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## About this guideline

### The purpose of this guideline

This guideline has been prepared by the Minister under Section 117 of the *Sustainable Planning Act 2009* (SPA). This guideline sets out the minimum requirements which must be followed by a local government for making or amending a local planning instrument. However, it does not apply to the amendment of a planning scheme to include a structure plan.

This guideline also describes the process which the Minister must follow if acting under Chapter 3, Part 6 of the SPA.

In accordance with Section 119 of the SPA, substantial compliance with the guideline is required.

### List of acronyms

IDAS	Integrated Development Assessment System
PIP	Priority infrastructure plan
PIA	Priority Infrastructure Area
RPC	Regional Planning Committee
SPA	<i>Sustainable Planning Act 2009</i>
SPSP	Standard Planning Scheme Provisions
TLPI	Temporary local planning instrument

### Definitions—the dictionary

The dictionary in Schedule 1 defines particular words used in this guideline. Other terms used in this guideline have the meaning given in the SPA.

### Objectives and outcomes of the guideline

This guideline has been prepared mainly for practitioners directly involved in preparing or amending local planning instruments under the SPA. It may also increase non-experts understanding of the policy preparation and decision-making processes when making a local planning instrument.

This guideline aims for local planning instruments to be prepared using accountable and efficient processes. More specifically, this guideline identifies the process that is required to develop or amend a local planning instrument and the roles and responsibilities of those involved in the process.

The objectives of this guideline are for planning instruments to be developed:

- in a timely manner, therefore retaining currency and relevance when adopted;
- using resources efficiently and effectively; and
- in consultation with state agencies and the public, if required, for making a particular local planning instrument.





## How to use this guideline

This guideline prescribes the processes for:

- making or amending planning schemes (*other than an amendment to a planning scheme to include a structure plan*);
- making or amending planning scheme policies;
- making a temporary local planning instrument.

The guideline contains mandatory requirements which must be followed when making or amending a local planning instrument. Notes are provided to give guidance about how the mandatory requirements may be achieved. While the notes are not mandatory, complying with the notes will assist in achieving the objectives of this guideline. It should be noted that the Minister has the ability to permit local governments not to undertake certain of these minimum actions, in particular circumstances.

Local governments may use additional processes to the mandatory requirements of the guidelines in developing their local planning instruments, provided those additional processes do not conflict with this guideline.

Performance indicator timeframes are identified for a number of steps. These timeframes are not mandatory—they are a best practice performance guide only.

## Part 1—Making or amending a planning scheme

### What is a planning scheme?

A planning scheme under the SPA is a local planning instrument that provides for development to be planned and undertaken in a strategic way encompassing the entire local government area. They are an effective tool at the local level to achieve the purpose of the SPA. They take a strategic view of an area and incorporate site provisions, such as zones and codes, to manage growth and change in the local government area.

A planning scheme can be created where no planning scheme currently exists or to replace an existing planning scheme where changes needed to the existing scheme are so significant that a new scheme is required. For example, the amalgamation of two or more local government areas may result in the preparation of a new planning scheme for the amalgamated local government area.

The planning scheme must be reviewed periodically under the SPA to ensure that it responds appropriately to changes at a local, regional and state level. A planning scheme can be amended from time to time to improve the way it works, bring it into line with changed circumstances in the local government area or to make it consistent with new state policy.



## Types of amendments to planning schemes

For the purposes of this guideline, amendments to planning schemes have been categorised into three categories:

- administrative amendment;
- minor amendment;
- major amendment.

### Administrative amendments

An **administrative amendment** to a planning scheme is an amendment that corrects or changes:

- (a) an explanatory matter about the planning scheme; or
- (b) the format or presentation of the planning scheme; or
- (c) a spelling, grammatical or mapping error in the planning scheme; or
- (d) a factual matter incorrectly stated in the planning scheme; or
- (e) a redundant or outdated term; or
- (f) inconsistent numbering of provisions in the planning scheme; or
- (g) cross-references in the planning scheme.

An **administrative amendment** to a planning scheme includes:

- (a) amending the planning scheme to reflect an amendment to the mandatory components of the standard planning scheme provisions (SPSP) or an amendment to a non-mandatory or optional component of the SPSP used in the planning scheme; and

*Example for paragraph (a)—a use definition of the SPSP that is already included in a local government planning scheme.*

- (b) amending the planning scheme to include a statement that a state planning instrument, or part of one, is appropriately reflected in the planning scheme, if the Minister has advised the local government that the Minister is satisfied that the planning scheme reflects the state planning instrument.

### Minor amendments

A **minor amendment** to a planning scheme is an amendment that:

- (a) the Minister is satisfied reflects a current development approval, a master plan for a declared master planned area or an approval under other legislation; or
- (b) the Minister is satisfied:
  - (i) reflects a change that is directly responding to a regional plan for a designated region that applies in the local government area; or
  - (ii) reflects a state planning policy, or part of a state planning policy; or
  - (iii) reflects changes to the planning scheme in response to a Ministerial direction if in the Minister's opinion, the subject matter of those changes involved adequate public consultation; or
  - (iv) has involved adequate consultation with the public and the state.

If the amendment is to a priority infrastructure plan (PIP), the amendment to the planning scheme will be a **minor amendment** if it results in less than a five per cent increase in a charge rate (present value) since the PIP was made or a previous major amendment to the PIP was made.

### Major amendments

A **major amendment** is an amendment that is not a minor amendment or an administrative amendment.





## Ministerial notice excusing compliance with steps required by this guideline for the making or amending a planning scheme

The Minister may by written notice advise a local government that it need not undertake a step otherwise required by this guideline for making or amending a planning scheme. However, the Minister may not excuse the following steps:

- (a) Step 1; or
- (b) Step 2; or
- (c) Step 3.1; or
- (d) Step 7 (in the case of making a planning scheme only); or
- (e) Step 8 (in the case of making a planning scheme only); or
- (f) Steps 9.1 and 9.3 (in the case of making a planning scheme only); or
- (g) Step 10.3 (in the case of making a planning scheme only); or
- (h) Step 11.

The Minister may only give a written notice to the local government if the Minister is satisfied that:

- (a) significant planning work has been undertaken by the local government (or an entity working on behalf of the local government); and
- (b) requiring the local government to comply with all of the steps in this guideline would result in a repetition of process.

When issuing a written notice varying the steps of this guideline, the Minister may give any direction or impose any condition on the local government that the Minister considers necessary in the circumstances to progress the making or amendment of the planning scheme.

The written notice to the local government must state the following:

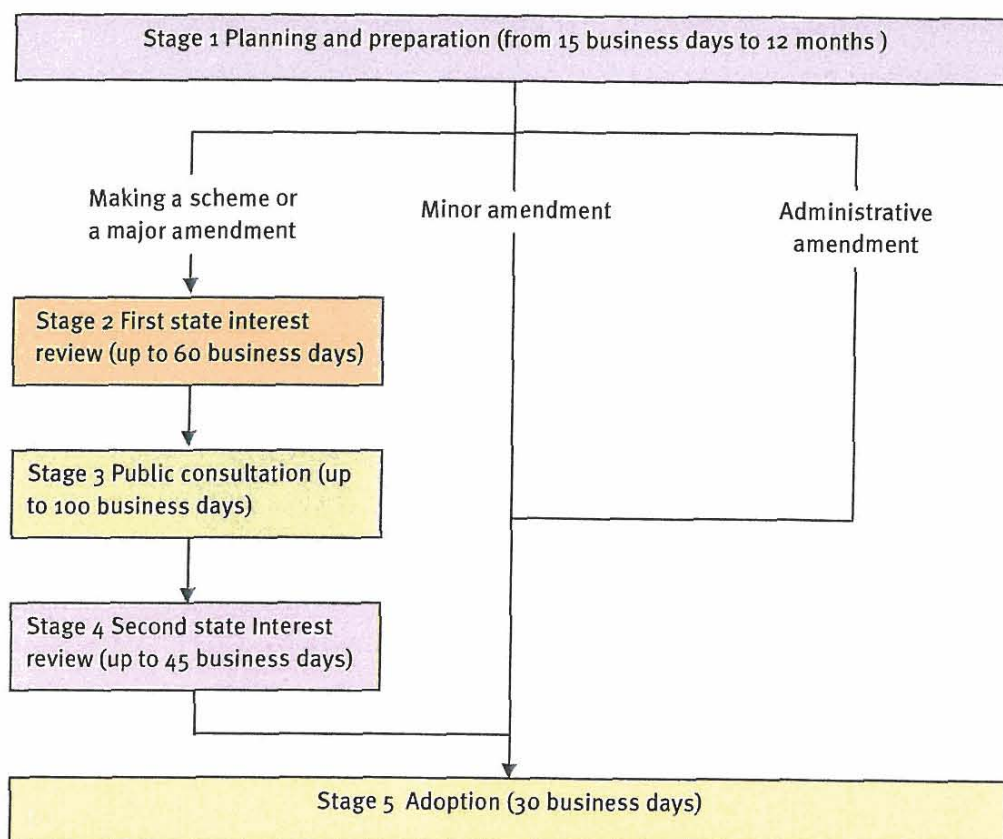
- (a) the name of the relevant local government; and
- (b) details about the proposed planning scheme or proposed planning scheme amendment; and
- (c) the steps of this guideline that the local government is not required to undertake; and
- (d) the reasons for the Minister's decision.

Where the Minister advises a local government that steps identified within this guideline need not be undertaken, the Minister must, as soon as practicable, publish a notice at least once in a newspaper circulating in the local government's area and on the Department of Infrastructure and Planning's website. The notice must state the following:

- (a) that the Minister has given a notice under this guideline advising the local government that certain steps of this guideline do not apply to the local government; and
- (b) details about the proposed planning scheme or proposed planning scheme amendment to which the advice relates; and
- (c) the steps of this guideline that the local government is not required to undertake; and
- (d) the reasons for the Minister's decision.



## The process for making or amending a planning scheme



**Figure 1: Summary of the process for making or amending (major, minor or administrative) a planning scheme**

This part describes the process (Figure 1) for making or amending a planning scheme. It applies to:

- (a) making a planning scheme, including making an infrastructure priority plan or an infrastructure charges schedules; and
- (b) making a major amendment to a planning scheme; and
- (c) making a minor amendment to a planning scheme; and
- (d) making an administrative amendment to a planning scheme.

In this guideline, a reference to making a planning scheme includes making and amending a planning scheme, unless otherwise stated.





## Stage 1 Planning and preparation stage

### Step 1. Local government proposes to prepare a planning scheme or planning scheme amendment

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> <li>• Minor amendment</li> <li>• Administrative amendment</li> </ul>	Start of process

- 1.1. The local government must decide to prepare a planning scheme or planning scheme amendment.

### Step 2. Obtaining agreement on priority infrastructure plan assumptions and priority infrastructure area

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> </ul>	<ul style="list-style-type: none"> <li>• Variable</li> </ul>

- 2.1. This step only applies to:
- making a planning scheme which includes a priority infrastructure plan (PIP); or
  - amending a planning scheme to include a PIP; or
  - amending a planning scheme to change the PIP assumptions or the location and size of the priority infrastructure area.
- 2.2. Before proceeding to the first state interest review, the local government must agree with the suppliers of state infrastructure for the PIP about:
- the assumptions for the PIP; and
  - the location and size of the priority infrastructure area.
- 2.3. Where agreement cannot be reached by the interested parties, the Minister must:
- establish a committee of suitably qualified experts to prepare a report on the matters, consider the report and decide the matters; or
  - consider the written views of the parties and decide the matters.

### Step 3. Local government prepares the draft planning scheme

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> <li>• Minor amendment</li> <li>• Administrative amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 12 months</li> <li>• 6 months</li> <li>• 35 business days</li> <li>• 35 business days</li> </ul>

- 3.1. The local government must prepare the draft planning scheme or planning scheme amendment.



#### **Note on state consultation**

When preparing a proposed planning scheme, consultation and liaison between local government and state agencies should be undertaken early in the plan-making process. This should be supported by ongoing communication and collaboration between local and state government officers.

The SPA identifies matters which the local government must address or consider when making or amending a planning scheme. This includes matters which are of a state interest.

State entities have a role in assisting local governments in preparing their planning scheme. That role includes assisting in the development of the planning scheme strategic framework to ensure state and regional interests are appropriately integrated. It also involves formal state interest reviews, where the state government reviews local government integration of state interests in a planning scheme.

**When providing advice to local governments, state agencies are responsible for providing concise and consistent advice on how planning issues regarding a state interest can be satisfactorily addressed in a proposed local planning scheme.**

To assist local governments, state agencies may develop internal guides, model planning scheme codes or other information/operational material and make these available to local governments to help them achieve state interest outcomes in local planning instruments.

A proposed planning scheme needs to be well advanced in its development by the time it is submitted to the state for a state interest review. Early and ongoing consultation with state agencies prior to the first state interest review is a key tool to ensure that state interests are identified and integrated early, leading to better planning and procedural outcomes.

The intended outcomes of consultation between local and state governments are:

- State interests are integrated into the proposed planning scheme early at the conceptual and drafting stages (particularly the development of the strategic framework of a new planning scheme);
- local and state governments identify issues early and have sufficient time and scope to determine an appropriate response to the issue;
- to inform studies which will be undertaken as part of the plan making process;
- to obtain information from state agencies which can be included into the proposed planning scheme, for example, mapping; and
- local and state government officers are familiar with the structure and content of the proposed planning scheme and of how matters are addressed by the proposed scheme prior to the formal review of the planning scheme by the state.

As a result, early and ongoing consultation should lead to:

- a more streamlined process for making or amending a planning scheme, particularly at state interest review stages;
- greater use of available resources and avoiding duplication;
- build collaborative relationships between local and state government officers to achieve planning outcomes; and
- build support between local and state government for the final planning document.

Techniques that local governments may employ to foster communication with state agencies include:

- holding state agency workshops;
- identifying individual contacts within agencies and forming an ongoing working group with regular meetings and updates;





- using staff exchange programs, embedding state agency staff in local government offices to assist drafting at relevant stages of the plan development process; and
- gaining awareness of the state planning instruments program and following the development of new state planning instruments with the lead state agencies.

#### **Note on public and stakeholder consultation**

The local government may choose to undertake public and stakeholder consultation when developing a new planning scheme or making an amendment, particularly a major amendment to a planning scheme.

There are many benefits to having early consultation with the public and stakeholders when preparing planning schemes, such as early identification of issues and community values, and greater community ownership of the final plan.

Although minimum timeframes are required by the SPA, local governments have flexibility to choose suitable consultative processes and the length of time consultation occurs.

Some examples of alternative consultation methods include:

- newspaper advertisements;
- radio advertising or radio interviews;
- public consultation events;
- displays in shopping centres;
- public meetings;
- information days; and
- targeted stakeholder workshops.

3.2. After preparing the draft planning scheme, the local government must:

- if making a new planning scheme or a major amendment to a planning scheme—write to the Minister requesting a first state interest review of the planning scheme or planning scheme amendment and the Minister's agreement to publicly notify the planning scheme or planning scheme amendment; or
- if making a minor amendment—write to the Minister seeking the Ministers' agreement for the proposed amendment to be adopted; or
- if making an administrative amendment—proceed to Step 11.

#### **Step 4. Information required by the Minister**

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> <li>• Minor amendment</li> </ul>	

4.1. If making a planning scheme or making a major or minor amendment to a planning scheme, the local government must submit an electronic copy and a hard copy of the proposed planning scheme or amendment to the Minister in the format identified by the Department of Infrastructure and Planning.



- 4.2. If making a planning scheme or a major amendment to a planning scheme, the local government must also give the Minister:
- a written statement about the extent and outcomes of any consultation undertaken with state agencies and the public in preparing the draft planning scheme or amendment; and
  - a written statement about how the proposed planning scheme or amendment coordinates and integrates the state and regional dimensions of matters dealt with by the planning scheme or amendment; and
  - a written statement about how the proposed planning scheme or amendment reflects relevant state planning instruments; and
  - any background studies or reports that the local government considers may assist the Minister in carrying out the state interest review.
- 4.3. If the local government considers that the proposed amendment is a minor amendment, the local government must provide written information to the Minister about why the local government considers the amendment is a minor amendment.

**Note on information requirements from local government**

The purpose of this step is to ensure that matters which the Minister will consider when making decisions regarding the proposed planning scheme or amendment are clearly articulated by the local government, facilitating a timely and efficient assessment process by the Minister.

In particular, the information provided should:

- clearly identify the differences between the existing planning scheme and the proposed planning scheme and amendment; and
- clearly identify why changes have occurred and what issue the changes respond to.

If a first state interest review is required, the local government may be required to supply multiple copies of information to the Minister for distribution to state agencies involved in the first state interest review. Prior to sending their submission, local government should contact their regional contact from the Department of Infrastructure and Planning to confirm any information requirements for the first state interest review.

If there is insufficient or inadequate information or insufficient copies of information for the Minister to assess the proposed planning scheme or amendment for first state interest review, the Minister may need to delay commencement of the review until satisfied that all information is provided.

**Step 5. Minister considers a minor amendment**

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>Minor amendment</li> </ul>	

- 5.1. If the Minister receives written information under Step 4.3, the Minister must consider the proposed amendment and advise the local government in writing that:
- if the Minister is satisfied the amendment is a minor amendment:
    - the local government may adopt the proposed minor amendment, with or without conditions, and proceed to Step 11; or
    - the local government may not proceed further with the minor amendment; or
  - if the Minister is satisfied that the amendment is a major amendment—the process for making a major amendment must be followed.
- 5.2 If the Minister advises the local government under Step 5.1(b), the local government must provide the written information mentioned in Step 4.2 before the Minister will undertake Step 6.





## Stage 2 First state interest review

### Step 6. Minister considers proposed planning scheme for adverse effects on state interests

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 40 business days for state agencies to consider the proposed planning scheme or amendment</li> </ul>

- 6.1. This step only applies for making a planning scheme or a major amendment of a planning scheme.
- 6.2. After receiving the information specified in Step 4, the Minister must consider whether or not state interests would be adversely affected by the proposed planning scheme or amendment.

#### Note on first state interest review

The state interest review enables the Minister to review a proposed planning scheme or major amendment to consider whether state interests would be adversely affected by the proposal.

**The performance indicator timeframe for state agencies to review the planning scheme or major amendment and provide a response to the Minister is 40 business days.**

The purpose of this timeframe is to ensure that state interest reviews are carried out in a timely and efficient manner.

Liaison between local and state government is expected to have commenced prior to this stage of the proposed planning scheme. As such, state agencies and local government should have a high level of understanding of how state interests have been reflected in the proposed planning scheme and of any potential or outstanding issues, prior to commencement of the state interest review.

State agencies and local governments are encouraged to liaise directly to discuss matters regarding state interests in the review period. State agencies should also liaise directly with other state agencies to coordinate their department's interests.

- 6.3. After carrying out the state interest review, the Minister must advise the local government in writing that it may:
- notify the proposed planning scheme or amendment; or
  - notify the proposed planning scheme or amendment subject to complying with conditions imposed by the Minister; or
  - not proceed further with the proposed planning scheme or amendment.



### Stage 3 Public consultation

#### Step 7. Local government notifies the proposed planning scheme or amendment and commences public consultation

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 45 business days (incorporating 30 business days public consultation)</li> </ul>

- 7.1. This step applies for making a planning scheme or making a major amendment to a planning scheme if the Minister has advised the local government under Step 6.3(a) or (b).
- 7.2. Before publicly notifying the proposed planning scheme or amendment, the local government must comply with any condition imposed by the Minister under Step 6.3.
- 7.3. The local government must carry out public consultation about the proposed planning scheme or amendment for a period (the **consultation period**) of at least 30 business days.
- 7.4. The local government must place a notice in a locally circulating newspaper and on the local government's website stating:
  - (a) the name of the local government; and
  - (b) for a major amendment to a planning scheme:
    - (i) the purpose and general effect of the proposed amendment; and
    - (ii) the location details of the area where the proposed amendment applies, if it only relates to part of the planning scheme area; and
  - (c) a contact telephone number for information about the proposed planning scheme or amendment; and
  - (d) where the proposed planning scheme or amendment is available for inspection and purchase; and
  - (e) that written submissions about any aspect of the proposed planning scheme or amendment may be made to the local government by any person; and
  - (f) the period during which the submissions may be made; and
  - (g) the requirements for making a properly made submission.

#### Note on consultation

The consultation period seeks to engage the community in the development of the new or amended planning scheme and provide them opportunity to input to its development. Public consultation ensures that a range of views and perspectives are taken into account, widening the perspective of drafters and bringing new ideas for how an area could be planned.

Notification informs people of the making of a proposed planning scheme or amendment in their local government area. It also announces that the local government is seeking views and information from the community on the proposed planning scheme or amendment. A public notice in the newspaper and on the local government's website is the minimum requirement for public consultation. Local governments are encouraged to develop and extend their public consultation efforts to maximise opportunity for proactively engaging with the community.

- 7.5. During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed planning scheme or amendment available for viewing and purchase.





- 7.6. The notice and proposed planning scheme or amendment must also be available for download on the local government's website.

**Step 8. Local government reviews submissions and decides how to proceed**

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 55 business days</li> <li>• 45 business days</li> </ul>

- 8.1. This step applies for making a planning scheme or making a major amendment to a planning scheme.
- 8.2. The local government must consider every properly made submission about the proposed planning scheme or amendment.
- 8.3. After considering the submissions, the local government must:
- advise persons in writing who made a properly made submission about how the local government has dealt with the submissions; and
  - give the Minister a written notice containing a summary of matters raised in the properly made submissions and stating how the local government dealt with the matters.
- 8.4. After considering the submissions, the local government may make changes to the proposed planning scheme or amendment to:
- address issues raised in a properly made submission; or
  - amend a drafting error; or
  - address new or changed planning circumstances or information.
- 8.5. If the local government changes the proposed planning scheme or amendment and the local government is satisfied that the change results in the proposed planning scheme or amendment being significantly different to the version released for public consultation, the local government must repeat Step 7.
- 8.6. Despite Step 8.5, the consultation may be limited to seeking comments on only those aspects of the planning scheme or amendment which have changed.

**Note on changes to a proposed planning scheme**

It is reasonably expected that some changes can be made to the draft planning scheme through the local government's assessment of public submissions and additional matters outlined under Step 8.3, and that those changes may affect some individuals and stakeholders.

However, the planning scheme preparation process also requires the public to have opportunity to provide comment on proposals which may affect their land use rights.

If changes have been made to the proposed planning scheme or amendment that has been released for public consultation, the local government must determine whether those changes result in the proposed planning scheme being significantly different to the proposed planning scheme that was released publicly for public comments. If changes have resulted in the proposed planning scheme or amendment being significantly different, additional public consultation is warranted as the public has not had the opportunity to comment on proposals which may impact on them directly or on the community.



In determining whether the proposed planning scheme is significantly different to the version which was released for public consultation, the local government should consider the change in terms of its intent, extent and affect on both the land use outcomes as well as assessment requirements on individuals. In making the determination, the local government should consider the following:

- has the change affected a material planning issues, such as a policy position?
- has the change affected a significant proportion of the area covered by the proposed planning scheme?
- has the change affected a significant proportion of land owners in the area covered by the proposed planning scheme?
- has the change affected a matter which is of widespread public interest throughout the local government area?
- has the change altered the level of assessment from that released for public consultation?
- could it be said that the proposed planning scheme is quite a different plan to that which was released for public consultation?

A change which affects any one person or a group of individuals' rights over land does not necessarily mean that the change is significant.

If the local government considers that the proposed planning scheme or amendment is significantly different to the version released for public consultation, it must undertake additional consultation. This step provides that local government may undertake a targeted consultation process involving only those matters which have significantly changed.

The local government must consider the affect of the changes on the proposed planning scheme or amendment on state interests to ensure they will not be adversely affected.

8.7. After complying with Steps 8.1 to 8.6, the local government must decide to:

- (a) proceed with the proposed planning scheme with no change or with changes which the local government is satisfied do not result in the proposed planning scheme or amendment being significantly different to the version released for public consultation; or
- (b) proceed with the proposed planning scheme with changes which the local government is satisfied result in the proposed planning scheme or amendment being significantly different to the version released for public consultation; or
- (c) not proceed with the proposed planning scheme.

8.8. If proceeding under Step 8.7(a), the local government must give written notice to the Minister seeking approval to adopt the scheme.

