Attachment 1 – Summary of the proposed key amendments to the Healthy waters code
Attachment 2 – Proposed Draft City Plan Healthy waters code

1 BASIS FOR CONFIDENTIALITY

1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the Local Government Regulation 2012 for the reason that the matter involves
(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 EXECUTIVE SUMMARY

The Gold Coast’s diverse waterways are fundamentally important for the city’s environment, lifestyle and economy. The City Plan – Healthy waters code is an important tool, providing the provisions for effective stormwater management, to protect the City’s waters and waterways from the impacts of development.

Following industry feedback during the review of the City Plan Policy – Land Development Guideline and subsequent changes in State planning policies, Council endorsed the scope for City Plan Major update 2 which included a review of the City Plan – Healthy waters code.

The review which involved extensive internal consultation with key stakeholders from the Gold Coast Water and Waste, City Infrastructure and Planning and Environment Directorates, recommended a number of proposed minor and administrative changes to improve the clarity and workability of the code.

These proposed amendments will ensure the City Plan – Healthy waters code aligns with the provisions of the new State Planning Policy (SPP 2017) and improves continuity with the City Plan Policy - Land Development Guidelines.

In addition, policy areas associated with whole of life cycle of infrastructure, public safety, maintenance and access to infrastructure, fauna movement and dewatering management are also proposed to be appropriately covered in the code.

An amendment package will be presented to Council for consideration to proceed to State interest review.

3 PURPOSE OF REPORT

The purpose of this report is to:
ITEM 10 (Continued)

CITY PLAN MAJOR UPDATE 2 – UPDATE TO HEALTHY WATERS CODE
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- Present the proposed minor changes to the Healthy waters code; and
- Seek Council’s endorsement to incorporate the proposed changes to the Healthy waters code and Tables of Assessment in the City Plan as part of Major update 2.

4 PREVIOUS RESOLUTIONS

The relevant Council resolutions relating to this item is detailed below.

Council endorsed the scope for City Plan Major update 2 on 30 May 2017 (resolution G17.0530.018). The scope includes a review of the City Plan – Healthy waters code.

5 DISCUSSION

Background

The Gold Coast’s diverse water environments, which include 480 km of rivers and streams, as well as 774 hectares of lakes, dams and canals, are crucially important for the city’s environment, lifestyle and economy.

In response to continued urban growth which can impact the health of the waterways, the City has facilitated sustainable and integrated urban water management practices across the Gold Coast.

This is being achieved through the adoption of water sensitive urban design (WSUD) for new developments. An integral element of WSUD is the design and construction of stormwater management systems as part of any development.

These stormwater improvement systems minimise the impact on waterways by removing pollutants and reducing the change in stormwater flows. The City requires that all development manages its stormwater runoff appropriately for the protection of receiving waters and downstream environments.

The City Plan - Healthy waters code is a critical tool, providing the provisions for effective stormwater management, to protect the City’s waterways from the impacts of development.

Following industry feedback during the review of the City Plan Policy – Land Development Guideline and subsequent changes in State planning polices, a review of the City Plan – Healthy waters code was proposed. On 30 May 2017, Council endorsed the scope for City Plan Major update 2 which included a review of the City Plan – Healthy waters code.

Review of City Plan – Healthy waters code

The review of the City Plan – Healthy waters code involved extensive internal consultation with key stakeholders from the Gold Coast Water and Waste, City Infrastructure and Planning and Environment Directorates.

This was supported through the procurement of an external consultancy to provide an independent assessment as part of the review process.

The review was undertaken to:
ITEM 10 (Continued)

CITY PLAN MAJOR UPDATE 2 – UPDATE TO HEALTHY WATERS CODE

(a) Ensure the City Plan – Healthy waters code will align with the provisions of the new State Planning Policy (SPP 2017);
(b) Enhance continuity with SC6.9 City Plan Policy Land Development Guidelines;
(c) Effectively focus the application of the code so that low risk development is not unnecessarily triggered by the code;
(d) Ensure policy areas associated with whole of life cycle of infrastructure, public safety, maintenance and access to infrastructure, fauna movement and dewatering management are adequately covered in the code;
(e) Streamline the code to improve its workability and reduce the likelihood of misinterpretation of its content; and
(f) Appropriately action stakeholder feedback.

Following the review and industry feedback, the minor updates below are proposed for consideration and are summarized in Attachment 1. The track changed version of the proposed draft code is also attached for detail (Attachment 2).

Proposed amendments

As part of an improved integration with City Plan, the following updates are proposed:

- Improved Application section (9.4.5.1) to ensure the Healthy waters code does not trigger low risk development;
- Improved continuity between the assessment benchmarks;
- Updated Purpose section (9.4.5.2) to include stormwater quantity management;
- Remove inconsistencies between the SC6.9 City Plan Policy - Land development guidelines and the Healthy waters code; and
- Inclusion of best practice ‘accepted development subject to requirements’ (RO) provisions for the following:
  - lawful point of discharge;
  - overland flow paths; and
  - wastewater management.

