



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Monday, 23 October 2017

Commencing at the conclusion of the
Corporate & Community Services Committee Meeting

All correspondence to
Be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
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PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

Cr G R Christensen, Mayor
Cr N O'Carroll, Deputy Mayor
Cr N J Waistell
Cr V A West
Cr M J Enright
Cr D A McInnes

APOLOGIES

Cr R J Stanfield, Chair

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil.

Please note: Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

Section 275(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters, affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving it; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 RLBD16/027 Request for a Negotiated Decision Notice pursuant to section 361 of the Sustainable Planning Act 2009 to negotiate three conditions of the stated approval for RLBD16/027****Executive Officer: Director Regional Services****Item Author: Manager Planning****File Reference: RLBD16/027**

Applicable Planning Scheme	<i>Beautesert Shire Planning Scheme 2007</i>
Applicant	The Planning Place
Owner(s)	Ms Y M Bradford, Ms D A Kaye
Site Address	2370 Beautesert-Nerang Road CANUNGRA
Real Property Description	Lot 2 WD 4284
Site Area	12.934 Ha
Relevant Zone and Precinct	Canungra Township Zone Park Living Precinct
Proposal	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate three conditions of the stated approval for RLBD16/027
Assessment Level	Code Assessment
Approval Type	Development Permit for Reconfiguration of a Lot
Date Application Deemed Accepted	Date original Application lodged 8 December 2016, Negotiated Decision Notice request received 1 August 2017

Purpose of Report

The purpose of this report is to amend the errors pertaining to the references made under '**Planning Act 2016**' rather than as '**Sustainable Planning Act 2009**', within the agenda report of Council's September 2017 meeting for a Negotiated Decision Notice of a Development Permit for a Reconfiguration of a Lot on land located at 2370 Beaudesert-Nerang Road CANUNGRA and described as Lot 2 on WD 4284.

Council is in receipt of a request for a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009*. The application was initially lodged and approved under the *Sustainable Planning Act 2009* and this current request will be decided under the *Sustainable Planning Act 2009*.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	- Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	- Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against	Minor	Possible	Medium	- Ensure reasonable and relevant test applicable to assessment processes - Model Litigant	Low

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment risks of	Residual Risk Rating
Council decision				processes followed in court cases - Minimise opportunities for appeals	
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	- Transparent reporting of assessment - Communications	Low

Brief Summary

On 7 June 2017, Council approved a reconfiguration of a lot application under the *Sustainable Planning Act 2009*.

On 1 August 2017, Council received a request from the applicant for a Negotiated Decision Notice under the *Planning Act 2016*.

This request for a Negotiated Decision Notice was approved in part at the Council's Ordinary Meeting held on 25 September 2017, subject to amendments.

The agenda report for this application contained errors within the report that made references to the '*Planning Act 2016*' rather than the '*Sustainable Planning Act 2009*' which is being corrected through this report for Council's endorsement.

Background

On 7 June 2017, Council resolved to approve an application seeking approval for a Development Permit for a Reconfiguration of a Lot on land located at 2370 Beaudesert-Nerang Road CANUNGRA, and described as Lot 2 WD4284. The proposed development generally sought to subdivide one (1) lot into seven (7) lots.

Subsequent to the issuing of this development approval, the Applicant sought to negotiate three conditions of the approval, of which:

- one condition was sought to be deleted; and
- two conditions were sought to be amended.

Consequently, the Council officers assessed the Applicant's request and partly supported the representations made by the applicant and recommended to have the requested conditions amended and subsequently issue a Negotiated Decision Notice.

The request for a negotiated decision notice was approved in part at the Council's Ordinary Meeting held on 25 September 2017, as follows:

- *Condition 2: Final Plan of Survey - Reconfiguring a Lot - condition approved to be retained with minor amendment;*
- *Condition 7: Street Lighting condition approved to be amended;*
- *Condition 11: Conservation Envelope(s) - condition approved to be retained.*

Therefore, the conditions of approval read as follows:

2. FINAL PLAN OF SURVEY - RECONFIGURING A LOT - Subdivision of the site occurs generally in accordance with the proposal plans with reference numbers: 6416_P1 Rev A dated 7/9/2016 prepared by ONF Surveyors (with the exception of the building envelopes which must be removed in an amended plan to be submitted for Council's approval prior to or at Plan Sealing stage). The Developer shall submit a final plan of survey that conforms with the approved plan as amended by this condition to be submitted for Council's endorsement.

