

Minister's Guidelines and Rules

Under the *Planning Act 2016*

July 2017

Prescribed in the Planning Regulation 2017

Queensland Government

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Chapter 1—Minister's guidelines for making or amending a planning scheme

Part 1—Guidelines setting out the matters that the chief executive must consider when preparing a notice to be given under section 18(3)(a) or (b) of the Act[1]

1. When this part applies

1.1. This part applies when the ***local government*** proposes to make or amend a planning scheme under section 18 of the ***Act*** or if the Minister has directed the local government under section 26(5) of the Act to take action under section 18 of the Act.

1.2. This part does not apply to a proposed planning scheme amendment if the local government follows a process prescribed in the Minister's rules for section 20 of the Act.

1.3. After receiving ***notice*** under section 18(2) of the Act, the chief executive must consider sections 2, 3, 4, 5, 6 and 7 when preparing a notice under section 18(3)(a) or amended notice under section 18(3)(b) of the Act.

2. Information provided by the local government

2.1. The chief executive must consider any information given by the local government with the notice under section 18(2) of the Act about the proposed planning scheme or proposed planning scheme amendment.[2]

Examples of information that may be given by the local government for section 2.1—

- *a statement about the nature and objectives of the proposed planning scheme or proposed planning scheme amendment;*
- *a statement of the state interests, or likely state interests, affected by the proposed planning scheme or proposed planning scheme amendment and the impacts of the proposed planning scheme or proposed planning scheme amendment on state interests, if known;*
- *a statement advising if Chapter 4 may apply to the proposed planning scheme or proposed planning scheme amendment, if known;*
- *a preferred process, including the order and timing of steps in the process;*
- *an indicative timeline for the process;*
- *a proposed **communications strategy**;*
- *if the local government has requested an amended notice under section 18(3)(b) of the Act, the reasons for the request to amend the process in the original notice given to the local government; and*
- *any additional information about the proposed planning scheme or proposed planning scheme amendment provided by the local government in response to a request by the chief executive for further information.*

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[1] Any notice given under this section must be published on the ***department's*** website in accordance with the public access requirements under the Planning Regulation.

[2] Any information that the chief executive receives when consulting with the local government under section 18(3) of the Act about the proposed planning scheme or proposed planning scheme amendment from the local government becomes a matter for consideration under this section.

3. State interests

3.1. The chief executive must consider if the proposed planning scheme or proposed planning scheme amendment involves, or is likely to involve, a ***state interest***.

3.2. If the proposed planning scheme or proposed planning scheme amendment involves, or is likely to involve, a state interest, the chief executive must consider—

a) if early state government involvement in the process is necessary to achieve effective coordination and integration of state interests;

b) how the department coordinates state government involvement; and

c) if a ***state interest review*** is required.

3.3. If a state interest review is required, the chief executive must consider—

a) the size and scale of the review;

b) the timing of the review in the overall process to make or amend the scheme; and

c) the duration of the review.

3.4. If the proposed planning scheme or proposed planning scheme amendment does not involve or is unlikely to involve a state interest, the chief executive may consider that a state interest review is not required.

4. Process elements

4.1. The chief executive must consider—

a) the timing, order and duration of the process and its component steps having regard to the following characteristics of the proposed planning scheme or proposed planning scheme amendment—

i. the scale;

ii. the complexity of the matters;

iii. the locality;

iv. the likely level of community interest; and

v. the risk of adverse environmental, cultural, economic or social impacts;

b) the roles and responsibilities of the relevant parties in the process;

c) if the process is required to be undertaken in a collaborative manner between state and local government; and

d) how the chief executive or the Minister, if appropriate, will determine if the proposed planning scheme or proposed planning scheme amendment—

i. advances the purpose of the Act;[3]

ii. is consistent with section 16(1) of the Act;

iii. is consistent with the ***regulated requirements*** prescribed in the ***Planning Regulation***;

iv. is well drafted and clearly articulated;

3 See the Act, sections 3 and 5.

v. accords with the result of any relevant study or report, or review required under section 25(1) of the Act; and

vi. is not ***significantly different*** from the public consultation version following public consultation.

5. Communications strategy

5.1. When considering a communications strategy that the local government must implement, the chief executive must consider—

a) the nature of the proposed planning scheme or proposed planning scheme amendment;

b) the likely level of community interest and engagement for the proposed planning scheme or proposed planning scheme amendment;

c) if community engagement is proposed to be inclusive and appropriate, and undertaken in an open, honest and meaningful way;

d) if the proposed planning scheme or proposed planning scheme amendment may affect a person's rights under the Act;[4] and

e) how the strategy will comply with the consultation period requirements in section 18(5)(b) of the Act.

6. Approving the proposed planning scheme or proposed planning scheme amendment

6.1. The chief executive must consider who is required to approve the proposed planning scheme or proposed planning scheme amendment.

7. Other relevant matters

7.1. The chief executive may consider any other relevant matter in preparing a notice under section 18(3)(a) or (b).

4 Chapter 4 should be a specific consideration under this provision.

Chapter 2—Minister's rules for amending a planning scheme for section 20 of the Act

Part 1—Administrative amendment

1. What this part prescribes

1.1. This part prescribes the process for an ***administrative amendment*** to a planning scheme for section 20 of the Act.

1.2. All references in Part 1 to a proposed amendment are taken to be a proposed administrative amendment.

2. Planning and preparation

2.1. The local government must prepare the proposed amendment.

3. Adoption

3.1. The local government must decide to adopt or not proceed with the proposed amendment.

3.2. If the local government decides to adopt the proposed amendment, the local government must publish a ***public notice*** in accordance with the Act and the requirements prescribed in Schedule 5.

3.3. The local government must, within 10 ***days*** of publishing a public notice, give the chief executive—

a) a copy of the public notice; and

b) a ***certified copy*** of the administrative amendment, as adopted, including—

i. an electronic copy of the amendment or instrument; and

ii. a copy of any electronic planning scheme spatial data files (mapping) relevant to the administrative amendment.

Part 2—Minor amendment

4. What this part prescribes

4.1. This part prescribes the process for making a ***minor amendment*** to a planning scheme for section 20 of the Act.

4.2. All references in Part 2 to a proposed amendment are taken to be a proposed minor amendment.

5. Planning and preparation

5.1. To make a proposed amendment, the local government must decide to amend the planning scheme.

5.2. The local government must prepare the proposed amendment.

5.3. If the proposed amendment is an amendment listed under Schedule 1, section 2(k)—

a) the local government must give notice to every property owner affected by the planning change about the meaning of the change and how to obtain further advice; and

b) the local government may decide to take the actions prescribed in Chapter 4.

6. Adoption

6.1. The local government must decide to adopt or not proceed with the proposed amendment.

6.2. If the local government decides to adopt the proposed amendment, the local government must publish a public notice in accordance with the Act and the requirements prescribed in Schedule 5.

6.3. The local government must, within 10 business days of publishing a public notice, give the chief executive—

a) a copy of the public notice; and

b) a certified copy of the minor amendment, as adopted, including—

i. an electronic copy of the amendment or instrument; and

ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the minor amendment.

Part 3—Qualified state interest amendment

7. What this part prescribes

7.1. This part prescribes the process for making a ***qualified state interest amendment*** to a planning scheme for section 20 of the Act.

7.2. All references in Part 3 to a proposed amendment are taken to be a proposed qualified state interest amendment.

8. Planning and preparation

8.1. To make a proposed amendment, the local government must decide to amend the planning scheme.

8.2. The local government must prepare the proposed amendment.

8.3. The local government must consult with relevant state agencies while preparing the proposed amendment.

8.4. After preparing the proposed amendment, the local government must give the Minister—

a) notice of the decision to amend the planning scheme; and

b) the required material for a proposed qualified state interest amendment prescribed in Schedule 3.

8.5 After receiving notice from the local government under section 8.4, the Minister must—

a) consider if the proposed amendment meets the requirements of a qualified state interest amendment as defined in Schedule 1, section 3;

b) consider if the proposed amendment may proceed through the qualified state interest amendment process; and

c) consult with relevant state agencies, if appropriate.

8.6 Within 20 days of receiving the proposed amendment under section 8.4, the Minister must give the local government a notice stating—

a) if the proposed amendment may proceed through the qualified state interest amendment process;

b) the communications strategy that the local government must implement; and

c) if the local government may proceed to public consultation, and prescribing the local government actions that must be undertaken; or

d) if the proposed amendment may not proceed to public consultation, and prescribing the local government actions that must be undertaken.

9. Public consultation

9.1. The local government may only commence public consultation after receiving a notice under section 8.6 that confirms that the proposed amendment may proceed to public consultation.

9.2. Public consultation must be carried out—

a) for a period of at least 20 days;

b) in accordance with any notice under section 8.6; and

c) in accordance with—

i. the public notice requirements prescribed in the Act; and

ii. the public notice requirements prescribed under Schedule 4; and

iii. the communications strategy given by the Minister under section 8.6.

9.3. The local government must consider every properly made submission about the proposed amendment and may consider other ***submissions***.

9.4. The local government must prepare a ***consultation report*** about how the local government has dealt with properly made submissions.

9.5. The consultation report must be—

a) provided to each person who made a ***properly made submission***;[5] and

b) available to view and download on the local government's website; or

c) available to inspect and purchase in each of the local government's offices.

9.6. If the local government proposes to make changes to the proposed amendment under section 10, the actions under sections 9.4 and 9.5 may be deferred until after all applicable actions under section 11 have been undertaken.

10. Changing the qualified state interest amendment

10.1. The local government may change the proposed amendment after the notice is given to the Minister under section 8.4 to—

a) address issues raised in submissions;

b) amend a drafting error; or

c) address new or changed planning circumstances or information.

10.2. The local government must ensure any changes continue to appropriately integrate and address relevant state interests.

11. Effect of changes on public consultation

11.1. If the local government changes the proposed amendment and the change results in the proposed amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation required for the proposed amendment

11.2. The local government may limit the public consultation to only those aspects of the proposed amendment that have changed.

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[5] The consultation report may be given electronically or by providing a link to the location of the consultation report on the local government's website.

11.3. If consultation has been repeated, the local government must take the actions required under sections 9.3, 9.4 and 9.5 for the repeated consultation.

12. Effect of changes on state interests

12.1. The local government must ensure that any change made to the proposed amendment would not result in the qualified state interest amendment status of the amendment changing to a major amendment.

12.2. If section 12.1 cannot be satisfied, the local government must give notice of the change to the Minister and the process is paused until section 12.3 is complied with.

12.3. The Minister must, within 20 days of receiving notice under section 12.2, give notice to the local government prescribing actions that must be undertaken.

13. Notice of compliance and Minister's consideration

13.1. The local government must give notice of compliance to the Minister after the completion of all actions required under section 9, including any actions where consultation is required to be repeated.

13.2. The notice of compliance must—

a) confirm that public consultation has been completed in accordance with section 9, as a minimum;

b) identify any changes made to the proposed amendment under section 10 including when the changes were made, why they were made and what issues the changes respond to;

c) identify whether the local government considers any proposed amendment under section 10 to be significantly different from the version for which public consultation has been undertaken, and state the reasons why the local government formed this view; and

d) if relevant, demonstrate that any changes made to the proposed amendment would not adversely affect a state interest.

13.3. The notice of compliance must be accompanied by the consultation report prepared under section 9.4.

13.4. When the Minister receives a notice from the local government under section 13.1, the Minister must—

a) consider if the proposed amendment meets the requirements of a qualified state interest amendment as defined in Schedule 1, section 3; and

b) consult with relevant state agencies, if appropriate.

13.5 Within 20 days of receiving the notice of compliance under section 13.1, the Minister must give the local government a notice stating—

a) if the local government may adopt the proposed amendment; and

b) the ***Minister's conditions***, if any, that apply to the proposed amendment; or

c) if the proposed amendment may not be adopted, and the reasons why it may not be adopted.

14. Adoption

14.1. If the Minister has notified the local government that it may adopt the proposed amendment under section 13.5, the local government must—

a) decide to adopt the proposed amendment; or

b) decide not to proceed with the proposed amendment; and

c) publish a public notice in accordance with the Act and the requirements prescribed under Schedule 5.

14.2. The local government must, within 10 days of giving public notice under this section, give the chief executive—

a) a copy of the public notice; and

b) if adopted, a certified copy of the qualified state interest amendment including—

i. an electronic copy of the amendment or instrument; and

ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the qualified state interest amendment.

Part 4—Major amendment

15. What this part prescribes

15.1. This part prescribes the process for making a ***major amendment*** to a planning scheme for section 20 of the Act.

15.2. All references in Part 4 to a proposed amendment are taken to be a proposed major amendment.

15.3. If the proposed amendment includes a planning change under section 30 of the Act, the local government may decide to take the actions prescribed in Chapter 4.

16. Planning and preparation

16.1. To make a major amendment, the local government must decide to amend the planning scheme.

16.2. After deciding to amend the planning scheme, the local government may give the chief executive a notice requesting an early confirmation of state interests that includes—

a) the nature and details of the proposed amendment; and

b) a statement of the state interests expressed in a regional plan or SPP the local government considers relevant to the proposed amendment.

16.3. If the chief executive receives a notice requesting an early confirmation of state interests from the local government under section 16.2, the chief executive must, within 20 days—

a) consider the nature and details of the proposed amendment;

b) consult with relevant state agencies, if appropriate; and

c) write to the local government to confirm the matters, including state interests, that the local government must consider when preparing the proposed amendment.

16.4. The local government must prepare the proposed amendment.

16.5. After preparing the proposed amendment, the local government must give a notice to the Minister that includes—

a) the decision to amend its planning scheme; and

b) the required material for a proposed major amendment as prescribed in Schedule 3.

17. State interest review

17.1. Within 5 days of receiving the notice from the local government under section 16.5, the Minister must—

a) commence the state interest review; and

b) give the proposed amendment to other relevant state agencies for consideration of the effect of the amendment on state interests, including those identified in legislation, the State Planning Policy (SPP), or a regional plan.

17.2. As part of the state interest review, the Minister must consider if the proposed amendment—

a) advances the purpose of the Act;

b) is consistent with section 16(1) of the Act;

c) is consistent with the regulated requirements prescribed in the Planning Regulation;

d) is well drafted and clearly articulated; and

e) accords with the result of any relevant study or report, or review required under section 25(1) of the Act.

17.3. During the state interest review, the Minister may advise the local government how the proposed amendment may be changed to appropriately address state interests.

17.4. If the local government decides to change the proposed amendment in response to a notice given by the Minister under section 17.3, the local government must—

a) advise the Minister, as soon as practicable after deciding to change the proposed amendment, that the proposed amendment will be changed to appropriately address the state interests; and

b) resubmit the proposed amendment to the Minister when the change has been made.

17.5. The Minister must, within 60 days of receiving the notice under section 16.5, or upon receiving a changed proposed amendment under section 17.4, whichever is the later, give notice to the local government of—

a) the outcome of the state interest review; and

b) a communications strategy that the local government must implement.

17.6. The notice under section 17.5 must state—

a) if the local government may proceed with public consultation for the proposed amendment;

b) the ***Minister's conditions***, if any, that apply to the proposed amendment.[6]

17.7. Any Minister's conditions stated on a notice given under section 17.5 must be complied with before the local government may commence public consultation of the proposed amendment, unless stated otherwise in the notice.

18. Public consultation

18.1. The local government may only commence public consultation after—

a) complying with the Minister's conditions, if any, that apply to the proposed amendment given under section 17.5; and

b) if relevant, giving notice under Chapter 4, part 1, section 3.3(b).

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[6] The Minister's conditions may, for example, require changes to be made to the proposed amendment to address state interests.

