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Minister's Guidelines and Rules

Guidance for plan-making

July 2024

Queensland Government

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1.0 Purpose

1.1 The Minister's Guidelines and Rules Guidance

This document is non-statutory and provides guidance to assist in understanding the statutory guidelines and rules in the Minister's Guidelines and Rules (MGR) associated with plan-making.

In this document, 'plan-making' is taken to include all of the processes in chapter 2 of the Act, excluding those for state planning instruments.

The MGR also includes the Minister's guidelines for working out the cost of infrastructure for an offset or refund, and criteria for deciding conversion applications under chapter 4 of the Act (sections 116 and 117). This MGR guidance also provides supporting advice on complying with these guidelines.

The guidance relates to the chapters in the MGR:

MGR chapter	MGR Guidance section
Chapter 1 – Minister's guidelines for making or amending a planning scheme	Section 3
Chapter 2 – Minister's rules for amending a planning scheme for section 20 of the Act	Section 4
Chapter 3 – Minister's rules for making and amending a planning scheme policy (PSP) or temporary local planning instrument (TLPI)	Sections 5 and 6
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	Section 7
Chapter 5 – Minister's rules for reviewing, making or amending a local government infrastructure plan (LGIP)	Section 8
Chapter 6 – Minister's guidelines for working out the cost of infrastructure for an offset or refund; and criteria for deciding conversion applications	Sections 9 and 10
Chapter 7 – Process for environmental assessment and consultation for making or amending a Ministerial infrastructure designation (MID) (section 36(3) of the Act	Section 11
Chapter 8 – Local government infrastructure designation process rules (section 37(6) of the Act)	Section 11

This MGR guidance is designed to assist persons who play a role in the plan-making process, including:

- state and local government planning officers
- the community
- infrastructure entities
- elected members and councillors
- planning professionals, and
- legal practitioners.

Further information on any aspect of this guidance may be sought from planning officers in **local departmental office**.

Guidance for drafting of local planning instruments is contained in separate guidance material **Drafting a planning scheme - Guidance for local governments**.

1.2 The Minister's Guidelines and Rules

1.2.1 Relationship with the Planning Act

The *Planning Act 2016* (the Act) establishes Queensland's land use planning framework and provides the foundation for the plan-making, development assessment, and dispute resolution systems that comprise this framework. The Act also establishes the rights, roles and responsibilities necessary for the framework to work effectively.

The MGR complements the Act and cannot prescribe matters that are in the already addressed in the Act. This means that, for some aspects of plan-making, both the Act and the MGR need to be consulted to gain a full picture of the process and to ensure legislative requirements are met.

The Act retains some important elements of the plan-making processes in the primary legislation. These include:

- requiring public notice be given about the adoption of a planning scheme or amendment
- requiring a minimum consultation period for a proposed planning scheme or for amendments under section 18 of the Act
- giving public notice about making or amending a PSP or TLPI.

For this reason, the MGR includes, where appropriate, references to the relevant sections of the Act that complement the MGR or contain information that is important to know.

1.2.2 Scope of the Minister's Guidelines and Rules

The MGR sets out guidelines and rules for a range of activities established under the Act, including local government plan-making, LGIPs and Ministerial and local government infrastructure designations.

The guidelines in the MGR set out:

• the matters the chief executive of the state's planning department must consider when preparing a notice for local government that sets out the process for making or amending a planning scheme—referred to in this document as the 'tailored' approach	section 17(1)(a) of the Act
• the process to be undertaken by an infrastructure entity for the environmental assessment and consultation for the designation of premises for infrastructure, for which the Minister will be satisfied that the environmental assessment and consultation undertaken has been adequate	section 36(3) of the Act
• the requirements for information to be included in a request by an owner of an interest in designated premises to the designator to repeal the designation on the basis that the designation is causing the owner hardship	section 41(3) of the Act
• parameters that must be considered by a local government when including a method for working out the cost of infrastructure for an offset or refund in its charges resolution	section 116 of the Act
• parameters that must be considered by a local government when including the criteria for deciding a conversion application in its charges resolution	section 117 of the Act

The rules in the MGR include the process that must be followed for:

• making amendments to planning schemes	section 20 of the Act
• making or amending PSPs or TLPIs	sections 22 and 23 of the Act
• making, amending or reviewing LGIPs	sections 21 and 25(4) of the Act
• making a planning change to reduce the risk from natural hazards	section 30(4)(e) of the Act
• preparing a report about feasible alternatives for reducing the risk from natural hazards	section 30(5) of the Act
• making a designation by a local government	section 37(6) and (8) of the Act

1.2.3 Applicability of the Minister's Guidelines and Rules

Where amendments to the MGR are proposed, they will be subject to sections 10 and 11 of the Act, which include public consultation of a minimum of 20 days, unless the amendments are minor (as defined in section 11 of the Act). Any amended versions of the MGR must be prescribed by the Regulation to have effect.

Section 15 of the Act enables a local planning instrument or amendment of a local planning instrument to be valid even if there has been some procedural noncompliance in the process of making or amending the instrument.

However, a local planning instrument or amendment is considered made or amended only if any noncompliance has not restricted the Minister's opportunity to consider whether state interests would be adversely affected for a planning scheme or TLPI, or has not adversely affected the public's awareness of the instrument or their opportunity to make a submission for any local planning instrument.

1.3 Plan-making portal

The **Plan-making portal** provides the operating environment to support the plan-making process of the MGR. The plan-making portal is:

- used by local government to electronically lodge proposed new planning instruments and amendments and receive decision notices with/from the Minister or chief executive
- used by state agencies to consider planning instruments during the state interest review and provide state agency comments
- allows the Minister or chief executive to give notice to a local government electronically about new planning schemes and amendments
- used to populate the plan-making dashboard which is a community focussed resource that can be used to search for and view information about local government plan-making taking place across Queensland under the Act.

Each local government and state agency must have a portal 'super user' (administrator) who is responsible for setting up their users in the portal and for assigning access rights. Once an administrator is appointed, welcome instructions are provided by the department.

Each local government and state agency has its own portal interface where users have access to all or only a part of the portal. The interface tracks a proposed local planning instrument through the plan-making process using workflows for each part of the process. Each workflow has its own web page, including the state interest review and Minister's consideration. When one workflow is completed, the portal automatically progresses the proposed instrument to the next workflow in the process.

For portal support, email **bestplanning@dsdilgp.qld.gov.au**.

1.3.1 Local government log on for the first time

When logging onto the portal for the first time, the user will be prompted to select the relevant plan-making process under the Act. The user will then be taken to an input page to upload notices and associated material. An online web form will also appear with drop-down boxes and input fields. This form will include details about the planning instrument/amendment and other relevant information, including contact details, relevant state interest(s) and resolution dates. Once all input details and uploads have been made, the user can submit the planning instrument/amendment to the department.

1.3.2 Public consultation information

For MGR plan-making processes that require public consultation, local governments are required to upload consultation details in the portal, including start and finish dates and/or re-notification details, before any consultation begins. Uploading the public notice, once public consultation has commenced, is also required.

This information will help the department answer questions from the community about the status of an amendment/instrument.

1.3.3 Adoption version of instruments/amendments

Upon adoption of a planning scheme instrument/amendment under the Act, a local government must give the department:

- a certified electronic copy of the instrument or amendment
- a copy of all electronic planning scheme spatial data files (mapping).

Local governments are required to upload this material onto the portal.

1.3.4 State interest review process

Under the MGR, the state agency review of amendments and instruments are undertaken through the portal. State agencies are notified via email through the portal if a state agency review is required. Emails are sent to a generic state agency email address or other primary email address supplied by the agency.

State agencies have access to all the information provided by the local government during the state interest review, allowing agencies to consider the effect of the proposed new scheme or amendment on relevant state interests. State agency comments on the instrument or amendment are provided in the portal.

2.0 Processes when making or amending a planning scheme

2.1 Delegations when preparing a scheme or amendment

Where a local government is required to make a decision to make or amend a planning scheme, it may delegate its power in certain circumstances. Delegated decisions provide an opportunity to reduce decision timeframes. Each local government may determine, in accordance with its legislative obligations and any other internal requirements, whether certain steps can be delegated.

A local government may, by resolution, delegate its powers to:

- the mayor,
- the chief executive officer,
- a standing committee or joint standing committee,
- the chairperson of a standing committee or joint standing committee, or
- another local government, for the purposes of a joint government activity.

The local government may choose to delegate various functions and powers to council officers by 'double delegation', where the power is first delegated from the local government to the local government's chief executive officer, and then from the chief executive officer on to council officers.

2.2 Engagement with state agencies

Early and ongoing engagement with government and other stakeholders is an essential part of plan-making and deals with issues early in the plan drafting process and the advice and feedback received informs the plan-making.

Local governments are encouraged to have early discussions with the department and relevant state agencies and other government-owned corporations or bodies. Early engagement can ensure that state interests are considered, coordinated and integrated early in the process, leading to improved outcomes for later stages. Departmental officers can assist local government to identify a suitable approach for engaging with state agencies, including a coordinated approach with the **local departmental office** as a central agency.

Techniques to communicate and engage with state agencies include:

- holding state agency workshops
- forming an ongoing working group that meets regularly and provides updates (the department can provide relevant state agency contact details)
- establishing an agreed governance arrangement for milestones, attendance at meetings, endorsement of concepts and resolution of conflicts
- using a staff exchange program that embeds state agency officers in the local government office to assist in the drafting of the amendment
- with assistance from the department, gaining awareness of the relevant regional plan and the SPP (and other state planning instruments) that must be reflected in the planning scheme, and following the development of new or amended state planning instruments.

Upfront and ongoing communication and collaboration between local and state government officers is encouraged to ensure:

- state interests are coordinated and integrated at the conceptual and drafting stages
- issues are identified early, and that local and state governments have sufficient time and scope to determine an appropriate response to the issue
- necessary studies for developing desired policy outcomes are undertaken and reflected in scheme drafting
- the gathering of further information from state agencies, which can be included by the local government in the amendment (e.g. mapping)
- greater use of available and up-to-date resources and less duplication
- local and state government officers are familiar with the structure and content and with how matters are addressed by the proposed amendment

- collaborative relationships are built between local and state government officers
- support of local and state government for the planning scheme once it is adopted.

For further information regarding early engagement for plan-making, refer to the department's **Toolkit for local government when making or amending a planning scheme**.

2.3 Early confirmation of state interests

Before drafting a new planning scheme or amendment, the local government may give the chief executive a notice requesting an early confirmation of state interests. If the chief executive receives this notice, the chief executive must write to the local government to advise of the matters (including state interests) that the local government must consider when preparing the new scheme or amendment within the prescribed timeframe.

The early confirmation of state interests can help to ensure that these matters are appropriately addressed by the local government when preparing the new scheme or amendment.

The department will, if appropriate, coordinate concise and consistent advice from state agencies on how planning issues regarding a state interest may be appropriately integrated in a proposed planning scheme or amendment at a refined local level.

2.4 State interest review

A new planning scheme or amendment should be well advanced in its development, including the integration of matters of interest to the state government, at the time it is submitted for a state interest review. If inadequate information (including appropriate mapping) to conduct the state interest review is provided, the local government may be notified that further information is required, and the process may be paused using the provisions in part 5 of chapter 2 (or similar if using the tailored process). This would have the effect of delaying commencement of the state interest review until all required information is provided.

Where applicable, the information provided to the department should clearly identify the differences between an existing planning scheme and the proposed amendment, preferably in a 'tracked changes' or 'highlighted' version of the planning scheme. This assists in completing the state interest review in a timely and efficient manner whilst maintaining clarity and transparency of the changes made through the process.

The receipt of this information by the state government will assist in completing the state interest review in a timely and efficient manner while maintaining clarity and transparency of the changes made through the process.

The state interest review is to consider whether it:

- advances the purpose of the Act
- is consistent with section 16(1) of the Act
- is consistent with the regulated requirements prescribed in the Regulation;
- is well drafted and clearly articulated
- accords with the result of any strategic study or report, or review required under section 25(1) of the Act.