8.9. If proceeding with the proposed planning scheme with changes under Step 8.7(b), the local government must give written notice to the Minister seeking:

- (a) direction about whether a second state interest check is required; and
- (b) approval of the proposed planning scheme or amendment.

8.10. The written notice provided to the Minister under Step 8.9 must include:

- (a) information about whether the local government considers the changes to the planning scheme or amendment will adversely affect state interests; and
- (b) a copy of the proposed planning scheme or amendment in hard and electronic form, that clearly identifies the changes; and
- (c) information about why the changes have been made.




**Note on information requirements from local government**

Local government should provide well drafted and clearly articulated documents addressing the above points. Providing information in the form described above will facilitate faster assessment by the Minister. The local government may provide any additional information that it believes will assist the Minister when considering the proposed planning scheme.

Insufficient or unclear documentation is likely to delay the process, and the Minister may need to request further information from the local government to undertake this assessment.

**Step 9. Minister advises on the next stage of the process**

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 20 business days</li> </ul>

- 9.1. If the Minister receives a written notice under Step 8.8, the Minister must advise the local government in writing:
- that it may adopt the proposed planning scheme or amendment; and
  - which state planning instruments or parts of state planning instruments the Minister is satisfied are appropriately reflected in the proposed planning scheme; and
  - that the local government may proceed to Step 11.
- 9.2. If the Minister receives written notice under Step 8.9, the Minister must consider whether a second state interest review is required.
- 9.3. If the Minister decides that a second state interest review is not required, the Minister must advise the local government in writing:
- that a second state interest review is not required; and
  - that the local government may adopt the proposed planning scheme or amendment, with or without conditions; and
  - which state planning instruments or parts of state planning instruments the Minister is satisfied are appropriately reflected in the proposed planning scheme; and
  - that the local government may proceed to Step 11.
- 9.4. If the Minister decides that a second state interest review is required, the Minister must advise the local government in writing that a second state interest review is required.

**Note on Ministers assessment of proposed planning scheme after consultation**

Step 9 relates to determining the next stages of the process in finalising the proposed planning scheme after public consultation. Generally it is intended that:

- proposed planning schemes or amendments which have not changed significantly from the public consultation draft may proceed to the adoption stages without further Minister review;
- second state interest reviews are to be undertaken by exception only; and
- if a second state interest review is required, the local government may be required to undertake administrative processes to support the Ministers review process, such as supplying additional information or additional copies of information to the Minister for distribution to state agencies involved in the second state interest review.



The process for making or amending a planning scheme requires early and ongoing liaison between local and state governments. As such, it is intended that state interests will have been raised early in the plan making process and resolved at the end of the first state interest review, limiting the need for a second state interest review.

#### **Note on new state planning instruments**

State planning instruments are being developed by the state and will have the potential to be developed during the planning scheme drafting phase. Effective and ongoing liaison between local and state governments may provide scope for draft state planning instrument matters to be dealt with in a draft planning scheme.

However, given the potential for changes during the finalisation of state planning instruments, local government may not be in a position to adequately consider how their proposed planning scheme reflects the a draft state planning instrument.

When considering if a second state interest review is required, the Minister may consider whether any state planning instruments have come into effect after the first state interest review. These considerations may include:

- the extent of changes required to a proposed planning scheme due to the state planning instrument;
- conflicts between the proposed planning scheme and the state planning instrument requiring the proposed planning scheme to be changed;
- the effort required by local government to amend its proposed planning scheme, such as requirements for additional studies, consultation or the potential for significant time delays in adopting the proposed planning scheme.

## **Stage 4 Second state interest review**

### **Step 10. Minister considers whether state interests may be adversely affected**

<b>Responsible entity</b>	<b>Processes to which this step applies</b>	<b>Performance indicator timeframe</b>
Minister	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 25 business days</li> </ul>

- 10.1. If the Minister decides that a second state interest view is required, the Minister must consider whether state interests may be adversely affected by the proposed planning scheme or amendment.
- 10.2. In carrying out the second state interest review, the matters which may be considered by the Minister are limited to:
  - (a) matters which have already been identified by the Minister as a state interest in the first state interest review; and
  - (b) potential adverse impacts on state interests as a result of changes made to the proposed planning scheme since the first state interest review; and
  - (c) any new state planning instruments which have come into effect since the first state interest review.




**Note on second state interest review**

Prior to the second state interest review, the proposed planning scheme will have undergone significant state government and public review. It is not intended that a range of new issues which the local government has not previously been made aware of will be raised as part of the second state interest review.

The second state interest review is intended to address matters which have previously been raised and not satisfactorily resolved, or to address new matters due to changes made to the proposed planning scheme after the first state interest review.

- 10.3. After carrying out the second state interest review, the Minister must advise the local government in writing:
  - (a) for a proposed planning scheme amendment - that the local government may not proceed with the amendment; or
  - (b) that it may adopt the proposed planning scheme or amendment; or
  - (c) that it may adopt the proposed planning scheme or amendment subject to complying with conditions set by the Minister.
- 10.4. If the Minister advises the local government that it may adopt the proposed planning scheme or amendment, with or without conditions, the Minister must also advise the local government in writing which state planning instruments or parts of the instruments the Minister is satisfied are appropriately reflected in the proposed planning scheme or amendment.

## Stage 5 Adoption

### Step 11. Local government decides whether to proceed or not

Responsible entity	Processes to which this step applies	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Making a planning scheme</li> <li>• Major amendment</li> <li>• Minor amendment</li> <li>• Administrative amendment</li> </ul>	<ul style="list-style-type: none"> <li>• 30 business days</li> </ul>

- 11.1. After receiving advice from the Minister under Step 10.3(b) or (c), the local government must decide to:
  - (a) adopt the proposed planning scheme or amendment; or
  - (b) not proceed with the proposed planning scheme or amendment.
- 11.2. If the local government decides not to proceed, it must place a notice in a local newspaper, on the local government's website and in the gazette stating the following:
  - (a) the local government name; and
  - (b) the decision; and
  - (c) the reason for not proceeding.
- 11.3. The local government must also give the chief executive a copy of the notice mentioned in Step 11.2.
- 11.4. If the local government decides to adopt the planning scheme, it must:
  - (a) comply with any conditions which must be undertaken prior to adoption imposed by the Minister; and



- (b) note in the planning scheme the state planning instruments which the Minister has advised are, in the Minister's opinion, appropriately reflected in the planning scheme or amendment; and
- (c) place a notice in a local newspaper, on the local government's website and in the gazette stating:
  - (i) the local government name; and
  - (ii) the date the planning scheme was adopted; and
  - (iii) for a planning scheme amendment:
    - (A) if the amendment only applies to part of an existing planning scheme area—a description and the location of that area; and
    - (B) the purpose and general effect of the amendment; and
  - (iv) where to inspect or obtain a copy of the planning scheme or amendment.

11.5. The local government must give the chief executive a copy of the notice, three certified copies of the planning scheme and one electronic copy of the planning scheme, including maps, as soon as possible after undertaking Step 11.4 in the format identified by the Department of Infrastructure and Planning.

## Part 2—Making or amending a planning scheme policy

### What is a planning scheme policy?

A planning scheme policy is a statutory instrument that may provide guidance and support the local dimension of a planning scheme under the SPA.

### Types of planning scheme policy amendments

Different types of amendment can be made to planning scheme policies. These amendments are divided into two categories:

- minor amendments;
- major amendments.

#### Minor amendments

A **minor amendment** to a planning scheme policy means a correction or change which is administrative in nature or which does not introduce new information or significantly change an existing policy position or technical matter contained in the existing planning scheme policy.

#### Major amendments

A **major amendment** to a planning scheme policy is an amendment that is not a minor amendment.





## Ministerial notice excusing compliance with steps required by this guideline for the making or amending a planning scheme policy

With the exception of Steps 1.1, 1.2, 2 (for making a planning scheme policy only), 3.1 and 4 of this guideline, the Minister may by written notice advise a local government that it need not undertake steps otherwise required by this guideline.

The Minister may only give a written notice to the local government if the Minister is satisfied that:

- (a) significant planning work has been undertaken by the local government (or an entity working on behalf of the local government) that is relevant to making or amending the planning scheme policy; and
- (b) requiring the local government to complete all of the steps in this guideline would result in a repetition of process.

When issuing a written notice varying the steps of this guideline, the Minister may give any direction or impose any condition on the local government that the Minister considers necessary in the circumstances to progress the making or amendment of the planning scheme policy.

The written notice to local government must identify the following:

- (a) the name of the relevant local government; and
- (b) the area to which the planning scheme policy or amendment applies; and
- (c) contact details including a telephone number; and
- (d) the steps of this guideline that the local government is not required to undertake; and
- (e) the reasons for the Minister's decision.

Where the Minister advises a local government that steps identified within this guideline need not be undertaken, the Minister must, as soon as practicable, publish a notice at least once in a newspaper circulating in the local government's area and on the Department of Infrastructure and Planning's website. The notice must state the following:

- (a) that the Minister has given a notice under this guideline advising the local government that certain steps of this guideline do not apply to the local government; and
- (b) a description of the planning scheme policy or amendment to which the advice relates; and
- (c) the steps of this guideline that the local government is not required to undertake; and
- (d) the reasons for the Minister's decision.



## Process to make or amend a planning scheme policy

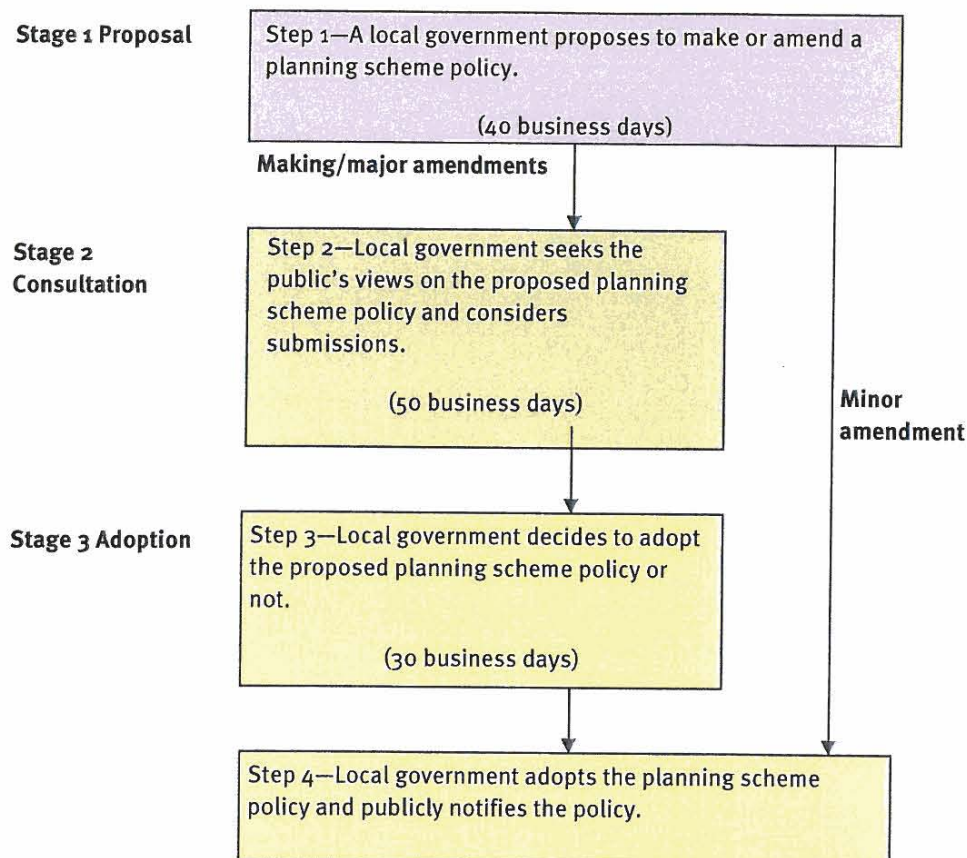


Figure 2. Process for making or amending a planning scheme policy

In this part, reference to making a planning scheme policy includes making an amendment to a planning scheme policy unless otherwise stated.

### Stage 1 Proposal and preparation stage

#### Step 1. Local government proposes to make a planning scheme policy.

- 1.1. The local government proposes to make a planning scheme policy and develops a draft planning scheme policy.
- 1.2. If making a minor amendment to a planning scheme policy, the local government must decide to:
  - (a) adopt the proposed amendment and proceed to Step 4; or
  - (b) not adopt the proposed amendment.
- 1.3. If making a planning scheme policy or a major amendment to a planning scheme policy, the local government must prepare an explanatory statement about the proposal.





## Stage 2 Consultation stage

### Step 2. Local government seeks the public's views on the proposed planning scheme policy

- 2.1. The local government must carry out public consultation about a proposed planning scheme policy or a major amendment to a planning scheme policy for a period (**consultation period**) of at least 20 business days.
- 2.2. The local government must place a notice in a newspaper distributed in the local government area and on the local governments' website stating:
  - (a) the name of the local government; and
  - (b) the name of the proposed planning scheme policy or amendment; and
  - (c) the purpose and general effect of the proposed planning scheme policy or amendment; and
  - (d) if the proposed planning scheme policy replaces an existing planning scheme policy, the name of the existing policy; and
  - (e) a contact telephone number for information about the proposed planning scheme policy or amendment; and
  - (f) that the proposed planning scheme policy or amendment and any explanatory statement are available for inspection and purchase; and
  - (g) that written submissions about any aspect of the proposed planning scheme policy or amendment may be made to the local government by any person; and
  - (h) the period during which the submissions may be made; and
  - (i) the requirements for making a properly made submission.
- 2.3. Throughout the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed planning scheme policy or amendment and any explanatory statement available for viewing and purchase.
- 2.4. The local government must consider every properly made submission about the proposed planning scheme policy or amendment and:
  - (a) advise persons in writing who make a properly made submission about how the local government dealt with the submission; and
  - (b) give the Minister a written notice containing a summary of matters raised in the properly made submissions and stating how the local government dealt with the matters.
- 2.5. After considering any submissions, the local government may make changes to the proposed planning scheme policy or amendment to:
  - (a) address issues raised in a properly made submission; or
  - (b) amend a drafting error; or
  - (c) address new or changed planning circumstances or information.
- 2.6. If the local government changes the proposed planning scheme policy or amendment and the local government is satisfied that the change results in the proposed planning scheme policy or amendment being significantly different to the version released for public consultation, the local government must repeat Steps 2.1 to 2.4.
- 2.7. Despite Step 2.6, the consultation may be limited to seeking comments on only those aspects of the planning scheme policy or amendment which have changed.



### Stage 3 Adoption

#### Step 3. Local government decides whether to adopt the proposed planning scheme policy

- 3.1. After considering any properly made submissions, the local government must decide to:
- (a) adopt the proposed planning scheme policy or amendment; or
  - (b) adopt the proposed planning scheme policy or amendment with changes; or
  - (c) not adopt the proposed planning scheme policy or amendment.

#### Step 4. Local government adopts the planning scheme policy

- 4.1. After adopting the planning scheme policy or amendment, the local government must place a notice in a local newspaper, in the gazette and on its website stating:
- (a) the local government name; and
  - (b) the name of the policy adopted or amended; and
  - (c) the day the policy commences; and
  - (d) the purpose and general effect of the planning scheme policy or amendment; and
  - (e) the name of any existing policy replaced by the planning scheme policy; and
  - (f) where a copy of the planning scheme policy or amendment can be inspected or purchased.
- 4.2. The local government must give the chief executive a copy of the notice and three certified copies and one electronic copy of the planning scheme policy or amendment, including associated maps, as soon as possible after undertaking Step 4.1.

## Part 3—Making a temporary local planning instrument

### What is a temporary local planning instrument?

Temporary local planning instruments (TLPI) are statutory instruments which assist advancing the purpose of the SPA by protecting a planning scheme area from adverse impacts.





## Process to make a temporary local planning instrument

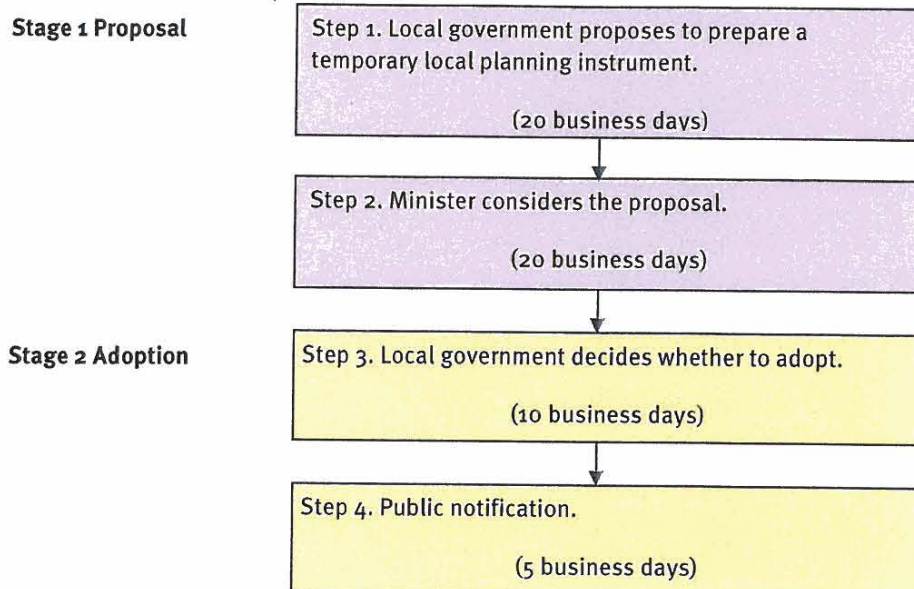


Figure 3. Process for making a temporary local planning instrument

### Stage 1 Proposal

#### Step 1. Local government proposes to prepare a temporary local planning instrument and seeks Ministers approval

- 1.1. The local government must propose to prepare a temporary local planning instrument (TLPI) and draft the instrument.
- 1.2. After drafting the proposed TLPI, the local government must give a copy of the proposed TLPI to the Minister with written advice about why the local government proposes to make the TLPI.

#### Note on making a temporary local planning instrument

Section 105 of the SPA identifies the matters which the Minister must consider when deciding if a local government can make a TLPI. To assist the Minister, the local government should provide sufficient and relevant information to demonstrate how the TLPI complies with Section 105 of the SPA.

#### Step 2. Minister considers the proposal

- 2.1. After considering the proposed TLPI, the Minister must advise the local government in writing that it may:
  - (a) adopt the proposed instrument, with or without conditions; or
  - (b) not adopt the proposed instrument.
- 2.2 The local government must comply with any conditions imposed by the Minister.



## Stage 2 Adoption

### Step 3. Local government decides whether to adopt

- 3.1. The local government must decide to:
  - (a) adopt the proposed TLPI; or
  - (b) not adopt the proposed TLPI.
- 3.2. If the local government decides not to adopt the proposed TLPI, the local government must give the Minister written notice about its decision, including reasons for its decision.

### Step 4. Public notification of adoption

- 4.1. After the TLPI is adopted, the local government must place a notice in a local newspaper, the gazette and on the local government's website stating:
  - (a) the name of the local government; and
  - (b) the date the TLPI was adopted; and
  - (c) the date the TLPI commences and the date it will cease to have effect; and
  - (d) the purpose and general effect of the TLPI; and
  - (e) if the TLPI only applies to part of the planning scheme area, a description and the location of that area; and
  - (f) where people can inspect and purchase a copy of the TLPI.
- 4.2. The local government must give the chief executive a copy of the notice and three certified copies and one electronic copy of the TLPI, including any associated maps, as soon as possible after placing the notice in the format identified by the Department of Infrastructure and Planning.

## State powers regarding local planning instruments

### What are the state's powers regarding local planning instruments?

The Minister has the power under the SPA to direct local government to make, amend or repeal a local planning instrument. The Minister can also make, amend or repeal a local planning instrument in certain circumstances.





## Ministers process for making or amending a local planning instrument

### Process if Minister takes directed action

The process for the Minister to take the action the Minister directed the local government to take is the same as the process for the local government to take the action except that:

- (a) for Part 1 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:
  - (i) Steps 3.2(a) and (b); and
  - (ii) Step 4; and
  - (iii) Step 5; and
  - (iv) Step 6.3; and
  - (v) Step 8.3(b); and
  - (vi) Steps 8.8 and 8.9; and
  - (vii) Steps 9.1, 9.3 and 9.4; and
  - (viii) Steps 10.3 and 10.4; and
- (b) for Part 2 of this guideline, Step 2.4(b) of the process for making or amending a planning scheme policy does not apply; and
- (c) for Part 3 of this guideline, Steps 1.2, 2.1 and 3.2 of the process for making a temporary local planning instrument do not apply.

If the Minister is taking an action in respect of a local planning instrument, the Minister cannot exercise the Minister's powers to excuse compliance with certain steps of this guideline.

### References in the statutory guideline to local government etc.

If the Minister takes the action the Minister directed the local government to take, a reference in this guideline to:

- (a) the local government's public office is a reference to the Department of Infrastructure and Planning's state office; and
- (b) a decision taken by resolution of the local government is a reference to a decision of the Minister; and
- (c) a local government's chief executive officer is a reference to the chief executive of the Department of Infrastructure and Planning; and
- (d) a local government's website is a reference to the Department of Infrastructure and Planning's website.



## Schedule 1

### Dictionary

**First state interest review** means a review carried out by the Minister under Part 1, Stage 2 of this guideline.

**Second state interest review** means a review carried out by the Minister under Part 1, Stage 4 of this guideline.

**Suppliers of state infrastructure** mean suppliers of the following:

- state schools infrastructure;
- public transport infrastructure;
- state-controlled roads infrastructure;
- emergency services infrastructure;
- water infrastructure (if applicable in the local government area).



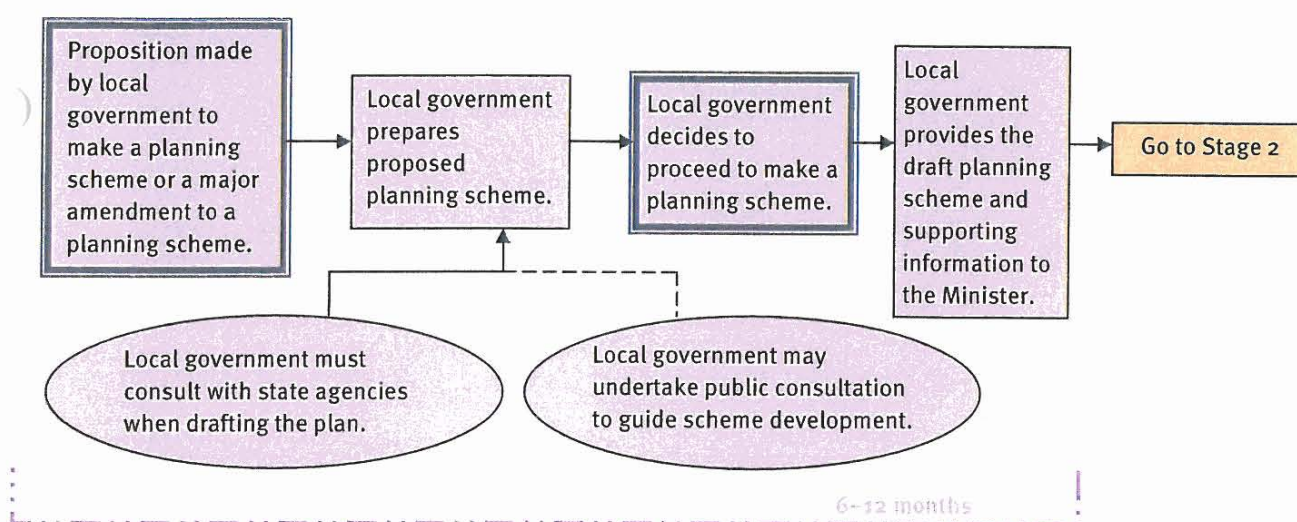


## Schedule 2

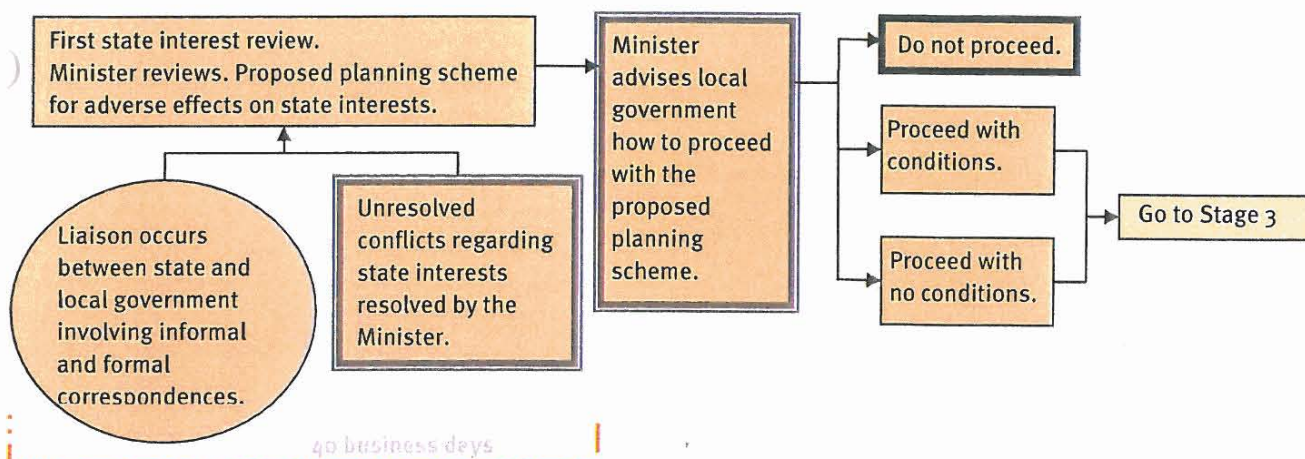
### Detailed flow diagram of the process for making or making a major amendment to a planning scheme

Note: reference to making a planning scheme includes making and making a major amendment to a planning scheme.

