The Institute, in its submission on 15 November regarding the City Plan Major Update scheme amendment, indicated concerns with:

- Lack of transparency of the material available and the lack of supporting and background information
- Inadequate material for professionals to review the assumptions that underpin the flood modelling
- The basis for both the 10% increase in rainfall intensity and adoption of 50% of total wave setup at the mouth of the Tallebudgera and Currumbin Creeks
- Whether November 2016 revision of Australian Rainfall and Runoff was considered in the material
- The non-inclusion of the flood mitigation benefits of Hinze Dam Stage 3 to preserve and improve the City's flood resilience
- Use of 2100 as the year for the 80cm sea level increase
- The lack of any detail on any peer review of materials that may have been undertaken.

The draft City Plan Major Update planning scheme included flood levels that resulted in sites being indicated as liable to flooding that previously were not. We note that Council has removed this information from the interactive website mapping. This is a significant concern for the industry as it seeks to ensure development is well based and raises duty of care concerns.

The flood modelling issues of the previous City Plan Major Update remain outstanding. The Institute recommends that these issues be resolved prior to progress of the TLPI as they affect understanding of the impact of the TLPI and indeed its necessity. The Institute recommends that the TLPI is paused and relevant information distributed with a view to achieving greater agreement on the assumptions. This would underpin a robust and more widely accepted action on flood resilience for the region. The Institute considers the following additional critical information on flood modelling should be made available for review:

- Indication of the new defined Q100 level
- Updated defined Q100 flood level mapping
- Mapping of areas that would be deeper than 0.6 metres under the new level.

In addition to the underlying flood modelling information, the Institute seeks further information that is critical to enable understanding of the impact of the TLPI changes.

A statement was made by officers at the information session on 14 December that less than 2,500 properties in total are expected to be affected by the changes. However, it is clear to the Institute that the affect would most likely be more significant if the new flood levels are imposed as per the recent City Plan Major Update.

Our view on the available information is that it is likely the TLPI will affect most sites in the Gurangunbah Flood Plan, Mudgeeraba, Currumbin Creek, Tallebudgera Creek, Coomera River, and other areas that are subject to flooding. Also, the TLPI specifically lacks adequate information to clarify that some existing development approaches are permitted (further information on this is provided in the next section). The lack of resolved information is a critical shortcoming of the TLPI.

### **TLPI provisions and technical issues**

The Institute is concerned that the TLPI would remove the ability to continue cut and fill and podium style development in flood affected areas. This type of development has been accepted on the Gold Coast for at least a decade, with cutting and filling in the flood plain facilitating an increase in the area of flood free land, whilst maintaining flood storage. Also, in recent times, podiums have

---

been built above the flood level (not impacting flood storage) to allow for apartments and/or townhouses.

Podium style development places dwellings completely above flood level, often with access that is maintained in a flood event. We also note that in some cases there are 'remain in place' facilities that provide refuge whilst the flood passes. Members advise that in the Cyclone Debbie floods earlier this year, the latest podium style developments maintained safety, as well as power, water, sewerage, and access.

Podium style developments have been conceived and certified by Registered Professional Engineers who are registered by the Board of Professional Engineers Queensland. The standards to which these designs and certifications are undertaken are some of the most stringent in existence.

Council Officers have indicated that cut and fill and podiums may still be permitted under the TLPI. However, the TLPI is strongly worded and leads to the conclusion that this development would not be supported. Performance Outcome (PO) 16 of the TLPI is clearly against development in areas with a flood inundation depth exceeding 0.6 metres and has no Acceptable Outcomes (AO). The Institute recommends the TLPI be redrafted to clearly provide for ongoing cut and fill and podium development approaches.

#### **TLPI object and definition issues**

We note the City has used the term 'flood resilience' in the TLPI and elsewhere, and that this is a foundation term for the TLPI. The Institute considers that this term should be better defined as, at present, there is uncertainty regarding this term.

Also, the statement included in the TLPI, *'The object of the temporary local planning instrument is to prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on land in flood affected areas...'* is considered at odds with the TLPI controls. Current scheme provisions do not permit impact on flood resilience and mitigation of flood hazard, and the proposed detailed changes will only have the impact of reducing development activity and the number of residential lots that may be created. Additional consequences could include devaluing property and impacting flood free area per lots. The Institute recommends the TLPI be reviewed to clarify the purpose and effects of the document.

#### **Impact of changes to Hinze Dam stage 3**

The draft City Plan Major Update indicated flood levels without adequately accounting for the flood retention effects of the Hinze Dam stage 3 project. This is a major omission that undermines the City Plan Major Update and the need for or area of impact of the TLPI.

The Institute recommends the TLPI be withdrawn until peer reviewed consideration is given to the appropriate role of effects of the Hinze Dam stage 3 project on flood levels.

#### **Consequences for the Planning Scheme**

The TLPI would prevent infill development within existing urban areas of the Gold Coast. In particular, our members have identified areas such as Paradise Point, Mermaid Beach, Palm Beach, and Burleigh Waters where many existing houses are affected by a water depth of greater than 0.6m. When combined with the updated flood levels in the City Plan Major Update, substantial areas of these redevelopment locations will be precluded from redevelopment.

These sites were often developed by either a small cut and fill operation or a suspended floor above the flood plain. A suspended floor lifting the house above the flood level is a Queensland staple and has been an acceptable outcome for nearly a century.

The TLPI will substantially impact otherwise developable properties and will significantly reduce potential additional dwelling supply in the City. This could have critical impacts on diversity of housing options and housing supply in some locations as many City lot development and key infill locations are subject to flooding. A serious reduction of housing supply would exacerbate already concerning affordability levels in the region.

It is also expected the TLPI may impact achievement of SEQ regional plan housing supply expectations, particularly for consolidating development, in the region. We note infill makes up a very large proportion of the SEQ Regional Plan and City Plan's housing supply intention for the Gold Coast. It appears that the TLPI is premature and needs to be reviewed in terms of its effect on housing development. The Institute recommends the City give further consideration to the housing supply impacts of the TLPI, particularly the significant population growth demands being made on the region.

### Compensation

The TLPI has substantial implications for the value of many land holdings and their owners' financial situations as it is not an adverse planning change for which compensation is payable. This would not be the case in a such a sudden and irrevocable manner if the changes were included in an ordinary planning scheme amendment. The Institute considers it is inappropriate to seek removal of compensation rights without well resolved background information. Also, if proposed, the community should well understand the need for such an action. The Planning Act in Section 23 (7)(b) indicates that a TLPI is not an adverse planning scheme change that would otherwise trigger rights for compensation by affected land owners.

#### *23 Making or amending TLPIs*

##### *(7) A TLPI—*

*(a) does not create a superseded planning scheme; and*

*(b) is not an adverse planning change.*

The Institute considers that the TLPI should not be approved in its present form as it can have severe impacts on land holders without adequate justification. The Institute does not consider there is sufficient available evidence that there is significant risk of serious adverse environmental or other conditions that require this urgent action.

The Institute considers that the TLPI planning scheme policy changes are preemptive and poorly based. The changes should not proceed without resolution of the issues raised in the Institute's submission to the City Plan Major Update or the issues raised in this submission.

