



Correspondence

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Burdekin Tourism Association Inc

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2. 1342857 * 533
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3. 1343147 * 894
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9. 1345203 * 542
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10. 1345464 * 894
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Northern Australia CRC Proposal - Burdekin Water Futures.





15th April 2014

Cr. Bill Lewis
Mayor
Burdekin Shire Council
PO Box 974
AYR Q 4807

BURDEKIN SHIRE COUNCIL	
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Dear Cr. Lewis,

On behalf of the Burdekin Tourism Association, I would like to thank you sincerely for your valuable sponsorship and support in making the 2014 Northern Region Visitor Information Centre Volunteers Conference held in the Burdekin on 18th and 19th March 2014 such a great success.

Your donation was very generous and greatly appreciated. Please find enclosed a Sponsor Certificate as a token of our appreciation.

Please also find attached a copy of our thank you advertisement that was placed in the local newspapers. Your business received generous publicity on the day by a sponsor's acknowledgment powerpoint presentation and also verbally acknowledged by the Master of Ceremonies.

Thanking you once again for your generosity.

Yours faithfully,

T. List

Treena List
PRESIDENT

VIEW	MAYOR	AGENDA	C12
	CEO	DATE	13.5.14
NOTED		APPLIC #	
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Certificate of Appreciation

This certificate is presented to

Burdekin Shire Council

*In recognition of your valuable contribution towards the
2014 Northern Region Visitor Information Centre Volunteers Conference*

J.P. List.

Treana List, President

15/04/2014

Date



Supported by:



Water weed management to reduce infestation

WEED-EATING weevils are being released into Ironbark Creek waterholes in an attempt to control one of the region's most pervasive aquatic weeds, *Salvinia molesta*.

Salvinia weed is regarded as one of Australia's worst environmental weeds and is choking creeks and rivers throughout the region.

Salvinia impacts greatly on natural waterways through reducing water quality, limiting the ability of birds to feed and breed and killing of native fish.

Funded by NQ Dry Tropics, the weevil biological control project will enable the Burdekin Bowen Integrated Floodplain Management Advisory Committee (BBIFMAC) to distribute weevils in weed-choked waterholes adjacent to the Ramsar-listed wetlands of Bowling Green Bay, north of Ayr.

The weed-eating weevils have been bred at Maldivale State School for over three years.

By helping to breed the weevils, primary school students are certainly doing their part in improving biodiversity and supporting ecosystem function and resilience against wetland degradation.

This project is supported by NQ Dry Tropics Strengthening Communities project through funding from the Australian Government.



BBIFMAC Project Officer Dennis Stubbs demonstrates a weevil release to primary school students.

Horns locked as sugar move stirs tensions

TENSIONS between Wilmar Sugar and Cane-growers Burdekin remain unresolved, following last week's meeting in Ayr.

Wilmar has declared its intentions to part ways with Queensland Sugar Limited (QSL), with plans for the company to form its own marketing group and compete with QSL from 2016.

But the mood at the meeting between the two organisations was described as "heated" by one source, with horns locked over the best outcome for local growers.

Cane-growers Burdekin chairman, Phil Marano said he was not convinced local growers would be better off under a Wilmar marketing scheme.

"Our perception of what has been proposed is that it does not offer growers anything better than QSL, and that everything that has been proposed could be offered right now by QSL, if the millers would allow," he said.

"If anything, the proposed new structure simply replicates the existing QSL structure, but

locks the marketing of the raw sugar into an exclusive long-term contract with Wilmar's private trading company, while returning little additional value to growers' bottom line."

Wilmar shot back with a statement of their own, claiming a number of growers were already on board with their proposal.

"Growers generally have been interested to hear our proposal and share their initial views, and we will take their feedback on board," Wilmar's North Queensland executive general manager, John Pratt said.

"We have had constructive discussions with collectives and large growers and we will be presenting the proposal to more growers over the next few weeks.

"We appreciate the proposal means change for growers, and our job is to help them to understand that with a marketing partnership they can be confident they are getting the best returns."

Chris Clarke

New dentist to call Burdekin home

ATTRACTING new dentists to the region seems to be easier than pulling teeth.

Last month, council approved a new dentist in Ayr, who will take over Dr Paul Brice's dental surgery at 122 Beach Rd.

Dr Manian Muthaiya said he was happy to be practising in the Burdekin.

"They had an opportunity here, because they needed an experienced person to take care of the surgery. My friend gave me a call to see if I could

work here alone. I said I didn't mind and Dr Brice has become a good friend," Dr Muthaiya said.

Originally from India, he moved to Australia three years ago, practising in Gladstone and South Australia.

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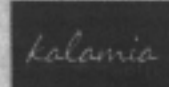


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LANDMARK



Rosemary Menkens MP
Member for Burdekin



17 April 2014

Mr Matthew Magin
Chief Executive Officer
Burdekin Shire Council
PO Box 974
AYR QLD 4807

VIEW	PLANDEV	AGENDA	C1 21
CEO	MAJOR	DATE	6-5-14
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Dear Cr Magin

Liability for Planning Decisions Affected by Climate Change

In December 2013, the State Government implemented its new State Planning Policy (SPP). The new SPP removed the mandatory requirement for local governments to use the climate change factor of 0.8 metre sea level rise and 10% increase in wind intensity by the year 2100. Additionally, existing State Government coastal hazard mapping has been amended to exclude these considerations.

In response, the Local Government Association of Queensland (LGAQ) engaged King and Company Solicitors to prepare advice for local governments regarding potential liabilities and obligations regarding taking climate change into consideration in decision making (**Attached – Liability for planning decisions affected by climate change, dated 17 April 2014**).

The advice highlights local governments' current legal obligations and how to minimise future liabilities in regards to consideration of natural hazards, in particular those associated with climate change. In summary:

Councils are obliged to properly consider coastal hazards, such as erosion, storm tide inundation and flooding when preparing planning schemes and assessing development applications.

Such considerations include the effects of climate change, such as sea level rise and increased wind intensity in worsening existing coastal hazards.

To limit potential liability, councils ought to adopt a sea level rise factor in conformity with the Intergovernmental Panel on Climate Change, and obtain suitably qualified expert opinion as to the effect of applying that factor to their region, having regard to local conditions, and to identify properties at risk from natural hazards worsened by climate change, for identification in the planning scheme.

In the absence of suitably qualified, cogent expert evidence supporting adoption of a sea level rise factor lower than 0.8 metres by 2100 (with 10% increase in wind intensity), adoption of a lower level would not be prudent, and would significantly increase exposure of councils to liability.

In recognising the significance of this advice for local governments in planning and development decisions, both the LGAQ and Queensland Local Government Mutual Liability Pool (LGM Queensland) request your council's careful consideration of the advice.

The LGAQ will continue to work with councils and the State Government to develop appropriate guidance material to assist councils to understand the implications of the advice and the development of appropriate responses. The LGAQ is also continuing advocacy efforts to limit local governments' exposure to liability for reasonably-based decision making through a statutory indemnity, similar to that contained in the New South Wales *Local Government Act 1993*.



The LGAQ welcomes your council's input to the development of these responses. To discuss this advice or provide input please contact Ms Dorean Erhart, Principal Advisor - Natural Assets, NRM & Climate Change, on (07) 3000 2202 or Dorean_Erhart@lgaq.asn.au.

Yours sincerely

Cr Margaret de Wit
PRESIDENT
LGAQ

Cr Noel Playford
CHAIR
LGM QUEENSLAND

cc: Mr Matthew Magin, Chief Executive Officer, Burdekin Shire Council

Our Ref: MFW:JPH:AA20290

Your Ref: G Hoffman

Date: 17 April 2014

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Chief Executive Officer
LGAQ
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[11 pages]

**LIABILITY FOR PLANNING DECISIONS AFFECTED BY CLIMATE CHANGE - COASTAL
HAZARDS**

Executive Summary

1. Councils are obliged to properly consider coastal hazards, such as erosion, storm tide inundation and flooding when preparing planning schemes and assessing development applications.
2. Such considerations include the effects of climate change, such as sea level rise and increased wind intensity in worsening existing coastal hazards.
3. To limit potential liability, Councils ought to adopt a sea level rise factor in conformity with the Intergovernmental Panel on Climate Change, and obtain suitably qualified expert opinion as to the effect of applying that factor to their region, having regard to local conditions, and to identify properties at risk from natural hazards worsened by climate change, for identification in the planning scheme.
4. In the absence of suitably qualified, cogent expert evidence supporting adoption of a sea level rise factor lower than 0.8 metres by 2100 (with 10% increase in wind intensity), adoption of a lower level would not be prudent, and would significantly increase exposure of Councils to liability.

Background

1. In December 2013 the new single State Planning Policy commenced, superseding all of the individual State Planning Policies and the Coastal Protection State Planning Regulatory Provision. Relevantly, the State Planning Policy requires planning and development decision-making to employ risk management approaches that take into account the projected impacts of a variable climate in the context of protecting development in coastal areas from natural disasters (including storm tide inundation and coastal erosion).
2. The State Planning Policy is supported by interactive mapping which, amongst other things, depicts land:
 - (a) in erosion prone areas;
 - (b) at medium or high risk of storm tide inundation; and
 - (c) identified by the Queensland Reconstruction Authority as being at risk of flood.
3. Disclaimers state that this mapping is indicative and should only be used as a trigger for more detailed investigation.

4. Additionally, the State Planning Policy no longer mandates that local governments use a climate change factor of 0.8 metres sea level rise and 10% wind intensity increase for storm tide in their consideration of coastal hazards.
5. The State Government has also amended the current storm tide inundation mapping so that it no longer reflects:
 - (a) future sea level rises as a consequence of climate change; or
 - (b) increases in wind intensity as a result of climate change.
6. We understand that the previous storm tide inundation mapping was based on a sea level rise factor of 0.8 metres by the year 2100 and an increase in wind intensity of 10%. These figures are, from our research, consistent with the projections accepted by the bulk of the scientific community at the time the mapping was generated, and with the Intergovernmental Panel on Climate Change (IPCC) 2013 report.
7. The practical upshot of the changes to the storm tide inundation mapping is that a significant number of parcels of land, which are currently mapped as being at risk of storm tide inundation, will no longer be so classified. For these parcels of land, the provisions of the State Planning Policy dealing with coastal hazards will no longer apply, unless separately identified through local level assessment.
8. In the context of these changes, the Association seeks to gain an understanding of local governments' obligations and potential liabilities regarding taking climate change into consideration in decision-making, and to develop guidance to Councils to enable decision-making that will minimise the possibility of decisions being challenged in Court and maximise the likelihood of winning if a matter were to be litigated. Specifically, advice is sought as follows:-
 - (a) whether, in making planning and development decisions, Councils are obliged to consider:-
 - (i) known coastal hazards, such as erosion and storm tide inundation;
 - (ii) the effects of climate change, such as sea level rise and increased wind intensity in worsening existing coastal hazards;
 - (b) if Councils are obliged to have regard to the effects of climate change, how they can ensure that such matters are properly considered so as to avoid any potential future liability;
 - (c) whether liability could arise where a Council refuses a development application based on, or places restrictive conditions on the development concerning, coastal hazards issues, and it is subsequently approved, or the conditions are eased, by the Court on appeal, or the Minister;
 - (d) what steps can be taken to minimise or reduce the risk of liability to Councils with respect to planning and development decisions where climate change is a factor.

Advice

Consideration of Natural Hazards

9. As a general proposition at common law, local governments must act reasonably to ensure that planning and development decisions avoid causing foreseeable harm, either presently or in the future, to other persons or property. This generally stated duty of care requires local governments to:-
 - (a) thoroughly and properly assess the merits of a development proposal against the applicable planning scheme, State Planning Policy and any other State planning instrument;

- (b) consider the impacts of any development proposal on the environment and surrounding area and, in particular, whether it could cause harm to any other person or property; and
 - (c) where necessary, obtain and act upon appropriate expert advice when assessing development.
10. In a similar vein, Councils need to act reasonably and diligently when preparing planning schemes to ensure that development is of a type and scale which is appropriate for the particular localities and the environment generally. There is no existing case law imposing a common law duty of care on a local government in relation to its adoption of a planning scheme.¹ However, for over a decade, the law has been in a state of flux concerning the existence of a duty of care in novel circumstances, and while we are aware of the argument that the adoption of a planning scheme involves a matter of core-policy making, and therefore something in respect of which no duty will arise, aspects of a planning scheme involve matters more appropriately classed as operational in nature². The terms, scope and purpose of the relevant legislation, and various other "salient features" of the particular case being considered by the judiciary are all relevant to the question of the existence of a duty. Such salient features are numerous but include the nature of loss suffered, the degree and nature of control able to be exercised by the Council, and the degree of vulnerability of the affected party. Given the appropriate set of factual circumstances, we consider it likely that a Court will impose a duty of care on local governments in relation to adopting aspects of planning schemes, particularly those affecting safety to persons and property, including from the effects of climate change on development authorised to proceed under that planning scheme.
11. With respect to coastal hazards, such as erosion, storm tide inundation and flooding, Councils are obliged to properly consider these matters when preparing planning schemes and assessing development applications. The State Planning Policy makes it clear:
- (a) planning schemes must reflect the State interest with respect to natural hazards, such that they must identify areas at risk of coastal hazards (storm tide inundation and erosion) and flooding and include appropriate provisions so that the risks posed by these hazards are avoided or minimised; and
 - (b) development must avoid or minimise risks of natural hazards and avoid increasing the severity of natural hazards.
12. The State Planning Policy requirements aside, in discharging their common law duty of care³, Councils must also properly and thoroughly consider the impacts of natural hazards, such as flooding, storm tide inundation and erosion, in making any planning and development decision. This common law duty is independent of anything contained in the legislation that governs the development approval process.
13. There are many cases which illustrate this principle in the context of planning decisions generally. A Queensland example is *Bamford v Albert Shire Council*. The Council was held liable in respect of both its subdivision and building approvals when it, firstly, approved a subdivision of land which was known to be subject to landslip in certain parts of the land without seeking further detailed geotechnical information from the applicant to establish the suitability of the land for residential use and, secondly, approved a building application on a particular lot in circumstances where it should have alerted the applicant to the known landslip problem and required a detailed geotechnical report in relation to the specific proposed building site.

¹ We anticipate that this is reflective, first, of the fact that on a historical basis, planning legislation used to be more prescriptive, whereas now Councils have more autonomy, and second, Plaintiff's have traditionally alleged breach of duty in the development approval stage, rather than the planning scheme adoption stage.

² For example, planning schemes may confer as of right development uses, and planning schemes deal not only with high level core policy, but also contain detail of application to individually identified properties.

³ As that common law duty is adapted by the *Civil Liability Act 2003*.

14. In the *Bamford* matter, the Council had received (after approval of a plan of subdivision which included the subject lot, but before approval of an amended design which reconfigured the subject lot, and well before the relevant building approval) a geotechnical report from the developer as part of a later stage of the subdivision. The report did not specifically discuss the residential parcel of land the subject of the litigation, but it discussed problems with areas close to the subject lot in the same subdivision. Additionally, had the Council obtained aerial photographs, it would have demonstrated recent land slips in the area.
15. The Court commented that:
"The effect of exercising its power of approving an application for subdivision is to create a series of new allotments which would otherwise not be available for purchase and use by members of the public for residential purposes ... The effect of approving a subdivision puts into circulation something which, in that form, is for the first time capable of being bought and sold, or, in other words, dealt with as a merchantable commodity. Viewed in that way, the Council's action may be compared to that of [a] manufacturer...who, by fabricating a commodity and making it available for distribution to the public, comes under a duty of care to persons who sustain damage through negligence in the course of manufacturing it."
16. In relation to the silence on the material submitted to the Council with the Application about the particular parcel of land, the Court stated:
"when ... in mandatory terms, a duty is imposed on the Council of taking into consideration the fitness of land, or any part of it, to be used for residential purposes, it does not seem to me legitimate to contend that the Council's duty is confined to simply look at the formal application either alone or in conjunction with the documents accompanying the application. In many, if not most, cases the matters so disclosed would not be sufficient to enable the Council to discharge its function of considering whether or not the land or a part of it proposed to be subdivided for residential purposes was in fact fit to be used for such purposes".
17. Where there is a possibility of a natural hazard in the area, to discharge that duty, Councils will need to look beyond the material submitted with the development application, and if necessary, condition a requirement for further investigation into the potential hazard.
18. The duty of care is not discharged merely because a local government receives a report which, on its face, appears to state that the site is suitable. Local governments are required to apply their own expertise to a critical assessment of the report, so far as their expertise extends to enable them to do so. In terms of the duty of care, this process involves:
 - (a) consideration of the qualifications and experience of the author of the report in terms of their expertise to provide a comprehensive analysis of the relevant issues;
 - (b) consideration of the observations, methodology, comprehensiveness and conclusions of the report in order to form a view as to whether the issues have in fact been fully investigated;
 - (c) if the report is in conflict with information in the local government's possession, it should also give appropriate consideration to that conflict.
19. If there remains uncertainty about the adequacy of the report, then a Court would expect the Council to seek further information from the applicant, and in appropriate circumstances to either, despite the expense, engage a suitably qualified external consultant to provide critical appraisal, or refuse the application.
20. If Councils fail to give proper consideration to these factors, and damage (which was reasonably foreseeable as a consequence of such failure) results, then liability in negligence will likely arise. As such, it is incumbent upon Councils to properly and thoroughly consider the provisions of the

State Planning Policy and the impacts of natural hazards generally (in addition to the impact of the development) when making planning and development decisions.