7. STREET LIGHTING – Street lighting shall be designed and installed in accordance with the Australian Standard Code of practice for public lighting, AS1158. Street lighting shall be located at the intersection of the private road and the State Controlled road. All street lighting shall be certified by a *Registered Professional Engineer of Queensland (RPEQ)*. The existing surrounding type of lighting is to be considered when choosing the style of lighting. High pressure sodium or other approved energy efficient lamps are to be used.

11. CONSERVATION ENVELOPE(S) - No Change.

Proposed Amendments

All the relevant references to the '*Planning Act 2016*' are to be replaced by '*Sustainable Planning Act 2009*' as shown below.

Applicable Planning Scheme	<i>Beautesert Shire Planning Scheme 2007</i>
Applicant	The Planning Place
Owner(s)	Ms Y M Bradford, Ms D A Kaye
Site Address	2370 Beautesert-Nerang Road CANUNGRA
Real Property Description	Lot 2 WD4284
Site Area	12.934 Ha
Relevant Zone and Precinct	Canungra Township Zone Park Living Precinct
Proposal	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate three conditions of the approval for RLBd16/027
Assessment Level	Code
Approval Type	Development Permit for Reconfiguration of a Lot
Date Application Deemed Accepted	8 December 2016

Conclusion

A request for a Negotiated Decision Notice has been received by Council from The Planning Place to negotiate three conditions of the stated approval for an application seeking an approval for a Development Permit for Reconfiguration of a Lot on land located at Beaudesert-Nerang Road CANUNGRA and described as Lot 2 WD4284.

It has been determined that out of the three conditions requested to be negotiated, two conditions are to be amended and one condition remains unchanged.

Accordingly, the conditions identified to be negotiated by this current request are recommended to be adopted (in a part approval) by Council with a Negotiated Decision Notice being subsequently issued pursuant to section 363 of the *Sustainable Planning Act 2009* to the Applicant and further replacing the current Decision Notice dated 8 June 2017. All other conditions remain valid as approved.

Director's Recommendation

1. That Council resolve to ratify the incorrect references to the Acts within the report and issue a Negotiated Decision Notice in respect to the following property:

Real Property Description:	Lot 2 WD 4284
Address of property:	2370 Beaudesert-Nerang Road CANUNGRA
Site area:	12.934 Ha
Proposal:	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate three conditions of the Development Approval for RLBd16/027.

1. **Conditions of Approval:**

- a) A Development Permit is given for Reconfiguration of a Lot, subject to the following conditions:

2. **FINAL PLAN OF SURVEY - RECONFIGURING A LOT** - Subdivision of the site occurs generally in accordance with the proposal plans with reference numbers: 6416_P1 Rev A dated 7/9/2016 prepared by ONF Surveyors (with the exception of the building envelopes which must be removed in an amended plan to be submitted for Council's approval prior to or at Plan Sealing stage). The Developer shall submit a final plan of survey that conforms with the approved plan as amended by this condition to be submitted for Council's endorsement.

7. **STREET LIGHTING** – Street lighting shall be designed and installed in accordance with the Australian Standard Code of practice for public lighting, AS1158. Street lighting shall be located at the intersection of the private road and the State Controlled road. All street lighting shall be certified by a *Registered Professional Engineer of Queensland (RPEQ)*. The existing surrounding type of lighting is to be considered when choosing the style of lighting. High pressure sodium or other approved energy efficient lamps are to be used.

11. **CONSERVATION ENVELOPE(S)** - No Change

2. Referral Agency Conditions

The Department of Infrastructure, Local Government and Planning - Referral Agency Response dated 5 May 2017.

3. That the Applicant be further advised of the following:

- a) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Reconfiguring a Lot does not happen before the end of the relevant period. The relevant period is two (2) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 85 of the *Planning Act 2016*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 86 of the *Planning Act 2016*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- c) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
 - I. from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - II. from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - III. subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- a) **FINAL PLAN OF SURVEY** - The Applicant shall submit a plan of survey that conforms with the approved plan and as amended. The Developer is to demonstrate that the conditions of the Reconfiguration of a Lot (ROL) component of this approval have been complied with in full prior to seeking the signing and sealing of the Final Plan(s) of Survey for the Reconfiguration of a Lot (ROL) of this approval.