### Conclusion

In summary, the Institute recommends Council withdraw or pause the proposed TLPI. The Institute considers that there are a number of issues that should be resolved, including:

- Lack of supporting information
- Construction of the TLPI
- Incorporation of Hinze Dam stage 3 and other factors in the flood modelling
- Impact on housing supply
- Impact on land owners' assets and rights for compensation.



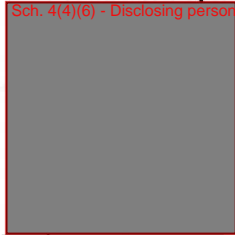
---

The lack of resolved information is a critical shortcoming of the TLPI. Developers may commit to a site today based on current designated flood level, but following City Plan amendments will then be precluded from developing it. This type of uncertainty has the direct result of preventing the industry from delivering economic stimulus and creating jobs on the Gold Coast. It may also cause unnecessary fear and alarm amongst new and existing residents and impact on the ability of developers within the region to acquire financing.

As indicated above, the Institute places a high value on the productive working relationship between Council and its members and would welcome the opportunity to discuss this issue further. If you have any questions relating to the detail of this submission, please contact [REDACTED]

Yours sincerely  
**Urban Development Institute of Australia Queensland**

Sch. 4(4)(b) - Disclosing person



**President Gold Coast Logan Branch**

RTI RELEASE - DS

**Daniel Park**

---

**From:** Adam Norris  
**Sent:** Friday, 12 January 2018 3:37 PM  
**To:** Thomas Holmes; Daniel Park  
**Cc:** Isaac Harslett  
**Subject:** TLPI No.5 - standard response (002)  
**Attachments:** TLPI No.5 - standard response (002).docx

Isaac and I agree to the attached.

RTI RELEASE - DSDMIP



Pages 107 through 122 redacted for the following reasons:

-----  
Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE - DSDMIP

## Daniel Park

---

**From:** Nathan Rule  
**Sent:** Friday, 12 January 2018 2:59 PM  
**To:** Isaac Harslett  
**Subject:** RE: Notice of request for further information and to pause a timeframe - TLPI

This will have to wait until Monday. I'd like to run by Graeme first.



**Queensland  
Government**

Nathan Rule  
Acting Executive Director  
**Planning and Development Services**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] M [REDACTED]  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

---

**From:** Isaac Harslett  
**Sent:** Friday, 12 January 2018 10:33 AM  
**To:** Nathan Rule <Nathan.Rule@dilgp.qld.gov.au>  
**Subject:** Notice of request for further information and to pause a timeframe - TLPI

Hi Nathan

As discussed please find attached the amended TLPI letter.

Cheers



**Queensland  
Government**

Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175/ TLPI-00046  
Your reference: PD113/1303(P1)

12 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson

**Notice of request for further information and to pause a timeframe**

*(Given under chapter 3, part 2, section 8.2 and chapter 3, part 3, section 10.1 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has carried out a review of the proposed TLPI and determined that additional information is needed.

Under chapter 3, part 2, section 8.2 of the MGR, I hereby give notice requesting the following information:

1. *Compliance with section 23(1)(a) and (b) of the Planning Act 2016*

The material submitted with the proposed TLPI has not adequately demonstrated compliance with section 23(1)(a) and (b) of the *Planning Act 2016* (the Planning Act).

The explanatory statement submitted with the proposed TLPI states that the proposed TLPI is required due to:

- *an increase in the extent of the development footprint across the floodplain beyond the natural yield of the land required for flood protection; and*
- *negative impacts on residents' sense of safety and expectations relating to development in a floodplain.*

The explanatory statement does not demonstrate serious and immediate risks that require a temporary local planning instrument to the *Gold Coast City Plan 2015*.

Please provide supporting information demonstrating:

- that the proposed TLPI is responding to a risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- that the delay involved in using the process in sections 18 and 22 of the Planning Act to make or amend another local planning instrument would increase the risk.

To assist in providing the required supporting information, it is recommended that you provide:

- a statement on why the current mitigation measures within the *Gold Coast City Plan 2015* are insufficient to address the future cumulative impacts of flood hazards
- supporting maps showing the number of properties affected by the proposed TLPI.

Under chapter 3, part 3, section 10.1 of the MGR, notice is hereby given that the timeframe for the proposed TLPI has been paused. Under chapter 3, part 3, section 10.2 of the MGR, the timeframe is paused until 29 January 2018. On 30 January 2018, the process will resume at section 8.3, chapter 3, part 3 of the MGR.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, Planning and Development Services, of the department on [REDACTED] or by email at [bestplanning-SEQS@dilgp.qld.gov.au](mailto:bestplanning-SEQS@dilgp.qld.gov.au).

Yours sincerely

Sch. 4(4)(6) - Disclosing person



**Isaac Harslett**  
**A/Manager, Planning and Development Services (SEQ South)**

## Daniel Park

---

**From:** Isaac Harslett  
**Sent:** Friday, 12 January 2018 3:01 PM  
**To:** Nathan Rule  
**Subject:** RE: Notice of request for further information and to pause a timeframe - TLPI

All good

I'll let Adam know.

Cheers



Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Nathan Rule  
**Sent:** Friday, 12 January 2018 2:59 PM  
**To:** Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>  
**Subject:** RE: Notice of request for further information and to pause a timeframe - TLPI

This will have to wait until Monday. I'd like to run by Graeme first.



Nathan Rule  
Acting Executive Director  
**Planning and Development Services**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] M [REDACTED] (S/n: 74(6) - D'seld)  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Isaac Harslett  
**Sent:** Friday, 12 January 2018 10:33 AM  
**To:** Nathan Rule <Nathan.Rule@dilgp.qld.gov.au>  
**Subject:** Notice of request for further information and to pause a timeframe - TLPI

Hi Nathan

As discussed please find attached the amended TLPI letter.

Cheers



Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

RTI RELEASE - DSDMIP





**Daniel Park**

---

**From:** Rebecca Kenny  
**Sent:** Thursday, 8 March 2018 4:36 PM  
**To:** Isaac Harslett  
**Subject:** TLPI for flooding at the Gold Coast

Hi Isaac

We met with the UDIA Gold Coast representative this morning about The Spit.

He mentioned concerns that the TLPI current proposed for flooding would have a significant effect on developable land on The Spit.

I admit I haven't been following the TLPI closely, but are you able to confirm if this is correct?

cheers



**Queensland  
Government**

Rebecca Kenny  
Director – Priority Planning Projects  
**Planning Group**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**Daniel Park**

---

**From:** Nathan Rule  
**Sent:** Friday, 12 January 2018 3:48 PM  
**To:** Isaac Harslett  
**Cc:** Adam Norris  
**Subject:** Re: GC TLPI 5

Ok good to know.

With Regards

Nathan Rule  
Department of State Development, Manufacturing, Infrastructure and Planning

---

**From:** Isaac Harslett  
**Sent:** Friday, January 12, 2018 3:08:32 PM  
**To:** Nathan Rule  
**Cc:** Adam Norris  
**Subject:** RE: GC TLPI 5

Hi Nathan

It in source under D17/307441. Just a side note it was changed by Graeme last time to include some aspects of the brief as first person. Not sure why but we have kept that format.