#### Stage 1



#### Stage 2



State agency/community



Decision step



End of process



Go to next stage of process



Recommended procedure



Stages

1. Preparation

2. First SIR

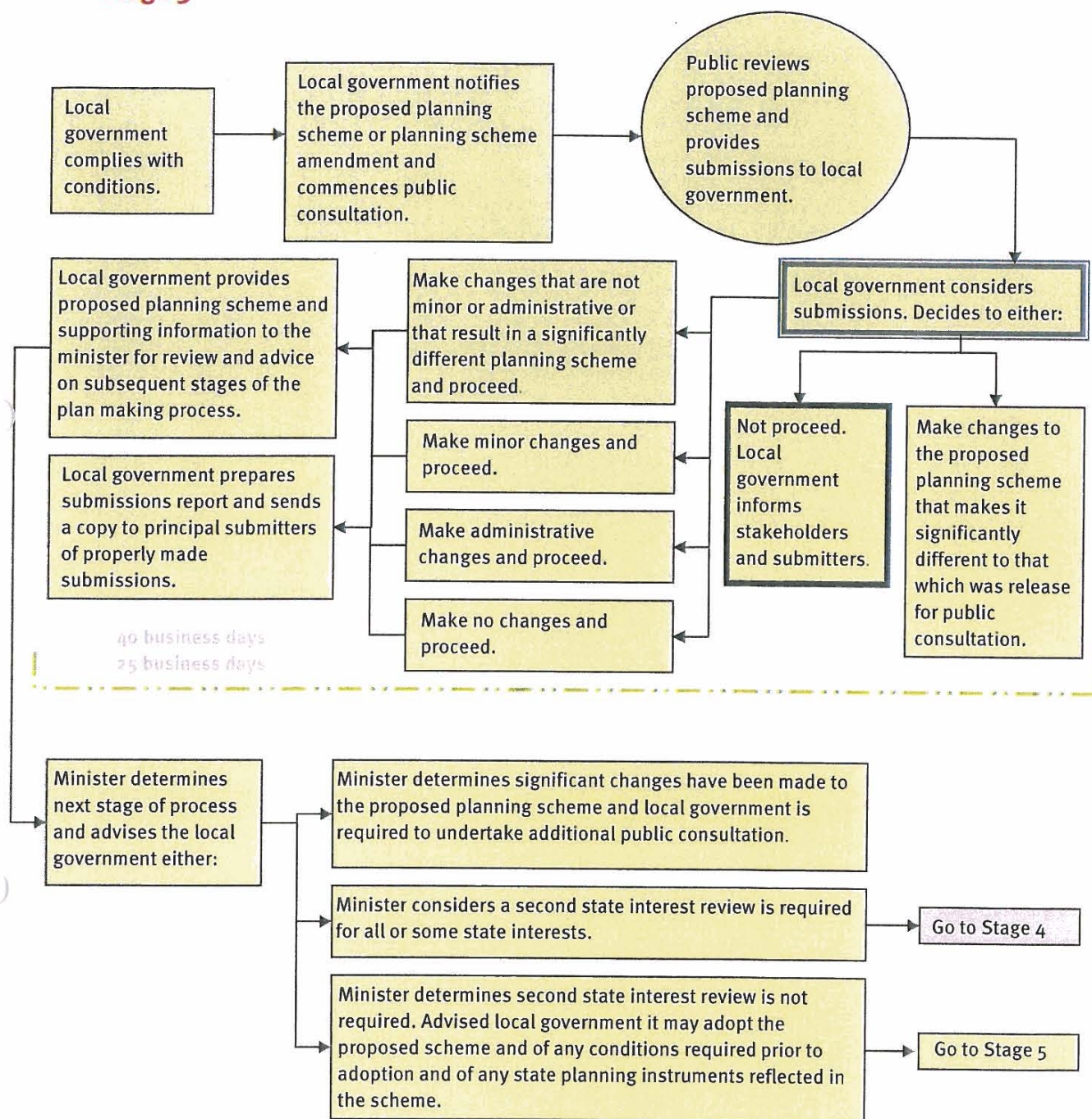
3. Consultation

4. Second SIR

5. Adoption



### Stage 3



State agency/community

Decision step

End of process

Go to next stage of process

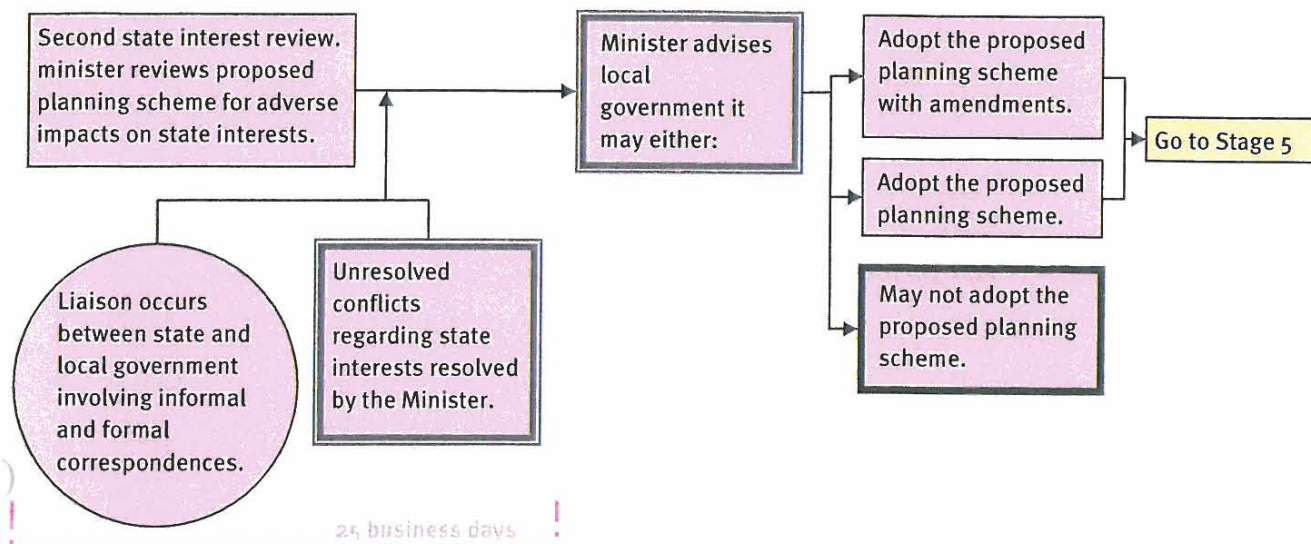
Recommended procedure

**Stages** 1. Preparation 2. First SIR 3. Consultation 4. Second SIR 5. Adoption

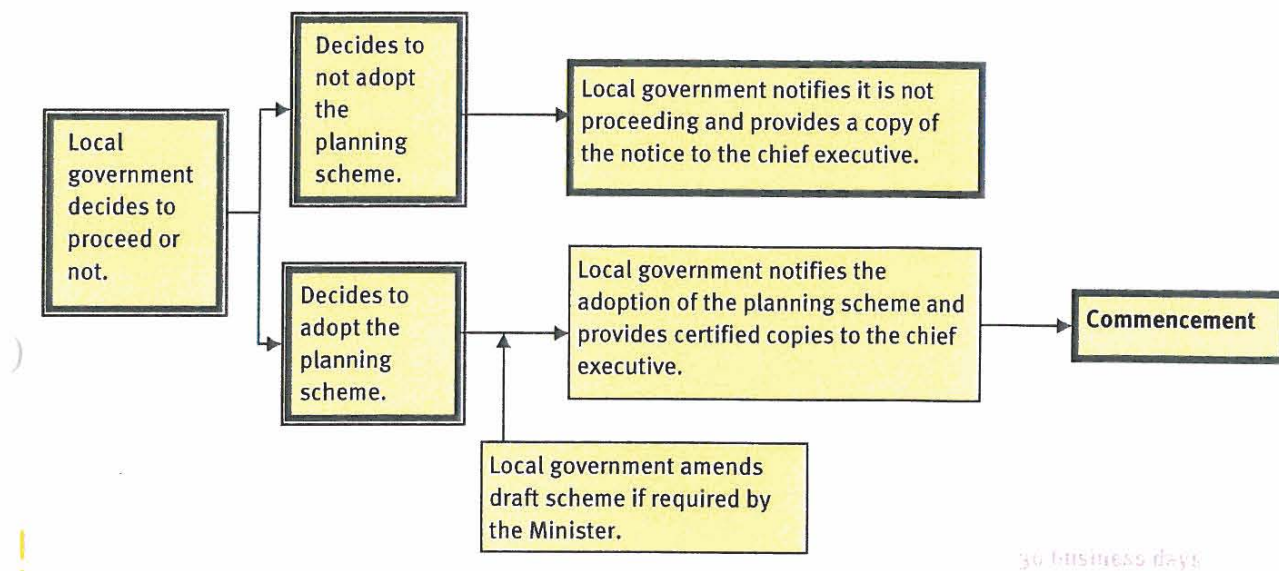




## Stage 4



## Stage 5



State agency/community

Decision step

End of process

Go to next stage of process

Recommended procedure

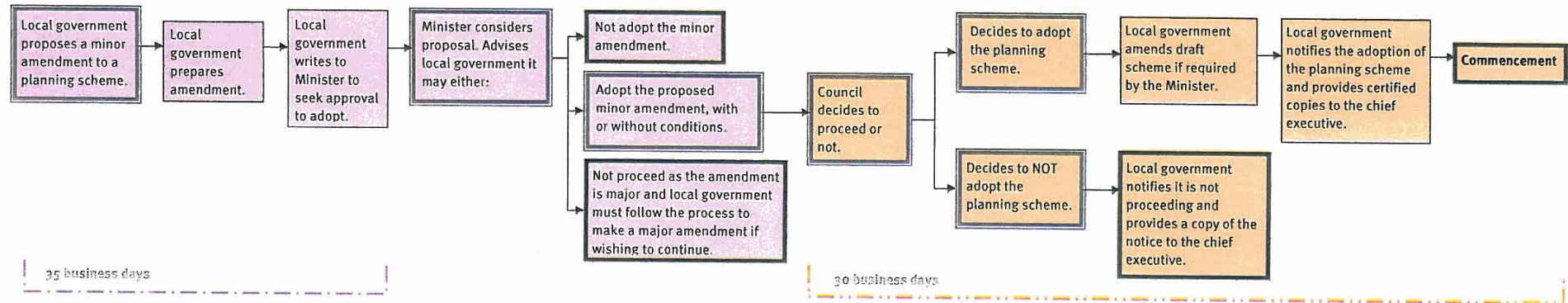
Stages 1. Preparation 2. First SIR 3. Consultation 4. Second SIR 5. Adoption



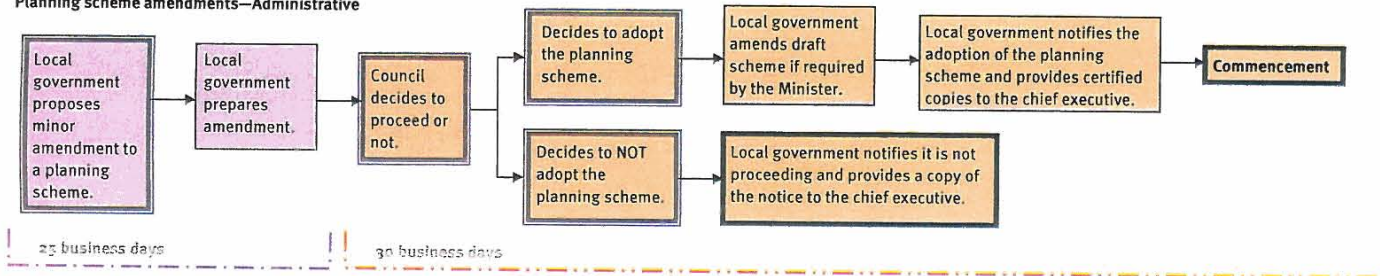
## Schedule 3

### Detailed flow diagram of the process for making a minor or administrative amendment to a planning scheme

#### Planning scheme amendments—Minor



#### Planning scheme amendments—Administrative



Decision step

End of process

Go to next stage of process →

Step

Stages

- 1. Preparation
- 2. First SIR
- 3. Consultation
- 4. Second SIR
- 5. Adoption



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## **'DLGP-12'**

### **Summary of Local Planning Schemes for Local Governments in Flood Declared Areas**

#### **Balonne Regional Council**

##### **Planning Schemes**

The Balonne Regional Council administers the following planning scheme:

- Balonne Shire Planning Scheme – Adopted 03/07/2006

##### **Current Status**

A planning scheme review has commenced, including undertaking scoping studies of contemporary issues. The Council is yet to make a resolution on the development of a new planning scheme under SPA (using the QPP), or alternatively to amend the existing scheme.

##### **Structure Plans**

Nil

##### **Local Area/Neighbourhood Plans**

Nil

##### **Master Planned Areas**

Nil

##### **Codes and Overlays**

Nil

##### **Planning Scheme Policies**

Nil

##### **Flood Studies and/or Flood Reports**

Nil

##### **Other Relevant Information**

Nil

##### **References**

- Balonne Shire Planning Scheme

## Summary of Local Planning Schemes for Local Governments in Flood Declared Areas

### Banana Shire Council

#### Planning Schemes

The Banana Shire Council administers the following planning schemes:

- Banana Shire Planning Scheme – Adopted 07/10/2005
- Taroom Shire Planning Scheme – Adopted 22/12/2006

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. Council is in Stage 1 of planning and preparation. It is anticipated that a consultant will be engaged to prepare the scheme in March 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Banana Shire

- Incorporated into various codes

##### Taroom Shire

- Incorporated into various codes

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Inland Flood Study

#### Other Relevant Information

Nil

#### References

- Banana Shire Planning Scheme
- Taroom Shire Planning Scheme



## Summary of Local Planning Schemes for Local Governments in Flood Declared Areas

### Barcaldine Regional Council

#### Planning Schemes

The Barcaldine Shire Council administers the following planning schemes:

- Aramac Shire Planning Scheme – Adopted 30/06/2006
- Barcaldine Shire Planning Scheme – Adopted 30/06/2006
- Jericho Planning Scheme – Adopted 23/06/2006

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Aramac Shire

- Small Town Zone Code
- Open Space and Recreation Zone Code

##### Barcaldine Shire

- Urban Zone Code
- Mixed Use Zone Code
- Commercial Zone Code
- Open Space and Recreation Zone Code

##### Jericho Shire

- Small Town Zone Code
- Urban Zone Code
- Commercial Zone Code
- Open Space and Recreation Zone Code

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Flood studies exist for the towns of Jericho and Alpha, however the Department has not had a role in these.

**Summary of Local Planning Schemes for  
Local Governments in Flood Declared Areas**

**Other Relevant Information**

Nil

**References**

- Aramac Shire Planning Scheme
- Barcaldine Shire Planning Scheme
- Jericho Planning Scheme

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Brisbane City Council

#### Planning Schemes

The Brisbane City Council administers the following planning scheme:

- The Brisbane City Plan 2000 (City Plan)

The City Plan came into force on October 31<sup>st</sup> 1999 and was prepared under the repealed Integrated Planning Act 1997. Updates to the scheme generally occur every 6 months in January and July of each year.

#### Current Status

Brisbane City Council is currently in the early stages of preparing a new QPP compliant planning scheme under the Sustainable Planning Act 2009. The new scheme is due in 2012. There have been no state interest checks to date.

#### Structure Plans

There are no current structure plans within the City Plan.

#### Local Area/Neighbourhood Plans

Below is a list the list of suburbs within Brisbane which have been affected by flooding and their respective Local/Neighbourhood Plan(s).

The relevant flood specific policy listed below includes only assessment criteria that are quantitative in nature. They are, in most instances, taken from specific assessment criteria (acceptable solutions and/or performance criteria) contained in assessment tables that override the CityPlan 2000.

The list, therefore, does not include broader policy statements such as those contained in the Purpose/Intent/Development Principles at the start of each Local or Neighbourhood Plan.

<i>Suburb<sup>#</sup></i>	<i>Local /Neighbourhood Plan*</i>	<i>Flood specific policy</i>
<i>Albion</i>	<i>Albion Neighbourhood Plan.</i>	<p><b>General Assessment</b></p> <p><b>P7</b> Development must have sufficient access or egress available to enable evacuation during a range of floods up to and including the defined flood event</p> <p>- <b>A7</b> New development in the Raceway Precinct and Hunt Street Precinct are to be designed to provide a minimum flood free access of:</p> <p style="padding-left: 40px;">20y ARI Brisbane River and Creek Flooding and 50y ARI Local Overland Flow and Storm Surge</p> <p><b>P22</b> Development must:</p> <ul style="list-style-type: none"> <li>• minimise land use conflict</li> <li>• integrate with surrounding land uses</li> </ul>



**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

		<p>through improved pedestrian and vehicular connections</p> <ul style="list-style-type: none"> <li>• minimise adverse impacts on the amenity of existing residential properties</li> <li>• mitigate the adverse impacts of flooding</li> </ul> <p>- <b>A22:</b> Development must assist in the resolution of local flooding</p>
ACACIA RIDGE	<i>Acacia Ridge / Archerfield Neighbourhood plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
ANSTEAD	<i>Lake Manchester Local Plan &amp; Belbourie Local Plan</i>	<p>No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.</p> <p>No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.</p>
ARCHERFIELD	<i>Acacia Ridge / Archerfield Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
AUCHENFLOWER	<i>Ithica District Local Plan</i>	<p><b>Where in the Butterfield Street Precinct</b></p> <p><b>P4</b> Development must not negatively affect local and creek flooding</p> <p>- <b>A4</b> Development provides for overland flow</p> <p><b>P5</b> Emergency access during floods must be available from any residential development</p> <p>- <b>A5.1</b> Development in Sub-precinct (a) does not contain a residential component</p> <p>- <b>A5.2</b> Residential development in Sub-precinct (b) achieves Q100 flood free emergency access to Butterfield Street</p>
BALMORAL	<i>Bulimba District Local Plan</i>	<p><b>General Assessment</b></p> <p><b>P6</b> Flood immunity must be achieved for Q50 situations without adversely impacting on upstream or downstream properties</p> <p>- <b>A6.1</b> Flood immunity is achieved for Q50 situations through a combination of relief drainage and an overland flow path as detailed in the Pashen Creek Local Stormwater Management Study and the supplementary study</p> <p>- <b>A6.2</b> Within areas subject of flooding in Q50 events, shown on <i>Map C—Precinct 3.3:</i></p>

**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

		<p><i>Extent of Q50 Inundation, there will be no filling or other works which will obstruct overland flow or have an adverse impact on surrounding flood levels</i></p> <p><i>Note: the plot ratio on sites through which the overland flow path runs can be calculated over the gross area of the site, including the overland flow path</i></p>
BANKS CREEK	<i>Lake Manchester Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
BELLBOWRIE	<i>Bellbowrie Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
BRISBANE City	<i>City Centre Neighbourhood plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
BROOKFIELD	NA	
BULIMBA	<i>Bulimba District Local Plan</i>	<i>See Balmoral above</i>
BOWEN HILLS	<i><u>Bowen Hills Local Plan</u></i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
CHAPEL HILL	NA	
CHELMER	<i>Walter Taylor South District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
CHUWAR	<i>Lake Manchester Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
COOPERS PLAINS	<i>Acacia Ridge / Archerfield Neighbourhood plan</i>	<i>See Acacia Ridge above</i>
ORPAROO	<i>East Brisbane Coorparoo District</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
CORINDA	<i>Walter Taylor South</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
DARRA	<i>Western Gateway</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
DURACK	<i>Western gateway</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.



**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

DUTTON PARK	<p><i>West End Wooloongabba</i></p> <p>&amp;</p> <p><i>Stephens District (Bne Gaol site)</i></p>	<p><b>Where in the West End Estate (5.8 Precinct 9)</b></p> <p><b>P10 Habitable rooms, non-habitable areas</b> (e.g. utility areas, garage, laundry and storage room) must have acceptable levels of flood immunity</p> <p><b>- A10.1 Where the lot is subject to a resolution</b> about minimum floor levels of habitable rooms under the <i>Standard Building Regulations 1993</i>, the floor level satisfies the level determined in the resolution OR Where the house is on floodable land but the lot is not subject to a resolution about minimum floor levels of habitable rooms under the <i>Standard Building Regulations 1993</i>, the floor level of all habitable rooms is not less than those set out in <i>Table 1—House Flood Immunity Levels</i> in the <b>House Code</b></p> <p><b>- A10.2</b> Where lot is on floodable land, the minimum levels for non-habitable areas (including utility areas, garage, laundry and storage room) are not less than those set out in <i>Table 1—House Flood Immunity Levels</i> in the <b>House Code</b></p> <p>No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.</p>
EAST BRISBANE	<p><i>East Brisbane Coorparoo District</i></p> <p><i>West end wooloongaba</i></p>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
FAIRFIELD	<i>Stephens District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
FIG TREE POCKET	<i>Fig Tree Pocket Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
FORTITUDE VALLEY	<i>Fortitude Valley Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
GRACEVILLE	<i>Walter Taylor District</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.



**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

INDOOROPILLY	<i>Indooroopilly major centre</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
	<i><u>Toowong - Indooroopilly District Local Plan</u></i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
JAMBOREE HEIGHTS	<i>Centenary Suburbs Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
JINDALEE	<i>Centenary Suburbs</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
KANGAROO POINT	<i>Kangaroo Point Peninsular Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
	<i>East Brisbane and Coorparoo District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
KELVIN GROVE	<i>Kelvin Grove Urban Village</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
KARANA DOWNS	<i>Lake Manchester</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
KENMORE	NA	
KENMORE HILLS	<i>Mt Coot-tha</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
KHOLO	<i>Lake Manchester</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
LYTTON	<i>Australia Trade Coast</i>	<i>See Hamilton above</i>
MIDDLE PARK	<i>Centenary</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
MILTON	<i><u>Milton Local Plan</u></i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
	<i><u>Milton Station Neighbourhood Plan</u></i>	<p><b>General Assessment</b></p> <p><b>P9</b> Car parking must be placed to be unobtrusive, not dominate the streetscape and minimise pedestrian conflict points. Vehicle parking must:</p> <ul style="list-style-type: none"> <li>• not detract from the aesthetics or amenity of the area</li> </ul>



**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

	<i>Ithaca District Local Plan</i>	<ul style="list-style-type: none"> <li>• be consistent with convenient pedestrian and cyclist access</li> <li>• allow for flexible allocation between uses and conversion to alternative uses over time</li> <li>• ensure vibrant street frontages consistent with the 'transit oriented' character of the precinct</li> <li>- <b>A9.1</b> Car parking areas are provided in flood immune basements, or concealed behind buildings</li> </ul> <p>No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.</p>
MOGGILL	<i>Bellbowrie</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
MOOROOKA	<i>Moorooka District</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
MORNINGSIDE	<i>East Brisbane/ Coorparoo</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
MOUNT CROSBY	<i>Lake Manchester</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
MOUNT OMMANEY	<i>Centenary</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
MURRARIE	<i>Australia Trade Coast</i>	<i>See Hamilton above</i>
NEW FARM	<i>NewFarm and Teneriffe Hill Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
	& <i>Newstead and Teneriffe waterfront</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
NEWSTEAD	<i>Newstead and Teneriffe Waterfront Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
NORMAN PARK	<i>Bulimba District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
OXLEY	<i>Walter Taylor South Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.

