

LOCKYER VALLEY REGIONAL COUNCIL
 Temporary Local Planning Instrument 2020
 (Flood Regulation)

1. Short Title

1.1 This temporary local planning instrument (TLPI) may be cited as Temporary Local Planning Instrument 2020 (Flood Regulation).

2. Purpose

2.1 The purpose of this TLPI is to:

- (a) provide improved flood regulation based on the identification of a Flood hazard overlay for the Lockyer Valley Region; and
- (b) to protect life and property by ensuring development, other than commercial and industrial development (excluding Service stations), appropriately responds to, or is avoided in response to, the risk of flood hazard present on a site.

3. Commencement

3.1 This TLPI commences on 20 July 2020.

4. Expiry

4.1 In accordance with section 23 of the *Planning Act 2016*, this TLPI has effect for two (2) years from the date of commencement, unless repealed sooner.

5. Application of the TLPI

5.1 This TLPI applies to the Lockyer Valley local government area.

5.2 This TLPI affects the operation of the following planning schemes:

- (a) Gatton Shire Planning Scheme 2007; and
- (b) Laidley Shire Planning Scheme 2003.

5.3 This TLPI applies to development on land shown on the Flood hazard overlay maps in Appendix E as being within a flood hazard area, investigation area or overland flow path, unless:

- (a) The development is for commercial and/or industrial development that is a defined use listed in the table below:

Defined uses under the Gatton Shire Planning Scheme	Defined uses under the Laidley Shire Planning Scheme
Animal product processing	Bulk retail
Art, crafts and antiques	Car repair station
Catering shop	Catering room
Commercial premises (excluding veterinary services)	Commercial premises
Extractive industry	Extractive industry
Health care premises	General store
Hotel (where not including accommodation)	Hotel (where not including accommodation)
Industry	Industry
Off-street car park	Junk yard
Rural service industry	Light industry
Service trade	Medical/paramedical centre
	Medium industry

Defined uses under the Gatton Shire Planning Scheme	Defined uses under the Laidley Shire Planning Scheme
Shop Showroom Transport depot Transport terminal Warehouse	Noxious, offensive and hazardous industry Passenger terminal Refreshment service Road freight depot Roadside stall Rural processing Shop Transport depot Truck stop (where not including accommodation) Warehouse

- (b) The development is Building work that is:
- (i) additions to a class 1 building where the additions constitute less than 50% of the floor area of the existing building;
 - (ii) alterations that are not additions to the floor area of an existing building;
 - (iii) raising an existing building;
 - (iv) repairing an existing building;
 - (v) adding an extra storey above an existing part of a building; or
 - (vi) a Class 10 building or structure.

6. Relationship with the Planning Schemes

- 6.1 If a planning scheme to which this TLPI applies is inconsistent with this TLPI, the TLPI prevails to the extent of any inconsistency.

7. Effect

- 7.1 The TLPI affects the operation of the Gatton Shire Planning Scheme and the Laidley Shire Planning Scheme by:

- (a) introducing a Flood hazard overlay and Flood hazard overlay maps (see Appendix E);
- (b) suspending and replacing provisions of the Gatton Shire Planning Scheme (see Appendix A);
- (c) suspending and replacing provisions of the Laidley Shire Planning Scheme (see Appendix B);
- (d) identifying categories of development and categories of assessment for development within the Flood hazard overlay (see Appendix C); and
- (e) introducing a new Flood hazard overlay code which includes assessment benchmarks for development within the Flood hazard overlay (see Appendix D).

- 7.2 The TLPI designates the flood hazard area and the defined flood level for the purposes of the Building Code of Australia and the Queensland Development Code.

8. Flood hazard area and defined flood level

- 8.1 In accordance with Section 13 of the *Building Regulation 2006*:

- (a) the Flood hazard overlay is designated as the flood hazard area; and

- (b) the defined flood level is declared to be the level to which it is reasonably expected flood waters may rise during a defined flood event. The defined flood level for a particular location within the Flood hazard overlay will be determined by Council based on the latest flood data available.

9. Interpretation

9.1 Unless otherwise defined in this TLPI, the Gatton Shire Planning Scheme or the Laidley Shire Planning Scheme, the terms used in this TLPI have the same meaning as defined in the *Planning Act 2016*.

9.2 In this TLPI the following terms have the meaning below:

defined flood level the level to which it is reasonably expected flood waters may rise (see Section 13(5) of the *Building Regulation 2006* and section 8.1(b) of this TLPI).

defined flood event means a flood event that would result in the extent of flooding shown on the Flood hazard overlay maps in Appendix E.

flood hazard overlay means the area identified on the Flood hazard overlay maps in Appendix E as being a defined flood event, investigation area or overland flow path.

flood investigation area means the area on the Flood hazard overlay maps identified as investigation area. Land within the flood investigation area is known to be, or has the potential to be, affected by a defined flood event, but due to the limits in the modelling process has not yet been quantified. During a defined flood event, land in this area is exposed to a level of flood risk, although the level of risk has not been determined.

floor area, for a building, means the gross area of all floors in the building measured over the enclosing walls other than the area of a verandah, roofed terrace, patio, garage or carport in or attached to the building.

habitable room has the same meaning as in the Building Code of Australia.

high flood hazard area means the area on the Flood hazard overlay maps identified as high hazard. Development of land in this area may pose unacceptable risks to life and property during a defined flood event. Generally, in this area during a defined flood event:

- (a) major to extreme risk to life is likely;
- (b) able bodied adults cannot walk safely; and
- (c) light frame buildings can structurally fail.

low flood hazard area means the area on the Flood hazard overlay maps identified as low hazard. Development of this land, after application of relevant mitigation actions, is not considered to pose any significant risk to life or property during a defined flood event. Generally, in this area during a defined flood event:

- (a) there is no significant risk to life; and
- (b) property is only at risk when exposed and in direct contact with flood waters.

medium flood hazard area means the area on the Flood hazard overlay maps identified as medium hazard. Development of land in this area may pose a risk to life and property during a defined flood event. Generally, in this area during a defined flood event:

- (a) able bodied adults may not be able to walk safely;
- (b) cars can float and precautions must be taken; and
- (c) only large vehicles (trucks) may be able to travel safely.

overland flow path means an area on the Flood hazard overlay maps identified as overland flow path.

rural area means an area that:

- (a) if in the Gatton Shire Planning Scheme area, is located in the Rural agriculture zone, Rural general zone or Rural uplands zone; or
- (b) if in the Laidley Shire Planning Scheme area, is located in the Rural agricultural land area, Rural landscape area or Rural uplands land area.

sport and recreation – means the use of premises for any activity, purpose or pursuit which includes, but is not limited to the following: archery, athletics, basketball, baseball, boating, bowling (other than indoor bowling), children's playgrounds, commercial or community swimming pools (uncovered), cycling tracks, football, gardens, golf, hockey, netball, outdoor cricket, parks, picnic areas, playing fields, soccer, softball, tennis.

vulnerable persons means persons who are identified as having a high degree of susceptibility and low resilience to flood hazard, including unaccompanied minors, the infirmed, the mentally and physically disabled and elderly.