18.2. Public consultation must be undertaken—

a) for a period of at least 20 days; and

b) in accordance with—

i. the public notice requirements prescribed in the Act;

ii. the public notice requirements prescribed under Schedule 4; and

iii. the communications strategy given by the Minister under section 17.5.

18.3. The local government must consider every properly made submission about the proposed amendment and may consider other submissions.

18.4. Following the end of public consultation, the local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is—

a) provided to each person who made a properly made submission;[7] and

b) available to view and download on the local government's website; or

c) available to inspect and purchase in each of the local government's offices.

18.5. If the local government proposes to make changes to the proposed amendment under section 19, the actions under sections 18.3 and 18.4 may be deferred until after all applicable actions under section 19 have been undertaken.

19. Changing the proposed amendment

19.1. The local government may make changes to the proposed amendment to—

a) address issues raised in submissions;

b) amend a drafting error; or

c) address new or changed planning circumstances or information.

19.2. The local government must ensure any changes continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.

20. Effect of changes on public consultation

20.1. If the local government changes the proposed amendment and the change results in the proposed amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation required for the proposed amendment.

20.2. The local government may limit the public consultation to only those aspects of the proposed amendment that have changed.

20.3. If consultation has been repeated, the local government must take the actions required under sections 18.3 and 18.4 for the repeated consultation.

21. Minister's consideration

21.1. After all actions under sections 18, 19 and 20 have been completed, the local government must give a notice of a request to adopt the proposed amendment to the Minister.

21.2. If the proposed amendment has not changed since the state interest review, the notice under section 21.1 must include an electronic copy of—

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[7] The consultation report may be given electronically or by providing a link to the location of the consultation report on the local government's website.

a) the proposed planning scheme amendment; and

b) the consultation report prepared under section 18.4.

21.3. If the proposed amendment has been changed since the state interest review, the notice under section 21.1 must include—

a) an electronic copy of the proposed amendment that clearly identifies any changes that have been made to the proposed amendment since the state interest review;

b) the consultation report prepared under section 18.4;

c) a report that includes—

i. the changes made to the proposed amendment;

ii. when the changes were made;

iii. why the changes were made;

iv. how the changes relate to any relevant regional plan or SPP or affect a state interest; and

v. what issues the changes respond to; and

d) a statement whether the local government considers any proposed amendment is significantly different from the version for which public consultation has been undertaken, and the reasons why the local government formed this view.

21.4. The Minister must consider if the local government may adopt the proposed amendment by considering—

a) the information given with the notice under section 21.1;

b) if any Minister's conditions or further actions set out in the notice under section 17.5 have been complied with;

c) if the adoption version of the proposed amendment is significantly different to the version released for public consultation; and

d) if the proposed amendment—

i. advances the purpose of the Act;

ii. is consistent with section 16(1) of the Act;

iii. is consistent with the regulated requirements prescribed in the Planning Regulation;

iv. is well drafted and clearly articulated; and

v. accords with the result of any relevant study or report, or review required under section 25(1) of the Act.

21.5. Within 40 days of receiving the proposed amendment under section 21.1, the Minister must give the local government a notice stating—

a) if proposed amendment may be adopted; and

b) the ***Minister's conditions***, if any, that apply to the proposed amendment; or

c) if the proposed amendment may not be adopted, and the reasons why it may not be adopted.

21.6. Any Minister's conditions stated on a notice given under section 21.5 must be complied with before the local government may adopt the proposed amendment, unless stated otherwise in the notice.

22. Adoption

22.1. If the Minister has notified the local government that it may adopt the proposed amendment, the local government must—

a) decide—

i. to adopt the proposed amendment; or

ii. not to proceed with the proposed amendment; and

b) publish a public notice in accordance with the Act and the requirements prescribed in Schedule 5; and

c) give notice as required under Chapter 4, Part 1, section 3.13.

22.2. The local government must, within 10 days of giving public notice under this section, give the chief executive—

a) a copy of the public notice; and

b) if adopted, a certified copy of the major amendment including—

i. an electronic copy of the amendment or instrument; and

ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the major amendment.

Part 5—Miscellaneous

23. Timeframes—Parts 3 and 4

23.1. An entity with whom a current action sits may pause a timeframe for the action to be undertaken by giving notice to the other party prescribed in the relevant section of the process.

23.2. A notice given under section 23.1 must state—

a) how long the timeframe will be paused and provide a date upon which the timeframe will restart; or

b) if notice is given with a request for further information under section 25, that the timeframe is paused until the request is satisfied.

23.3. The process is paused from the day after the notice is given under section 23.1 until the date stated in the notice under section 23.2(a) or the action is undertaken in section 23.2(b), unless the notice is withdrawn by the entity that gave the notice under section 23.1.

23.4. If the notice is withdrawn under section 23.3, the process restarts from the day after the entity gives the notice to withdraw the pause notice.

23.5. Any timeframes in Parts 3 and 4 exclude the days during which the process is paused under section 23.

23.6. The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends.

24. Intervention notice—Part 3

24.1. The Minister may, at any time after receiving notice from the local government about a qualified state interest amendment under section 8.4, give an intervention notice to the local government to suspend the amendment process.

24.2. If an intervention notice is given, the amendment process is suspended for—

a) the period specified in the notice; or

b) 20 days, if no period is specified in the notice.

24.3. An intervention notice has no effect on the public consultation period.

24.4. The intervention notice, or a notice given by the Minister during the suspended period, may—

a) be accompanied by a notice specified under section 26 of the Act; or

b) direct the local government to undertake a specified action, including to—

i. amend the communications strategy (though not to a period less than the minimum consultation period set out in section 18.2);

ii. undertake or repeat a step or action in the amendment process;

iii. follow a different amendment process for the proposed amendment; or

iv. give the proposed amendment to the Minister for a state interest review.

25. Request for further information—Parts 3 and 4

25.1. The Minister may, at any time after receiving a notice that the local government has decided to make a planning scheme amendment, give the local government a notice requesting further information.

25.2. A notice under section 25.1 may be given with a notice under section 23.1.

26. Hierarchy of parts under this chapter

26.1. Where a proposed amendment meets the definition of more than one type of amendment as defined under Schedule 1, the amendment must proceed through the highest numbered part in Parts 1 to 4 of this chapter.

Chapter 3—Minister's rules for making and amending a planning scheme policy (PSP) or temporary local planning instrument (TLPI)

Part 1—Planning Scheme Policy (PSP)

1. What this part prescribes

1.1. This part prescribes the process for making or amending a planning scheme policy (PSP) for section 22 of the Act.

1.2. However, if a proposed PSP amendment is an administrative or minor amendment, only sections 2 and 5 of this part apply to the amendment.

2. Planning and preparation

2.1. The local government must decide to make or amend a PSP.

2.2. The local government must prepare the proposed PSP or PSP amendment.

3. Public consultation

3.1. The local government must carry out public consultation on the proposed PSP or PSP amendment for a period of at least 20 days.

3.2. Public notice must be given in accordance with the Act and the requirements prescribed in Schedule 4.

3.3. The local government must consider every properly made submission about the proposed PSP or PSP amendment.

3.4. At the end of public consultation, the local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is—

a) provided to each person who made a properly made submission;[8] and

b) available to view and download on the local government's website; or

c) available to inspect and purchase in each of the local government's offices.

4. Changing a proposed PSP or PSP amendment

4.1. The local government may make changes to the proposed PSP or PSP amendment to—

a) address issues raised in submissions;

b) amend a drafting error; or

c) address new or changed planning circumstances or information.

4.2. If the local government makes changes to the proposed PSP or PSP amendment and the change results in the proposed PSP or PSP amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation.

4.3. The local government may choose to limit the public consultation to only those aspects of the proposed PSP or PSP amendment that have changed.

4.4. Where consultation has been repeated, the local government must take the actions required under sections 3.3 and 3.4 for the repeated consultation.

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[8] The consultation report may be given electronically or by providing a link to the location of the consultation report on the local government's website.

5. Adoption

5.1. After completing the relevant actions under this part, the local government must decide to adopt or not to proceed with the proposed PSP or PSP amendment.

5.2. Public notice about the decision must be given in accordance with the requirements in the Act and as prescribed in Schedule 5.

5.3. The local government must, within 10 days of giving public notice under this section, give the chief executive—

a) a copy of the public notice; and

b) if adopted, a certified copy of the PSP as adopted or amended, including—

i. an electronic copy of the amendment or instrument; and

ii. a copy of all electronic planning scheme spatial data files (mapping), relevant to the PSP.

Part 2—Temporary Local Planning Instrument

6. What this part prescribes

6.1. This part prescribes the process for making or amending a temporary local planning instrument (TLPI) for section 23 of the Act.

7. Planning and preparation

7.1. The local government must decide to make or amend a TLPI.[9]

7.2. The local government must prepare the proposed TLPI or TLPI amendment.

8. Minister's approval

8.1. The local government must submit the proposed TLPI or TLPI amendment and the required material as prescribed in Schedule 3 to the Minister.

8.2. The Minister may request additional information from the local government after the Minister receives the proposed TLPI or TLPI amendment under section 8.1.

8.3. After receiving the proposed TLPI or TLPI amendment, the Minister must decide if—

a) for a proposed TLPI, if section 23(1) of the Act is satisfied; or

b) for a proposed TLPI amendment, if section 23(2) of the Act is satisfied.

8.4. If the Minister approves the local government making or amending a TLPI, the Minister must, within 20 days of receiving the proposed TLPI or TLPI amendment, give the local government a notice stating:

a) that the Minister approves the making or amending of the TLPI; and

b) if the Minister agrees to an earlier ***effective day*** in accordance with section 9(4) of the Act.

8.5. If the Minister does not approve the local government making or amending a TLPI, the Minister must, within 20 days of receiving the proposed TLPI or TLPI amendment, give the local government a notice stating:

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[9] If a local government proposes an earlier effective day for the TLPI or TLPI amendment, the local government must resolve, at a public meeting, to give the TLPI or TLPI amendment and the request for an earlier effective day to the Minister for approval – see 9(4) of the Act.

a) that the Minister does not approve the making or amending of the TLPI; and

b) if the local government may resubmit the proposed TLPI or TLPI amendment to the Minister for approval and if so, what actions must first be taken by the local government.

8.6. If the notice given to the local government by the Minister under section 8.5 allows the local government to resubmit the proposed TLPI or TLPI amendment to the Minister, the Minister may approve the amendment and give notice under section 8.4 or refuse the amendment and give notice under section 8.5.

9. Adoption

9.1. After completing the relevant actions under this part, the local government must decide to adopt or not to proceed with the proposed TLPI or TLPI amendment.

9.2. If the local government decides to adopt the proposed TLPI or TLPI amendment, the local government must publish a public notice in accordance with the requirements in the Act and as prescribed in Schedule 5.

9.3. The local government must, within 10 days of adopting the TLPI or TLPI amendment, give the chief executive—

a) a copy of the public notice; and

b) a certified copy of the TLPI as made or amended, including—

i. an electronic copy of the amendment or instrument; and

ii. a copy of all electronic planning scheme spatial data files (mapping), relevant to the TLPI.

9.4. If the local government decides not to proceed with the proposed TLPI or TLPI amendment, the local government must give the Minister a notice stating—

a) the name of the local government;

b) the title of the proposed TLPI or TLPI amendment;

c) the decision; and

d) the reasons for not proceeding with the proposed TLPI or TLPI amendment.

Part 3—Miscellaneous

10. Timeframes—Part 2

10.1. An entity with whom a current action sits may pause a timeframe for the action to be undertaken by giving notice to the other party prescribed in the relevant section(s) of the process.

10.2. A notice given under section 10.1 must state how long the timeframe will be paused and provide a date upon which the timeframe will restart.

10.3. The process is paused from the day after the notice is given under section 10.1 until the date stated in the notice under section 10.2, unless the notice is withdrawn by the entity that gave the notice under section 10.1.

10.4. If the notice is withdrawn under section 10.3, the process restarts from the day after the entity gives the notice to withdraw the pause notice.

10.5. The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends

Chapter 4—Minister's rules for making a planning change to reduce a risk of serious harm to persons or property on the premises from natural events or processes

Part 1—Minister's rules for making a planning change to reduce a material risk of serious harm to persons or property on the premises from natural events or processes

1. What this part prescribes

1.1. This part prescribes the actions that must be undertaken if a local government proposes to make or amend a planning scheme under section 18 or 20 of the Act, and the local government proposes that it be a planning change under section 30(4)(e) of the Act.[10]

1.2. To determine the need to make a planning change, the local government must first meet the requirements of the SPP for the state interest—natural hazards, risk and resilience.

2. Making a planning change as a minor amendment under Part 2 of Chapter 2

2.1. The local government must prepare a ***feasible alternatives assessment report*** in accordance with Part 2 of this chapter.

2.2. If the local government decides to adopt the proposed minor amendment, the local government must give notice about the minor amendment to every property owner affected by the planning change and include the information set out in section 1 of Schedule 5.

3. Making a planning change as a major amendment under Part 4 of Chapter 2 or under section 18 of the Act

3.1. The local government must prepare a draft feasible alternatives assessment report in accordance with Part 2 of this chapter.

3.2. For a major amendment, the local government must give the draft feasible alternatives assessment report, together with details of every property affected by the planning change, to the Minister with the notice to amend its planning scheme under section 16.5 of Part 4 of Chapter 2.

3.3. For a proposed planning scheme or proposed amendment under section 18 of the Act, the local government must give the draft feasible alternatives report, together with details of every property affected by the planning change, to the Minister—

a) with the notice requesting a state interest review, if the notice about the process given by the chief executive under section 18(a) or (b) of the Act requires a state interest review; or

b) otherwise, prior to the commencement of public consultation.

3.4. In addition to the public notice requirements prescribed in the notice about the process given by the chief executive under section 18(a) or (b) of the Act or in Part 4 of Chapter 2, the local government must give notice to every property owner affected by the proposed planning change.

3.5. The notice given to every property owner under section 3.4 must—

a) advise the property owner about the meaning of the proposed planning change;

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[10] This section of the Act allows a local government to undertake a process which allows a planning change to not be considered an adverse planning change for the purposes of section 30 of the Act, where the change is made to reduce a material risk of serious harm to persons or property on the premises from natural events or processes.

b) advise that the proposed planning change is an aspect of the proposed amendment and the person may make a submission about the proposed planning change during public consultation;

c) be given at the same time or before the commencement of the public consultation on the proposed planning scheme or proposed amendment; and

d) include—

i. the requirements listed in section 1(a) to (i) of Schedule 4; and

ii. information on how to obtain a copy of the draft feasible alternatives assessment report.

3.6. At the end of the public consultation period prescribed in the notice about the process given by the chief executive under section 18(a) or (b) of the Act or under section 18.2 of Part 4 of Chapter 2, the local government must—

a) consider every properly made submission about the proposed planning change; and

b) include the consideration of every properly made submission about the proposed planning change in a consultation report.

3.7. The consultation report must be—

a) provided to each person who made a properly made submission about the proposed planning change;[11] and

b) available to view and download on the local government's website; or

c) available to inspect and purchase in each of the local government's offices.

3.8. The local government may include the consultation report prepared under section 3.6 with—

a) a summary of the matters raised in properly made submissions prescribed in the notice about the process given by the chief executive under section 18(a) or (b) under section 18(5)(g) of the Act; or

b) a consultation report required under section 18.4 of Part 4 of Chapter 2.

3.9. After completing the actions prescribed under section 3.7, or any relevant actions prescribed in the notice about the process given by the chief executive under section 18(a) or (b) of the Act, the local government must finalise the feasible alternative assessment report.