**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

PADDINGTON	<i>Latrobe and Given Terraces Local Plan</i>  & <i>Ithaca District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.   No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
PINJARRA HILLS	NA	
PINKENBA	<i>Australia Trade Coast</i>	<i>See Hamilton above</i>
PULLENVALE	NA	
RIVERHILLS	<i>Centenary Suburbs</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
ROCKLEA	<i>Moorooka District Local Plan</i>  & <i>Acacia Ridge/ Archerfield Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.  No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
SALISBURY	<i>Moorooka District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
SEVENTEEN MILE ROCKS	<i>Centenary Suburbs Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
SHERWOOD	<i>Walter Taylor South District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
SINNAMON PARK	<i>Centenary Suburbs Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
SOUTH BRISBANE	<i>West End Wooloongabba District Local Plan</i>	See Dutton Park above
ST LUCIA	<i>Toowong Indooroopilly District</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
SUMNER	<i>Centenary Suburbs Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.

**Summary of Local Planning Instruments for  
Local Governments in Flood Declared Areas**

	& <i>Western Gateway</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
TARINGA	<i>Toowong Indooroopilly District</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
TENNYSON	<i>Walter Taylor South District</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
TENERIFFE	<i>Newstead and Teneriffe Waterfront Neighbourhood Plan</i>  & <i>NewFarm and Teneriffe Hill Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.   No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
TINGALPA	NA	
TOOWONG	<u><i>Toowong - Indooroopilly District Local Plan</i></u>  & <u><i>Toowong Major Centre Local Plan</i></u>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.   No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
WACOL	<i>Western Gateway</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
WEST END	<u><i>West End - Woolloongabba District Local Plan</i></u>	<i>See Dutton Park above</i>
WESTLAKE	<i>Centenary Suburbs Neighbourhood Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
WILLAWONG	<u><i>Willawong Local Plan</i></u>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
WILSTON	<i>Grange District Local Plan</i>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
WINDSOR	<i>Lutwiche Road Neighbourhood Plan</i>	<b>Where in the Corridor Mixed Use Sub- precinct</b>  <b>P7</b> Development fronting Victoria Street complements the existing low density residential environment on the western side



### Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

		<p>of Victoria Street</p> <p>The lower levels of the building fronting Victoria Street are occupied by residential units that overlook the street as shown in <i>Figure f</i></p> <p>Vehicle access to buildings is visually unobtrusive and necessary flood immunity for basement parking is achieved in a way that is visually unobtrusive as shown in <i>Figure g</i></p> <p>- A7 Building height is limited to 3 storeys adjoining Victoria Street as shown in <i>Figure g</i></p>
WOOLLOONGA BBA	<p><u>West End - Woolloongabba District Local Plan</u></p> <p>&amp;</p> <p><u>Woolloongabba Centre Neighbourhood Plan</u></p>	<p>See Dutton Park above</p> <p>No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.</p>
YEERONGPILL Y	<u>Stephens District Local Plan</u>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.
YERONGA	<u>Stephens District Local Plan</u>	No Acceptable Solutions or Performance Criteria dealing with river or creek flooding.

#### Master Planned Areas

There are no Declared Master Plan Areas within BCC.

#### Codes and Overlays

##### Current Definitions (As Defined in the City Plan 2000)

**Adverse flooding:** flooding that adversely affects the value, safety or use of land, whether public or privately owned. Adverse flooding may result from a change in:

- peak discharge
- run-off volume
- impervious area
- rate of run-off, i.e. the travel time of stormwater run-off through the catchment

##### **Freeboard (defined in the Subdivision and Development Guidelines)**

The difference in height between the calculated water surface elevation and the top, obvert, crest of a structure or the floor level of a building, provided for the purpose of ensuring a safety margin above the calculated design water elevation. In Council policy, Freeboard is the additional 0.5m above DFL required in the Subdivision and Development Guidelines. The purpose of freeboard is to allow for turbulence and waves. The above definition is from the

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

Queensland Urban Drainage Manual.

Current Codes contained in City Plan 2000

### House Code

One of the purposes of the code is to ensure that houses are not subject to unreasonable hazards because of their location (including flooding).

This Code applies in assessing material change of use and/or building work for a house. Where complying with the Acceptable Solutions of the Code, a house is deemed to be 'self assessable' and no application to Council is required. Otherwise an application is required to be lodged to Council.

The code contains acceptable solutions with regards to flooding, specifically P6.

<p><b>P6</b> Habitable rooms, non-habitable areas (e.g. utility areas, garage, laundry and storage room) have acceptable levels of flood immunity</p>	<p><b>A6.1</b> Where the lot is subject to a resolution about minimum floor levels of habitable rooms under the <i>Building Regulation</i>, the floor level of all new rooms satisfied the level determined in the resolution</p> <p>OR</p> <p>Where the house is on floodable land but the lot is not subject to a resolution about minimum floor levels of habitable rooms under the <i>Building Regulation</i>, the floor level of all habitable rooms is not less than those set out in <i>Table 1</i></p> <p><b>A6.2</b> Where a lot is on floodable land, the minimum levels for non-habitable areas (including utility areas, garage, laundry and storage room) are not less than those set out in <i>Table 1</i></p>
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Table 1 House flood immunity levels			
Type of Flooding	Minimum Ground Level for House Pad after filling (where permitted)	Habitable Floor Level	Non-habitable Areas (i.e. utility areas, garage, laundry and storage room)
Brisbane River	100 year ARI + 300mm	100 year ARI + 500mm	50 year ARI + 300mm
Creek or waterway	100 year ARI + 300mm	100 year ARI + 500mm	100 year ARI + 300mm
Localised overland flowpath or designed open channel	50 year ARI + 300mm	50 year ARI + 500mm	50 year ARI + 300mm
Storm surge	100 year ARI + 300mm	100 year ARI + 500mm	100 year ARI + 300mm

ARI means Average Recurrence Interval and is defined in the definitions

Note: where subject to more than one type of flooding, the highest immunity level as determined for each case applies

To assist home owners/builders/certifiers with self assessment in establishing the correct floor level for a house when assessing against the House Code, BCC has prepared a 'floodwise report' for all lands subject to river flooding (one per lot). These are available through Council website and are provided free of charge.

Included in the floodwise report is the defined 100 year ARI level of Defined Flood Level (DFL) as used in the Subdivision and Development Guidelines (discussed further below). Below is an excerpt of a floodwise report.

### Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

Flooding Information		Predicted Peak Flooding Levels (ARI)		
Minimum Ground Level (AHD)	9.2 m	Years	Level (AHD)	Source
Maximum Ground Level (AHD)	15.6 m	5	N/A	
Highest Defined Flood Level (DFL)	12.9 m	20	8.4 m	RIVER
Highest Flooding Source	RIVER	50	11.2 m	RIVER
Minimum Habitable Floor Level (AHD)	13.4 m	100 or DFL	12.9 m	RIVER

#### Filling and Excavation Code

The purpose of the code is to ensure that filling does not adversely impact on flooding of upstream, downstream and adjoining land.

The Code is triggered when assessing a material change of use and/or operational work for filling and excavation where:

- exceeding 100 vertical millimetres or more depth of top dressing in relation to ground level, on land to which the **Waterway Code**, Wetland Code applies; or
- exceeding 1 vertical metre or more depth in relation to ground level, in all other circumstances.

However, the Code does not apply to filling or excavation where part of building work that is only subject to code assessment against the *Building Regulation*.

#### Waterway Code

One of the purposes of this code is to ensure that development is not at unreasonable risk of flooding

This Code applies in assessing any assessable development where:

- in a waterway corridor or the Brisbane River Corridor, (as defined in City Plan), or as indicated on the Planning Scheme Maps;
- on land subject to storm surge (being land at a level of 2.5m AHD or lower);
- on land subject to flooding during a 100 year ARI event.

For the purposes of assessing development on flood affected land, the code states, "all development in a waterway corridor or the Brisbane River Corridor must comply with the requirements of the **Stormwater Management Code** in relation to water flow and relevant parameters. Relevant details are included in that Code."

#### Stormwater Management Code

One of the purposes of this code is to "prevent or minimise adverse social and environmental impacts on the City's waterways, overland flowpaths, constructed drainage network, Brisbane River and Moreton Bay from stormwater run-off originating from, or passing through development."

This Code applies in assessing:

- material change of use where:
  - involving an increase in floor area located on floodable land,
- reconfiguring a lot where:
  - located on floodable land
- operational works or building works where:



## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

- located on floodable land,

The code defines Floodable land as being:

Land affected by one of the following flood sources:

- Brisbane River
- creeks or waterways
- localised overland flow paths
- designed open channels
- localised flooding
- storm surge (land below 2.5m AHD elevation).

The Stormwater Management Code is a secondary code in the City Plan which is used to assess development for which it is an applicable code. For example, development applications for Multi-Unit Dwellings will be assessed against the Stormwater Management Code as a secondary code triggered via the Residential Design – Low Density, Character and Low-medium Density Code (the Primary Code for assessing Multi-unit Dwellings). Industrial buildings, commercial buildings and many other forms of development are also assessed against the Stormwater Management Code as a secondary code to their respective primary codes.

The Code itself does not contain any quantifiable assessment criteria. Rather, the code directly references the Subdivision and Development Guidelines (SDGs) and the minimum habitable floor levels contained in the Policy.

### **Planning Scheme Policies**

#### **Subdivision and Development Guidelines**

The SDGs contain the engineering standards in support of the Codes contained within City Plan 2000.

The SDGs refer to three types of flooding (river, creek and local) and provides minimum floor levels for all building classes as defined in the Building Code of Australia.

The SDG includes minimum habitable floor levels for all classes of buildings as defined in the Building Regulations (i.e. category A is a House).

Flooding type (Note 1)	Minimum design floor or pavement levels (mAHD) (Note 4) (Refer Table A1.3 for assignment of these categories)				
	Category A	Category B	Category C	Category D	Category E
Brisbane River (Note 2)	DFL + 0.5m	DFL + 0.3m	DFL	20y ARI	20y ARI
Waterway	100y ARI + 0.5m	100y ARI + 0.3m	100y ARI	100y ARI	20y ARI
Local flooding	50y ARI + 0.5m	50y ARI + 0.3m	50y ARI	50y ARI	20y ARI
Storm tide (Note 3)	100y ARI + 0.5m	100y ARI + 0.3m	100y ARI	50y ARI	50y ARI

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### *Flood Immunity levels specified in the SDG*

<b>BCA building classification*</b>	<b>Assigned design floor or pavement levels</b> (Refer Table A 1.1 for interpretation of flood immunity categories)
Class 1a & 1b, Class 2, Class 3, Class 4	<p>Habitable room: Category A</p> <p>Non-habitable room including patio and courtyard: Category B, except for Class 1a building where the 50y ARI + 0.3m applies to Brisbane River</p> <p>Non-habitable part of a Class 2 or Class 3 building excluding the essential services<sup>@</sup> control room: Risk management approach to Brisbane River flooding (refer Section 4) is permitted</p> <p>Garage associated with a building that is Class 1, 2, 3, or 4: Category B, except for Class 1a building where the 50y ARI + 0.3m applies to Brisbane River</p> <p>Carpark located in the building undercroft of a multi-unit dwelling associated with a building that is Class 1, 2, 3, or 4: Category B</p> <p>Carport or unroofed carpark: Category D</p> <p>Vehicular access and manoeuvring areas: Category D</p>
Class 5, Class 6, Class 8	<p>Building floor level: Category C, risk management approach to Brisbane River flooding is permitted (does not apply to the essential services<sup>@</sup> control room)</p> <p>Garage or carpark located in the building undercroft: Category C</p> <p>Carport<sup>1</sup> or unroofed carpark: Category D</p> <p>Vehicular access and manoeuvring areas: Category D</p>
Class 7a	Refer to the relevant building class specified in this table
Class 7b	<p>Building floor level: Category C, risk management approach to Brisbane River flooding is permitted (does not apply to the essential services<sup>@</sup> control room)</p> <p>Vehicular access and manoeuvring areas: Category D</p>
Class 9a, 9b, 9c	<p>Building floor level: Category A</p> <p>Garage or carpark located in the building undercroft<sup>#</sup>: Category C</p> <p>Carport<sup>1</sup> or unroofed carpark: Category D</p> <p>Vehicular access and manoeuvring areas: Category D</p>
Class 10a	<p>Carparking facility: Refer to the relevant building class specified in this table</p> <p>Shed or the like: Category D</p>
Class 10b	<p>Swimming pool: Category E</p> <p>Associated mechanical and electrical pool equipment: Category C</p> <p>Other structures: Flood immunity standard does not apply</p>

### **Flood Studies and/or Flood Reports**

The Brisbane office is not aware of any flood studies or reports related to the Brisbane area that the department has had a role in.

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Other Relevant Information

Below is a brief outline of Brisbane's planning schemes and their relationship with flooding:

#### 1965 Town Plan

The 1965 Town Plan included 'Drainage Problem Areas' defined as;  
"land declared by resolution of the Council to be a drainage problem area"...

When, in the opinion of the Council, expressed by resolution, and land –

- (a) is so low-lying; or
- (b) is so affected, whether frequently or infrequently, by floods; or
- (c) is, or forms part of an area which is so difficult or expensive to drain

'Drainage Problem Areas' were also mapped as an appendix of the Town Plan. Additions and updates were made periodically, starting with 4 plans and expanding to 54 plans by the 1978 Town Plan.

#### 1978 Town Plan

The 1978 Town Plan introduced 'Areas Subject to Flooding'. These maps covered areas affected by the 1974 floods and included minimum habitable floor levels for all development. Also available were a series of 1:10000 maps and two 1:15840 maps which showed 1974 flood levels and included habitable floor levels for areas subject to flooding. Permission from Council was required for various developments in Areas Subject to Flooding.

Additionally, the 1978 Town Plan included The 'Brisbane River Floods – Restriction on Residential Use' Policy (adopted 1978). This policy also provided Defined Flood Levels.

#### ***Habitable Floor Level (as defined in the 1978 Town Plan)***

A room used for normal domestic activities, and -

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

### References

- The Brisbane City Plan 2000 (City Plan)
- # *Courier Mail* - <http://www.couriermail.com.au/news/queensland/list-of-brisbane-flood-suburbs/story-e6freoof-1225985228833>
- \* *Australian Broadcasting Corporation (ABC)*, online news, <http://www.abc.net.au/news/stories/2011/01/11/3110157.htm>
- \* *Brisbane City Council PDOnline* - [http://olr13.brisbane.qld.gov.au/website/MN\\_CP/index.htm](http://olr13.brisbane.qld.gov.au/website/MN_CP/index.htm)
- <http://web.brisbane.qld.gov.au/planning-building/common-building-projects/residential-projects/subdivision/subdivision-development-guidelines/subdivision-and-development-guidelines/current-edition-2008/index.htm>



## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Bundaberg Regional Council

#### Planning Schemes

The Bundaberg Regional Council administers the following planning schemes:

- Bundaberg City Plan – Adopted 15/03/2004 (Amended 12/02/2007)
- Burnett Shire 2010 – Adopted 31/05/2006 (Amended 22/02/2011)
- Kolan Shire 2010 – Adopted 26/04/2006 (Amendments currently being notified)
- Isis Shire – Adopted 19/02/2007

#### Current Status

New planning scheme for whole of local government area is currently being prepared. It is anticipated for completion late 2012.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Bundaberg City Plan

- Overlay & code, 2% Annual Exceedance Probability (AEP) adopted

##### Burnett Shire

- Overlay & code, 1% AEP adopted

##### Kolan Shire

- Flood and drainage liability and code provisions

##### Isis Shire

- Flood management overlay (map only of Apple Tree Creek) and code provision (whole of Council)

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

##### Bundaberg City Plan

- Bundaberg City flood model 2005

##### Burnett Shire

- Lower Burnett River flood model and storm model

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### Kolan Shire

- Overlay not based on model

### Isis Shire

- Nil

### Other Relevant Information

Nil

### References

- Bundaberg City Plan
- Burnett Shire
- Kolan Shire
- Isis Shire

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Central Highlands Regional Council

#### Planning Schemes

The Central Highlands Regional Council administers the following planning schemes:

- Bauhinia Shire – Adopted 20/02/2007
- Duaringa Shire – Adopted 25/07/2007
- Emerald Shire – Adopted 15/02/2008
- Peak Downs Shire – Adopted 23/11/2005

#### Current Status

Central Highlands Regional Council is currently in the process of preparing a planning scheme for the amalgamated regional council area. The Strategic Framework is expected to be ready for community consultation by September/October 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Bauhinia Shire

- Desired Environmental Outcome
- Town Zone Code
- Animals Code
- Development Design Code
- Reconfiguration of Lot Code

##### Emerald Shire

- Town Zone Code
- Gemfields Zone Code
- Development Design Code
- House Code
- Reconfiguring a Lot Code

##### Duaringa Shire

- Town Zone Code
- Development Design Code
- Reconfiguring a Lot Code

##### Peak Downs Shire

- Town Zone Code
- Development Design Code
- House Code

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

- Reconfiguring a Lot Code

### **Planning Scheme Policies**

Nil

### **Flood Studies and/or Flood Reports**

Nil

### **Other Relevant Information**

Nil

### **References**

- IPA Planning Scheme (Amendment No.1) for Shire of Emerald
- Bauhinia Shire Planning Scheme
- Duaringa Shire Planning Scheme
- Peak Downs Shire Planning Scheme
- Council internal flood map



## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Cherbourg Aboriginal Shire Council**

#### **Planning Schemes**

- Currently preparing first planning scheme – completion early 2012

#### **Structure Plans**

Nil

#### **Local Area/Neighbourhood Plans**

Nil

#### **Master Planned Areas**

Nil

#### **Codes and Overlays**

Nil

#### **Planning Scheme Policies**

Nil

#### **Flood Studies and/or Flood Reports**

Nil

#### **Other Relevant Information**

Nil

#### **References**

Nil

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Fraser Coast Regional Council

#### Planning Schemes

The Fraser Coast Regional Council administers the following planning schemes:

- Hervey Bay – Adopted 15/12/2006 (Amended 18/7/2007, Amended 12/11/2008. Amended 9/9/2009 – Further amendments recently completed notification)
- Maryborough City Plan 2010 – Adopted 1/3/2000 (Amended 8/12/2010)
- Tiaro Shire 2010 – Adopted 27/11/2006 (Amended 24/11/2010)
- Woocoo Shire 2010 – Adopted 15/11/2006 (Amended 9/6/2010)

#### Current Status

A new Planning scheme for whole of local government area is currently being prepared. It is anticipated that this will be complete towards the end of 2012

#### Structure Plans

##### Hervey Bay

- Draft Eli Waters Structure Plan (has not progressed to scheme amendment or public consultation)
- Doolong Flats/Ghost Hill & Kawungan North East (Main Street) Structure Plan

#### Local Area/Neighbourhood Plans

##### Maryborough City Plan 2010

- Scheme structures and series of local area plans rather than zones

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Hervey Bay

- No overlay. Code provisions are included

##### Maryborough City Plan 2010

- Overlay and code

##### Tiara Shire 2010

- No overlay. Code provisions are included

##### Woocoo Shire 2010

- Code provisions – relate to 1893 flood levels

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Other Relevant Information**

Nil

### **References**

- Hervey Bay
- Maryborough City Plan 2010
- Tiaro Shire 2010
- Woocoo Shire 2010

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Goondiwindi Regional Council

#### Planning Schemes

The Goondiwindi Regional Council administers the following planning schemes:

- Goondiwindi Planning Scheme – Adopted 26/06/2006
- Inglewood Planning Scheme – Adopted 27/10/2006
- Waggamba Planning Scheme – Adopted 20/06/2006

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. The Council also resolved to prepare and appoint a consultant on 23 June 2010. It is anticipated that the draft will undertake a State Interest Check in early 2012 with adoption mid 2012.

#### Summary of work to date

- Industrial and commercial land use study completed
- Rural land use study completed
- Heritage study completed
- Available on website
- Synthesis - Study completed

#### Summary of work anticipated this year

- Workshops with Council
- Public consultation
- Stakeholder engagement meetings
- Prepare first draft new Planning Scheme

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

Nil

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil



## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Other Relevant Information**

Nil

### **References**

- Goondiwindi Planning Scheme
- Inglewood Planning Scheme
- Waggamba Planning Scheme

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Gympie Regional Council

#### Planning Schemes

The Gympie Regional Council administers the following planning schemes:

- Cooloolool Shire - Adopted 31/3/2005
- Kilkivan – Adopted 23/11/2007
- Tiara Shire – Adopted 20/10/2005

#### Current Status

A new planning scheme for whole of local government area is currently being prepared. It is anticipated that the scheme will be completed in early in 2012.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Cooloolool Shire

- No overlay – Code provisions about flooding

##### Kilkivan

- No overlay – Code provisions about flooding

##### Tiara Shire

- No overlay – Code provisions about flooding

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

##### Cooloolool Shire

- Flood mapping is available

#### Other Relevant Information

Nil

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **References**

- Cooloolool Shire
- Kilkivan
- Tiaro Shire

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Ipswich City Council

#### Planning Schemes

The Ipswich City Council (ICC) administers the following planning scheme:

- Ipswich City Council - Adopted 23/01/2006

#### Structure Plans

- Ebenezer Regional Development Area was not affected by the flood event.

#### Local Area/Neighbourhood Plans

- *Ipswich Regional Centre Strategy* (Non-Statutory)

Amendments pertaining to this planning document were included in the planning scheme in early 2010. Changes largely related to increases in zoning and built form (height, density) for city centre properties.

#### Master Planned Areas

- Ripley Valley (now a declared UDA site) was not affected by the flood event.

#### Codes and Overlays

- Development Constraints Overlay – Flooding and Urban Stormwater Flow Path (OV5) mapped on the planning scheme.
- Development Constraints Overlay Code – flooding and stormwater provisions for new buildings.
- Reconfiguring a Lot Code – restricts subdivision of land under the Q100.

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Flood studies were conducted prior to adoption of the current IPA scheme and reflected in the scheme.

#### Other Relevant Information

Nil

#### References

- Ipswich City Council Planning Scheme
- Ipswich – Part 11 - Development Constraints Overlay Code – Flooding and Urban Stormwater



## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Lockyer Valley Regional Council

#### Planning Schemes

The Lockyer Valley Regional Council administers the following planning schemes:

- Laidley Shire Planning Scheme – Adopted 28/03/2003
- Gatton Shire Planning Scheme – Adopted 07/07/2007

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Laidley Planning Scheme 2003

Contains an Areas of Natural and Environmental Significance Overlay Code, which specifies dwellings and habitable buildings must occur 300mm above the Q100 level, identified on an overlay map. Q100 level was determined by hydrological assessment prior to adoption of the IPA planning scheme in 2003.

##### Gatton Planning Scheme 2007

The Residential Development and Land Use Code contains specified minimum building heights for residential development in Gatton, Helidon, Withcott, Grantham and Murphy's Creek, where a flood level was adopted for each township based on observations and historical heights. No provisions exist for development outside of these townships.

##### New Planning Scheme (draft)

The new planning scheme is currently being drafted.

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

- Flood studies were undertaken for the former Laidley Shire prior to adoption of the IPA planning scheme in 2003.
- Prior to the flood event, Council had engaged engineers to undertake a detailed flood study for the Gatton township to be included in the new planning scheme.