- f) **FIRE ANT RESTRICTED AREA** - Biosecurity Queensland should be notified on 13 25 23. of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants.

4. Further approvals are required for:

- a) An Operational Works approval is required for the Civil Engineering Works, Electrical Engineering Works and any Landscaping Works associated with the proposed Development.

6. Administrative Action:

That a Negotiated Decision Notice be issued in accordance with s.335 of the Sustainable Planning Act 2009 to the Applicant and Referral agencies.

Attachments

1. Applicants Request for Negotiated Decision Notice dated 1 August 2017.
2. Appendix A.

Attachment 1 - Applicants Request for Negotiated Decision Notice dated 1 August 2017

Our Ref: 4855
Your Ref: RLBd16/027

1st August 2017

Planning Department
Scenic Rim Regional Council
Attention: John Creagan
By email: john.c@scenicrim.qld.gov.au; mail@scenicrim.qld.gov.au

Dear John,

Re: Request for a Negotiated Decision Notice
Application Reference Number: RLBd16/027
Application Details: Reconfiguring of a Lot – Subdivision
Site Address: 2370 Beaudesert – Nerang Road, Canungra

Reference is made to the above development approval dated and received on the 8th June 2017. In accordance with Section 75 of the *Planning Act 2016*, we hereby seek a Negotiated Decision Notice.

The subject condition and grounds for seeking a Negotiated Decision Notice are detailed below, and should be read in conjunction with the following documentation:

- **Appendix A** – Addendum Proposal Plan; and
- **Appendix B** – Proposed Electric Concept.

Existing Approval:

- *Condition 2 – Final Plan of Survey – Reconfiguring a Lot – Subdivision of the site occurs generally in accordance with the proposal plans with reference numbers: 6416_P1 Rev A dated 7/9/2016 prepared by ONF surveyors (with the exception of the building envelopes which must be removed in an amended plan to be submitted for Council's approval). The Developer shall submit a final plan of survey that conforms with the approved plan as amended by this condition to be submitted for Council's endorsement.*

Proposed Change:

The approved plans are considered not to have suitable lot envelopes. The provided updated proposal plan is considered more suitable in this circumstance, including shed areas that are existing and providing a 3m setback for better amenity for the proposed future urban uses. Please refer to Amended Proposal Plans within **Appendix A**.

Existing Approval:

- *Condition 11 – Conservation Envelope(s) – Conservation envelopes are to be established for this development. The conservation envelopes are to be shown on a copy of the final plan of survey and on all sale literature.*

Proposed Change:

We request that this condition be removed. The proposed building envelopes as shown on the revised **Appendix A – Addendum Proposal Plan** are more than adequate to address the existing environmental features of the site. As a result, we consider this condition unnecessary.

Existing Approval:

- *Condition 7 – Street Lighting - Street lighting shall be designed and installed in accordance with the Australian Standard Code of practice of public lighting, AS1158. Street lighting shall also be located at intersections, at the end of cul-de-sacs and dead-ends. All street lighting shall be certified by a Registered Professional Engineer of Queensland (RPEQ). The existing surrounding type of lighting is to be considered when choosing the style of lighting. High pressure sodium or other approved energy efficient lamps are to be used.*

Proposed Change:

The wording of this condition is confusing. Street lighting is not applicable or allowed within a private road per AS 1158 – *Road Lighting* which has been confirmed by an RPEQ Engineer from Ampflo. Ampflo has provided a Proposed Electrical Plan referenced within **Appendix B**. Yet the wording of the condition suggests that lighting be provided along the full length of the proposed private road. It is proposed that this condition be amended to reflect the AS 1158 – *Road Lighting* requirement and remove the requirement for lighting at the end of cul-de-sacs and dead-ends. Street lighting is proposed to be provided at the entrance of the private road being a State Controlled road and not within the proposed private road an applicable area to have street lighting per the AS 1158 – *Road Lighting* requirement.

Conclusion

In light of the above, we request that *Conditions 2, 7 and 11* be revised so as to appropriately address the items raised within this letter as described within the material provided throughout the assessment of this application.