Climate change

21. We understand that many Councils are concerned that they could expose themselves to liability where they fail to take into account the consequences of climate change in worsening natural hazards. Relevantly, concern is expressed that liability may arise if Councils fail to have regard to worsening storm tide inundation as a result of predicted sea level rises.
22. These concerns have been heightened by the State Government's decision to amend the current storm tide mapping so that it no longer reflects predicted sea level rises or an increased wind intensity factor. Effectively, Councils are concerned that they have even less guidance upon which they can make reasonably informed planning and development decisions where climate change is a factor.
23. There is too much data and scientific acceptance about the effects of climate change that it cannot simply be ignored, particularly with respect to sea level rises, when making planning and development decisions. Irrespective of whether or not a "consensus" has been reached on certain issues, or if individual scientists are correct in their views, Courts will be influenced by prevailing views amongst experts in the field, such that Councils can no longer dismiss climate science as being vague or obtuse.
24. Further, it is a specific purpose of the *Sustainable Planning Act 2009* to ensure that the decision-making process applies the "precautionary principle", i.e. the principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment. A further stated purpose is to achieve ecological sustainability, by, amongst other requirements, achieving sustainable outcomes⁴.
25. Our research has identified no Court decisions which have found a local government negligent as a result of failing to take into account the effects of climate change. That is not surprising, however, as the acceptance by the scientific community of the effects of climate change has only gained momentum (relatively) recently, and negligence claims arising from climate change issues have a "long tail", i.e. a decision which fails to appropriately cater for climate change now may not result in litigation alleging a breach for a number of years or even decades, as the occurrence of damage is the trigger for the commencement of the statutory limitation period for the commencement of litigation.
26. In the New South Wales judicial review decision of *Walker v Minister for Planning*, however, the Judge at first instance held that the requirement to take into consideration risk from flooding caused by climate change was an implied, but mandatory consideration in the relevant legislation, and the failure to take it into consideration invalidated the Minister's decision. That decision was ultimately overturned on appeal on the grounds that the particular legislation did not mandate that ecologically sustainable development be considered, thus the decision was unable to be invalidated by the failure. Despite the finding, the New South Wales Court of Appeal commented that it was "surprising and disturbing" that the Minister had not given consideration to such issues. A negligence case involves different legal tests from a judicial review decision, so while the Minister was ultimately successful in the *Walker* decision, the important message from the case is that the Courts are clearly accepting consideration of climate change as an appropriate part of the discharge of planning entities' duties. If the failure to discharge those duties leads to damage, it will undoubtedly result in a finding of negligence.
27. The mere fact that the State Government no longer mandates climate change factors for coastal hazards does not absolve Councils from the need to consider these matters and their potential to worsen existing coastal hazards. On the contrary, it has removed the ability to argue, as a defence to a liability claim, the fact that the level was one mandated by the State Government.

⁴ Sections 5 and 3 respectively.

28. In the absence of any meaningful, locally applicable guidance from the State Government it will be incumbent upon local governments to obtain their own expert advice about these issues before making planning and development decisions. If a Council was to act without proper expert advice and, in doing so, ignored or understated a foreseeable risk of harm posed by the effects of climate change worsening a natural hazard, liability could arise if any such harm or loss was suffered.
29. For instance, if a local government was considering a development proposal for a coastal development which, while not currently at risk of storm tide inundation, was susceptible to storm tide inundation in the future because of foreseeable sea level rise, liability could later arise if loss was suffered as a consequence of that Council's failure to consider and appropriately respond to the risk.
30. A decision to permit development, without adequate safeguards, in a coastal area which was depicted in the former storm tide mapping, but which is no longer flagged as being of concern because that mapping has been amended to remove predicted climate change factors, will be subject to particular scrutiny, as it will be asserted that the land has already been identified as being at risk. Once the risk is identified, the removal of the mapping does not mean that the Council will no longer be deemed to have knowledge about the risk.
31. Further, the removal of mandated climate change factors has the potential to permit a varying approach by Councils within the same region. In determining questions of reasonableness⁵ the Courts will give consideration to the approaches of other local governments. Where there are different approaches, they may be relied upon to demonstrate a particular Council's decision is unreasonable.⁶
32. A Council may decide to adopt a level lower than the 0.8 metres by 2100 (with 10% increase in wind intensity), but to avoid liability for subsequent damage caused by tidal inundation, such a decision should only be made where it is established that the State Government's earlier mapping was inaccurate because the sea level rise predictions were unreasonably high. To successfully avoid liability, it would be necessary to demonstrate that the decision to adopt a lower level was based on cogent expert evidence. Given the weight of the international opinion on likely sea level rises, we consider it highly unlikely that a competent, suitably qualified expert would be prepared to assert 0.8 metres is too high, and any who did would be subject to particular scrutiny by the Courts.
33. An alternative would be to adopt a staged approach, for example the 2009 New South Wales policy (which has since been abandoned) was to adopt a sea level rise factor of 0.4 metres by 2050 and 0.9 metres by 2100. Such an approach would result in development approvals, which effectively permit the use of land indefinitely, being given for land which Council has current knowledge will be subject to the effects of sea level rise in the future. Such an approach would⁷ significantly increase the risk of liability and is not recommended.
34. In short, the State Government's removal of predicted sea level rises from the State Planning Policy and storm tide mapping gives more leeway for Councils to decide not to adopt the levels previously used by the State Government (and consistent with the most recent IPCC levels), but the fact that it has been previously specified, and follows the prevailing scientific views, would mean that the Council must have sound grounds for the departure, based on solid expert evidence, or alternatively it will risk exposure.
35. If a Council were to be risk averse and merely adopt the highest sea level rise factor projected by the IPCC (1.1 metres by the year 2100), and development is assessed against this standard, it would be difficult for anyone to assert that the Council had acted negligently. However, the adoption of such a level without seeking expert guidance may lead to the Council's development

⁵ Both at common law, and in relation to the application of section 36 of the *Civil Liability Act*.

⁶ The ability to challenge the appropriate level has always existed, but given that the requirement was consistent across the State, a challenge was less likely.

⁷ Subject to the matters discussed in paragraphs 51-54.

decisions being regularly appealed on the basis that they are above the mean predictions, and are therefore based on an unreasonably stringent standard⁸. Hence, decisions with respect to development proposals ought to reflect sound scientific and expert advice and ought not be based on an overly strict or unreasonable view of the applicable science.

Court overturns Council decision

36. The Association has asked us to consider whether a Council could be liable where:-
- (a) it refuses a development application having regard to coastal hazard issues and climate change;
 - (b) the applicant appeals against the decision and the development application is approved by the Planning and Environment Court; and
 - (c) the development is later impacted by coastal hazard and loss or harm is suffered in circumstances where such development should never have been approved.
37. Upon appeal of a development decision, the Court's decision is substituted into that of the Council's, and feasibly a Council could still be held liable for the decision. However, a Council can minimise or avoid any potential liability if it actively and competently defends its refusal of the development application on appeal. This would require a Council to:-
- (a) retain competent legal counsel to prosecute the appeal on its behalf; and
 - (b) retain the necessary experts to act on its behalf and to give appropriate evidence to the Court.
38. Provided a Council takes these steps, it will be usually taken to have acted to discharge its duty of care, and public policy grounds could be raised in the defence of the claim. Any failure to completely defend a refusal 'opens the door' to the argument that a Council has failed to take reasonable steps to discharge its duty.

Ministerial Call In

39. Chapter 6, Part 11 of the *Sustainable Planning Act* sets out the Ministerial call in powers. Relevantly, section 426(2) allows the Minister to call in a development application for a State interest after a Council has decided it. The Minister may then reassess and re-decide the application in place of the Council. The Minister's decision is taken to be the Council's decision but a person may not appeal against the Minister's decision.
40. In those circumstances, there is little that can be done to limit liability. If the approval of the development is ultimately established to be negligent, the Court may have some sympathy for Council's position on public policy grounds. However, where the Court is also considering a resident who faces financial ruin because they are adversely affected by the decision, we anticipate that the Court will have little regard for the fact that the decision was not truly Council's. The Council may seek to join the State to any claim, but the legislative prescription that the decision is taken to be the decision of the Council is problematic. It does not specify the purpose for which the decision is so taken, and the explanatory notes to the legislation are silent on the issue. Ultimate responsibility will therefore likely rest with the Council.

Providing guidance

41. We reiterate that it will be necessary for Councils to obtain expert guidance on the impacts of climate change in worsening natural hazards to assist making planning and development decisions, should they wish to reduce the possibility of liability arising later. There are two phases to this

⁸ For example *Daikyo (North Queensland Pty Ltd) v Cairns City Council*, which considered conditions, proposed by an objector, which required higher levels of storm tide inundation protection than the Council had required, were unreasonable as comparable developments in the region did not have to comply with those levels. It should be noted, however, that the decision is now 10 years old, and there has been significantly wider acceptance of climate change issues since that case was decided – see, for example, *Charles Howard Pty Ltd v Redland Shire Council* and *Rainbow Shores Pty Ltd v Gympie Regional Council*.

process. The first is to set an appropriate sea level rise factor. What is an appropriate sea level rise factor is not a question of legal opinion, but rather must be determined having regard to the scientific literature, including the most recent IPCC report, and to prevailing local conditions. Given the uncertainties inherent with this body of science it is likely that opinions may differ. It is not necessary for Councils to pick one view over another, what is appropriate is that the decision be made having regard to the current weight of scientific literature. This decision may be guided by competent expert advice which provides further interpretation of the IPCC report, but that is not necessary given the level of detail of the IPCC report, and other related material.

42. Cogent, suitably qualified expert opinion would be necessary if Council was considering a figure outside that range recommended by the IPCC report, but given the weight of that document, and its significant support in the scientific community, Council's reliance on such expert opinion would be subject to significant judicial scrutiny as to the reasonableness of doing so. Reliance on a factor below the IPCC range would significantly expose Council to liability.
43. Once the decision has been made on the appropriate sea level factor to adopt, the second phase is to then translate how the sea level rise factor translates to the Council's area. This step will require expert input. The provisions made in a Council's planning scheme ought to reflect the expert advice about the localised impacts of climate change on different forms of development, so as to inform decision-making with respect to the land likely to be affected by storm tide inundation and erosion into the future.
44. Therefore, the most practical and thorough solution to minimise potential liability would involve Councils:-
 - (a) Adopting, either separately or collectively, climate change factors for coastal hazards based on the IPCC report (0.8 m by 2100 plus wind intensity increase of 10%);
 - (b) either collectively or separately commissioning a study into the impacts of the climate change factors by more detailed modelling, and incorporating the findings of such a study into planning schemes by identifying properties that are, and will be, at risk from sea level rise, storm tide and erosion;
 - (c) when assessing development, obtaining and relying on expert advice to ensure that the general guidelines set out in the planning scheme appropriately manage the risk for specific development proposals; and
 - (d) periodically reviewing the adopted factor, as the scientific community gathers further evidence, and scientific opinion develops.
45. We are conscious that many Councils lack the resources to obtain the advice of expert consultants each time development, which may be affected by natural hazards worsened by climate, is assessed. As such, the need to have clear and reasonable guidelines in planning schemes, informed by and reflecting the expert opinion obtained, will become particularly necessary, with a view to limiting the need to re-engage experts to separately consider each development application.
46. If Councils obtain expert guidance and act on it accordingly, the chances of liability arising are significantly minimised. In most cases where a Council has incorporated the findings of a study into its planning scheme and it reasonably relies upon this in assessing development, it will insulate itself from any potential liability, as it is a principle of law that reliance on cogent expert advice is a reasonable discharge of a duty of care.
47. However, in cases where the risks posed by natural hazards and climate change are particularly high, it may still be prudent for Councils to also seek advice from expert consultants in assessing certain individual development proposals. Whilst general guidance in planning documents provides a useful framework, it will be general in nature and may not always adequately address the impacts or risk of harm posed by a particular development which may be particularly at risk. Conditioning an approval to require the developer to provide expert evidence is an appropriate

manner of dealing with such a situation, but if the developer's expert forms a view significantly different from that of Council's general report, prudence would require Council to obtain a further, specific, report before approving the development.

48. Aside from issues of liability, the more thorough and evidence-driven Councils are in addressing the impacts of climate change both in plan making and development assessment, the less likely specific decisions are to be challenged in the Planning and Environment Court. The mere fact that there may be a lack of consensus among experts in relation to translation of the hazard to the particular locality will mean that disputes will still arise, but if Councils are guided by principles drawn from expert advice in assessing development proposals, applicants are less likely to be able to successfully challenge such decisions on appeal. The Planning & Environment Court is, ultimately, an "expert's jurisdiction", such that Council decisions which are based on reasoned and balanced expert advice are less open to being challenged and overturned.

Options for minimising liability

49. The foregoing advice recommends that Councils obtain advice and input from expert consultants, in determining the effects of sea level rise factors in their locality, preparing planning schemes, and in some cases, assessing development. Despite all of the expense attendant with obtaining and acting on such advice, it does not serve as a complete shield. Notwithstanding the fact that a Council may act on the basis of reasoned expert advice, mistakes can occur and matters which ought to be considered can be ignored or missed. If the mistake is solely that of the expert, Council ought not be held liable, and joinder of the expert as a third party is possible, but will be a tactical decision depending on the circumstances of the matter. However, recovery will only be possible if the expert has insurance (or assets against which to execute Judgement) and is still alive or (in the case of a company) exists by the time the claim arises. Further, their liability may be capped under a legislative standards scheme, or restricted contractually, limiting Council's recovery rights.
50. Without legislative amendment there is presently no way to completely remove the risk of liability with respect to the planning and development decisions of Council. Litigation following planning and development decisions of Councils, in which someone asserts loss, is not uncommon, irrespective of the ultimate merits of the litigation. However, the number of successful claims will certainly increase if the impacts of climate change are not properly considered and understood by Councils.
51. Parliament may consider enactment of legislative provisions to protect Councils from liability in some, or all, circumstances. Any potential legislative provision could take various forms, each offering varying levels of protection from liability; however this is beyond the scope of this advice. Advice has been provided to the LGAQ separately about a broad indemnity, similar to that contained in section 733 of the New South Wales *Local Government Act*, and it is noted that discussions between the LGAQ and the State Government about this are ongoing.
52. For decisions relating to development likely to be impacted by worsening natural hazards in the future as a result of climate change, conditions can be imposed on development limiting how long development can continue. Specifically, section 346(1) of the *Sustainable Planning Act* enables Councils to impose conditions on development which "place a limit on how long a lawful use may continue or works may remain in place".
53. The imposition of conditions limiting the 'life' of a development has the advantage that it can reduce the risk of a Council being held liable for loss or harm caused by the impacts of climate change some time in the future. For instance, if a development was, on one view, likely to be impacted by storm tide inundation after 2050, the development could be conditioned accordingly so that it is no longer existent by the time any risk is posed.
54. This approach has the obvious down side that it is likely to result in appeals to the Court on the basis that Council has failed to properly consider the impacts of the development in a scientific