10. Advisory notes

- 10.1 It is a matter of common law that any owner of a property who develops or alters their property in any way, owes a duty of care to ensure that changes caused by the development do not cause adverse impacts in relation to flooding.
- 10.2 Council has flood models for some localities within the Region. These flood models can be obtained for undertaking flood hazard assessments, subject to the execution of a Data Sharing Agreement and payment of the applicable fee.
- 10.3 If approval is issued by Council for building work within the Flood hazard overlay, building materials and surface treatments used below the defined flood level should be resilient to water damage and should not include wall cavities.

APPENDIX A

EFFECT OF THE TEMPORARY LOCAL PLANNING INSTRUMENT ON THE GATTON SHIRE PLANNING SCHEME

Scheme Reference	Effect of Temporary Local Planning Instrument
Page 11 Section 3.1(3) Desired environmental outcomes, item (i)	Suspend (i) and replace with revised (i) as follows: (i) Planning and design takes into account the potential adverse effects from natural hazards such as bushfire, landslip or flooding. The adverse effects of flood on development: (a) in the high and medium flood hazard areas are avoided; and (b) in the low flood hazard area are minimised to the greatest extent practicable and development is designed to provide protection to persons and property.
Pages 184-185 Services and infrastructure code 6.25 Specific outcome and probable solutions for code assessable development, Probable solution A2.2	Suspend A2.2 and replace with revised A2.2 as follows: A2.2 Where Council's a reticulated sewerage service is not available: (a) the minimum size of a lot is 3,000m² or the minimum size lot for a specific zone, whichever is the greater; (b) the proposed on-site effluent disposal system is located on the allotment in accordance with the <i>Plumbing and Drainage Act 2018. Standard Sewerage Law 2001 and AS1547-2000;</i> (c) the proposed on-site effluent disposal system is located on land which: (i) has slopes less than 10%; or (ii) the land is terraced to receive the full disposal area; (iii) is situated above the Q10 flood level; (iv) is above the level of 5 metre AHD; (v) contains soils with permeability greater than 0.05m/day and less than 3.5m/day; (vi) contains soils which do not include mainly sand, gravel or fractured rock; (vii) is more than 0.6 metres of the seasonally high water table; (viii) is more than 1.0 metre above bedrock; (d) the lot contains an area capable of supporting a land application area sized in accordance with the Interim Code of Practice for On-site Sewerage Facilities; (e) at least 100% of the design area is available on the lot and reserved for waste disposal application; and (f) the effluent irrigation area is not separated from the effluent source by features such as gullies, creeks, dams, roads, driveways etc.
Page 200 Accommodation unit and dual occupancy code 6.47 Specific outcomes and probable solutions for code assessable development, Specific outcome P3 and Probable solutions A3.1-A3.3	Suspend P3 and A3.1-A3.3, and replace with revised P3 and A3.1 as follows: P3 The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level. An acceptable level of flood immunity is provided for new accommodation units and dual occupancy units. A3.1 The floor level of habitable rooms is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm. A3.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm. A3.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm.
Page 205 Annexed unit code	Suspend P1 and A1.1-A1.6, and replace with revised P1 and A1.1 as follows:

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<p>6.51 Specific outcome and probable solutions for code assessable development, Specific outcome P1 and Probable solutions A1.1-1.6</p>	<p>P1 The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level. An acceptable level of flood immunity is provided for a new annexed unit.</p> <p>A1.1 The floor level of habitable rooms is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm.</p> <p>A1.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm.</p> <p>A1.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm.</p> <p>A1.4 Within the Murphys Creek village area, the habitable floor level is RL250m AHD plus 300mm.</p> <p>A1.5 Within the Grantham village area, a level not less that the level of the closest land listed in the table below, plus 300mm.</p> <table border="1" data-bbox="459 667 1428 913"> <thead> <tr> <th>RPD</th> <th>Address</th> <th>AHD (m)</th> </tr> </thead> <tbody> <tr> <td>Lot 1 RP150034</td> <td>50 Anzac Avenue</td> <td>116.16</td> </tr> <tr> <td>Lot 1 RP92488</td> <td>Gatton Helidon Road</td> <td>116.221</td> </tr> <tr> <td>Lot 3 RP108240</td> <td>9 Anzac Avenue</td> <td>117.324</td> </tr> <tr> <td>Lot 7 RP25735</td> <td>3 Harris Street</td> <td>117.995</td> </tr> <tr> <td>Lot 8 RP25736</td> <td>8 Harris Street</td> <td>117.843</td> </tr> <tr> <td>Lots 15-16 RP25732</td> <td>35 Harris Street</td> <td>118.4</td> </tr> </tbody> </table> <p>A1.6 Otherwise, no probable solution is provided</p>	RPD	Address	AHD (m)	Lot 1 RP150034	50 Anzac Avenue	116.16	Lot 1 RP92488	Gatton Helidon Road	116.221	Lot 3 RP108240	9 Anzac Avenue	117.324	Lot 7 RP25735	3 Harris Street	117.995	Lot 8 RP25736	8 Harris Street	117.843	Lots 15-16 RP25732	35 Harris Street	118.4
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<p>Page 209 Caravan and relocatable home parks code 6.55 Specific outcome and probable solutions for code assessable development, Probable solution A3.1</p>	<p>Suspend A3.1, and replace with revised A3.1 as follows:</p> <p>A3.1 A site provides for all residential buildings and structures and access to them, on stable land that is located at least 300mm above the defined flood level and flood free land away from scenically or environmentally sensitive areas.</p>																					
<p>Page 211 Caretaker's residence code 6.59 Specific outcome and probable solutions for code assessable development, Specific outcome P2 and Probable solutions A2.1-2.6</p>	<p>Suspend P2 and A2.1-A2.6, and replace with revised P2 and A2.1 as follows:</p> <p>P2 The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level. An acceptable level of flood immunity is provided for a new caretaker's residence.</p> <p>A2.1 The floor level of habitable rooms is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm.</p> <p>A2.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm.</p> <p>A2.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm.</p> <p>A2.4 Within the Murphys Creek village area, the habitable floor level is RL250m AHD plus 300mm.</p> <p>A2.5 Within the Grantham village area, a level not less that the level of the closest land listed in the table below, plus 300mm.</p> <table border="1" data-bbox="459 1765 1428 2011"> <thead> <tr> <th>RPD</th> <th>Address</th> <th>AHD (m)</th> </tr> </thead> <tbody> <tr> <td>Lot 1 RP150034</td> <td>50 Anzac Avenue</td> <td>116.16</td> </tr> <tr> <td>Lot 1 RP92488</td> <td>Gatton Helidon Road</td> <td>116.221</td> </tr> <tr> <td>Lot 3 RP108240</td> <td>9 Anzac Avenue</td> <td>117.324</td> </tr> <tr> <td>Lot 7 RP25735</td> <td>3 Harris Street</td> <td>117.995</td> </tr> <tr> <td>Lot 8 RP25736</td> <td>8 Harris Street</td> <td>117.843</td> </tr> <tr> <td>Lots 15-16 RP25732</td> <td>35 Harris Street</td> <td>118.4</td> </tr> </tbody> </table> <p>A2.6 Otherwise, no probable solution is provided</p>	RPD	Address	AHD (m)	Lot 1 RP150034	50 Anzac Avenue	116.16	Lot 1 RP92488	Gatton Helidon Road	116.221	Lot 3 RP108240	9 Anzac Avenue	117.324	Lot 7 RP25735	3 Harris Street	117.995	Lot 8 RP25736	8 Harris Street	117.843	Lots 15-16 RP25732	35 Harris Street	118.4
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Page 213 Dwelling house code 6.62 Specific outcomes and probable solutions for code assessable development, Specific outcome P2 and Probable solutions A2.1-2.6	Suspend P2 and A2.1-A2.6, and replace with revised P2 and A2.1 as follows: P2 The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level. An acceptable level of flood immunity is provided for a new Dwelling House. A2.1 The floor level of habitable rooms is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm. A2.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm. A2.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm. A2.4 Within the Murphys Creek village area, the habitable floor level is RL250m AHD plus 300mm. A2.5 Within the Grantham village area, a level not less that the level of the closest land listed in the table below, plus 300mm. <table border="1" data-bbox="459 745 1430 987"> <thead> <tr> <th>RPD</th> <th>Address</th> <th>AHD (m)</th> </tr> </thead> <tbody> <tr> <td>Lot 1 RP150034</td> <td>50 Anzac Avenue</td> <td>116.16</td> </tr> <tr> <td>Lot 1 RP92488</td> <td>Gatton Helidon Road</td> <td>116.221</td> </tr> <tr> <td>Lot 3 RP108240</td> <td>9 Anzac Avenue</td> <td>117.324</td> </tr> <tr> <td>Lot 7 RP25735</td> <td>3 Harris Street</td> <td>117.995</td> </tr> <tr> <td>Lot 8 RP25736</td> <td>8 Harris Street</td> <td>117.843</td> </tr> <tr> <td>Lots 15-16 RP25732</td> <td>35 Harris Street</td> <td>118.4</td> </tr> </tbody> </table> A2.6 Otherwise, no probable solution is provided	RPD	Address	AHD (m)	Lot 1 RP150034	50 Anzac Avenue	116.16	Lot 1 RP92488	Gatton Helidon Road	116.221	Lot 3 RP108240	9 Anzac Avenue	117.324	Lot 7 RP25735	3 Harris Street	117.995	Lot 8 RP25736	8 Harris Street	117.843	Lots 15-16 RP25732	35 Harris Street	118.4
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Pages 217-218 Motel code 6.70 Specific outcome and probable solutions for code assessable development, Specific outcome P2 and Probable solutions A2.1-A2.6	Suspend P2 and A2.1-A2.6, and replace with revised P2 and A2.1 as follows: P2 A new motel is designed to be a minimum of 300mm above the defined flood level. An acceptable level of flood immunity is provided for a new motels. A2.1 The floor level is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm. A2.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm. A2.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm. A2.4 Within the Murphys Creek village area, the habitable floor level is RL250m AHD plus 300mm. A2.5 Within the Grantham village area, level not less that the level of the closest land listed in the table below, plus 300mm. <table border="1" data-bbox="459 1491 1430 1733"> <thead> <tr> <th>RPD</th> <th>Address</th> <th>AHD (m)</th> </tr> </thead> <tbody> <tr> <td>Lot 1 RP150034</td> <td>50 Anzac Avenue</td> <td>116.16</td> </tr> <tr> <td>Lot 1 RP92488</td> <td>Gatton Helidon Road</td> <td>116.221</td> </tr> <tr> <td>Lot 3 RP108240</td> <td>9 Anzac Avenue</td> <td>117.324</td> </tr> <tr> <td>Lot 7 RP25735</td> <td>3 Harris Street</td> <td>117.995</td> </tr> <tr> <td>Lot 8 RP25736</td> <td>8 Harris Street</td> <td>117.843</td> </tr> <tr> <td>Lots 15-16 RP25732</td> <td>35 Harris Street</td> <td>118.4</td> </tr> </tbody> </table> A2.6 Otherwise, no probable solution is provided	RPD	Address	AHD (m)	Lot 1 RP150034	50 Anzac Avenue	116.16	Lot 1 RP92488	Gatton Helidon Road	116.221	Lot 3 RP108240	9 Anzac Avenue	117.324	Lot 7 RP25735	3 Harris Street	117.995	Lot 8 RP25736	8 Harris Street	117.843	Lots 15-16 RP25732	35 Harris Street	118.4
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<p>Page 220 Small lot house code 6.74 Specific outcomes and probable solutions for code assessable development, Specific outcome P1 and Probable solutions A1.1-A1.6</p>	<p>Suspend P1 and A1.1-A1.6, and replace with revised P1 and A1.1 as follows:</p> <p>P1 The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level. An acceptable level of flood immunity is provided for a small lot house.</p> <p>A1.1 The floor level of habitable rooms is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm.</p> <p>A1.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm.</p> <p>A1.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm.</p> <p>A1.4 Within the Murphys Creek village area, the habitable floor level is RL250m AHD plus 300mm.</p> <p>A1.5 Within the Grantham village area, a level not less that the level of the closest land listed in the table below, plus 300mm.</p> <table border="1" data-bbox="459 745 1430 987"> <thead> <tr> <th>RPD</th> <th>Address</th> <th>AHD (m)</th> </tr> </thead> <tbody> <tr> <td>Lot 1 RP150034</td> <td>50 Anzac Avenue</td> <td>116.16</td> </tr> <tr> <td>Lot 1 RP92488</td> <td>Gatton Helidon Road</td> <td>116.221</td> </tr> <tr> <td>Lot 3 RP108240</td> <td>9 Anzac Avenue</td> <td>117.324</td> </tr> <tr> <td>Lot 7 RP25735</td> <td>3 Harris Street</td> <td>117.995</td> </tr> <tr> <td>Lot 8 RP25736</td> <td>8 Harris Street</td> <td>117.843</td> </tr> <tr> <td>Lots 15-16 RP25732</td> <td>35 Harris Street</td> <td>118.4</td> </tr> </tbody> </table> <p>A1.6 Otherwise, no probable solution is provided</p>	RPD	Address	AHD (m)	Lot 1 RP150034	50 Anzac Avenue	116.16	Lot 1 RP92488	Gatton Helidon Road	116.221	Lot 3 RP108240	9 Anzac Avenue	117.324	Lot 7 RP25735	3 Harris Street	117.995	Lot 8 RP25736	8 Harris Street	117.843	Lots 15-16 RP25732	35 Harris Street	118.4
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<p>Page 238 Service station and car wash code 6.82 Specific outcome and probable solutions for code assessable development, Specific outcome P2 and Probable solutions A2.1-A2.6</p>	<p>Suspend P2 and A2.1-A2.6, and replace with revised P2 and A2.1 as follows:</p> <p>P2 A new service station and car wash is designed to minimise risk from the adverse effects of flooding to the greatest extent practicable. An acceptable level of flood immunity is provided for a new service station and car wash.</p> <p>A2.1 The floor level is a minimum of 300mm above the defined flood level. Within the Gatton town area, the habitable floor level is RL 102.041 plus 300mm.</p> <p>A2.2 Within the Helidon town area, the habitable floor level is RL 135 AHD plus 300mm.</p> <p>A2.3 Within the Withcott town area, the habitable floor level is RL235m AHD plus 300mm.</p> <p>A2.4 Within the Murphys Creek village area, the habitable floor level is RL250m AHD plus 300mm.</p> <p>A2.5 Within the Grantham village area, a level not less that the level of the closest land listed in the table below, plus 300mm.</p> <table border="1" data-bbox="459 1507 1430 1749"> <thead> <tr> <th>RPD</th> <th>Address</th> <th>AHD (m)</th> </tr> </thead> <tbody> <tr> <td>Lot 1 RP150034</td> <td>50 Anzac Avenue</td> <td>116.16</td> </tr> <tr> <td>Lot 1 RP92488</td> <td>Gatton Helidon Road</td> <td>116.221</td> </tr> <tr> <td>Lot 3 RP108240</td> <td>9 Anzac Avenue</td> <td>117.324</td> </tr> <tr> <td>Lot 7 RP25735</td> <td>3 Harris Street</td> <td>117.995</td> </tr> <tr> <td>Lot 8 RP25736</td> <td>8 Harris Street</td> <td>117.843</td> </tr> <tr> <td>Lots 15-16 RP25732</td> <td>35 Harris Street</td> <td>118.4</td> </tr> </tbody> </table> <p>A2.6 Otherwise, no probable solution is provided</p>	RPD	Address	AHD (m)	Lot 1 RP150034	50 Anzac Avenue	116.16	Lot 1 RP92488	Gatton Helidon Road	116.221	Lot 3 RP108240	9 Anzac Avenue	117.324	Lot 7 RP25735	3 Harris Street	117.995	Lot 8 RP25736	8 Harris Street	117.843	Lots 15-16 RP25732	35 Harris Street	118.4
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<p>Page 252 Intensive animal industries, animal product processing industries, kennels and catteries code 6.91 Specific outcome</p>	<p>Suspend A2.1, and replace with revised A2.1 as follows:</p> <p>A2.1 Facilities are developed on a site which:</p> <ol style="list-style-type: none"> has land with slopes less than 10%; is above the defined flood level is not on land subject to flooding at a frequency of greater than 1 in 50 years; is otherwise not low-lying; has sealed road access; 																					