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Other Relevant Information**

Nil

### **References**

- Laidley Shire Planning Scheme
- Gatton Shire Planning Scheme
- Laidley Overlay Map – Areas of Natural and Environmental Significance – Flood Inundation

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Mackay Regional Council

#### Planning Schemes

The Mackay Regional Council administers the following planning schemes:

- Mackay City Planning Scheme – Adopted 24/03/2006
- Mirani Shire Plan – Adopted 09/07/2007
- Sarina Shire Planning Scheme – Adopted 06/05/2005

#### Current Status

All three schemes will have to be reviewed within 10 years. Mackay Regional Council is currently informally reviewing the schemes with the intent of consolidating all three planning schemes for the region into a new SPA scheme.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Local Area Plans currently being developed include:

##### Mackay City

- Mackay City Centre Local Area Plan

##### Mirani

- Marian Local Area Plan
- Ooralea Local Area Plan

##### Sarina

- Sarina and Coastal Communities Local Area Plan

These plans are not finalised and are all at different stages of completion.

#### Master Planned Areas

Not within schemes. However, a UDA was declared in Andergrove

#### Codes and Overlays

##### Mackay

- Flood and Inundation Management Overlay Code -

##### Mirani

- Desired Environmental Outcome #26
- Urban Locality Code - Specific Outcome O14
- Rural Locality Code - Specific Outcome O20, O26
- Accommodation units, Multiple dwelling units or Tourist Accommodation Code - Specific Outcome O3
- Caravan Park Code - Specific Outcome O7

### **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

- Dwelling House Code - Specific Outcome O2
- Dependant Person's Accommodation code - Specific Outcome O3
- Retirement Housing Code - Specific Outcome O7
- Industrial Use Class Code - Specific Outcome O8
- Filling and Excavation Code - Specific Outcome O9
- Lot Reconfiguration Code - Specific Outcome O10

#### Sarina

- Natural Hazards Management areas overlay and code

#### **Planning Scheme Policies**

##### Mackay

- Policy number 8 - Flood and inundation management - the purpose of the policy is to provide guidance for proponents making a development application over land which is subject to flooding or tidal inundation, with respect to the extent of filling in the vicinity of the flood corridor limits (reclamation limits) and establishes information to be provided with any application involving development on flood/tidal inundation affected land

##### Mirani

- Policy number 3 – Developer Contributions for Parkland
- Policy number 4 - Engineering Design and Construction Manual

##### Sarina

- No specific policies related to flooding

#### **Flood Studies and/or Flood Reports**

The Goosepond Creek Flood Study commenced in May 2007 to update an earlier flood study prepared in 1994. The catchment experienced an extreme flood event on 15 February 2008 and the scope of the study was expanded to include a review of the event. The study looks at flooding in the "trunk" system which is the Janes Creek, Goosepond Creek and Vines Creek waterways.

The draft Goosepond Creek Flood Study was released for public comment from October 14 to November 31, 2009. Public presentations were held on 18 November 2009. Further modelling was done as a result of submissions and the final study was made available in March 2010.

#### **Other Relevant Information**

Nil

#### **References**

- Mackay City Planning scheme 2009
- Mirani Shire Plan 2007
- Sarina Shire Planning Scheme 2005



## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Maranoa Regional Council

#### Planning Schemes

The Maranoa Regional Council administers the following planning schemes:

- Roma Town Planning Scheme - Commenced 24/11/2006.
- Bungil Shire Planning Scheme - Commenced 1/12/2006.
- Bendemere Shire Planning Scheme - Commenced 7/07/2006.
- Warroo Shire Planning Scheme - Commenced 4/10/2004.
- Booringa Shire Planning Scheme - Commenced 27/10/2006

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. Council has approved the draft Strategic Framework and the draft scheme is anticipated to undertake a state interest check in April 2011, following the state agencies workshop on 8 March 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

An Urban Development Area was declared in Roma, 30 July 2010 (Bowen Street, Roma). The proposed development scheme can be viewed at the ULDA website via the following link  
[http://www.ulda.qld.gov.au/01\\_cms/details.asp?ID=375](http://www.ulda.qld.gov.au/01_cms/details.asp?ID=375)

Note - this town has been flooded but not this particular part of town.

#### Codes and Overlays

Nil

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil

#### Other Relevant Information

Nil

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **References**

- Roma Town Planning Scheme
- Bungil Shire Planning Scheme
- Bendemere Shire Planning Scheme
- Warroo Shire Planning Scheme
- Booringa Shire Planning Scheme

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Moreton Bay Regional Council

#### Planning Schemes

The Moreton Bay Regional Council (MBRC) administers the following planning schemes:

- Caboolture Shire Plan – Adopted 12/12/2005
- Pine Rivers Plan – Adopted 15/12/2006
- Redcliffe City Planning Scheme – Adopted 12/12/2005

#### Current Status

The Moreton Bay Regional Council has resolved to prepare a new QPP Planning Scheme. The current schedule is for the Strategic Framework to be complete by October 2011 with final completion in 2013/2014.

The Moreton Bay Regional Council are finalising a proposed amendment to their three (3) existing planning schemes to update/include flood overlay mapping and a consistent Flood Hazard Overlay Code over the three previous local government areas. This amendment package is expected to be lodged for First State Interest Check by August 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Further advice to be provided on an as needs basis

#### Master Planned Areas

- Moreton Bay Rail Link project
- Strathpine Major Regional Activity Centre Master Plan
- Caboolture-Morayfield Principle Regional Activity Centre Master Plan
- Narangba East Local Development Area Plan
- Morayfield-Burpengary Local Area Planning Area Investigation
- Burpengary East Local Planning Investigation

#### Codes and Overlays

##### Caboolture Shire Plan

- Does not contain any flood overlay maps within the planning scheme. For the general public to identify if their land is flood prone requires a flood search be undertaken over individual sites.
- Applicable codes related to flooding include - Code for Reconfiguring a Lot & Stormwater Code

##### Pine Rivers Plan

- Does include a Flood Overlay (Major Flood Event Overlay)
- Applicable codes related to flooding include - Major Flood Event Overlay Code & Reconfiguring a Lot Code

##### Redcliffe City Planning Scheme

- Does include a Flood Overlay (Drainage Problem Areas & Flooding)

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

- Applicable codes related to flooding include - City Wide Outcomes & Overlay Codes

### **Planning Scheme Policies**

#### **Caboorture Shire Plan**

- Planning Scheme Policy 4: Design and Development
  - Sets out engineering standards, floor heights, drainage requirements etc.

#### **Pine Rivers Plan**

- Planning Scheme Policy 17: Demonstrating Compliance with the Major Flood Event Overlay Code
  - Sets out reporting standards for development applications.
- Planning Scheme Policy 28: Civil Infrastructure Design
  - Sets out engineering standards, floor heights, drainage requirements etc.

#### **Redcliffe City Planning Scheme**

- Planning Scheme Policy 8.10: Works (Development Standards Manual)
  - Sets out engineering standards, floor heights, drainage requirements etc.

### **Flood Studies and/or Flood Reports**

Moreton Bay Regional Council is in the process of completing the following projects:

Regional Floodplain Database Project (see weblink)

- Burpengary Flood Models are complete
- Models for Caboorture, Redcliffe, Bribie Island, Woodford and surrounding townships are currently being set up.

Storm Tide Hazard Study

- This study is an internally generated project which is in the data collection phase.
- The purpose of the study is to set minimum floor levels in coastal low lying areas within the MBRC area.

### **Other Relevant Information**

Nil

### **References**

- Caboorture Shire Plan
- Pine Rivers Plan
- Redcliffe City Planning Scheme
- <http://www.moretonbay.qld.gov.au/council.aspx?id=62367>

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Murweh Shire Council

#### Planning Schemes

The Murweh Shire Council administers the following planning scheme:

- Murweh Shire Planning Scheme – Adopted 20/06/2005

#### Current Status

Council has indicated to DLGP that Council would undertake a review of its planning scheme through 2011-2012, with a view to developing a new scheme, or possibly amending the existing one.

Contemporary issues to be considered in the review include land zonings (industrial, residential, park residential), along with the potential change of zoning (and ultimately use) from urban to open space along the gully in town. Flooding and future development was also an issue.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

Nil

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Bradley's Gully (Charleville) flood management report (see weblink)

#### Other Relevant Information

Nil

#### References

- Murweh Shire Planning Scheme
- [http://www.murweh.qld.gov.au/home/-/asset\\_publisher/PdY6/content/bradleys-gully-flood-mitigation-final-report;jsessionid=11582266D440390A72F9D29542920BB6?redirect=%2F](http://www.murweh.qld.gov.au/home/-/asset_publisher/PdY6/content/bradleys-gully-flood-mitigation-final-report;jsessionid=11582266D440390A72F9D29542920BB6?redirect=%2F)



## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### North Burnett Regional Council

#### Planning Schemes

The North Burnett Regional Council administers the following planning schemes:

- Biggenden Shire – Adopted 21/7/2006
- Gayndah – Adopted 22/09/2006
- Perry – Adopted 22/09/2006
- Mundubbera – Adopted 01/03/2004 Amended 17/06/2006
- Monto – Adopted 01/09/2006
- Eidsvold – Adopted 02/02/2007

#### Current Status

New planning scheme for whole of local government area is currently being prepared. It is anticipated for completion in early 2012.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

- Biggenden Shire – No overlay - Code provisions about flooding.
- Gayndah – No overlay – Code provisions about flooding
- Perry Shire – No overlay – Code provisions about flooding
- Mundubbera – Drainage and flood liability overlay and code provisions
- Monto – No overlay – Code provisions about flooding
- Eidsvold – No overlay – Code provisions about flooding

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

- Gayndah – Increasing Queensland's resilience to inland flooding in a changing climate: Final report on the Inland Flooding Study.
- Mundubbera – not based on a model

#### Other Relevant Information

Nil

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **References**

- Biggenden Shire Planning Scheme
- Gayndah Planning Scheme
- Perry Planning Scheme
- Munduberra Planning Scheme
- Monto Planning Scheme
- Eidsvold Planning Scheme

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Rockhampton Regional Council

#### Planning Schemes

The Rockhampton Regional Council administers the following planning schemes:

- Fitzroy Shire Planning Scheme – Adopted 05/12/2005
- Livingston Shire Planning Scheme – Adopted 17/10/2005
- Mount Morgan Planning Scheme – Adopted 25/02/2003
- Rockhampton City Planning Scheme – Adopted 30/08/2005

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. The draft scheme is expected to be presented to DLGP for first state interest check on 1 June 2011 with public notification anticipated for completion 30 September 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Fitzroy

- Alton Downs Zone
- Reconfigure a Lot Zone
- Development Standards Code
- Development Standards Code – Reconfiguring a Lot Code
- Natural Disaster Overlay

##### Livingstone

- Zone code's
- Specific use codes – Drainage Problem special management area & Water Quality and Riparian Land Management
- Retirement Village Code
- Schedule 7 – Flood immunity for specific purposes

##### Mount Morgan

- Schedule 2 - Reconfiguring codes

##### Rockhampton

- Included in the 'intent' for each area.
- Flood Prone Land Code
- Flood Prone Land Code Map 1 – Flood Hazard Map

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### **Planning Scheme Policies**

#### **Fitzroy**

- Local Planning Policy No3/96 – Subdivision Development Standards

#### **Rockhampton**

- Planning Policy 14 – Flood Plain Management

### **Flood Studies and/or Flood Reports**

Fitzroy River floodplain and road planning study (preliminary) conducted by the Department of Transport and Main Roads (see weblink)

### **Other Relevant Information**

Nil

### **References**

- Fitzroy Shire Planning Scheme
- Livingston Shire Planning Scheme
- Mount Morgan Planning Scheme
- Rockhampton City Planning Scheme
- <http://www.tmr.qld.gov.au/Projects/Name/F/Fitzroy-River-floodplain-and-road-planning-study.aspx>.

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Scenic Rim Regional Council

#### Planning Schemes

The Scenic Rim Regional Council administers the following planning schemes:

- Beaudesert Shire Planning Scheme – Adopted 30/03/2007
- Boonah Shire Planning Scheme – Adopted 31/03/2006

#### Current Status

- Council will begin drafting the new Scenic Rim Planning Scheme in the 2011/12 financial year, with the expectation that the Strategic Framework will be finalised by mid 2012.

#### Structure Plans

Bromelton Structure Plan (draft not yet publicly released)

- The plan is currently undergoing First State Interest Review. The northern-east section of the structure plan area is affected by the Q100 flood level, and is earmarked for future industrial development

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Beaudesert Shire Planning Scheme

- Part 4 –Reconfiguring a Lot Code states that development must provides for a building platform located above the Defined Flood Event (DFE), and provide access which is above the DFE. The Defined Flood Event is a reconciled line based on 1974 levels plus detailed modelling by hydrologists.
- Chapter 4, Part 4 - Development Constraints Overlay Code states that development should be located clear of the Defined Flood Event (DFE), and that development must ensure that all habitable floor levels are a minimum of 500 millimetres above the DFE.

##### Boonah Shire Planning Scheme

- Division 12 – Reconfiguring A Lot Code provides that for code and impact assessable development in all zones, no new lots are created in areas subject to inundation in a Q100 rainfall event or in an area prone to slope instability. Within the Boonah Shire, an application for a Reconfiguring a Lot would need to be accompanied by a localised flood study to establish the Q100 flood line.

#### Planning Scheme Policies

Nil



## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Flood Studies and/or Flood Reports**

#### **New Planning Scheme**

- The new planning scheme would include a flood overlay similar to that of the existing Beaudesert Shire Planning Scheme 2007.

#### **Other Relevant Information**

Nil

#### **References**

- Beaudesert Shire Planning Scheme
- Boonah Shire Planning Scheme
- Beaudesert Development Constraints Overlay Code - 3.2A
- Beaudesert Development Constraints Overlay Code - 3.2B
- Beaudesert Development Constraints Overlay Code - 3.2C
- Beaudesert Development Constraints Overlay Code - 3.2D
- Draft Bromelton Structure Plan - Map 9 - Land Use Precincts (draft not yet publicly released)
- Draft Bromelton Structure Plan Supporting Documents – Map 9: Bromelton Constraints Map (draft not yet publicly released)

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Somerset Regional Council**

#### **Planning Schemes**

The Somerset Regional Council administers the following planning schemes:

- Esk Shire Planning Scheme – Adopted 25/11/2005
- Kilcoy Shire Planning Scheme – Adopted 28/04/2006

#### **Structure Plans**

Nil

#### **Local Area/Neighbourhood Plans**

Nil

#### **Master Planned Areas**

Nil

#### **Codes and Overlays**

##### **Esk Shire Planning Scheme 2005**

- Division 15 - Reconfiguring a Lot Code required that no new lots are created in areas subject to inundation in a Q100 rainfall event or in an area prone to slope instability. As there is no flood constraints overlay map included in the Esk planning scheme, an application would need to be accompanied by a localised flood study to establish the Q100 flood line.

##### **Kilcoy Shire Planning Scheme 2006**

- Division 6 - Natural Hazards Overlay Code requires that development is sited on land that would not be subject to flooding during the 1% Annual Exceedance Probability (AEP) (1:100 year) flood event. See Overlay Code OM2A - Map – Natural Features and Natural Hazards (attached).
- Division 21 – Reconfiguring a Lot Code - requires that new lots are not constrained by flooding, and no new lots are created below the highest recorded flood level or the 1% AEP (1: 100 year) flood level for the locality.

#### **Planning Scheme Policies**

##### **Esk Shire Planning Scheme 2005**

- Planning Scheme Policy 12: Flood Mitigation in the Lowood and Fernvale Locality Council, when considering and determining the merits of all development applications in the Lowood & Fernvale locality, will use the Fernvale & Lowood Flood Study including map “SRC Q100 Flood Level 091010” as the basis of assessment in determining a suitable level of flood immunity.

#### **Flood Studies and/or Flood Reports**

A flood study for the whole Somerset region was conducted in 2009, and will be reflected in the new planning scheme currently being drafted.

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **Other Relevant Information**

Nil

### **References**

- Esk Shire Planning Scheme
- Kilcoy Shire Planning Scheme
- Kilcoy Overlay Map OM2A – Natural Features and Natural Hazards
- Somerset - Fernvale and Lowood Flood Study Report 2009
- Somerset - Flood Study Maps – Q100 Flood Area 1
- Somerset - Flood Study Maps – Q100 Flood Area 2
- Somerset - Flood Study Maps – Q100 Flood Area 3
- Somerset - Flood Study Maps – Q100 Flood Area 4
- Somerset - Flood Study Maps – Q100 Flood Area 5
- Somerset - Flood Study Maps – Q100 Flood – Overview

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### South Burnett Regional Council

#### Planning Schemes

The South Burnett Regional Council administers the following planning schemes:

- Kingaroy - Adopted 28/7/2006
- Murgon – Adopted 24/3/2006
- Wondai – Adopted 5/1/2006
- Nanango - Adopted 25/09/2006

#### Current Status

A new planning scheme for whole of local government area is currently being prepared. It is anticipated for completion early in 2012.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Kingaroy

- No overlay - Code provisions are included.

##### Murgon

- Possible flood area in overlay & code flooding and drainage

##### Wondai

- Indicative drainage and flood overlay and code flooding and drainage

##### Nanango

- Overlay and code flooding and drainage

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil

#### Other Relevant Information

Nil

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

### **References**

- Kingaroy
- Murgon
- Wondai
- Nanango



## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Southern Downs Regional Council

#### Planning Schemes

The Southern Downs Council administers the following planning schemes:

- Stanthorpe Planning Scheme - Commenced 27/08/2004
- Warwick Planning Scheme - Commenced 10/12/1999

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. The planning scheme is currently with Council following the first state interest check. Public notification is anticipated in July 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

##### Stanthorpe

- Development on floodprone land - Stanthorpe code

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil

#### Other Relevant Information

Nil

#### References

- Stanthorpe Planning Scheme
- Warwick Planning Scheme

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Sunshine Coast Regional Council

#### Planning Schemes

The Sunshine Coast Regional Council (SCRC) administers the following planning schemes:

- Caloundra City Plan 2004 – Adopted 29/09/2004
- Maroochy Plan 2000 – Adopted 12/08/2000
- Noosa Plan – Adopted February 2006

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. The draft scheme is expected to be presented to DLGP for first state interest check by 30 June 2011.

#### Structure Plans

- Palmview
- Maroochydore Principal Activity Centre.
- Caloundra South

#### Local Area/Neighbourhood Plans

Further advice to be provided on an as needs basis.

#### Master Planned Areas

- Palmview Structure Plan - Gazetted 1 November 2010
- Maroochydore Principal Activity Centre - Gazetted 17 December 2010.
- Caloundra South - Urban Development Area administered by the Urban Land Development Authority

#### Codes and Overlays

##### Caloundra City Plan 2004

- Filing & Excavation Code
- Structure Plan Code
- Stormwater Management Code
- Flood Management Code
- Coastal Management Code

##### Maroochy Plan 2000

- Reconfiguration of a Lot Code
- Operational Works Code
- Code for Development in Water Resource Catchment Areas
- Code for Integrated Water Management

##### Noosa Plan

- Natural Hazards Overlay Code Boreen Point, Kin Kin & Cootharaba
- Natural Hazard Overlay - Landslide and Flooding, Cooroiabah
- Natural Hazard Overlay - Landslide and Flooding
- Cooroy & Lake Macdonald Natural Hazard Overlay - Landslide and Flooding

## **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

- Eastern Beaches Natural Hazard Overlays - Landslide and Flooding, Mary River Catchment Natural Hazard Overlay - Landslide and Flooding, Noosa North Shore
- Natural Hazard Overlay - Landslide and Flooding, Noosa Heads Natural Hazard Overlay Landslide and Flooding
- Noosaville Natural Hazard Overlay - Landslide and Flooding, Tewantin & Doonan Natural Hazard Overlays Landslide and Flooding

### **Planning Scheme Policies**

Nil

### **Flood Studies and/or Flood Reports**

Nil

### **Other Relevant Information**

General upgrading of existing modelling and reflective of recent major projects or upgrading to a more contemporary standard to the following:

- Mooloolah River Study
  - Bells Creek & Halls Creek Catchment Study
  - Noosa River & Six Mile Creek Study
  - (Maroochydore, Palmview, Caloundra South)
- River height gauges & digital rain gauges recording

### **References**

- Caloundra City Plan 2004
- Maroochy Plan 2000
- Noosa Plan

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Toowoomba Regional Council

#### Planning Schemes

The Toowoomba Regional Council administers the following planning schemes:

- Toowoomba City Planning Scheme – Adopted 27/02/2004
- Crows Nest Shire Planning Scheme – Adopted 30/05/2007
- Rosalie Shire Planning Scheme – Adopted 07/03/2008
- Jondaryan Shire Planning Scheme – Adopted 03/05/2005
- Millmerran Shire Planning Scheme – Adopted 01/12/2006
- Pittsworth Shire Planning Scheme – Adopted 29/12/2006
- Clifton Shire Planning Scheme – Adopted 21/02/2003
- Cambooya Shire Planning Scheme – Adopted 04/08/2006.

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. The draft scheme is expected to be presented to DLGP for first state interest check in March 2011. Public notification is anticipated in July 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Local area plans will be a feature of the new Toowoomba RC planning scheme, as is the case with the existing Toowoomba City Planning Scheme (27/02/2004).

#### Master Planned Areas

Nil

#### Codes and Overlays

Crows Nest (natural hazards overlays and code)

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil

#### Other Relevant Information

Nil

#### References

- Toowoomba City Planning Scheme
- Crows Nest Shire Planning Scheme
- Rosalie Shire Planning Scheme

### **Summary of Local Planning Instruments for Local Governments in Flood Declared Areas**

- Jondaryan Shire Planning Scheme
- Millmerran Shire Planning Scheme
- Pittsworth Shire Planning Scheme
- Clifton Shire Planning Scheme
- Cambooya Shire Planning Scheme

## Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

### Western Downs Regional Council

#### Planning Schemes

The Western Downs Regional Council (WDRC) administers the following planning schemes:

- Dalby Town Planning Scheme – Adopted 01/09/2007
- Wambo Shire Planning Scheme – Adopted 22/04/2005
- Tara Shire Planning Scheme – Adopted 18/01/2006
- Murilla Shire Planning Scheme – Adopted 30/06/2006
- Chinchilla Shire Planning Scheme – Adopted 30/06/2006
- Taroom (Division 2) – Adopted 22/12/2006

#### Current Status

The Council has commenced a project to develop a new planning scheme for the entire local government area. Consultants have been appointed and are currently at Stage 2, with the development of background studies taking place. The draft scheme is expected to be presented to DLGP for first state interest check late in 2011.

#### Structure Plans

Nil

#### Local Area/Neighbourhood Plans

Nil

#### Master Planned Areas

Nil

#### Codes and Overlays

Nil

#### Planning Scheme Policies

Nil

#### Flood Studies and/or Flood Reports

Nil

#### Other Relevant Information

Nil

#### References

- Dalby Town Planning Scheme
- Wambo Shire Planning Scheme
- Tara Shire Planning Scheme
- Murilla Shire Planning Scheme
- Chinchilla Shire Planning Scheme
- Taroom (Division 2)



'DLGP-13'



## **Statutory Guideline 01/09**

Priority infrastructure plans and infrastructure  
charges schedules

***A Sustainable Planning Act 2009 statutory guideline***



**Queensland  
Government**



The Department of Infrastructure and Planning brings together planning, local government and infrastructure responsibilities into one department enabling government to deliver integrated solutions, face the state's population and economic challenges and secure a sustainable future for Queensland.

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## Introduction

This guideline has been prepared under the *Sustainable Planning Act 2009* (SPA) and describes how to prepare and implement priority infrastructure plans (PIPs), including (if applicable) infrastructure charges schedules (ICSs).

SPA requires local governments to follow this guideline when making or amending PIPs or ICSs<sup>1</sup>. A decision flowchart for which PIP process to use is shown at Figure 1 below.

The guideline consists of four parts:

- a. Part 1 deals with matters related to infrastructure planning for a PIP
- b. Part 2 identifies options and considerations for funding infrastructure under a PIP
- c. Part 3 deals with preparing and implementing an ICS
- d. Part 4 includes appendices, including templates for preparing PIPs.

The guideline should be read as a whole, including the templates in Appendices 2 and 3. The guideline should also be read with SPA.

The department also periodically releases advisory notes, tools and implementation notes about preparing and implementing PIPs, ICSs and a regulated infrastructure charges schedule (RICS)<sup>2</sup>.