- and researched manner. As such, unless any sunset clause is properly predicated on sound expert advice, it may be susceptible to appeal.
55. Moreover, given the uncertainties involved with climate change, it may not always be possible for Councils to impose sunset clauses which ensure that development finishes before any potential impact occurs. As such, while this option may be useful for limiting liability in some cases, it clearly will not always be appropriate.
56. Another option which Councils may consider would be to seek indemnities from developers through the assessment process. Such indemnities would, typically, be framed as indemnifying Council from any liability which may later arise as a consequence of approving a particular development proposal.
57. We see obvious practical difficulties with this approach in that:-
- (a) many developers may be unwilling to sign an indemnity where the potential liability which may result is uncertain both in quantum and the time it will arise;
 - (b) Councils cannot compel developers to provide indemnities by imposing conditions on development; and
 - (c) even where a Council successfully secures an indemnity, enforcement issues may arise where the developer no longer exists, or is of limited financial means.
58. If a properly drafted indemnity was obtained, subject to the practical matters discussed above, we believe it could be successfully relied upon to divert liability. However, even where a Council obtains an indemnity, it may still be put to the cost of defending proceedings in the first instance. As such, we consider there to be significant limitations with the utility of this approach.
59. Councils may also consider options to limit their liability by clearly recording the fact that a particular development may be impacted by natural hazards worsened by climate change, by placing a notation on planning and development certificates, or on the land record.
60. Whilst the placement of a notation on a planning and development certificate or on the land record may reduce the scope for some claims against Councils, it does not prevent claims being brought where Council has negligently approved development, and does not relieve Council of its responsibility to properly consider the impacts of coastal hazards when assessing development. If a Council fails to have appropriate regard to a coastal hazard issue, the placement of a notation after the fact will do no more than possibly assist in a mitigation of loss argument (i.e. the owner had knowledge, but proceeded in any event, or failed to take preventative action to limit loss). However, a purchaser may reasonably not obtain a planning and development certificate, or inspect the land record, at all or until after they have unconditionally contracted to purchase the land, which would be too late for the Council to receive the benefit of any mitigating effect of the notation.
61. Notwithstanding this, we believe it would be prudent for Councils to consider including notations on planning and development certificates and the land record where a property was noted in the State mapping, or in a Council's planning scheme, as being affected by a current and/or future coastal hazard. This will reduce the likelihood of a claim being brought on the basis that there has been a failure to provide accurate information about a property, or failure to provide information which is not misleading.
62. By noting that a particular property is at risk on the face of a planning and development certificate or on the land record, Councils can limit the potential for someone to argue that:-
- (a) the certificate or rates search was misleading because it failed to disclose all of the facts relating to the land known to the Council; or
 - (b) the Council should have disclosed the fact that the land was at current or future risk of being affected by a coastal hazard.

63. The wording of appropriate text is ultimately a matter for individual Councils, but it should state in clear terms that the land has been noted, either in the State Planning Policy or planning scheme, as being affected in a particular way. A recent planning circular issued by the New South Wales Government suggests potential wording which would be a useful template for Queensland Councils.
64. We sound a cautionary note that Councils need to ensure that notations are only placed on a certificate where land is clearly designated as likely to be affected by current or future hazard. An overzealous or unscientific approach could potentially lead to liability arising if someone suffers loss as a result of a Council negligently and inaccurately stating that a property will be affected in circumstances in which it will not be affected.
65. As such, any move to include notations on planning and development certificates should only occur:-
- (a) where the former State Planning Policy mapping has identified the land as being in a coastal hazard area; or
 - (b) after a Council has undertaken a study into the impacts of climate change, which shows that property as being affected by hazard as a result.
66. Should you have any queries in relation to the above advice, please telephone Mark Williams or Terry Law.

Yours faithfully,
KING & COMPANY



Contact and Partner responsible:
Email:

Mark Williams
mark.williams@kingandcompany.com.au



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

Councillor Bill Lewis
Mayor
Burdekin Shire Council
PO Box 974
AYR Qld 4807

BURDEKIN SHIRE COUNCIL	
File ID No.	894
24 APR 2014	
Document No.	
Retention Period	

17 APR 2014

Dear Councillor Lewis,

I am writing to you about the decision the government has made in relation to infrastructure charges.

Our goal in addressing this complex issue has been to ensure the right balance is struck between encouraging developments while providing a new funding stream for catalytic infrastructure. For far too long this issue was neglected by the previous Labor government, who offered no alternative plan in assisting with infrastructure costs. Our government is committed to enabling the growth of residential, commercial, retail and industrial developments to deliver jobs, high quality infrastructure, affordable housing and business opportunities for all Queenslanders.

After extensive consultation with local government and industry, changes to the infrastructure charges framework will see the introduction of a to a new 'fair value schedule of charges,' developed by stakeholders and the Department of State Development, Infrastructure and Planning. Rather than adjusting the regulated infrastructure caps that local governments can charge, we will instead offer strong incentives for local governments to align with the fair value schedule by having the state government potentially co-invest in works.

Councils, developers and service providers will be encouraged to make applications to the State Government and these works to have key works identified as Priority Development Infrastructure that could attract co-funding by the State. Councils who refuse to use the fair value schedule will not be considered.

This new framework will come into effect 1 July 2014. I would encourage you to work together with the State Government on these changes to ensure the continued delivery of economic growth and prosperity across Queensland.

If you require any further information, Greg Chemello, Deputy Director-General of Planning and Property in my department will assist and may be contacted on 3719 7100.

Yours sincerely,

JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

VIEW	MAYOR	AGENDA	C12
PLANDEV	CEO	DATE	13.5.14
NOTED	DEO	APPLIC #	
	OCCS	PROP #	
TENDER		LAND #	
ACTION			
DEADLINE			

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Hon Andrew Cripps MP
Minister for Natural Resources and Mines

BURDEKIN SHIRE COUNCIL

File ID No.

314

28 APR 2014

Document No.

Retention Period

Ref MO/14/0515
CTS 04882/14

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24 APR 2014

Mr Bill Lewis
Chair - Burdekin Water Futures
Mayor
Burdekin Shire Council
PO Box 974
AYR QLD 4807

C/C The Honourable Mark McArdle MP
Minister for Energy and Water Supply
PO Box 15458
CITY EAST QLD 4002

Mrs Rosemary Menkens MP
Member for Burdekin
Shop 30, Centrepont Arcade
Queen Street
AYR QLD 4807

Dear Mr Lewis

Thank you for your e-mail of 27 February 2014 about the concerns of the Burdekin Water Futures group around rising groundwater in the Burdekin Haughton Water Supply Scheme (BHWSS).

The current system of issuing Water Permits for five years has several purposes. It allows those irrigators with existing entitlements and infrastructure, access to additional groundwater above their nominal annual entitlement and to pre-plan the farm management for a five year period. It also allows the Department of Natural Resources and Mines (the department) to have interim assessments of the groundwater trends to determine the ability to continue the practice of issuing additional water to help manage the system. Issuing a Water Permit for ten years can unfortunately lead to an expectation that the water will always be available, which is not the case, particularly when there may be large investments in infrastructure as part of setting up an irrigation system.

The majority of irrigators in the BHWSS are entitled to groundwater licences and are likely to have existing facilities in place for extraction. Those irrigators who utilise channel water and have no groundwater facility can apply to the department for a nominal groundwater entitlement and then apply to access the water harvesting of groundwater through the water permitting system.

It is those areas where groundwater yields are insufficient for efficient irrigation practices that are of concern as the ongoing build-up of groundwater is a risk for the commercial viability of these farming areas. The most practical situation would be to encourage groundwater use in those problem areas where little or no groundwater is currently being utilised, such as the Mulgrave and Haughton areas of the BHWSS.

To assist with the financial impost associated with new groundwater facilities, I have made \$1.5 million available over four years to address these issues in the Burdekin as part of the Rural Water Use Efficiency (RWUE) program. Mr Rob Milla from Burdekin Productivity Services will be coordinating part of the on-ground works. Should you wish to offer your input and assist in ensuring that positive outcomes are achieved for this project, Mr Milla can be contacted on telephone 0490 036 329.

The allocation of funding from the RWUE program was in response to the conclusions of the various groundwater reports prepared over the course of the last five years. I expect that the Burdekin Water Futures group will be an active participant in all aspects of the RWUE process and will ensure that the reports you have mentioned are appropriately considered and addressed. It is the dedicated efforts of groups such as this which have brought the groundwater issue in the Burdekin district to my attention.

Further, I understand that my department has been a key participant in the Burdekin Water Futures since its inception. I would anticipate that this will continue into the future as the group provides a valuable communication channel from the community to the department.

While the department continues to evaluate potential management strategies for the groundwater issues of the BHWSS, the possible instigation of a Local Management Board for this area may also result in this group wanting to take a holistic approach to water management. There have been discussions whereby the interim Local Management Board is wanting to be involved in both surface water and groundwater management which could result in a revision of all procedures for water management in the Scheme area. Input to these discussions should also be provided by the Burdekin Water Futures to ensure all appropriate management options are considered.

If you have any questions about my advice to you, Mr Andrew Freeman, Chief of Staff will be pleased to assist you and can be contacted on telephone 3719 7365.

Yours sincerely



Andrew Cripps MP
Minister for Natural Resources and Mines

VIEW	MAYOR	AGENDA	C1 2
	CEO	DATE	12.5.14
NOTED		APPLIC #	
TENDER		PROP #	
ACTION		LAND #	
DEADLINE			



Hon David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Our ref: MBN14/147

29 April 2014

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Councillor B. Lewis
Mayor
Eumundi Shire Council
PO Box 974
MYR QLD 4507

Dear Councillor Lewis

I am pleased to announce the release of the 2014–15 Local Government Grants and Subsidies Program – Infrastructure Subsidy (LGGSP IS). This component of the program aims to assist councils to deliver priority community infrastructure projects.

Applications for funding under the LGGSP IS open on 29 April 2014. Application forms and program guidelines are available on the Department of Local Government, Community Recovery and Resilience's website at www.dlgcr.qld.gov.au. Councils are invited to lodge applications for funding at lgfundingunit@dlgcr.qld.gov.au by 29 May 2014. Successful projects will be announced in June 2014.

Under the LGGSP IS guidelines, councils are able to apply for a subsidy of up to 40 per cent of the total eligible costs of an approved project. In applying for funding, councils must demonstrate that they meet the assessment criteria outlined in the guidelines, including that the project supports economic development activities and community infrastructure.

I am very keen to ensure that communities see the benefits of LGGSP IS projects as quickly as possible. To support this, under the 2014–15 funding arrangements, councils will have one year from the date of approval to implement their approved projects. I appreciate that in certain circumstances the project complexity may require a longer funding period, and this will be negotiated on a case by case basis.

Mr Craig Evans, Director-General of the Department has written to Council's Chief Executive Officer advising of the release of the 2014–15 LGGSP IS and the process for submitting applications.

If your staff require any further information, they can contact Ms Jo Stephenson, Regional Director, Northern Region on (07) 4799 7195 or jo.stephenson@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'David Crisafulli', followed by a stylized flourish.

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Mr Bill Lewis
Mayor
Burdekin Shire Council
145 Young Street
AYR QLD 4807

Our Ref: 30547
Date: 8th April 2014

Dear Mayor Lewis,

Re: Burdekin Digital Cadastral Data Base (DCDB) Upgrade Project

Further to our recent meeting with yourself, Councillor Ross Lewis (Deputy Mayor), Michelle Scott (GIS), Matthew Ingle (Design Office Manager), our Paul Pastega and Peter Sippel, I wish to thank you and your staff for making time available to enable a briefing to be provided on this most exciting and innovative digital cadastral data base project.

The purpose of this communication is to confirm the matters raised in our meeting and to seek Council's consideration in principle of it's participation in the project.

Background

As mentioned Whitsunday Surveys has been in discussions with the North and South Burdekin Area Water Boards in respect to the need to gain greater certainty over their tenure rights within the Water Boards' jurisdictional areas.

The Water Boards Geographical Information System is used to manage its asset infrastructure and whilst the system is based on a Cadastral Overlay, there is uncertainty as to how well the positional relationships of the boundaries, easements etc are, when related to the aerial mapping. This is problematic in that there is no certainty of asset location (bar field survey) when making important management decisions.

The key objective in the first instance is through an accuracy upgrade of the position of the property boundary layer (DCDB) to enable a GIS that provides the ability for improved clarity and certainty in decision making regarding land tenure requirements and therefore efficiencies in administration and operational function.

This will then allow the streamlining of resolution of actions in respect to tenure gaps and or utilisation of existing surveyed tenure for dual functionality. It will also provide significantly improved operational certainty for on ground activities due to the improved desktop planning function in the GIS through increased positional certainty of the relationship of various layers of data in the GIS.

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Commonality of Issues

It is understood that both Council and the Water Board's utilise the common layer of data on property boundary information, DCDB supplied by the Department of Natural Resources & Mines. Our discussion with Council representatives last week revealed similar concerns with the property boundary layer in respect to uncertainty of its positional accuracy when comparing with known infrastructure location in the GIS.

It simply does not reflect the relationship reliably enough that exists on the ground. It was acknowledged that in this regard even for preliminary planning of Council works, particularly in the rural areas, on-ground surveys are required in the first instance to validate the positional relationship of property and infrastructure.

In both organisations, the property boundary location is the starting point for a range of decisions which need to be made and it is not only desirable but we consider essential for productivity and efficiency purposes that all layers of the GIS have compatible positional accuracy. Hence, we see there are significant advantages, which can be achieved if Council were to collaborate with the Water Boards in addressing the upgrade of the positional accuracy of the DCDB.

The need for this positional compatibility is further compounded by the fact that the DCDB and imagery overlays are now available through Qld Globe on Google Earth platform under the State Government free data strategy to the general public on their PC at home. Hence, landowners are now making decisions on what they will do on their lots by what they see on Qld Globe in respect to property boundaries, Council infrastructure and adjoining owner improvements.

What is not known generally is that the property boundary shown as a layer in these systems had its origins as a digitised set of information created from hard copy hand plotted maps in the 1980's. Whereas more recently captured data sets captured by modern technology such as location of services, roads, aerial imagery are of substantially greater positional accuracy.

Project Support

Whitsunday Surveys has had significant discussions with the Department of Natural Resources & Mines (DNR&M) in respect to taking advantage of using existing high technology captured positionally accurate data sets to upgrade the DCDB rather than on ground intensive exercise, which is the normal process.

On the basis that the Council and Water Boards were to act in collaboration on this DCDB upgrade the DNR&M have indicated that they would provide inkind support by providing access to survey plans, and other data sets as well as potential resources to interpret imagery and DCDB adjustment.



Discussions have also been held with WILMAR who have also indicated interest in the project and whilst yet to be confirmed may also be prepared to provide inkind input.

Participation

At this stage, Council's in principle agreement to participate in the project is sought. In agreeing to participate, Council will benefit by:

- Achieving upgraded DCDB without having to instigate the project in its own right, which is normally the case across the State for other Local Authorities;
- Gain cost savings through sharing the works with other parties;
- Instigate improved practice and efficiency in operations gained from improved certainty cadastral boundary data set;
- Participate in a collaborative joint venture that demonstrates leadership within regional Queensland.

Council Commitment

Council commitment will be at this point;

- Agreement to work in a collaborative group to adequately scope the project to meet Council needs;
- Provision of access to relevant data sets applicable to the upgrade;
- Provision of an understanding of the areas of concern in the existing DCDB network;
- Financial share of the scoping process for the project – estimated at \$15,000 to \$20,000 plus GST.
- On provision of detailed scope and clear understanding of inkind contributions, determine Council's further involvement in terms of finance and inkind support.

To assist Council we have attached a copy of the presentation that was spoken to in our meeting of last week.

We look forward to Council's written response to participation in this unique opportunity to show regional leadership.