Scheme Reference	Effect of Temporary Local Planning Instrument
and probable solutions for code assessable development, Probable solution A2.1	<p>(e) is provided with a reliable water supply and has a capacity to store a minimum of 2 days' supply; and</p> <p>(f) is connected to an electricity supply.</p>
Pages 260-261 Reconfiguring a lot code 6.107 Specific outcome and probable solutions for code assessable development, Specific outcome P1 and Probable solutions A1.1-A1.6	Suspend P1 and A1.1-A1.6.
Pages 267-268 Reconfiguring a lot code 6.107 Specific outcome and probable solutions for code assessable development, Specific outcome A19.4	<p>Suspend A19.4, and replace with revised A19.4 as follows:</p> <p>A19.4 Where connection to Council's a reticulated sewerage service is not available:</p> <p>(a) the minimum size of a lot is 3,000m² or the minimum size lot for a specific zone, whichever is the greater; and</p> <p>(b) each lot is connected to an approved common effluent drainage scheme, and where that is not available:</p> <p>(i) each lot disposes waste on site for the specified used; and</p> <p>(ii) the proposed on-site effluent disposal system is located on the allotment in accordance with the <i>Standard Sewerage Law 2001</i> and <i>AS1547-2000</i>; and</p> <p>(iii) the proposed on-site effluent disposal system is located on land which:</p> <p>I. has slopes less than 10% OR the land is terraced to receive the full disposal area;</p> <p>II. is situated over the Q10 flood level;</p> <p>III. is above the 5 metre AHD;</p> <p>IV. contains soils with permeability greater than 0.05m/day and less than 3.5m/day;</p> <p>V. contains soils which do not include mainly sand, gravel or fractured rock;</p> <p>VI. is more than 0.6 metres of the seasonally high water table;</p> <p>VII. is more than 1.0 metre above bedrock;</p> <p>(b) (c) each lot contains an area capable of supporting a land application area sized in accordance with the <i>Plumbing and Drainage Act 2018. Interim Code of Practice for On-site Sewerage Facilities</i>;</p> <p>(d) an area of up to 100% of the design area is available on each lot and reserved for waste disposal application;</p> <p>(e) the effluent irrigation area is a minimum of 50 metres from features such as gullies, waterways and wetlands.</p>
Page 272 Reconfiguring a lot code 6.107 Specific outcomes and probable solutions for code assessable development, Specific outcome P37	<p>Suspend P37, and replace with revised P37 as follows:</p> <p>P37 In addition to provisions at P14 and P15, the major drainage network has the capacity to control stormwater flows under normal conditions, and allowing for a 100% design blockage of inlets, minor system blockage conditions for a 1 in 100 year rainfall event so that:</p> <p>(a) no dwelling is inundated during a 1 in 100 year flood,</p> <p>(b) habitable rooms have floor levels 250 mm above the estimated flood level resultant from a 1 in 100 year flood are protected,</p>

Scheme Reference	Effect of Temporary Local Planning Instrument
	<p>(b) (c) overland flow paths floodways are restricted to areas where there is minimal risk of damage to life or property; and</p> <p>(c) (d) runoff is directed to a lawful point of discharge through competently designed and constructed outlet works.</p>
<p>Page 274 Reconfiguring a lot code 6.107 Specific outcome and probable solutions for code assessable development, Specific outcome A43.1</p>	<p>Suspend A43.1, and replace with revised A43.1 as follows:</p> <p>A43.1 New lots resulting from the realignment have a minimum area of 1.0 hectare, and contain:</p> <p>(a) each contains a flood free building sites located above the defined flood level;</p> <p>(b) have slopes less than 20%;</p> <p>(c) have effluent disposal areas; and</p> <p>(d) maintain a viable land size for ongoing agricultural use if on good quality agricultural land.</p>