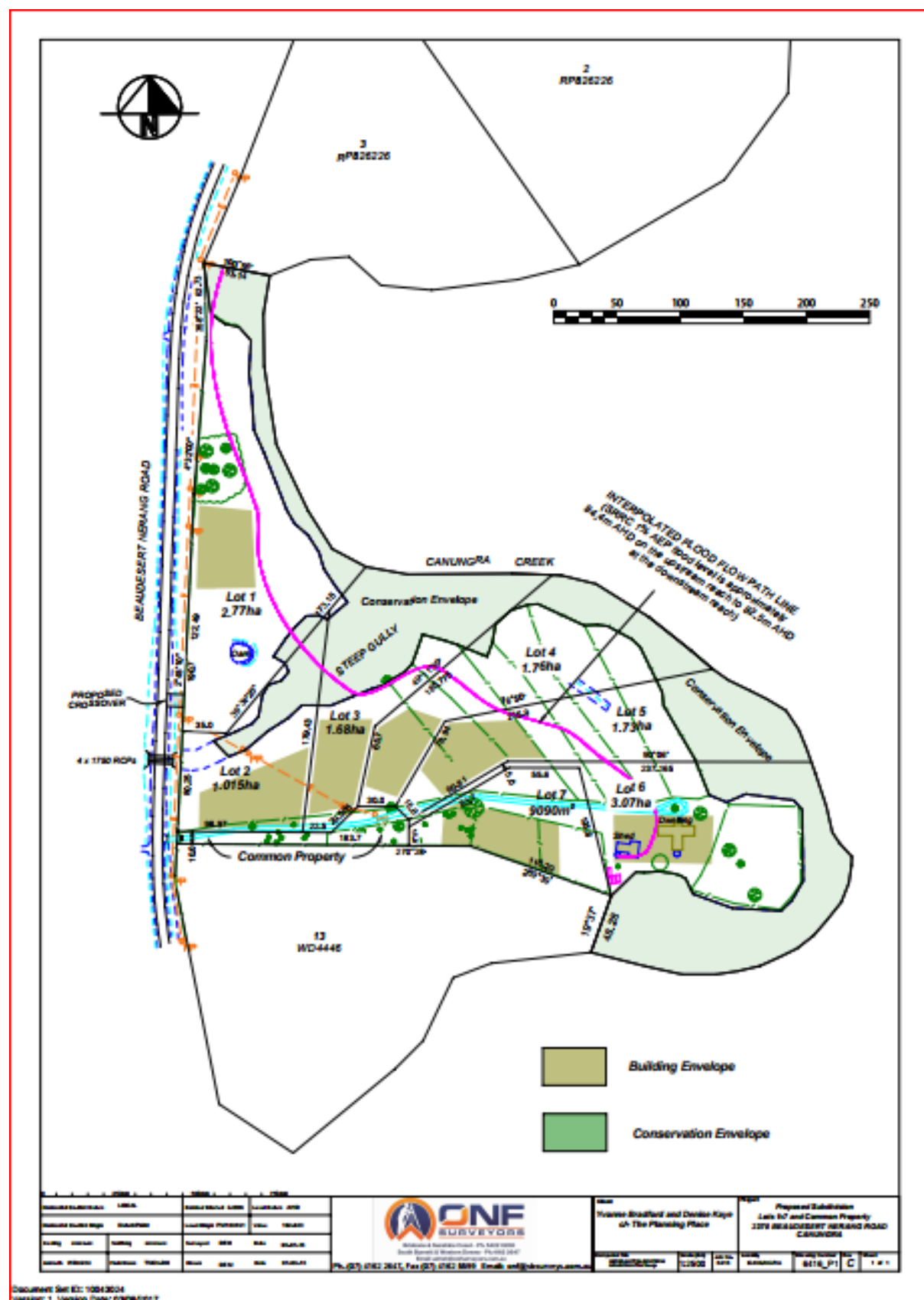
Please do not hesitate to contact our office if any additional information is required in finalising a Negotiated Decision Notice as per this request.

