

Temporary Local Planning Instrument

No.10 (Development in the
Guragunbah flood plain area) 2022

CITY OF
GOLDCOAST.

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Council of the City of Gold Coast Temporary Local Planning Instrument No.10 (Development in the Guragunbah flood plain area) 2022

Part 1 – Preliminary

1 Short title

This temporary local planning instrument may be cited as Temporary Local Planning Instrument No. 10 (Development in the Guragunbah flood plain area) 2022.

2 Object

The object of this temporary local planning instrument is to

- (i) Prevent the potential loss of the city's flood resilience and enable the sustainable mitigation of flood hazard on flood prone land in the Guragunbah flood plain area; and
- (ii) Ensure development in the Guragunbah flood plain is not exposed to high or extreme flood hazards unless that flood hazard level is specified for the use as listed in Table 8.2.8-4 of the Flood overlay code;

by—

- (a) Identifying land that is at or above the designated flood level as minimum flood free land;
- (b) Affecting the operation of the City Plan by amending and adding assessment benchmarks in the Flood overlay code so that development in the Guragunbah flood plain (including development elevated above designated flood level):
 - (i) does not result in development being exposed to high or extreme flood hazard unless that hazard level is specified for the proposed use as listed in Table 8.2.8-4 of the Flood overlay code; and
 - (ii) any new lots have a sufficient area of land above the designated flood level to effectively and adequately mitigate the risks and/or hazards associated with flooding.

Note – Ensure flood mitigation measures (other than by means of development on engineered platforms above Designated Flood Level) are consistent with the purpose and applicable overall outcomes and performance outcomes of the Flood overlay code may be employed to reduce the degree of flood hazard.

3 Dictionary

The dictionary in **Schedule 1** defines particular words used in this temporary local planning instrument.

4 Interpretation

Where a term used in this temporary local planning instrument is not defined under section 3 (Dictionary), the term shall, unless the context otherwise indicates or requires, have the meaning assigned to it by—

- (a) The *Planning Act 2016*;
- (b) the City Plan, where the term is not defined in the *Planning Act 2016*.

5 Duration of temporary local planning instrument

This temporary local planning instrument will have effect in accordance with section 23(6) of *the Planning Act 2016* for a period not exceeding two years from the commencement of this temporary local planning instrument.

The commencement date of this temporary local planning instrument is: 1 September 2022.

Part 2 – Application of the temporary local planning instrument

6 Area to which temporary local planning instrument applies

This temporary local planning instrument applies to the area:

- (a) identified as the Guragunbah flood plain being the area identified in Appendix A Map 1 – Guragunbah flood plain area.

7 Relationship with City Plan

If the City Plan is inconsistent with this temporary local planning instrument, this temporary local planning instrument—

- (a) prevails to the extent of the inconsistency; and
- (b) has effect in place of the City Plan, but only to the extent of the inconsistency.

8 Application of temporary local planning instrument

This temporary local planning instrument applies to development applications in respect of land or premises in the Guragunbah flood plain area being assessed against the assessment benchmarks in Part B of the Flood overlay code.

Part 3 – Effect on the City Plan

9 Affected provisions of the City Plan

This temporary local planning instrument affects the operation of the Flood overlay code in the City Plan by:

- (a) Inserting the following additional overall outcome in Section 8.2.8.2 (3) of the Flood overlay code:
 - (l) *Avoids the creation of new lots in the Guragunbah flood plain area that do not have a sufficient area of land above the designated flood level.*
 - (m) *Avoids development being exposed to high or extreme flood hazard unless that hazard level is specified for the proposed use as listed in Table 8.2.8-4.*
- (b) Replacing the assessable development benchmarks PO9 and AO9 in Part B Table 8.2.8-2 Flood overlay code – for assessable development with the following:

Table 8.2.8-2: Flood overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Hazard considerations for development in the Guragunbah floodplain area	
<p>PO9</p> <p>Development in the Guragunbah flood plain area is to be designed and constructed so that the development does not give rise, or cause exposure, to more than the degree of flood hazard specified in Table 8.2.8-4 determined by applying the criteria and standards set out in Table 8.2.8-5.</p> <p>Note: This also applies to development elevated above Designated Flood Level.</p>	<p>AO9</p> <p>No acceptable outcome is provided.</p>

(c) Amending table 8.2.8-4 acceptable outcome AO9 to include:

Land use	Appropriate degree of hazard				
	Nil	Low	Medium	High	Extreme
Short-term accommodation	✓	✓	✓		

(d) Inserting the following additional assessable development benchmarks into Part B Table 8.2.8-2 Flood overlay code – for assessable development:

Table 8.2.8-2: Flood overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Minimum area above designated flood level in the Guragunbah flood plain area	
<p>PO16</p> <p>Development in the Guragunbah flood plain area must ensure that, without the use of engineered platforms, there is a sufficient area of land above the designated flood level to effectively accommodate the land's use while also adequately mitigating the risks and/or hazards associated with flooding.</p>	<p>AO16.1</p> <p>Reconfiguring a lot</p> <p>Where development is or includes:</p> <p>(a) Reconfiguring a lot in the Guragunbah flood plain area that creates a lot or lots of 500 m² or greater in area, 50% of the area of each lot or 400 m² of each lot (whichever is the greater) must be comprised of land at or above the designated flood level, without the use of engineered platforms.</p> <p>(b) Reconfiguring a lot in the Guragunbah flood plain area that creates a lot or lots of less than 500 m² in area, 70% of the area of each lot or 300 m² of each lot (whichever is the greater) must be comprised of land at or above the designated flood level, without the use of engineered platforms.</p> <p>(c) Reconfiguring a lot in the Guragunbah area intended to be used for Business activities or Industrial activities, there must be land above the designated flood level consistent with the application of AO16.2(b).</p> <p>AO16.2</p> <p>Material change of use</p> <p>Where development is or includes:</p> <p>(a) A material change of use for Residential activities that may or may not include Short-term accommodation, in the Guragunbah flood plain area, there must be land above the designated flood level consistent with the application of the requirements of AO16.1(a) or (b).</p> <p>(b) A material change of use for Business activities or Industrial activities in the Guragunbah flood plain</p>

Performance outcomes	Acceptable outcomes
	area, 50% of the area of the land to be developed must be above the designated flood level, without the use of engineered platforms.

Schedule 1 Dictionary

“Business activities” means activities listed Table SC1.1.1.2: Defined activity group, Column 1 Activity group Business activities, Column 2 Uses.

“Development” means material change of use and reconfiguring a lot. The term does not include building work, plumbing and drainage work or operational work.

“Engineered platform” means a structure that is elevated above ground level. The term does not include a building pad created by means of cutting, filling or compacting material.

“Flood affected land” means land any part of which is below the designated flood level.

“Guragunbah flood plain area” means the area identified in Appendix A Map 1 – Guragunbah flood plain area.