3.10. To finalise the feasible alternative assessment report, the local government must consider any properly made submission from a property owner affected by the proposed planning change and any changed circumstances, including advances in technology and scientific knowledge that occur prior to the feasible alternatives report being finalised.

3.11. The local government must give the Minister the final feasible alternatives assessment report, including—

a) details of the affected premises; and

b) any relevant supporting information, including sufficient information to demonstrate that the requirements of section 30(5) of the Act have been met.

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[11] The consultation report may be given electronically or by providing a link to the location of the consultation report on the local government's website.

3.12. The final feasible alternatives report must be given to the Minister—

a) as part of the process for adopting the new or amended planning scheme prescribed in the notice about the process given by the chief executive under section 18(a) or (b) Act; or

b) with the notice given prescribed in section 21.1 of Part 4 of Chapter 2.

3.13. After the local government has decided to adopt or not proceed with the proposed planning scheme or proposed amendment, the local government must give notice about the planning scheme or planning scheme amendment to every property owner who received notice under section 3.4.

3.14. Notice given under section 3.13 must include—

a) details of the planning change; and

b) a copy of the notice required under section 1 of Schedule 5.

Part 2—Minister's rules for preparing a report assessing feasible alternatives for reducing the risk stated in section 30(4)(e) of the Act

1. When this part applies

1.1. This part applies to a local government when it is preparing a feasible alternatives assessment report.

2. Feasible alternatives assessment report

2.1. The assessment of feasible alternatives by the local government must—

a) be made in good faith under the circumstances;

b) be carried out by persons appropriately qualified in relation to the relevant natural events or processes; and

c) use the ***best available information*** at the time the assessment commenced.

2.2. The feasible alternatives assessment report must include—

a) the site description, including real property description and site address, for all premises potentially affected by the proposed planning change;

b) the anticipated risk to premises associated with natural events or processes to be undertaken in accordance with AS/NZS ISO 31000:2009 Risk Management, detailing the impact for the whole premises, not just the part of the premises at risk;

c) any existing uses on the premises;

d) the current intended outcomes of the planning scheme for the premises;

e) details of the proposed planning change and the resultant intended outcomes under the planning scheme for the premises;

f) a statement about the proposed planning change's consistency with the SPP and State Interest Guidelines with regard to natural hazards, risk and resilience; and

g) feasible alternatives to the proposed planning change that have been identified and investigated in accordance with the SPP and associated State Interest Guidelines, any relevant Australian Standard, contemporary best practice guidance or other specifications, and the results of those investigations.

2.3. In investigating the feasibility of alternatives to the proposed planning change, the local government must—

a) consider the impacts of not making the proposed planning change (i.e. do nothing);

b) consider the reduction in the level of risk of serious harm to persons or property on the premises from natural events or processes for each alternative identified, including the alternative of imposing development conditions on development approvals;

c) identify the planning change that would most effectively reduce the risk of serious harm to persons or property on the premises from natural events or processes to an acceptable level; and

d) consider alternatives that do not involve making a planning change.

2.4. For each alternative identified, the local government must investigate all options for avoiding or mitigating the risk to persons or property on the premises from natural events or processes.

3. Criteria for not feasible

3.1. For an alternative to be assessed as not feasible, there must be—

a) an unacceptable remaining or residual risk of serious harm to persons or property on the premises;

b) environmental or social disadvantage;

c) an unacceptable economic cost to state, local government, community or individual;

d) technical impracticability; or

e) other unusual or unique circumstances.

3.2. An alternative that merely has greater expense or reduced profit for the landowner is not sufficient to determine that the alternative is not feasible.

Chapter 5—Minister's rules for reviewing, making or amending a local government infrastructure plan (LGIP)

Part 1—Minister's rules for reviewing an LGIP

1. What this part applies to

1.1. This part applies when a local government reviews its LGIP under section 25(3) of the Act.

2. Requirements for the review

2.1. To review an LGIP, a local government must follow the process in Part 2 and the requirements in Part 4 of this chapter, for making or amending an LGIP.

Part 2—Minister's rules for making or amending an LGIP

3. What this part applies to

3.1. This part applies to making or amending an LGIP, or making an interim LGIP amendment.

3.2. For this part, making or amending an LGIP means an amendment to a planning scheme which—

a) is making a new LGIP; or

b) is being made pursuant to a review required under section 25(3) of the Act; or

c) removes an area from an existing ***PIA***.

3.3. For this Part, making an interim LGIP amendment means an amendment to an LGIP in a planning scheme that is not an administrative LGIP amendment[12] or making or amending an LGIP.

3.4. The definitions and abbreviations used in this part are set out in Schedule 8 and the Act.

4. Planning and preparation

4.1. For making or amending an LGIP or interim LGIP amendment, the local government must decide to—

a) make or amend an LGIP; or

b) make an interim LGIP amendment.

4.2. The local government must prepare the proposed LGIP, amendment or interim LGIP amendment in accordance with Part 4 of this chapter and the LGIP template.

4.3. For making or amending an LGIP, the local government must consult with—

a) the relevant state agency about transport matters; and

b) a distributor-retailer responsible for providing water and wastewater services for the area (if applicable).

4.4. For making an interim LGIP amendment, the local government must consult with—

a) the relevant state agency responsible for transport matters to the extent the agency may be affected by the proposed amendments; and

b) to the extent a distributor-retailer responsible for providing water and wastewater services for the area may be affected by the proposed amendments—the distributor-retailer.

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[12] See Part 3 of this chapter for the process for administrative LGIP amendments.

4.5. For making or amending an LGIP or making an interim LGIP amendment, the local government must complete the ***Review checklist***.

4.6. For making an interim LGIP amendment, after preparing the proposed interim LGIP amendment and completing the relevant sections of the Review checklist, the local government may proceed to section 7.

5. First compliance check

5.1. The ***first compliance check*** does not apply to making an interim LGIP amendment.

5.2. For making or amending an LGIP, the local government must engage an ***Appointed reviewer*** and give the Appointed reviewer the following information—

a) an electronic copy of the proposed LGIP or amendment;

b) the ***SOW model*** prepared by the local government as part of the LGIP (Excel);

c) the Review checklist completed by the local government;

d) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment;

e) information on the outcomes of any consultation with the relevant state agency about transport matters and/or the relevant distributor-retailer concerning the preparation of the LGIP or amendment; and

f) the contact details of the person who will be the key point of contact as well as any other key personnel who may be relevant to the compliance check.

5.3. When reviewing the information given by the local government, the Appointed reviewer must comply with the fundamental ethical principles of integrity, objectivity, professional competence, due care and professional behaviour when undertaking the compliance check, and must—

a) consider whether the proposed LGIP or amendment complies with and addresses the requirements of Part 4 of this chapter;

b) consider whether the proposed LGIP or amendment is consistent with the regulated requirements;

c) evaluate whether each requirement in the Review checklist has been complied with; and

d) complete the Review checklist.

5.4. After carrying out the compliance check, the Appointed reviewer must write to the local government providing—

a) the completed Review checklist; and

b) the completed and signed ***Appointed reviewer statement***, confirming that the proposed LGIP or amendment complies with and addresses the requirements identified in Part 4 of this chapter, and if not, identify any outstanding issues with recommendations on how they should be addressed to enable the proposed LGIP or amendment to comply.

5.5. After receiving the completed Review checklist and the Appointed reviewer statement, the local government must—

a) write to the Minister requesting a state review of a proposed LGIP or LGIP amendment; and

b) give the Minister the following information—

i. an electronic copy of the proposed LGIP (Word);

ii. the SOW model prepared by the local government as part of the LGIP (Excel);

iii. the Review checklist completed by the appointed reviewer (Word – final may be converted to PDF);

iv. the completed and signed Appointed reviewer statement (PDF);

v. the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP.

6. State review

6.1. The state review applies to making or amending an LGIP but does not apply to making an interim LGIP amendment.

6.2. If the Minister considers the local government has not provided sufficient information required under section 5.5(b), the Minister must write to the local government seeking the further information.

6.3. If the Minister considers sufficient information or sufficient further information has been provided by the local government under sections 5.5(b) or 6.2, the Minister must consider the following—

a) whether the proposed LGIP or amendment complies with and addresses the requirements identified in Part 4 of this chapter;

b) whether the proposed LGIP or amendment is consistent with the regulated requirements;

c) the Review checklists completed by the local government and the Appointed reviewer; and

d) the completed and signed Appointed reviewer statement with any recommendations.

6.4. After considering the matters in section 6.3, the Minister must write to the local government advising it may—

a) proceed with public consultation on the proposed LGIP or amendment;

b) proceed with public consultation on the proposed LGIP or amendment subject to conditions; or

c) not proceed with the proposed LGIP or amendment.

6.5. If the Minister advises the local government it may not proceed with the proposed LGIP or amendment, but the local government still wishes to make or amend the LGIP, the local government must start the process again from section 4.2.

7. Public consultation

7.1. The local government must carry out public consultation in relation to making or amending an LGIP and making an interim LGIP amendment.

7.2. If the Minister has advised the local government it may proceed with public consultation on the proposed LGIP or amendment subject to conditions, the local government must comply with the conditions before carrying out public consultation.

7.3. The public consultation must be carried out in accordance with the following requirements—

a) for making or amending an LGIP, a consultation period of at least 30 days;

b) for a proposed interim LGIP amendment, a consultation period of at least 15 days;

c) the public notice requirements prescribed under schedule 4; and

d) the content, function and calculations of the SOW model, which is part of the LGIP, must be visible and accessible to all stakeholders.

7.4. The local government must consider every properly made submission received as a result of the consultation undertaken.

7.5. After considering the submissions, the local government—

a) may make changes to the proposed LGIP or amendment or interim LGIP amendment to—

i. address issues raised in a submission;

ii. amend a drafting error; or

iii. address new or changed planning circumstances or information;

b) must ensure any changes continue to comply with and address the requirements identified in Part 4 of this chapter; and

c) must advise each person in writing who made a properly made submission about how the local government has dealt with their submission.

7.6. The local government must update the Review checklist to reflect any changes made to the proposed LGIP, LGIP amendment or interim LGIP amendment.

7.7. If the local government makes changes under section 7.5(a) and the local government considers the changes result in the proposed LGIP, LGIP amendment or interim LGIP amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation process.

7.8. The local government may choose to limit the public consultation to those aspects of the LGIP, LGIP amendment or interim LGIP amendment that have changed.

7.9. After complying with sections 7.4 to 7.7 for the proposed LGIP, LGIP amendment or interim LGIP amendment where relevant, the local government must decide to—

a) proceed with no change;

b) proceed with changes if it reasonably believes the changes do not result in the proposed LGIP or amendment or interim LGIP amendment being significantly different to the version released for public consultation; or

c) not proceed with the proposed LGIP or amendment.

7.10. If proceeding with a proposed interim LGIP amendment, the local government may proceed to section 10 (the ***second compliance check*** and the Minister's consideration do not apply to making an interim LGIP amendment).

8. Second compliance check

8.1. This section applies to making or amending an LGIP and does not apply to making an interim LGIP amendment.

8.2. If proceeding with the proposed LGIP or amendment, the local government must engage an Appointed reviewer to conduct a second compliance check of the proposed LGIP or LGIP amendment, and give the Appointed reviewer the following information—

a) an electronic copy of the proposed LGIP or amendment that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the first state review;

b) the Review checklist updated by the local government;

c) if proceeding with changes under section 7.9(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters;

d) confirmation that the local government does not consider the proposed LGIP or amendment is significantly different from a version which has undertaken public consultation;

e) if the local government considers that the proposed LGIP or amendment is significantly different and that the public consultation process must be repeated, confirmation that public consultation has been repeated and details of the repeated public consultation undertaken;

f) a copy of any condition as imposed by the Minister under the first state interest review, if applicable; and

g) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment.

8.3. When reviewing the information given by the local government, the Appointed reviewer must comply with the fundamental ethical principles of integrity, objectivity, professional competence, due care and professional behaviour when undertaking the compliance check, and must—

a) consider whether the proposed LGIP or amendment complies with and addresses the requirements of Part 4 of this chapter;

b) consider whether the proposed LGIP or amendment—

i. appropriately complies with any conditions imposed by the Minister under the first state interest review;

ii. is not significantly different to a version which has undertaken public consultation or for which public consultation has been repeated, if relevant;

iii. is consistent with the regulated requirements; and

c) evaluate whether updated requirements in the Review checklist have been complied with and update the checklist.

8.4. After carrying out the second compliance check, the Appointed reviewer must write to the local government providing—

a) the updated Review checklist; and

b) the completed and signed Appointed reviewer statement, confirming that the proposed LGIP or amendment complies with and addresses any requirements identified in Part 4 of this chapter, and if not, identify any outstanding issues with recommendations on how they should be addressed for the proposed LGIP or amendment to comply.

8.5. After receiving information from the Appointed reviewer under section 8.4, the local government must—

a) write to the Minister seeking approval to adopt the proposed LGIP or amendment; and

b) give the Minister the following information—

i. an electronic copy of the proposed LGIP, that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the first state review;

ii. the updated Review checklist completed by the Appointed reviewer;

iii. the updated Appointed reviewer statement;

iv. if proceeding with changes to the proposed LGIP or amendment under section 7.9, a summary of matters raised in the properly made submissions and how the local government dealt with the matters;

v. the reasons why the local government does not consider the proposed LGIP or amendment is significantly different from a version which has undertaken public consultation;

vi. a copy of any condition as imposed by the Minister under the state review, if applicable; and

vii. the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment.

9. Minister's consideration

9.1. This section applies to making or amending an LGIP and does not apply to an interim LGIP amendment.

9.2. If the Minister receives written notice from the local government under section 8.5, the Minister may advise the local government to proceed to adoption if the Minister is satisfied that—

a) sufficient information has been provided;

b) any conditions imposed under the first state interest review have been complied with;

c) the version is not significantly different to the version which has undertaken public consultation; and

d) the proposed LGIP or amendment is consistent with the regulated requirements and the requirements outlined in Part 4 of this chapter.

9.3. If the Minister is not satisfied that sufficient information has been provided, the Minister must write to the local government advising the further information that is required to be provided.

9.4. If the Minister is satisfied that any conditions imposed under the state review have not been complied with or complied with only in part, the Minister may, having regard to the regulated requirements or the requirements outlined in Part 4 of this chapter, write to the local government advising the conditions that must be complied with and any actions which must be repeated.

9.5. If the Minister is satisfied that the version is significantly different to a version which has been the subject of public consultation, the Minister must write to the local government advising it is considered to be significantly different, and advise the local government to repeat the public consultation process.

9.6. If the Minister is satisfied that the LGIP or amendment is not consistent with the regulated requirements or the requirements outlined in Part 4 of this chapter, the Minister may write to the local government advising the matters that must be addressed and any actions which must be repeated.

9.7. After receiving notice given by the local government under section 8.5, the Minister must write to the local government, after considering the matters in section 9.2, advising the local government that it may—

a) adopt the proposed LGIP or amendment;

b) adopt the proposed LGIP or amendment subject to conditions; or

c) not adopt the proposed LGIP or amendment.

10. Adoption

10.1. If the local government is notified by the Minister that it may adopt the proposed LGIP or amendment, or after making a decision under section 7.9 for an interim LGIP amendment, the local government must—

a) decide to adopt the proposed LGIP or amendment; or

b) decide not to proceed with the proposed LGIP or amendment; and

c) publish a notice in accordance with the requirements prescribed in Schedule 5.

10.2. If the local government decides to adopt an LGIP, amendment or interim LGIP amendment under section 10.1(a), the local government must also—

a) comply with any conditions imposed by the Minister that must be undertaken prior to adoption; and

b) include on its website—

i. a copy of the LGIP, amendment or interim LGIP amendment, including the SOW model (the content, function and calculations of the SOW model must remain visible and accessible to all stakeholders);

ii. the Review checklist;

iii. the Appointed reviewer statement; and

iv. extrinsic material.