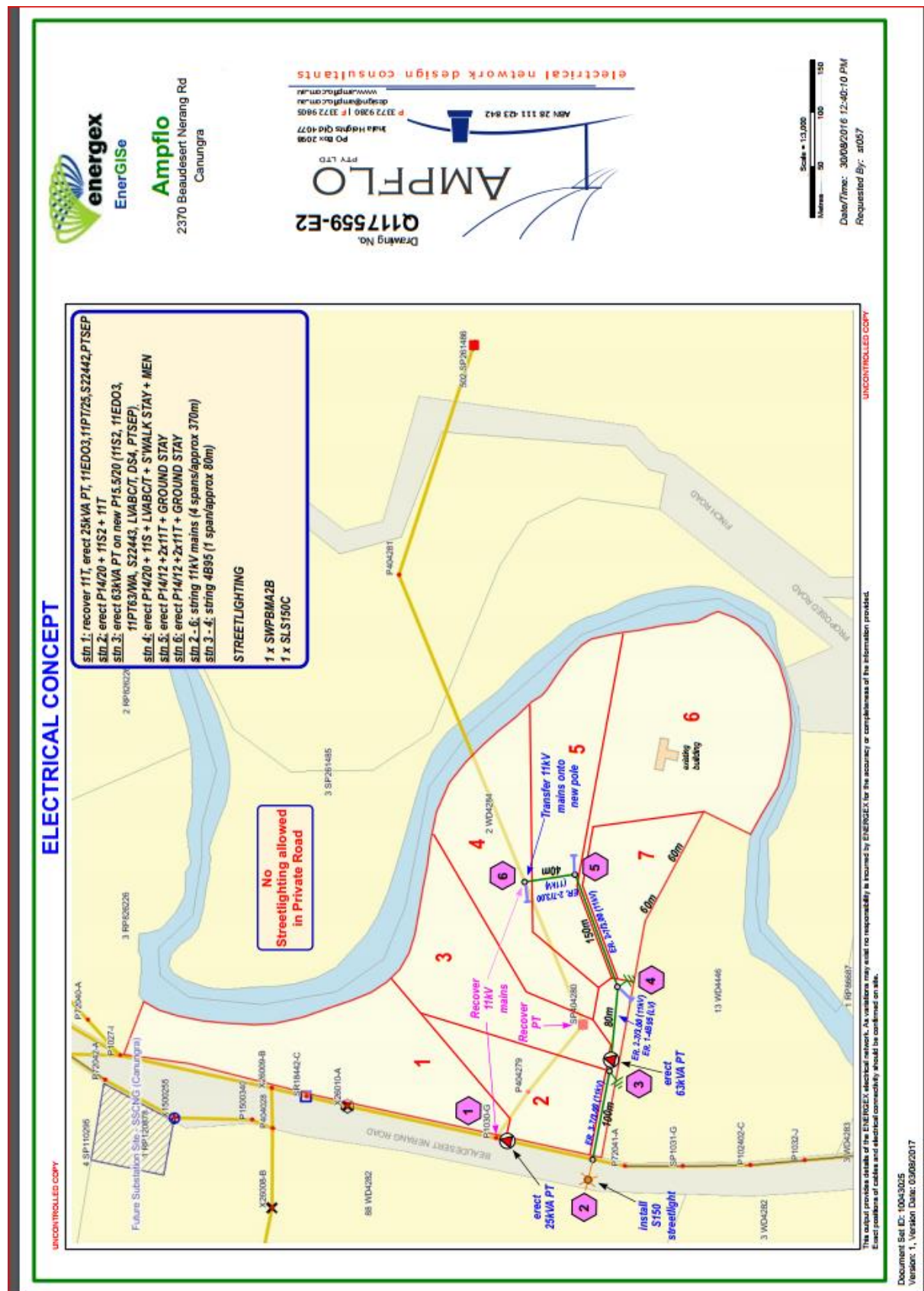
Yours faithfully,



.....
Rebecca Saxty
BRTP (Hons), MEnvMan
Town Planner

Attachment 2 - Appendix A





3.2 Adoption of Temporary Local Planning Instrument 01/2017 Flood Hazard**Executive Officer: Director Regional Services****Item Author: Manager Planning****File Reference: 19/03/004**

Executive Summary

The purpose of this report is to recommend the adoption of the draft Temporary Local Planning Instrument 01/2017 (Flood Hazard) (TLPI) for commencement on 6 November 2017. A resolution to repeal the current TLPI 01/2016 in accordance with Section 24 of the Planning Act is also required because it does not expire before the new TLPI commences.

The purpose and general effect of the proposed TLPI is to enhance the community's resilience to flood hazard by suspending and replacing the existing flood hazard management provisions of the *Beaudesert Shire Planning Scheme 2007* and *Ipswich Planning Scheme 2006*, and introduce flood hazard management provisions in the *Boonah Shire Planning Scheme 2006* until the new Scenic Rim Planning Scheme commences.