The following updates are proposed to enhance integration and alignment with the SPP 2017:

- The Healthy waters code is to apply to building works and OPW applications (vegetation clearing, change to ground level and infrastructure works) to ensure stormwater is managed during the construction phase of development;
- Inclusion of new provisions to avoid or minimise the release and mobilisation of nutrients and sediment; and
- Inclusion of an alternative outcome for an off-site solution to achieve equivalent or improved water quality.

Following industry feedback and internal engagement, the following updates are proposed:

- Inclusion of a provision for overland flow paths, to be addressed on sites which do not trigger the City Plan – Flood overlay code;
ITEM 10 (Continued)
CITY PLAN MAJOR UPDATE 2 – UPDATE TO HEALTHY WATERS CODE
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- Inclusion of a provision relating to dewatering management;
- Minor refinement of the erosion and sediment control and stormwater quality policies to provide greater clarity;
- Amend the lot size trigger for stormwater quality management from 850m$^2$ to 1200m$^2$; and
- Inclusion of the provisions for the following:
  - Maintenance access;
  - Public safety;
  - Whole of life infrastructure cost; and
  - Fauna movement and fish passage.

6 ALIGMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

The City Plan is identified as a key deliverable in ensuring the themes of the Corporate Plan are achieved.

Accordingly, all the themes (the best place to live and visit, prosperity built on a strong diverse economy and people contribute to a strong community spirit) of the Corporate Plan are applicable.

A robust City Plan is essential to achieve the desired outcomes detailed in the Corporate Plan.

The City Plan is an initiative in the Operational Plan.

7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Not applicable.

8 FUNDING AND RESOURCING REQUIREMENTS

Not applicable.

9 RISK MANAGEMENT

This activity supports the mitigation of Planning and Environment Directorate Risk number CO000510:

‘City Plan delivers inadequate and/or ineffective strategic/development policy (e.g. poor planning, built form, growth, social and environmental outcomes - including flood impacts).’

10 STATUTORY MATTERS
The proposed changes to City Plan constitute a major amendment under the Statutory guideline 01/16, Making and amending local planning instruments, April 2016 (MALPI).

The proposed updates are included in the scope of the Major update 2 package.

11 COUNCIL POLICIES

Not applicable.

12 DELEGATIONS

Not applicable.

13 COORDINATION & CONSULTATION

A number of internal stakeholders were engaged during the course of the review of the City Plan – Healthy waters code. The feedback provided from officers has been incorporated in the proposed drafting contained in Attachment 1.

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)</th>
</tr>
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<tbody>
<tr>
<td>Coordinator City Plan</td>
<td>Planning and Environment</td>
<td>Yes</td>
</tr>
<tr>
<td>Supervising Engineer Hydraulics &amp; Water Quality</td>
<td>Planning and Environment</td>
<td>Yes</td>
</tr>
<tr>
<td>Coordinator Environmental Planning</td>
<td>Planning and Environment</td>
<td>Yes</td>
</tr>
</tbody>
</table>

14 STAKEHOLDER IMPACTS

These proposed minor and administrative updates will improve the workability and clarity of the City Plan – Healthy waters code.

It is proposed that the Mayoral Technical Advisory Committee (MTAC) will be consulted on the updated code in Attachment 2 prior to seeking endorsement for Major update 2 to progress to State interest review.

15 TIMING

The proposed updates outlined in this report are recommended to be progressed as part of City Plan Major update 2 package.

An amendment package will be presented to Council for consideration to proceed to State interest review.

16 CONCLUSION

The Gold Coast’s waterways are critical to the city’s environment, lifestyle and economy. Effectively managing stormwater is fundamentally important to protect the City’s waterways from the impacts of development.
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CITY PLAN MAJOR UPDATE 2 – UPDATE TO HEALTHY WATERS CODE
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A review of the City Plan – Healthy waters code was undertaken in response to industry feedback received as part of the City Plan Policy – Land Development Guidelines, and subsequent changes to State planning policies.

The review proposed minor updates and policy refinements to the City Plan – Healthy waters code to improve integration of the code within City Plan and to effectively integrate with the State Planning Policy 2017.

17  RECOMMENDATION

It is recommended that Council resolves as follows:

1. That the report be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with section 171 (3) and 200 (5) of the Local Government Act 2009.

2. That the proposed amendments identified in Attachment 2 inform the updates to the Healthy waters code as part of the Major update 2 package.

3. That the Mayoral Technical Advisory Committee be consulted on the proposed content prior to progressing to State interest review.

4. That the proposed changes to City Plan be brought back to Council for endorsement prior to submission for State interest review.

Author: Belinda Cox, Hamid Mirfenderesk
Senior Planner, Coordinator Natural Hazards

Authorised by: Dy Currie
Director Planning and Environment

25/09/2017