Yours faithfully

Paul Pastega
Survey Manager
encl



Whitsunday Surveys

Burdekin DCDB Upgrade

A Collaborative Approach

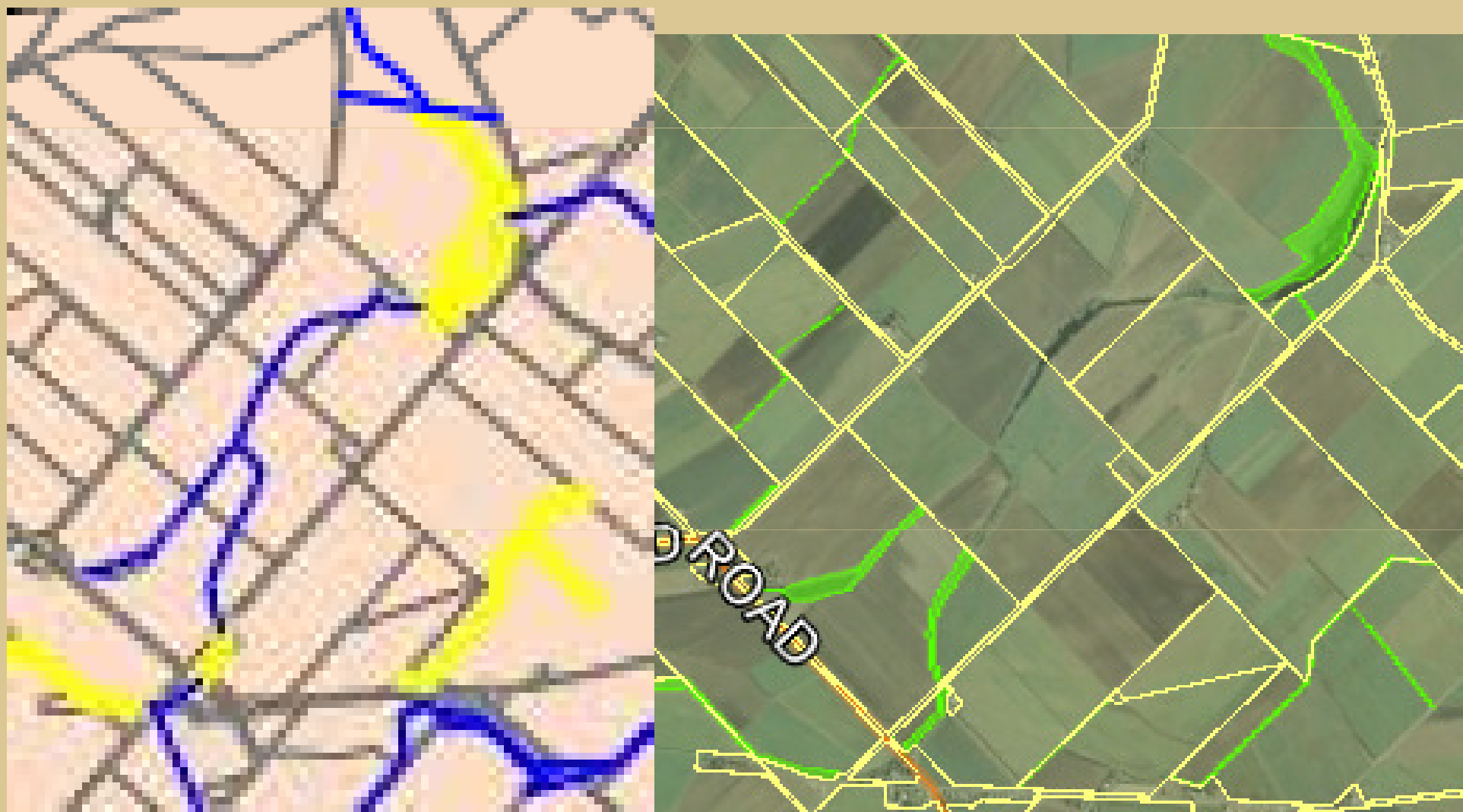


Why Talking with Council?

- Discussions with Burdekin Water Boards
- Infrastructure Tenure Needs
- Streamlining Tenure approaches
 - Existing rights
 - Rights by Legislation eg. Natural Stream
 - Rights through existing Surveyed Easements
 - Rights to be acquired – Develop most efficient method



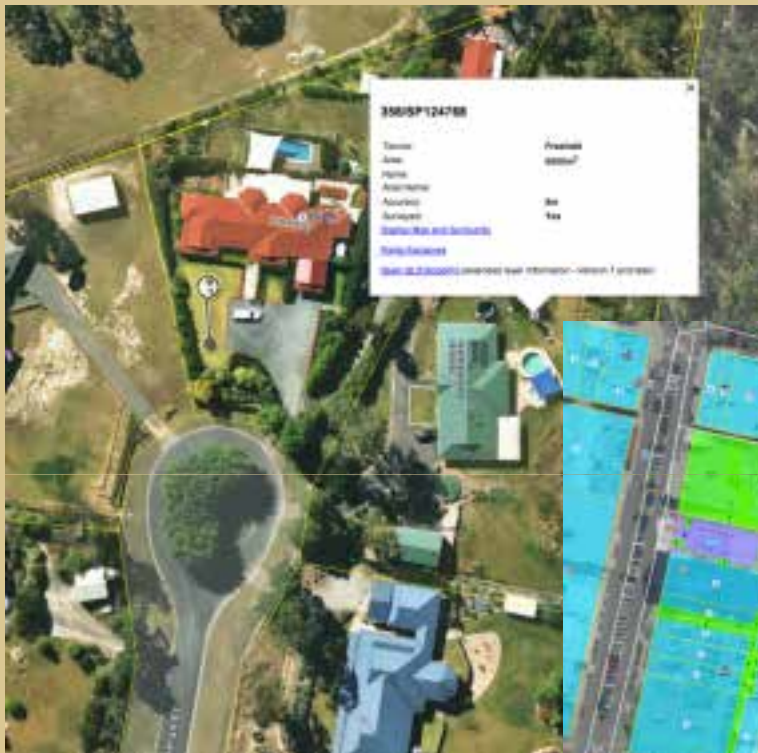
Missing Links in Tenure





Free Data Policy – Qld Globe

- How was the data set captured?
- What are the limitations to the use of the data?
- In the decision making process to what extent can I rely on the information?





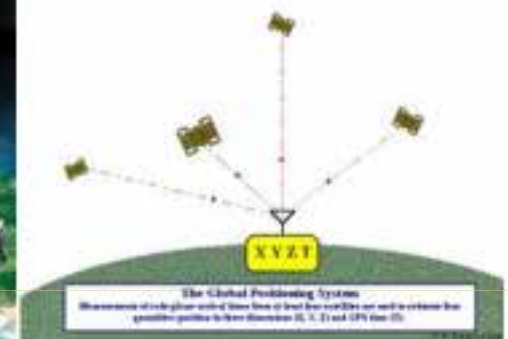
Reliance on Virtual Position





Positional Integrity

Move point of TRUTH from
Monument (PEG) at the Corner
to a POSITION on the Earth's
Surface - X, Y & Z



Technology allows high accuracy positioning on
Earth's surface - GPS / GNSS



What is the Issue?

- Digital / [Virtual World](#)
 - Requires Compatible Data Sets
 - Greater Spatial certainty of
 - Property Boundaries
 - Property Rights
- Expressed through
 - Inability to use current Digital Cadastral Data Base (DCDB) with sufficient certainty
 - Greater expectation to do desktop decision making



Potential Interested Parties

- Burdekin North & South Water Boards
- Burdekin Shire Council
- WILMAR
- Dept Natural Resources & Mines
- Other Potential Beneficiaries
 - SunWater
 - Ergon Energy
 - Dept Main Roads & Transport



Extent of Area of Interest





Qld Globe – Burdekin





Improved Positional Certainty – DCDB Upgrade

- Innovative / Streamlined Approach
- Benchtop Approach through
 - High Resolution Spatially Accurate Imagery
 - Adaption of Survey Plan Information
 - Power Poles, Culverts, Fences etc.
- Reduces significantly the Labour Intensive On Ground Work by Optimising Use of Existing Data



Potential Inputs

- Survey Plans
- Copies of Titles all Properties
- Permanent mark searches
- Control Data information (CORS)
- Parcel Ownership Table – DCDB
- Secured Tenure List
- Proclamation of Irrigation Area
- Rail Alignment Data
- Asset Layer
- Latest Imagery / Lidar Data



Expected Deliverables

- Updated DCDB File in GIS format
- Integrated Infrastructure layers – checked against imagery position
- List of areas requiring tenure adjustment
- List of areas requiring full survey to define tenure
- Enable Negotiation of Streamlined Process – Statutory Easement Rights eg. Drainage



Why Collaborate?

- Cost Savings – share
- Common base data – Property Boundaries – DCDB
- Gain optimum State Government Support – DNR&M
- Show leadership in Regional Context – Spatial infrastructure
- Increased efficiencies in Asset Management / Decision making



Outcome Benefits

- Positional certainty to infrastructure location to Properties
- Clarification of tenure situation – Joint use of surveyed Easements.
- Reduced field survey requirement – Efficiency Future Tenure Management
- Positional certainty Cadastral Boundary + Tenure
- Quality Cadastral Overlay On high Resolution Aerial Image
- 3D Visualisation of Assets – Simulation
- Infrastructure Reestablishment – Reduced Cost of Survey



Go Forward

- Agree value in collaboration
- Document Intent – MOC
- Communicate to State
 - Commitment of State to Spatial initiatives
 - 3dQld
- Joint workshop – Inputs, Issues & Desired Deliverables
- Action Project – timeline / budget / resources



QUESTIONS ?

From: [townsvillehhs-engagement](#)
Cc: [Anthony Williams](#); [Rebecca Blakeley](#)
Subject: Draft Townsville HHS Strategic Plan 2014-2018
Date: Wednesday, 30 April 2014 1:43:20 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Draft - Townsville HHS 2014-2018 Strategic Plan.pdf](#)

Dear Colleagues

Over the past six months, the Townsville HHS has been working towards developing the draft Strategic Plan 2014 - 2018.

It has been very pleasing to see more than 550 staff and stakeholders across the health service engaging with the process and providing valuable feedback on the way forward.

As a result of this engagement and feedback, an initial draft document has been developed.

The thematic pillars and their underpinning strategies are the result of the consultation process and the draft strategic plan is a high-level and aspirational document which seeks to chart a future and sustainable direction for our organisation.

At this crucial time in the plan's development, we need to give serious and considered thought to how we realise the HHS's strategic direction through solid objectives and realistic measures.

The draft document is attached for your comment and feedback. This is your hospital and health service and we welcome and value your views about its future.

Feedback can be provided to the townsvillehhs-engagement email.

I look forward to hearing from you.

Regards,
Anthony.

Anthony Williams
Executive Director Planning & Engagement
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Description: Public service values



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Townsville Hospital
and Health Service



Queensland
Government

STRATEGIC PLAN 2014 - 2018



BOARD CHAIR AND HEALTH SERVICE CHIEF EXECUTIVE FOREWORD



We are delighted to present the *Townsville Hospital and Health Service Strategic Plan 2014 – 2018* which sets the direction and outlines the vision for our health service over the next four years.

In developing the Strategic Plan, the HHS has undertaken extensive and broad engagement with our communities, staff and partner organisations, to ensure the plan reflects the direction the organisation needs to take to continue to deliver the excellent health care our communities need, and deserve. The plan also builds on our goals to not only deliver quality care but to continue to improve and innovate.

Over the next four years, the Townsville HHS will:

- **Build healthier communities**
- **Focus on individual health outcomes**
- **Work collaboratively**
- **Provide efficient, effective and sustainable services**
- **Maintain an exceptional workforce**
- **Lead excellence and innovation**

The Townsville HHS covers an area of approximately 148,210 square kilometres or 8.5 per cent of the total area of Queensland. It serves a local population of more than 240,000 people which is forecast to grow by 27 per cent to more than 300,000 by 2026. These communities are both rural and urban and carry unique needs in the Tropical North.

To ensure our communities have the best access to high quality and sustainable care as close to home as possible the Board and the health service will pursue technologies and innovations such as telehealth, create partnerships with other providers, and encourage innovative solutions to support access to care. There will be a strong focus on reducing waiting times, improving quality and Closing the Gap in health outcomes for our indigenous communities.

Achieving the goals set in our Strategic Plan requires strong and effective leadership, ongoing engagement with our consumers, communities, staff and health partners, and an organisation-wide commitment to excellence and continuous improvement. We look forward to the challenges ahead and to maximising the skill, innovation and drive of our clinical and broader workforce in delivering the best possible health care and health outcomes to the people we serve.



John Bearne
Chair

Townsville Hospital and Health Board



Julia Squire
Chief Executive

Townsville Hospital and Health Service



VISION

A healthy North Queensland

VALUES

Integrity
Compassion
Accountability
Respect
Engagement

PURPOSE

Townsville HHS will:

- Build healthier communities
- Focus on individual health outcomes
- Work collaboratively
- Provide efficient, effective and sustainable services
- Maintain an exceptional workforce
- Lead excellence and innovation

Acknowledgement to Traditional Owners

The Townsville Hospital and Health Service (Townsville HHS) respectfully acknowledges the traditional owners and custodians both past and present of the land and sea which we service and declare the Townsville HHS commitment to reducing inequalities between indigenous and non-indigenous health outcomes in line with the Australian Governments Close the Gap initiative.

Approach to Risk and Opportunity

Townsville HHS is responsible for the delivery of local public hospital and health services including; medical, surgical, emergency, obstetrics, paediatrics, specialist outpatient clinics, mental health, critical care and clinical support services to a population of approximately 240,000 people. The Townsville Hospital is the main referral hospital and also provides tertiary hospital services to the North, Central and Far North Queensland regions with a catchment population of approximately 650,000.

The Townsville HHS approach to planning for public health services requires a flexible and staged approach, facilitating the ongoing provision of safe and sustainable service.

Challenges in providing safe and sustainable services planning in the Townsville HHS include increased service demand from the growing and ageing population and the diversity of health care needs. In particular those of Aboriginal and Torres Strait Islander people and the relatively large numbers of culturally and linguistically diverse (CALD) backgrounds and Pacific Islander residents.

While general life expectancy is increasing and death rates for many causes are decreasing, this is offset by the anticipated increase in hospitalisation rates for chronic disease management, with rates expecting to increase over the next 20 years.

Townsville HHS will strive to improve access to health services that keep residents healthier, capitalising on reducing the number of hospitalisations for conditions best managed through quality health interventions, accessing allied health services in community based settings and providing and supporting post-acute care closer to home. Ongoing collaboration with the Townsville-Mackay Medicare Local will leverage this opportunity.

Opportunity to continually review, refine and streamline our patient management framework will also foster adaptability with an aim to maintain and even in some cases grow service levels of care.

An ageing workforce and the need to engage with a younger and changing generation of health service practitioner are risks the health service industry across the country is facing. Like other industries, developing workforce strategies to meet ongoing education and training requirements to attract and retain a sustainable workforce will continue to be a challenge. Technology may provide a dual strategic opportunity, both to boost non-clinical support services, such as increasing the use of Telehealth to improve access to services for rural patients/consumers thereby reducing the need to travel and secondly to create new employment opportunities to complement traditional health service employment strategies.