Previous Council Considerations / Resolutions

On 28 August 2017, Council resolved to:

1. endorse and seek approval from the Minister for Infrastructure, Local Government and Planning under Chapter 3, Section 8 of the Minister's Guidelines and Rules to adopt the Draft Temporary Local Planning Instrument 01/2017 (Flood Hazard); and
2. endorse the Draft Temporary Local Planning Instrument 01/2017 (Flood Hazard) Supporting Information.

REPORT*Background*

The current TLPI 01/2016 suspends and replaces the existing flood hazard management provisions of the *Beaudesert Shire Planning Scheme 2007* and *Ipswich Planning Scheme 2006*, and introduces flood hazard management provisions in the *Boonah Shire Planning Scheme 2006* for a period of 12 months. The TLPI was prepared in response to the recommendations of the Queensland Floods Commission of Inquiry dated 16 March 2012. The TLPI provides an interim response to the recommendations in Council's existing planning schemes to ensure that land use planning enhances the community's resilience to flood hazard until the new Scenic Rim Planning Scheme has effect.

Given the new Scenic Rim Planning Scheme will not commence before the expiry of the current TLPI on 12 December 2017, a new TLPI has been prepared in accordance with Section 23 of the *Planning Act 2016*.

The Minister's approval to adopt the TLPI was issued to Council on 26 September 2017 (**Attachment 1**) and there were no conditions attached to this approval.

Policy of the TLPI

A review of the existing TLPI in relation to updated State interests has resulted in a number of changes to the mapping, levels of assessment and code. Specifically, flood hazard in planning schemes is now required to account for the effects of climate change in identifying the risk of flood natural hazard in the region. In this regard, Council recently adopted the Representative Concentration Pathway 4.5 under the Australian Rainfall and Runoff for determining the mapping for the 1% AEP (Annual Exceedence Probability). The recent flooding in the region in March 2017 also highlighted the risks associated with building work (including non-habitable buildings) in areas subject to flooding and the Flood Hazard Overlay Code has been amended to mitigate these risks.

The draft TLPI incorporates the following mapping:

- 1.a Flood Hazard Overlay Map which identifies land that is within the 1% Annual Exceedence Probability (AEP) event, or where the 1% AEP is unavailable, in the Interim Flood Assessment Overlay prepared by the Queensland Reconstruction Authority. Climate change considerations have now been applied in the determination of the 1% AEP; and
- 2.hazard mapping reflecting low, medium and high hazard (based on velocity and depth of floodwaters) that is used to support the Performance Outcomes of the Overlay Code.

The proposed levels of assessment correlate with the risk associated with the nature of development in a Flood Hazard Area. All Material Change of Use involving building work triggers Code Assessment against the Flood Hazard Overlay Code except Animal Husbandry and Agriculture. Animal Husbandry and Agriculture involving building work trigger self-assessment to ensure that sheds and buildings associated with these uses do not have the potential to divert flow paths or release hazardous objects or materials into flood waters during a flood event.

The Flood Hazard Overlay Code regulates development in Flood Hazard Areas by ensuring that:

- 1.development siting, layout and access responds to flooding potential, maintains personal safety at all times, and responds to the flood hazard category on the site;
- 2.development is resilient to flood events by ensuring design, built form and materials stored on site do not increase the potential for damage on the site or to other properties;
- 3.development involving community facilities or infrastructure remains functional to serve community need during and immediately after a flood event;
- 4.development directly, indirectly and cumulatively avoids any increase in water flow, velocity or flood level and does not increase the potential for damage on site or on other properties;
- 5.development supports, and does not burden, disaster management response or recovery capacity and capabilities; and
- 6.development avoids the release of hazardous materials into floodwaters.

A copy of the draft TLPI for Council's adoption is provided as **Attachment 2**.

Strategic Implications

Community Plan

Not applicable.

Corporate Plan / Operational Plan

The TLPI contributes to the achievement (in part) of the following strategy relevant to the 'Relaxed Living and Rural Lifestyle' theme of the Corporate Plan:

"Develop a planning vision and supporting planning instruments for the region which promotes community aspirations and clearly articulates the unique qualities of our natural assets and the identity of our towns, villages and communities."

Budget Implications

Sufficient allocation has been made available within the 2017/18 Land Use Planning budget to renew and implement the TLPI.

Legal / Statutory Implications

Under Section 23 of the new *Planning Act 2016* (Planning Act), TLPIs have effect for two years and the process for preparing a TLPI is outlined in Chapter 3 of the Minister's Guidelines and Rules prescribed in the *Planning Regulation 2017*.