APPENDIX B

EFFECT OF TEMPORARY LOCAL PLANNING INSTRUMENT ON THE LAIDLEY SHIRE PLANNING SCHEME

Scheme Reference	Effect of Temporary Local Planning Instrument
Page 12 Section 3.1(3)k Desired environmental outcomes	Suspend k, and replace with revised k as follows: k. The adverse effects from natural and other hazards, including flooding and bushfires, are minimised. The adverse effects of flood on development: (i) in the high and medium flood hazard areas are avoided; and (ii) in the low flood hazard area are minimised to the greatest extent practicable and development is designed to provide protection to persons and property.
Page 65 Table 23B, Flood inundation areas (Overlay Map F)	Suspend Table 23B.
Page 68 Table 24B, Flood inundation areas (Overlay Map F)	Suspend Table 24B.
Page 82 Section 6.7.3, Specific outcomes and acceptable solutions for the areas of natural and environmental significance overlay code	Suspend 6.7.3, and replace with revised 6.7.3 as follows: 6.7.3 Specific outcomes and acceptable solutions for the areas of natural and environmental significance overlay code The Overlay Maps <i>for Areas of Natural and Environmental Significance</i> (Maps E1, E2, F , G1, G2) are the maps that apply for this Code. They include areas with steep or unstable lands, dryland salinity, areas identified as wetlands, flood-prone , bush-fire prone or ecologically significant.
Page 83 Table 1 – Specific outcomes and acceptable solutions for the areas of natural and environmental significance overlay code, Item 1	Suspend 1, and replace with revised 1 as follows: 1. Buildings and development are protected from potential conflict, such as: <ul style="list-style-type: none"> • bushfire; • steep or unstable land; • ridgelines; • remnant vegetation – regeneration; • high visual quality; • erosion; • dryland salinity; • wetlands; • flood-prone land; • water quality; • permanent or intermittent streams; • major drainage lines; • wildlife corridors.
Page 84 Table, Flood inundation areas	Suspend table.
Page 101 Table 6 – Specific outcomes and acceptable solutions for the residential uses code, Acceptable solution 4.1	Suspend 4.1, and replace with revised 4.1 as follows: 4.1 The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level Where a lot is on floodable land, the minimum flood level for habitable rooms is 300mm above the Q100 flood line on the allotment; and
Page 120 Table 5 – Specific outcomes and acceptable solutions for the on-site effluent disposal code, Acceptable solution 2.2	Suspend 2.2.

Scheme Reference	Effect of Temporary Local Planning Instrument
Page 192 Overlay Map F – Areas of natural and environmental significance – Flood inundation areas	Suspend Overlay Map F.

APPENDIX C

CATEGORIES OF DEVELOPMENT AND CATEGORIES OF ASSESSMENT FOR FLOOD HAZARD OVERLAY

1. Categories of development and categories of assessment for the Flood hazard overlay

- (1) The categories of development and categories of assessment for development within the Flood hazard overlay are identified in Column 2 of Table 1.
- (2) If development is identified in the planning scheme as having a different category of development or category of assessment than under Table 1 below, the highest level of assessment applies as follows:
 - (a) Accepted development subject to requirements prevails over Accepted development;
 - (b) Code assessment prevails over Accepted development subject to requirements and Accepted development; and
 - (c) Impact assessment prevails over Code assessment, Accepted development subject to requirements and Accepted development.

2. Assessment benchmarks for development within the Flood hazard overlay

- (1) The relevant assessment benchmarks for development within the Flood hazard overlay are identified in Column 3 of Table 1.

Table 1 Categories of development and categories of assessment

Column 1 Type of development or use	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development and requirements for accepted development
Material change of use		
Agriculture	Accepted development if no building work is proposed.	
	Accepted development subject to requirements if – (a) not Accepted development; and (b) the use complies with all relevant Acceptable outcomes identified in the Assessment benchmark column.	Flood hazard overlay code
	Code assessment in all other circumstances.	Flood hazard overlay code
Sport and Recreation	Accepted development if no building work is proposed.	
	Accepted development subject to requirements if – (a) not Accepted development; and (b) the use complies with all relevant Acceptable outcomes identified in the Assessment benchmark column.	Flood hazard overlay code
	Code assessment in all other circumstances.	Flood hazard overlay code
All other uses	Accepted development if no building work is proposed.	
	Accepted development subject to requirements if –	Flood hazard overlay code

Column 1 Type of development or use	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development and requirements for accepted development
	(a) not Accepted development; and (b) the use complies with all relevant Acceptable outcomes identified in the Assessment benchmark column. Code assessment in all other circumstances.	Flood hazard overlay code
Reconfiguring a lot		
Reconfiguring a lot	Code assessment if the site area is located within an area identified as a high, medium or low flood hazard area, an investigation area, or an overland flow path.	Flood hazard overlay code
Building works		
Carrying out building works not associated with a material change of use	Accepted development subject to requirements if complies with all relevant Acceptable outcomes identified in the Assessment benchmark column.	Flood hazard overlay code
	Code assessment in all other circumstances.	Flood hazard overlay code
Operational works		
Carrying out operational works associated with Reconfiguring a lot or a Material change of use	Code assessment if the site area is located within an area identified as a high, medium or low flood hazard area, investigation area, or overland flow path.	Flood hazard overlay code
Carrying out operational works for filling or excavating, where not associated with reconfiguring a lot or a material change of use	Accepted development if the works are associated with bona fide agricultural activities.	
	Code assessment if – (a) not Accepted development; and (b) the site is located in a rural area, and the extent of cut or fill exceeds 10m ³ ; or (c) the site is located within an area other than a rural area.	Flood hazard overlay code
Advertising device, where not associated with a material change of use	Code assessment if the site area is located within an area identified as a high, medium or low flood hazard area, investigation area, or overland flow path.	Flood hazard overlay code
Other development		
All other development	Accepted development	

APPENDIX D

FLOOD HAZARD OVERLAY CODE

1. Application

This code applies to Accepted development subject to requirements and Assessable development involving land wholly or partially within the Flood hazard overlay as identified on the Flood hazard overlay maps in Appendix E.

2. Purpose

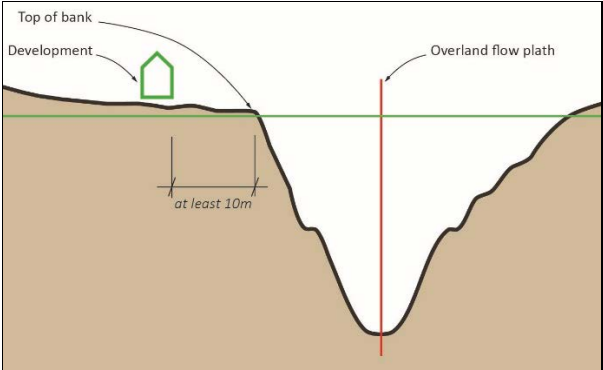
The purpose of this code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during flood events is minimised, and to ensure that development does not increase the potential for flood damage on the site or to other property.

3. Compliance with the Flood hazard overlay code

Development that complies with the purpose of the code, complies with the code.

Development that complies with the performance outcomes or acceptable outcomes of the code, complies with the purpose of the code.