It is important that a local government clearly articulate these matters for the relevant planning scheme or proposed amendment to facilitate a timely and efficient state interest review process.

For a full state interest review involving all or many of the state agencies, the department is the central agency responsible for coordinating state agency consultation and liaising with the local government. The department reviews responses from state agencies and delivers a consolidated state response to local government.

2.5 Public consultation

The purpose of public consultation is to inform and engage the community in the development of the proposed planning scheme or amendment and give the community the opportunity to provide input into its development.

Public consultation ensures that a wide range of views and approaches are considered, broadening the perspective of the planning scheme drafters and allowing new and innovative ideas to be raised by others. Public consultation also provides the public with an opportunity to comment on proposals that may affect their land-use rights.

For making or amending planning schemes where public consultation is a requirement, the timeframes given in the Act or in the MGR are minimum timeframes only. Neither the Act nor the MGR prevents a local government from undertaking a longer period of public consultation, and local government is encouraged to set consultation periods which are commensurate with the nature and scale of the proposed scheme or amendment.

The public notice requirements for public consultation are outlined in schedule 4 of the MGR. A public notice means a notice that is published in a way the local government considers is likely to bring the notice to the attention of persons likely interested in or affected by the information stated in the notice, such as publishing the public notice in a hard copy or online newspaper circulating in the area or publishing on the local government's website. Local governments are encouraged to develop and extend their public consultation efforts by including additional types of consultation, where relevant, to maximise opportunities for engaging with the community proactively.

If a local government proposes to change the zoning or development intent for premises under its planning scheme, it may write to the registered owners of the premises giving them the opportunity to make a submission about the proposed change, within a specified timeframe, for consideration by the local government before making a decision to proceed with the proposal.

Also, if any submission about the zoning of particular premises is made by persons other than the registered owners of the premises, before considering the submission, the local government may write to the registered owners advising them of the submission that has been made. The local government may also give the registered owners an opportunity to respond to the local government, within a specified timeframe, on the matters raised in the submission. After considering any submissions, the local government may advise each owner of the relevant premises how it has dealt with the submissions.

2.6 Communications strategy

Local governments are encouraged (and in some cases, required) to prepare a communications strategy that outlines how consultation will be undertaken.

While the MGR (chapter 1, part 1, section 5) prescribes the matters the chief executive must consider with regard to the communications strategy, the Act and MGR do not specify the format for a communications strategy. It is up to the individual local governments to consider the best format to suit the proposed new scheme or amendment.

The department has prepared a **community engagement toolkit** to provide local government with best practice ideas and tools to engage with their communities. The toolkit is available on the department's website and provides a suite of practical theories, tools and templates for local governments to choose from to help them develop a fir-for-purpose communications strategy.

2.7 Changes after public consultation

It is reasonably expected that some changes may be made to the proposed planning scheme or amendment as a result of the local government's assessment of public submissions or additional matters, and that those changes may affect some individuals and stakeholders.

If changes have been made to the proposed planning scheme or amendment that was released for public consultation, the local government must determine whether those changes result in the proposed instrument being significantly different from the proposed instrument that was released for public consultation. Information on determining whether a change is significantly different is in schedule 2 of the MGR.

If changes have resulted in the proposed instrument being significantly different, additional public consultation is warranted as the public would not have had the opportunity to comment on the changes that may directly impact on them.

Local governments who are repeating public consultation as a result of a changed proposed planning scheme or amendment being considered significantly different may undertake a targeted consultation process involving only those matters that have significantly changed. It is important to consider that a change that affects any one person or a group of individuals' rights over land does not necessarily mean that the change is significant.

In appropriate circumstances where tailored processes are used, the chief executive may determine the local government does not require public consultation to be undertaken again. Further information is included in section 4 of this guidance.

Additionally, the local government must consider the effect of the changes to the proposed planning scheme or amendment on state interests in order to ensure that state interests will not be adversely affected.

2.8 Minister or chief executive's consideration for adoption

Providing information about any changes to the proposed planning scheme or amendment in a 'tracked changes' or 'yellow highlighted' version is recommended to facilitate faster assessment and consideration by the Minister or chief executive. Insufficient or unclear documentation is likely to delay the process, and the Minister or chief executive may need to request further information from the local government to undertake this assessment.

The local government may provide any additional information that it believes will assist the Minister or chief executive when considering whether the proposed planning scheme or amendment may be adopted by the local government.

Generally, it is intended that a proposed planning scheme or amendment that has not changed significantly from the public consultation version may proceed, with the Minister or chief executive's endorsement, to adoption.

Where a local government has made a determination that changes to the proposed planning scheme or amendment are not significantly different, local governments are encouraged to provide as part of their request for Minister or chief executive's consideration for adoption, detailed justification for this determination about why the proposed instrument or amendment is not considered to be significantly different. Where appropriate, the statement should be supported by any background studies, reports and submissions being relied upon by the local government in reaching their determination.

In some instances, new state planning instruments or new policy positions regarding matters of state interest may take effect following the finalisation of the state interest review. In these instances, the Minister or chief executive will advise on any steps or actions required or impose conditions to address the matter.

2.9 Adopting the instrument

Under section 9(3) of the Act, an amendment to a planning scheme takes effect from the day on which the notice is published in the gazette, or the later day stated in the notice or in the instrument. It should be noted that from the day that the amendment to the planning scheme takes effect, the planning scheme with its newly adopted amendments is considered a new planning scheme. This is relevant for the purposes of superseded planning scheme requests under section 29 of the Act.

The public notice requirements for adoption are in schedule 5 of the MGR.

The department requires the local government to provide an electronic certified copy of the planning scheme or amendment, including all maps. The electronic copy must be clearly labelled and must meet the definition of a certified copy (see schedule 2 of the Act) within the files provided (preferred) or attached with the cover letter. Any mapping prepared as part of a planning scheme or amendment must be provided in the format specified by the regulated requirements and any guidance for mapping issued by the department.

Where the local government uses a ‘replacement pages’ system when updating its planning scheme to reflect amendments, the electronic copy of the planning scheme must include a complete copy of the planning scheme, not just the replacement pages. To clarify what is being removed and replaced, the replacement pages may be submitted as an additional electronic file, but this is at the discretion of the local government.

3.0 Minister's guidelines for making or amending a planning scheme – Chapter 1, part 1

3.1 Section 18 of the Planning Act – A tailored approach

The tailored process for plan-making, is a process established under section 18 of the Act. This process supports local governments in codesigning a plan-making process that is flexible and responsive to the unique local context and communities within their local government areas. The process allows local governments to tailor and adapt steps within the process to suit, as agreed to by the chief executive of the department.

A tailored approach is mandatory:

- for making a new local planning scheme
- if the Minister has directed a local government under section 26(5) of the Act to make or amend a local planning scheme under section 18 of the Act.

After reviewing an existing planning scheme, as required under section 25 of the Act, a local government may decide to replace or amend its planning scheme. Note that the review itself is **not** the same as making or amending a planning scheme. If the review results in a decision to make a new planning scheme, it would therefore follow the process under section 18 of the Act.

Local governments may also choose to use this tailored approach for amending a planning scheme in a faster and more responsive manner, to suit the needs of the local government and its community. This may or may not be the result of a review under section 25 of the Act. If the tailored process is not preferred for amending a planning scheme, then the local government must follow the rules under chapter 2 of the MGR (section 20 of the Act).

Under section 18 of the Act, the process that a local government will follow is established by a notice given to the local government by the chief executive. Chapter 1, part 1 of the MGR contains the guidelines that set out the matters that the chief executive must consider when preparing a notice under section 18(3)(a) or (b) of the Act.

These considerations include whether the proposed planning scheme or amendment is 'well drafted and clearly articulated'. A well drafted and clearly articulated planning scheme is one that:

- integrates the State Planning Policy (SPP) guiding principles of a planning framework that is outcome focused, integrated, efficient, positive, and accountable
- advances the Act purpose of an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning and development assessment.

The tailored approach for making or amending a planning scheme is outlined in figure 1.

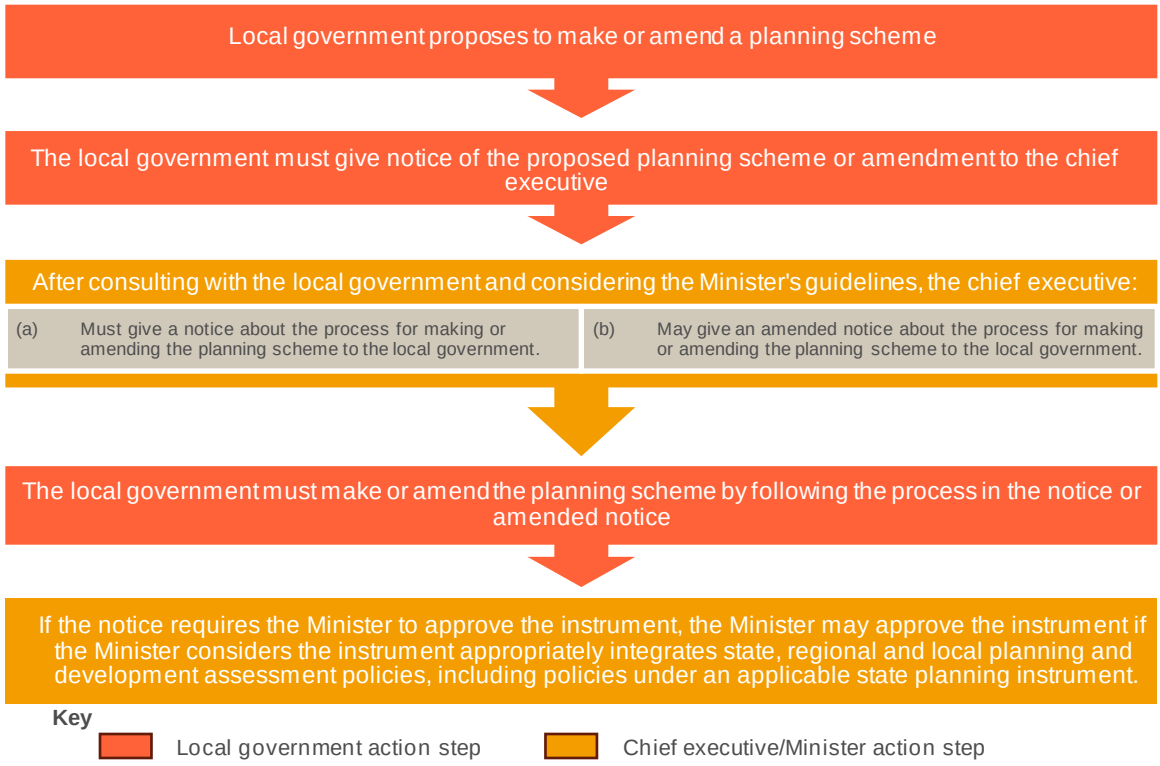


Figure 1 – Making or amending a planning scheme under section 18 of the Planning Act

3.2 Notice or amended notice for a tailored process

To commence a tailored process, the local government must give notice of the proposed planning scheme, or proposed amendment, to the chief executive under section 18(2) of the Act.

Early consultation with the department is recommended prior to preparing the tailored process for the proposed planning scheme or amendment. Early consultation is critical if a local government wants to achieve process efficiencies, such as:

- by-passing the early confirmation of state interest stage
- reducing state interest review timeframes
- skipping the state interest review stage
- running the state interest review and public consultation stages concurrently (i.e. this could be achieved if extensive consultation has been undertaken with both state agencies and/or the community upfront).

The Act does not state what must be given to the chief executive with the notice under section 18(2). However, it is advantageous for the local government to provide enough information to the chief executive to enable the chief executive to consider what would be an appropriate process to prescribe in a notice given to the local government under section 18(3) of the Act.

For this reason, it is recommended that the local government considers providing the following information when giving the chief executive a notice under section 18(2) of the Act:

- 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 of the MGR may apply to the proposed planning scheme or proposed planning scheme amendment, if known

- a draft notice detailing a preferred process, including the order and timing of steps in the process for the chief executive's consideration
- an indicative timeline for the process
- a proposed communications strategy (providing this strategy can promote collaboration between state and local government on the best way to engage the local community)
- an electronic copy of the proposed planning scheme or planning scheme amendment
- if requesting an amended notice under section 18(3)(b) of the Act, the reasons for requesting to amend the process in the original notice given to the local government
- 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.