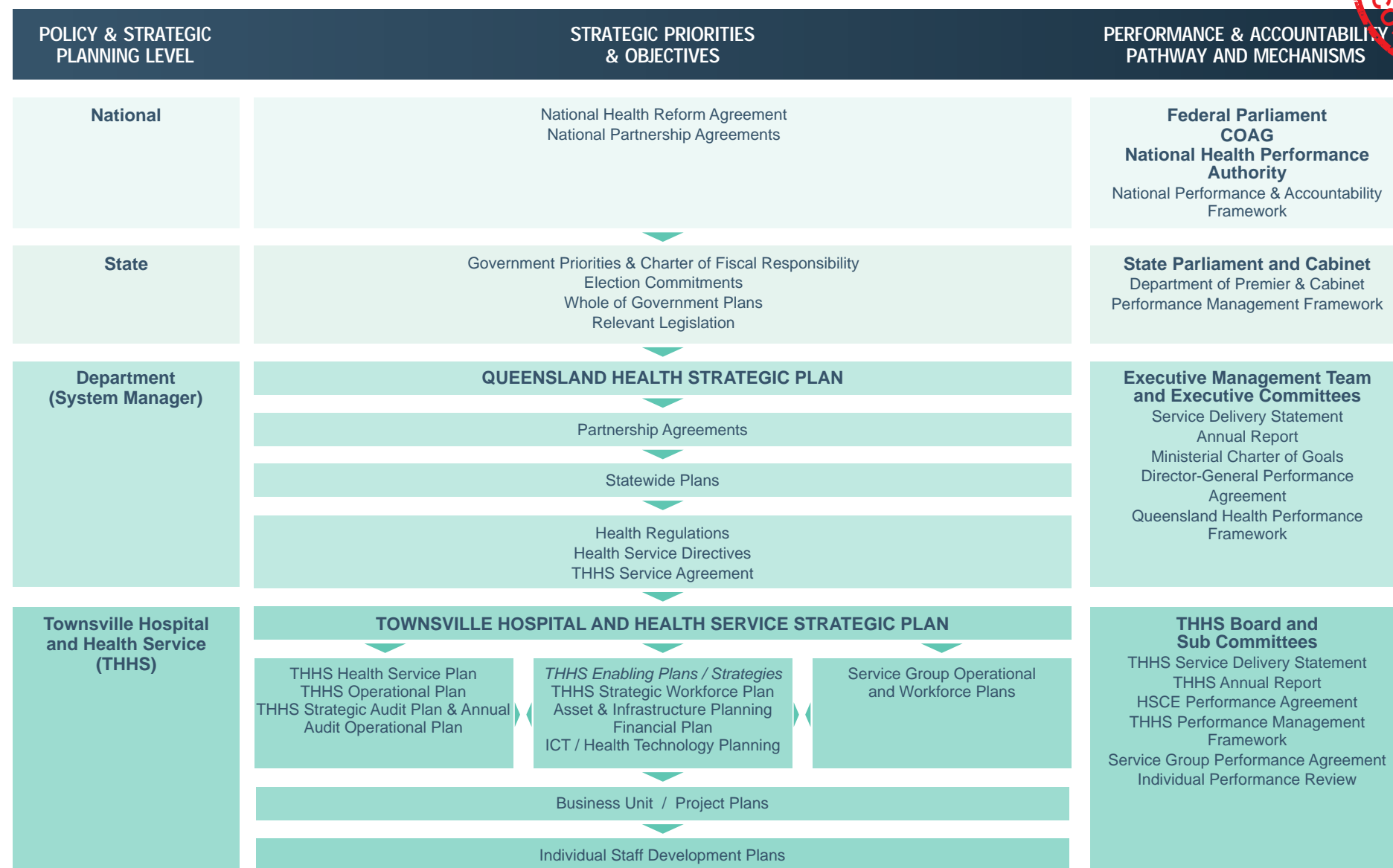
Within the Townsville HHS opportunity exists with furthering our teaching and research capabilities and partnerships with neighbouring tertiary institutions, including James Cook University. Growing our research capabilities and solidifying our reputation as a leading teaching health service provider will be a drawcard in attracting leading clinicians and researchers to work with us – providing the local community with a leading and cutting edge health service.



Townsville Hospital and Health Service



OUR STRATEGIC PLANNING FRAMEWORK





STRATEGIC PILLAR

BUILD HEALTHIER COMMUNITIES

STRATEGIES	OBJECTIVES	MEASURES
<ul style="list-style-type: none">• Promote wellness for all North Queenslanders.• Empower the community to take responsibility for its own health through education and awareness.• Deliver treatment to the community – as close to home as possible.• Provide the community with information to make informed choices about their care and service options.• Engage with our local community to better understand their health needs.• Role model healthy behaviours to our community.	<ul style="list-style-type: none">• Focus on excellent health service outcomes rather than processes.• Focus on Closing the Gap for the health outcomes of all North Queenslanders, especially Indigenous people• Promote healthy lifestyle choices to enhance individual health.• Prevent hospitalisation via early intervention.	<ul style="list-style-type: none">• Reduced acute presentations for preventable illnesses.• Achieve all Closing the Gap commitments including delivering on the 'Indigenous Employment Strategy' targets.• Reduced chronic disease presentations.
UNDERPINNING PLANS		
<ul style="list-style-type: none">• Blueprint for Better Healthcare in Queensland• Queensland Health Strategic Plan 2012-2016• Queensland Plan for Mental Health 2007-2017• National Partnership Agreement Closing the Gap in Indigenous Health Outcomes• Making Tracks: towards closing the gap in health outcomes for Indigenous Queenslanders by 2033• National Disability Strategy 2010-2020• Palm Island Health Action Plan• Multicultural Health Service Plan 2012-2014• Disability Services Action Plan 2012-2014• Queensland Strategy for Chronic Disease Framework for Self-Management 2005-2015• Townsville Hospital and Health Service, Health Service Plan 2012–2027		
RISK CLASSES		
<ul style="list-style-type: none">• Stakeholder management• Service provision• Clinical governance• Information management		



STRATEGIC PILLAR FOCUS ON INDIVIDUAL HEALTH OUTCOMES

STRATEGIES	OBJECTIVES	MEASURES
<ul style="list-style-type: none"> Implement an integrated approach focused on individual patient outcomes, utilising outcome data to inform decisions. Work with partners to deliver consistent and appropriate health services in the most appropriate location. Explore public-private partnership opportunities that will directly improve individual health outcomes. Minimise travel needs for patients and primary health care providers where appropriate. Implement a region-wide focus providing equitable access to care. Design and implement health care services around patient needs. Deliver robust, evidence-based decision-making in partnership with the patient. 	<ul style="list-style-type: none"> Improve access and reduce waiting times in emergency departments, elective surgery and specialist diagnostic services. Improve the patient journey by redesigning the clinical pathway. Improve service delivery through public-private partnership opportunities. Enhance patient experience as part of the Townsville HHS. 	<ul style="list-style-type: none"> Meet or exceed the National Elective Surgery Target. Meet or exceed the recommended timeframe to be seen in a specialist to outpatient appointment. Demonstrated improved service provision outcomes, especially increased customer satisfaction with health care services. Increase in Telehealth services by 10% annually over the next 4 years.

UNDERPINNING PLANS

- Blueprint for Better Healthcare in Queensland
- Queensland Health Strategic Plan 2012-2016
- Palm Island Health Action Plan
- Multicultural Health Service Plan 2012-2014
- Disability Services Action Plan 2012-2014
- Queensland Strategy for Chronic Disease Framework for Self-Management 2005-2015
- Preventative Health Strategic Directions 2010-2013

RISK CLASSES

- Service provision
- Clinical governance



STRATEGIC PILLAR WORK COLLABORATIVELY



STRATEGIES	OBJECTIVES	MEASURES
<ul style="list-style-type: none"> Actively collaborate with organisations and individuals with an interest in health and wellness. Embed consumer, community and clinician engagement strategies. Enhance a culture of collaboration and information - sharing across the organisation. 	<ul style="list-style-type: none"> Actively promote the public availability of Townsville HHS performance information clearly highlighting correlation with patient feedback data, management plans and engagement strategies. Provide real time mechanisms for meaningful patient feedback on their experience of Townsville HHS. Maintain respectful and transparent relationships in all interactions. Share responsibility with patients and other partners for health outcomes and the use of health care resources. Value and work with our partners and stakeholders. 	<ul style="list-style-type: none"> Community members actively participating in committees, service planning and advisory groups. Monitor and log data for quarterly review to inform community engagement strategy. Number of solutions that come about as a result of consumer and community engagement. Increase in the number of people who 'like' Townsville HHS on Facebook and follow us on Twitter.
UNDERPINNING PLANS		
<ul style="list-style-type: none"> Engaging with our Consumers and Community, An engagement strategy for the Townsville Hospital and Health Service, 2013-2016 Townsville HHS Clinical Engagement Strategy 2013 -2016 Protocol between Townsville HHS and Townsville-Mackay Medicare Local Blueprint for Better Healthcare in Queensland Queensland Health Strategic Plan 2012-2016 National Preventative Health Research Strategy 2013-2018 Townsville Hospital and Health Service, Service Agreement 2013/14 – 2015/16 February 2014 Revision 		
RISK CLASSES		
<ul style="list-style-type: none"> Workforce management, development and performance Contract management Stakeholder management Strategic reputation 		



STRATEGIC PILLAR

PROVIDE EFFICIENT, EFFECTIVE AND SUSTAINABLE SERVICES



STRATEGIES		OBJECTIVES	MEASURES
<ul style="list-style-type: none"> • Create strong links between operational plans and future decisions underpinned by balanced risk management exploring viable health care opportunities. • Foster an engaged, competent and valued workforce through the provision of timely, accessible and relevant information. • Review and update existing structures and processes to ensure best practice through continual improvement. • Ensure all business, financial and human resource decisions are based on accurate information that considers the impact on service provision. • Encourage the development of strategies based on accurate data to maximise revenue generation. • Review service models to eliminate inefficiencies and the duplication of services with other health care providers as identified through engagement. 		<ul style="list-style-type: none"> • Continue providing a sustainable high quality operational environment able to adapt to changing community needs. • Provide a coordinated planning and performance management framework, with key performance indicators, to support key decision-making, planning and continual improvement. • Embed a culture of financial and performance accountability throughout the organisation. • Embed service planning across the organisation to ensure informed decision making and continual improvement about existing and future service provision. • Ensure future workforce is engaged with the right skills with training and development in place for the existing workforce. • Embrace the availability and use of technology. • Maximise the benefits of Activity Based Funding. 	<ul style="list-style-type: none"> • Aligned service priorities with government policies. • Achieve all targets as specified in the annual Service Agreement. • Increased rate of incident reporting. • Financial integrity and sustainability. • Increased own source revenue.
UNDERPINNING PLANS			
<ul style="list-style-type: none"> • National Safety and Quality Health Service Standards (NSQHS) • National Standards for Mental Health Services • Blueprint for Better Healthcare in Queensland • Queensland Health Strategic Plan 2012-2016 • National Healthcare Agreement • National Performance and Accountability Framework • National Partnership Agreement on Improving Public Hospital Services • Financial Accountability Act 2009 • Financial and Performance Management Standard 2009 • The Roadmap for National Mental Health Reform 2012-2022 • The Townsville Hospital Clinical Services Plan, October 2009 			
RISK CLASSES			
<ul style="list-style-type: none"> • Service provision • Information technology 	<ul style="list-style-type: none"> • Contract management • Clinical governance 	<ul style="list-style-type: none"> • Business continuity • Finance 	<ul style="list-style-type: none"> • Compliance/regulatory





STRATEGIC PILLAR MAINTAIN AN EXCEPTIONAL WORKFORCE

STRATEGIES	OBJECTIVES	MEASURES
<ul style="list-style-type: none"> Develop and maintain workforce capability, planning and practice. Promote a culture of recognition. Collectively improve participation rates of Aboriginal and Torres Strait Islanders in our workforce by developing and embedding a dedicated 'Indigenous Employment Strategy'. Invest in and support succession planning and management, ensuring a consistent leadership approach within the organisation. Maintain and foster partnerships with educational providers to build workforce capacity and capability through strong talent pipelines. 	<ul style="list-style-type: none"> Invest in developing and expanding our workforce capability and fostering emerging talent. Establish a framework to identify critical roles and develop succession management plans. Encourage, empower and motivate our staff to add value to our health services. Facilitate entry pathways to support the development of our generational workforce. 	<ul style="list-style-type: none"> Implementation of: Workforce planning tool within the health service to be utilised across all workforce streams Critical role management and development strategy Training needs and development analysis process Townsville HHS Entry Pathways Framework Reward and recognition framework for innovation and exceptional practice Internal Communications and Workforce Engagement Strategy Achieve 15% improvement on 2013 employee opinion survey scores for engagement and empowerment over the next 4 years. Implementation of a consistent leadership framework within Townsville HHS. Monitor results from mentoring and coaching programs implemented. Reduced vacancy rates of critical roles.
UNDERPINNING PLANS		
<ul style="list-style-type: none"> Townsville HHS Strategic Workforce Plan 2014-2018 Townsville HHS Health Service plan 2012-2027 Townsville HHS Integrated Planning Framework 2013-2017 Future Workforce Strategy for Better Healthcare in Queensland 2013-2018 Blueprint for Better Healthcare in Queensland The Aboriginal and Torres Strait Islander Health Workforce National Strategic Framework (ATSIHWNSF) 2011-2015 Aboriginal and Torres Strait Islander Workforce Strategy 2012-2016 National Cancer Workplan and Implementation Plan 2011 		
RISK CLASSES		
<ul style="list-style-type: none"> Workforce management, development and performance Teaching and research Work Health and Safety 		



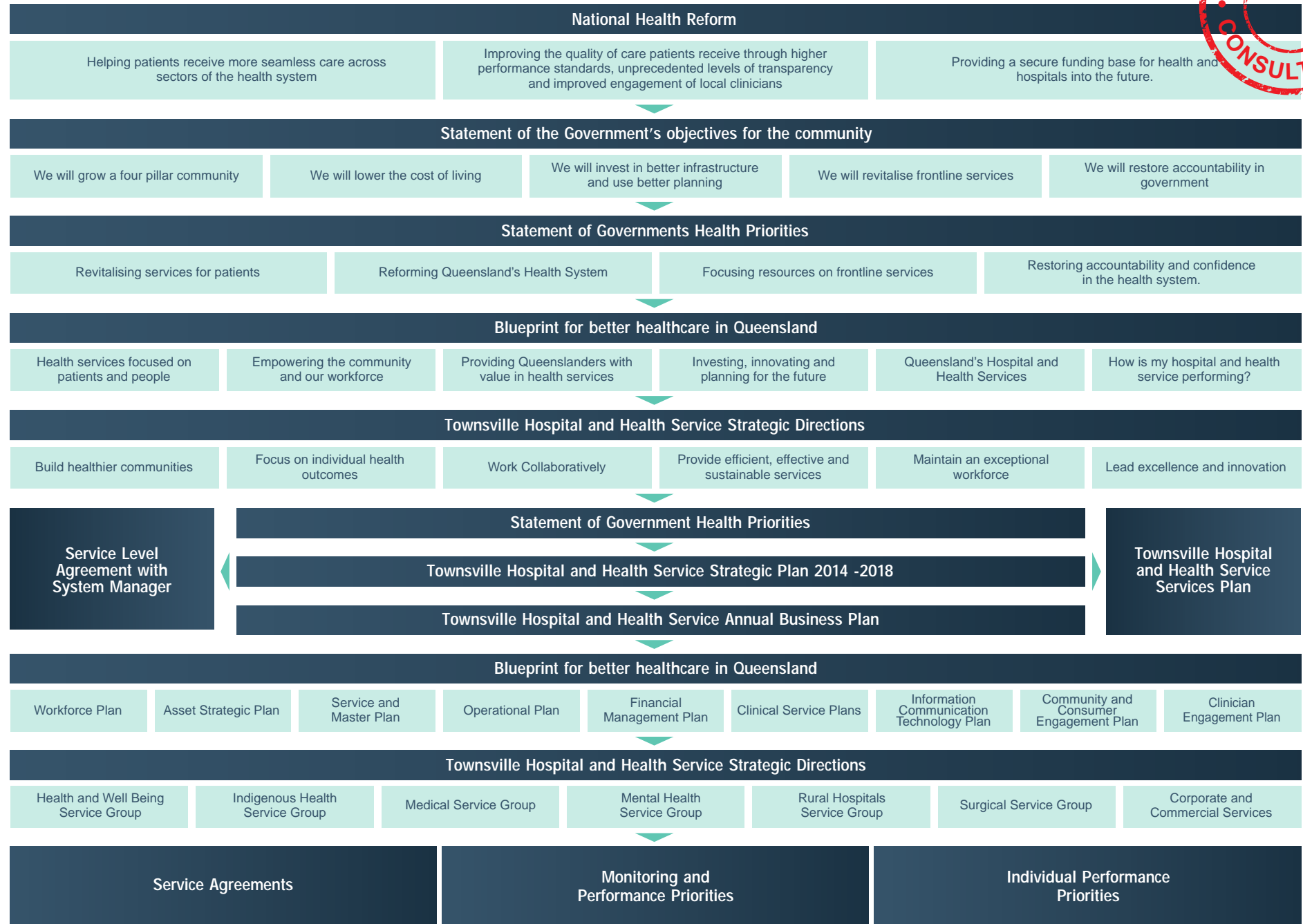


STRATEGIC PILLAR LEAD EXCELLENCE AND INNOVATION

STRATEGIES	OBJECTIVES	MEASURES
<ul style="list-style-type: none">• Lead the delivery of relevant and effective policy, research, education and clinical practice.• Invest in and create structures to support evidence-based innovative models and practice.• Foster innovation and build a culture of enquiry – understanding the true basis of healthcare as a complex and adaptive system.• Partner on clinical, medical and other health service research.• Demonstrate leading corporate citizenship.	<ul style="list-style-type: none">• Actively engage clinicians to achieve innovative models of care, including those that promote wellness in our communities.• Review services and redesign where required to ensure right care at the right place and right time.• Identify, promote and implement evidenced based solutions to address key health needs.• Develop a culture that encourages innovative thought and conceptual models.• Integrate clinical services, research and education to improve health service outcomes to the wider local community.• Develop a strong and robust media presence.	<ul style="list-style-type: none">• Number of recognised clinical research publications, seminar/conference presentations per annum.• National Quality and Safety Standards• Number of clinical training placements for medical, nursing and other allied health students.• Number of new models of care and or staff initiatives implemented.• Demonstrated improved service outcomes and cost-effectiveness of newly implemented initiatives.• Media exposure capitalises on all objectives outlined in this plan.
UNDERPINNING PLANS		
<ul style="list-style-type: none">• Blueprint for Better Healthcare in Queensland• Queensland Health Strategic Plan 2012-2016• Future Workforce Strategy for Better Healthcare in Queensland 2013-2018		
RISK CLASSES		
<ul style="list-style-type: none">• Teaching and research• Workforce management, development and performance• Clinical governance		



RELATIONSHIP BETWEEN COMMONWEALTH, STATE AND HHS





GEOGRAPHICAL LOCATION



TOWNSVILLE HOSPITAL AND HEALTH SERVICE

STRATEGIC PLAN 2014-2018

Townsville Hospital and Health Service
PO Box 670, Townsville QLD 4810
THSD-Feedback@health.qld.gov.au

www.health.qld.gov.au/townsville



**Queensland
Government**



Townsville Hospital and Health Service

Ref No: 03306-2014



**Inspector General
Emergency Management**

Matthew Magin
CEO
Burdekin Shire Council
PO Box 974
Ayr QLD 4807

Dear Mr Magin,

Through amendment to the *Disaster Management Act 2003*, the proposed legislative functions of this office will include the requirement to regularly review and assess the effectiveness of disaster management to enable confidence in Queensland's emergency management arrangements.