10.3. The local government must, as soon as possible after adopting the LGIP, amendment or interim LGIP amendment, give the chief executive—

a) a copy of the public notice; and

b) a certified copy of the LGIP or amendment.

Part 3—Administrative LGIP Amendment

11. What this part applies to

11.1. This part applies to an amendment to an LGIP that the local government is satisfied corrects or changes—

a) an explanatory matter about the LGIP or planning scheme;

b) the format or presentation of the LGIP or planning scheme;

c) a spelling or grammatical error in the LGIP or planning scheme that does not materially affect the remainder of the LGIP or planning scheme;

d) a factual matter incorrectly stated in the LGIP or planning scheme;

e) a redundant or outdated term in the LGIP or planning scheme;

f) inconsistent numbering of provisions in the LGIP or planning scheme; or

g) cross-references in the LGIP or planning scheme.

11.2. The definitions and abbreviations used in this part are set out in Schedule 8 and the Act.

12. Process for administrative LGIP amendments

12.1. Parts 1 and 2 of this chapter do not apply to amendments under this part.

12.2. The local government must prepare the administrative LGIP amendment and, within 10 days of making the administrative LGIP amendment, give the chief executive a copy of the administrative LGIP amendment including—

a) an electronic copy of the amendment or instrument; and

b) a copy of all electronic planning scheme spatial data files (mapping), where relevant.

Part 4—Minister's rules for preparing an LGIP

13. What this part applies to

13.1. A local government must follow and comply with the methodology and requirements of this part when making or amending an LGIP (pursuant to a review required under section 25(3) of the Act), or making an interim LGIP amendment.

13.2. The definitions and abbreviations used in this part are set out in Schedule 8 and the Act.

14. Infrastructure identified in an LGIP

14.1. An LGIP identifies trunk infrastructure which is 'development infrastructure' as defined in Schedule 2 of the Planning Act.

14.2. An LGIP must not include definitions for trunk infrastructure.

14.3. Trunk infrastructure identified in an LGIP must—

a) be provided in a coordinated, efficient and orderly way which prioritises urban development in areas where adequate infrastructure exists or can be provided efficiently;

b) be necessary to service urban development or an increase in the standard of service;

c) provide an adequate, but affordable standard of service to urban development;

d) be the most cost effective means of servicing urban development, having regard to not only the capital cost, but also the maintenance and operating costs of the infrastructure going forward; and

e) reflect a consistent servicing strategy across all trunk infrastructure networks.

15. Financial sustainability and LGIPs

15.1. A local government must be able to fund the trunk infrastructure identified in its LGIP from a combination of sources including infrastructure charges and rates revenue.

15.2. A local government must over time, advance the alignment between its LGIP, ***AMP*** and the ***LTFF***, by—

a) applying common assumptions about growth, timing of development, revenue and expenditure; and

b) considering the affordability of its LGIP.

16. Structure and content of an LGIP

16.1. An LGIP must be consistent with the content and requirements for LGIPs in the LGIP template.

17. Planning assumptions

17.1. An LGIP must state the ***planning assumptions*** about—

a) population and employment growth; and

b) the type, scale, location and timing of development.

17.2. The planning assumptions section of the LGIP must identify a summary of the existing and future projected urban residential and non-residential development by development type for a ***projection area*** (development projections) in terms of—

a) dwellings;

b) population;

c) non-residential gross floor area; and

d) employment.

17.3. An LGIP must include a summary of—

a) the existing and future infrastructure demand projections for each ***service catchment*** for a trunk infrastructure network; and

b) the key assumptions used to prepare the demand projections (***developable area***, planned densities and demand generation rates).

17.4. Service catchments for trunk infrastructure networks cover urban areas for which network demand projections are stated in the planning assumptions. Service catchments must enable the servicing cost for urban areas to be determined, distinct from service catchments specifically for rural areas.

17.5. In conjunction with the ***DSS***, the planning assumptions must be used as the basis for trunk infrastructure planning and the determination of the PIA.

18. Development projections

18.1. Development projections must be prepared using—

a) the forward projection of historical residential and non-residential growth data to estimate future growth, based on information from the Queensland Government Statistician and other appropriate sources, considering the development trends for the different areas within a local government (the top down approach); and

b) an analysis of the physical capacity available to accommodate growth in a geographical locality, or on a site, consistent with the definition of ***ultimate development*** in Schedule 8 (the bottom up approach).

18.2. The development projections must—

a) be prepared from a recent ***base date*** for the LGIP and for a projection period of at least 15 years, up to 30 years; and

b) not exceed the capacity for the projection area identified for ultimate development; and

c) be able to be aggregated and reported in the LGIP at an appropriate spatial level including projection areas and the various service catchments of each infrastructure network; and

d) stated for the following development types, as a minimum—

i. detached dwellings;

ii. attached dwellings;

iii. retail;

iv. commercial;

v. industrial; and

vi. community purposes.

18.3. The relationship between the uses under the planning scheme and the LGIP development types must be stated in the Planning Assumptions section.

18.4. The assumed type and scale of development for a particular location must be determined by applying a planned density to the ***developable area*** of the site.

18.5. The planned density must reflect the realistic level of development (ultimate development) that can be achieved for the premises.

18.6. When determining the planned densities, consideration must be given to—

a) the regional plan's framework for infrastructure planning;

b) the strategic framework within the planning scheme;

c) zoning and development provisions within the planning scheme;

d) other planning instruments such as Priority Development Area development schemes;

e) approved plans for development; and

f) current development trends in the area (or similar areas).

18.7. The planned densities used to prepare the planning assumptions must be expressed as—

a) dwellings per developable hectare for residential development; and

b) a plot ratio for non-residential and mixed development.

18.8. The planned densities must be identified for—

a) a planning scheme zone or local plan precinct; or

b) any other defined area identified in the LGIP maps.

18.9. The future timing of infrastructure provision must be based on the population, employment and demand projections for that location. At a minimum the following process must be applied—

a) convert population and employment related projections at each projection year into relevant units of demand for each network;

b) compare the projected population, employment and demand to the relevant ultimate development capacity for the different locations;

c) make assumptions regarding the timing of development in a particular location; and

d) use this information to identify construction dates for new infrastructure necessary to service development.

19. Infrastructure demand projections

19.1. Infrastructure demand projections for each trunk infrastructure network must be prepared using the assumptions about the type, scale, location and timing of future development, prepared under sections 17 and 18.

19.2. As a minimum, an LGIP (including the SOW model) must use the following standard ***demand units*** for the relevant infrastructure networks—

a) demand for the water supply and sewerage networks – either equivalent person (EP) or equivalent tenement (ET);

b) demand for the stormwater network impervious hectare;

c) demand for the transport network – vehicles or vehicle trip ends per day; and

d) demand for the public parks and land for community facilities network – population based.

19.3. In addition to the requirements of section 19.2, a local government may include alternative demand units for the relevant infrastructure networks.

19.4. Any alternative demand units must be supported by comparison tables and any other necessary information to demonstrate the numerical relationship between the alternative and standard demand units identified in section 19.2.

20. Priority infrastructure area (PIA)

20.1. An LGIP must identify the PIA for urban development in accordance with the definition of a PIA in Schedule 2 of the Planning Act.

20.2. The PIA boundary and projection areas must be identified on a cadastral map over the planning scheme zoning at a scale that allows property boundaries to be legible.

20.3. In determining the PIA, the local government must consider—

a) the planning assumptions and the projected infrastructure demand for each network, prepared under sections 17 to 19;

b) the spare capacity of existing trunk infrastructure networks;

c) the cost effectiveness and efficiency of the future trunk infrastructure required to service the projected infrastructure demand at the desired standard of service;

d) that the PIA must accommodate at least 10 years, but no more than 15 years, of growth for urban development;

e) that the local government must be able to fund and supply adequate trunk infrastructure to service the assumed urban development.

20.4. The projected growth and urban development expected to occur in the following areas must be taken into account by the local government when preparing the planning assumptions for the LGIP—

a) Priority Development Areas declared pursuant to the *Economic Development Act 2012*; and

b) infrastructure agreement areas.

21. Desired standards of service (DSS)

21.1. An LGIP must include a summary of the high level DSS for each trunk infrastructure network identified in the LGIP.

21.2. The DSS in the LGIP must be consistent with the design standards for the network identified in planning scheme policies about infrastructure, or design standards in other controlled documents such as the Australia / New Zealand standards.

22. Plans for trunk infrastructure (PFTI)

22.1. The PFTI must identify the trunk infrastructure that is necessary to service at least the projected urban development for the PIA, at the DSS.

22.2. A local government must consider including PFTI necessary for future urban areas located outside the PIA.

22.3. In planning the infrastructure network a local government must consider the demand that will be generated when the relevant network catchment reaches ultimate development.

22.4. The PFTI for the LGIP must comprise the following for each trunk infrastructure network—

a) PFTI map(s) separately identifying the—

i. existing and future trunk infrastructure networks at a scale that allows property boundaries to be legible; and

ii. future trunk infrastructure labelled with a unique map reference to cross reference to the schedule of works table (trunk infrastructure may be identified for this purpose at the broader project level rather than individual item level); and

iii. infrastructure service catchments.

b) Schedule of works tables derived from the SOW model for future trunk infrastructure identified on the PFTI—

i. unique map references to cross reference the item shown on the PFTI map(s);

ii. a brief description of the infrastructure's function (or hierarchy), type or size;

iii. estimated timing of construction; and

iv. the establishment cost for land or works stated in current cost terms.

22.5. When deciding what infrastructure to identify in the PFTI, a local government must also consider the matters stated in section 14 and in Schedule 6.

23. Schedule of works (SOW) model

23.1. A local government must prepare a SOW model that—

a) uses the standard SOW model provided on the department's website and is prepared in accordance with the requirements of this part and Schedule 7; or

b) performs the same function and includes all the information contained in the standard SOW model available on the department's website. It must not make it harder to be reviewed by other parties and must be prepared in accordance with the requirements of this part and Schedule 7.

c) ensures the content, functions and calculations of the SOW model remain visible and accessible to all stakeholders.

24. Establishment cost of trunk infrastructure

24.1. A local government must identify the establishment cost of trunk infrastructure in the LGIP.

24.2. For future trunk infrastructure that is works, the establishment cost should reflect the market cost for the design and construction of the works.

24.3. The local government may determine the establishment cost of the works by using the following methods as appropriate—

a) a unit rate method which applies the average unit cost of supplying an item of infrastructure;

b) a first principles estimating approach which calculates the market cost of the infrastructure based on a bill of quantities and a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities; or

c) a contract price method which determines the establishment cost of the infrastructure based on a contract value for the supply of the infrastructure.

24.4. The establishment cost of trunk infrastructure works may include an allowance for project owner's costs.

24.5. Future trunk infrastructure that is works may include an allowance for contingency.

24.6. For future trunk infrastructure that is land, the establishment cost may be determined by using a comparison valuation method which considers comparable sales of land across a wide geographic area, having generally similar planning classification, characteristics or constraints.

24.7. The establishment cost of land must not include a contingency allowance but may include reasonable costs associated with acquiring the land, including legal fees, administrative costs and transfer (stamp) duty.

25. Extrinsic material

25.1. The methodology used to prepare the components of the LGIP (including the SOW model) and their inter-relationships, must be explained in the extrinsic material to provide transparency for all stakeholders including the general public.

25.2. The background studies and reports used in relation to the preparation of an LGIP must be referenced in the LGIP under 'Editor's notes – Extrinsic material'.

Chapter 6—Minister's guidelines for working out the cost of infrastructure for an offset or refund; and criteria for deciding conversion applications

Part 1—Minister's guideline for working out the cost of infrastructure for an offset or refund under section 116 of the Planning Act and section 99BRCH of the SEQ Water Act

1. When this part applies

1.1. This part applies to a charges resolution made by the local government under section 113 of the Planning Act, an infrastructure charges schedule adopted by the board of a distributor-retailer under section 99BRCE of the SEQ Water Act or a board decision made by the board of a distributor-retailer under section 99BRCF of the SEQ Water Act to enable—

a) working out of an offset or refund under section 129 of the Planning Act or section 99BRCH of the SEQ Water Act; or

b) recalculation of the establishment cost of trunk infrastructure under section 137 of the Planning Act or section 99BRDC of the SEQ Water Act.

2. Parameters for working out the cost of infrastructure

2.1. Under section 116 of the Planning Act and section 99BRCH of the SEQ Water Act, the method must be consistent with the following parameters—

a) Clarity—the methodology should be clear, certain and transparent;

b) Cost effective— the methodology for pursuing an actual cost valuation should not be cost prohibitive for applicants; and

c) Time efficient— timeframes should be realistic and encourage the efficient resolution of actual cost valuations.

2.2. In addition to section 2.1 above, the following parameters apply to infrastructure that is land—

a) If the land infrastructure has been identified in the LGIP—a valuation must be undertaken to determine the market value that would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, first became properly made.

b) If the land infrastructure has not been identified in the LGIP—the valuation must be undertaken to determine the market value that would have applied on the day the development application that resulted in a condition to provide trunk infrastructure was approved.

c) The valuation of land infrastructure must be undertaken using the before and after method of valuation by—

i. determining the value of the original land before any land is transferred to a local authority;

ii. determining the value of the remaining land that will not be transferred to a local authority; and

iii. subtracting the value determined for the remaining land that will not be transferred to a local authority from the value determined for the original land.

d) The valuation calculated using the methodology at section 2.2(f) will be used as the value of the land to be transferred to the local authority.

e) The valuation report must—

iv. include supporting information regarding the highest and best use of the land which the valuer has relied on to form an opinion about the value;

v. identify the area of land that is above the Q100 flood level and the area that is below the Q100 flood level;

vi. identify and consider all other real and relevant constraints including—

a. vegetation protection;
b. ecological values including riparian buffers and corridors;
c. stormwater or drainage corridors;
d. slope;
e. bushfire and landslide hazards;
f. heritage;
g. airport environs;
h. coastal erosion;
i. extractive resources;
j. flooding;
k. land use buffer requirements;
l. tenure related constraints; and
m. restrictions such as easements, leases, licences and other dealings whether or not registered on title; and

vii. contain relevant sales evidence and clear analysis of how those sales and any other information was relied upon in forming the valuation assessment.

f) The valuation of land must be undertaken by a certified practicing valuer who must act professionally as a neutral and independent expert.

Part 2—Minister's guideline for criteria for deciding conversion applications (section 117 of the Planning Act and section 99BRCHA of the SEQ Water Act)

3. When this part applies

3.1. This part applies to a charges resolution made by the local government under section 113 of the Planning Act or a board decision of a distributor retailer under s99BRCF of the SEQ Water Act to enable an application under either section 139 of the Planning Act or section 99BRDE of the SEQ Water Act for conversion of non-trunk infrastructure to trunk infrastructure to be decided.

4. Parameters for the criteria for deciding conversion application

4.1. Under section 117 of the Planning Act, the criteria for a local government to consider when deciding a conversion application that are included in a charges resolution must be consistent with the following parameters—

a) the infrastructure has capacity to service other developments in the area;

b) the function and purpose of the infrastructure is consistent with other trunk infrastructure identified in an LGIP, a charges resolution or Water Netserv Plan for the area;

c) the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 145 of the Planning Act or section 99BRDJ of the SEQ Water Act; and

d) the type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area. The most cost effective option is the least cost option based upon the life cycle cost of the infrastructure required to service future urban development in the area at the desired standard of service.