Cheers

 Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Nathan Rule  
**Sent:** Friday, 12 January 2018 3:01 PM  
**To:** Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>  
**Subject:** GC TLPI 5

Do we have the HiB updated in source?

N

 Nathan Rule  
Acting Executive Director  
**Planning and Development Services**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

---



P [redacted] M [redacted] Sch. 4(4)(6) - Disclos  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

RTI RELEASE - DSDMIP

**Daniel Park**

---

**From:** Ursula O'Donnell  
**Sent:** Thursday, 11 January 2018 12:55 PM  
**To:** Isaac Harslett  
**Subject:** Re: Gold Coast Stop the Clocks

Haha my bad...don't listen to me again!

Regards,  
Ursula

On 11 Jan 2018, at 12:53 pm, Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)> wrote:

haha glad I didn't send them out



Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Nathan Rule  
**Sent:** Thursday, 11 January 2018 12:39 PM  
**To:** Isaac Harslett <[Isaac.Harslett@dilgp.qld.gov.au](mailto:Isaac.Harslett@dilgp.qld.gov.au)>  
**Subject:** RE: Gold Coast Stop the Clocks

Hold fire. Want to check with KD.



Nathan Rule  
Acting Executive Director  
**Planning and Development Services**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] M [REDACTED] Sch. 4(4)(b) - Disclo  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Isaac Harslett  
**Sent:** Thursday, 11 January 2018 9:27 AM  
**To:** Nathan Rule <[Nathan.Rule@dilgp.qld.gov.au](mailto:Nathan.Rule@dilgp.qld.gov.au)>  
**Subject:** Gold Coast Stop the Clocks

Hi Nathan

Heard you are super busy this morning. Do you still want to review the stop the clocks for Gold Coast or are you happy for me to send them out.

Cheers



Isaac Harslett  
A/Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

RTI RELEASE - DSDMIP



## Daniel Park

---

**From:** Kim Kirstein  
**Sent:** Monday, 18 December 2017 4:57 PM  
**To:** Dominique Gallagher  
**Subject:** FW: GCCC TLPI draft

FYI

**Kim Kirstein**  
**Manager – Planning and Development Services (SEQ South)** (Mon, Tues, Thurs, Fri)  
Department of Infrastructure, Local Government and Planning  
Level 1, 7 Short Street, Southport  
p. [REDACTED] | m. [REDACTED] | e. [kim.kirstein@dilgp.qld.gov.au](mailto:kim.kirstein@dilgp.qld.gov.au)

Please consider the environment before printing this email.

---

**From:** Kim Kirstein  
**Sent:** Monday, 18 December 2017 7:57 AM  
**To:** Susan Mercer Nightingale <[SusanMercer.Nightingale@dilgp.qld.gov.au](mailto:SusanMercer.Nightingale@dilgp.qld.gov.au)>  
**Cc:** Megan Bayntun <[Megan.Bayntun@dilgp.qld.gov.au](mailto:Megan.Bayntun@dilgp.qld.gov.au)>; Tim Pearson <[Tim.Pearson@dilgp.qld.gov.au](mailto:Tim.Pearson@dilgp.qld.gov.au)>; Kelly Kohut <[Kelly.Kohut@dilgp.qld.gov.au](mailto:Kelly.Kohut@dilgp.qld.gov.au)>; Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>; Graeme Bolton <[Graeme.Bolton@dilgp.qld.gov.au](mailto:Graeme.Bolton@dilgp.qld.gov.au)>  
**Subject:** RE: GCCC TLPI draft

Thanks Susan for the comments. The fast turn-around on this one is appreciated. I note, the state still has not received the TLPI formally as of Friday.

I just have some questions:

- The current City Plan was signed off as integrating the SPP 2014 for flood. The outstanding matters related to coastal hazards which the council is currently progressing an amendment for, and with your team for review and comment. It is also noted that Major Update 2 (currently with you as well) includes the provisions under the proposed TLPI).
- It is understood that the natural hazard provisions under the current SPP 2017 were strengthened for coastal hazards, however we are not sure what the key changes were in the flood space. Are you able to give context to what has changed in terms of the policy between the 2014, 2016 and 2017 versions of the SPP for flood?
- Are you also able to please advise whether the current provisions under the City Plan still meet the requirements for flood under the SPP 2017. If not, a) what does the council specifically need to do to satisfy the requirements? b) Have they gone above and beyond those required under the SPP? c) Is the methodology used sound? If the current City Plan does meet the requirements, what are the differences between what the SPP requires and what the TLPI is requiring?
- Per the comments below – can these please be tied to the specific SPP policy requirements for context?

Thanks  
Kim

**Kim Kirstein**  
**Manager – Planning and Development Services (SEQ South)** (Mon, Tues, Thurs, Fri)  
Department of Infrastructure, Local Government and Planning  
Level 1, 7 Short Street, Southport  
p. [REDACTED] | m. [REDACTED] | e. [kim.kirstein@dilgp.qld.gov.au](mailto:kim.kirstein@dilgp.qld.gov.au)

Please consider the environment before printing this email.

**From:** Susan Mercer Nightingale  
**Sent:** Monday, 18 December 2017 6:06 AM  
**To:** Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>  
**Cc:** Megan Bayntun <Megan.Bayntun@dilgp.qld.gov.au>; Tim Pearson <Tim.Pearson@dilgp.qld.gov.au>; Kelly Kohut <Kelly.Kohut@dilgp.qld.gov.au>  
**Subject:** Fw: GCCC TLPI draft

Kim,

Please find attached Peter's review of the TLPI which I endorse.

Thanks

Susan

---

**From:** Peter Do  
**Sent:** Tuesday, December 12, 2017 3:50 PM  
**To:** Susan Mercer Nightingale  
**Subject:** RE: GCCC TLPI draft

Susan,

Our comments on each element of the TLPI follows.

**Residential uses are not exposed to flood inundation depths and velocities exceeding those applicable to medium flood hazard**

- We support these provisions (e.g. the replaced PO9 and the new PO16) as these make stronger the requirement for residential uses to be located outside of high and extreme levels flood hazards.

**Lots have a sufficient area of land above the Designated Flood level to effectively and adequately mitigate the risks and/or hazards associated with the flooding**

- We believe that the amount of land that is allowed to be below the defined flood level (DFL) in the new provision (PO17), is too great and could potentially expose people and property to intolerable risks from flood. We would recommend that no new lots for residential, commercial or industrial uses are to be below the DFL.
- To support the provision council should provide a risk assessment to demonstrate that PO17 still achieves an acceptable or tolerable risk from flood. For example they could demonstrate that although a large part of the lot is below the DFL, evacuation provisions in the code mitigate the risks to an acceptable or tolerable level.