One of our fundamental strategies is the establishment of the emergency management assurance framework (the Framework) which will identify responsibilities and accountabilities as well as activities which will be used to validate performance.

The development of the Framework to date has been informed by discussion and options papers and expertise provided through an Advisory Panel. To further mature the Framework and its application, I am seeking individuals with sector knowledge in disaster and emergency management to participate in a workshop led by the Office of the Inspector General Emergency Management (IGEM).

The purpose of this workshop is to create a shared understanding of the Framework and to develop key components of Queensland's Disaster Management Standard.

Nominations for the workshop have been provided either through Advisory Panel membership, State Disaster Coordination Group membership or IGEM identification. Trevor Williams has been nominated to participate from Burdekin Shire Council.

The workshop will be convened in Brisbane from 12pm Tuesday 13 May 2014 and concludes 1pm Thursday 15 May 2014. If required, IGEM will cover the costs of flights and accommodation of your representative.

My team will be in touch with your representative to provide further details. However, Rowena Richardson, Director Emergency Management Standards, Best Practice and Evaluation can be contacted for further information on (07) 3227 6668 or by email at Rowena.Richardson@igem.qld.gov.au.

I look forward to the shared development of this Framework and value your willingness to contribute.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Iain S Mackenzie'.

Iain S Mackenzie AFSM
Inspector General Emergency Management

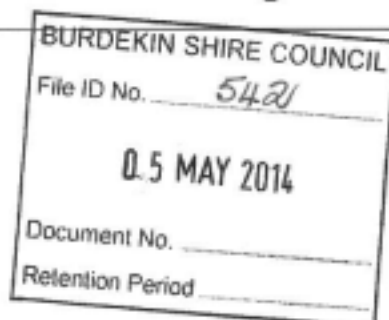


Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

Our ref: MBN14/354



1 May 2014

Councillor Bill Lewis
Mayor
Burdekin Shire Council
PO Box 974
AYR QLD 4807

Dear Councillor Lewis

The Queensland Government is committed to a more efficient land use planning and development assessment system.

As part of continuing that commitment, I have released draft amendments to the State Planning Policy (SPP) for public consultation. A copy of the draft amendments to the SPP is enclosed and is also available on the Department of State Development, Infrastructure and Planning's website at www.dsdiqld.gov.au/spp. A copy of the Queensland Government Gazette notice is also enclosed.

I welcome any comments you or your council may like to make on the draft amendments to the SPP. The closing date for submissions is **Friday, 30 May 2014**. Submissions can be emailed to SPP@dsdiqld.gov.au or sent by mail to:

The Honourable Jeff Seeney MP
Deputy Premier, Minister for State Development, Infrastructure and Planning
c/- State Planning Policy Feedback
Planning and Property Group
Department of State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

VIEW	<i>NAFOR</i>	AGENDA	<i>CI 2</i>
		DATE	<i>13.5.14</i>
NOTED		APPLIC #	
TENDER		PROP #	
ACTION		LAND #	
DEADLINE			

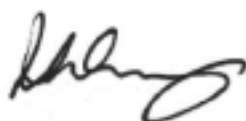
Level 12 Executive Building
100 George St Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3210 2185
Email deputypremier@ministerial.qld.gov.au

To ensure your submission is considered in finalising the amendments to the SPP, it must be properly made. A submission is properly made if it:

- is in writing and is signed by each person who made the submission, unless the submission is made electronically
- is made to the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning
- is received during the consultation period
- states the name and residential or business address of each person who made the submission, and
- states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

If you require any further assistance, please do not hesitate to contact my office.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning

Enc (2)

GAZETTE NOTICE

Sustainable Planning Act 2009

Notification of draft amendments to the State Planning Policy (SPP)

I, the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development Infrastructure and Planning hereby notify under section 70 of the *Sustainable Planning Act 2009* (the Act) that draft amendments to the State Planning Policy December 2013 have been released for public consultation on Thursday 1 May 2014.

Inspecting or obtaining copies of the instrument

Copies of, and information about, the draft amendments to the SPP can be obtained from the Department of State Development, Infrastructure and Planning:

- Online at www.dsdip.qld.gov.au/spp
- Email SPP@dsdip.qld.gov.au
- Telephone **13 QGOV (13 74 68)**.
- Regional offices across Queensland—see list of regional contacts via the contact us page on www.dsdip.qld.gov.au

Invitation for written submissions

Written submissions on the draft amendments to the SPP may be made by any person to the Deputy Premier, Minister for State Development, Infrastructure and Planning, from Thursday 1 May 2014.

To be properly made, submissions must:

- be made to the Deputy Premier, Minister for State Development, Infrastructure and Planning
- include the name and residential or business address of each person making the submission
- be made in writing and, unless the submission is made electronically, be signed by each person who has made the submission
- state the grounds of the submission and the facts and circumstances relied on in support of the grounds, and
- be received during the consultation period.

Submissions close 5 pm Friday 30 May 2014.

Submissions may be sent to:

Post: The Honourable Jeff Seeney MP
Deputy Premier, Minister for State Development, Infrastructure and Planning
c/- State Planning Policy Feedback
Planning and Property Group
Department of State Development, Infrastructure and Planning,
PO Box 15009
CITY EAST QLD 4002

Email: SPP@dsdip.qld.gov.au

Electronically: www.dsdip.qld.gov.au/spp

The Honourable Jeff Seeney MP
Deputy Premier
Minister for State Development, Infrastructure and Planning

Draft amendments to the State Planning Policy

December 2013

Reading and understanding this document:

- Content proposed to be included is underlined – e.g. July 2014
- Content proposed to be deleted has a strikethrough – e.g. ~~December 2013~~

Reference	Section of State Planning Policy	Draft amendment
1	Inside cover	<p>Amend the following:</p> <p>© State of Queensland, Department of State Development, Infrastructure and Planning, July 2014 <u>December 2013</u>, 100 George Street, Brisbane Qld 4000. (Australia).....</p> <p>..... <u>For the most up to date version of the State Planning Policy, please refer to the Department of State Development, Infrastructure and Planning's website www.dsdlp.qld.gov.au/spp</u> An electronic copy of this report is available on the Department of State Development, Infrastructure and Planning's website at www.dsdlp.qld.gov.au. To obtain a printed copy of this report, please contact us via the contact details provided at the end of this report.</p>
2	Page 3, Contents	<p>Amend theme and state interest title:</p> <p><u>Planning for hazards and safety and resilience to hazards</u> <u>Emissions and hazardous activities</u> <u>Natural hazards, risk and resilience</u></p> <p>Consequential amendments required throughout the document in relation to the theme and state interest title amendment, including:</p> <ul style="list-style-type: none"> • Page 5, Part A: Introduction and policy context • Page 15, Part D: The state interests and plan making policies • Page 28, Part D: The state interest and plan making

Reference	Section of State Planning Policy	Draft amendment
		<p>policies, Coastal environment, introductory paragraphs</p> <ul style="list-style-type: none"> • Page 32, Part D: The state interests and plan making policies, Planning for hazards and safety • Page 34–35, Part D: The state interest and plan making policies, Natural hazards and State interest—natural hazards headings • Page 51, Part E: Interim development assessment requirements, State interest—natural hazards
3	Page 8, Part A: Introduction and policy context—the relationship between the SPP and the State Assessment and Referral Agency	<p>Insert new paragraph:</p> <p><u>When the chief executive is an assessment manager or a referral agency for a development application, the planning Act provides that the chief executive must, to the extent relevant and within the limits of the jurisdiction, assess the development application against the SPP, to the extent the SPP is not appropriately reflected in the local government's planning scheme (section 282(1)(d) of the planning Act).</u></p> <p>New paragraph to be inserted above current paragraph starting: <i>Unlike the local government development assessment requirements outlined in the SPP, the requirement for a development application...</i></p>
4	Page 17, Part D: The state interests and plan making policies, Planning for liveable communities, Liveable communities, State interest—liveable communities	<p>Amend policies (1) to (12) to:</p> <ul style="list-style-type: none"> - combine policy 1 and 5 under policy 1 - combine policies 2, 3 and 4 under policy 2 - combine policy 6 and 7 under policy 3 - policy 10 becomes policy 4 - combine policies 8, 9, 11, 12 and 13 under policy 5 <p>Include new policy (5)(e) in relation to fire hydrants.</p> <p>The outcome of the above amendments is:</p> <p>(1) providing attractive built environments and protecting historic and character features by:</p> <ol style="list-style-type: none"> (a) including principles that promote attractive, adaptable and accessible built environments and enhance personal safety and security, and (b) considering local character and historic features that support community identity, while promoting appropriate innovation and adaptive re-use that is compatible and sensitive to the local character and historic context, and <p>(2) providing attractive and accessible natural environments and public open space by:</p> <ol style="list-style-type: none"> (a) maintaining or enhancing areas of high scenic amenity, and important views and vistas that contribute to natural and visual amenity, and (b) maintaining or enhancing opportunities for public access and use of natural areas, rivers, dams and creeks, and (c) planning for public open space that:

Reference	Section of State Planning Policy	Draft amendment
		<p>(i) is functional, accessible and connected, and</p> <p>(ii) supports a range of formal and informal sporting, recreational and community activities, and</p> <p>(3) facilitating vibrant places and spaces, diverse communities, and good neighbourhood planning and centres design that meets lifestyle needs by:</p> <p>(a) providing a mix of land uses to meet the diverse demographic, social, cultural, economic and lifestyle needs of the community, and</p> <p>(b) facilitating the consolidation of urban development in and around existing settlements and maximising the use of established infrastructure and services, and</p> <p>(4) facilitating the provision of pedestrian, cycling and public transport infrastructure and connectivity within and between these networks, and</p> <p>(5) planning for cost-effective, well-located and efficient use of community facilities and utilities by:</p> <p>(a) considering the location of infrastructure within the local government area including education facilities, health facilities, emergency services, arts and cultural infrastructure, and sport, recreation and cultural facilities, and:</p> <p>(i) locating complementary development in areas with a high level of access to infrastructure and associated services, and</p> <p>(ii) protecting existing and known planned infrastructure from development that would compromise the ability of infrastructure and associated services to function safely and efficiently, and</p> <p>(b) locating development in areas currently serviced by state infrastructure, and where this cannot be achieved, facilitating development in a logical and orderly sequence to enable the cost-effective delivery of state infrastructure to service development, and</p> <p>(c) including provisions that support the efficient location and assessment of education infrastructure¹ (catering for both state and non-state education providers), and</p> <p>(d) including provisions to ensure that development is designed to support connection to fibre telecommunications infrastructure (i.e. broadband) in greenfield areas, and</p> <p>(e) <u>including provisions to ensure all development where not located on a public access road includes appropriate fire hydrant infrastructure and unimpeded access to emergency services vehicles.</u></p> <p>1. The Queensland Schools Planning Commission has prepared school infrastructure planning data and mapping which is available at http://education.qld.gov.au/schools/schools-planning-commission/.</p>
5	Page 22, Part D: The state interests and plan making policies, Planning for economic development, Development and construction,	<p>Amend policies (1) to (8) to:</p> <ul style="list-style-type: none"> - policy 1 becomes 2

Reference	Section of State Planning Policy	Draft amendment
	State interest—development and construction	<ul style="list-style-type: none"> - policy 2 becomes 1 - combine policies 3, 4, 5 and 6 under policy 3 - policy 7 becomes policy 4 - policy 8 becomes policy 5 <p>The outcome of the above amendments is:</p> <ol style="list-style-type: none"> (1) planning for the infrastructure required to support residential, retail, commercial, industrial and mixed use development, based on planning assumptions, the physical constraints of the land and the demand generation on infrastructure outlined in a <u>local government infrastructure plan</u> priority infrastructure plan, and (2) facilitating the development of mixed use precincts through appropriate zoning and offering a mix of zone types to provide opportunities for a wider variety of uses, local employment, small businesses and innovation. (3) enabling development of industrial and commercial land by: <ol style="list-style-type: none"> (a) facilitating an appropriate mix of lot sizes and configurations in commercial and industrial zones supporting the diverse needs of the varying commercial, retail, industrial and ancillary activities, and (b) facilitating the efficient development of industrial and commercial zoned land through adopting the lowest appropriate level of assessment for commercial and industrial uses, and (c) maintaining industrial zoned land for development of uses that satisfy the purpose of an industrial zone and discouraging development of industrial zoned land for uses which are more appropriately located elsewhere, and (4) considering state-led initiatives, including State Development Areas and Priority Development Areas and allowing for complementary surrounding land uses and services, and (5) considering <u>the zoning of the use of</u> government land suitable for infill and redevelopment opportunities <u>to:</u> <ol style="list-style-type: none"> (a) <u>facilitate the development of the land, and</u> (b) <u>be based upon planning merit and the nature of surrounding land uses, rather than its current or past use.</u>
6	Page 23, Part D: The state interests and plan making policies, Planning for economic development, Mining and extractive resources, State	<p><u>Amend policy (2):</u></p> <ol style="list-style-type: none"> (2) <u>protecting KRAs by:</u> <ol style="list-style-type: none"> (a) <u>ensuring that sensitive and other potentially</u>

Reference	Section of State Planning Policy	Draft amendment
	interest—mining and extractive resources	<p><u>incompatible land uses in a KRA are assessable against provisions that require the development to be compatible with the use of land in a KRA for an extractive industry; and</u></p> <p>(b) <u>providing for appropriate separation distances or other mitigation measures between the resource/processing area of the KRA and sensitive land uses to minimise conflict with the use of land in a KRA for an extractive industry.</u></p> <p><u>Amend policy (1) numbering:</u></p> <p><u>For coal, mineral, petroleum and gas resources:</u> <u>(1)(3) Considering....</u></p>
7	Page 27, Part D: The state interests and plan making policies, Planning for the environment and heritage, Biodiversity, State interest—biodiversity, policy (5)	<p>Amend policy (5):</p> <p>(5) <u>facilitating the protection of matters of state environmental significance by requiring development to, in order of priority:</u></p> <p>(a) <u>avoid significant adverse environmental impacts, and</u></p> <p>(b) <u>mitigate significant adverse environmental impacts, where these cannot be avoided, and</u></p> <p>(c) <u>where applicable, offset any significant residual impact in a manner consistent with current environmental offsets legislation any residual adverse impacts, and</u></p>
8	Page 27, Part D: The state interests and plan making policies, Planning for the environment and heritage, Biodiversity, State interest—biodiversity, policy (7)	<p>Amend:</p> <p>(7) <u>considering the protection of, matters of local environmental significance, where considered appropriate by a local government by requiring development to, in order of priority:</u></p> <p>(a) <u>avoid significant adverse environmental impacts, and</u></p> <p>(b) <u>mitigate significant adverse environmental impacts, where these cannot be avoided, and</u></p> <p>(c) <u>where applicable, include provisions to offset any significant residual impact in a manner consistent with current environmental offsets legislation.</u></p>
9	Page 31, Part D: The state interests and plan making policies, Planning for the environment and heritage, Water quality, State interest—water quality	<p>Amend the order of policies and clarify the application of existing policy (6):</p> <p><u>For receiving waters:</u></p> <p>(1) <u>facilitating the protection of environmental values and the achievement of water quality objectives for Queensland waters, and</u></p> <p>(62) <u>planning for safe, secure and efficient water supply, and</u></p> <p>(43) <u>adopting the applicable stormwater management design objectives relevant to the climatic region⁸, outlined in Tables A and B (Appendix 2), or demonstrate current best practice environmental management for development that is for an urban purpose, and</u></p> <p>(54) <u>facilitating innovative and locally appropriate solutions for urban stormwater management that achieve the relevant urban stormwater management design objectives, and</u></p>