4.2. The parameters in section 4.1(a) to (d) are applicable for section 99BRCHA(2) of the SEQ Water Act.

Chapter 7—Guidelines for the process for environmental assessment and consultation for making or amending a Ministerial designation (section 36(3) of the Act)[13]

[13] Under section 36(5) of the Act, these guidelines are only one method of satisfying the Minister – the Minister may choose to be satisfied that adequate environmental assessment and consultation has occurred in another way.

Part 1—Planning and preparation

1. Amending an existing designation

1.1. To amend an existing designation—

a) the process for environmental assessment and consultation is the same as for making a designation under Parts 1 to 5 of this chapter;

b) the process applies only to the area of the designated premises being amended, or to the change in use proposed by the amendment, and the impacts resulting from the amendment only; and

c) the ***affected parties*** for the amendment are limited to those parties directly affected by the amendment only.

2. Infrastructure proposal

2.1. An ***infrastructure entity*** may request the Minister to designate premises or to amend an existing Ministerial designation for the development of infrastructure of a type prescribed by regulation by giving an infrastructure proposal to the Minister.[14]

2.2. The infrastructure proposal must include the following matters[15]—

a) the site description including the location of the premises proposed to be designated;

b) any existing uses on the premises proposed to be designated;

c) existing uses on adjoining sites;

d) the type of infrastructure;

e) information about the nature, scale and intensity of the infrastructure and each use proposed;

f) the intended outcomes of the proposed uses on the site;

g) any anticipated impacts on the surrounding infrastructure network (both state and local);

h) a list of the applicable state interests as identified by the infrastructure entity and a statement about how they relate to the infrastructure proposal;

i) a statement about any relevant regional plans and state development areas that are applicable to the site and how they are relevant to the infrastructure proposal;

j) sufficient information to address the requirements of section 36(1) of the Act[16];

k) a proposed consultation strategy for the proposed designation that has taken into account the level of impact of the infrastructure proposal and that includes a method for consultation with directly affected landowners, adjoining landowners, and identified Native Title parties, differentiated from general public consultation; and

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[14] An infrastructure entity may engage with an affected party or undertake preliminary assessment prior to the commencement of section 1 of this chapter.

[15] Any plans and descriptions of proposed uses, their locations on the site and broad impacts can be general in nature and do not need to include significant technical details or any details that would pose a security or safety risk.

[16] For section 36(1)(b) of the Act, need can be demonstrated through evidence of any existing endorsement (e.g. by the Australian Energy Regulator, Schools Board).

l) any other matter the infrastructure entity considers relevant to the request.

2.3. If the infrastructure entity is not a ***public sector entity***, the infrastructure entity must notify the relevant state department for the type of infrastructure proposed.

2.4. In addition to section 2.2, an infrastructure proposal for linear infrastructure—

a) must include evidence of early engagement with affected parties and other key stakeholders around corridor selection, that reflects the scale and level of impact of the proposal[17];

b) must include a list of directly affected landowners and adjoining landowners; and

c) despite section 2.2, may—

i. include plans and descriptions of proposed uses, locations and broad impacts at a high level;

ii. provide the infrastructure proposal in a format that is tailored to linear infrastructure; and

iii. use mapping to support project descriptions.

Part 2—Minister's acknowledgement

3. Minister's acknowledgement

3.1. Within 20 days of receiving the infrastructure proposal, the Minister must give notice to the infrastructure entity that states—

a) if the Minister considers the infrastructure proposal is a low impact proposal; and

b) any state interests applying to the proposal; and

c) the relevant local governments that are or may be affected by the infrastructure proposal; and

d) the consultation requirements, including a minimum consultation period and any changes to the consultation strategy proposed by the infrastructure entity; or

e) any further information the Minister needs to consider the proposal, and the date by which this information must be given; or

f) that the Minister does not intend to further consider the infrastructure proposal.

3.2. If the Minister gives notice under section 3.1(e), the Minister must again give notice under section 3.1 upon receipt of the further information from the infrastructure entity.

3.3. The minimum consultation period that may be prescribed by the Minister under section 3.1(d) is 15 days.

3.4. If the Minister considers the infrastructure proposal is a low impact proposal—

a) despite section 3.3, the Minister may require a minimum consultation period of less than 15 days; and

b) the Minister may specify that a state interest review is not required.

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[17] Early engagement may include regulatory authorities and land managers and must have regard to the receiving environment, the entities' existing engagement processes, and commercial and confidentiality considerations.

3.5. If the infrastructure entity does not give the Minister the further information requested by the date stated in a notice given under section 3.1(e), or further agreed period, the infrastructure entity's request to the Minister to designate the premises lapses.

Part 3—Draft environmental assessment report

4. Draft environmental assessment report

4.1. The infrastructure entity must prepare a draft environmental assessment report that includes—

a) further detail around the matters outlined in section 2.2, including appropriately detailed site plans and descriptions of individual site uses;

b) a comprehensive assessment of all environmental, social and economic impacts (both positive and negative);

c) how any negative impacts can be avoided, mitigated or offset;

d) whole-of-life impacts (i.e. construction, operation, and decommission as relevant);

e) off-site impacts from the construction, operation and decommission (if relevant); and

f) any further information the Minister has requested under section 3.1(e).

4.2. The infrastructure entity must identify all affected parties and stakeholders in the draft environmental assessment report including—

a) any local government in which the proposed designation is located or that would be affected by the infrastructure proposal;

b) any directly affected, non-local government utility providers;

c) for site based infrastructure—all adjoining landowners;

d) for linear infrastructure—any directly affected landowners and adjoining landowners to the corridor; and

e) any identified native title parties.

4.3. The infrastructure entity may identify additional stakeholders for consultation in the draft environmental assessment report.

Part 4—Consultation and state interest review

5. Consultation by infrastructure entity

5.1. The infrastructure entity must consult with all affected parties and stakeholders identified in the draft environmental assessment report about the infrastructure proposal.

5.2. During consultation with relevant local governments, the infrastructure entity must discuss any associated infrastructure requirements, specifically roles and responsibilities including funding arrangements.

5.3. Evidence of the consultation with the relevant local governments about associated infrastructure must be provided to the Minister as part of the final environmental assessment report under Part 5.

5.4. The infrastructure entity must give notice to the Minister, all affected parties and stakeholders identified in the draft environmental assessment report that includes—

a) how the draft environmental assessment report can be viewed or accessed; or

b) a copy of the draft environmental assessment report; and

c) how to make a submission to the Minister within the consultation period.

5.5. The infrastructure entity must, at the same time as giving the notice to the affected parties and stakeholders, publish a public notice in a newspaper generally circulating in the area that accords with the public notice requirements prescribed under Schedule 4, section 5.

5.6. The consultation period starts on the day that notice is given to the Minister, affected parties and stakeholders under section 5.4.

5.7. The Minister must, within 5 days of the end of the consultation period—

a) give a copy of all submissions received as a result of consultation to the infrastructure entity; or

b) if no submissions are received, give notice to the infrastructure entity that no submissions were received.

5.8. The infrastructure entity must—

a) undertake the consultation in accordance with any requirements given by the Minister under section 3.1(d); and

b) within 10 days of the end of the consultation period, give the Minister a notice specifying details of the consultation undertaken.

5.9. Within 10 days of receiving the notice under section 5.8(b), the Minister must give the infrastructure entity a notice stating—

a) that the Minister agrees that the consultation requirements have been satisfied; or

b) that the Minister considers that the consultation requirements have not been satisfied and a second consultation period is required.

6. Second consultation period

6.1. If a change, which is not a ***minor change***, is required to be made to the draft environmental assessment report after public consultation, or if the Minister gives the infrastructure entity a notice under section 5.9(b), the infrastructure entity must give the Minister—

a) a consultation proposal for a second consultation period; and

b) the changed draft environmental assessment report, if applicable.

6.2. The Minister must consider the consultation proposal given under section 6.1 and give notice to the infrastructure entity stating—

a) if consultation may proceed; and

b) any requirements for the second consultation period.

6.3. The Minister may determine that the second consultation period be limited to specified parties.

6.4. The second consultation period must not be of a lesser duration than the first consultation period.

6.5. The infrastructure entity must undertake the second consultation period in accordance with the consultation proposal and any requirements given by the Minister under section 6.2(b).

6.6. The Minister must, within 5 days of the end of the second consultation period—

a) give a copy of all submissions received as a result of the second consultation to the infrastructure entity; or

b) if no submissions are received, give notice to the infrastructure entity that no submissions were received.

7. State interest review

7.1. This section does not apply if the proposal is a low impact proposal and the Minister has confirmed that a state interest review is not required under section 3.4(b).

7.2. The state interest review starts on the day that the infrastructure entity gives the Minister the draft environmental assessment report under section 5.4.

8. Notice of state interest review outcomes

8.1. Within 30 days from the end of consultation or further agreed period, the Minister must give notice to the infrastructure entity of—

a) the outcome of the state interest review; and

b) any requirements that the Minister may include in the designation if made.

Part 5—Finalise environmental assessment

9. Finalise environmental assessment report

9.1. The infrastructure entity must finalise the draft environmental assessment report after receiving notice under section 8.1.

9.2. To finalise the draft environmental assessment report, the infrastructure entity must consider—

a) the results of all consultation undertaken;

b) the results of the state interest review; and

c) any matters the Minister requires to be included in the designation if made.

9.3. The final environmental assessment report must include—

a) a list of all parties and stakeholders consulted (other than persons who have indicated that they do not wish to be identified or referenced in the report);

b) a summary of all submissions;

c) the issues raised in the submissions and how those issues have been addressed;

d) the infrastructure entity's response to any matters in the state interest review;

e) any changes that have occurred to the infrastructure proposal following the end of the state interest review;

f) details of any matters that the Minister has advised may be included in the designation if made;

g) any further environmental, social or economic impacts identified through the consultation, and how these impacts will be avoided, mitigated or offset; and

h) evidence of consultation with the local government about any associated infrastructure requirements, specifically roles and responsibilities and funding arrangements.

9.4. If the infrastructure entity does not have acquisition powers under the *Acquisition of Land Act 1967* and is proposing a designation over premises not owned by the infrastructure entity, the infrastructure entity must give an assurance to the Minister that the

infrastructure entity will have access to the premises the subject of the proposed designation in order to construct and operate the infrastructure.[18]

9.5. If the infrastructure entity is the trustee or lessee of the premises, the infrastructure entity must give an assurance to the Minister that the proposed infrastructure is consistent with the purpose of the trust or lease.

9.6. The infrastructure entity must give the final environmental assessment report to the Minister, together with—

a) any assurance required under section 8.5;

b) any assurance required under section 8.6; and

c) any GIS data for the proposed designated premises.

9.7. After receiving the final environmental assessment report, the Minister must take the actions prescribed in sections 36, 37 and 38 of the Act.

[18] This may include written landowner consent or a contractual agreement.

Chapter 8—Designation process rules for local government when making and amending a designation (section 37(6) of the Act)

Part 1—Planning and preparation

1. Amending an existing designation

1.1. A local government may only amend a designation that has been made by the local government.

1.2. For amending an existing designation—

a) the process for amending a designation is the same as the process for making a designation under Parts 1 to 6 of this chapter;

b) the process applies only to the area of the designated premises being amended, or to the change in use proposed by the amendment, and the impacts resulting from the amendment only; and

c) the affected parties for the amendment are limited to those parties directly affected by the amendment only.

2. Infrastructure proposal

2.1. An infrastructure entity may request a local government to designate premises or to amend an existing local government designation for the development of infrastructure of a type prescribed by regulation by giving an infrastructure proposal to the local government.[19]

2.2. The infrastructure proposal must include the following matters[20]—

a) the site description including the location of the premises proposed to be designated;

b) any existing uses on the premises proposed to be designated;

c) existing uses on adjoining sites;

d) the type of infrastructure and the anticipated size and scale of the infrastructure;

e) information about the nature, scale and intensity of each use proposed for the infrastructure;

f) the intended outcomes of the proposed uses on the site;

g) any anticipated impacts on the surrounding infrastructure network; and

h) a statement about relevant regional plans, state development areas, priority development areas and any local planning instrument or other land use planning instrument that is applicable to the site and how they are relevant to the infrastructure proposal;

i) sufficient information to allow the local government to identify the extent of consultation required with the state and community about the infrastructure proposal; and

j) any other matter the infrastructure entity considers relevant to the request.

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19 Although Part 1 is the first prescribed part of the designation process, the infrastructure entity may engage with an affected party as appropriate or undertake preliminary assessments prior to section 1 of this chapter.

20 Any plans and descriptions of proposed uses, their locations on the site and broad impacts can be general in nature and do not need to include significant technical details or any details that would pose a security or safety risk.

2.3. The infrastructure entity must consider the requirements of section 36(1) of the Act in preparing the infrastructure proposal.[21]

2.4. An infrastructure proposal for linear infrastructure—

a) must include evidence of early engagement with stakeholders (including affected landowners) around corridor selection, that reflects the scale and level of impact of the proposal;[22] and

b) despite section 2.2, may—

i. include plans and descriptions of proposed uses, locations and broad impacts at a high level;

ii. provide the infrastructure proposal in a format that is tailored to linear infrastructure; and

iii. use mapping to support project descriptions.

2.5. The infrastructure entity must include evidence of early engagement with the state government on management of any identified state interests in the infrastructure proposal.

2.6. If the infrastructure entity is not a public sector entity, the infrastructure proposal must be accompanied by—

a) evidence of early engagement with the relevant state department for the type of infrastructure proposed; and

b) a formal endorsement of the designation from the chief executive of the relevant state department, or from another established endorsement process, prior to the finalisation of the environmental assessment report for the state interest review under Part 4.

Part 2—Local government's acknowledgement

3. Local government's acknowledgement

3.1. Within 20 days of receiving the infrastructure proposal, the local government must give notice to the infrastructure entity advising—

a) details of any relevant local planning instruments the infrastructure proposal will be assessed against; and

b) the affected parties and other stakeholders, including all adjacent landowners; and

c) the consultation requirements, including the consultation period; or

d) any further information the local government needs to consider the proposal, and the date by which this information must be given; or

e) that the local government does not intend to further consider the infrastructure proposal.

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[21] For section 36(1)(b) of the Act, need can be demonstrated through evidence of any existing endorsement (e.g. by the Australian Energy Regulator, Schools Board).

[22] Early engagement may include regulatory authorities and land managers and must have regard to the receiving environment, the entities' existing engagement processes, and commercial and confidentiality considerations.

3.2. If the local government gives notice under section 3.1(c), the local government must again give notice under section 3.1 upon receipt of the further information from the infrastructure entity.

3.3. If the infrastructure entity does not give the local government the further information requested by the date stated in the notice given under section 3.1(c) or further agreed period, the infrastructure entity's request to the local government to designate the premises lapses.

Part 3—Draft environmental assessment report

4. Draft environmental assessment report

4.1. The infrastructure entity must prepare a draft environmental assessment report that includes—

a) further detail around the matters outlined in Part 1 including appropriately detailed site plans and descriptions of individual site uses;

b) a comprehensive assessment of all environmental, social and economic impacts (both positive and negative);

c) how any negative impacts can be avoided, mitigated or offset;

d) whole-of-life impacts (i.e. construction, operation, and decommission as relevant);

e) off-site impacts from the construction, operation and decommission (if relevant) must be considered and addressed; and

f) any further information the local government has requested in section 3.1(d).

4.2. The infrastructure entity must identify all affected parties and stakeholders in the draft environmental assessment report, including—

a) the department;

b) any local government with a local government area that the infrastructure entity considers is, or will be, affected by the designation;

c) any affected non-local government utility providers;

d) for site based infrastructure – all adjoining landowners;

e) for linear infrastructure—the adjoining landowners to the corridor;

f) any identified native title parties.