Regards,  
Peter Do,  
Senior Planner  
Policy and Statutory Planning  
Department of Infrastructure, Local Government and Planning  
Level 13, 1 William Street, Brisbane QLD 4000  
p. [REDACTED] | e. [peter.do@dilgp.qld.gov.au](mailto:peter.do@dilgp.qld.gov.au)

**From:** Susan Mercer Nightingale  
**Sent:** Tuesday, 12 December 2017 2:16 PM  
**To:** Peter Do <[Peter.Do@dilgp.qld.gov.au](mailto:Peter.Do@dilgp.qld.gov.au)>  
**Subject:** GCCC TLPI draft

**Susan Mercer Nightingale**  
**Director**  
Policy and Statutory Planning  
Department of Infrastructure, Local Government and Planning  
Level 13, 1 William Street, Brisbane QLD 4000  
p. [REDACTED] m. [REDACTED] e. [susanmercernightingale@dilgp.qld.gov.au](mailto:susanmercernightingale@dilgp.qld.gov.au)  
**Customers first | Ideas into action | Unleash potential | Be courageous | Empower people**

RTI RELEASE - DSDMIP



## Daniel Park

---

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 4:33 PM  
**To:** Nathan Rule  
**Subject:** FW: Proposed Temporary Local Planning Instrument No.5 - Notice of request for further information and to pause a timeframe

FYI

  
**Queensland Government**  
Kim Kirstein  
Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [redacted] M [Sch. 4(4)(6) - Disclosed]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** BENNETTS Nicole [mailto:NBENNETTS@goldcoast.qld.gov.au]  
**Sent:** Tuesday, 30 January 2018 3:54 PM  
**To:** Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>  
**Cc:** ADAIR Kelli <KADAIR@goldcoast.qld.gov.au>; Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Best Planning SEQ South <bestplanning-SEQS@dilgp.qld.gov.au>; Daniel Park <Daniel.Park@dilgp.qld.gov.au>; Rebecca De Vries <Rebecca.DeVries@dilgp.qld.gov.au>; Adam Norris <Adam.Norris@dilgp.qld.gov.au>; KIRWAN Camille <CKIRWAN@goldcoast.qld.gov.au>  
**Subject:** RE: Proposed Temporary Local Planning Instrument No.5 - Notice of request for further information and to pause a timeframe

Hi Kim,

As discussed with Kelli earlier today, we are formally seeking an extension to the response period for the stop the clock notice for TLPI-5.

We are seeking an extension until Friday 16<sup>th</sup> February 2018.

Given the response is currently due by COB today, we respectfully request your urgent consideration and response.

Any questions, please let me know.

Kind Regards,

**Nicole Bennetts** RPIA  
Senior Planning Advisor  
Director's Office  
Planning & Environment  
City of Gold Coast

T: [redacted] M: [Sch. 4(4)(6) - Disclosed]  
PO Box 5042 GCMC Qld 9729  
W: [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)

**From:** Adam Norris [mailto:Adam.Norris@dilgp.qld.gov.au]

**Sent:** Monday, 15 January 2018 5:10 PM

**To:** KIRWAN Camille

**Cc:** ADAIR Kelli; BENNETTS Nicole; PARKER Kellie; Thomas Holmes; Best Planning SEQ South; Kim Kirstein; Daniel Park; Rebecca De Vries

**Subject:** Proposed Temporary Local Planning Instrument No.5 - Notice of request for further information and to pause a timeframe

Hi Camille

I refer to the Gold Coast City Council's (the council) letter received on 4 January 2018 to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning submitting the proposed Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) under chapter 3 of *Minister's Guidelines and Rules 2017* (MGR).

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has identified matters that require further information to progress the proposed TLPI to the Planning Minister.

In regard to the assessment timeframes in the MGR, the department has paused the timeframes until 30 January 2018 and the timeframes will resume on 31 January 2018.

If you require further information, I encourage you to contact Daniel Park in the department on [REDACTED] or by email at [Daniel.Park@dilgp.qld.gov.au](mailto:Daniel.Park@dilgp.qld.gov.au).

Regards,



**Queensland  
Government**

Adam Norris

A/Manager

**Planning and Development Services (SEQ South)**

Department of State Development,  
Manufacturing, Infrastructure and Planning

P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments, if you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.



Be part of the celebrations that unite our nation at the Gold Coast Australia Day event at Broadwater Parklands! The event will offer an all-nations food truck feast, live music, the JJ Richards Adventure Zone and a spectacular fireworks display set to rival New Years Eve. For more information: [www.cityofgoldcoast.com.au/australiaday](http://www.cityofgoldcoast.com.au/australiaday)

Council of the City of Gold Coast - confidential communication This email and any files transmitted with it are confidential and are intended solely for the use of the addressee. If you are not the intended recipient be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. If you have received this email in error, please immediately notify us. You must destroy the original transmission and its contents. Before opening or using attachments, check them for viruses and defects. The contents of this email and its attachments may become scrambled, truncated or altered in transmission. Please notify us of any anomalies. Our liability is limited to resupplying the email and attached files or the cost of having them resupplied.

RTI RELEASE - DRAFT



## Daniel Park

---

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 4:40 PM  
**To:** Thomas Holmes; Daniel Park  
**Subject:** FW: TLPI No. 5 - Notice to pause a timeframe  
**Attachments:** TLPI No. 5 - Notice to pause a timeframe.docx

So are we extending or repausing? Perhaps we need the first version which has the complicated links....surely it can't be that complicated?? Should there just be a provision allowing it to be extended??



**Queensland  
Government**

Kim Kirstein  
Manager  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED] M [REDACTED] [Sch. 4(4)(6) - Discd]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Daniel Park  
**Sent:** Tuesday, 30 January 2018 4:37 PM  
**To:** Kim Kirstein <Kim.Kirstein@dilgp.qld.gov.au>  
**Subject:** RE: TLPI No. 5 - Notice to pause a timeframe

Hi Kim,

Friendlier version attached.

Let me know which one you want sent out.

Regards,



**Queensland  
Government**

Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 1, 7 Short Streert, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Kim Kirstein  
**Sent:** Tuesday, 30 January 2018 4:33 PM  
**To:** Daniel Park <Daniel.Park@dilgp.qld.gov.au>; Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>  
**Subject:** TLPI No. 5 - Notice to pause a timeframe

Approved as attached.

I still don't like that last para but run with it if it is templated.

Also, don't forget to keep dates to one line and not break across 2 lines.

Thanks

Kim

RTI RELEASE - DSDMIP





Queensland  
Government

Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: MC18/175  
Your reference: PD113/1303(P1)

30 January 2018

Mr Dale Dickson  
Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Mr Dickson

**Notice to pause a timeframe**

*(Given under and chapter 3, part 3, section 10.1 and pursuant to chapter 3, part 2, section 8.3 and chapter 3, part 3, section 10.2 of the Minister's Guidelines and Rules)*

Thank you for submitting the proposed Temporary Local Planning Instrument No.5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017 (the proposed TLPI) to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning on 4 January 2018 for consideration under chapter 3 of the *Minister's Guidelines and Rules 2017* (MGR).

On 15 January 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) sent the Gold Coast City Council (the council) a notice requesting additional information on the proposed TLPI and pausing the assessment timeframe under the MGR until 30 January 2018.

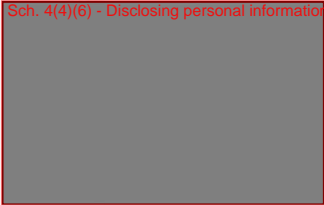
On 30 January 2018, the department received an email from the council requesting that the current pause period be extended until 16 February 2018. The department has considered this request and agrees to extend the duration of the pause period.

This notice pauses the timeframe for the proposed TLPI until 16 February 2018. The department's assessment of the proposed TLPI will resume on 19 February 2018.

