

## State Planning Policy 1/03:

### *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*

## Frequently Asked Questions DEVELOPMENT ASSESSMENT

ISSUE	QUESTION	RESPONSE
<b>Development Assessment</b>	<b>How does the SPP apply for development purposes immediately upon its becoming operational?</b>	<p>From 1 September 2003, the SPP should be used in development assessments until the SPP is appropriately reflected in the relevant local government's planning scheme, and the Minister 'signs off' the scheme to that effect.</p> <p>The SPP contains 'default' natural hazard management areas for bushfire and landslide (refer to Annex 3 of the SPP) that will enable the SPP to be used in development assessments immediately.</p> <p>The SPP does not contain a default natural hazard management area for flood. Therefore the SPP will not have effect in relation to flood hazard until a local government has adopted a natural hazard management area (flood) for the particular locality in its planning scheme. However, it should be noted that where a local government has identified a 'flood-affected area' (or similar) in its planning scheme, such a designation falls within the SPP's definition of natural hazard management area, and the SPP would have effect.</p>
<b>Development Assessment</b>	<b>How do I decide whether the SPP applies to a development application?</b>	<p>The SPP differentiates between two types of development. The SPP applies anywhere in Queensland to the community infrastructure listed in Annex 1 of the SPP, but only in natural hazard management areas for other development described in Annex 1.</p> <p>A development application involving community infrastructure should be assessed against Outcome 3 anywhere in Queensland, and if the proposal is located within a natural hazard management area Outcomes 1 and 2 may also apply to the development application. Figure 1 in the SPP Guideline shows how the SPP applies to development proposals for community infrastructure.</p> <p>A development application for other development listed in Annex 1 should be assessed against Outcomes 1 and 2 only if the proposal is located within a natural hazard management area.</p> <p>Furthermore, while the SPP's outcomes apply throughout Queensland for flood, they only apply within the local governments specified in Annex 2 for bushfire and landslide.</p>

State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide  
Frequently Asked Questions

ISSUE	QUESTION	RESPONSE
<b>Development Assessment</b>	<b>How do I assess a development application to ensure that it achieves Outcomes 1 and 2 of the SPP?</b>	<p>The assessment process will involve some or all of the following decision-making steps:</p> <ol style="list-style-type: none"> <li>1. Is the development proposal in a natural hazard management area?</li> <li>2. Is the development proposal compatible with the nature of the natural hazard?</li> <li>3. Is the development proposal a development commitment?</li> <li>4. Can overriding need be demonstrated?</li> <li>5. Does the development proposal result in an unacceptable risk to people and property?</li> </ol> <p>The SPP Guideline (Figure 2, and paras 6.1 to 6.34) provides detailed guidance on how to undertake each of these steps.</p>
<b>Development Assessment</b>	<b>What is an unacceptable level of risk and how is it determined?</b>	<p>Ensuring that development does not result in an unacceptable risk to people or property is one of the tests to ensure that development achieves Outcome 2. The SPP Guideline (paras 6.25 to 6.32) provides advice on this aspect of the development assessment.</p> <p>Annex 5 to the SPP specifies certain minimum requirements that a development must satisfy to pass the ‘unacceptable risk’ test. However, the SPP acknowledges that unacceptable risk varies between communities and over time, and notes (see SPP Guideline para 6.31) that local governments and other assessment managers may impose more stringent requirements than the minimums set out in the SPP.</p>
<b>Development Assessment</b>	<b>What do ‘as far as practical’ and ‘wherever practicable’ mean?</b>	<p>These terms are used in Outcomes 2 and 3 of the SPP. The use of these terms demonstrates that the SPP recognises that it will not always be practical to achieve the desired outcomes in relation to natural hazards because there will be a wide range of other factors that need to be taken into consideration when making a decision on a matter that also requires assessment against the SPP.</p> <p>Where terms such as these are used they indicate that the SPP requires the best outcome in relation to natural hazards that can reasonably be achieved taking other relevant factors into consideration. Community infrastructure is a good example. It is desirable that such infrastructure meets the recommended flood levels in Appendix 9 of the SPP Guideline, but there may be other reasons why this is not achievable (see paras 6.41 to 6.43 of the SPP Guideline).</p>

**State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide**  
 Frequently Asked Questions

ISSUE	QUESTION	RESPONSE
<p><b>Development Assessment</b></p>	<p><b>Does the SPP apply to the development of a house on an existing lot in a natural hazard management area?</b></p>	<p>The SPP applies to material changes of use or reconfigurations of a lot that ‘increase the number of people living or working’ in an NHMA (see SPP, Annex 1). Where the development of a new dwelling in an NHMA would be a material change of use, the proposal would fall within the ambit of the SPP. However, the SPP applies only to assessable development [NB: only to impact assessable development until forthcoming legislation - the <i>Integrated Planning and Other Legislation Amendment Bill 2003</i>-makes SPPs a consideration in code assessments).</p> <p>Therefore, whether or not the SPP applies to a house on an existing lot depends on the way a development proposal for a house is treated in the planning scheme. A development proposal for a house on an existing lot is generally made self-assessable by planning schemes and therefore would not be subject to the SPP. Any dwellings that are assessable under the planning scheme would be subject to the SPP. Where a house is consistent with the relevant zone, the proposal would be a development commitment under the SPP and can be approved even if it is not compatible with the nature of the natural hazard. However, the development would need to avoid minimize the adverse impacts of the hazard and avoid “unacceptable risk” in accordance with Outcome 2 of the SPP.</p> <p>A development proposal for a house must be assessed against the Standard Building Regulation (and the Building Code of Australia). A long-standing provision of the SBR allows a local government to declare land liable to flooding, and to specify the level above which the floor levels of habitable rooms must be built.</p>