4.3. The infrastructure entity may identify additional stakeholders for consultation in the draft environmental assessment report.

Part 4—Consultation and state interest review

5. Consultation by infrastructure entity

5.1. The infrastructure entity must consult with all affected parties and stakeholders identified in the draft environmental assessment report about the infrastructure proposal.

5.2. During consultation with the relevant state and local governments, the infrastructure entity must discuss any associated infrastructure requirements, specifically roles and responsibilities including funding arrangements.

5.3. Evidence of consultation with relevant state and local governments about associated infrastructure must be provided to the local government as part of the final environmental assessment report under Part 5.

5.4. The infrastructure entity must give notice to all affected parties and stakeholders identified in the draft environmental assessment report that includes—

a) how the draft environmental assessment report can be viewed or accessed; or

b) a copy of the draft environmental assessment report; and

c) how to make a submission to the infrastructure entity within the consultation period.

5.5. The infrastructure entity must, at the same time as giving the notice to the affected parties and stakeholders, publish a public notice in a newspaper generally circulating in the area that accords with the public notice requirements prescribed under Schedule 4, section 6.

5.6. The consultation period must be a minimum period of 15 days.

5.7. The consultation period is taken to have started from the day notice is given to the affected parties and stakeholders under section 5.4.

5.8. The local government must give the infrastructure entity a copy of all submissions received as a result of consultation within 5 days of the end of the consultation period.

6. Second consultation for changes that are not minor changes

6.1. If a change, that is not a ***minor change***, is required to be made to the draft environmental assessment report as a result of submissions received during consultation, the infrastructure entity must give the local government—

a) a consultation proposal for a second consultation; and

b) the changed draft environmental assessment report.

6.2. The local government must consider the consultation proposal given under section 6.1 and give notice to the infrastructure entity stating—

a) if consultation may proceed; and

b) any requirements for the second consultation period.

6.3. If consultation may proceed under section 6.2(a), the infrastructure entity must give a copy of the changed draft environmental assessment report to the Minister.

6.4. The local government may determine that the second consultation be limited to only those parties affected by the change.

6.5. The second consultation period must be a minimum of 15 days.

6.6. The infrastructure entity must undertake the second consultation in accordance with the consultation proposal and any requirements given by the local government under section 6.2(b).

6.7. The local government must give the infrastructure entity a copy of all submissions received as a result of the second consultation within 5 days of the end of the second consultation period.

7. State interest review

7.1. Within 5 days of commencement of consultation, the infrastructure entity must give the Minister the draft environmental assessment report for a state interest review.

7.2. Within 30 days from receipt of the draft environmental assessment report or further agreed period, the Minister must give the infrastructure entity notice of the outcome of the state interest review.

7.3. The state interest review may include any matters the chief executive requires the local government to include in the designation under section 35(3) of the Act.

7.4. If the Minister receives notice under section 6.3, the Minister must give notice to the infrastructure entity, with a copy to the local government, stating if a further state interest review is required.

7.5. If the Minister gives notice that a further state interest review is required, the Minister must take the actions under sections 7.2 and 7.3.

Part 5—Finalise environmental assessment

8. Finalise environmental assessment

8.1. The infrastructure entity must finalise the draft environmental assessment report after receiving—

a) notice from the Minister under section 7.2; and

b) a copy of all submissions received as a result of consultation by the local government.

8.2. To finalise the draft environmental assessment report, the infrastructure entity must consider—

a) the results of all consultation undertaken;

b) the outcome of the state interest review; and

c) any matters the chief executive requires the local government to include in the designation under section 35(3) of the Act.

8.3. The final environmental assessment report must include—

a) a list of all parties and stakeholders consulted (other than persons who have indicated that they do not wish to be identified or referenced in the report);

b) a summary of all submissions;

c) the issues raised in the submissions and how those issues have been addressed;

d) the infrastructure entity's response to any matters in the outcome of the state interest review, including any formal endorsement of the proposal by a state department the Minister requires be given;

e) details of any matters the chief executive requires the local government to include in the designation under section 35(3) of the Act;

f) any changes that have occurred to the infrastructure proposal following the end of the state interest review;

g) any further environmental, social or economic impacts identified through the consultation, and how these impacts will be avoided, mitigated or offset; and

h) evidence of consultation with the local government about any associated infrastructure requirements, specifically roles and responsibilities and funding arrangements.

8.4. An infrastructure entity that does not have acquisition powers under the *Acquisition of Land Act 1967* and that is proposing a designation over premises not owned by the infrastructure entity, must provide assurance to the local government that the infrastructure entity will have access to the premises the subject of the proposed designation in order to construct and operate the infrastructure.[23]

[23] This may include written landowner consent or a contractual agreement.

8.5. If the infrastructure entity is the trustee or lessee of the premises, the infrastructure entity must give an assurance to the local government that the proposed infrastructure is consistent with the purpose of the trust or lease.

8.6. The infrastructure entity must give the final environmental assessment report to the local government, together with—

a) any assurance required under section 8.4;

b) any assurance required under section 8.5; and

c) any GIS data for the proposed designated premises.

9. Consideration of final environmental assessment report and decision

9.1. The local government must within 20 days or further agreed period after receiving the final environmental assessment report, assess the infrastructure proposal having regard to all matters raised and consultation undertaken throughout the process, and decide—

a) to designate the premises, or to amend the designation, including any matters required to be included in the designation by the chief executive under section 35(3) of the Act; or

b) to not designate, or not amend the designation, for the premises.

9.2. If the local government's decision is to designate the premises, the local government must—

a) give a notice of the decision to the infrastructure entity; and

b) give the chief executive any information required to update state databases and GIS mapping layers.

9.3. If the local government's decision is to not designate the premises for development of infrastructure, the local government must give a notice of the decision to—

a) the infrastructure entity;

b) the chief executive;

c) any landowners of the premises; and

d) the affected parties.

Schedule 1—Types of planning instrument amendments[24]

For a local planning scheme

1. For Chapter 2, Part 1, an administrative amendment to a planning scheme is an amendment that—

   a) the local government is satisfied corrects or changes—

      i. an explanatory matter about the instrument;

      ii. the format or presentation of the instrument;

      iii. a spelling, grammatical or mapping error in the instrument that does not materially affect the remainder of the instrument;

      iv. a factual matter incorrectly stated in the instrument;

      v. a redundant or outdated term in the instrument;

      vi. inconsistent numbering of provisions in the instrument;

      vii. cross-references in the instrument; or

   b) the local government makes to—

      i. reflect an amendment to the regulated requirements under the Planning Act and used in the planning scheme; or

      ii. amend a statement that a regional plan or the SPP is appropriately integrated, in whole or in part, in the planning scheme, if the Minister has advised the local government that the planning scheme appropriately integrates the regional plan or the SPP.

2. For Chapter 2, Part 2, a minor amendment to a planning scheme is an amendment that is not an administrative amendment and that the local government is satisfied meets any of the following—

   a) is undertaken in accordance with a Ministerial direction or request (made under Chapter 2, Part 3, Division 3 of the Act) relating to rezoning of government owned land and any consequential amendment to planning scheme provisions for government owned land;

   b) removes a provision in a planning scheme which has been declared by a regulation made pursuant to the SEQ Water Act to have no effect for the assessment of a development application in the SEQ Region (see sections 78A and 102 of the SEQ Water Act);

   c) reflects an amendment to a matter addressed in the regulated requirements used in the planning scheme;

   d) includes a statement that a referral agency has devolved or delegated a referral agency jurisdiction to a local government;

   e) reflects a current development approval, a master plan for a declared master planned area, or an approved development plan under the *South Bank Corporation Act 1989*, or an approval under other legislation;

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[24] For Chapters 2 and 3.

f) includes a PSP having followed the appropriate making or amending process and prepared in accordance with Chapter 3, Part 1 of this document;

g) is a change to comply with the relevant matters of state and regional significance in any regional plan (including regulatory provisions that apply in the local government area) that does not include a change to—

i. a category of development or category of assessment;

ii. a zone under the scheme; or

iii. a policy position expressed in the scheme;

h) reflects a change or changes to mapping in Appendix 1 of the SPP where the mapping is not locally refined by the local government and is not mapping under section 2(k) of this schedule;

i) is a change to integrate the state interests in the SPP that does not include a change to—

i. a category of development or category of assessment;

ii. a zone under the scheme; or

iii. a policy position expressed in the scheme;

j) reflects changes in response to a Ministerial direction given under Chapter 2, Part 3, Division 3 of the Planning Act, if in the local government's opinion, the subject matter of those changes has involved adequate public consultation;

k) ensures the planning scheme contains the most up-to-date information about the risks to life and/or property by providing for the inclusion of new or amended natural hazard mapping in the scheme where the mapping is—

i. for a flood hazard area - based on a localised flood study that has been undertaken by an RPEQ, includes climate change projections and has been accepted by a local government; or

ii. the state mapping layer, that has not been locally refined, for—

a. bushfire prone area;

b. erosion prone area; or

c. storm tide inundation area; or

l) is of a minor nature that does not include zoning changes.

3. For Chapter 2, Part 3 a qualified state interest amendment is an amendment that the Minister is satisfied—

a) is not a minor amendment or an administrative amendment;

b) affects no more than three state interests as expressed in the SPP, relevant regional plan or other statutory instrument or that the Minister is satisfied meets the requirements of 3(d)(iii) of Schedule 1;

c) does not involve the state interest of natural hazards, risk and resilience as set out in the SPP; and

d) meets at least one of the following—

i. is an amendment to make a change or changes to mapping in Appendix 1 of the SPP where the mapping is locally refined by the local government;

ii. is an amendment to comply with the relevant matters of state and regional significance in any regional plan including regulatory provisions, or in response to the SPP, that does not adversely impact upon a state interest, and is not a minor change;

iii. is an amendment that—

a. reflects the guiding principles of the SPP;

b. does not adversely affect a state interest in the SPP or regional plan;

c. accords with the Act's purpose; and

d. is consistent with the regulated requirements under the Act.

4. For Chapter 2, Part 4, a major amendment is an amendment that is not an administrative amendment, a minor amendment or a qualified state interest amendment.

For a planning scheme policy (PSP)

5. An administrative amendment to a PSP is an amendment that the local government is satisfied corrects or changes—

a) an explanatory matter about the planning scheme or PSP;

b) the format or presentation of the PSP;

c) a spelling, grammatical or mapping error in the PSP that does not materially affect the remainder of the PSP;

d) a factual matter incorrectly stated in the PSP;

e) a redundant or outdated term in the PSP;

f) inconsistent numbering of provisions in the PSP; or

g) cross-references in the planning scheme or PSP.

6. A minor amendment to a planning scheme policy is an amendment making a correction or change which the local government is satisfied—

a) does not introduce new information; or

b) does not significantly change an existing policy position of the planning scheme or technical matter contained in the existing planning scheme policy.

7. An amendment to a PSP is an amendment that is not an administrative or minor amendment.

Schedule 2—Determining if a proposed local planning instrument is significantly different

1. A local government may make changes to a proposed local planning instrument or proposed amendment to a local planning instrument after the proposed instrument or proposed amendment is subject to public consultation under the Act or under the MGR.
2. In considering whether the proposed instrument or amendment is significantly different, consideration must be given to the change in terms of its intent, extent and effect on both the land use outcomes as well as assessment requirements on individuals, and if the change has affected or altered any of the following—

    a) a material planning issue, such as a policy position;

    b) a significant proportion of the area or landowners covered by the proposed planning instrument;

    c) a matter which is of public interest;

    d) levels of assessment;

    e) the proposed instrument or proposed amendment, so that it is quite different to the version which was released for public consultation; or

    f) any other matter the local government considers relevant.

3. If the local government makes a change to the proposed instrument or proposed amendment to include new or amended natural hazard mapping, the proposed instrument or proposed amendment is not significantly different if the local government advises each landowner who is affected by the new or amended natural hazard mapping about the meaning of the mapping and how to obtain further advice by—

    a) sending a letter to each affected property owner when the number of affected owners is relatively low (for example, in the hundreds or less); or

    b) sending a brochure to all property owners in the local government's area when the number of affected owners is high (for example, in the thousands or more).

Schedule 3—Required material

For a proposed qualified state interest amendment under Chapter 2, Part 3

1. An electronic copy of the proposed amendment in the format identified by the department.
2. A statement which includes—
   a) which state interests are relevant to the amendment;
   b) how the amendment accords with the definition of a qualified state interest amendment; and
   c) unless the amendment is of a type described in section 3(d)(iii) in Schedule 1—
      i. how the guiding principles of the SPP are reflected in the proposed amendment;
      ii. how the amendment accords with the Act's purpose; and
      iii. if the amendment is consistent with the regulated requirements.
3. A summary of any consultation undertaken with state agencies and any outcomes of that consultation.
4. A communications strategy.
5. An indicative timeframe for the completion of the amendment process.
6. Any background studies or reports that informed the preparation of the amendment, including any strategic study or report, or review required under section 25(1) of the Act.
7. Any relevant mapping (if available).
8. Any other information considered relevant by the local government.

For a proposed major amendment under Chapter 2, Part 4

1. An electronic copy of the proposed amendment in the format identified by the department.
2. A statement addressing the state interests in the relevant regional plan and SPP which includes—
   a) how the state interests are integrated in the amendment;
   b) reasons why any state interests have not been not integrated in the amendment; and
   c) any state interests that are not relevant.
3. A statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed and if the amendment is consistent with the regulated requirements.
4. A communications strategy.
5. An indicative timeframe for the completion of the amendment process.
6. Any background studies or reports that informed the preparation of the amendment, including any strategic study or report, or review required under section 25(1) of the Act.
7. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.
8. Any relevant mapping (if available).
9. Any other information considered relevant by the local government.

For making or amending a TLPI under Chapter 3, Part 2

1. An electronic copy (mandatory) and a hard copy (optional) of the proposed TLPI or TLPI amendment in the format identified by the department.
2. A statement including—
   a) why the local government proposes to make or amend the TLPI;

b) how the proposed TLPI or TLPI amendment complies with section 23(1) or (2) of the Act.

3. Any background studies or reports that informed the preparation of the proposed TLPI or TLPI amendment.

4. Any relevant mapping (if available).

Schedule 4—Public notice requirements for consultation

For a proposed planning scheme amendment under Chapter 2, Parts 2, 3 and 4

1. The local government must, as a minimum, publish a public notice that must state—

   a) the name of the local government;

   b) the title of the proposed amendment;

   c) the purpose and general effect of the proposed amendment;

   d) the location details of the area where the proposed amendment applies, if it only relates to part of the local government area;

   e) where the proposed amendment may be inspected and purchased;

   f) that submissions about any aspect of the proposed amendment may be made to the local government by any person;

   g) the consultation period during which a submission may be made;

   h) the requirements for making a properly made submission; and

   i) a contact telephone number for information about the proposed amendment.

2. During the consultation period, the local government must—

   a) display a copy of the public notice in an obvious place in each of the local government's offices;

   b) keep a copy of the proposed amendment available for inspection and purchase in each of the local government's offices; and

   c) make the public notice and proposed amendment available to view and download on the local government's website.

For a proposed PSP or PSP amendment under Chapter 3, Part 1

3. The local government must, as a minimum, publish a public notice that must state—

   a) the name of the local government;

   b) the title of the proposed PSP or PSP amendment;

   c) the purpose and general effect of the proposed PSP or PSP amendment;

   d) the location details of the area where the proposed PSP or PSP amendment applies, if it relates only to part of the local government area;

   e) if the proposed PSP replaces an existing PSP, the title of the existing PSP;

   f) where the proposed PSP or PSP amendment may be inspected and purchased;

   g) that submissions about any aspect of the proposed PSP or PSP amendment may be made to the local government by any person;

   h) the consultation period during which submissions may be made;

   i) the requirements for making a properly made submission; and

   j) a contact telephone number for information about the proposed PSP or PSP amendment.