If you require further information, I encourage you to contact Daniel Park, Senior Planning Officer, of the department on [REDACTED] or by email at bestplanning-SEQS@dilgp.qld.gov.au.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information



**Kim Kirstein**  
**Manager, Planning and Development Services (SEQ South)**

RTI RELEASE - DSDMIP

**Daniel Park**

---

**From:** [redacted]@oxmarproperties.com.au>  
**Sent:** Friday, 22 December 2017 3:17 PM  
**To:** statedevelopment@ministerial.qld.gov.au  
**Cc:** Kim Kirstein  
**Subject:** Gold Coast City Council TLPI - Letter  
**Attachments:** Oxmar Letter to Minister.pdf

Attention: Hon Cameron Dick MP

Dear Sir  
Please find letter attached.

Kind Regards,

[redacted]

**Oxmar Properties**

[redacted]

Mobile: [redacted] Sch. 4(4)(6) - Disclosing

email: [redacted]@oxmarproperties.com.au

web: [www.oxmarproperties.com.au](http://www.oxmarproperties.com.au)





# OXMAR PROPERTIES

Suite 5 Level 2 Homemaker City  
Cnr Gympie & Zillmere Roads Aspley  
PO Box 842 Aspley Qld 4034  
P 3263 4977 - F 3263 4966  
office@oxmarproperties.com.au  
www.oxmarproperties.com.au

Friday 22nd December 2017

Hon Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

**Re: City of Gold Coast Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017**  
**Submission Objecting to the Proposed Introduction of this Instrument**

Reference is made to the City of Gold Coast's recent introduction of the *Temporary Local Planning Instrument No. 5 (Minimum Land Above Designated Flood Level and Residential Risk Reduction) 2017* (from herein, the TLPI), which was formally released to the public on Friday 8 December 2017.

We thank you for the opportunity to present a submission objecting to the contents of this TLPI.

By way of background, Oxmar Properties is a highly-credentialed property developer with over 30 years of experience delivering a range of projects across Queensland. For further information on our company, please feel free to visit the website, [www.oxmarproperties.com.au/about-us/](http://www.oxmarproperties.com.au/about-us/)

We have recently acquired a site situated on the southern side of the Link Way at Mudgeeraba, which consists Lot 42 on SP184241, Lot 30 on SP270379, Lot 24 on SP868214 and Lot 25 on SP270379. The development site measures 60.44ha in size and is proposed to be improved through the construction of 1776 residential units and other residential accommodation facilities, which has a value of over \$350 million intended to be invested into the local development and construction sectors.

After extensive review of the contents of this TLPI, we are gravely concerned that the proposed regulatory controls for development projects within the floodplain will have an extremely adverse effect on the development prospects of this site, in addition to a range of other investment opportunities that we are presently considering across the City.

Specifically focusing on the Link Way Project, the following details the extensive work that we have undertaken to date to assure that the project satisfies our Company's pledge, being "to develop consistently high quality residential environments, which enhance the lives of the people who live there and the community as a whole":

1. Oxmar Properties have engaged extensively with Gold Coast City Council (GCCC) regarding the nature and style of development suitable for the site and to meet residential demands clearly expressed by the community.
2. Oxmar Properties have facilitated a number of pre-lodgement meetings with GCCC Officers and affected Local Area Councillors to discuss the Project.
3. Oxmar Properties have engaged a team of specialist technical consultants and are expected to be in a position to lodge a formal Development Application with the GCCC in January 2018. We have expended several hundred thousand dollars to date to get to this point.
4. In selecting their consulting team for the Project, Oxmar Properties engaged Burchills Engineering Solutions as their technical engineering services firm, whom have several decades of specialist experience working on development and planning in the floodplains across the City. Burchills has undertaken best practice Flood Emergency Management planning and design that has been the cornerstone of the iterative development of the Project's overall proposal scheme.
5. Oxmar Properties notes that construction of the Project will both enhance the local environment and will reduce the flood impacts on adjacent GCCC community infrastructure. Further, the proposed upgrade to Link Way will provide flood free access to the shopping centre for new residents and the broader community.

In summary, Oxmar Properties wishes to emphasise that the regulations contained within the TLPI would render approximately half of the likely development yield from the Link Way Project as not being achievable. This would result in a significant negative economic impact being felt on the local construction industry, whilst also exacerbating population growth and housing affordability issues being felt across the City.

Oxmar Properties' primary concerns brought about by the introduction of the TLPI relates to the process by which it has been introduced, specifically:

- Overall, the lack of consultation with industry stakeholders and affected parties regarding the contents and the release of the TLPI is of concern.
- No independent engineering or planning assessment appears to have been undertaken, with several potential unintended consequences of the TLPI being observed.
- The lack of transition period created by the introduction of the TLPI prejudices developers with significant financial exposure in current and pending development applications.
- No guidance on the application of the TLPI has been provided, which results in uncertainty surrounding how the instrument affects development projects across the floodplain.
- Council's information briefing (provided with only 24 hours' notice) was unclear in its guidance when numerous typical example development cases were discussed.

- There remains questions as to whether the State Government's 0.8m sea level rise figure has been used to support the introduction of the TLPI. This is a separate issue which will be addressed via updated flood mapping, which is yet to be released by Council.

Oxmar Properties firmly believe that the State Government, working with Council, should seek to establish a collaborative working group including government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

We kindly request that this submission is read in conjunction with other objections that have been presented from other industry stakeholders, including those from Burchills Engineering Solutions, whom we have engaged as our engineering consulting services firm for the Link Way Project. Their submission was issued on Tuesday, 19 December 2017.

We look forward to working in collaboration with government and industry stakeholders to advance discussions around how flood-resilient development should be sustainably located and designed across the City.

Should you have any queries or require any additional information relating to the above, please do not hesitate to contact [REDACTED] or via mobile, [REDACTED]

Yours faithfully

[REDACTED]  
Sch. 4(4)(6) - Disclosing personal information

**cc: Kim Kirstein**

Manager Planning & Development Services – SEQ South  
Department of Infrastructure, Local Government and Planning

**Daniel Park**

---

**From:** Megan Bayntun  
**Sent:** Monday, 18 December 2017 4:03 PM  
**To:** Graeme Bolton; Kim Kirstein  
**Cc:** Dominique Gallagher; Stephen Smith; Peter Do; Teresa Luck  
**Subject:** HPE CM: HPE Content Manager Work Request : WR17/51109 : Hot Issues Brief - Gold Coast City Council TLPI No. 5  
**Attachments:** Hot Issues Brief - Gold Coast City Council TLPI No. 5.tr5

Hello Graeme and Kim

Thank you for the opportunity to consider the proposed HIB.

We have tracked changes in the draft for your consideration.

Sch. 3(6)(c)(i) - Infringe the privileges of Parliament

Happy to discuss.

Thanks  
Megan

## Daniel Park

---

**From:** Dominique Gallagher  
**Sent:** Tuesday, 19 December 2017 3:21 PM  
**To:** Kim Kirstein  
**Cc:** Thomas Holmes  
**Subject:** RE: Early effective date of TLPs under MGR.