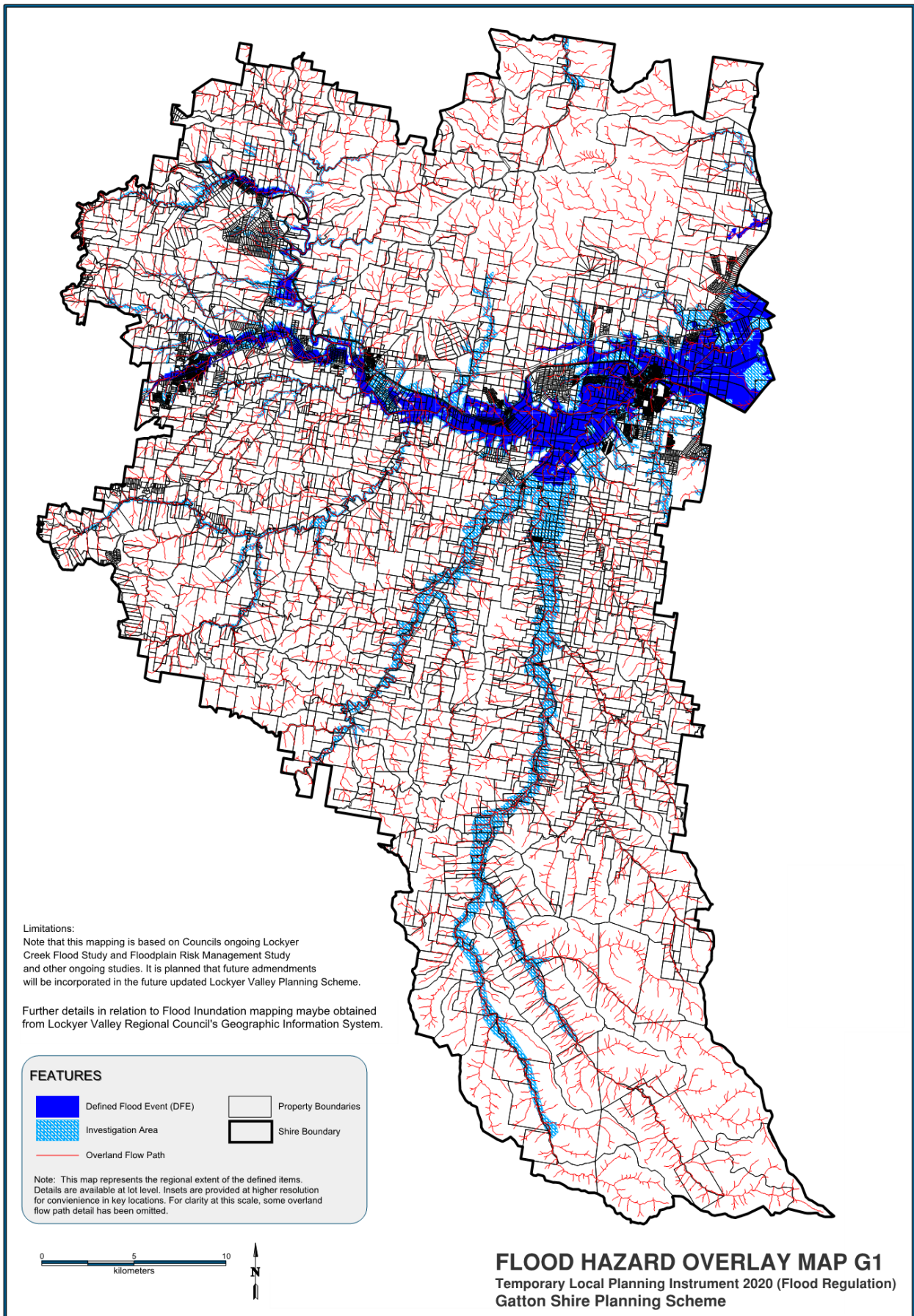
4. Assessment benchmarks

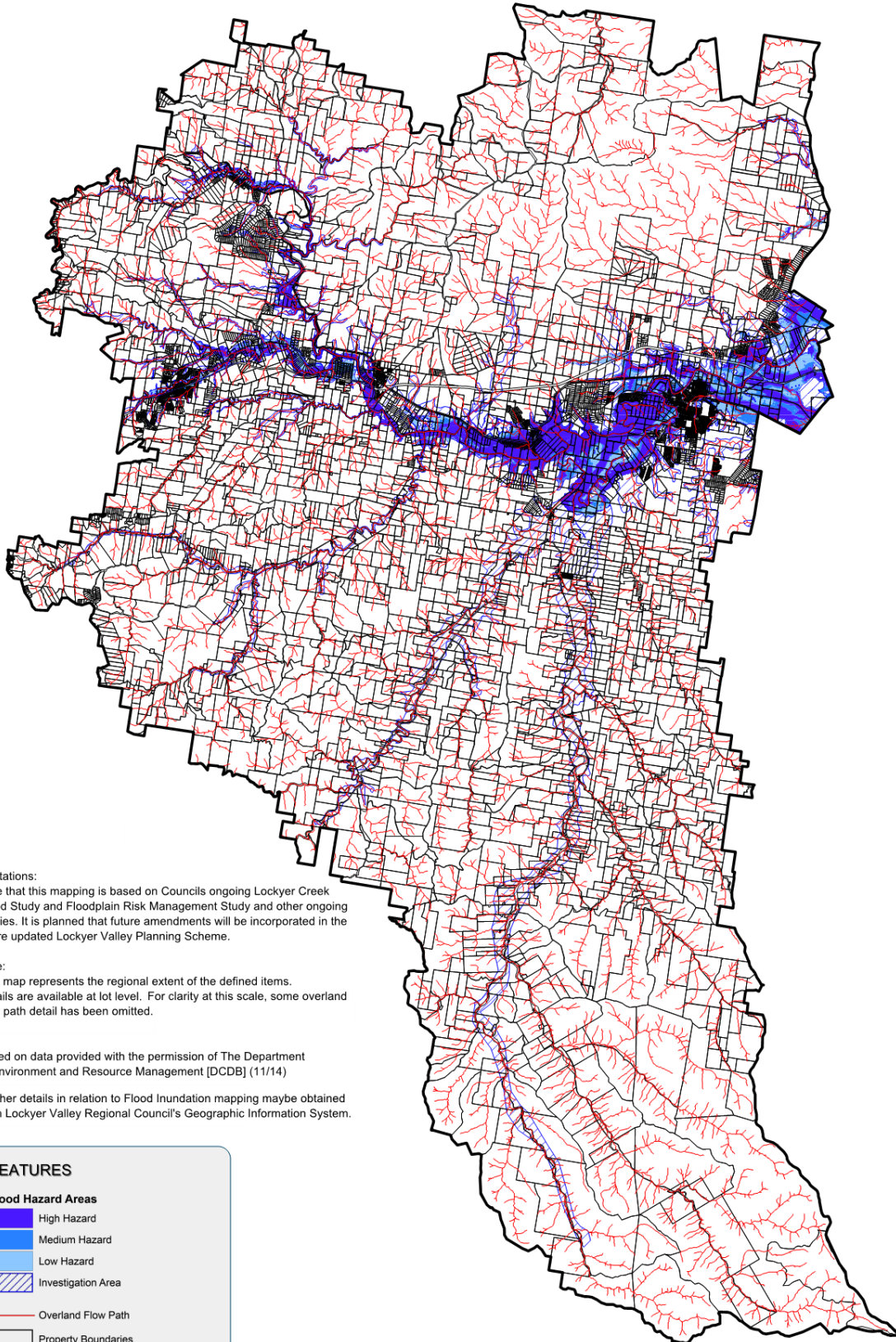
Column 1 Performance outcomes	Column 2 Acceptable outcomes
For Accepted development subject to requirements	
<p>PO1 To the greatest extent practicable, development avoids areas known to be, or have the potential to be, affected by flooding.</p>	<p>AO1.1 Development does not occur on land identified as: (a) high flood hazard area; or (b) medium flood hazard area.</p> <p>AO1.2 If located on land in a flood investigation area or overland flow path, a local flood study, prepared by a suitably qualified person and approved by Council, determines that the development site is not exposed to high or medium flood hazard.</p> <p>AO1.3 Development is located at least 10m from the top of bank of an overland flow path.</p> <div style="text-align: center;">  </div>

