



GPO Box 2279
Brisbane QLD 4001
Level 12, 120 Edward Street
Brisbane QLD 4000
T 07 3229 1589
E udia@udiaqld.com.au
www.udiaqld.com.au
ACN 010 007 084
ABN 32 885 108 968

14 September 2018

Isaac Regional Council
Planning Scheme Submission
PO Box 97
Moranbah Qld 4744

BY POST/EMAIL – records@isaac.qld.gov.au

Dear Sir/Madam,

Draft Isaac Regional Planning Scheme

Thank you for the opportunity to comment on the draft Isaac Regional Planning Scheme (the planning scheme). The Urban Development Institute of Australia Queensland (the Institute) has concerns about the potential impact of changes in Clairview and Carmila Beach on existing community expectations and asset values and finances. The changes are considered overly restrictive.

The Urban Development Institute of Australia is a national not-for-profit organisation representing the property development industry and the Queensland office is the largest of the state bodies. The Institute has 11 branches throughout Queensland. The role of the Institute is to assist our members to deliver jobs, diverse housing and thriving communities.

The Institute's operations and member collaboration enable an independent cohesive development industry view, refined of individual objectives that can be relied on.

The Institute's advocacy and policies are also derived from our independent Research Foundation that delivers an annual program of cutting edge industry, economic and qualitative consumer research. Independent economic modelling commissioned by the Institute shows that the property development industry, is the third largest industry of employment in Queensland. A key part of the Institute's work is working with governments at all levels to stimulate both the development industry and the economy. Maintaining present opportunities and avoiding non-essential impingement on the industry's ability to operate to meet the community's housing need is important in this context.

This submission relates to the draft planning scheme. It is acknowledged that when a local government amends a planning scheme, the local government can choose which zones they use. Isaac Regional Council (council) have elected to adopt the Limited Development Zone and apply it on land in Clairview and Carmila Beach. Clairview and Carmila beach are also proposed to be designated in a Coastal Management District and an Erosion Prone Area.

Effect of the proposed zone change

The purpose statement in the draft Limited Development Zone Code:

'is to limit the scale and form of development in those areas affected by significant development constraints through the following natural hazards:

- a) *Significant localised flooding within parts of the Clermont and Nebo area; and*
- b) *Coastal hazards at Clairview and Carmila Beach'*

The zoning designation adopted by council substantially restricts the ability of land owners to develop or further improve their land. Proposed Assessment table 5.4.6.3 makes virtually any development of the land (including for a house or to extend an existing house by more than 5% of the GFA) impact assessable. The way the draft planning scheme is currently written, any development of these sites is unlikely to be approved and as such, the value of the land is significantly reduced. This will impact the assets, savings, efforts and intentions of ratepayers and is of concern to the Institute.

The proposed zoning in the Carmila Beach and Clairview area applies to many land parcels, at least 18 of which remain vacant and others that contain sheds and not dwellings that could be developed in the future.

Concerns with the proposed zoning

Coastal Hazards

The proposed downzoning of the Carmila Beach and Clairview area relies on the report *Proposed Isaac Regional Planning Scheme Feasible Alternatives Assessment Report – Coastal Hazards November 2017*. This appears to rely on the *Connell Wagner 2003 Storm Tide Risk Management Study for Broadsound Shire Council and Sarina Shire Council*. The 2003 report is now quite dated. The *Alternatives Assessment Report* also indicates a new study into the region's coastal hazards is under preparation.

The Institute considers it is premature to seek to substantially exclude development in Clairview and Carmila Beach without up to date, resolved and publicly released reports.

Flood Overlay Mapping

The draft Flood Hazard Overlay map OM8.14 for Clairview has adopted the Flood Hazard Area – level 1 mapping contained in the State Planning Policy. The draft mapping would seriously restrain further development of 116 land parcels at Clairview. The state-wide flood mapping in this area simply follows the approximately 10m contour of land. The *State Planning Policy–state interest Technical manual Natural Hazards, Risk and Resilience Technical Manual* states that:

'It is important to note that the state-wide flood mapping does not depict depth or velocity, nor an annual exceedance probability, nor provide any information about the risk or probability of flooding occurring in the future, nor the frequency of past flooding.

As such, when used in a planning scheme, the state-wide map should be used to identify areas requiring further investigation.

Prior to incorporating the state-wide mapping in a planning scheme, verification by a local government is required.'

The Institute is not aware of studies or other material verifying the draft Flood Hazard Overlay map OM8.14. The recommended comprehensive approach that has been applied in other villages and townships in the Council area, does not appear to have been used for Clairview. The Institute is concerned that there are no identified water courses with a designated stream order in Clairview or close to land designated limited development in Clairview. The Institute is advised the land on which houses sit does not flood as there are no water courses to convey flood waters to the land and rain falling on the land runs directly into the ocean.