As can be seen from the information above, the local government is encouraged to set out a preferred process for the chief executive to consider. This is particularly important as the setting of the process is intended to be the result of negotiation between the state government and the local government. The local government should set out the steps it believes are appropriate for the new planning scheme or amendment, the order of steps, any concurrent steps and indicative timing of the steps for the chief executive to consider.

For example, if a local government proposes an urgent planning scheme amendment of a modest scale, it may specify a preference for a targeted state interest review to be run concurrently with public consultation, or it may specify a short timeframe for the state interest review to allow the amendment to progress faster to adoption. Conversely, for a more comprehensive amendment or a new planning scheme, a local government may propose multiple consultation opportunities, or two state interest reviews, or longer timeframes.

Local governments are encouraged to liaise with the department as early as possible when preparing the section 18(2) notice, as the department can assist in providing tools and information about a range of process options that best suits the new planning scheme or planning scheme amendment, including a template notice.

After receiving the notice under section 18(2) of the Act from the local government, and after consulting with the local government, the chief executive must prepare a notice to be given under section 18(3)(a) of the Act. Section 18(4) of the Act requires the chief executive to consider the Minister's guidelines (in chapter 1, part 1 of the MGR) when preparing a notice or an amended notice given under section 18(3)(b).

The local government must make or amend the planning scheme in accordance with the process.

Section 18(5) of the Act sets out what the notice (or amended notice) issued by the chief executive must state 'at least'. The notice must contain public consultation and notification requirements for the planning scheme or amendment, including publishing a public notice in a way the local government considers is likely to bring the notice to the attention of persons likely interested in or affected by the information stated in the notice and in the gazette, unless the public notice is about a proposed local planning instrument or proposed amendment to a local planning instrument, such as publishing the public notice in a hard copy or online newspaper circulating in the area or publishing on the local government's website. Note that these requirements for giving public notice can be found in schedule 2 of the Act in the definition of 'public notice' under section (b). The notice may also contain other administrative processes that the local government must follow when making or amending the planning scheme.

The chief executive is required under the Regulation to keep a copy on the department's website of each notice about the process (including amended notices) given under section 18(3) of the Act.
If the process in a notice given to the local government under section 18(3)(a) of the Act subsequently needs to be changed, the chief executive may give the local government an amended notice under section 18(3)(b) of the Act. The chief executive may determine that this is necessary, or the local government may request an amended notice.

Circumstances in which an amendment notice may be required include:

- a change in the state interests affected by the proposed scheme or amendment after the state interest review has been undertaken
- new or changed communities to be consulted.

As with preparing the original notice of the process, the chief executive must have regard to chapter 1, part 1 of the MGR when preparing the amended notice. If an amended notice is given, the local government must make or

amend the planning scheme in accordance with the process in the amended notice, including any repeated process steps if required.

Section 6 of chapter 1, part 1 of the MGR requires the chief executive to consider who is required to approve the proposed planning scheme or amendment. If the notice or amended notice requires the Minister to approve the planning scheme or amendment, the Minister may approve the instrument if it accords with section 18(7) of the Act.

4.0 Minister's rules for amending a planning scheme – Chapter 2

The Act recognises that for some planning scheme amendments there are benefits in having a defined process that a local government may choose to follow for amending a planning scheme. This is provided for in section 20 of the Act, which states that instead of complying with section 18 of the Act, a local government may amend a planning scheme by following a process in the Minister's rules. Rules about the process to be followed for different types of amendments can be found in chapter 2 of the MGR.

4.1 Types of amendments

In chapter 2 of the MGR, there are four types of amendments for which a process is prescribed: administrative, minor, qualified state interest, and major. All amendments will fit into one or other of these types, unless a local government follows the process set out in a tailored process.

Table 1 identifies the different types of amendments for which rules are provided in chapter 2 of the MGR.

Table 1 – Types of amendments in chapter 2 of the MGR

Type of amendment	Applicable parts in the MGR
Administrative amendment	Chapter 2, part 1
Minor amendment	Chapter 2, part 2
Qualified state interest amendment	Chapter 2, parts 3 and 5
Major amendment	Chapter 2, parts 4 and 5

Section 20(3) specifies that the rules must provide for the local government to publish a public notice about the planning scheme being amended. These requirements for giving public notice can be found in schedule 2 of the Act in the definition of 'public notice' and in schedule 5 of the MGR.

The rules in chapter 2 of the MGR are the minimum mandatory process elements that must be undertaken for amending a planning scheme. Unless explicitly stated otherwise, nothing prevents a local government from undertaking additional steps, such as informal public consultation about an amendment, where such consultation is not otherwise required. Such additional steps would need to fit into any statutory timeframes prescribed in the rules for the particular amendment type.

However, as the processes in chapter 2 are set out as a set of rules, there is no flexibility to tailor the process to a particular amendment. Therefore, if a local government had an amendment for which a faster, shorter, longer or more thorough process is proposed, then the process can be formally tailored to suit the amendment under section 18 of the Act.

4.2 Administrative amendment

Part 1 of chapter 2 sets out the rules for a local government to follow when making an administrative amendment. The criteria for what constitutes an administrative amendment is defined in schedule 1 of the MGR and is an amendment that:

- the local government prepares and administers
- has no requirement for public consultation

- if adopted, the local government must publish a public notice about the amendment (an administrative amendment does not need to be publicly notified if the local government does not proceed with the administrative amendment)
- must be given to the chief executive within the timeframe prescribed in chapter 2, part 1 after it is made.

The timeframes for making an administrative amendment are set out below in table 2.

Table 2 – Timeframes for making an administrative amendment

Step	Description	Undertaken by	MGR timeframe (business days)	KPI timeframe (business days)
Planning and preparation	Decide to make the amendment and prepare the amendment	Local government		35
Adoption	Decide to adopt the minor or administrative amendment and give public notice of the adoption	Local government		30
Copy to chief executive	Give a copy of the amendment to the chief executive	Local government	10	
Total business days			**75 (15 weeks)**	

4.3 Minor amendment

Chapter 2, part 2 sets out the rules for a local government to follow when making a minor amendment. The criteria for what constitutes a minor amendment is defined in schedule 1 of the MGR and is an amendment that:

- the local government must decide to undertake
- the local government prepares and administers
- has no requirement for public consultation
- if adopted, the local government must publish a public notice about the amendment (a minor amendment does not need to be publicly notified if the local government does not proceed with the minor amendment)
- must be given to the chief executive within the timeframe prescribed in chapter 2, part 2 after it is made.

The timeframes for making a minor amendment are set out below in Table 3.

Table 3 – Timeframes for making a minor amendment

Step	Description	Undertaken by	MGR timeframe (business days)	KPI timeframe (business days)
Planning and preparation	Decide to make the amendment and prepare the amendment	Local government		35
Adoption	Decide to adopt the minor or administrative amendment and give public notice of the adoption	Local government		30
Copy to chief executive	Give a copy of the amendment to the chief executive	Local government	10	
Total business days			**75 (15 weeks)**	

4.4 Qualified state interest amendment

Chapter 2, part 3 sets out the rules for a local government to follow when making a qualified state interest amendment. The criteria for what constitutes a qualified state interest amendment is defined in schedule 1, section 3 of the MGR and is an amendment that:

- the local government must decide to undertake
- requires approval from the Minister to commence public consultation
- requires public consultation
- requires approval from the Minister to proceed to adoption
- the local government must publish a public notice about, whether it is adopted or not
- must be given to the chief executive within the timeframe prescribed in chapter 2, part 3 after it is made.

A qualified state interest amendment is intended for 'local' amendments that do not meet the definition of a minor amendment, but for which a full major amendment process (including a state interest review) is unnecessary in light of the content and extent of the proposed amendment.

Examples of a qualified state interest amendment are:

- corrections or changes that do not meet the minor amendment definitions in the MGR (e.g. an amendment rectifying errors relating to design control provisions)
- new locally significant policy direction
- an amendment to comply with the relevant matters of state significance in response to the SPP, which does not adversely affect a state interest and is not a minor change, such as a change in a category of development or assessment.

To ensure that a proposed amendment complies with the rules for a qualified state interest amendment, there are two opportunities for the Minister to review the proposed amendment—prior to public consultation and prior to adoption. Therefore, proceeding through the qualified state interest amendment process is at the sole discretion of the Minister.

The Minister may also intervene in the process and direct actions to be taken at any time under the miscellaneous provisions under part 5 of chapter 2.

Local governments are encouraged to liaise with the department as early as possible in preparing such an amendment, to ensure the proposed amendment is eligible to follow the qualified state interest amendment process.

While not involving a formal state interest review, any matters of state interest are also required to be reviewed and given the 'go-ahead' by the relevant state agency. Planning officers in the **local departmental office** are available to assist in coordinating the review by the state agency or agencies, or the local government may elect to approach the relevant state agency independently. This may depend on the nature of the amendment, the state interest(s), and whether there is more than one agency with an interest in the amendment.

The timeframes for making a qualified state interest amendment are set out below in table 4.

Table 4 – Timeframes for making a qualified state interest amendment

Step	Description	Undertaken by	MGR timeframe (business days)	KPI timeframe (business days)
Planning and preparation	Decide to make the amendment and give the proposed amendment to the Minister for approval to proceed to public consultation			60
	Give notice to the Minister about the proposed amendment and receive response	Minister	20	
Public consultation (includes changing the proposed amendment)	Undertake public consultation, make changes and give the proposed amendment to the Minister for consideration			60 (-20)
	Undertake statutory public consultation		20	
Notice of compliance and Minister's consideration	Consider the proposed amendment and give a notice advising if the proposed amendment may be adopted	Minister	20	
Adoption	Decide to adopt or not proceed with the proposed amendment until either the local government gives public notice of the adoption or decides not to proceed	Local government		30
Copy to chief executive	Give a copy of the amendment to the chief executive	Local government	10	
Total business days			**200 (40 weeks/10 months)**	

4.5 Major amendment

Chapter 2, part 4 sets out the rules for a local government to follow when making a major amendment, that is defined in schedule 1 of the MGR. An amendment that does not meet the definition of another type of amendment in schedule 1 of the MGR is required to proceed through the major amendment process (unless undertaken through a tailored approach under section 18 of the Act) and is an amendment that:

- the local government must decide to undertake
- the local government may elect to request an early confirmation of state interests
- requires a state interest review
- requires public consultation
- requires approval from the Minister to proceed to adoption
- the local government must publish a public notice about the amendment, whether it is adopted or not
- must be given to the chief executive within the timeframe prescribed in chapter 2, part 4 after it is made.

The timeframes for making a major amendment are set out below in table 5.

Table 5 – Timeframes for making a major amendment

Step	Description	Undertaken by	MGR timeframe (business days)	KPI timeframe (business days)
Planning and preparation	Decide to make a major amendment and give the proposed amendment to the Minister for state interest review (no early confirmation of state interests)	Local government		120
	Undertake an early confirmation of state interests (optional)	Chief executive	20	
State interest review	Undertake state interest review	Minister	60	
Public consultation (includes changing the proposed amendment)	Undertake public consultation, make changes and give the proposed amendment to the Minister for adoption	Local government		70 (-20)
	Undertake statutory public consultation.	Local government	20	
Minister's consideration	Consider the proposed amendment and give a notice advising if the proposed amendment may be adopted	Minister	40	
Adoption	Decide to adopt or not proceed with the proposed amendment and give public notice of the adoption or decision not to proceed	Local government		30
Copy to chief executive	Give a copy of the amendment to the chief executive	Local government	10	
Total business days			**350 (70 weeks/1 year, 4.5 months)**	

5.0 Making or amending a Planning scheme policy (PSP) - Chapter 3, part 1

5.1 Process for making or amending a planning scheme policy

Section 22 of the Act enables a local government to make or amend a PSP by following the process set out in chapter 3, part 1 of the MGR.