Column 1 Performance outcomes	Column 2 Acceptable outcomes
For Accepted development subject to requirements and Assessable development	
<p>PO2</p> <p>In the low flood hazard area, development that provides for vulnerable persons is avoided, otherwise development minimises risk from the adverse effects of flooding to the greatest extent practicable.</p> <p>Note — Development that provides for vulnerable persons may include annexed units, apartments, child care centres, community care centres, community uses, education establishments, health care services, hospitals, residential care facilities and retirement facilities.</p>	<p>AO2.1</p> <p>A new building or structure is sited on the highest part of the lot.</p> <p>AO2.2</p> <p>Development does not involve the filling of land to achieve flood immunity.</p> <p>AO2.3</p> <p>The floor level of any habitable room of a proposed building or extension to an existing building is a minimum of 300mm above the defined flood level.</p> <p>AO2.4</p> <p>The area below habitable rooms is left open so as to not impede flood inundation.</p> <p>AO2.5</p> <p>If understorey screening is provided, it must allow for the flow through of floodwater, and provide a minimum 50% permeability (e.g. using vertical battens with a batten width gap between battens).</p> <p>AO2.6</p> <p>The understorey may be used for parking of vehicles or storage of items that are capable of being easily moved in the event of a flood.</p> <p>AO2.7</p> <p>Utilities and services not regulated by the Queensland Development Code MP 3.5 or the <i>Plumbing and Drainage Act 2018</i> (e.g. air conditioners, electrical services, gas), are located a minimum of 300mm above the defined flood level.</p> <p>AO2.7</p> <p>Development does not alter the predevelopment profile of the site or interfere with an overland flow path.</p> <p>AO2.8</p> <p>Development does not expose vulnerable persons to flood hazard.</p>
<p>PO3</p> <p>In the flood investigation area and overland flow paths, development:</p> <p>(a) minimises risk from the adverse effects of flooding to the greatest extent practicable; and</p> <p>(b) only occurs where it is designed to respond to the hazard level applicable to the site.</p> <p>Note—Land in the flood investigation area is susceptible to some degree of flooding. Detailed modelling of this land has not been undertaken. A site specific assessment is required to determine the hazard classification of the land, and its suitability for development.</p>	<p>AO3</p> <p>In a flood investigation area or overland flow path:</p> <p>(a) written advice is obtained from Council stating that the latest data available to Council confirms that the site is not subject to flooding; or</p> <p>(b) a local flood study, prepared by a suitably qualified person and approved by Council, determines that the development site is not exposed to high, medium or low flood hazard; or</p> <p>(c) where a local flood study, prepared by a suitably qualified person and approved by Council, determines that the development site is exposed to low flood hazard, the development satisfies AO2.1-AO2.8; or</p> <p>(d) where a local flood study, prepared by a suitably qualified person and approved by Council, determines that the development site is exposed</p>

Column 1 Performance outcomes	Column 2 Acceptable outcomes
	to high or medium flood hazard, the development satisfies AO4 or PO4.
<p>PO4</p> <p>In areas of medium or high flood hazard, development is avoided. Where development cannot be avoided, risks associated with flooding are mitigated to an acceptable level.</p>	<p>AO4</p> <p>In a medium or high flood hazard area, a report prepared by a suitably qualified person is provided demonstrating that the risks associated with flooding, including (but not limited to):</p> <ul style="list-style-type: none"> (a) risk of isolation; (b) risk to road access; (c) risk to life; (d) risk to property; and (e) off-site impacts; <p>are mitigated to an acceptable level.</p>
<p>PO5</p> <p>Reconfiguration of a lot responds to flooding potential and maintains personal safety at all times.</p> <p>Note — Applicants are advised to refer to the Queensland Government’s Evacuation: Responsibilities, Arrangements and Management Manual – M.1.190.</p>	<p>AO5.1</p> <p>Each lot includes an area for the construction of buildings and structures that is located above the defined flood level that:</p> <ul style="list-style-type: none"> (a) if in the Gatton Shire Planning Scheme area and: <ul style="list-style-type: none"> (i) located in the Emerging communities zone, Urban residential zone or Village zone — comprises the entire lot; (ii) located in the Park residential zone or Rural residential zone — is a minimum of 1500m² in area (exclusive of access handle) with a minimum dimension of 20m; (b) if in the Laidley Shire Planning Scheme area and: <ul style="list-style-type: none"> (i) located in the Residential expansion area, Urban residential area, Urban residential (small lots) area or Village area — comprises the entire lot; (ii) located in the Rural residential area — is a minimum of 1500m² in area (exclusive of access strip) with a minimum dimension of 20m; (c) if in any other area — is of an adequate size and shape to accommodate any buildings and outbuildings that would be anticipated. <p>AO5.2</p> <p>Development provides at least one road access to service the development which is higher than the defined flood level and capable of remaining passable for evacuation.</p>

**APPENDIX E
FLOOD HAZARD OVERLAY MAPS**





Limitations:

Note that this mapping is based on Councils ongoing Lockyer Creek Flood Study and Floodplain Risk Management Study and other ongoing studies. It is planned that future amendments will be incorporated in the future updated Lockyer Valley Planning Scheme.

Note:

This map represents the regional extent of the defined items. Details are available at lot level. For clarity at this scale, some overland flow path detail has been omitted.

Based on data provided with the permission of The Department of Environment and Resource Management [DCDB] (11/14)

Further details in relation to Flood Inundation mapping maybe obtained from Lockyer Valley Regional Council's Geographic Information System.