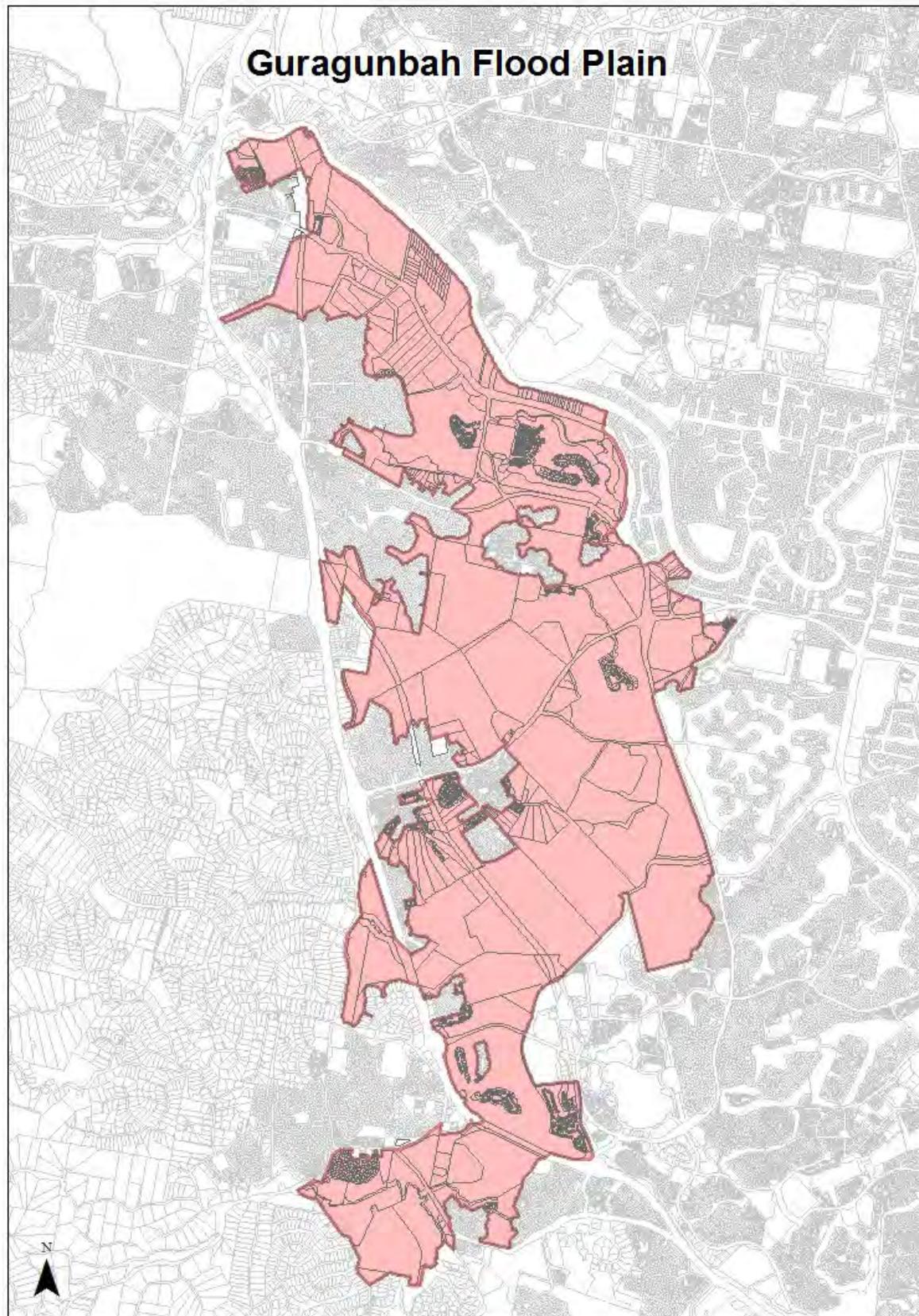
“Industrial activities” means activities listed in Schedule 1 Table SC1.1.1.2: Defined activity group, Column 1 Activity group Industrial activities, Column 2 Uses.

“Medium flood hazard”, “high flood hazard” and “extreme flood hazard” mean the respective degrees of flood hazard identified by reference to the criteria and standards for maximum flood depths contained in Table 8.2.8 - 5: Table to Acceptable Outcome 11 of the Flood overlay code.

“Residential activities” are those uses listed in Schedule 1 Table SC1.1.1.2: Defined activity group, Column 1 Activity group Residential activities, Column 2 Uses.

“Short-term accommodation” means the same as the Short-term accommodation listed in Schedule 1 Table SC1.1.2 Use definition, Column 1 Use, Column 2 Definition.

Appendix A – Map 1 Guragunbah flood plain area



For more information

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