The making or amending of a PSP is undertaken by a local government. No consideration or endorsement is required by the chief executive or the Minister.

5.2 Public consultation

Unlike making or amending a planning scheme, no formal communications strategy is required to be prepared by the local government as part of the process for making or amending a PSP. However, preparing and using a communications strategy can help the local government to ensure that the community is adequately consulted.

5.3 Adoption

Under section 9(3) of the Act, the PSP or PSP amendment takes effect from the day on which the notice is published in the gazette, or the later day stated in the notice or in the instrument.

The public notice requirements for adoption are outlined in schedule 5 of the MGR.

The department requires an electronic certified copy of the PSP or PSP amendment, including all mapping.

6.0 Making or amending a Temporary Local Planning Instrument (TLPI) – Chapter 3, part 2

6.1 Purpose of the temporary local planning instrument

Section 23 of the Act enables a local government to make or amend a TLPI in particularly exceptional circumstances. Making a TLPI allows a local government to act urgently, without first undertaking notification and public consultation of a proposed local planning instrument or amendment. The process for making and amending a TLPI is contained in chapter 3, part 2 of the MGR.

A local government may make or amend a TLPI if both the local government and the Minister are satisfied that a local planning instrument is urgently needed to protect all or part of the planning scheme area from serious adverse cultural, economic, environmental or social conditions and that the risk would be increased by following the process for amending the planning scheme. The Minister must also be satisfied that making or amending a TLPI would not adversely affect a state interest.

A TLPI can be made for any matter, including for matters not already covered by an existing local planning instrument. A TLPI can suspend or affect the operation of another local planning instrument or temporarily introduce a new local planning instrument. However, a TLPI cannot amend or repeal another local planning instrument. This ensures that if a TLPI expires without the planning scheme being amended to reflect the substance of the TLPI, the underlying provisions of the planning scheme come back into effect.

A TLPI has effect throughout part or all of the local government's planning scheme area. Unlike a planning scheme, a TLPI is intended to address a specific (often localised) issue, rather than be a comprehensive planning instrument.

6.2 Process for making a temporary local planning instrument

The local government must, as soon as possible, write to the Minister advising of the decision to make or amend a TLPI. It is the responsibility of the local government to prepare the draft TLPI or TLPI amendment.

6.3 Currency of a temporary local planning instrument

Section 9(4) of the Act contains a specific arrangement for the early commencement of particular TLPIs. If the local government resolves, at the same public meeting at which the TLPI is proposed to be made or amended, to also seek the Minister's agreement to the earlier commencement of the TLPI or TLPI amendment and the Minister agrees, the TLPI or TLPI amendment commences on the day the public meeting was held (the earlier effective day). This arrangement reflects the fact that some TLPIs may act to restrict particular development rights or opportunities, and the delay between the local government resolving to make the TLPI and the Minister's agreement to it being made may present an opportunity for pre-emptive development that may compromise the intended outcomes of the TLPI.

The requirement for the local government to resolve at the same public meeting at which the TLPI is proposed to seek the Minister's agreement to the early commencement is an important transparency measure, as the fact that early commencement is a possibility will be known to anyone who attended, or has access to, the record of the meeting.

If an earlier effective day does not apply to the TLPI or TLPI amendment under section 9(4) of the Act, section 9(3) provides for the TLPI, with or without an amendment, is to take effect from the day the local government publishes the notice about the making of the TLPI in the gazette. The effective period for a TLPI is two years from the day it is made, or a lesser period stated in the TLPI. A TLPI ceases to have effect if it is repealed. There is no power to extend the operation of a TLPI beyond the period stated in the instrument. However, there is nothing to prevent a TLPI from being replaced or remade.

A TLPI does not create a superseded planning scheme and is not an adverse planning change. Therefore, a superseded planning scheme request cannot be made and compensation cannot be claimed for premises affected by a TLPI. However, any planning scheme amendment subsequently made to continue the effect of a TLPI would be subject to the superseded planning scheme arrangements, and possibly compensation.

6.4 Minister's approval

In approving a TLPI or TLPI amendment, the Minister must consider if sufficient information has been provided to enable a decision to be made and may impose Ministerial conditions, if required. If the Minister considers insufficient information has been provided, additional information may be requested. Provisions in part 3 allow for the process to be paused in circumstances where additional time may be required to respond to a request for further information.

6.5 Adoption

The department requires an electronic certified copy of the TLPI or TLPI amendment, including all maps, if it is adopted by the local government.

Public notice is not required to be given if the local government decides not to proceed with the proposed TLPI or TLPI amendment. However, the local government must advise the Minister in writing that it is not proceeding.

7.0 Making a planning change to reduce risk of serious harm from natural events or processes – Chapter 4

7.1 Context

7.1.1 What is a 'planning change to reduce a material risk of serious harm from natural events or processes'?

A planning change to reduce a material risk of serious harm to persons or property on premises from natural events or processes can be made by amending a planning scheme (a major, minor or tailored amendment process), or as part of wider changes to replace a planning scheme. The need for this planning change is identified through the preparation of a natural hazards, risk and resilience evaluation report which provides the information required to assess the planning scheme amendment or new planning scheme and addresses the statutory obligations on a local government under the SPP and state interest guidance.

The planning change must also integrate the SPP for the state interest – natural hazards, risk and resilience. The guiding principle of this state interest is the reduction of the material risk of serious harm to persons or property on a premises from natural events or processes (e.g. bushfires, coastal erosion, flooding or landslides) to an acceptable or tolerable level. This acceptable or tolerable level is established by conducting a fit-for-purpose risk assessment.

A planning change to reduce a material risk of serious harm from natural events or processes could include an amendment to a planning scheme map, such as rezoning to exclude land uses that would be at an intolerable risk from the natural hazard.

Chapter 4, part 1 of the MGR provides the process that must be followed by a local government when making a planning change designed to reduce a risk of serious harm from natural events of processes without giving rise to compensation, that is, if the planning change is not to be taken to be an adverse planning change for which compensation may be payable.

7.1.2 Adverse planning changes

An adverse planning change is a change to a local planning instrument that reduces the value of an interest in premises, for which compensation may be payable by a local government to an affected owner. It includes an adverse public purpose change that limits the use of premises to:

- the purpose for which the premises were lawfully being used when the change was made; or
- a public purpose.

A planning change made to reduce material risk of serious harm to persons or property on a premises from natural events or processes may constitute an adverse planning change for which compensation may be sought from local governments by affected owners (i.e. down-zoning and changes to hazard overlay mapping, tables of assessment and hazard codes).

In response to local government concerns that compensation arrangements were hindering plan-making to mitigate natural hazards, the Queensland Floods Commission of Inquiry and the Commonwealth Productivity Commission recommended the removal of compensation provisions from the state's planning legislation in relation to natural hazards planning changes.

Accordingly, section 30(4)(e) of the Act, states that a planning change is not an adverse planning change, and compensation is not payable if the change is made[1]:

- to reduce a material risk of serious harm to persons or property on the premises from natural events or processes (bushfires, coastal erosion, flooding or landslides, for example); and

[1] In accordance with section 30(5) of the Act, the Minister's rules must require a local government to prepare a report assessing feasible alternatives for reducing risk, including imposing development conditions on development approvals.

- following the process set out by the MGR, chapter 4.

7.2 Process for making a planning change to reduce risks from natural events

The Act includes specific provisions, outlined under section 30(4)(e) and 30(5) to permit a local government to make a planning change to reduce a material risk of serious harm to persons and property on the premises from natural events or processes without it being an adverse planning change. This can occur where the local government considers and exhausts all feasible alternatives to making the planning change through a feasible alternatives assessment report (FAAR) prepared following chapter 4 of the MGR. Completing this process has two (2) effects:

1. the proposed planning change is no longer defined as an adverse planning change (section 30(4)(e) of the Act); and
2. compensation provisions that would be otherwise available to an affected owner under section 31 of the Act no longer apply relating to the extent of the planning change identified under section 30(4)(e) of the Act.

Undertaking the FAAR process is however not compulsory. The MGR and the Act do not require a local government to prepare a FAAR, unless the local government determines it is proposing a planning change to reduce a material risk of serious harm to persons and property on the premises from natural events or processes and the local government wants the proposed planning change to not be considered an adverse planning change for the purposes of compensation.

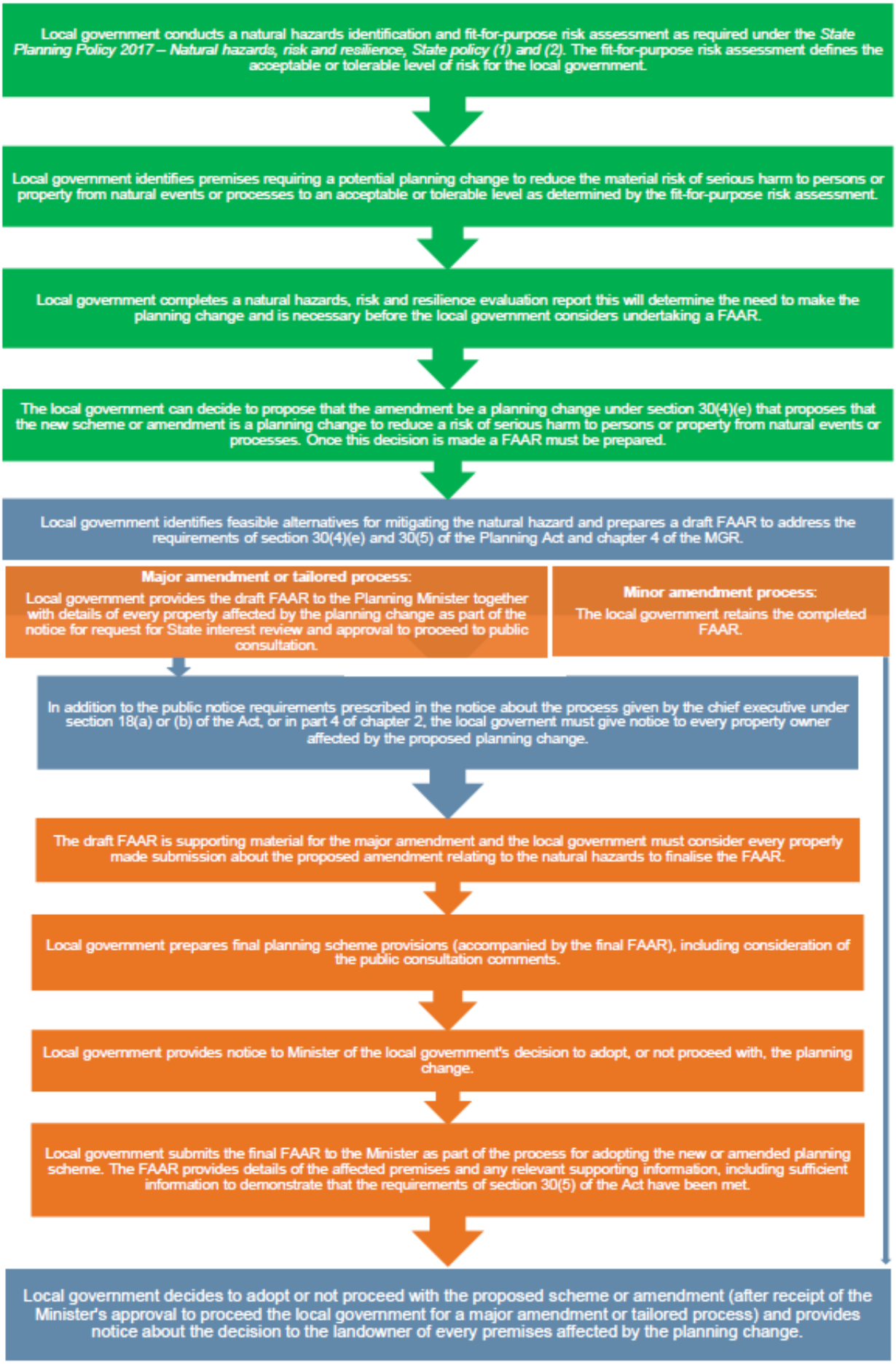
The FAAR is the opportunity for local government to document the options they considered in the risk assessment process required under the SPP. In preparing the draft FAAR, the local government must consider the impacts of not making the proposed planning change as well as a range of alternatives to reduce risks from natural events and processes including development approval conditions. The investigative process is to be made:

- in good faith under the circumstances
- by persons appropriately qualified in relation to the relevant natural events and processes
- using the best available information and best practice guidance at the time that the process commenced.