Hi Kim,

It was a good chat – I'm going to have a chat to Kelly tomorrow about this too. Thanks for the additional info too. I'm back on Jan 4 so anytime after then.

Hope you have a good Christmas break ☺  
dom

---

**From:** Kim Kirstein  
**Sent:** Tuesday, 19 December 2017 2:57 PM  
**To:** Dominique Gallagher <Dominique.Gallagher@dilgp.qld.gov.au>  
**Cc:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>  
**Subject:** FW: Early effective date of TLPs under MGR.

Hi Dom,

Thank you for the chat yesterday. Further – please see below questions we have sent through on the matter (and attached response email) which will help inform any discussions in the new year about how we process and manage these requests in the future.

In particular, our primary questions are around how the early effective date works within the DA framework. It may be worth getting some legal advice on this aspect??

Look forward to exploring this further in the new year with you.

Kim

**Kim Kirstein**  
**Manager – Planning and Development Services (SEQ South)** (Mon, Tues, Thurs, Fri)  
Department of Infrastructure, Local Government and Planning  
Level 1, 7 Short Street, Southport  
p. [REDACTED] m. [REDACTED] | e. [kim.kirstein@dilgp.qld.gov.au](mailto:kim.kirstein@dilgp.qld.gov.au)

Please consider the environment before printing this email.

---

**From:** Kim Kirstein  
**Sent:** Monday, 11 December 2017 2:58 PM  
**To:** Shane Spargo <Shane.Spargo@dilgp.qld.gov.au>; Kate Bourne <Kate.Bourne@dilgp.qld.gov.au>  
**Cc:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Tim Pearson <Tim.Pearson@dilgp.qld.gov.au>  
**Subject:** Early effective date of TLPs under MGR.

Hi Shane/ Kate

We have some questions around the process requirements for assessing a councils request for an early effective date for TLPs under the MGR, and how the early effective date works on the ground in a DA sense, which Thomas has put together per the below:

- **Background:**
  - On 8 December 2017, Gold Coast City Council resolved to:
    - commence the approval process for a new TLPI (related to minimum flood free access and risk to residential properties); and
    - seek an earlier effective date of 8 December 2017.
  - The council have publicly notified the proposed TLPI and its earlier effective date through their website, Planning and Development Alerts, and their council resolution on 8 December 2017 (which is above and beyond the MGR requirements) (**see attached**).
- **Issue:**
  - Council are seeking the proposed TLPI to commence on 8 December 2017, which is the same date of the council resolution.
  - When lodged, we have a statutory 20 business days to make the decision and provide the recommendation to the DG within 10 business days.
  - Delaying the proposed TLPI for confirmation on our policy will cause concerns with the council given the significant risk this TLPI is seeking to solve.
  - No internal or external guidance, including in the explanatory notes of the *Planning Act 2016* is provided on what justification the council needs to provide for the Planning Minister to consider the council's request for an early effective date, or the role of the department in endorsing/assessing whether the earlier effective date is appropriate. It only speaks to the role of transparency in notifying the public of the early commencement date through the councillor meeting.
  - This proposed TLPI affects major development applications, currently being assessed on the Gold Coast.
- **Query:**
  - What must be considered by the Planning Minister in making a decision on whether to agree to the earlier effective date?
  - What are the implications for Development Applications which are currently being assessed by the council? E.g.
    - Can the council only consider the proposed TLPI once it is approved, should the Planning Minister decide to approve it?
    - If so, what does this mean for DAs currently in the system and which may have a decision date before any approval date of the proposed TLPI, noting that this proposed TLPI may limit development from being able to happen in medium flood areas, which can currently occur?
    - Are council liable for the change?
    - Is the state liable for approving the change which has implications for current DA's?
    - What decision weight must be given to this new effective date, and what liability are we placing on the Minister for approving such a date?

Kim

**Kim Kirstein**  
**Manager – Planning and Development Services (SEQ South)** (Mon, Tues, Thurs, Fri)  
 Department of Infrastructure, Local Government and Planning  
 Level 1, 7 Short Street, Southport  
 p. [REDACTED] | m. [REDACTED] | e. [kim.kirstein@dilgp.qld.gov.au](mailto:kim.kirstein@dilgp.qld.gov.au)

Please consider the environment before printing this email.

## Daniel Park

---

**From:** [REDACTED]@zoneplanning.com.au>  
**Sent:** Friday, 22 December 2017 2:29 PM  
**To:** Kim Kirstein; atzannes@goldcoast.qld.gov.au  
**Cc:** [REDACTED]mail@goldcoast.qld.gov.au; GC SARA  
**Subject:** Submission made to Hon Cameron Dick - City of Gold Coast TLPI No 5  
**Attachments:** Letter to Minister - TLPI No 5.pdf

Hi Kim and Amanda

Please find attached correspondence submitted to Hon Cameron Dick in regard to City of Gold Coast's TLPI No 5 for your information.

Please do not hesitate to contact me should you have any questions or would like to discuss further.

Kindly

**zone**  
Planning Group

**Zone Planning Group wish you and your family a very Merry Christmas and a Happy New Year!**

Please note that our office will be closed from 5.00pm, 21st December 2017 and will be reopening on the 8th of January 2018.

Emails will only be checked periodically throughout this time and whilst we will attempt to reply as soon as possible, there could be a delay. For urgent matters, you can try the mobile number listed below.

[REDACTED] | w [zoneplanning.com.au](http://zoneplanning.com.au)

**Gold Coast** 1638 Tweed Street, Burleigh Heads QLD 4220 | PO Box 3805, Burleigh Town QLD 4220 | Ph 07 5562 2303.  
**Gladstone** 2/172 Goondoon St | PO Box 5332 | Gladstone, QLD 4680 | Ph 07 4972 3831.

The information in this e-mail/attachment(s) is confidential and intended for the named recipient/s only. If you are not the intended recipient, you must not use, disclose, read, forward, copy or retain any of the information. If this e-mail is received in error, please delete it and notify the sender by return e-mail or telephone. Zone Planning Group does not guarantee the integrity of this email or any associated attachments.

Our Ref: Z17139



22 December 2017

GOLD COAST | GLADSTONE

p 07 5562 2303

info@zoneplanning.com.au

zoneplanning.com.au

ABN 36 607 362 238

The Hon Cameron Dick MP  
Minister for State Development, Manufacturing,  
Infrastructure and Planning  
Unit 1, 80 Wembley Road  
Woodridge Qld 4114

Dear Sir

**CITY OF GOLD COAST TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) NO. 5 MINIMUM LAND ABOVE DESIGNATED FLOOD LEVEL AND RESIDENTIAL RISK REDUCTION) 2017**

We write to you as an industry stakeholder and on behalf of our client, Myall Group, regarding City of Gold Coast's recent TLPI No 5 which it is understood is currently with your office for your endorsement.

Firstly, we would like to make it very clear that we do not support development occurring in locations which place undue risk to persons and/or property. We also understand that the recent litigation cases occurring in relation to the Brisbane 2011 are fresh on everyone's mind.

However, we have concerns in regard to the proposed TLPI No 5 in that trying to achieve a certain outcome, decisions are being made in haste of which have had little (if any) peer review, or consultation with key external stakeholders, experts in the area of flooding and natural hazard risk management, or industry in general.