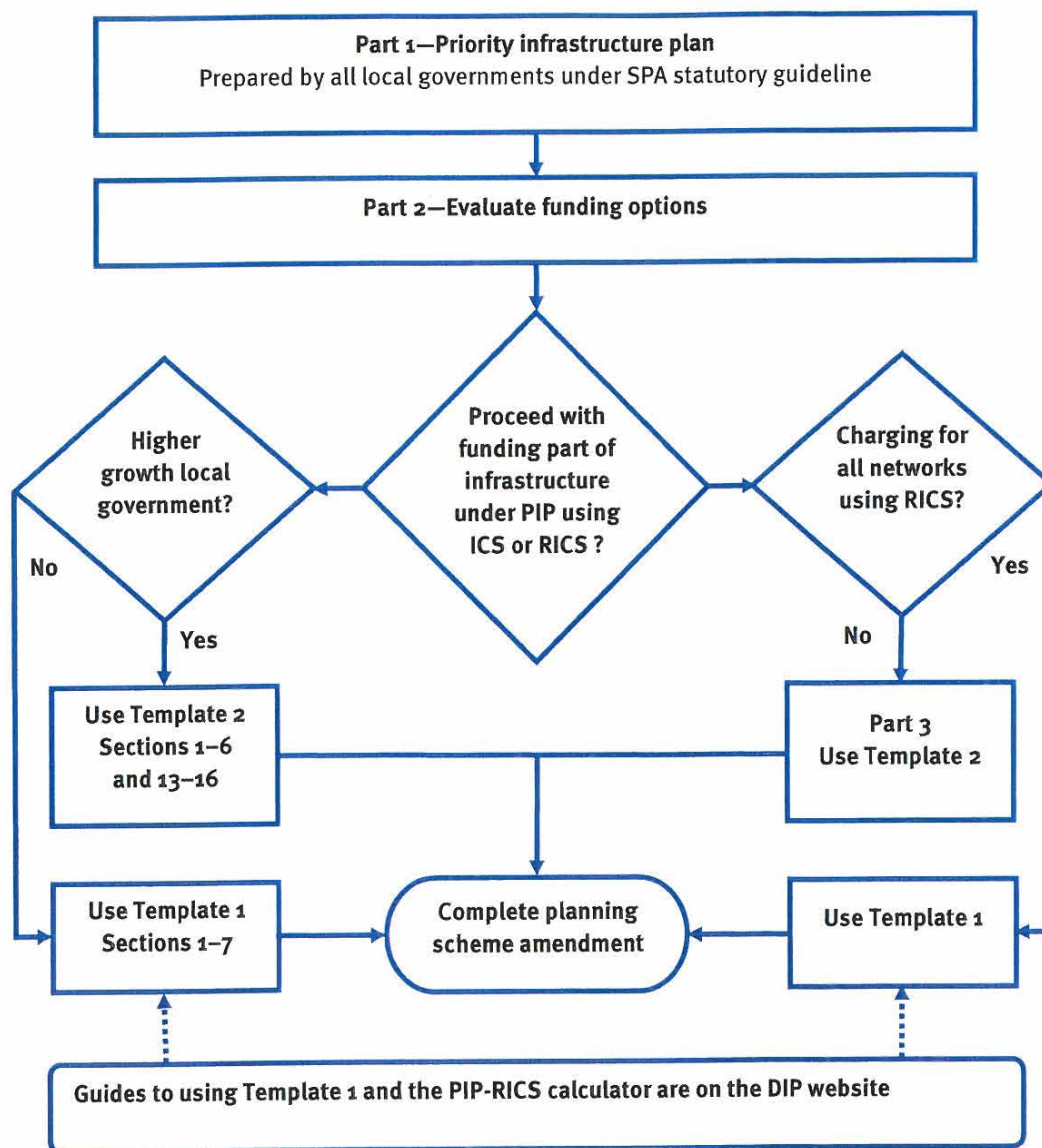
<sup>1</sup> SPA—Sections 627 and 630.

<sup>2</sup> PIPs and ICSs form part of the relevant planning scheme. RICS are adopted by the relevant local government based on a schedule under the Sustainable Planning Regulation 2009, and do not form part of the planning scheme





Figure 1: Decision flowchart for PIP process







## The role of the department

A PIP and ICS are part of a local government's planning scheme. Consequently the Department of Infrastructure and Planning (DIP) reviews draft PIPs and ICSs under SPA, its regulations and statutory guidelines (including obtaining advice from other state agencies) before making recommendations to the minister.

The review includes assessing the:

- priority infrastructure area (PIA)
- assumptions about residential and non-residential growth
- conversion of these assumptions into demand for infrastructure
- desired standards of service (DSS)
- trunk infrastructure required to service future growth.

DIP also provides general advice and guidance about infrastructure planning and funding under SPA, including the appropriate templates to use in preparing a PIP. Local governments proposing to prepare a PIP are encouraged to contact DIP to discuss the appropriate template for their circumstances.

## Queensland Competition Authority (QCA) review

SPA also provides for the minister to seek advice from the Queensland Competition Authority (QCA) regarding any proposed ICS.

The QCA is an independent statutory authority established under the *Queensland Competition Authority Act 1997* (QCA Act) to provide independent, objective advice on pricing and access to services to guide Queensland's industries and government.

When reviewing an ICS, QCA refers to SPA and this guideline, and advises the minister on the appropriateness of the proposed establishment costs of trunk infrastructure in the ICS and the apportionment of those costs between users.

The assessment does not include other local charges, such as for ongoing services, and is also unsuitable for other QCA Act purposes, such as monopoly prices oversight or third-party access, which require a more precise and detailed assessment of costs and pricing practices.

Further details of the authority's role are outlined in the fact sheet—*Review of infrastructure charges schedules by the Queensland Competition Authority*—available from DIP.

## General background

### Integrated land use and infrastructure planning under SPA

Effective land use planning both informs, and is informed by, effective infrastructure planning. The location and density of urban development is a key influence on the cost and efficiency of infrastructure, and consequently to the cost of development to the community as a whole. Infrastructure is also a significant land use in its own right and its impacts require assessment through planning and development assessment processes.



SPA states that its purpose must be advanced, among other things, by:

- supplying infrastructure in a coordinated, efficient and orderly way, including encouraging urban development in areas where adequate infrastructure exists or can be provided efficiently.

SPA achieves this through integrated land use and infrastructure planning. Local government *planning schemes are the key instruments for integrating national, state and local infrastructure priorities with growth management and land use policies in a local and spatial context.* The processes for making planning schemes under SPA also facilitate integration by providing for state input at key points in the scheme making process to ensure its interests in providing infrastructure in the most efficient and effective way are reflected.

The key tool in a planning scheme for integrating land use and infrastructure planning is the PIP and to this extent it is intended that land use and infrastructure outcomes align.

### Strategic planning context

Planning undertaken to develop a PIP is part of a broader strategic planning process for the planning scheme often involving an iteration of various land use and infrastructure planning scenarios. This strategic planning process will consider requirements to achieve population and density targets or patterns of urban form under a regional plan, and constraints such as significant environmental areas, key resource areas, flood affected land, unstable or steep land, viewsheds and areas of high amenity.

All of these factors will create a framework within which the medium and longer term infrastructure and land use planning in the PIP must be undertaken.

### Infrastructure funding under SPA

Apart from promoting integrated land use and infrastructure planning under a PIP, SPA also establishes several equitable, transparent and accountable methods for funding infrastructure, such as infrastructure charges schedules and regulated infrastructure charges schedules.

However the options that a local government can consider for funding infrastructure identified in a planning scheme or PIP include but are not limited to rates, other charges and, borrowings. The optimum way of funding particular infrastructure in the community's interest will depend on a several factors, as discussed in Part 2 of this guideline.

### Relationship with other SPA statutory guidelines

PIPs and ICSs are part of a local government's planning scheme.

SPA, Chapter 3, Part 5<sup>3</sup> requires planning schemes be made or amended under a statutory guideline.

SPA, Chapter 8, Part 14 states that, despite SPA Chapter 3, Part 5, PIPs and ICSs must be made or amended under a statutory guideline.

To the extent a statutory guideline mentioned in SPA Chapter 3 Part 5 applies for making or amending a planning scheme to include a PIP or an ICS, that statutory guideline is taken to be part of this guideline, and should be read together with this guideline.

<sup>3</sup> SPA—Section 117

<sup>4</sup> SPA—Sections 628 and 630





## Part 1

### 1.1 Priority infrastructure plans

SPA<sup>5</sup> requires all planning schemes to include a priority infrastructure plan (PIP) and recognises its key role to integrate land use and infrastructure planning. It also provides a firm and transparent basis for critical decisions about infrastructure funding, including the calculation of any infrastructure charges.

PIPs deal with development infrastructure, most of which is provided by local government. However land use and sequencing patterns for development infrastructure also have a profound influence on the cost and efficiency of providing other local and state infrastructure such as community facilities, state controlled roads, schools and health facilities.

Consequently the state is an important partner in the development of each PIP. Rather than solely reflecting a 'least cost' path for providing development infrastructure, the PIP represents an 'optimum path' for providing a wider range of local and state infrastructure. In doing so it must also meet market needs and provide a range of residential and non-residential opportunities to satisfy the varying needs of the community.

**Note:** Indigenous local governments and Indigenous regional councils have relatively recently been incorporated as local governments under the *Local Government Act 2009* and many do not yet have planning schemes. As a PIP must be based in part on information under a local government's planning scheme, and so as not to delay preparation of planning schemes in Indigenous local government areas, Indigenous local governments and Indigenous regional councils need not include a PIP in their planning schemes when first made, and may amend their planning scheme later to include a PIP.

#### 1.1.1 Infrastructure concepts

##### Development infrastructure

SPA defines and limits development infrastructure to networks providing basic essential services and facilities for safe, healthy and efficient functioning of local communities. Development infrastructure is land and/or works, for water cycle management (including water supply, sewerage and drainage), transport, parks and land for local community infrastructure.

Development infrastructure is either **trunk infrastructure** or **non-trunk infrastructure**.

##### Trunk infrastructure

Trunk infrastructure is 'higher order' development infrastructure planned, funded and provided by local governments and shared between developments.

A key consideration in identifying trunk infrastructure is that any infrastructure charge or regulated infrastructure charge may only be levied for trunk infrastructure identified in the PIP.

<sup>5</sup> SPA—Section 88



### Non-trunk infrastructure

Non-trunk infrastructure is all development infrastructure not identified as trunk infrastructure in the PIP. This includes ‘lower order’ development infrastructure, for example internal to housing estates. SPA requires for such infrastructure to be supplied in other ways than through charging (see example Section 3.1.2—Charging and conditioning).

### 1.1.2 Main elements of the PIP

SPA<sup>6</sup> requires a PIP to include:

- estimates about future population and employment growth
- assumptions about the type, scale, location and timing of development
- the priority infrastructure area, in which infrastructure is planned and provided to service expected growth for at least 10, but not more than 15 years
- desired standards of service for each trunk infrastructure network
- plans for trunk infrastructure for each network to service existing and future development that meets the demands generated by the land uses defined in the planning scheme
- any infrastructure charges schedules.

## 1.2 Preparing the PIP

### 1.2.1 Format and content of the PIP

Local governments must use the templates included in this guideline when preparing a PIP.

Slower growing local governments that intend to not charge, or adopt a regulated infrastructure charges schedule (RICS) for all or some of their networks are to prepare a PIP based on the simplified Template 1 in Appendix 2 of this guideline.

Higher growth local governments that intend to either not charge, or those local governments intending to prepare a PIP with an infrastructure charges schedule (ICS), are to prepare the PIP using Template 2 in Appendix 3 of this guideline.

### 1.2.2 Priority infrastructure area

A priority infrastructure area (PIA) under SPA is the part of a local government’s area intended to accommodate between 10 and 15 years’ anticipated growth for urban purposes. SPA identifies these purposes as residential, retail, commercial, and industrial purposes, and any related community and government purposes. A local government also may include other areas serviced by development infrastructure in its PIA.

An important benefit of the PIA is to enable improved coordination and focus on the capital works programming of a local government and that of the state and to signal a development pattern that is efficient. It does not limit the planning of infrastructure to meet all of the demands of the planning scheme that may exist outside of the PIA, nor does it prohibit or constrain development.

**Note:** State agencies are consulted during the process of making or amending a planning scheme to include a PIP. While based primarily on development infrastructure, the PIA will also reflect a consensus between the local government and the state about the most cost effective and efficient locations for the supply of other local and state infrastructure.

<sup>6</sup> SPA—Schedule 10, definition ‘priority infrastructure plan’





### 1.2.3 Sequencing development

The PIA shows a local government's intent to sequence the supply of trunk infrastructure to *accommodate anticipated urban development* over the next 10 to 15 years in the most efficient way.

The presence of a PIA does not limit local government to a 15 year trunk infrastructure planning horizon. The strategic element of the planning scheme should also incorporate longer term *infrastructure planning* that services the land use outcomes of the scheme, in particular for significant items such as large treatment plants, major roads and dams which are commonly provided by the local government along with those trunk items that are provided as part of development by industry. The PIP should be informed by this longer term strategic planning to achieve alignment of land use and servicing requirements.

The location and extent of the PIA and the PIPs planning assumptions must be negotiated and agreed with state infrastructure suppliers (for purposes of a PIP: infrastructure for state schools, public transport, state-controlled roads and emergency services) before the local government forwards the proposed PIP to DIP for state interest review.

### 1.2.4 Areas included within the PIA

The PIA:

- must in its location and extent be based on land identified as available for urban development (see Introduction—Strategic planning context) population and employment projections (see Section 1.2.6 below), and planning assumptions (Section 1.2.8)
- should reflect the combined extent of all *trunk infrastructure networks to service 10 to 15 years* growth, spatially separate PIAs for different types of infrastructure network would not reflect an integrated approach to infrastructure sequencing and land use planning
- may consist of a single area or multiple geographically discreet areas.

**Example:** A PIA for a regional coastal local government may cover the major township, coastal villages and a rural hinterland township. A PIA for a rural local government experiencing little growth in most cases need only include the existing serviced development.

- must include all developed urban land provided with development infrastructure
- should exclude undeveloped future urban areas only needed to accommodate growth beyond 15 years
- *may include rural residential areas serviced with trunk infrastructure*, however there may be little utility in including such areas if they are only serviced by one or two networks
- must be defined having regard to:
  - the availability and capacity of existing local and state infrastructure networks
  - the expected infill and redevelopment potential of the existing serviced areas
  - existing development approvals.
- may include existing serviced areas with infill potential even if the anticipated development of those areas extends beyond 15 years. Local governments that have a large capacity for residential growth in an infill area are to nominate the rate and scope of growth that is expected in the infill areas so as to define what is realistically expected to be achieved in the areas of urban conversion.
- must not include areas for which the local government is unable to clearly state planning assumptions and anticipated demand
- must be an area in which the local government can clearly identify plans existing and future trunk infrastructure during the 10–15 year planning horizon.



### 1.2.5 The PIA and infrastructure agreements

The PIA:

- may include areas subject to existing infrastructure agreements<sup>7</sup>, provided the agreements and related development approvals and planning scheme provisions contain sufficient information on which to base the assumptions and infrastructure planning, as for other areas in the PIA
- must exclude areas subject to infrastructure agreements if insufficient information exists on which to base the assumptions and infrastructure planning. Development of such areas will occur under the terms of the agreement, and the PIA should be reduced to reflect the anticipated proportion of growth for the 10–15 years that will occur under the agreement.

**Example:** If a large project subject to an infrastructure agreement is expected to accommodate half of the anticipated growth in the local government area over the next 15 years, the priority infrastructure area would only need to identify sufficient land for the other half of the growth anticipated to occur over this period (i.e. sufficient land for seven or eight years growth rather than the 10 to 15 years required under the Act).

**Note:** To the extent an infrastructure agreement is inconsistent with a development approval or an infrastructure charges notice (or a regulated infrastructure charges notice), the agreement prevails (see SPA 665). Whether the PIA includes the area subject to the infrastructure agreement or not, the PIP must state and map how any infrastructure agreement areas have been dealt with.

#### Master planned areas

SPA<sup>8</sup> provides for the minister to declare master planned areas, for which local governments must prepare structure plans, and in which master planning applications may be made. Such areas may be subject to local infrastructure agreements (see SPA Section 143). Master planned area declarations may be made at any time, independently of normal planning scheme review cycles, or the process for making PIPs. If a master planned area is declared when the process of making or reviewing or amending a PIP is substantially underway, the local government may continue to prepare the PIP without accounting for the master planned area declaration, and may reflect the declaration in a later revision of its PIP. This ensures the process for making PIPs is not unduly delayed by the need to accommodate the declaration.

### 1.2.6 Population and employment growth projections

For the purposes of the PIP, the extent and rate of anticipated yearly growth in population and employment should be estimated, for a minimum of 15 years. Australian Bureau of Statistics census data forms the basis for these projections.

The Planning Information Forecasting Unit in Queensland Treasury provides information to assist in developing growth projections, such as existing resident populations, existing dwellings by type, occupancy rates and inter-census growth projections.

Growth projections should be sufficiently detailed to allow different aggregations of data to match service catchments for different infrastructure networks.

<sup>7</sup> SPA—Sections 660–665 and 840

<sup>8</sup> SPA—Section 132





The population and employment projections inform predictions about the average future rate of growth for a local government area. Local governments are best able to apply local knowledge to census data to determine how this rate may vary from one area to the next. These growth projections provide the basis to determine when infrastructure should be provided to service future development.

Local governments should use both statistical information and local knowledge to identify one or more areas (**projection areas**) in which to undertake population and employment growth projections. The number, location and size of projection areas will depend on the population, settlement patterns and growth rates of for the local government area.

**Example:** coastal villages, an inland administrative centre, and several rural settlements in a single local government area are each likely to exhibit substantially different population and employment growth profiles, so should be allocated different projection areas. A small rural local government area with a single town centre and static rural population will only require one projection area.

For population and housing, the following should be identified for each projection area:

- **location**—the identified projection areas (suburb, locality, statistical area)
- **existing and projected population**—For the existing population, the official estimated resident population figures may be used with adjustments to account for significant holiday population and growth since the data were collected, or to take account of boundary differences. The state's planning and forecasting unit provides information and assists with information in this regard.
- **occupancy rates**—An estimate of average numbers of persons per occupied dwelling is required to enable estimates of the total number of new dwellings required (projected population divided by occupancy rate). Occupancy rates must be specified according to dwelling type.
- **existing and projected dwelling units for each type**—Existing dwelling units are the number of existing dwellings of different types in the area. This information is available through census data, but should be updated to account for growth since the data was collected. Other sources of information include local knowledge, research and local government's data bases such as rates that include information on existing property and dwellings. Projected dwelling units are the number of units required to accommodate the area's projected population at the assumed occupancy rates.

For employment, the following should be identified for each projection area:

- **location**—the identified projection areas (suburb, locality or statistical area)
- **use**—a simple categorisation to convey the type and scale of employment generating activities in the projection areas
- **existing and projected employment**—The number of persons currently employed can be obtained from special census tables, local knowledge, research and surveys. Projections of future employment may not be precise, but should broadly indicate for each use the employment growth likely to occur for each category of use.
- **conversion rate**—The rate at which additional land or floorspace for each category is provided, usually expressed as square metres of floorspace and hectares of land per hundred or thousand employees. Again, this may not be precise, but indicates the area of service catchment and extent of trunk infrastructure required to service these functions.
- **assumed growth for each type of employment related use**—The employment projections and conversion rates are used to estimate the additional floor space and land (expressed in square metres and hectares) required to service the projection area. This estimate should be based on the same projection periods for residential growth. Floor space is a reasonable growth measure as it determines traffic generation and other 'demands' on infrastructure. Land, floor area and employment are all correlated. The ratio of floor area to land area varies for different use



categories so the land area associated with the projected floor space requirements should also be accounted for.

### 1.2.7 Service catchments

Trunk infrastructure planning and charging are based on service catchments. The demarcation of service catchments depends on the nature of the infrastructure. The cost to provide infrastructure also varies from catchment to catchment depending on factors such as soil type or distance from existing infrastructure. The demand and associated costs for a service catchment are inputs to the calculation of costs per demand unit. Accordingly, when preparing the PIP, a series of different service catchments have to be identified for each of the infrastructure networks within the context and role of the PIA.

Service catchment boundaries will be defined by the network type and how it has been designed to operate and provide service to the urban areas. On this basis it generally has some alignment to the *land use boundaries of the planning scheme* but very little relevance to any other administrative boundary such as a PIA. The service catchments must cover all of the urban areas of a planning scheme at a minimum and in doing so covers the PIA.

### 1.2.8 Planning assumptions

The planning assumptions are critical elements underpinning the PIP. Their purpose is to provide a logical and consistent basis for the detailed infrastructure planning within network catchments. Together with the desired standards of service they assist in the development of the plans for trunk infrastructure, and form the basis for the calculation of infrastructure charges and on which to base additional infrastructure cost assessments.

The PIP states the assumptions about the:

- type
- scale
- location
- timing of future development.

Assumptions about the type and scale of development are derived from the zoning maps and associated codes of the planning scheme.

The demarcation of the PIA determines the assumption about the location and prioritisation of *development*.

The population and employment projections form the basis to predict the average future rate of growth for a local government. Based on local knowledge, local governments are best able to determine how this rate may vary from one local geographical area or catchment to the next. These growth projections provide the basis to determine when infrastructure should be provided to service future development.

### 1.2.9 Planning for ultimate development

Local government bases the capacity and design of its trunk infrastructure networks on the estimated demand when lots or areas will be fully developed (ultimate demand).

Infrastructure should be planned for the realistic total development that can be achieved in terms of the type and scale of uses allowed by the planning scheme, for each catchment of an infrastructure network. For those catchments *generally located within the PIA*, ultimate development should be





achieved within the 10–15 year period of the PIA or relatively close to that. Infill areas or areas where redevelopment occurs may take longer to reach ultimate development.

An important factor to consider is the achievement of aspirational planning outcomes through the development process. Some planning schemes allow for high densities which would be feasible in 50 to 60 years but are beyond the possibilities of the initial urbanisation of the land. Careful consideration of both demand and infrastructure in these areas is necessary to ensure that a fair representation of demand is made reflecting the market possibilities and opportunities for servicing are not lost to achieve the aspirational planning target later in the development cycle.

It is not always practicable to achieve the potential (theoretical) scale of development shown within the planning scheme. This can be due to a range of physical constraints including slope, environmental (i.e. significant vegetation), flooding, existing infrastructure etc (much of this information will be provided in planning scheme overlays). Other requirements of the planning scheme such as setbacks, height and car parking will also impact upon the scale of development that can realistically be achieved on premises.

Planning for realistic total development will mean that there is less likelihood of an oversupply of trunk infrastructure (and associated charges) under the PIP.

Also see Section 3.5.1 where long term planning and other factors impacting on charges are discussed.

Ultimate development can be described as the stage when an area or a lot is fully developed. It should be acknowledged however that cities are dynamic and redevelopment and intensification of development occurs continuously. For example, a central business district will be different from 20 years ago, even though at that time it may have been described as being intensely developed. This concept is made more complex because both stages could have been described as ultimate demand.

From an efficiency point of view it is in local governments' interest to plan and provide capacity to service development over the longer term. The issue is whether this planning horizon should be 20, 50, 100 or even 200 years into the future. The further planners look into the future, the more uncertain assumptions and future plans become. For example, unforeseen changes in car use and transportation patterns may impact on future infrastructure plans and cost calculations.

Planning for the longer term should be encouraged but this must be balanced to consider negative cost impacts. The methods to calculate charge rates are described in Section 3.4.5 which in general terms is total cost of infrastructure divided by total demand (at ultimate development). A consideration for local government is whether planning for 40 years into the future would have a negative impact on the cost per demand unit that is charged for a development compared to limiting planning and infrastructure charges for 20 years into the future.

Where providing greater capacity for the longer term, local government infrastructure planners should take care not to allocate spare capacity of infrastructure to users over and above their need as this will also lead to an unfair increase in the charge rate.

The objective should be to find an appropriate balance and ensure that infrastructure charges/costs to developers and the community are kept within reasonable limits.



### 1.2.10 Assessment against assumptions

Development applications for individual lots will be assessed against the PIP to consider whether they are consistent with the identified assumptions. Information on the assumptions and planned demand must be structured in such a way that in practice it facilitates an easy assessment of development applications on a lot by lot basis. This is particularly relevant to local governments experiencing development pressures. It is highly recommended that local government use a Geographical Information System to capture the relevant data (including growth and planning assumptions, demand units planned for) to achieve this.