FEATURES

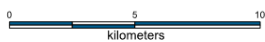
Flood Hazard Areas

- High Hazard
- Medium Hazard
- Low Hazard
- Investigation Area

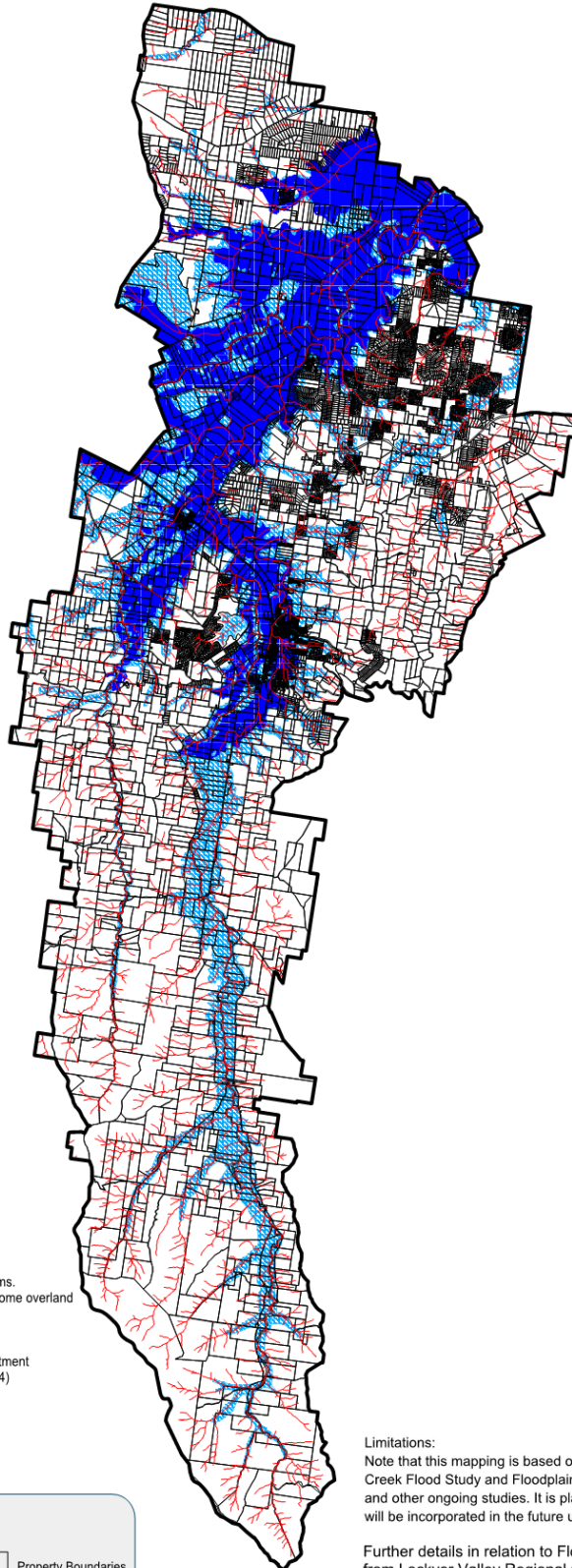
Overland Flow Path

Property Boundaries

Gatton Planning Scheme Boundary

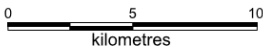


FLOOD HAZARD OVERLAY MAP G2
 Temporary Local Planning Instrument 2020 (Flood Regulation)
 Gatton Shire Planning Scheme








Note:
 This map represents the regional extent of the defined items.
 Details are available at lot level. For clarity at this scale, some overland
 flow path detail has been omitted.

Based on data provided with the permission of The Department
 of Environment and Resource Management [DCDB] (11/14)



FEATURES

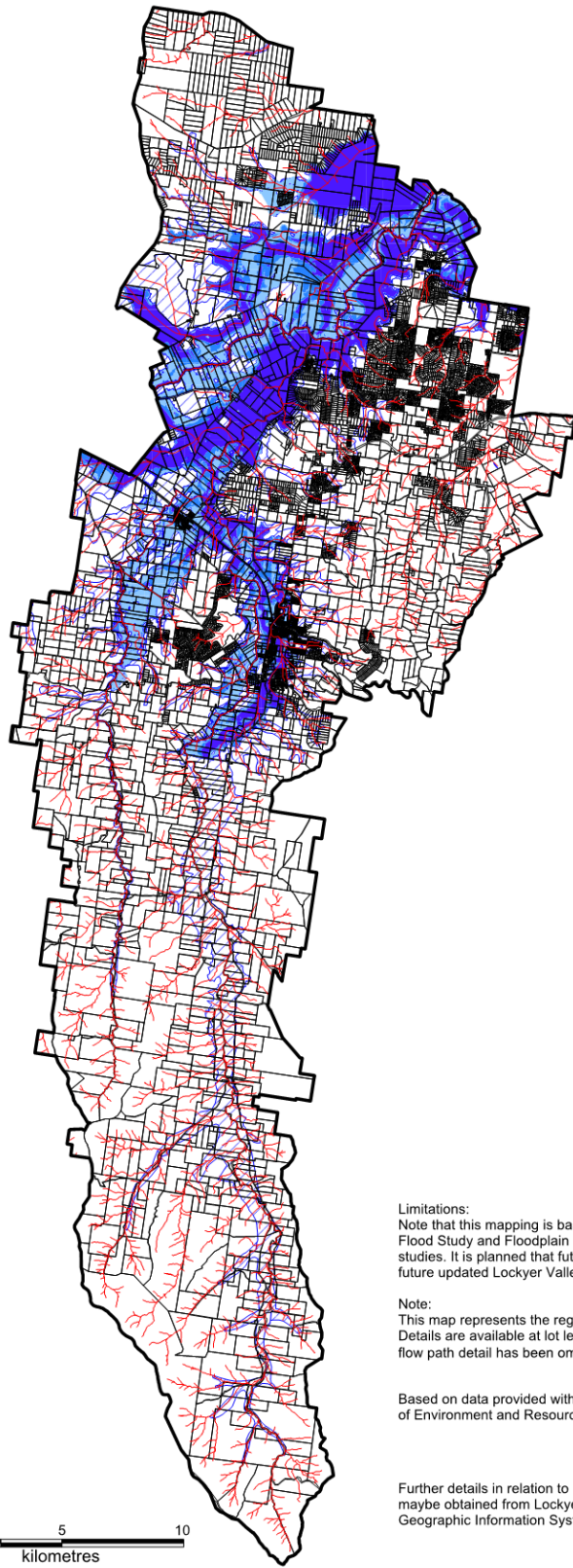
	Defined Flood Event (DFE)		Property Boundaries
	Investigation Area		Shire Boundary
	Overland Flow Path		

Note: This map represents the regional extent of the defined items.
 Details are available at lot level. Insets are provided at higher resolution
 for convenience in key locations. For clarity at this scale, some overland
 flow path detail has been omitted.

Limitations:
 Note that this mapping is based on Councils ongoing Lockyer
 Creek Flood Study and Floodplain Risk Management Study
 and other ongoing studies. It is planned that future admendments
 will be incorporated in the future updated Lockyer Valley Planning Scheme.

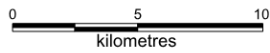
Further details in relation to Flood Inundation mapping maybe obtained
 from Lockyer Valley Regional Council's Geographic Information System.

FLOOD HAZARD OVERLAY MAP L1
 Temporary Local Planning Instrument 2020 (Flood Regulation)
 Laidley Shire Planning Scheme



Flood Hazard Areas

- High Hazard
- Medium Hazard
- Low Hazard
- Investigation Area
- Overland Flow Path
- Property Boundaries
- Laidley Planning Scheme Boundary



Limitations:
 Note that this mapping is based on Councils ongoing Lockyer Creek Flood Study and Floodplain Risk Management Study and other ongoing studies. It is planned that future amendments will be incorporated in the future updated Lockyer Valley Planning Scheme.

Note:
 This map represents the regional extent of the defined items. Details are available at lot level. For clarity at this scale, some overland flow path detail has been omitted.

Based on data provided with the permission of The Department of Environment and Resource Management [DCDB] (11/14)

Further details in relation to Flood Inundation mapping maybe obtained from Lockyer Valley Regional Council's Geographic Information System.

FLOOD HAZARD OVERLAY MAP L2
 Temporary Local Planning Instrument 2020 (Flood Regulation)
 Laidley Shire Planning Scheme