The following flow chart details the process for a planning change to reduce material risk of serious harm (to persons or property on the premises) from natural events or processes that will remove compensation provisions associated with making an adverse planning change.

Key to the planning change process flow chart:

Green box	= SPP compliance requirements
Blue box	= natural events and processes for planning change processes
Orange box	= plan-making process


Local government conducts a natural hazards identification and fit-for-purpose risk assessment as required under the State Planning Policy 2017 – Natural hazards, risk and resilience, State policy (1) and (2). The fit-for-purpose risk assessment defines the acceptable or tolerable level of risk for the local government.
Local government identifies premises requiring a potential planning change to reduce the material risk of serious harm to persons or property from natural events or processes to an acceptable or tolerable level as determined by the fit-for-purpose risk assessment.
Local government completes a natural hazards, risk and resilience evaluation report this will determine the need to make the planning change and is necessary before the local government considers undertaking a FAAR.
The local government can decide to propose that the amendment be a planning change under section 30(4)(e) that proposes that the new scheme or amendment is a planning change to reduce a risk of serious harm to persons or property from natural events or processes. Once this decision is made a FAAR must be prepared.
Local government identifies feasible alternatives for mitigating the natural hazard and prepares a draft FAAR to address the requirements of section 30(4)(e) and 30(5) of the Planning Act and chapter 4 of the MGR.
Major amendment or tailored process:
Local government provides the draft FAAR to the Planning Minister together with details of every property affected by the planning change as part of the notice for request for State interest review and approval to proceed to public consultation.
Minor amendment process:
The local government retains the completed FAAR.
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 goverment must give notice to every property owner affected by the proposed planning change.
The draft FAAR is supporting material for the major amendment and the local government must consider every properly made submission about the proposed amendment relating to the natural hazards to finalise the FAAR.
Local government prepares final planning scheme provisions (accompanied by the final FAAR), including consideration of the public consultation comments.
Local government provides notice to Minister of the local government's decision to adopt, or not proceed with, the planning change.
Local government submits the final FAAR to the Minister as part of the process for adopting the new or amended planning scheme. The FAAR provides details of the affected premises and any relevant supporting information, including sufficient information to demonstrate that the requirements of section 30(5) of the Act have been met.
Local government decides to adopt or not proceed with the proposed scheme or amendment (after receipt of the Minister's approval to proceed the local government for a major amendment or tailored process) and provides notice about the decision to the landowner of every premises affected by the planning change.

7.3 Feasible alternatives assessment

This section outlines the process to be used by a local government to develop a FAAR in accordance with the Minister's rules for preparing the report under section 30(5) and chapter 4, part 2 of the MGR. It includes the required content for that report and criteria for evaluating potential planning changes.

In accordance with the requirements that must be considered by natural hazards, risk and resilience provisions of the SPP, the initial step involves local government undertaking a natural hazards identification and risk assessment to identify those areas at risk of serious harm.

For a minor amendment (i.e. to introduce new or updated hazard mapping into the planning scheme where the local government wants to be exempt from paying compensation), they still need to prepare a FAAR. Consultation is not required but the FAAR needs to comply with the requirements in table 6 below.

Where the local government wishes to develop potential planning scheme responses to the hazards identified in the natural hazards identification and risk assessment, evaluate those responses, and prepare a major amendment, the FAAR needs to be prepared and consulted on in draft form as part of the major amendment process.

Table 6 details the matters to be addressed in the FAAR and provides a suggested form that the responses to those matters may take.

Table 6 – Matters to be addressed in the FAAR

Matters to be addressed	Suggested responses
An accurate description of the extent of the premises to be potentially affected by the planning change.	Provide the real property description/address of each affected property, or maps showing the extent of the affected areas by reference to fixed cadastre such as roads and property boundaries.
Details of the anticipated level of risk associated with natural events or processes identified by the natural hazards identification and risk assessment. The risk assessment is to be undertaken in accordance with AS ISO 31000:2018 Risk Management - Guideline and consider the impact for all of the premises, not just the part of the premises at risk.	Undertake a risk assessment in accordance with AS ISO 31000:2018 Risk Management - Guideline and identify: • the hazard • what/who might be harmed and how • whether or not the risk is tolerable • the strategies that are currently in place to reduce the risk • any other strategies that could be used to mitigate the risk to a tolerable level. Include a plan illustrating the area affected by the natural hazard risk.
Details of the existing uses on the premises.	Provide a plan showing each potentially affected property and a description of its current use, as well as a description of its surrounding context (i.e. current land uses).
The intended outcomes of the current planning scheme zoning of the premises potentially affected by the identified hazard.	Provide a plan showing each potentially affected property, its current zone and the intended outcomes for that zone under the current planning scheme.
Details of each proposed feasible alternative for the planning change.	Provide details of each proposed feasible alternative for the planning change and the associated outcomes for the development of the affected premises.

A statement about the consistency of each proposed feasible alternative for the planning change with the SPP and state interest guideline with regard to natural hazards, risk and resilience.	Demonstrate how each feasible alternative for the planning change is consistent with the SPP and the associated state interest guideline on natural hazards, risk and resilience. This can be extracted directly from the natural hazards, risk and resilience evaluation report.
In accordance with section 30(5), demonstrate there is no feasible alternative to making the proposed planning change and confirm why the planning change has been adopted over the other feasible alternatives. For chapter 4, part 2, best available information 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. Refer to Australian Standards, contemporary best practice guidance or other specifications relevant to the hazard and its mitigation.	Undertake a full impact and feasibility assessment of each of the alternatives including: (a) the option of not making the proposed planning change (i.e. do nothing) (b) anticipated risk to premises associated with natural events or processes in accordance with AS ISO 31000:2018 Risk Management - Guideline, detailing the impact for the whole premises, not just the part of the premises at risk (c) the planning change that would result in the lowest risk of serious harm to persons or property associated with natural events or processes (d) detail 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 (e) at least one other planning change that would reduce the risk of serious harm to persons or property associated with natural hazard events or processes (f) consider alternatives that do not involve making a planning change that would support increasing community resilience and decrease the burden on emergency management. The feasible alternatives assessment is to reference Australian Standards and other specifications applicable to the natural hazard and its mitigation, including, but not limited to: (a) AS3959 – Construction of buildings in bushfire prone areas (b) Australian Building Codes Board Standard – Construction of Buildings in Flood Hazard Areas (c) Australian Building Codes Board Standard – Landslide Hazards.

The process of assessing the feasible alternatives may inform the requirements around the proposed planning change (e.g. the assessment may indicate that a balance of planning controls, structural controls and disaster management is sufficient to manage risk in a particular location).

The FAAR should be fit for purpose and undertaken by an appropriately qualified person in the relevant natural hazard field, such as:

- a Registered Professional Engineer of Queensland (RPEQ) with specific experience in flood hazards
- an RPEQ with demonstrated experience in coastal processes and storm tide impacts
- an RPEQ with demonstrated geotechnical experience in landslides
- a suitably qualified person who can provide expert advice on bushfire hazard and risk assessment.

The final FAAR must demonstrate that the feasible alternatives investigation satisfies the requirements of the Minister's rules in section 30(5) of the Act by addressing the criteria for alternatives not being feasible in chapter 4, part 2, section 3 of the MGR.

7.4 Public consultation of the planning change

For a major amendment or tailored process, the local government must consult with every affected property owner as part of the approved consultation strategy for the proposed planning scheme or planning scheme amendment. The consultation is to include the following steps and information:

1. as part of the public consultation under chapter 2, part 4, section 18.1 – a notice to every property owner affected by the proposed planning change being made to reduce a material risk of serious harm to persons or property on the premises from natural events or processes, in accordance with chapter 4, part 1 section 3.4 of the MGR, must:
    a. advise the property owner of the meaning of the proposed planning change
    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 for the proposed amendment
    c. be given at the same time as or before the commencement of the public consultation on the proposed planning scheme or proposed amendment
    d. include—
        i. the requirements listed in section 1(a) to (i) of schedule 4
        ii. information on how to obtain a copy of the draft FAAR (e.g. URL web link and location available for inspection and purchase).
2. as part of public notification of the adoption of the planning change—a notice to every property owner who received notice under section 3.4, in accordance with chapter 2, part 4, section 22.1 of the MGR, must include:
    a. details of the planning change to reduce a material risk of serious harm to persons or property on the premises from natural events or processes and how it may affect the subject premises,
    b. a copy of the notice required under schedule 5, section 1 (which could just be the contents).

For a minor amendment, no consultation is required before notifying of the adoption of the planning change to be provided in (2) above in addition to chapter 2, part 2, section 6.2 of the MGR.
The final FAAR must be published on the local government's website and be available for inspection and purchase as required by the Regulation.

7.5 State review roles and adoption

7.5.1 Minor amendment process

The state government has a limited advisory role in the minor amendment process. The local government is required to give the chief executive a certified copy of the amendment after adoption. The local government will need to prepare a FAAR if the minor amendment (planning change) is proposed to reduce a material risk of serious harm from natural events or processes that would otherwise be taken to be an adverse planning change for which compensation may be payable.

If the local government decides to adopt the proposed minor amendment, it 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 of the MGR.

7.5.2 Major amendment processes

The roles and responsibilities in the major amendment process or the tailored approach under section 18 of the Act are supplementary to the timeframes for the state actions set out in this guidance.

To finalise the draft FAAR, 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 FAAR being finalised.

The draft and final FAAR are submitted to the Minister with the major amendment material to demonstrate that it satisfies the Minister's rules and section 30(5) of the Act, by addressing the criteria for alternatives not being feasible in chapter 4, part 2, section 3 of the MGR.

Note that the FAAR is only reviewed by the department to ensure that the report meets the requirements of section 30(5) of the Act and not to validate the outcomes of the report or put forward additional alternatives.

After the local government has decided to adopt or not proceed with the proposed planning scheme or proposed amendment, it must notify every property owner who received notice under section 3.4 of part 1 of chapter 4 of the MGR of the planning scheme or amendment.

8.0 Reviewing, making or amending a local government infrastructure plan (LGIP) – Chapter 5

8.1 Procedures for reviewing, making or amending an LGIP

Parts 1, 2, 3, 4 and 5 of chapter 5 of the MGR outline the procedures local governments, appointed reviewers and the state government must follow when reviewing, making or amending or deciding not to amend an LGIP.

8.1.1 Process for undertaking the five-year review of an LGIP

Section 25(3) of the Act requires a local government review its LGIP within five years of the LGIP being included in the planning scheme as per the process contained in the MGR. This five-year review process, as required by the Act, is prescribed in part 5, chapter 5 of the MGR. The five-year review process must consider the accuracy, currency and relevance of the current LGIP by, as a minimum, using the **Review checklist** to identify any non-compliance of the current LGIP with the matters prescribed under part 6 of the MGR.

A local government must then take one of several pathways following this review to amend or make an LGIP or decide that no amendments are required to the LGIP.

Where the local government, pursuant to this review, decides to amend the LGIP or make an LGIP, the local government must provide notification of this decision to the chief executive within 20 days of completing the review. It is encouraged a local government make this decision at the time the five-year review is finalised.

Alternatively, a local government may decide that no amendments are required to the LGIP following the five-year review. Where no amendments are required the local government must undertake the process contained in section 24, 25 and 26 of part 5 of the MGR and provide written reasons to the Minister as to why no changes are required and publish those reasons on the local government's website.

8.1.2 Types of amendments

Part 1 – Administrative LGIP Amendment

Administrative LGIP amendments are outlined in part 1 of this chapter and relate to changes required to correct or change administrative matters. Administrative LGIP amendments may include, but are not limited to, changes or corrections to formatting, spelling or grammar or cross-referencing within an LGIP or planning scheme.