### 1.2.11 Converting assumptions into demand

Detailed planning for each infrastructure network will usually be based on units of demand specific to the network.

For each type of lot or use, the demand units are derived from the planning assumptions about the type and scale of development. The population, housing and employment projections identify how demand will grow over time up to ultimate development for each catchment. It is therefore necessary to convert these into appropriate units of demand for the service catchments of each infrastructure network.

Infrastructure demand for residential and non-residential uses can be expressed as standard demand units for each infrastructure network similar to the following:

- water and sewerage—demand generated per equivalent person (EP) or equivalent tenement (ET) per day
- transport—number of trips generated per day
- stormwater quantity—impervious area per hectare
- parks—number of people.

These demand units may be expressed as a number per dwelling, per hectare of developable land for a use, or per floor area for non-residential uses. For residential uses, household sizes are important to determine the assumed demand. For non-residential uses, the number of job opportunities and the type of existing or anticipated use helps determine the assumed demand.

Demand units quantify behaviour and therefore use of infrastructure to allow for planning and ultimately to determine charging.

For example, behaviour around water use in SEQ changed as a result of the drought reducing demand from 300–400 litres per person per day to 18 litres per person per day. The rise in fuel prices by 30–40 cents per litre also triggered an almost overnight increase in the use of bus and train services in SEQ.

Determination of demand rates must be reflective of how development and communities use the networks and to this extent changes in behaviours must be modelled along with the factors that influence them such as climate change, rising costs, convenience etc. This approach will ensure more accurate planning and design of networks and create more fair and equitable charges.





### 1.2.12 Desired standards of service (DSS)

The PIP must state desired standard of service (DSS) for each infrastructure network. The DSS is supported by the more detailed network design standards included in planning scheme policies. The DSS, planning scheme policies and any related planning scheme codes should be aligned as the PIP and/or planning scheme are prepared or amended. The PIP and planning scheme should clarify how the DSS and design standards apply to the respective trunk and non-trunk infrastructure networks.

Local government, in consultation with the community, should determine realistic and affordable standards of service for development infrastructure. This should be reflected in the desired standards of service for each network and will be based on a range of factors including regulatory requirements, cost, affordability, and anticipated environmental, economic and social outcomes.

DSS must reflect a balance between community expectations, affordability and the efficient provision of infrastructure. The DSS may differ vary within a network or between service catchments.

**Example:** water supply pressure and volume standards may differ for different catchments. Road widths and construction standards in an industrial area will be different from those for a residential area.

In many instances the DSS will simply involve stating the implicit assumptions and standards that have been the basis for the local government's infrastructure planning and supply.

The templates in Appendices 2 and 3 to this guideline include examples of DSS for different networks.

### 1.2.13 Plans for trunk infrastructure (PFTI)

The plans for trunk infrastructure (PFTI) must identify the existing and future trunk infrastructure necessary to service each network service catchment in the PIA up to ultimate development.

The service catchment boundaries for an infrastructure network are unlikely to align precisely with the priority infrastructure area boundary or the service catchments for the other development infrastructure networks. Therefore, the local government may prepare infrastructure plans for the entire service catchment even if this extends beyond the priority infrastructure area boundary. Although the PIA is the primary focus for the planning and provision of trunk infrastructure, this does not prevent local government from planning and providing trunk infrastructure for urban land uses outside of the PIA.

The design of the trunk infrastructure is based on the expected growth in population and employment as well as the assumptions about type, scale, location and timing of development. The planned (ultimate) demand for each network service catchment, together with the DSS determines the extent of the infrastructure to be provided.

The PFTI for a given infrastructure network must consist of a map or maps with the single purpose of identifying the existing and future infrastructure for each network. This should show the major elements of the network that are cross-referenced to a schedule of works which includes the following information:

- a corresponding reference for the network element and/or item shown on the map
- a brief description of the element and/or items that make up the element
- whether the element is existing, or if new, the estimated date of when the element or item will be provided



- for local governments not intending to levy charges, the estimated timing of construction can be expressed in terms of specific years or 'time bands' (e.g. 2011–2016).

The templates included in Appendices 2 and 3 of this guideline provide further direction on how PFTI, associated schedules of works and extrinsic (supporting) material will be structured for slower and higher growth local governments respectively. The local government's capital works program must reflect the PFTI and associated schedules of works to provide future trunk infrastructure. The SPA<sup>9</sup> makes provision for a local government to supply different trunk infrastructure from that identified, provided the infrastructure supplied delivers the same standard of service for the network. If a local government chooses to supply different infrastructure from that identified in the PIP, it must add information to the infrastructure charges register and extrinsic material to record, explain and justify the decision.

### **Public parks and PFTI**

SPA<sup>10</sup> prevents local governments imposing a condition about a monetary contribution for non-trunk infrastructure. It is therefore recommended that local government identify all public parks and land for community infrastructure, which forms part of its parks provision strategy, as trunk infrastructure in its PFTI.

Future parks can be identified either as a designated, or an approximate location. In each case the standards such as the park type, size and associated embellishments needs to be clearly identified in the PIP.

### **PFTI and state infrastructure**

As the state does not generally supply trunk infrastructure, plans for state infrastructure will not usually be included in the PIP, however, state infrastructure providers will use PIPS to guide their own infrastructure planning.

State controlled roads often form an important part of local road networks. These roads may serve both local and broader functions. Template 2 in Appendix 3 provides for information about these roads to be included as a separate item in the transport PFTI.

For future infrastructure, the PIP may refer to statements of intent (SOIs) for the state-controlled road network. However, where a PIP includes a transport ICS that includes local function charges for a state-controlled road, all future works where local function charges are planned to be spent, must be listed along with the timing of construction as well as the proportion of total costs of works to be funded by the local function charge. Further requirements are described in Part 3 Infrastructure charges schedules.

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<sup>9</sup> SPA—Section 638

<sup>10</sup> SPA—Section 626





## Part 2—Funding

### 2.1 Infrastructure funding

#### 2.1.1 Funding options

There is no requirement on a local government to levy infrastructure charges on development through its PIP. Funding options under SPA are **not comprehensive**, and **do not necessarily represent preferred approaches** to funding trunk infrastructure identified in a PIP. In deciding whether to use funding arrangements under SPA, local governments should carefully consider the available alternatives, such as:

- rating, benefited area arrangements and utility charging
- funding through state and national grants and funding programs
- financing options.

Moreover, if charging under SPA is used, SPA does not require particular trunk infrastructure to be funded exclusively from charges. Local governments opting to use ICSs or RICs under SPA may decide to fund only a proportion of the relevant trunk infrastructure this way.<sup>11</sup> Local governments are encouraged to consider funding mixes which best suit the needs of their communities.

In addition, SPA allows local governments to choose between charging for planned or approved demand, or to choose not to levy the full charge in respect of particular development<sup>12</sup>.

Factors which local governments should take into account in deciding which funding arrangements to use include:

- funding arrangements for current infrastructure assets, including the proportion of the establishment cost of infrastructure previously recovered through charges
- the size and growth rate of the local government's population
- the time and cost associated with preparing and administering ICSs and RICs in relation to the level of development activity
- the nature and extent of anticipated development, for example the balance of development in 'greenfield' and 'brownfield' localities
- the degree of leveraging for current infrastructure assets and likely differential between the cost of capital for the local government and that available to the development industry and the community generally
- the likely impact of charging on housing affordability and non-residential development in the local government area.

<sup>11</sup> SPA, Section 631 requires this proportion to be stated in the infrastructure charges schedule.

<sup>12</sup> See Part 3, Sections 3.5.1 and 3.5.5.



## 2.1.2 Funding under ICSs and RICS.

### ICSs

Infrastructure charges may be levied by councils to fund a proportion of the establishment costs associated with providing trunk infrastructure. A PIP with an ICS will:

- provide a transparent account of the establishment cost of the trunk infrastructure
- indicate when new trunk infrastructure is likely to be provided
- quantify demand generated by existing and future infrastructure users
- show how demand and costs will be apportioned to users through the calculation of charge rates
- state the infrastructure charge rates by charge area for each network
- show how the infrastructure charge levied on premises will be calculated.

### RICSs

RICSs are available to all local governments, but are particularly suited to smaller, slower growing local governments with smaller populations. They allow local governments to apply (conservatively valued) infrastructure charges without having to prepare ICSs.

A local government may adopt a RICS by resolution up to, and including, the maximum amounts set out in the regulation to SPA. The regulation sets out conversion rates for applying the charges for different types of development and use.

For adopting a RICS, SPA requires:

- the local government must have a PIP
- the local government may only adopt regulated charges for trunk infrastructure networks identified in the PIP (i.e. the local government must have PFTI for the network being charged for).

Each local government adopting a RICS must set the charge at a level appropriate for its individual circumstances.

**Note:** Unlike a PIP or ICS, a RICS is not part of a planning scheme. A RICS is adopted by resolution of the local government. SPA (Section 724) requires the local government's RICS to be available for public inspection and purchase along with its other planning related documents.

### Combining ICSs and RICSs

Local governments also may use both an ICS and RICS for the same infrastructure network, provided charge areas or service areas do not overlap.

**Example:** A local government may have sufficient PFTI to prepare an ICS for one catchment, but have only sufficient trunk infrastructure plans for remaining catchments to support a RICS. Local government should clearly demonstrate that no double dipping occurs.



## Part 3—Infrastructure charges schedules

### 3.1 Introduction

#### 3.1.1 Infrastructure charging principles

SPA infrastructure charging is based on the following principles to ensure transparency, equity and efficiency:

- charges are limited to infrastructure that provides direct, private benefits to users
- charges are limited to basic essential services/facilities where consumer choice is limited due to:
  - health and safety reasons or
  - compelling savings in long-term provision costs.
- charges are based on the PFTI
- infrastructure is designed to satisfy reasonable desired standards of service and construction standards that minimise the whole-of-life costs of the infrastructure
- infrastructure costs must be apportioned equitably among all infrastructure users.

#### 3.1.2 Charging and conditioning

Under legislation preceding both SPA and the *Integrated Planning Act 1997* (IPA), infrastructure was funded through conditions imposed on development approvals. However conditioning compromises transparency, equity and accountability, as it cannot clearly distinguish between the cost of the service and the cost of its impacts.

SPA clearly distinguishes between the cost of the service and the cost of its impacts by:

- clearly integrating land use and infrastructure planning to establish a benchmark for efficient and effective infrastructure provision
- funding the capital cost of the infrastructure mainly through a separate and accountable charging process
- confining conditioning to mitigating the impacts of unforeseen or 'out-of-sequence' development.

There is a clear distinction between charging and conditioning. SPA allows conditions for directly providing infrastructure in limited circumstances, mainly reflecting practical considerations. These are:

- for non-trunk infrastructure (see SPA Section 626)
- for necessary (identified) trunk infrastructure (see SPA Section 649)
- for additional trunk infrastructure costs (see SPA Section 650)
- for additional trunk infrastructure costs for development inside priority infrastructure areas (see SPA Section 651)
- for additional trunk infrastructure costs for development partially or wholly outside priority infrastructure areas (see SPA Section 652)
- for conditions state infrastructure providers may impose for state infrastructure (see SPA Sections 653 to 657).

Template 2 included in Appendix 3 of this guideline outlines how these rules about conditions are applied under a PIP.





## 3.2 Establishment costs

### 3.2.1 What are establishment costs?

SPA identifies establishment costs for a trunk infrastructure network as:

- the cost of preparing an ICS, including the DSS and PTFI
- on-going administration costs for the infrastructure charges schedule
- for future infrastructure—all design, financing, land acquisition and construction costs
- for existing infrastructure:
  - the cost of reconstructing the same works using contemporary materials, techniques and technologies
  - for land acquisitions completed after 1 January 1990—the value of the land at the time it was acquired, adjusted for inflation.

An infrastructure charge may only be levied for the establishment cost of trunk infrastructure identified in the PIP.

### 3.2.2 Calculating establishment costs

The following apply when calculating establishment costs:

- Ongoing administration costs are the costs associated with preparing, maintaining and administering ICSs, such as updating charges schedules, maintaining the infrastructure charges register and issuing charge notices. These also include costs associated with preparing and maintaining plans for trunk infrastructure and determining the desired standards of services.
- The costs of preparing and administering PIPs and ICSs as described above, must not exceed two per cent of the infrastructure costs included in the charge rate unless first justified and approved by the department. Template 2 at Appendix 3 provides further detail on methodology and format.
- Land acquisition costs are the costs of acquiring land for trunk infrastructure. This must not include land gifted to local government but may include land contributed in lieu of a charge or as a condition of development approval as previously allowed prior to adoption of a PIP.
- For calculating the current value of previously purchased land, the original purchase price is to be indexed using the Consumer Price Index (all groups, City of Brisbane or weighted average). For future land acquisition values, other indices can be used or developed in accordance with these guidelines.
- Design and construction costs must be estimated based on standards that the local government would apply if it were constructing the infrastructure itself. In applying these standards, the local government should minimise the whole-of-life costs of supplying the infrastructure.
- The existing network must be valued at current cost. This assumes that appropriate asset maintenance and replacement programs are in place and that the network is in 'as new' condition, having been kept that way by ongoing funding from business activity charges or local government rates. It follows that infrastructure charges must not be levied for the cost of works if they are required to rehabilitate, maintain or replace aged or obsolete components of the trunk infrastructure network. Where additional capacity is being provided as part of the rehabilitation, only the cost of that additional capacity may be funded through infrastructure charges.



### 3.2.3 Standard infrastructure inclusions and exclusions

The standard inclusions and exclusions for trunk infrastructure charges table at Appendix 1 provides mandatory provisions on what infrastructure may be included in the calculation of the charge rate.

### 3.2.4 Proportion of establishment cost funded by charges

Infrastructure charges fund a proportion of the establishment costs associated with providing trunk infrastructure.

The following apply when estimating the proportion of the establishment cost to be funded by an infrastructure charge:

- The costs associated with infrastructure demand consumed by external users must not be transferred to other users via infrastructure charges. These funds must be sourced from revenue other than infrastructure charges levied under a PIP.
- For local government infrastructure the value of gifts, grants and subsidies received from the state or federal government to fund trunk infrastructure, must be excluded from the calculation of the charge rate. This include the value of infrastructure that has already been funded from state or federal taxes.
- Grants and subsidies received by local government, or known to be receivable in the future at the time the ICS was made, must be removed from the calculation of charge rates.
- The value of infrastructure being recovered through recurrent revenue such as local government rates or toll revenue must be removed from the proportion of the establishment cost funded by charges.
- The trunk infrastructure included in the calculation of the charge rate must provide direct services to those urban land uses identified in the SPA definition of a priority infrastructure area.
- Attachment 1 further identifies what infrastructure can be charged for and what infrastructure can not be charged for.

SPA<sup>13</sup> requires the local government to identify in the ICS the proportion of the establishment cost it intends to recover through infrastructure charges.

It is important for local governments to consider the difference between new charges prepared under a PIP and that previously levied on development. Local governments may choose to recover a smaller proportion of the establishment cost through infrastructure charges. Where this is the case, the shortfall must be funded through other sources of revenue such as local government rates.

### 3.2.5 Phasing in charges

If a local government finds new charges under an ICS are significantly higher than previously levied on development, it may choose to follow a strategy to phase in the charges over a period of time to limit impacts.

### 3.2.6 Area in which charge applies

Infrastructure charges may apply to all or part of a local government area. The area covered by a charge will depend on the extent to which the local government area is serviced by trunk infrastructure and the cost recovery objectives of the local government. SPA<sup>14</sup> requires the ICS to identify the area in which a charge applies.

<sup>13</sup> SPA—Section 631(b)

<sup>14</sup> SPA—Section 631(c)





### 3.3 Infrastructure charges

An ICS must state the types of lots or uses in the charge area (e.g. residential, commercial, industrial) that are liable for infrastructure charges, and how the charge must be calculated for each type. A detailed explanation and background on the calculation of the various charge rates must be included in the supporting (extrinsic) material.

#### 3.3.1 Demand units

An ICS in combination with the PIP must identify the standard demand units for the various infrastructure types and provide equivalence tables that show how many demand units are expected to be generated by each lot or use type.

Infrastructure demand for residential and non-residential uses should be expressed using demand units such as:

- water and sewerage—demand generated per equivalent person (EP) or equivalent tenement (ET) per day
- transport—number of trips generated per day
- stormwater quantity—impervious area per hectare
- public parks and land for community facilities—number of people.

Appendix 3 (Template 2) includes an example of an equivalence table (demand generation rates). These are expressed as a number of demand units per dwelling, per hectare of developable land, per floor area for non-residential uses or other relevant measure.

#### 3.3.2 Infrastructure charge rate

The charge (rate) for each infrastructure network in each charge area must be stated in the ICS as a monetary amount per demand unit (e.g. cost per EP), with the value determined in the base year. For more information and two alternative approaches to calculating the charge rate, see Section 3.4.4 below.

**Note:** The chargeable rate of provision for land for public parks and community purposes is limited to a maximum of 4.8 hectares per 1000 people per charge area. The 4.8 hectares must be a proportional representation of all parks and land for community purposes identified in the plans for trunk infrastructure. Local government may plan for and provide more land where it is funded from sources other than infrastructure charges levied under a PIP.

#### 3.3.3 Adjusting charge rates for inflation

SPA<sup>15</sup> allows for charge rates under an ICS to be indexed for inflation. If an ICS provides for adjustment of charge rates for inflation, the ICS must state the method for indexing the charge (rate) and the indices used to set the increased amounts for the charge rates. Local government can regularly apply relevant indices to the value of the charge rates to account for inflation. Current and previous charge rates must be identified in local government's infrastructure charges register.

<sup>15</sup> SPA—Section 631(3)



## 3.4 Apportioning costs

### 3.4.1 Fair apportionment of infrastructure costs

An infrastructure charge for premises must not be more than the proportion of the establishment cost of the trunk infrastructure network (identified in the PIP) reasonably attributable to the premises taking into account:

- the usage of the infrastructure network by the premises
- the capacity of the network allocated to the premises. This may occur if, unavoidably, more capacity must be provided than demanded, and apportioning by estimated use would result in under-recovery of costs. Capacity may only be apportioned in this manner if there is no prospect of it ever being utilized by additional users longer term.

The costs of trunk infrastructure networks must be shared equitably among all users who will benefit from the infrastructure. This ensures that users collectively contribute to the establishment cost of trunk infrastructure and development that triggers provision of additional capacity are not required to pay more than their share.

Where providing greater capacity for the longer term, local government infrastructure planners should take care not to allocate spare capacity of infrastructure to users over and above their need as this might lead to an inappropriate increase in the charge rate (also see Section 1.2.8).

If local governments choose to plan for infrastructure over the longer term, they should be able to demonstrate that this does not result in increased charges or charge rates per demand unit being levied on development when compared to shorter planning time frames such as the PIA time frames of 10 to 15 years or possibly 20 years into the future.

### 3.4.2 Charge areas

Infrastructure charges reflect the estimated benefit a user derives from a trunk infrastructure network. Each user will in reality derive different benefits, however quantifying individual benefits would clearly be impractical. Hence, benefits can best be expressed by grouping users into **charge areas** in which the costs of providing infrastructure to users are similar.

Network service catchments is an appropriate basis for defining charge areas, however the cost of administering many charge areas must be balanced against the equitable grouping of costs. Too many charge areas will result in cumbersome and costly administration, while too few create the risk of significant cross-subsidies.

Consequently service catchments may be combined to form charge areas. The following limits on the number of charge areas per network apply unless otherwise justified to, and approved by DIP:

- For urban areas with an ultimate planned population less than 100 000, the maximum number of charge areas per network should be ten.
- For urban areas with an ultimate planned population of between 100 000 and 200 000, one additional charge area may be added for each 12 500 of the population or part thereof beyond 100 000.
- For urban areas with an ultimate planned population in excess of 200 000, one charge area may be added for each increase in population of 20 000 or part thereof.

Where combining service catchments to form one charge area, a guiding principle should be to combine areas of similar cost to reflect an appropriate apportionment of cost.





Charge areas may extend across all or part of a local government's area, depending on the extent of the area serviced by the infrastructure network. Hence an infrastructure charge may also apply to areas outside the PIA.

### 3.4.3 Open and closed networks

#### Open networks

Open networks have some external users that cannot be levied an infrastructure charge. Most transport and community land networks are open networks.

The proportion of external usage must be accounted for when calculating charge rates for open networks to ensure external usage costs are not transferred to internal users.

#### Closed networks

Closed networks serve a clearly definable area with users who have full access to the service. Others cannot usually access the network. Full costs can be equitably apportioned to users of such networks. Water supply, sewerage and stormwater systems are typical closed networks.

Trunk infrastructure networks servicing discrete neighbourhoods, such as local parks or land for neighbourhood facilities, may also be closed networks because external use, though possible, is likely to be insignificant.

### 3.4.4 Steps for apportioning cost

The following steps must be followed for each trunk infrastructure network to ensure that establishment costs are apportioned appropriately:

- define charge areas based on catchments or aggregation of catchments serviced by the infrastructure network
- establish the existing demand and estimate the future demand for each charge area over time up to ultimate development for the lots and user groups expressed in the relevant demand units
- identify and value existing and future trunk infrastructure items that will provide the desired standards of service, including all other establishment costs allowed under IPA
- identify whether infrastructure and related costs are directly attributable (used only by one charge area or one user group) or common (used by more than one charge area or user group):
  - allocate directly attributable costs to corresponding catchments and/or user groups
  - allocate common costs to charge areas and/or user groups based on their respective share of common demand.
- Calculate the infrastructure charge rates for each charge area using either the **average cost calculation methodology**, or the **incremental cost calculation methodology** set out below:

#### Average cost calculation methodology

Infrastructure charge rate (\$/demand unit) =

$$\frac{\text{Establishment cost of existing infrastructure} + \text{NPV of future infrastructure}}{\text{Existing demand} + \text{NPV of future demand}}$$



### Incremental cost calculation methodology

Infrastructure charge rate (\$/demand unit) =

$$\frac{\text{Est. cost of spare capacity of existing infrastructure} + \text{NPV of future infrastructure}}{\text{NPV of future demand}}$$

The average cost calculation methodology averages costs across existing and future users based on the total cost of the network. This is an easier method to use and maintain, if those costs are likely to vary between existing and future infrastructure costs.

The incremental charge rate methodology is likely to be more accurate, but is more complex and resource intensive, as it requires re-assessment of spare capacity and re-allocation of establishment costs each time the PIP is updated.

### 3.4.5 Discounted cash flow

A discounted cash-flow methodology must be used to calculate an infrastructure charge rate.

The discount rate used should fall within the ranges set by DIP in its *Local Government Bulletin Update on National Competition Policy Issues 06/01*. (Refer to the table on Page 3 of the Bulletin set out in **rate of return** below). The indicative premiums to the ten year bond rate that applies in the base year nominated by the local government for assessment of its ICS should be used in establishing the discount rate.

The bulletin indicates local governments can use their own analyses to estimate appropriate, alternative capital structures and/or rates of return on capital. If a local government chooses to apply alternative rates, they must be approved by the QCA.

#### Rate of return

##### *Small- to medium-sized businesses*

The bulletin suggests that for small to medium businesses the rate of return on assets may be taken to be 3.5 per cent over the ten year bond rate.

##### *Larger businesses*

The guide suggests that, for larger businesses, councils should determine the rate of return on assets using the Weighted Average Cost of Capital and the Capital Asset Pricing Models. The bulletin suggests the following asset betas and post tax nominal premiums to be added to the ten year bond rate (per cent).

Business activity	Asset betas	Post tax nominal premium to ten year bond rate (per cent)
Water and sewerage	0.35 to 0.45	2.1 to 2.7
Refuse management	0.39 to 0.49	2.3 to 2.9
Plant and equipment hire	0.40 to 0.51	2.4 to 3.0
Road construction and maintenance	0.42 to 0.52	2.5 to 3.1
Cultural/Recreation/Leisure	0.45 to 0.55	2.7 to 3.3

Source: *Local Government Bulletin Update on National Competition Policy Issues 06/01*





### 3.4.6 Double dipping

When a local government calculates a charge rate, or levies an infrastructure charge, it must not double-dip. This ensures the costs for each benefit are only recovered once for a particular use.

**Example:** A stormwater drain already accounted for in the road network, should not be included again in costs for the stormwater network.