Reference	Section of State Planning Policy	Draft amendment
		<p>(25) identifying land for urban or future urban purposes in areas which avoid or minimise the disturbance to natural drainage and acid sulfate soils, erosion risk, impact on groundwater and landscape features, and</p> <p><u>Acid sulfate soils:</u></p> <p>(96) protecting the natural and built environment (including infrastructure) and human health from the potential adverse impacts of acid sulfate soils by:</p> <ul style="list-style-type: none"> (a) identifying areas with high probability of containing acid sulfate soils, and (b) providing preference to land uses that will avoid or minimise the disturbance of acid sulfate soils, and (c) including requirements for managing the disturbance of acid sulfate soils to avoid or minimise the mobilisation and release of contaminants, and <p>(37) including requirements that development for an urban purpose is located, designed, constructed and/ or managed to avoid or minimise:</p> <ul style="list-style-type: none"> (a) impacts arising from: <ul style="list-style-type: none"> i. altered stormwater quality or flow, and ii. waste water (other than contaminated stormwater and sewage), and iii. the creation or expansion of non-tidal artificial waterways, such as urban lakes, and (ivb) the release and mobilisation of nutrients that increase the risk of algal blooms, and <p>(78) including requirements that development in water catchments is undertaken in a manner which contributes to the maintenance and enhancement (where possible) of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments, and</p> <p>For development in a water supply buffer area⁹:</p> <p>(89) including requirements that development complies with the specific outcomes and measures contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012 or similar development assessment requirements, and</p> <p>Note—the outcome of the above amendments is as follows:</p> <p><u>For receiving waters:</u></p> <ul style="list-style-type: none"> (1) facilitating the protection of environmental values and the achievement of water quality objectives for Queensland waters, and (2) identifying land for urban or future urban purposes in areas which avoid or minimise the disturbance to natural drainage and acid sulfate soils, erosion risk, impact on groundwater and landscape features, and (3) including requirements that development for an urban purpose is located, designed, constructed and/ or managed to avoid or minimise:

Reference	Section of State Planning Policy	Draft amendment
		<p>(a) impacts arising from:</p> <ul style="list-style-type: none"> i. altered stormwater quality or flow, and ii. waste water (other than contaminated stormwater and sewage), and iii. the creation or expansion of non-tidal artificial waterways, such as urban lakes, and iv. the release and mobilisation of nutrients that increase the risk of algal blooms, and <p>(4) adopting the applicable stormwater management design objectives relevant to the climatic region⁸, outlined in Tables A and B (Appendix 2), or demonstrate current best practice environmental management for development that is for an urban purpose, and</p> <p>(5) facilitating innovative and locally appropriate solutions for urban stormwater management that achieve the relevant urban stormwater management design objectives, and</p> <p>(6) planning for safe, secure and efficient water supply, and</p> <p>(7) including requirements that development in water catchments is undertaken in a manner which contributes to the maintenance and enhancement (where possible) of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments, and</p> <p>For development in a water supply buffer area⁹:</p> <p>(8) including requirements that development complies with the specific outcomes and measures contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012 or similar development assessment requirements, and</p> <p>Acid sulfate soils:</p> <p>(9) protecting the natural and built environment (including infrastructure) and human health from the potential adverse impacts of acid sulfate soils by:</p> <ul style="list-style-type: none"> (a) identifying areas with high probability of containing acid sulfate soils, and (b) providing preference to land uses that will avoid or minimise the disturbance of acid sulfate soils, and (c) including requirements for managing the disturbance of acid sulfate soils to avoid or minimise the mobilisation and release of contaminants.
10	Page 31, Part D: The state interests and plan making policies, Planning for the environment and heritage, Water quality, State interest—water quality, policy (9) / footnote No. 9	<p>Amend footnote No.9:</p> <p>9. Water supply buffer areas are relevant to South East Queensland only and are mapped in the SPP Interactive Mapping System. <u>The requirements of the Seqwater Development Guidelines do not apply within urban areas (as defined by the Sustainable Planning Regulation 2009).</u></p>
11	Page 32, Part D: The state interests and plan making policies, Planning for hazards and safety, introductory paragraphs	<p>Amend introductory paragraphs of the theme:</p> <p>Natural hazards, which are often unpredictable in nature, include flooding, landslide, bushfire, coastal erosion and storm-tide</p>

Reference	Section of State Planning Policy	Draft amendment
		inundation can cause loss of life, property and infrastructure. These are often unpredictable in nature but can be planned for up to a defined likelihood. can cause loss of life, property and infrastructure if not properly planned for.
12	Page 32, Part D: The state interests and plan making policies, Planning for hazards and safety, introductory paragraphs	Amend introductory paragraphs of the theme: Planning for hazards and safety <u>and resilience to hazards</u> will enable positive responses to challenges and change. By providing adaptable and flexible responses, and encouraging innovation, By utilising an evidence-based, risk management approach which encourages innovation, planning can help ensure the continued prosperity of Queensland, the wellbeing of people and the protection of property, the environment and infrastructure.
13	Page 32, Part D: The state interests and plan making policies, Planning for hazards and safety, introductory paragraphs	Amend introductory paragraphs of the theme: The state interests in hazards and safety <u>and resilience to hazards</u> • Emissions and hazardous activities • Natural hazards, <u>risk and resilience</u>
14	Page 33, Part D: The state interests and plan making policies, Planning for hazards and safety, State interest—Emission and hazardous activities	Amend policy (4): (4) protecting sensitive land uses from the impacts of previous activities that may cause risk to people or property, including former : (a) former mining activities and hazards (e.g. disused underground mines, tunnels and shafts), or (b) former landfill and refuse sites, or (c) contaminated land, and
15	Page 34, Part D: The state interests and plan making policies, Planning for hazards and safety, Natural hazards	Amend introductory paragraphs of the state interest: ...The state's interest in natural hazards, <u>risk and resilience</u> seeks to ensure natural hazards are properly considered in all levels of the planning system, community resilience is increased, and hazards are avoided or <u>the risks are mitigated to an acceptable or tolerable level, where possible</u>
16	Page 35, Part D: The state interests and plan making policies, Planning for hazards and safety, Natural hazards, State interest—natural hazards, policy 1	Amend policy (1): (1) identifying natural hazard areas for flood, bushfire, landslide and coastal hazards <u>based on a fit for purpose natural hazard study</u> , and
17	Page 35, Part D: The state interests and plan making policies, Planning for hazards and safety, Natural hazards, State interest—natural hazards, policy 2	Amend policy (2): (2) including provisions ¹¹ that seek to achieve an acceptable or tolerable level of risk, based on a fit for purpose natural hazards study and risk assessment <u>consistent with AS/NZS ISO 31000:2009 Risk Management</u> , and

Reference	Section of State Planning Policy	Draft amendment
18	Page 35, Part D: The state interests and plan making policies, Planning for hazards and safety, Natural hazards, State interest—natural hazards, policy 3(a)	Amend policy (3)(a): (3) including provisions that require development to: (a) avoid natural hazard areas or mitigate the risks of the natural hazard <u>to an acceptable or tolerable level</u> , and
19	Page 40, Part D: The state interests and plan making policies, Planning for infrastructure, Strategic airports and aviation facilities, State interest—strategic airports and aviation facilities, Table 2: Strategic airports, row 19 (Northern Peninsula)	Amend Table 2: Strategic airports, to identify that Northern Peninsula strategic airport is located within Torres Shire Council local government area, and Northern Peninsula Area Regional Council as a 'Other local government areas impacted'.
20	Page 41, Part D: The state interests and plan making policies, Planning for infrastructure, Strategic airports and aviation facilities, State interest—strategic airports and aviation facilities, policy 1	Amend policy (1): (1) identifying strategic airports and aviation facilities, and associated operational airspace obstacle limitation surface <u>(OLS) or height restriction zone</u> , public safety areas, lighting area buffer zones, wildlife hazard buffer zones, Australian Noise Exposure Forecast (ANEF) contours, and building restricted areas, and
21	Page 44, Part E: Interim development assessment requirements, Application of Part E—Interim development assessment requirements, development assessment by local government	Amend 'Development assessment by local government': Interim development assessment requirements have been prepared for the following state interests: <ul style="list-style-type: none"> • <u>Liveable communities</u> • Mining and extractive resources....
22	After page 44, Part E: Interim development assessment requirements	Insert a new interim development assessment requirement for state interest—liveable communities: <u>State interest—liveable communities</u> <u>These requirements apply to development applications as follows:</u> (1) <u>A development application for a material change of use or reconfiguring a lot if the land to which the application relates:</u> (a) <u>is a development accessed by common private title, and</u> (b) <u>is for buildings, both attached and detached, not covered by other legislation or planning provisions mandating fire hydrants.</u> <u>The development application is to be assessed against the following requirements:</u> (1) <u>Development:</u> (a) <u>complies with the SPP code: Fire services in developments accessed by common private title (Appendix 5).</u>

Reference	Section of State Planning Policy	Draft amendment
23	Page 46, Part E: Interim development assessment requirements, State interest—biodiversity	<p>Amend the interim development requirements for state interest—biodiversity:</p> <p>These requirements apply to development applications as follows:</p> <p><u>Matters of state environmental significance:</u></p> <p>A development application where the land relates to a matter of state environmental significance, if the application is for:</p> <ul style="list-style-type: none"> (a) operational work, or (b) a material change of use (other than for a dwelling house), or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares. <p><u>Matters of local environmental significance:</u></p> <p><u>A development application where the land relates to a matter of local environmental significance and the provision of environmental offsets, if the application is for operational work, a material change of use or a reconfiguration of lot.</u></p> <p>The development application is to be assessed against the following requirements:</p> <p><u>For a development application mentioned under the heading 'matters of state environmental significance':</u></p> <p>Development:</p> <ul style="list-style-type: none"> (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environmental significance by, in order of priority: <ul style="list-style-type: none"> (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts, where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts <u>offset any significant residual impact in a manner consistent with current legislation.</u> <p><u>For a development application mentioned under the heading 'matters of local environmental significance':</u></p> <p>Development:</p> <ul style="list-style-type: none"> (3) <u>identifies any potential significant adverse environmental impacts on matters of local environmental significance, and</u> (4) <u>manages the significant adverse environmental impacts on matters of local environmental significance by, in order of priority:</u> <ul style="list-style-type: none"> (a) <u>avoiding significant adverse environmental impacts, and</u> (b) <u>mitigating significant adverse environmental impacts, where these cannot be avoided, and</u> (c) <u>where applicable, offset any significant residual impact in a manner consistent with current environmental offsets legislation.</u>

Reference	Section of State Planning Policy	Draft amendment
24	Page 51, Part E: Interim development assessment requirements, State interest—natural hazards, development assessment requirement 1	Amend development assessment requirement 1: (1) avoids natural hazard areas or mitigates the risks of the natural hazard <u>to an acceptable or tolerable level</u> , and
25	Page 61–66, Part G: Glossary	Amendment to include an editor's note advising indicative mapping is available on the SPP Interactive Mapping System for the following terms: <ul style="list-style-type: none"> • coastal hazard area • erosion prone area • future active transport corridor • operational airspace • resource/processing area for a KRA • separation area • state transport corridors • state transport infrastructure • transport route. <p><i>Editor's note: <insert term> is indicatively shown on the SPP Interactive Mapping System.</i></p>
26	Page 61, Part G: Glossary—bushfire hazard area	Amend the definition for bushfire hazard area: bushfire hazard area (bushfire prone area) means a medium, high or very high bushfire hazard <u>an</u> area shown on the SPP Interactive Mapping System. <u>The bushfire hazard area requires further local verification for both plan making and interim development assessment purposes.</u>
27	Page 61, Part G: Glossary—coastal dependent development	Amend the definition for coastal-dependent development: coastal-dependent development means <u>development that in order to function must be located in tidal waters or be able to access tidal water.</u> development that requires land adjoining the foreshore and access to tidal water to function. The term does not include residential development, waste management facilities (landfills, sewerage treatment plans) or transport infrastructure (other than for access to the coast). <i>Editor's note:</i> Coastal-dependent development may include: <ul style="list-style-type: none"> • industrial and commercial facilities such as ports, harbours and navigation channels and facilities, aquaculture involving marine species, desalination plants, tidal generators, erosion control structures and beach nourishment • tourism facilities for marine (boating) purposes or that are part of an integrated development proposal incorporating a marina.
28	Page 62, Part G: Glossary—coastal hazard	Omit current definition for coastal hazard and insert a new definition:

Reference	Section of State Planning Policy	Draft amendment
		<p>coastal hazard see the Coastal Protection and Management Act 1995, schedule.</p> <p>coastal hazard means coastal erosion of the foreshore or tidal inundation (including temporary or permanent inundation) that has the potential for loss or harm to the community, property and environment.</p>
29	Page 62, Part G: Glossary—coastal hazard area	<p>Omit current definition for coastal hazard area and insert a new definition:</p> <p>coastal hazard area means a storm tide inundation area or an erosion-prone area.</p> <p>coastal hazard area means an area affected by a coastal hazard, including:</p> <ul style="list-style-type: none"> • a storm tide inundation area; • an erosion prone area; and/or • any other area identified by a local government as a coastal hazard area, based on a regional or local coastal hazard assessment, and contained within that local government's planning scheme. <p><i>Editor's note: Storm tide inundation areas and erosion prone areas are indicatively shown on the SPP Interactive Mapping System.</i></p>
30	Page 62, Part G: Glossary—coastal zone	<p>Amend the definition for coastal zone to include an editor's note:</p> <p>coastal zone see the Coastal Protection and Management Act 1995, section 15.</p> <p><i>Editor's note: The coastal zone is indicatively shown on the SPP Interactive Mapping System.</i></p>
31	Page 62, Part G: Glossary—erosion prone area	<p>Amend editor's note to read:</p> <p><i>Editor's note: Erosion prone areas are indicatively shown on the SPP Interactive Mapping System and are contained within a coastal hazard area. A local government may identify additional areas as a coastal hazard area, in its planning scheme.</i></p>
32	Page 62, Part G: Glossary—flood hazard area	<p>Amend the definition for flood hazard area:</p> <p>flood hazard area means an area identified by a local government based on a fit for purpose flood study, and contained within that local government's planning scheme.</p> <p>OR</p> <p>as shown on the SPP Interactive Mapping System as a flood hazard area.</p>
33	Page 63, Part G: Glossary—hazardous chemicals flood hazard threshold	<p>Amend definition hazardous chemicals flood hazard threshold:</p> <p>hazardous chemicals flood hazard threshold means any</p>