Administrative LGIP Amendments cannot be undertaken pursuant to a five-year review.

Part 2 – Interim LGIP Amendment

Interim LGIP amendments are identified in the MGR as amendments that do not propose to reduce the size of, remove an area from, or remove, a Priority Infrastructure Area (PIA) from the LGIP. This type of amendment is intended to provide local governments with flexibility to make changes to the LGIP without the need to involve the state government or appointed reviewers. Interim LGIP amendments are still required to comply with the requirements of part 6 of this chapter and must include public consultation.

As the name suggests Interim LGIP Amendments cannot be undertaken pursuant to a five-year review.

Part 3 – LGIP amendment

Making an LGIP amendment includes making an amendment that proposes to reduce the size of, remove an area from, or remove, a PIA. This type of amendment does not include a second appointed reviewer compliance check before Ministerial consideration.

Making an LGIP amendment can be undertaken pursuant to a five-year review.

Part 4 – Making an LGIP

Making an LGIP includes making a new LGIP.

Making an LGIP can be undertaken pursuant to a five-year review.

8.2 Performance indicator timeframes

The timeframes for key components of chapter 5 are performance indicator timeframes and do not have a statutory function under the MGR. The timeframes for chapter 5 are listed below and are provided as a best practice performance guide only.

Process under chapter 5 of MGR	Indicative timeframe
Part 1 – Administrative LGIP Amendment	
Section 2.2: Process for administrative LGIP amendments	35 business days
Part 2 – Interim LGIP Amendment	
Section 4: Planning and preparation	6 months
Sections 5.1: Public consultation	25 business days (Including a 15-business-day statutory consultation period)
Sections 5.2–5.7: Consideration of submissions	45 business days
Section 6: Adoption	30 business days
Part 3 – LGIP Amendment	
Section 8: Planning and preparation	12 months
Section 9: Compliance check	45 business days
Section 10: State review	30 business days
Sections 11.1–11.2: Public consultation	25 business days (Including a 15-business-day statutory consultation period)
Sections 11.3 – 11.9: Consideration of submissions	45 business days
Section 12: Minister's consideration	20 business days
Section 13: Adoption	30 business days
Part 4 – Making an LGIP	
Section 15: Planning and preparation	12 months
Section 16: First compliance check	45 business days
Section 17: State review	30 business days
Sections 18.1 – 18.3: Public consultation	50 business days (Including a 30-business-day statutory consultation period)
Sections 18.4 – 18.9: Consideration of submissions	45 business days

Section 19: Second compliance check	30 business days
Section 20: Minister's consideration	20 business days
Section 21: Adoption	30 business days

Any information requested by the Minister during State review or Minister's consideration will pause the performance indicator timeframe until the local government has provided the requested information or has undertaken the required action.

8.3 Infrastructure planning methodology

Part 6 of this chapter outlines the minimum infrastructure planning methodology a local government must apply when reviewing an LGIP or preparing an LGIP or amendment. This part works in conjunction with schedule 7 of the MGR.

8.4 LGIP template

The template used for drafting LGIPs is included in schedule 1 of this guidance. The template includes self-contained drafting instructions.

9.0 Working out the cost of infrastructure for offset or refund – Chapter 6, part 1

This part provides a default method that local governments can use that is consistent with the parameters contained in chapter 6, part 1 of the MGR.

9.1 When to use a method to recalculate the cost of infrastructure

A local authority (local government or distributor-retailer) may impose a condition as part of a development approval or water approval requiring the provision of necessary trunk infrastructure. The local authority's infrastructure charges notice (ICN) identifies information about the cost of this trunk infrastructure, which includes works or land that must be offset against any infrastructure charge. If the cost of the infrastructure exceeds the charge, a refund must be given to the applicant. To allow an offset or refund to be given, it is necessary to know the cost of the infrastructure that has been required by a condition of the development.

Where the relevant infrastructure and its associated establishment cost have been identified in the LGIP or distributor-retailer Water Netserv Plan, this can be taken to be the applicable cost for the ICN. The local authority may identify a different cost for the ICN to that of the LGIP or Water Netserv Plan, if it considers it to be more accurate. If necessary trunk infrastructure has not been identified in the LGIP or Water Netserv Plan, the local authority identifies the estimated cost. If an applicant who received an ICN is of the opinion that the identified costs do not reflect the actual cost of the infrastructure, the applicant may request that a new cost be determined through a standardised process (sections 116 and 137 of the Act or sections 99BRCH and 99BRDC of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (SEQ Water Act).

Where a local authority conditions an applicant to provide non-trunk infrastructure and the applicant is of the view that certain components of the non-trunk infrastructure should be trunk infrastructure, sections 138 to 142 of the Act and sections 99BRDD to 99BRDH of the SEQ Water Act provides for a process to apply for the conversion of non-trunk infrastructure to trunk infrastructure. If an applicant who received an ICN resulting from the approval of a conversion application is of the opinion that the identified cost does not reflect the actual cost of the infrastructure, the applicant may request that a new cost be determined through a standardised process (sections 116 and 137 of the Act or sections 99BRCH and 99BRDC of the SEQ Water Act).

9.2 Default method for recalculating the cost of infrastructure

9.2.1 Default method for trunk infrastructure: Works

The establishment cost of trunk infrastructure that is works (trunk infrastructure other than land) must be determined using a first principles estimating approach.

The first principles estimating approach must be implemented through the following procedural requirements:

1. The local authority must provide to the applicant the scope of works including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure (the scope of works).
2. The applicant must, at their cost, provide to the local authority:
    a. a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works (the bill of quantities)
    b. a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities (the cost estimate).
3. The local authority may accept the bill of quantities and the cost estimate provided by the applicant.
4. If the local authority accepts the bill of quantities and the cost estimate, the cost estimate is the establishment cost of the infrastructure.
5. If the local authority does not accept the bill of quantities and the cost estimate provided by the applicant it must, at its cost, have an assessment undertaken by an appropriately qualified person to:
    a. determine whether the bill of quantities is in accordance with the scope of works;

   b. determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
   c. provide a new cost estimate using a first principles estimating approach.
6. If the local authority rejected the bill of quantities and the cost estimate provided by the applicant, it must provide written notice to the applicant and propose the new bill of quantities and cost estimate and its reasons for doing so.
7. Where a written notice of the local authority's proposed bill of quantities and cost estimate has been given, the applicant may negotiate and agree with the local authority regarding a cost estimate.
8. The agreed cost estimate is the establishment cost of the infrastructure.
9. If agreement cannot be reached, the local authority must refer the bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to—
   a. determine whether the bill of quantities is in accordance with the scope of works;
   b. determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
   c. provide an amended cost estimate using a first principles estimating approach.
10. The independent assessor is to be appointed by the local authority in consultation with the applicant. The cost of this independent assessment is to be equally shared between the local authority and the applicant.
11. The amended cost estimate determined by the independent assessor is the establishment cost of the infrastructure.
12. The local authority must give an amended ICN to the applicant stating:
   a. the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the 3 year moving average of the Producer Price Index – Road and bridge construction index for Queensland.
   b. that the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the three-year moving average of the Producer Price Index – Road and bridge construction index for Queensland.

9.2.2 Default method for trunk infrastructure: Land

The establishment cost of trunk infrastructure that is land must be determined through the following procedural requirements:

1. The applicant, at their own cost, must provide to the local authority a valuation of the specified land.
2. The local authority may accept the valuation.
3. If the local authority accepts the valuation, the valuation is the establishment cost of the infrastructure.
4. If the local authority does not accept the valuation provided by the applicant, it must, at its own cost, have a valuation undertaken.
5. If the local authority rejected the valuation provided by the applicant, it must provide written notice to the applicant and propose a new valuation and its reasons for doing so.
6. Where a written notice of the local authority's proposed valuation has been given, the applicant (or its valuer) may negotiate and agree with the local authority (or its valuer) regarding a valuation.
7. The agreed valuation is the establishment cost of the infrastructure.
8. If agreement cannot be reached, the local authority must have a valuation undertaken to assess the market value of the specified land.
9. The valuer is to be appointed by the local authority in consultation with the applicant. The cost of this independent assessment is to be equally shared between the local authority and the applicant.
10. The amended valuation determined by the independent valuer is the establishment cost of the infrastructure.
11. The local authority must give an amended ICN to the applicant stating:
   a. The value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the three-year moving average of the Producer Price Index – Road and bridge construction index for Queensland.
   b. That the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the 3 year moving average of the Producer Price Index – Road and bridge construction index for Queensland.
12. The following requirements apply to all valuations undertaken for the preceding steps:

a. Where land infrastructure has 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, which is the subject of a condition to provide trunk infrastructure, first became properly made.
b. Where 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, which is the subject of 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 based on the following approach:
    i. Determine the value of the original land before any land is transferred to a local authority.
    ii. Determine the value of the remaining land that will not be transferred to a local authority.
    iii. Subtract the value determined for the remaining land that will not be transferred to a local authority from the value determined for the original land. The resulting value is the value of the land to be transferred to the local authority.
d. The valuation report must:
    i. 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;
    ii. identify the area of land that is above the Q100 flood level and the area that is below the Q100 flood level;
    iii. take into account and identify all other real and relevant constraints including but not limited to vegetation protection, ecological values including riparian buffers and corridors, stormwater or drainage corridors, slope, bushfire hazards, heritage, airport environs, coastal erosion, extractive resources, flooding, land use buffer requirements and landslide hazards. This must also include tenure related constraints and restrictions such as easements, leases, licences and other dealings whether or not registered on title; and
    iv. contain relevant sales evidence and clear analysis of how those sales and any other information was relied upon in forming the valuation assessment.
e. The valuation of land must be undertaken by a certified practicing valuer who must act professionally as a neutral and independent expert.

10.0 Criteria for deciding conversion applications – Chapter 6, part 2

If a development approval condition or water approval condition requires non-trunk infrastructure to be provided, and construction of the non-trunk infrastructure has not started, the applicant may, within one year after the development approval starts to have effect, apply to have the non-trunk infrastructure converted to trunk infrastructure.

This process is contained in chapter 6, part 2 of the MGR.

Where the condition is a development approval condition, the conversion application will be made to the relevant local government (sections 138 to 142 of the Act). Where the condition is a water approval condition, the conversion application will be made to the relevant water distributor-retailer (sections 99BRDD to 99BRDH of the SEQ Water Act).

If a conversion application has been made, the relevant local authority must use the criteria outlined in their resolution or board decision as a basis for making a decision on the application.

11.0 Process for environmental assessment and consultation for making or amending a designation

Under chapters 7 and 8 of the MGR infrastructure entities may propose to make or amend a designation through the ministerial or local government designation processes.

The process for designation of premises for development of infrastructure is prescribed in chapter 2, part 5 of the Act. Chapter 7 of the MGR sets out the process for Ministerial infrastructure designations (MID), and chapter 8 for the local government infrastructure designations (LGID).

Both chapters outline the process from environmental assessment and consultation.

11.1 The effect of designation on planning instruments and processes, and other legislation

Under section 44(6)(b) of the Act, development of infrastructure on premises that is subject to a MID is accepted development, subject to compliance with any requirements that are imposed in accordance with section 35(2) of the Act.

This excludes building work under the *Building Act 1975*.

A designation does not prevent other development from taking place on the designated premises. However, any proposed development that departs from the designation would be classed as assessable development (under the relevant local planning instrument, the Regulation).

Other approvals may be required to authorise the development of the infrastructure. It is the responsibility of the entity to identify any other approvals before commencing works.

11.2 Ministerial infrastructure designations

Prior to making a MID, the Minister must be satisfied that adequate environmental assessment and consultation has occurred.

Chapter 7 of the MGR outlines the process for environmental assessment and consultation. However, section 36(5) of the Act states that the Minister may also be satisfied if the environmental assessment and consultation is done in another way. Entities are encouraged to use the process outlined in this document and the MGR.