Under the Minister's Guidelines and Rules, Council must prepare a TLPI and then submit the TLPI to the Minister for review and approval. Within its submission, Council demonstrated that the proposed TLPI meets Section 23(1) of the Planning Act in that:

- 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.

Given the current TLPI 01/2016 does not expire until 12 December 2017, a resolution is also required to repeal the instrument in accordance with Section 24 of the Planning Act to give notice that the TLPI 01/2016 expires on the day the new TLPI commences.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

CE4: Failure to manage growth resulting in increased pressure on Council and State infrastructure and social amenity;

CE7: Failure to plan or respond to an extensive or widespread disaster event;

CF6: Failure to comply with statutory obligations and responsibilities.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Natural hazard areas are not adequately considered in development assessment and land use planning processes.	Moderate	Possible	Medium	The flood investigations commissioned have quantified the risks associated with development in a floodplain, which will now inform development assessment processes and the preparation of statutory planning instruments.	Low
Environmental Insufficient flood information to adequately plan and respond to possible future flood events and to increase the community's awareness of the potential for such occurrences.	Major	Likely	High	The flood investigations commissioned identify the flood hazard areas within the region, which will assist Council's disaster management function in planning and responding to future flood events. The investigations will also serve as an information tool to increase the awareness of residents of the potential of future flooding events.	Medium

Legal Compliance and Liability The State Planning Policy (SPP) requires that local planning instruments identify natural hazard areas for flood and include provisions that seek to achieve an acceptable or tolerable level of risk to manage development with these areas. This requirement is also consistent with the recommendations of the Flood Commission of Inquiry.	Moderate	Possible	Medium	The flood investigations commissioned will inform a statutory planning instrument, which will manage development within the region's flood hazard areas. The proposed TLPI will subsequently address the State's interest for natural hazard (flood) in the region articulated in the SPP, including the incorporation of climate change data.	Low
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Conclusion

The Minister for Infrastructure, Local Government and Planning has given Council permission to adopt the Draft Temporary Local Planning Instrument 01/2017 (Flood Hazard). It is therefore recommended that Council adopt the draft TLPI and set a commencement date of 6 November 2017. A resolution to repeal the existing TLPI before its expiry date in accordance with the Planning Act is also required.

Consultation

Unlike major planning scheme amendments, a TLPI does not require public consultation or provide the community with the opportunity to make submissions because the purpose of the instrument is to avoid delay in addressing serious risks to the planning scheme area such as flooding.

In accordance with the Minister's Guidelines and Rules under the *Planning Act 2016*, the only statutory requirement for making the public aware of the TLPI upon adoption is that Council must place a notice in the gazette, a newspaper circulating generally in the local government's area and on Council's website stating:

- a) council's name
- b) the title of the adopted TLPI
- c) the date the TLPI commences
- d) the date the TLPI will cease to have effect
- e) the purpose and general effect of the TLPI
- f) if the TLPI only applies to part of a local government area, a description about the location of that area, and
- g) where to inspect and purchase a copy of the TLPI.

Council must also give the Chief Executive of the Department of Infrastructure, Local Government and Planning a copy of the above notice and one electronic copy of the TLPI, including any maps.

Council's website will provide a fact sheet and links to mapping to support the TLPI.

Director's Recommendation

That:

1. Council adopt the Draft Temporary Local Planning Instrument 01/2017 (Flood Hazard) for commencement on 6 November 2017 in accordance with section 23 of the *Planning Act 2016*; and
2. Council repeal the current Temporary Local Planning Instrument 01/2016 for expiration on 6 November 2017 in accordance with section 24 of the *Planning Act 2016*.

Attachments

1. Letter from Deputy Premier providing approval of the making of the Temporary Local Planning Instrument, 26 September 2017 (attached separately).
2. Temporary Local Planning Instrument 01/2017 (Flood Hazard) - for adoption (attached separately).

3.3 Endorsement of Draft Local Government Infrastructure Plan to Proceed to State Review [Closed s.275(1)(g)]**Executive Officer: Director Regional Services****Item Author: Manager Planning****File Reference: 19/03/002**

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(g) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (g) any action to be taken by the local government under the *Planning Act*, including deciding applications made to it under that Act.

4. INFRASTRUCTURE SERVICES

Nil.