4. During the consultation period, the local government must—

   a) display a copy of the public notice in an obvious place in each of the local government's offices;

   b) keep a copy of the proposed PSP or PSP amendment available for inspection and purchase in each of the local government's offices; and

   c) make a copy of the public notice and proposed PSP or PSP amendment available to view and download on the local government's website.

For a proposed LGIP, amendment or interim LGIP amendment under Chapter 5, Part 2

5. The public notice must state that the proposed LGIP, amendment or interim LGIP amendment is available for public consultation and include the following information—

   a) the name of the local government;

   b) the title of the proposed LGIP, amendment or interim LGIP amendment;

   c) for a proposed interim LGIP amendment—

      i. the purpose and general effect of the amendment; and

      ii. the location details of the area where it applies, if it only relates to part of the local government area;

   d) where the proposed LGIP, amendment or interim LGIP amendment may be inspected and purchased;

   e) that submissions about any aspect of the proposed LGIP, amendment or interim LGIP amendment may be made to the local government by any person;

   f) the consultation period during which a submission may be made;

   g) the requirements for making a properly made submission; and

   h) a contact telephone number for information about the proposed LGIP, amendment or interim LGIP amendment.

6. During the consultation period, the local government must—

   a) place a public notice in a newspaper circulating generally in the local government's area;

   b) display a copy of the public notice in an obvious place in each of the local government's offices;

   c) keep a copy of the proposed LGIP, amendment or interim LGIP amendment including the SOW model, extrinsic material referenced in the LGIP and completed Review checklist in each of the local government's offices, available for inspection and purchase; and

   d) make the public notice and proposed LGIP, amendment or interim LGIP amendment including the SOW model, extrinsic material referenced in the LGIP and completed Review checklist available on the local government's website.

For a proposed infrastructure designation under Chapter 7, Part 4

7. The infrastructure entity must, as a minimum, publish a public notice that must state—

   a) the proposed infrastructure designation;

   b) description of the land to which the proposed designation applies;

   c) type of infrastructure for which the land is proposed to be designated;

   d) how the draft environmental assessment report can be viewed or accessed;

e) how to make a submission about the proposed infrastructure designation; and

f) the day by when submissions may be made to the Minister.

For a proposed infrastructure designation under Chapter 8, Part 4

8. The infrastructure entity must, as a minimum, publish a public notice that must state—

a) the proposed infrastructure designation;

b) description of the land to which the proposed designation applies;

c) type of infrastructure for which the land is proposed to be designated;

d) how the draft environmental assessment report can be viewed or accessed;

e) how to make a submission about the proposed infrastructure designation; and

f) the day by when submissions may be made to the infrastructure entity.

Schedule 5—Public notice requirements for adoption or a decision not to adopt a local planning instrument or amendment to a local planning instrument

Public notice about an amendment to a planning scheme under Chapter 2

1. The local government must publish a public notice that must state—
   a) the name of the local government;
   b) the decision made by the local government about the amendment;
   c) if the amendment is adopted—
      i. the date the planning scheme amendment was adopted;
      ii. the commencement date for the amendment (if different to the adoption date);
      iii. the title of the amendment;
      iv. if the amendment only applies to part of the planning scheme area, a description of the location of that area;
      v. the purpose and general effect of the amendment; and
      vi. where a copy of the amendment may be inspected and purchased.
2. If a local government does not proceed with an amendment to a planning scheme under Chapter 2, and the amendment is a qualified state interest amendment or a major amendment, the local government must publish a public notice that must state—
   a) items (a) to (b) under section 1 above; and
   b) the reasons for not proceeding with the amendment.

Public notice about a PSP or PSP amendment under Chapter 3, Part 1

3. The local government must publish a public notice that must state—
   a) the name of the local government;
   b) the title of the adopted PSP or PSP amendment;
   c) the commencement date for the PSP or PSP amendment;
   d) the purpose and general effect of the PSP or PSP amendment;
   e) if the PSP or PSP amendment applies only to part of a local government area--a description about the location of that area;
   f) if the adopted PSP replaces an existing PSP, the title of the existing PSP; and
   g) where a copy of the PSP or PSP amendment may be inspected and purchased.
4. If a local government does not proceed with a PSP or PSP amendment, the local government must publish a public notice that must state—
   a) the name of the local government;
   b) the title of the proposed PSP or PSP amendment;
   c) the decision; and
   d) the reason for not proceeding with the proposed PSP or PSP amendment.

Public notice about making a TLPI or TLPI amendment under Chapter 3, Part 2

5. The local government must publish a public notice that must state—

   a) the name of the local government;

   b) the title of the adopted TLPI or TLPI amendment;

   c) the commencement date for the TLPI or TLPI amendment;

   d) if an earlier effective day has been approved by the Minister;

   e) the date the TLPI will cease to have effect;

   f) the purpose and general effect of the TLPI or TLPI amendment;

   g) if the TLPI or TLPI amendment applies only to part of a local government area, a description about the location of that area; and

   h) where a copy of the TLPI or TLPI amendment may be inspected and purchased.

Public notice about making an LGIP, amendment or interim LGIP amendment under Chapter 5, Part 2

6. After making a decision under Chapter 5, Part 2, section 10.1, the local government must place a public notice—

   a) in the gazette;

   b) in a newspaper circulating generally in the local government's area; and

   c) on the local government's website.

7. To adopt an LGIP, amendment or interim LGIP amendment under Chapter 5, Part 2 section 10.1(a), the local government must publish a public notice that states—

   a) the name of the local government;

   b) the decision made by the local government about the LGIP, amendment or interim LGIP amendment; and

   c) if the amendment was adopted—

      i. the date the LGIP, amendment or interim LGIP amendment was adopted;

      ii. the commencement date for the LGIP, amendment or interim LGIP amendment (if different to the adoption date);

      iii. the title of the amendment;

      iv. the purpose and general effect of the amendment; and

      v. where a copy of the LGIP or amendment may be inspected and purchased.

8. If the local government does not proceed with an LGIP, amendment or interim LGIP amendment under Chapter 5, Part 2, the local government must publish a public notice that states—

   a) items (a) and (b) under section 7; and

   b) the reasons for not proceeding with the LGIP, amendment or interim LGIP amendment.

Schedule 6—Indicative trunk and non-trunk infrastructure

Infrastructure network	Trunk infrastructure	Non-trunk infrastructure
Water supply	Land or works for— • Water treatment facilities • Water storage facilities (e.g. Reservoirs) • Water mains • Pumping stations located on water mains • Chlorination equipment located on water mains • Meters, valves, control and monitoring systems located on water mains • Fire-fighting devices located on water mains	Development infrastructure internal to a development or to connect a development to the external infrastructure network
Sewerage	Land or works for— • Sewage treatment plant systems • Gravity sewers • Rising mains • Pumping stations • Emergency storage	Development infrastructure internal to a development or to connect a development to the external infrastructure network
Stormwater	Land or works for— • Bio-retention swale • Channel • Culvert • Pipe • Revegetation • Stormwater quality devices • Retention basin / wetland • Detention basin	Development infrastructure internal to a development or to connect a development to the external infrastructure network
Transport	Land or works for— • Collector and higher order roads including associated intersections, traffic lights,	Development infrastructure internal to a development or to connect a development to the external infrastructure network

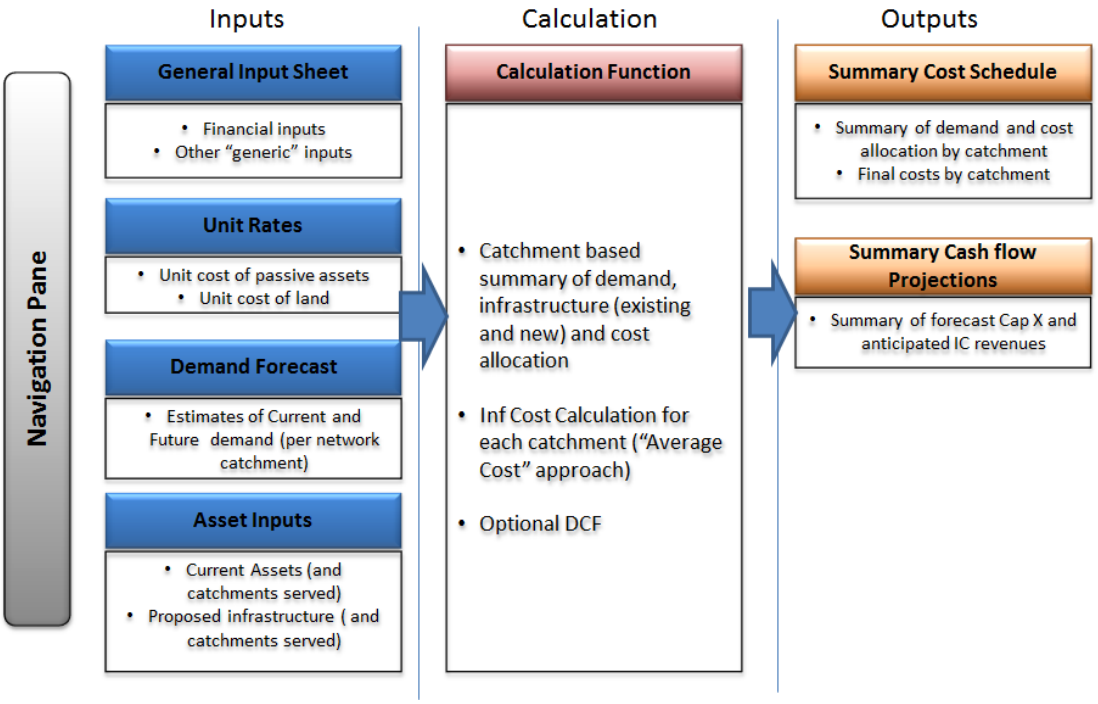
Infrastructure network	Trunk infrastructure	Non-trunk infrastructure
	roundabouts, bridges and culverts • Standard items associated with the road profile of a local government road, including kerb and channelling, lighting, signage, foot and cycle paths and basic verge plantings • Pedestrian and cycle paths which perform a city wide or district function • Bus stops constructed as part of a local government road specified above	
Public parks and land for community facilities	Land or works that ensure the land is suitable for public parks for— • local recreation park • district recreation park • metropolitan recreation park • district sporting park • metropolitan sporting park Land, and works that ensure the land is suitable for development, for local community facilities such as community halls, public recreation centres and public libraries Embellishments, including footpath and cycle paths, necessary to make the land useable and safe for the intended purpose	Development infrastructure internal to a development or to connect a development to the external infrastructure network

Schedule 7—Schedule of Works (SOW) model requirements

This schedule applies to Chapter 5.

1. SOW model overview and components

1.1. The SOW model forms part of the LGIP and the key components of the SOW model and their inter-relationships are described in the following diagram.



Navigation pane

1.2. The first worksheet of the SOW model provides a navigation pane which—

a) outlines the processes for the use of the SOW model (inputs, calculation and outputs);

b) provides hyperlinks to each of the worksheets within the model; and

c) includes a hyperlink back to the navigation pane on the top left corner of each of the destination worksheets.

1.3. A local government must—

a) insert its name in the lead text box;

b) insert and update the version control and date stamping cells; and

c) identify key issues relevant to the specific case being modelled in the comments box (where relevant).

2. SOW model colour coding

2.1. The following standardised colour coding system is used in the SOW model—

a) yellow cells require input from the user;

b) green cells are automatically calculated by the model and should not be changed; and

c) white cells are for additional comments.

3. General and Financial inputs to SOW model

Base Date

3.1. A local government must identify a recent base date for its LGIP in the SOW model. The base date is the year from which all projections and calculations will be undertaken, including the reference year for the discounting of cash flows and demand streams.

Modelling Term

3.2. A local government must identify the modelling term for the SOW model. The SOW model has the capacity to calculate costs over a modelling term of between fifteen (15) and thirty (30) years from the base date.

Application of Discounted Cash Flow (DCF)

3.3. The SOW model includes DCF methodology to calculate the net present value (NPV) of estimated charges revenue and expenditure on infrastructure.

3.4. Discounting facilitates the analysis of unevenly distributed cash flows (revenue and expenditure) over a modelling term by calculating the present value (PV) of each cash flow at a common date. A NPV is the sum of the PV of a series of cash flows.

Discount Rate

3.5. The SOW model includes two options for deriving the discount rate used in the DCF. Each option reflects the parameters for deriving a discount rate as provided for in Local Government Bulletin 06/01 and as identified under "Local Government Bulletin 06/01 considerations" below. A local government must choose either—

a) Option 1 (WACC 1) which estimates a discount rate by adding a fixed premium (of 3.5%) to the ten year bond rate; or

b) Option 2 (WACC2) which calculates the discount rate as the weighted average cost of capital (WACC) for the local government. This calculation must reflect the local government's cost of debt, capital structure and cost of estimate as determined using the capital asset pricing model with key inputs consistent with those identified in local government bulletin 06/01.

Local Government Bulletin 06/01 considerations
(Queensland Department of Local Government and Planning, "Update on National Competition Policy Issues", Local Government Bulletin Ref 06/01; 6th June 2001)

Local Government Bulletin 06/01 prescribes two ways of measuring the weighted average cost of capital (WACC) as follows—

- For most local governments the guide suggests that the rate of return on assets should be 3.5% over the ten year bond rate.
- For larger more sophisticated local governments the guide suggests that an appropriate rate should be determined using the Weighted Average Cost of Capital and the Capital Asset Pricing Model using inputs within the following ranges—

Business Activity	Asset Betas	Post Tax Nominal Premium to ten year Bond Rate (%)
Water and Sewerage	0.35 – 0.45	2.1 – 2.7
Road Construction and Maintenance	0.42 – 0.52	2.5 – 3.1
Cultural/Recreation/Leisure	0.45 – 0.55	2.7 – 3.3

Either option needs to incorporate an agreed definition of the appropriate "ten year bond rate". To accommodate the various changes in the bond rate which occur during the business cycle, users should apply a long term measure (i.e. a 10 year average) of the ten year bond rate as the appropriate figure to be used in calculation of the costs.

3.6. Where a local government applies Option 2 (WACC2), it must identify in the extrinsic material the source document outlining how the rate was calculated, with reference to the parameters identified within Local Government Bulletin 06/01.

Capital escalation rate – future trunk infrastructure works

3.7. The future trunk infrastructure works capital escalation rate is the rate used to escalate the construction cost of future trunk infrastructure to its planned construction date.

3.8. A local government must insert a future trunk infrastructure works capital escalation rate which is based on—

a) the 10 year average annual increase in the Australian Bureau of Statistics (ABS) published Producer Price Index (Road and Bridge Construction Index for Queensland); or

b) an alternative rate which better reflects the anticipated increases in construction costs, subject to a local government being able to demonstrate its appropriateness and supported by extrinsic material explaining the rationale behind it.

Capital escalation rate - historical

3.9. The historical capital escalation rates in the SOW model are used to escalate or de-escalate infrastructure cost estimates from the valuation year to the value at the base date. The trunk assets worksheets provide for the insertion of the relevant valuation year.

3.10. The local government must insert the relevant historical capital escalation rates using the most recent data from the ABS, Producer Price Index (Road and Bridge Construction Index for Queensland).

Land escalation rate

3.11. The land escalation rate in the SOW model is the rate applied to the acquisition cost of land.

3.12. A local government must insert a land escalation rate which is—

a) equivalent to a long term (10 year) measure of average escalation of unimproved capital value (UCV) for land within the local government area; or

b) in the absence of such a detailed escalation rate, the ten year average of the Consumer Price Index (CPI).