Chapter 7 includes the following parts relating to the process for making or amending a MID:

- Part 1 – Process for making a MID
- Part 2 – Process for making an amendment (not a minor amendment) to a MID
- Part 3 – Process for making a minor amendment to a MID
- Part 4 – Transitional provisions.

11.2.1 Process for making a Ministerial infrastructure designation

The process for making or amending a MID is set out across three documents:

- Operational guidance for making or amending a – provides guidance on the MID process including the process up to the lodgement of a MID proposal
- MGR – sets out the process for environmental assessment and consultation
- The Act – includes provisions for consultation by the Minister and the process for making (deciding) a designation.

Consultation by the entity

A consultation strategy is to be included in the material provided as part of a MID proposal. The entity will be responsible for undertaking public consultation in accordance with the consultation strategy. The department will liaise with the entity regarding any amendments required to be made to the consultation strategy prior to public consultation commencing.

The commencement of consultation by the Minister is to be taken as the Minister having endorsed the consultation strategy provided by the entity.

The entity may commence consultation on the same day or following the Minister commencing consultation.

The period for public consultation should be outlined in the consultation strategy, but is typically a minimum of 20 business days, commencing on the day the last of the consultation actions identified in Schedule 4, section 7 are undertaken. The end date for public consultation should be no earlier than the end date of the consultation by the Minister.

Submissions regarding the proposed MID must be made to the Minister.

Consideration of submissions

Following the entity advising the Minister of the completion of consultation, the Minister must give the entity a copy of any submissions received, or a notice that no submissions were received. This is in order for the entity to appropriately consider and address matters raised in the submissions, including making any necessary changes to the entity's proposal.

After considering any submissions, the entity must provide to the Minister evidence of consultation undertaken, a summary of the matters raised in the submissions and how these matters have been addressed. The entity may provide evidence of consultation undertaken prior to providing a summary of submissions to the Minister.

State agency comments

While consultation is being undertaken, the department will seek comments on the entity's proposal from state agencies as relevant.

The Act gives direction on the applicable interests. While the planning instruments that are relevant may change from one proposal to another, the department will consider identified state interests, any applicable regional plans, and state development areas or priority development areas if the proposed infrastructure is to be located within those areas.

The Minister will provide the entity with any state agency comments the Minister determines should be responded to by the entity at the same time as the Minister provides the entity with a copy of any submissions received during consultation on the MID.

The entity must provide the Minister with a summary of how any state agency comments provided have been addressed as part of the summary of matters raised in submissions.

Change to the entity's proposal

If a change is made to the proposed infrastructure (that is considered to warrant further consultation), either as a consequence of a submission made during consultation or another circumstance, or where the Minister determines that consultation wasn't adequately completed, further consultation may apply to the proposal.

Any subsequent consultation process may be limited to specified parties and scope and be undertaken for a nominated time period.

Following the completion of any subsequent consultation by the entity, the entity will again be provided with a copy of any submissions for their consideration. The entity must again give the Minister a summary of the matters raised in the subsequent consultation, and how these matters have been addressed. The request can then progress to a decision being made by the Minister.

11.2.2 Process for making an amendment (not a minor amendment) to a Ministerial infrastructure designation

The process for amending an existing MID is the same as identified above for making a MID.

11.2.3 Process for making a minor amendment to a Ministerial infrastructure designation

Consideration of submissions

Following the completion of consultation by the Minister, the Minister must give the entity a copy of any submissions received, or a notice that no submissions were received. This is in order for the entity to appropriately consider and address matters raised in the submissions, including making any necessary changes to the entity's proposal.

After considering any submissions, the entity must provide to the Minister a summary of the matters raised in the submissions and how these matters have been addressed.

State agency comments

While consultation is being undertaken, the department will seek comments on the entity's proposal from state agencies as relevant.

The Minister will provide the entity with any state agency comments the Minister determines should be responded to by the entity at the same time as the Minister provides the entity with a copy of any submissions received during consultation on the MID.

The entity must provide the Minister with a summary of how any state agency comments provided have been addressed as part of the summary of matters raised in submissions.

11.2.4 Transitional provisions

Where the process for making of amending a MID under Chapter 7 of the July 2017 version had commenced but was not yet completed at the date version 1.1 of the MGR took effect, Chapter 7 of the July 2017 version of the MGR continues to apply.

11.3 Local government infrastructure designations

Section 37(6) of the Act provides that for a local government to make or amend a designation, the local government must follow the designation process in chapter 8 of the MGR. Chapter 8 outlines the process for environmental assessment and consultation.

Chapter 8 includes the following parts relating to the process for making or amending a local government infrastructure designation (LGID):

- Part 1 – Process for making a LGID
- Part 2 – Process for making an amendment (not a minor amendment) to a LGID Part 3 – Process for making a minor amendment to a LGID
- Part 4 – Transitional provisions

11.3.1 Process for making a LGID

Consultation by the entity

A consultation strategy is to be included in the material provided as part of a LGID proposal. The entity will be responsible for undertaking public consultation in accordance with the consultation strategy.

The period for public consultation should be outlined in the consultation strategy, but is typically a minimum of 20 business days, commencing on the day the last of the consultation actions identified in Schedule 4, section 8 are undertaken.

Submissions regarding the proposed LGID must be made to the local government.

State agency comments

At the time the entity commences consultation, the entity must give a copy of the LGID proposal to the chief executive.

The chief executive will undertake state agency consultation on the material provided while the entity undertakes consultation.

The chief executive may request further information about the entity's proposal from the entity.

The chief executive will provide the local government with any state agency comments the chief executive determines should be responded to by the entity.

Consideration of submissions

Following the entity advising the local government of the completion of consultation, the local government must give the entity a copy of any submissions received, or a notice that no submissions were received, and any state agency comments the chief executive determines should be responded to by the entity. This is in order for the entity to appropriately consider and address matters raised in the submissions, any state agency comments, and including making any necessary changes to the entity's proposal.

After considering any submissions, the entity must provide to the local government evidence of consultation undertaken, a summary of the matters raised in the submissions and how these matters have been addressed, and a summary of how any state agency comments have been addressed. The entity may provide evidence of consultation undertaken prior to providing a summary of submissions and state agency comments to the local government.

Change to the entity's proposal
If a change is made to the proposed infrastructure (that is considered to warrant further consultation), either as a consequence of a submission made during consultation or another circumstance, or where the local government determines that consultation wasn't adequately completed, further consultation may apply to the proposal.

Any subsequent consultation process may be limited to specified parties and scope and be undertaken for a nominated time period.

Following the completion of any subsequent consultation by the entity, the entity will again be provided with a copy of any submissions for their consideration. The entity must again give the local government a summary of the matters raised in the subsequent consultation, and how these matters have been addressed. The request can then progress to a decision being made by the local government.

11.3.2 Process for making an amendment (not a minor amendment) to a local government infrastructure designations

The process for amending an existing LGID is the same that identified above for making a LGID.

11.3.3 Process for making a minor amendment to a local government infrastructure designations

The entity must give a copy of a LGID minor amendment proposal to the chief executive at or about the same time that the entity provides a copy of the proposal to the local government.

The entity must also seek comments from any affected landowners at this time.

The chief executive will undertake state agency consultation on the material provided.

The chief executive may request further information about the entity's proposal from the entity.

The chief executive will provide the entity with any state agency comments the chief executive determines should be responded to by the entity.

After considering any comments from the chief executive and affected landowners, the entity must provide to the local government a summary of any comments and how these comments have been addressed.

11.3.4 Transitional provisions

Where the process for making of amending a LGID under Chapter 8 of the July 2017 version had commenced but was not yet completed at the date version 1.1 of the MGR took effect, Chapter 8 of the July 2017 version of the MGR continues to apply.

Appendix 1 - LGIP template

<All text shaded in grey is subject to further local government review and amendments to reflect local government circumstances. Sections of text and parts of tables that are not relevant should be deleted. All words in brackets are drafting instructions, which are to be deleted after the relevant information has been populated.>

<An LGIP should be drafted in accordance with this template. Amendments may be made to make it consistent with the local government's existing planning scheme structure and numbering.>

Local government infrastructure plan

1.0 Preliminary

1. This local government infrastructure plan has been prepared in accordance with the requirements of the *Planning Act 2016*.
2. The purpose of the local government infrastructure plan is to:
    a. integrate infrastructure planning with the land-use planning identified in the planning scheme
    b. provide transparency regarding a local government's intentions for the provision of trunk infrastructure
    c. enable a local government to estimate the cost of infrastructure provision to assist its long-term financial planning
    d. ensure that trunk infrastructure is planned and provided in an efficient and orderly manner
    e. provide a basis for the imposition of conditions about infrastructure on development approvals.
3. The local government infrastructure plan:
    a. states in section 2 (planning assumptions) the assumptions about future growth and urban development including the assumptions of demand for each trunk infrastructure network
    b. identifies in section 3 (priority infrastructure area) the prioritised area to accommodate urban growth up to <insert date>
    c. states in section 4 (desired standards of service), for each trunk infrastructure network, the desired standard of performance
    d. identifies in section 5 (plans for trunk infrastructure) the existing and future trunk infrastructure for the following networks:
        i. water supply
        ii. sewerage
        iii. stormwater
        iv. transport
        v. parks and land for community facilities.
4. provides a list of supporting documents that assists in the interpretation of the local government infrastructure plan in the Editor's note – Extrinsic material.

2.0 Planning assumptions

1. The planning assumptions state the assumptions about:
    a. population and employment growth
    b. the type, scale, location and timing of development, including the demand for each trunk infrastructure network.
2. The planning assumptions, together with the desired standards of service, form the basis for the planning of the trunk infrastructure networks and the determination of the PIA.
3. The planning assumptions have been prepared for:
    a. the base date (<insert the base date>) and the following projection years:
        i. mid (<insert projection year>);
        ii. mid (<insert projection year>);
        iii. mid (<insert projection year>);
        iv. <insert additional projection years as required>.
    b. the LGIP development types in column 2 that include the uses in column 3 of Table 0.1.
    c. the projection areas identified on Local Government Infrastructure Plan Map <insert relevant map reference number> in schedule 3—Local government infrastructure plan mapping and tables.

Table 0.1 – Relationship between LGIP development categories, LGIP development types and uses

Column 1 **LGIP development category**	**Column 2** **LGIP development type**	**Column 3** **Uses**
Residential development	Attached dwelling	Insert relevant planning scheme uses, e.g.: Dual occupancy Dwelling unit Multiple dwelling
	Detached dwelling	Insert relevant planning scheme uses, e.g.: Dwelling house
Non-residential development	Commercial	Insert relevant planning scheme uses, e.g.: Office
	Community purpose	Insert relevant planning scheme uses, e.g.: Community use Place of worship Educational establishment Hospital
	Industry	Insert relevant planning scheme uses, e.g.: Low-impact industry High-impact industry Medium impact industry
	Retail	Insert relevant planning scheme uses, e.g.: Food and drink outlet Nightclub entertainment facility Shop Shopping centre Showroom

	Other	Insert relevant planning scheme uses, e.g.: Animal husbandry Cropping Extractive industry

2.1 Population and employment growth

1. A summary of the assumptions about population and employment growth for the planning scheme area is stated in Table 0.2 – Population and employment assumptions summary.

Table 0.2 – Population and employment assumptions summary

Column 1 Description	Column 2 Assumptions					
	Base date (<insert base date>)	**2021**	**2026**	**2031**	**<Insert additional projection years>**	**Ultimate development**
Population						
Employment						

2. Detailed assumptions about growth for each projection area and LGIP development type category are identified in the following tables in Schedule 3 Local government infrastructure plan mapping and tables:
   a. for population, Table 0.4 - Existing and projected population;
   b. for employment, Table 0.5 – Existing and projected employees.

2.2 Development

1. <insert either> The developable area is identified on Local Government Infrastructure Plan Map <insert map reference> in Schedule 3—Local government infrastructure plan mapping and tables.
   <or>
   The developable area is represented by zones relating to urban uses not affected by the following constraints:
   <insert dot point summary of relevant constraints and overlay maps>
2. The planned density for future development is stated in <insert table reference> in Schedule 3—Local government infrastructure plan mapping and tables.
3. A summary of the assumptions about future residential and non-residential development for the planning scheme area is stated in Table 0.3 – Residential dwellings and non-residential floor space assumptions summary.

