



The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Our ref: OUT20/835

19 MAR 2020

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Corner of Alice and George Streets
BRISBANE QLD 4000

Email: TableOffice@parliament.qld.gov.au

Dear Mr Laurie *Neil,*

Thank you for your letter of 18 February 2020 regarding petition 3260-19: Allow affected landowners to apply for compensation when local governments change flood mapping.

I note that the petitioners have requested the House amend the *Planning Act 2016* (the Planning Act) to ensure landholders are reasonably compensated if adversely affected from local government changes to flood mapping.

I acknowledge the concerns raised by the petitioners about compensation being available to property owners affected by changes to a local government's flood mapping. I also acknowledge the need to ensure the compensation provisions in relation to planning changes are fair and equitable and deliver the best outcomes for communities.

The Planning Act makes compensation available to a property owner if the value of the premises (including the potential for development) is reduced by a change to a planning scheme (an adverse planning change). However, the Planning Act prescribes a range of circumstances where a change is not an adverse planning change. Of relevance, compensation is not available to a property owner if the change is made to reduce a material risk of serious harm to persons or property on the premises from natural events or processes (including flooding) and the change is made under Chapter 4 of the Minister's Guidelines and Rules (July 2017) (MGR).

I can also advise that the exclusion from compensation responds to recommendations made by the Queensland Floods Commission of Inquiry following the flood events of 2010–11 which raised concerns that compensation provisions in the (repealed) *Sustainable Planning Act 2009* were acting as a deterrent to the inclusion of flood controls in a local government's planning scheme.

As mentioned previously, the exclusion from compensation is subject to the requirement that a local government, in making the change, follows the appropriate methodology in the MGR. This includes requirements that a change to reduce a material risk of serious harm to persons or property must be based on studies carried out in good faith by appropriately qualified persons and based on the best available information.

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The Planning Act also requires a local government to prepare a feasible alternatives assessment report to evaluate feasible alternatives for reducing the risk, including imposing conditions on development approvals for the exclusion from compensation to apply. Where the planning change is a major amendment to the planning scheme, this report must be made available to every property owner affected by the planning change.

This ensures that such planning changes are made with transparency, allowing communities to be aware of when and why changes relating to natural hazards are proposed and made.

I would like to thank the petitioners for raising this matter with me and I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Cameron Dick", with a long horizontal line extending to the right.

CAMERON DICK MP
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