



TLPI 01/2023 FINCH HATTON FLOOD HAZARD REGULATION

This factsheet provides an overview of the Temporary Local Planning Instrument (TLPI) 01/2023 Finch Hatton Flood Hazard Regulation, which commenced on 19 January 2024. This factsheet will cover:

- general information about a TLPI
- specific information about [TLPI 01/2023](#), including its purpose and how it works
- how to make an enquiry.

WHAT IS A TLPI?

A TLPI is a temporary statutory planning document that is created under the *Planning Act 2016* in response to changing or emerging planning issues and deals with specific or localised matters.

A TLPI:

- may suspend or affect the operation of the planning scheme
- does not amend or repeal the planning scheme
- does not create a superseded planning scheme, and
- is not an adverse planning change under the *Planning Act 2016*.

Generally, a TLPI is an interim planning response that:

- is put in place quickly to set out planning and

development assessment policies to protect all or part of a local government area from adverse impacts in urgent or emergent circumstances

- prevails over the Mackay Region Planning Scheme to the extent of any inconsistency
- enables shaping of longer-term planning provisions while it is in effect (an amendment to the planning scheme follows a statutory process that can take more than 12 months)
- is effective for up to two years
- can be repealed by Mackay Regional Council.

WHAT IS THE PURPOSE OF TLPI 01/2023?

The purpose and general effect of the TLPI 01/2023 Finch Hatton Flood Hazard Regulation (TLPI 01/2023) is to:

- identify flood hazard areas in Finch Hatton, and
- appropriately manage flood risk to ensure development does not result in an intolerable risk to people, property, infrastructure or the environment.

The TLPI will apply to new development on sites in Finch Hatton, including parts of the township, that are within the flood hazard area which is mapped in the TLPI (see schedule 3 of TLPI 01/2023).

WHY HAS COUNCIL MADE A TLPI?

Council is required by the State Planning Policy to identify and manage flood hazards and risk in areas that are susceptible to flooding, including riverine, overland and localised flood events.

There is a historic flood hazard associated with Cattle Creek and a recorded history of flooding in the area. A flood study from 2013 identified the extent of the flood hazard area in the vicinity of the Finch Hatton township. A new flood study over the greater Finch Hatton area is underway, which will identify the full extent of hazard areas in this area. The new flood study is expected to be completed in 2024.

Council is making a TLPI to address the State Planning Policy requirements by providing an interim policy response (based on an updated 2013 flood study) to ensure development is appropriately regulated and managed in a flood hazard area until a new flood study is completed for the Finch Hatton area. Information from the new study will inform a risk-based planning response in the planning scheme.

WHAT DOES TLPI 01/2023 DO?

TLPI 01/2023 is a flood hazard overlay code with flood hazard mapping that is specific to the Finch Hatton area. The TLPI:

- applies to new development such as new buildings, building extensions, land filling, and land subdivision
- does not retrospectively apply to existing development,
- allows commercial uses like cafe, office or shop to occupy existing commercial buildings without the need for an application.

The TLPI:

- includes levels of assessment (e.g. code assessment) and assessment benchmarks (i.e. development requirements) relating to flood hazard and risk
- is called up for assessment where development is located on a site within the identified flood hazard area.
- identifies flood hazard overlay mapping that includes a High flood hazard area and areas of 1% and 0.2% Annual Exceedance Probability (AEP) flood events
- states the 1% and 0.2% AEP flood events are designated as a Flood Hazard area for the purposes of the *Building Regulation 2021*.

TLPI 01/2023 includes the following planning responses for development locating in a flood hazard area.

Development	TLPI planning response
<ul style="list-style-type: none"> ▪ Dual occupancy ▪ Dwelling house 	Accepted development subject to requirements where located in a flood hazard area outside of the High flood hazard area.
<ul style="list-style-type: none"> ▪ All residential and accommodation uses ▪ Vulnerable uses ▪ Critical infrastructure ▪ Uses that store hazardous materials 	Code assessment in the High hazard area. Avoid locating in the High flood hazard area.
<ul style="list-style-type: none"> ▪ Bar ▪ Food and drink outlet ▪ Health care service ▪ Office ▪ Service industry (bicycle repairs) ▪ Shop ▪ Theatre 	Accepted development in High flood hazard area where located in an existing non-residential building.
<ul style="list-style-type: none"> ▪ Animal husbandry (e.g. grazing) ▪ Cropping ▪ Environment facility ▪ Park 	Accepted development in High flood hazard area
<ul style="list-style-type: none"> ▪ New centre (commercial) activities 	Code assessment in all flood hazard areas. Avoid locating in High flood hazard area.
<ul style="list-style-type: none"> ▪ Operational work - excavating or filling 	Code assessment in all flood hazard areas.
<ul style="list-style-type: none"> ▪ Reconfiguring a lot 	Code assessment in all flood hazard areas. Avoid locating in the High flood hazard area.

PLANNING ENQUIRIES

For all planning enquiries relating to a development application, please call or email via these contact details.

HAVE A PLANNING ENQUIRY ON THE TLPI 01/2023?
 PHONE COUNCIL ON **1300 MACKAY** (1300 622 529)
 OR SEND AN EMAIL TO
PLANNINGENQUIRIES@MACKAY.QLD.GOV.AU