Infrastructure charge escalation rate

3.13. The infrastructure charge escalation rate in the SOW model is the rate used to escalate the local government charges levied under its infrastructure charges resolution (as provided for under section 114 of the Act), in calculating projected revenue.

3.14. A local government must insert the infrastructure charge escalation rate.

4. Growth projections

Projected residential and non-residential development

4.1. A local government must include the projected development over the modelling term in terms of dwellings and non-residential floor space (m2 GFA) on the anticipated growth worksheets in the SOW model.

4.2. The projection tables in the SOW model—

a) provide for growth to be projected in five year increments and one year increments, starting from the base date;

b) provide for different development types to be projected for each area; and

c) in conjunction with the infrastructure charges data, forecast the revenue that the local government can expect to receive from infrastructure charges.

4.3. The local government's expected infrastructure charges must be identified for each development type in each projection or charge area.

Catchment demand

4.4. A local government must include the projected infrastructure demand over the modelling term within each service catchment of each network, on the catchment demand worksheets in the SOW model.

4.5. The demand projections tables in the SOW model—

a) provides for demand to be projected in either five year increments or one year increments, starting from the base date;

b) must include demand at ultimate development; and

c) must identify a unique catchment name for each network service catchment included in the modelling.

5. Unit rates

Unit rates for infrastructure works

5.1. The SOW model provides for unit rates for the different types of network infrastructure to be put into the unit rates worksheet for that network. Unique infrastructure item values may be directly entered into the trunk assets worksheets.

5.2. The SOW model uses the unit rates contained in these respective worksheets to calculate the typical value of trunk infrastructure items in the relevant network's existing trunk assets and future trunk assets worksheet.

5.3. The unit rates represent a "base cost" value and must exclude provision for site/condition factors, project owners cost or contingencies which are added as a separate inputs.

5.4. The unit rates worksheet provides for the inclusion of specific site condition and project owner's cost factors in addition to the unit rates.

5.5. Project owner's cost applied to the base cost must not exceed the ranges specified in section 6.20 of this schedule, Project owner's cost.

Unit rates for land

5.6. The SOW model provides for land acquisition costs for all networks to be calculated using the unit rates worksheet. A local government may override these values by directly entering more accurate values into the trunk asset worksheets.

5.7. Input land costs under the land unit rate options are then available in the trunk asset worksheets which allow the user to select a "land valuation type" option to be used for calculating the land value for the trunk infrastructure items.

5.8. The unit rates worksheet includes the following options for the input of the average acquisition cost per square metre of land ($\$/m^2$)—

a) one average land cost for the entire local government area;

b) land cost by location (e.g. suburbs or catchments) within the local government area; and

c) land cost as defined by the local government (e.g. land use zoning or physical constraints such as flooding)

6. Trunk assets worksheets

Land valuation type

6.1. A "land valuation type" option must be selected at the top of the relevant trunk asset worksheet. The SOW model will then populate the drop down box "Land location/type" field with the types identified for that option in the land unit rates worksheet.

6.2. Where the value of land is predetermined, the relevant land value cell may be directly overwritten by putting in the exact value.

Basic asset data

6.3. The trunk asset worksheets provide for the identification of the following information (as relevant) for each trunk infrastructure item—

a) Asset ID;

b) LGIP map reference;

c) Asset type (mandatory for water, sewerage and transport worksheets). The water, sewerage and transport trunk asset worksheets provide for the selection of passive/lineal or active/non-lineal asset types which triggers appropriate conditional formatting;

d) Asset class;

e) Asset name; and

f) Description.

Asset attributes

6.4. The trunk asset worksheets provide for the following input requirements as appropriate for each network—

a) Unit rate type. This field is populated automatically from the unit rate worksheet;

b) Asset length/unit;

c) Diameter/width/hierarchy; and

d) Depth (if required).

6.5. The trunk asset worksheets use the information provided to lookup the relevant unit rate to be used to calculate the value of the trunk infrastructure works.

Basic asset valuation

6.6. For passive/lineal assets, the trunk asset worksheets provide a baseline estimate of the value of the asset based on the asset attribute data specified.

6.7. For non-lineal, unique assets, or where a unit rate approach is not applied, a local government may provide a baseline estimate of the value of each item.

6.8. The trunk assets worksheets provide for the insertion of the valuation year which is used to escalate or de-escalate the value of the infrastructure item to the base date.

6.9. The relevant site/condition, contingency (future infrastructure only) and project owner's cost factors may be selected for each infrastructure item from the drop down list provided.

Alternatively, another value may be entered (project owner's cost and contingency should be entered as percentage values).

6.10. Contingency applied to the base cost of future infrastructure must not exceed the ranges specified in section 6.16 of this schedule, Contingency.

6.11. Project owner's cost applied to the base cost must not exceed the ranges specified in section 6.20 of this schedule, Project owner's cost.

Land attributes

6.12. The trunk assets worksheets (Land location / type and Unit cost columns) use the information contained in the unit rates (land) worksheet to calculate an estimate for the land acquisition cost for a specific infrastructure item. The data in the Land location / type column is dependent on the selection identified from the drop down Land valuation type options at the top of the worksheet.

6.13. The trunk assets worksheets provide for the size of land to be inserted which informs the calculation.

6.14. Where a more accurate valuation exists for specific land, the local government may insert the more accurate value for that land.

Contingency

6.15. The future trunk asset worksheets provide for contingency to be applied to each infrastructure item value. The SOW model automatically selects contingency values based on the project delivery date as follows—

a) project delivery (0-5yrs)—7.5%;

b) project development (5-10yrs)—15%;

c) project scoping (10-20yrs)—20%; and

d) project identification (20yrs +)—25%.

6.16. The local government may choose an alternative contingency based on the project phase, provided it does not exceed the maximum stated in the following ranges—

a) project delivery—3-10%;

b) project development—10-20%;

c) project scoping—15-25%; and

d) project identification—20-30%.

Project owner's cost

6.17. The trunk asset worksheets provide for the selection of the project owner's cost for each infrastructure item from the drop down list provided.

6.18. Project owner's costs include costs of owner's internal staff, project management and design fees, land costs and levies.

6.19. The SOW model looks up the unit rate worksheet to obtain the project owner's cost input. Alternatively a local government may input the project owner's cost directly in the relevant cell.

6.20. The project owner's costs applied to the base cost may not exceed the maximum stated in the following ranges—

Expense	Roads	Water	Sewerage
Master Planning	0-3%	0-2%	0-2%
Survey	2%	2%	2%
Geotechnical Investigation	1-3%	1%	1%

Design	6-8%	6-10%	6-10%
Project Management & Contract Admin.	4-6%	4-6%	4-5%
Environmental	0-1%	0-1%	0-1%

Future trunk assets – Year provided

6.21. For the future trunk assets worksheets, the year the infrastructure is planned to be provided must be identified. The SOW model uses the information in this field to escalate the cost for the infrastructure item to its current value at the planned date.

Future trunk assets – Renewal

6.22. The future trunk assets worksheets provide for the inclusion of upgrades to existing infrastructure items. The cost of renewal of existing infrastructure must be excluded from the upgrade value. This is achieved by entering the cost proportion relating to the existing infrastructure renewal.

Asset allocation

6.23. A local government must identify the service catchment(s) serviced by the trunk infrastructure item by selecting the "y" option from the drop down list provided under each service catchment. Alternatively the SOW model can also accommodate a decimal value to be entered instead of a "y", where only part of the catchment is serviced by an asset.

6.24. Once the service catchment(s) have been identified for an infrastructure item, the SOW model calculates the value of that item apportioned to each service catchment.

Cost schedule summary

6.25. The summary cost schedule worksheet calculates and summarises trunk infrastructure costs, projected demand and the infrastructure servicing costs (including cost per demand unit) for each catchment of each network.

Projections

6.26. The cash flow projections worksheet provides a summary of cash flow projections which reflect the expenditure on future trunk infrastructure and projected revenue from infrastructure charges.

6.27. A local government must directly insert the infrastructure charges revenue budget estimates for the base date.

Timeframe and terminal values

6.28. The SOW model is limited to a time horizon of 30 years.

6.29. For the catchments where the ultimate demand is significantly higher than the demand at the end of the 30 year modelled period (i.e. ultimate demand is at least greater than the estimated demand at the end of the 30 year planning period), a local government must examine the schedule of future trunk infrastructure to identify the scope of works planned (if any) in the final five (5) years of the 30 year period modelled. Where infrastructure within this period is more than 20% of the value of total 30 year catchment expenditure, local governments are required to include a "terminal value adjustment" for such items.

6.30. Terminal value is—

Terminal Value =	Value of the infrastructure identified using the parameters in section 6.29 of this schedule x (Design Demand for that infrastructure – actual demand for that infrastructure in year 30) / Design Demand for the infrastructure item

6.31. This formula will provide an estimate of the value of the "terminal value" which should be included in the "Future Trunk Assets" sheet as a negative sum and with a "Year provided" being the final year of the modelled period. The SOW model then recognises this as a

value that needs to be removed from the cost base of affected catchments. This compensates for any “spare capacity” which may exist in such infrastructure at the end of the modelled period.

Schedule 8—Definitions and abbreviations

Act	Means *Planning Act 2016.*
Administrative amendment	See Schedule 1, section 1.
Adverse planning change	Is a planning change that reduces the value of an interest in premises as prescribed in section 30(2) of the Act.
Affected party	As defined in the *Planning Act 2016.*
AMP	Asset management plan
Appointed reviewer	For an LGIP, means a person or party who holds the specified qualifications and who has been appointed to the "Panel of approved LGIP reviewers" set up and maintained by the department.
Appointed reviewer statement	For an LGIP, means an appointed reviewer statement template given in the approved form.
Base Date	For an LGIP, means the date from which the local government has estimated future infrastructure demand and costs for the local government area.
Best available information	For Chapter 4, Part 2 means the most up-to-date, accurate and reliable data available under best accepted practice guidelines. It may include identifying natural hazard areas for flood, bushfire, landslide and coastal hazards.
Certified copy	As defined in the *Planning Act 2016.*
Communications strategy	A plan for public consultation for a proposed planning scheme or proposed amendment that— a) complies with any prescribed consultation period requirements under the Act or the relevant section of this instrument; b) includes a statement about the extent of consultation with relevant state agencies; c) describes how the attention of the community, or the affected part of the community, will be drawn to the purpose and general effect of the instrument; and d) has been prepared having regard to the department's Community Engagement Toolkit for Planning.
Consultation report	A written report that outlines, as a minimum, consultation undertaken with the public, any issues raised in properly made submissions and the outcomes reached.
Days	Means business days.
Demand unit	For an LGIP, means a unit of measurement for measuring the

	level of demand for infrastructure.
Department	Means the Department of Infrastructure, Local Government and Planning.
Developable area	For an LGIP, for premises, means the area of the premises that is able to be developed and is not subject to a development constraint, including, for example, a constraint relating to acid sulfate soils, flooding or slope.
DSS	Desired standards of service
Effective day	As defined in the *Planning Act 2016.*
EP	Equivalent persons
ET	Equivalent tenements
Feasible alternatives assessment report	A report providing an assessment of feasible alternatives for reducing a material risk of serious harm to persons or property on the premises from natural events or processes under section 30(5) of the Act.
First compliance check	For an LGIP, means the first review of a local government infrastructure plan carried out by an Appointed reviewer under Chapter 5, Part 2.
Infrastructure entity	Means the entity, either a ***public sector entity*** or non-public sector entity, seeking the designation of premises for development of infrastructure. An infrastructure entity can also be a local government.
Intervention notice	A notice given by the Minister to the local government that has the effect of suspending the planning scheme amendment process for the period specified in the notice, or 20 days if no period is given.
IPA	*Integrated Planning Act 1997*
LGIP	Local government infrastructure plan - as defined in the *Planning Act 2016.*
LGIP template	The template prepared by the department and published on the department's website which is used for drafting an LGIP
Local government	As defined in the *Local Government Act 2009.*
LTFF	Long term financial forecast required under section 171 of the Local Government Regulation 2012.
Major amendment	See Schedule 1, section 4.
Minister's conditions	For Chapters 2 and 3, are conditions that may be given in a notice to a local government by the Minister that set out— a) if given prior to commencing public consultation—

	changes that must be made or actions that must be undertaken by the local government, unless otherwise stated in the notice; or b) if given prior to adoption— i. prescribe changes that must be made to the proposed instrument or amendment to ensure the state interests are appropriately dealt with before the proposed instrument or amendment can be adopted, unless otherwise stated in the notice; or ii. direct that actions be undertaken by the local government before it may adopt the proposed instrument or amendment, unless otherwise stated in the notice.
Minor amendment	See Schedule 1, section 2.
Minor change	For an infrastructure proposal means a change that— a) would not result in substantially different infrastructure; b) can be demonstrated would not cause additional social, environmental or economic impacts; and c) would not cause any of the following to occur— i. the inclusion of prohibited development in the development; ii. assessment against additional state interests; or iii. a low impact designation to be reassessed for consultation requirements.
MGR	Means the *Minister's Guidelines and Rules.*
Native title parties	As defined by the *Native Title Act 1993*.
Notice	Means written notice
Owner	As defined in the *Planning Act 2016.*
PFTI	Plans for trunk infrastructure
PIA	Priority infrastructure area – as defined in the *Planning Act 2016.*
PIP	Priority infrastructure plan
Planning Act	Means *Planning Act 2016.*
Planning assumption	For an LGIP, means an assumption about the type, scale, location and timing of future growth in the local government area.
Planning Regulation	Means the Planning Regulation 2017

Planning scheme policy	As defined in the *Planning Act 2016.*
Projection area	For an LGIP, means a part of the local government area for which the local government has carried out demand growth projection.
Properly made submission	As defined in the *Planning Act 2016.*
PSP	Planning scheme policy
Public notice	For Chapters 1 to 3--as defined in Schedule 2 of the *Planning Act 2016.*
Public sector entity	As defined in the *Planning Act 2016.*
Qualified state interest amendment	See Schedule 1, section 3.
Regional plan	See Schedule 2 of the Planning Act.
Regulated requirements	See the Planning Regulation.
Review checklist	For an LGIP, is the checklist in the approved form used by a local government and Appointed reviewers to review a draft LGIP.
RPEQ	Registered Professional Engineer of Queensland
Second compliance check	For an LGIP, means the second review of a local government infrastructure plan carried out by an Appointed reviewer under Chapter 5, Part 2.
SEQ Water Act	*South-East Queensland Water (Distribution and Retail Restructuring) Act 2009.*
Service catchment	For an LGIP, means an area serviced by an infrastructure network.
Significantly different	Significantly different for a proposed local planning instrument is what the local government considers to be significantly different having regard to Schedule 2 but does not include a change as a result of a new or amended state planning instrument that has commenced since the process of making or amending the proposed local planning instrument started.
SOW model	The standard Schedule of Works Model (Excel) provided by the department on its website.
SPA	*Sustainable Planning Act 2009*
SPP	State Planning Policy
SPRP	State planning regulatory provision

State interest	As defined in the *Planning Act 2016.*
State interest review	A review of the state interests by the Minister that includes, for proposed planning schemes or planning scheme amendments, determining whether the scheme appropriately integrates state planning instruments.
State Planning Policy	As defined in the *Planning Act 2016.*
Submission	As defined in the *Planning Act 2016.*
TLPI	Temporary local planning instrument
Ultimate development	For an LGIP, for an area or premises, means the likely extent of development that is anticipated in the area, or on the premises, if the area or premises are fully developed.

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