Reference	Section of State Planning Policy	Draft amendment
		<p>hazardous chemical in a quantity greater than the following:</p> <ul style="list-style-type: none"> • flammable gases > 5,000L; or • toxic gases >500L; or • non-toxic, non-flammable gases including oxidising gases >10,000L; or • classes 3, 4, 5, 6.1, 8 and 9 of packing group I > 500L/kg <u>L or kg</u> of the ADG code; or • classes 3, 4, 5, 6.1, 8 and 9 of packing group II > 2,500L/kg <u>L or kg</u> of the ADG code; or • classes 3, 4, 5, 6.1, 8 and 9 of packing group III > 10,000L/kg <u>L or kg</u> of the ADG code.
34	Page 63, Part G: Glossary—key resource area (KRA)	<p>Amend the definition for key resource area:</p> <p>key resource area (KRA) means an area that contains extractive resources of state or regional significance <u>and shown on the SPP Interactive Mapping System</u>. This term includes the resource/processing area for the KRA, the separation area for the KRA and any associated transport route and transport route separation area.</p>
35	Page 63, Part G: Glossary—landslide hazard area	<p>Amend the definition for land slide hazard area:</p> <p>landslide hazard area means an area of land with a slope greater than or equal to 15 per cent <u>OR</u> <u>an area identified by a local government based on a fit for purpose landslide hazard study.</u></p>
36	Page 63, Part G: Glossary—matters of local environmental significance	<p>Include new definition for matters of local environmental significance:</p> <p>matters of local environmental significance means a matter of environmental significance identified in a local planning scheme, that is not defined as a matter of national or state environmental significance.</p>
37	Page 64, Part G: Glossary—matters of state environmental significance	<p>Amend the definition for matters of state environmental significance to include an editor's note:</p> <p><u>...Editor's note: where possible, these values and area are indicatively shown on the SPP Interactive Mapping System.</u></p>
38	Page 65, Part G: Glossary—storm tide inundation area	<p>Insert editor's note:</p> <p><u>Editor's note: Medium and high storm tide inundation areas are contained within a coastal hazard area. A local government may identify additional areas as a coastal hazard area, in its planning scheme.</u></p>
39	Page 67, Part H: Appendixes	<p>Insert new Appendix 5 (see below)</p> <p>Consequential amendment to existing Appendix 5: Management</p>

Reference	Section of State Planning Policy	Draft amendment
		<p>areas: acoustic and air quality objectives:</p> <p>Appendix 65</p>
40	Page 71, Part H: Appendixes, Appendix 2, SPP code: Water quality, Acceptable outcome 9.2	<p>Amend the editor's note in relation to Acceptable Outcome 9.2:</p> <p><i>...Department of Environment and Heritage Protection, and Technical Manual: Coastal Algal Bloom Nutrients of Concern Technical Manual Hazard Mapping Methodology (CAB mapping methodology) by the Department of Environmental and Heritage Protection.</i></p>
41	SPP Interactive Mapping System, Mining and extractive resources, separation area, Key resource area 14 Ravenshoe.	<p>Amendment to Key Resource Area 14 Ravenshoe (KRA 14):</p> <p>Amendment to the separation area boundary of KRA 14 to align with existing cadastral boundaries.</p> <p>(See Ravenshoe Key Resource Area map below)</p>
42	SPP Interactive Mapping System, Mining and extractive resources, separation area, Key resource area 151 Dimbulah.	<p>Amendment to Key Resource Area 151 Dimbulah Road (KRA 151):</p> <p>New transport route added and transport route separation area amended accordingly.</p> <p>(See Dimbulah Road Key Resource Area report and map below)</p>

Part H: Appendixes

New Appendix 5

SPP code: Fire services in developments accessed by common private title

Purpose:

The purpose of the SPP code: To ensure that developments accessed by common private title have appropriate fire hydrant infrastructure and unimpeded access to emergency services vehicles for the protection of people, property and the environment from fire and chemical incidents.

Application of the code:

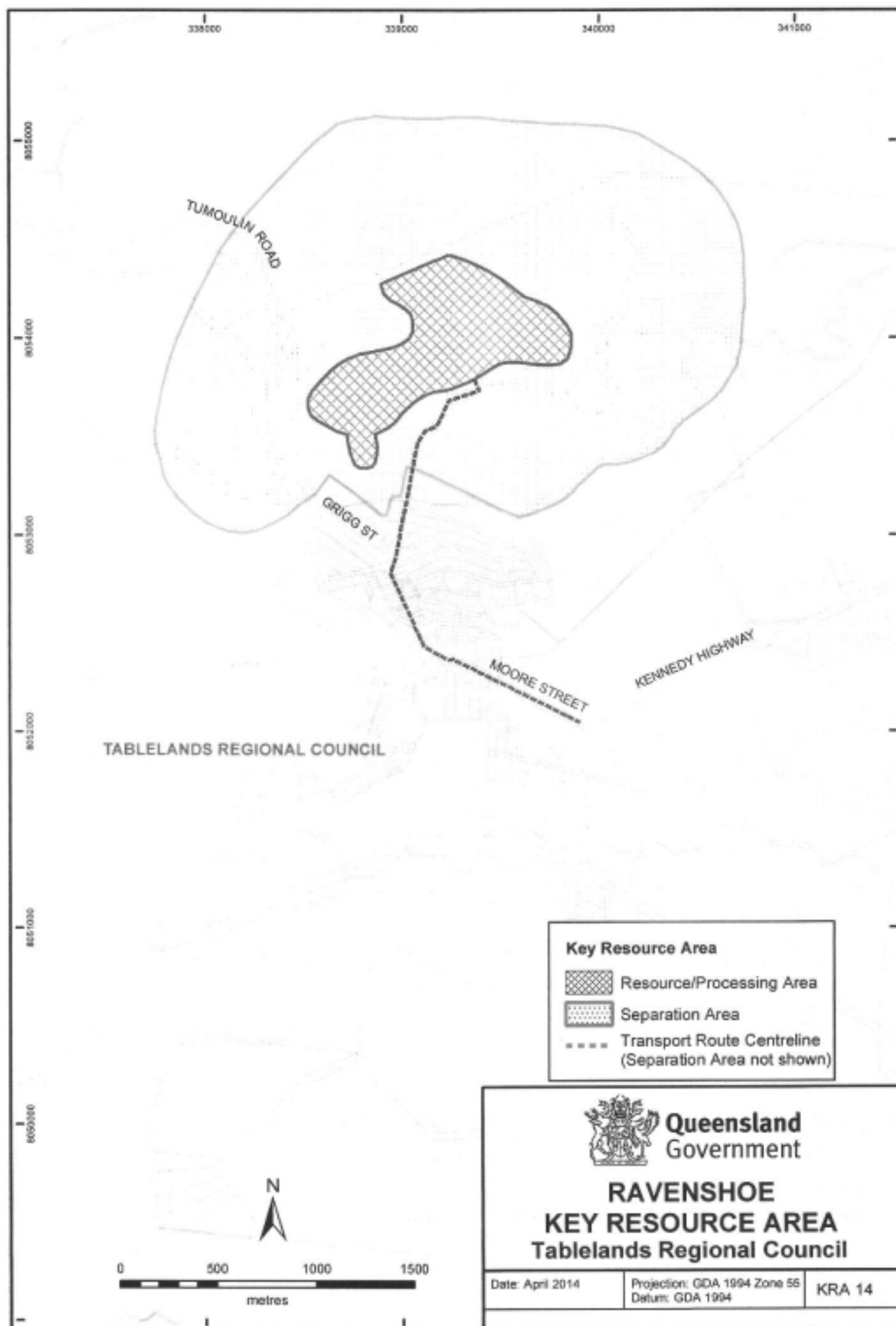
This code applies where the development:

- (1) is for a material change of use or reconfiguring of lot for the purpose of development where part of the development or any dwelling is more than 90 metres from the nearest located fire hydrant; and
- (2) for buildings, both attached and detached, not covered in other legislation or planning provisions mandating fire hydrants; and
- (3) the proposed development will include streets and common access ways within a common private title in areas serviced by reticulated water within Queensland.

SPP code: Fire services in developments accessed by common private title

Performance Outcomes	Acceptable Outcomes
PO1 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO1.1 Residential streets and common access ways within a common private title should have hydrants placed at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground. AO1.2 Commercial and industrial streets and access ways within streets serving commercial properties such as factories, warehouses and offices, above or below ground fire hydrants should be provided at not more than 90 metre intervals and at each street intersection. Above ground fire hydrants should have dual valved outlets.
PO2 Road widths and construction within the development are adequate for fire emergency vehicles to gain access to a safe working area close to dwellings and near water supplies whether or not on-street parking spaces are occupied.	AO2.1 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for safe passage of emergency vehicles.
PO3 Hydrants are suitably identified so that fire services can locate them at all hours.	AO3.1 Hydrants are identified as specified in 'Identification of street hydrants for fire fighting purposes' available under 'Publications' on the Department of Transport and Main Roads website (www.tmr.qld.gov.au).

Editor's note: For further information on how to address the above criteria please see Queensland Fire and Emergency Service: Fire hydrant and vehicle access guidelines for residential, commercial and industrial lots.



DIMBULAH ROAD KEY RESOURCE AREA - KRA 151

LOCAL GOVERNMENT AREA: Mareeba Shire Council

LOCATION: An extensive area in the Mareeba Irrigation Area located about 11 kilometres west of Mareeba. The KRA contains several sand extraction sites with the potential for other resources to be discovered.

EXTRACTIVE RESOURCE: Sand

EXTRACTIVE RESOURCE DESCRIPTION

Fine to medium sand of granitic origin occurs in shallow layers in patches over a wide area underlain by the Mareeba Granite west of Mareeba. The main deposits appear to occur beneath the lower slopes of broad gullies and are of mixed alluvial and colluvial origin.

The nearby properties over the Mareeba Granite and associated colluvium may also contain extensive resources. These may be developed in future when a need for extraction, subject to appropriate development conditions, is demonstrated.

SIGNIFICANCE

The deposits are of regional significance as sources of fine sand for the Cairns and Tableland markets are scarce. The sand occurs in shallow layers extending over a large area and the cumulative sand resource has the potential to supply the region for several decades.

SEPARATION AREA

The sand is potentially widespread beyond the defined resource/processing area. The adopted boundaries of the resource area are indicative of an identified potential for sand extraction. A standard 200 metre separation distance is adopted around the entire area to protect the potential for extraction within the resource.

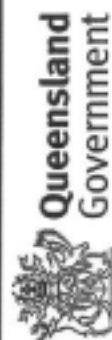
TRANSPORT ROUTE

Two transport routes are proposed. First one is via Tyrconnel Road onto Mareeba-Dimbulah Road. The second haulage is via Chewko Road and other local roads to the Mareeba-Dimbulah Road (Byrnes Street) then eastwards to the Kennedy Highway. The potential for sand extraction from any of several locations may require transport along some of the minor roads or across private land. As the area is Rural and included within the resource area, the risk of increased development along minor roads is low.

SPECIAL CONSIDERATIONS

A large portion of the KRA is covered by Strategic Cropping Land (SCL) Trigger Mapping under the *Strategic Cropping Land Act 2011* administered by the Department of Natural Resources and Mines. This indicates the location of potential SCL and further on-ground assessment against the SCL criteria is required to confirm whether the area is SCL or non-SCL.

There are currently several competing agricultural land uses existing within the resource area and any development of the sand resource would need to be assessed with regard to these factors.

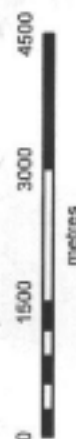
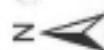


**DIMBULAH ROAD
KEY RESOURCE AREA
Mareeba Shire Council**




Date: April 2014

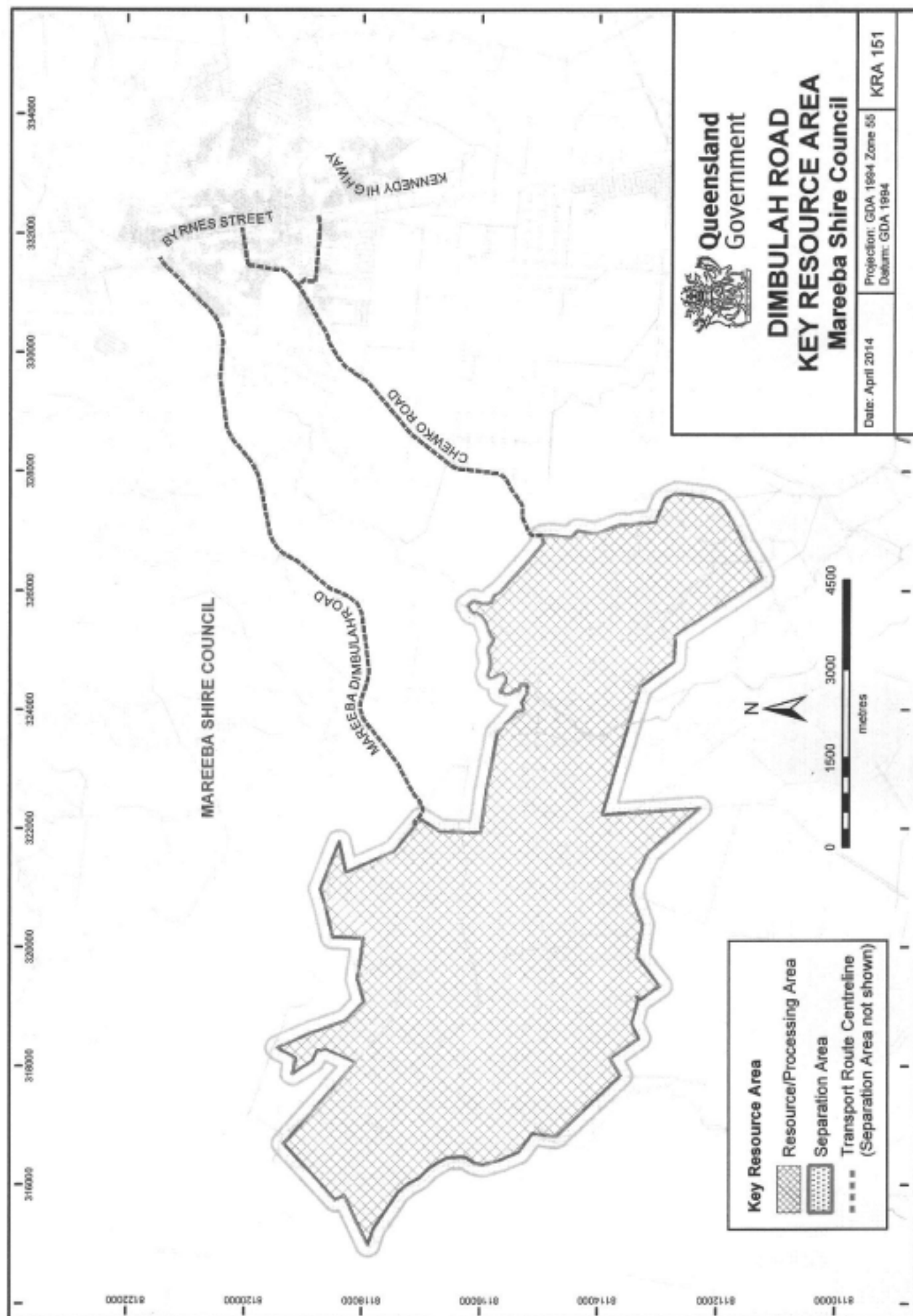
Projection: GDA 1994 Zone 55
Datum: GDA 1994

KRA 151



Key Resource Area

-  Resource/Processing Area
-  Separation Area
-  Transport Route Centreline
(Separation Area not shown)





Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

Our ref: MC14/1583

- 2 MAY 2014

Cr Bill Lowis

Mayor

Burdekin Shire Council

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BURDEKIN SHIRE COUNCIL

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Retention Period

Dear Cr Lowis

Thank you for your letter of 10 March 2014 seeking my support for Burdekin to be a case study site for the Northern Australia CRC proposal.

I fully support the efforts of Burdekin Water Futures and their desire for a Northern Agriculture CRC to focus on the Lower Burdekin dry tropics region. It is vital that technology is developed to ensure the ongoing sustainable development and growth of our agriculture sector. I have no doubt that an examination of the Lower Burdekin will provide immense value to industry as well as offer opportunities for further areas of study.

The Queensland Government is absolutely committed to growing the agriculture industry as a part of our four pillar economy. The development of research and technology into innovative agriculture practice is important to this goal.

Please feel free to forward this letter of support on to Ms Anwen Lovett, Executive Manager of Rural Industries Research and Development Corporation.

If you have any further questions, please feel free to contact Natalie Keys, Assistance Policy Advisor to the Deputy Premier on (07) 3719 7100.

Sincerely,

JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

VIEW	MAJOR	AGENDA	C12
	DEV	DATE	13.5.14
NOTED		APPLIC #	
TENDER		PROP #	
ACTION		LAND #	
DEADLINE			

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