The purpose of the TLPI is to, "...prevent the potential loss of the City's flood resilience and enable the sustainable mitigation of flood hazard on land included on City Plan's Flood overlay map. The provision seeks to strengthen Council's commitment to ensure development in flood affected areas is safe and resilient" with proposed amendments to the Flood Overlay Code to ensure:

- a. Residential uses are only exposed to medium or less flood hazard; and
- b. ROL's provide sufficient land at or above the Designated Flood Level.

(Source: <http://www.goldcoast.qld.gov.au/planning-and-building/temporary-local-planning-instrument-no-5-2017-43294.html>)

Additionally, the amendments seek to "...discourage the proliferation of Residential Uses constructed on platforms above Flood Affected Land".

This provision is clear in its intent that podium development does not occur in the City. However, no peer reviewed technical data has been made available to support that this type of development (construction method) is ineffective or that it creates a danger to persons or property in a severe weather event. In fact, local based hydraulic modelling data indicates otherwise and this type of development is supported by structural engineers and qualified natural hazard risk management experts.



Additionally, this type of development is considered a more sustainable construction method compared to traditional cut and fill processes (of which Council officers have confirmed they are supportive of) due to their limited impact on the environment – being piers/columns versus substantial earthworks and recontouring of the natural environment.

Furthermore, in seeking to introduce the term ‘flood resilience’ in to the TLPI, Council has offered no explanation as to what this means and how it can be achieved. The term resilience is a broadly used term and varies across different contexts; however, it is mostly referred to the ability to bounce back or recover from a significant event and / or the ability to adapt to different situations. In the context of disaster management, flood resilience can be explained as reducing the devastating impacts of floods before a flood event occurs. In the case of podium development, this type of development seeks to do just this – despite the TLPI seeking to “...discourage the proliferation of Residential Uses constructed on platforms above Flood Affected Land”.

Should the proposed TLPI be endorsed in its current form, Myall Group, as a local developer with international investment ties, will be directly affected by these changes. Myall Group lodged a development application into Council on 27 November 2017 with no knowledge of the impending release of the TLPI. In this specific situation, a prelodgement meeting was held with Council officers in August 2017 prior to lodging the development application; of which officers were supportive of the proposed podium residential development (which adjoins a Court approved podium residential development), giving Myall Group confidence to move forward with the development.

At the specific request of Council’s Hydraulic officers, substantial flood modelling was ‘required’ to be undertaken and Council’s Prelodgement Meeting Minutes did not indicate that the proposed development format was unacceptable. That is, there was no indication that a podium format would be unsupported by Council providing visual amenity and technical aspects could be achieved, including flood mitigation to a 500 year ARI flood event. As local flood data was not available from Council in relation to the subject site, detailed flood modelling was undertaken at considerable cost to Myall Group to ensure the development was technically sound – of which the hydraulic modelling data confirmed to be the case. In regard to the visual amenity, landscape buffers the full perimeter of the podium were proposed as requested by officers.

Discussion with Council officers, both within the Council’s policy and development assessment sections, indicate that they are not prepared in dealing with the TLPI and are unable to provide any advice in regard to applications currently being assessed through the development assessment process. Furthermore, the hundreds of thousands of dollars invested in the preparation of expert reports in support of the development (some ‘required’ by Council officers), along with tens of thousands of dollars in Council application fees should also be considered.

Again, we are not supporting inappropriate development in unsafe locations, podium development has proven to be a structurally and technically sound construction method in areas of inundation over many years, both locally and internationally.

It is respectfully requested that due consideration be given to the facts and peer reviewed technical evidence be sought prior to making a decision in regard to TLPI No 5.

Additionally, consideration is also requested in regard to the substantial investment that has been made by developers in preparing their development applications and expert reports for Council’s assessment, with no prior knowledge or consultation in regard to Council’s proposed TLPI No 5.

Should you have any queries concerning the above please contact myself or [REDACTED] of this office on [REDACTED]. We look forward to receiving your response to the items raised in this correspondence at your earliest convenience.

Yours sincerely

Sch. 4(4)(6) - Disclosing pa

[REDACTED]

[REDACTED]

**ZONE PLANNING GROUP**

CC:

1. Kim Kirstein  
Manager, Gold Coast SARA  
South East Queensland (South)  
Department of  
PO Box 3290  
Australia Fair  
Southport Qld 4215  
Email: [GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au)
2. Amanda Tzannes  
Manager, City Planning  
City of Gold Coast  
PO Box 5042  
GCMC QLD 9729  
Email: [atzannes@goldcoast.qld.gov.au](mailto:atzannes@goldcoast.qld.gov.au) / [mail@goldcoast.qld.gov.au](mailto:mail@goldcoast.qld.gov.au)

**Daniel Park**

**From:** Sophie Smith  
**Sent:** Monday, 15 January 2018 3:19 PM  
**To:** Executive Correspondence DSD  
**Cc:** Thomas Holmes; Meaghan Dwyer  
**Subject:** Correspondence - Proposed TLPI No 5 - Gold Coast City Council

Hi David

We have been receiving a few letters about the TLPI No 5 down the Gold Coast, and expect to receive quite a few more.

Our regional office has drafted a standard response for these but while this is getting finalised are you able to liaise with the DLO about getting a consistent signatory for this corro.

Some are coming to us as DG response and the rest as DDG response. If possible, can we please get all the below (and any future) to be a DDG response? I have highlighted the two which are DG response currently.

Folder	File Name	Date/Time	Subject
WR18/1597		10/01/2018 at 4:02 PM	Correspondence received on proposed TLPI No. 5
MC18/293		12/01/2018 at 1:47 PM	NRN : Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/233		10/01/2018 at 9:21 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/214		9/01/2018 at 12:07 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/127		4/01/2018 at 1:58 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/111		4/01/2018 at 1:16 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/102		4/01/2018 at 10:40 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
DGC18/14		3/01/2018 at 3:30 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/44		3/01/2018 at 10:52 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/3		2/01/2018 at 2:56 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council

I am happy to send the standard response up to get endorsement from the DG or the DLO once Kerry and Teresa are happy with.

Thanks  
Sophie

  
**Queensland Government**  
Sophie Smith  
Correspondence Officer  
**Planning Group**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P 07 3452 7658  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

## Daniel Park

---

**From:** Executive Correspondence DSD  
**Sent:** Wednesday, 17 January 2018 12:46 PM  
**To:** Sophie Smith  
**Cc:** Thomas Holmes; Meaghan Dwyer  
**Subject:** RE: Correspondence - Proposed TLPI No 5 - Gold Coast City Council

Hi Sophie

Just clearing out some emails – apologies if I didn't copy you in or forward the DLO's response, I can't find an email to you.

This is all OK, and the highlighted items should have both been updated now.

Let us know once the standard response is ready and we'll get the approvals sorted!