Table 0.3 – Residential dwellings and non-residential floor space assumptions summary

Column 1 Description	Column 2 Assumptions					
	Base date (<insert base date>)	2021	2026	2031	<Insert additional projection years>	Ultimate development
Residential dwellings						
Non-residential floor space (m^2 GFA)						

4. Detailed assumptions about future development for each projection area and LGIP development type are identified in the following tables in Schedule 3 Local government infrastructure plan mapping and tables:
    a. for residential development, <insert table reference>
    b. for non-residential development, <insert table reference>.

2.3 Infrastructure demand

1. The demand generation rate for a trunk infrastructure network is stated in Column <insert column reference> of <insert table reference> in Schedule 3 Local government infrastructure plan mapping and tables.
2. A summary of the projected infrastructure demand for each service catchment is stated in:
    a. for the water supply network, <insert table reference>
    b. for the sewerage network, <insert table reference>
    c. for the stormwater network, <insert table reference>
    d. for the transport network, <insert table reference>
    e. for the parks and land for community facilities network, <insert table reference>.

<Local governments may include tables of existing and projected demand for the trunk infrastructure networks in this section, or in Schedule 3—Local government infrastructure plan mapping and tables.>

3.0 Priority infrastructure area

1. The PIA identifies the area prioritised for the provision of trunk infrastructure to service the existing and assumed future urban development up to <insert date>.
2. The PIA is identified on Local Government Infrastructure Plan Map <insert reference number for relevant map>.

<Local governments may include a summary map of the PIA in this section or in Schedule 3—Local government infrastructure plan mapping and tables.>

4.0 Desired standards of service (DSS)

1. This section states the key standards of performance for a trunk infrastructure network.
2. Design standards for trunk infrastructure networks are identified in the following <planning scheme policies or other controlled documents>.

4.1 Water supply network

<insert the local government's key, specific desired standard of service for the water supply network>

4.2 Sewerage network

<insert the local government's key, specific desired standard of service for the sewerage network>

4.3 Stormwater network

<insert the local government's key, specific desired standard of service for the stormwater network>

4.4 Transport network

<insert the local government's key, specific desired standard of service for the transport network>

4.5 Public parks and land for community facilities network

<insert the local government's key, specific desired standard of service for the public parks and land for community facilities network network>

5.0 Plans for trunk infrastructure

1. The plans for trunk infrastructure identify the trunk infrastructure networks intended to service the existing and assumed future urban development at the desired standard of service.

5.1 Plans for trunk infrastructure maps

1. The existing and future trunk infrastructure networks are identified on the following maps in Schedule 3—Local government infrastructure plan mapping and tables:
    a. Local Government Infrastructure Plan Map <insert reference number for relevant map>—Plan for trunk water supply infrastructure
    b. Local Government Infrastructure Plan Map <insert reference number for relevant map>—Plan for trunk sewerage infrastructure
    c. Local Government Infrastructure Plan Map <insert reference number for relevant map>—Plan for trunk stormwater infrastructure
    d. Local Government Infrastructure Plan Map <insert reference number for relevant map>—Plan for trunk transport infrastructure
    e. Local Government Infrastructure Plan Map <insert reference number for relevant map>—Plan for trunk parks and land for community facilities infrastructure
2. The state infrastructure forming part of transport trunk infrastructure network has been identified using information provided by the relevant state infrastructure supplier.

5.2 Schedules of works

1. Details relating to the existing and future trunk infrastructure networks are identified in the electronic Excel schedule of works model, which can be viewed here: <insert link to the website where the file can be found>
2. The future trunk infrastructure, derived from the SOW model, is summarised in the following tables <in Schedule 3—Local government infrastructure plan mapping and tables>:

a. for the water supply network,<insert table reference>
b. for the sewerage network,<insert table reference>
c. for the stormwater network, <insert table reference>
d. for the transport network, <insert table reference>
e. for the parks and land for community facilities network, <insert table reference>

<Local government may include the schedule of works tables in this section or in Schedule 3—Local government infrastructure plan mapping and tables.>

5.3 Editor's note – Extrinsic material

The table below identifies the documents that assist in the interpretation of the local government infrastructure plan and are extrinsic material under the Statutory Instruments Act 1992.

List of extrinsic material

Column 1 Title of document	Column 2 Date	Column 3 Author

Schedule 2 – Definitions

<The following terms are to be included in the definitions section of Schedule 1 of the planning scheme.>

Column 1 Term	Column 2 Definition

5.4 SC3.1 Planning assumption tables

Table 0.4—Existing and projected population

Column 1 Projection area	Column 2 LGIP development type	Column 3 Existing and projected population					
		<insert base date>	2021	2026	2031	<insert additional projection year as required>	Ultimate development
<insert projection areas as required>							
	Total						
<insert projection areas as required>							
	Total						
Inside priority infrastructure area (total)							
	Total						
Outside priority infrastructure area (total)							
	Total						
Total inside and outside priority infrastructure area							
	Total						

Table 0.5 – Existing and projected employees

Column 1 **Projection area**	**Column 2** **LGIP development type**	**Column 3** **Existing and projected employees**					
		<insert base date>	**2021**	**2026**	**2031**	**<insert additional projection year as required>**	**Ultimate development**
<insert projection areas as required>							
	Total						
<insert projection areas as required>							
	Total						
Inside priority infrastructure area (total)							
	Total						

Table 0.6 – Planned density and demand generation rate for a trunk infrastructure network

Column 1 Area classification	Column 2 LGIP development type	Column 3 Planned density		Column 4 Demand generation rate for a trunk infrastructure network				
		Non-residential plot ratio	Residential density (dwellings/ dev ha)	Water supply network (EP or ET / dev ha)	Sewerage network (EP or ET / dev ha)	Transport network (vpd/dev ha)	Parks and land for community facilities network (ha/1000 persons)	Stormwater network (imp ha/dev ha)
Residential development								
Non-residential development and mixed development*								

* Mixed development is development that includes residential and non-residential development.

Table 0.7 – Existing and projected residential dwellings

Column 1 Projection area	Column 2 LGIP development type	Column 3 Existing and projected residential dwellings					
		<insert base date>	2021	2026	2031	<insert additional projection year as required>	Ultimate development
<insert projection areas as required>							
	Total						
<insert projection areas as required>							
	Total						
Inside priority infrastructure area (total)							
	Total						
Outside priority infrastructure area (total)							
	Total						
Total inside and outside priority infrastructure area							
	Total						

Table 0.8 – Existing and projected non-residential floor space

Column 1 Projection area	Column 2 LGIP development type	Column 3 Existing and projected non-residential floor space (m^2 GFA)					
		<insert base date>	2021	2026	2031	<insert additional projection year as required>	Ultimate development
<insert projection areas as required>							
	Total						
<insert projection areas as required>							
	Total						
Inside priority infrastructure area (total)							
	Total						
Outside priority infrastructure area (total)							
	Total						
Total inside and outside priority infrastructure area							
	Total						

Table 0.9 - Existing and projected demand for the water supply network

Column 1 Service catchment*	Column 2 Existing and projected demand (EP or ET)					
	<insert base date>	2021	2026	2031	<insert additional projection years>	Demand at ultimate development

The service catchments for the water supply network are identified on Local Government Infrastructure Plan Map <insert map number> (Plan for trunk water supply infrastructure) in Schedule 3 (local government infrastructure mapping and tables).

Table 0.10 – Existing and projected demand for the sewerage network

Column 1 **Service catchment***	**Column 2** **Existing and projected demand (EP or ET)**					
	<insert base date>	**2021**	**2026**	**2031**	**<insert additional projection years>**	**Demand at ultimate development**

*Column 1. The service catchments for the sewerage network are identified on Local Government Infrastructure Plan Map <insert map number> (Plan for trunk sewerage infrastructure) in Schedule 3 (local government infrastructure mapping and tables).

Table 0.11 – Existing and projected demand for the stormwater network

Column 1 **Service catchment***	**Column 2** **Existing and projected demand (imp ha)**					
	<insert base date>	**2021**	**2026**	**2031**	**<insert additional projection years>**	**Demand at ultimate development**

* Column 1. The service catchments for the stormwater network are identified on Local Government Infrastructure Plan Map <insert map number> (Plan for trunk stormwater infrastructure) in Schedule 3 (local government infrastructure mapping and tables).

Table 0.12 – Existing and projected demand for the transport network

Column 1 **Service catchment***	**Column 2** **Existing and projected demand (vpd)**					
	<insert base date>	**2021**	**2026**	**2031**	**<insert additional projection years>**	**Demand at ultimate development**

*Column 1. The service catchments for the transport network are identified on Local Government Infrastructure Plan Map <insert map number> (Plan for trunk transport infrastructure) in Schedule 3 (local government infrastructure mapping and tables).

Table 0.13 – Existing and projected demand for the parks and land for community facilities network

Column 1 **Service catchment***	**Column 2** **Existing and projected demand (ha/1000 persons)**					
	<insert base date>	**2021**	**2026**	**2031**	**<insert additional projection years>**	**Demand at ultimate development**

*Column 1. The service catchments for the parks and land for community facilities network are identified on Local Government Infrastructure Plan Map <insert map number> (Plan for trunk parks and land for community facilities infrastructure) in Schedule 3 (local government infrastructure mapping and tables).

5.5 SC3.2 Schedules of works

Table 0.14 – Water supply network schedule of works

Column 1 Map reference	Column 2 Trunk infrastructure	Column 3 Estimated timing	Column 4 Establishment cost*
TOTAL			

*Column 4. The establishment cost is expressed in current cost terms as at the base date.

Table 0.15 – Sewerage network schedule of works

Column 1 Map reference	Column 2 Trunk infrastructure	Column 3 Estimated timing	Column 4 Establishment cost*
TOTAL			

*Column 4. The establishment cost is expressed in current cost terms as at the base date.

Table 0.16 – Stormwater network schedule of works

Column 1 **Map reference**	**Column 2** **Trunk infrastructure**	**Column 3** **Estimated timing**	**Column 4** **Establishment cost***
TOTAL			

*Column 4. The establishment cost is expressed in current cost terms as at the base date.

Table 0.17 – Transport network schedule of works

Column 1 **Map reference**	**Column 2** **Trunk infrastructure**	**Column 3** **Estimated timing**	**Column 4** **Establishment cost***
TOTAL			

*Column 4. The establishment cost is expressed in current cost terms as at the base date.

Table 0.18 – Parks and land for community facilities schedule of works

Column 1 Map reference	Column 2 Trunk infrastructure	Column 3 Estimated timing	Column 4 Establishment cost*
TOTAL			

Column 4. The establishment cost is expressed in current cost terms as at the base date.

5.6 SC3.2 Local government infrastructure plan maps

Local Government Infrastructure Plan Map <insert map number> Priority infrastructure area and projection areas map

Local Government Infrastructure Plan Map <insert map number> Developable area map

Local Government Infrastructure Plan Map <insert map number> Plan for trunk water supply infrastructure

Local Government Infrastructure Plan Map <insert map number> Plan for trunk sewerage infrastructure

Local Government Infrastructure Plan Map <insert map number> Plan for trunk stormwater infrastructure

Local Government Infrastructure Plan Map <insert map number> Plan for trunk transport infrastructure

Local Government Infrastructure Plan Map <insert map number> Plan for trunk parks and land for community facilities infrastructure

Abbreviations

Act	*Planning Act 2016*
FAAR	Feasible alternatives assessment report
ICN	Infrastructure charges notice
KPI	Key performance indicator
LGID	Local government infrastructure designation
LGIP	Local government infrastructure plan
MID	Ministerial infrastructure designation
PIA	Priority infrastructure area
PSP	Planning scheme policy
RPEQ	Registered Professional Engineer of Queensland
Regulation	Planning Regulation 2017
SEQ Water Act	*South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*
SPP	State Planning Policy
TLPI	Temporary local planning instrument

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