It is recommended the proposed flood overlay map on Clairview should be removed and if necessary further investigated and developed through local verification as part of a future planning scheme making process.

Flood Hazard Overlay Code

As proposed by the draft planning scheme, if development triggers assessment against the flood hazard overlay code (a house in the overlay map area would require code assessment), the applicant would be required to demonstrate compliance with the assessment benchmarks contained in the code. The code makes reference to Defined Flood Events (DFE) and the applicant would be required to demonstrate that the development mitigates risk for flood events with a 1% annual exceedance probability. The DFE is required to be determined via a flood study. As no DFE levels or studies have been provided for Clairview by council, any applicant wishing to construct a house in areas affected by the flood overlay would likely be required to provide a flood study. This is a very costly and unreasonable imposition upon land owners in Clairview, especially as the land is not known to flood. It is recommended the overlay map be amended to remove this requirement.

State Planning Policy (SPP)- Coastal Hazards

The land in Carmila Beach and Clairview is currently within an urban zone in the Broadsound Plan (2005) and the Erosion Prone Area that has been declared for all coastal local government areas in Queensland. The area is not currently within a Coastal Management District.

The land in Carmila Beach and Clairview is in long established blocks of land developed or intended to be developed for beach houses. The SPP allows for erosion prone areas to be used for urban purposes if located within an urban area. If this land was to be located within a township zone in the new planning scheme (as is recommended by the Institute), the land could continue to be used for urban purposes. Owners expectations and assets would be preserved while risks associated with coastal hazards could be addressed via code assessable development applications triggered by the Coastal Hazard Overlay. New development would be required to mitigate any risks to people and property to an acceptable or tolerable level in keeping with the SPP requirements.

The draft planning scheme has adopted an apparently overly restrictive interpretation of the SPP to the detriment of land owners in Clairview and Carmila Beach. This is inconsistent with the approach used in other local government areas. For example, if the same interpretation of the SPP was applied to erosion prone areas in Mackay, development of a major portion of the township would be restricted. This does not seem to be the intention of the SPP when applied to urban land not within a Coastal Management District.

Coastal Hazard Overlay Code

Specific benchmarks for assessment in the overlay code are adapted from the SPP from the section relevant to erosion prone areas in a Coastal Management District. This is considered too restrictive and inappropriate when applied to this existing largely developed urban land. It is recommended that this Carmila Beach and Clairview land should be able to be developed provided that risks to people and property are mitigated. It is recommended a single dwelling house constructed on one lot should be code assessable and the applicant required to demonstrate that the future dwelling mitigates risk to people and property by locating its habitable floor levels 0.3m above the level of the defined storm tide event. Also, the level of the storm tide event for Clairview and Carmila Beach should be stipulated in the Overlay Code to provide clarity for landholders looking to construct a dwelling on their land.

It is recommended the draft scheme should permit development of existing allotments but could limit more intensive development or the creation of any further lots in the erosion prone area. This would be consistent with the overlay codes of other planning schemes.

It is noted that new houses on lots in the Rural zone affected by the Coastal hazard overlay and Flood hazard overlay are proposed to be allowed as code assessable. This is considered appropriate and is an applicable



process for Carmila Beach and Clairview. This approach would be consistent within the draft planning scheme and in keeping with other planning schemes.

Conclusion

In summary, it is the Institute's view that the draft planning scheme will significantly restrict further development of land in Clairview and Carmila Beach. Further, insufficient evidence has been provided to support the restriction. The proposed planning scheme would exclude development of beach houses on lots that have long been created for this use. Any development of these sites would be unlikely to be approved and as such, the value of the land will be significantly degraded. This would negatively impact the wishes, expectations and finances of many ratepayers in the council area and is creating significant community uncertainty. It would also reduce the economic benefits to the community of the construction of additional homes.

The Institute recommends the council prepare up-to-date, resolved and publicly released reports on coastal hazards and flooding for Clairview and Carmila Beach. Also, until the reports are prepared the draft planning scheme be amended to:

- remove the limited development zoning on the land in Clairview and Carmila Beach and include the same land parcels within an urban zone
- remove the flood overlay mapping affecting Clairview unless a DFE can be provided for the community
- for areas within the erosion prone area mitigate risks by requiring the construction of new dwellings or extensions to existing dwellings in Code Assessable Development Applications triggered by a Coastal Hazards Overlay.

Thank you for your attention to this submission. Please contact Martin Zaltron (mzaltron@udiaqld.com.au) 07 3229 1589 if you have any questions. The Institute looks forward to a response to the issues raised in this submission in due course.

Yours sincerely,
Urban Development Institute of Australia Queensland

Kirsty Chessher-Brown
Chief Executive Officer