Cheers, Cass



**Queensland  
Government**

**Cassy Aggett**  
**Senior Correspondence Officer**  
Office of the Director-General  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P [REDACTED] E [cassandra.aggett@dsd.qld.gov.au](mailto:cassandra.aggett@dsd.qld.gov.au)  
Level 38, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** Sophie Smith  
**Sent:** Monday, 15 January 2018 3:19 PM  
**To:** Executive Correspondence DSD <[ExecutiveCorrespondenceDSD@dsd.qld.gov.au](mailto:ExecutiveCorrespondenceDSD@dsd.qld.gov.au)>  
**Cc:** Thomas Holmes <[Thomas.Holmes@dilgp.qld.gov.au](mailto:Thomas.Holmes@dilgp.qld.gov.au)>; Meaghan Dwyer <[Meaghan.Dwyer@dilgp.qld.gov.au](mailto:Meaghan.Dwyer@dilgp.qld.gov.au)>  
**Subject:** Correspondence - Proposed TLPI No 5 - Gold Coast City Council

Hi David

We have been receiving a few letters about the TLPI No 5 down the Gold Coast, and expect to receive quite a few more.

Our regional office has drafted a standard response for these but while this is getting finalised are you able to liaise with the DLO about getting a consistent signatory for this corro.

Some are coming to us as DG response and the rest as DDG response. If possible, can we please get all the below (and any future) to be a DDG response? I have highlighted the two which are DG response currently.



WR18/1597	10/01/2018 at 4:02 PM	Correspondence received on proposed TLPI No. 5
MC18/293	12/01/2018 at 1:47 PM	NRN : Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/233	10/01/2018 at 9:21 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/214	9/01/2018 at 12:07 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/127	4/01/2018 at 1:58 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/111	4/01/2018 at 1:16 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/102	4/01/2018 at 10:40 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
DGC18/14	3/01/2018 at 3:30 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/44	3/01/2018 at 10:52 AM	Concerns - Proposed TLPI No 5 - Gold Coast City Council
MC18/3	2/01/2018 at 2:56 PM	Concerns - Proposed TLPI No 5 - Gold Coast City Council

I am happy to send the standard response up to get endorsement from the DG or the DLO once Kerry and Teresa are happy with.

Thanks  
Sophie



**Queensland  
Government**

Sophie Smith  
Correspondence Officer  
**Planning Group**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P [REDACTED]  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

RTI RELEASE - DSD

## Daniel Park

---

**From:** Katherine Chuan  
**Sent:** Friday, 5 January 2018 5:01 PM  
**To:** Thomas Holmes  
**Cc:** Dominique Gallagher; Upendo Kowero  
**Subject:** TLPI and an early effective date

Hi Thomas,

As discussed, I've had a look into the provisions relating to TLPIs and early effective dates.

Section 9(4) of the Planning Act prescribes when a TLPI can have an early effective date. An extract of this section can be found below:

- (4) However, with the Minister's agreement in writing, the effective day for the making or amendment of a TLPI is the day when the local government, at a public meeting, resolved to give the TLPI or amendment, and the request for an earlier effective day, to the Minister for approval.

This means that a TLPI can only have an early effective date if:

1. The local government, at a public meeting, resolves to give the Minister the TLPI and the request for an early effective date (ie the date that the public meeting was held), and
2. The Minister agrees to an early effective date.

Since the council made the resolution at a closed meeting, it is not eligible for an early effective date.

Please let me know if there's anything else I can help you with.

Kind regards



**Queensland  
Government**

Katherine Chuan  
Planner  
**Planning Group**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P [REDACTED] M [REDACTED] s. 41(76) - Disc'd  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

## Daniel Park

---

**From:** Grant Hastie <Grant.Hastie@oir.qld.gov.au>  
**Sent:** Tuesday, 9 January 2018 9:27 AM  
**To:** Daniel Park; Best Planning SEQ South; Thomas Holmes  
**Cc:** HICB  
**Subject:** HICB response RE: GCCC- Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Please note that in regards to the GCCC TLPI referred to above, our agency comments are the same as those you have already provided for Major Update 2 and we have nothing further to add.

Regards

Grant Hastie  
Chief Advisor (Hazardous Chemicals)  
Hazardous Industries and Chemicals Branch

  
Sch. 4(4)(6) - Disclosing pr

[WHSQ Hazchem web pages](#)

Workplace Health and Safety Queensland  
Department of Treasury

The most important reason for making your workplace safe, is not at work at all. Work safe. Home safe. For more information visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au), or telephone 1300 362 128.



**From:** Daniel Park [mailto:Daniel.Park@dilgp.qld.gov.au]  
**Sent:** Monday, 8 January 2018 4:31 PM  
**To:** Natural Hazards <NaturalHazards@dilgp.qld.gov.au>; HICB <hicb@oir.qld.gov.au>; HSCATownPlanning@hpw.qld.gov.au; bcqstateinterest@hpw.qld.gov.au  
**Cc:** Thomas Holmes <Thomas.Holmes@dilgp.qld.gov.au>; Isaac Harslett <Isaac.Harslett@dilgp.qld.gov.au>  
**Subject:** Gold Coast City Council - Proposed TLPI No.5 (minimum land above designated flood level and residential risk reduction)

Good Afternoon,

Gold Coast City Council (the council) has prepared a Temporary Local Planning Instrument (TLPI) to the Gold Coast City Plan 2015, titled the proposed TLPI (minimum land above designated flood level and residential risk reduction) No.5.

The council, utilising *the Minister's Guidelines and Rules* is now seeking the Planning Minister's approval to proceed to adopt the proposed TLPI.

On 5 December 2017, the council tabled a confidential report relating to the proposed TLPI. On 8 December 2017, the council resolved to send the proposed TLPI to the Planning Minister for approval and to seek an early effective date of 8 December 2017.

As the council has now progressed the proposed TLPI for approval, the department is now requesting your state agency assessment of the proposed TLPI. All relevant documents have been attached to this email and will be shortly be available through the EziScheme online portal.

Can you please reply to this email with any comments you have on the proposed TLPI with regards to your relevant state interests.

Note that the contents of the proposed TLPI is included within Major Update 2 for the Gold Coast City Council. If your agency comments with respect to the provisions of the proposed TLPI are the same as those you have already provided for Major Update 2 please reply stating this to be the case.

Please note that all comments and responses are to be emailed to [bestplanning-SEOS@dilgp.qld.gov.au](mailto:bestplanning-SEOS@dilgp.qld.gov.au) AND [daniel.park@dilgp.qld.gov.au](mailto:daniel.park@dilgp.qld.gov.au) AND [thomas.holmes@dilgp.qld.gov.au](mailto:thomas.holmes@dilgp.qld.gov.au) by **COB Friday 12 January 2018**.

If you are not the appropriate contact in your department, can you please contact either myself, or Thomas on 5644 3210 as soon as possible to confirm the correct contact.

Thank you, should you have any further queries please do not hesitate to call.



Daniel Park  
Senior Planning Officer  
**Planning and Development Services (SEQ South)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

-----  
-----  
P [REDACTED]  
Level 1, 7 Short Street, Southport QLD 4215  
PO Box 3290, Australia Fair QLD 4215  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

---

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

---

This email is intended only for the addressee. Its use is limited to that intended by the author at the time and it is not to be distributed without the author's consent. Unless otherwise stated, the State of Queensland accepts no liability for the contents of this email except where subsequently confirmed in writing. The opinions expressed in this email are those of the author and do not necessarily represent the views of the State of Queensland. This email is confidential and may be subject to a claim of legal privilege. If you have received this email in error, please notify the author and delete this message immediately

---