If the cost of infrastructure has already been recovered through state or federal taxes, infrastructure charges must not be levied to recover the same cost.

## 3.5 Calculating the charge

The calculation of charges is outlined in the templates in Appendix 2 and Appendix 3.

### 3.5.1 Planned demand and approved demand

Under the PIP's assumptions, the capacity and design of each trunk infrastructure network are based on estimated demand when premises in the charge area are fully developed ('ultimate demand'). Planning for ultimate demand is discussed in greater detail under Section 1.2.8.

SPA<sup>16</sup> allows local governments to choose whether to charge for planned demand or approved demand. This also allows local governments to charge for the greater of planned or approved demand. Planned demand is the level of demand assumed by local government when the PIP is prepared. Approved demand is the level of demand applied for by a developer and approved by local government under a development application once the PIP is implemented. Charging for the planned level of demand becomes an issue for developers if the approved level of demand is significantly less than the planned level of demand. Under this situation developers may be required to pay for demand beyond what will be consumed by their development.

An important factor that impacts on the level of planned demand is the planning horizon used for determining ultimate development. The longer the planning horizon used for ultimate development, the greater the extent of ultimate development can be expected to be (also see Section 1.2.8) and therefore the greater the level of planned demand will be. If local governments choose to charge for planned demand where the demand approved under a development application is less, and the planned demand was based on say a 40 year ultimate development horizon, it will most probably be more than if the planned demand was based on a 15 or 20 year ultimate development horizon.

The planned level of demand based on a 40 year ultimate development horizon can be expected to be greater than if it were based on a 20 year ultimate development horizon. This will result in different charges if a local government chooses to charge for planned where approved demand is less than planned demand.

As development occurs over time, it should match the PIP growth predictions up to the point when ultimate development is achieved and costs are recovered. Although it is unlikely that development on individual lots will accurately match the growth predictions, it should average out over larger areas. Development progress should be monitored and the necessary adjustments made when the PIP is reviewed.

<sup>16</sup> SPA —Section 651





Template 2 provides alternative methods for calculating a charge based on planned, or actual demand.

Where approved demand exceeds planned demand, SPA provides for the local government to impose conditions on any development approval to recover the *additional costs arising from the departure*<sup>17</sup>. The templates in Appendices 2 and 3 provide guidance about the calculation of additional costs.

### 3.5.2 Credits

When calculating an infrastructure charge for premises, any demand associated with the existing lawful use of the premises must receive a credit.

**Example:** a development application to replace an existing detached dwelling with two detached dwellings on an existing serviced premises must be given a credit for the demand generated by the existing dwelling. The charge to be paid would then reflect only the additional demand generated by the extra dwelling.

Also, where the use of serviced residential land has not commenced, the land must be taken to have a lawful use for a single detached dwelling for the purpose of calculating credits.

A local government must account for the number of credits granted in the same way it accounts for charges levied. The credits should be expressed as a number of demand units—for example, EPs, ETs or trips, and recorded in the infrastructure charges register and adjusted for inflation (the same as charge rates).

### 3.5.3 Offsets

SPA<sup>18</sup> allows a local government to impose conditions for necessary trunk infrastructure identified in the PIP.

Where a condition is imposed that requires the supply of necessary trunk infrastructure, the value of the infrastructure is to be converted into a number of demand units and offset against the infrastructure charges.

If the value of the infrastructure provided by the developer is more than the infrastructure charge, the local government must refund the difference to the developer on terms agreed with the infrastructure provider—for example, through an infrastructure agreement.

### 3.5.4 Providing infrastructure instead of paying a charge

A local government and applicant may agree in writing to provide trunk infrastructure (land and/or works) in lieu of a charge)<sup>19</sup>. The agreement must:

- specify the value of the infrastructure provided within each network by the applicant
- for each network, convert the value of the infrastructure into a demand units, and offset it against the infrastructure charge levied for that development
- if the value of the infrastructure under the agreement is less than the infrastructure charge, require the balance to be paid as an infrastructure charge
- if the value of the infrastructure under the agreement is more than the infrastructure charge, provide for the balance to be refunded as development proceeds.

<sup>17</sup> SPA—Chapter 8, Part 1, Division 7

<sup>18</sup> SPA—Section 649

<sup>19</sup> SPA—Section 637



### 3.5.5 Subsidies for particular lots or uses

SPA<sup>20</sup> states an infrastructure charge **must not be more than** the proportion of the establishment cost of the network reasonably attributable to the relevant premises. This means a local government is not bound to recover the full proportion of the establishment cost of the network from particular premises, and allows for particular lots or uses to be subsidised. If a local government wishes to subsidise the charge for certain lots or uses (or types of lot or use), it must identify them in the ICS. The amount of the subsidy also must be recorded in the infrastructure charges register as a payment to be made by the local government, and funded from a source other than infrastructure charges.

## 3.6 Extrinsic (supporting) material

A key aspect of the SPA infrastructure charging regime is transparency. Potential applicants should be able to calculate the charge for their premises in advance, so this can be factored into project planning. Consequently, the PIP must specify the methodology used to calculate the charge rate and provide sufficient information for a lay person to calculate the charge rate.

If aggregated information is used in the PIP, supporting information (extrinsic material) must be available to explain how the information has been compiled. Extrinsic material is not usually included in the PIP, but must be referenced in the PIP as extrinsic material under Section 15 of the *Statutory Instruments Act 1992*. SPA<sup>21</sup> requires local governments to keep this material available for public inspection and purchase.

### 3.6.1 Specific requirements for supporting information

The supporting information should include the following about the establishment cost of trunk infrastructure and the basis for infrastructure charges:

- documents, data and background explaining how population and employment growth projections were arrived at and converted to demand for different lots and users
- how the priority infrastructure area was determined
- studies and strategies used in determining the DSS for each infrastructure network
- infrastructure planning and design models including methodology used to determine average demand for different lots and uses for each infrastructure network
- full schedules of works showing details of existing and future infrastructure
- a breakdown of costs associated with the preparation and ongoing administration of the ICS
- costs of existing and future trunk infrastructure, showing a breakdown of construction costs, design and supervision and contingency costs—The information is provided in a table for each charge area within each network. Information is included that allows the location of the infrastructure to be found on a map. Also show the year future infrastructure will be constructed
- details of how demand and establishment costs are apportioned across charge areas
- factors used to discount cash flows, including the base date, the date of estimates, an explanation of how estimates are rolled forward and the discount rate
- the proportion of the establishment cost for each network to be recovered by charges
- the proportion of the establishment cost for each network attributable to external users
- details of grants or subsidies and their treatment in the ICS.
- a copy of any spreadsheet or model showing the formulae used to calculate charges, and any supporting documentation.

<sup>20</sup> SPA—Section 632(1)(b)

<sup>21</sup> SPA—Section 724(1)(g)





The supporting material must be available to the public electronically (pdf), and to DIP and the QCA in pdf, MS Word, MS Excel and a relevant GIS program, to enable analysis of the data.

## 3.7 Other matters

### 3.7.1 PIP and ICS review

The SPA Regulation identifies former local government areas for which a review of their PIPs (including any ICS) must be undertaken at least once every five years. However, local governments should manage their PIPs and ICSs as a 'rolling' program to monitor variations in costs and demand. Adjustments are implemented to reflect the most current information when the PIP and its ICSs are reviewed.

Local governments for areas not experiencing significant growth and not listed in the SPA Regulation need not review their PIP during the life of the planning scheme, but must review the PIP when the planning scheme itself is reviewed.

### 3.7.2 Planning and development certificates

SPA<sup>22</sup> provides that, for recovering an infrastructure charge, the charge is taken to be a rate under the *Local Government Act 2009*. This means that, as a charge on the land, liability for unpaid charges will transfer with the ownership of the land.

SPA<sup>23</sup> states standard and full (not limited) planning and development certificates must contain information recorded for the premises in the infrastructure charges register or regulated infrastructure charges register, including the amount of any infrastructure charge for the land. Not all searches will be for standard or full planning and development certificates. Considering the implications for developers or current and future land owners, local governments are encouraged to include information regarding liability for infrastructure charges in all property-related searches.

### 3.7.3 Expenditure of funds

Charges collected for a network must be used to provide infrastructure for that network. Local governments must keep appropriate financial accounts to demonstrate this.

Infrastructure charges collected for particular local works on a state-controlled road must be separately accounted for, and must be used to provide the works on the state-controlled roads identified in the PFTI and schedule of works. If the state infrastructure provider and the local government agree<sup>24</sup>, the infrastructure charge may be used to provide works for the local government road network subject to:

- For funds spent on local government infrastructure shown in a PIP, the amount of the funds must be removed from calculating the charge rates for the local government network.
- The transfer of funds must be recorded in the infrastructure charges register, identifying the works they will be spent on and the alternative funding source outside the PIP framework to compensate for any funding shortfalls for the identified works for the local function on the state controlled road network.

<sup>22</sup> SPA—Section 639

<sup>23</sup> SPA—Section 739 and 740

<sup>24</sup> SPA—Section 635(2)



### 3.7.4 Council business systems

Local governments must implement business systems to ensure infrastructure charges are calculated, levied, received, managed and expended consistent with SPA and other relevant local government legislation. A local government is not required to hold infrastructure charges levied and collected in trust<sup>25</sup>.

### 3.7.5 Infrastructure charges register

SPA<sup>26</sup> requires local governments to establish and maintain an infrastructure charges register or regulated infrastructure charges register that includes the following for each charge levied:

- the real property description of the land to which the charge applies
- the schedule under which the charge is levied
- the amount of the charge levied
- the unpaid amount of the charge
- the number of demand units charged for
- the approval reference number and the date the approval lapses (if the charge is levied as a result of a development approval or compliance permit)
- details of any infrastructure still to be provided (if infrastructure is to be provided instead of paying a charge)
- the charge rate, stated in the infrastructure charges schedule, for each charge levied
- if the charge rate has been adjusted for inflation:
  - details of how it was adjusted
  - the adjusted charge rates recorded for each period from the base date to the present.

In addition to the above mentioned items, the infrastructure charges register or regulated infrastructure charges register and associated business systems should also account for the following related items and have them available for public information, inspection and purchase:

- the amount of any subsidy for a particular lot or use<sup>27</sup>, recorded as a payment to be made by the local government funded from a source other than infrastructure charges;
- separate accounting for charges recovered and spent for works for the local function of state-controlled roads<sup>28</sup>
- any agreements with state infrastructure providers under SPA Section 635(2) to use charges recovered for the local function of state controlled roads for works for the local government road network (see Section 3.7.3 above), including the following:
  - the amount of funds transferred between networks for this purpose;
  - identification of the works on the local government network the amount will be spent on; and
  - identification of the alternative funding source outside of the PIP framework to compensate for any funding shortfalls for the works for the local function on the state controlled road network resulting from the transfer of funds.
- the value of any trunk infrastructure (land and/or works) the developer is providing and the corresponding number of demand units to be offset against the charge (for each infrastructure charge levied)
- all infrastructure agreements relating to the provision of trunk infrastructure<sup>29</sup>.

<sup>25</sup> SPA—Section 626(2)

<sup>26</sup> SPA—Section 724

<sup>27</sup> See Section 3.5.5 above

<sup>28</sup> See Section 3.4.4 above

<sup>29</sup> SPA—Section 724(1)(v)





### 3.7.6 Degree of detail

The degree of detail contained in the PIP and ICSs must be commensurate with:

- the complexity of the trunk infrastructure network;
- the complexity of the development environment within which the PIP and ICS will function;
- the scale and complexity of the financial undertakings addressed in the schedule.

The PIP templates provided in Appendix 2 and Appendix 3 reflect the necessary detail that should be included for higher growth and slower growing local governments respectively.

### 3.7.7 Infrastructure charges notice

SPA<sup>30</sup> outlines the information an infrastructure charges notice must contain. Local governments are encouraged to include advice in the notice about appeal rights.

## Part 4—Appendix

### Appendix 1

#### Standard inclusion and exclusions for trunk infrastructure charges

This table is not exhaustive. The items in the table should be used as a guide to determine if other items should be included or excluded from an infrastructure charge.

Network	Inclusions for infrastructure charges	Exclusions for infrastructure charges
Water supply	<ul style="list-style-type: none"> <li>• water treatment and recycling facilities</li> <li>• water sources including dams, bores, desalination facilities</li> <li>• pump stations</li> <li>• telemetry systems</li> <li>• reservoirs and other storage facilities</li> <li>• trunk mains and associated fittings (including dual reticulation)</li> <li>• fire fighting devices</li> </ul>	<ul style="list-style-type: none"> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> <li>• bulk water supply infrastructure owned by state or state entity</li> </ul>
Sewerage	<ul style="list-style-type: none"> <li>• sewerage treatment facility</li> <li>• sewer release systems</li> <li>• manholes</li> <li>• telemetry systems</li> <li>• pump stations</li> <li>• trunk mains and associated fittings</li> </ul>	<ul style="list-style-type: none"> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> <li>• bulk sewerage infrastructure owned by state or state entity</li> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> </ul>

<sup>30</sup> SPA—Section 633





Network	Inclusions for infrastructure charges	Exclusions for infrastructure charges
Stormwater quantity	<ul style="list-style-type: none"> <li>• pipes, box culverts, manholes, inlets and outlets</li> <li>• detention and retention facilities</li> <li>• channels and overland flow paths (natural and constructed)</li> <li>• bank stabilisation, erosion protection and revegetation (only as a direct result of an increase in demand)</li> </ul>	<ul style="list-style-type: none"> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> <li>• all assets in private ownership (eg. dams, retention basins on private property)</li> <li>• bulk stormwater infrastructure owned by state or state entity</li> </ul>
Stormwater quality	<ul style="list-style-type: none"> <li>• riparian corridors</li> <li>• wetlands</li> <li>• gross pollutant traps (GPTs)</li> <li>• stormwater quality improvement devices (SQIDs)</li> <li>• bio-retention facilities</li> </ul>	<ul style="list-style-type: none"> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> <li>• privately-owned riparian areas</li> <li>• bulk stormwater infrastructure owned by state or state entity</li> </ul>
Roads	<ul style="list-style-type: none"> <li>• collector and higher order roads predominately serving a network function</li> <li>• road crossings (bridges and culverts) on collector roads or higher order roads</li> <li>• standard items associated with the road profile including kerb and channel, lighting, signage, intersections, roundabouts, traffic lights, on-road cycle lanes, foot and cycle paths on the shoulder, basic verge revegetation including shade trees, turf and local drainage</li> </ul>	<ul style="list-style-type: none"> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> <li>• access places, access streets</li> <li>• street scaping</li> <li>• local area traffic management on access places and streets (internal infrastructure)</li> </ul>
State-controlled roads	<ul style="list-style-type: none"> <li>• the local function of state-controlled roads within urban areas</li> </ul>	<ul style="list-style-type: none"> <li>• the state function of the state-controlled road network</li> <li>• land for the existing state-controlled road network</li> </ul>
Public transport	<ul style="list-style-type: none"> <li>• dedicated public transport corridors and associated infrastructure</li> <li>• ferry terminals</li> <li>• bus stops, signs and shelters</li> </ul>	<ul style="list-style-type: none"> <li>• public transport assets owned by the state or a state entity</li> </ul>
Footpaths and cycle ways	<ul style="list-style-type: none"> <li>• standard items associated with the construction of these including culverts and bridges, lighting, directional and information signage, surface marking</li> </ul>	<ul style="list-style-type: none"> <li>• non-trunk infrastructure internal to a development or to connect to trunk infrastructure and provided by developer</li> </ul>
Land for community purposes	<ul style="list-style-type: none"> <li>• land only for community facilities which allow public access, not restricted by membership, for purposes such as youth centres, senior citizens centre/meeting halls, council chambers, neighbourhood centres, meeting halls libraries, performing arts centres, museums, art galleries,</li> </ul>	<ul style="list-style-type: none"> <li>• any land for facilities not controlled by a local government</li> <li>• any land for facilities that has a predominant commercial activity, for example a kiosk</li> <li>• all land gifted to council</li> <li>• state forestry areas</li> <li>• national park areas</li> <li>• works and associated site works to</li> </ul>



Network	Inclusions for infrastructure charges	Exclusions for infrastructure charges
	community centres, swimming pools <ul style="list-style-type: none"> <li>works associated with the clearing of land and connection to services</li> </ul>	make the land suitable for building purposes
Public parks	<ul style="list-style-type: none"> <li>parks for formal and informal recreation and sporting purposes.</li> <li>park embellishments including:</li> <li>public amenities</li> <li>shade structures</li> <li>playgrounds, soft fall, safety fencing</li> <li>bollards</li> <li>dog off-leash areas</li> <li>retaining walls</li> <li>access roads and on-site car parks</li> <li>footpaths and cycle ways</li> <li>lighting</li> <li>drink bubblers and taps</li> <li>picnic tables</li> <li>beach showers</li> <li>line marking</li> <li>turf and irrigation (of sporting fields)</li> <li>barbeques</li> <li>skate bowl</li> <li>boat ramps and fishing platforms—built by council and open to the public</li> <li>sporting facilities—goal posts, soccer nets, netball posts, half-courts, basic spectator seating</li> <li>bike racks</li> <li>signage</li> <li>provision of services (e.g. water, power)</li> <li>land contributed in lieu of payment of infrastructure charges</li> </ul>	<ul style="list-style-type: none"> <li>all land gifted to council</li> <li>state forestry areas</li> <li>national parks</li> <li>bushland and environmental areas (areas of these for primary park purposes may be included)</li> <li>caravan parks/camping areas</li> <li>parkland that is dedicated as road</li> <li>club houses and other buildings</li> <li>kiosks</li> <li>areas where general public entry is limited</li> <li>sport facilities not open to the public</li> <li>reefs (artificial or natural)</li> <li>beach protection areas and jetties</li> <li>inshore rocks for fishing/diving</li> <li>public artwork</li> <li>swimming pools</li> <li>groynes</li> <li>life-saving towers</li> </ul>

### Application of charges for local function of state-controlled roads

Local governments with a contiguous major urban area with an existing population of more than 60 000 people are required to charge for the local function use of the state-controlled road network in that area. Local governments may choose to charge for the local function use of the state-controlled network in smaller urban areas.

The definition of 'local function' is:

- Part 1—includes all trips which start and end, and at least have part of the trip on a state-controlled road in the subject local government area.
- Part 2—the parts of trips along a state-controlled road, where the one end of the trip is in an adjacent local government area, and the proportion of the number of Part 2 trips is greater than 15 per cent of the number of Part 1 trips per day.





Local governments must calculate a local function charge using the same road charging methodology used for their roads. The land component of existing state controlled roads must be excluded from the charge.

The establishment cost for the local function of a state-controlled road (existing and future) is to be calculated as equivalent to the local government costs to build a road to accommodate the local function use of that state-controlled road only. This should be based on the local government's desired standard of service, design requirements and construction costs.

Local function charges are only to recover the local equivalent cost of actual capacity of state-controlled roads consumed by new development.

Recording and expenditure requirements for recovered local function charges are dealt with further in Sections 3.7.3 ('Expenditure of funds') and 3.7.5 ('Infrastructure charges register').

## Appendix 2

### Priority Infrastructure Plan Template 1

#### About this template

This template is for use by slower growing local governments that intend to not charge, or adopt a regulated infrastructure charges schedule (RICS) for all or some of their networks.

This template is not suitable for a PIP that contains an infrastructure charges schedule (ICS).

This template is to be read in conjunction with the supplementary user guides and template tools available from the DIP website [www.dip.qld.gov.au](http://www.dip.qld.gov.au).

## Appendix 3

### Priority Infrastructure Plan Template 2

#### About this template

This template is designed for higher growth local governments that intend to either not charge, or for those local governments intending to prepare a PIP with an infrastructure charges schedule (ICS).

However local governments may choose to substitute an ICS in this template with a regulated infrastructure charges schedule.

This template is to be read in conjunction with any supplementary user guides and tools that may be available from DIP website [www.dip.qld.gov.au](http://www.dip.qld.gov.au).



## Appendix 4

### Interpretation

#### List of acronyms

CPI	Consumer price index
DIP	Department of Infrastructure and Planning
DSS	Desired standard of service
EP	Equivalent persons
ET	Equivalent tenements
ICS	Infrastructure charges schedule
IDAS	Integrated development assessment system
SPA	<i>Sustainable Planning Act 2009</i>
PFTI	Plans for trunk infrastructure
PIA	Priority infrastructure area
PIP	Priority infrastructure plan
QCA	Queensland Competition Authority
RICS	Regulated infrastructure charges schedule

#### Terms and definitions

The following definitions are divided into two parts:

- Terms used in these guidelines that are defined in SPA. These definitions do not in all cases fully reproduce those in SPA, but seek to explain, and in some cases elaborate on them to enable users of the guideline to properly interpret their use in the context of the guideline. Users needing to refer to the complete statutory definitions should refer to the relevant definition in SPA.
- Terms used in these guidelines that are not defined in SPA.

#### Terms defined in SPA

**Charge area**—area of benefit in which the benefits derived by users of a trunk infrastructure network are similar.

**Charge rate**—the dollar amount per demand unit for a trunk infrastructure network.

**Consumer Price Index (CPI)**—unless otherwise stated, means the consumer price index for Brisbane.

**Desired standard of service (DSS)**—The standard of performance stated in the PIP for a network of development infrastructure.

#### Development infrastructure—

- A. land or works, or both land and works, for:
  - urban and rural residential water cycle management infrastructure, including infrastructure for water supply, sewerage, collecting water, treating water, stream managing, disposing of waters and flood mitigation, but not urban and rural residential water cycle management infrastructure that is state infrastructure
  - transport infrastructure, including roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycle ways, pathways, ferry terminals and the local function, but not any other function, of state-controlled roads





- public parks infrastructure supplied by a local government, including playground equipment, playing fields, courts and picnic facilities
- **B.** land, and works that ensure the land is suitable for development, for local community facilities, including, for example:
  - community halls or centres
  - public recreation centres
  - public libraries.

**Establishment cost**—in relation to a trunk infrastructure network:

- **A.** the cost of preparing an infrastructure charges schedule, including the desired standards of service and plans for trunk infrastructure used to calculate the charges stated in the infrastructure charges schedule
- **B.** on-going administration costs for the infrastructure charges schedule for the infrastructure
- **C.** for future infrastructure—all costs for the design, financing and construction of the infrastructure and for land acquisition for the infrastructure
- **D.** for existing infrastructure—
  - the residual financing cost of the existing infrastructure
  - the cost of reconstructing the same works using contemporary materials, techniques and technologies
  - if the land acquisition for the infrastructure was completed after 1 January 1990—the value of the land at the time it was acquired, adjusted for inflation.

**Infrastructure charge**—A monetary amount levied by a local government on premises for access to a trunk infrastructure network.

**Infrastructure charges notice**—A notice requiring the payment of an infrastructure charge levied on premises.

**Infrastructure charges register**—A register of relevant details relating to infrastructure charges levied by a local government.

**Infrastructure charges schedule (ICS)**—A schedule that states all of the following for each trunk infrastructure network identified in the schedule:

- the establishment cost of the network
- the proportion of the establishment cost to be funded by a charge (an infrastructure charge) under the schedule
- each area in which an infrastructure charge applies
- for each area mentioned in paragraph (c):
  - the proportion of the establishment cost to be funded by an infrastructure charge applying in the area
  - the estimated demand for infrastructure in the area
  - the charge rate for calculating the infrastructure charge
- the method used by the local government to decide the charge rate
- each type of development to which an infrastructure charge applies
- how the infrastructure charge to be levied is calculated.

**Non-trunk infrastructure**—Development infrastructure that is not trunk infrastructure.

**Planning scheme**—The planning scheme for a local government area prepared in accordance with SPA requirements.



**Plans for trunk infrastructure**—The part of a priority infrastructure plan that identifies the trunk infrastructure networks that exist, or is planned to be supplied, to service future growth in the local government's area to meet the desired standard of service stated in the plan.

**Priority infrastructure area (PIA)**—The part of the local government area:

- that is used, or approved for use, for any or all of the following:
  - residential purposes, other than rural residential purposes
  - retail and commercial purposes
  - industrial purposes
  - community and government purposes related to a purpose mentioned above; and
- that will accommodate at least 10 years, but not more than 15 years, of growth for any of the purposes mentioned above
- It also includes an area not mentioned above that:
  - the local government decides to include in the area; and
  - is serviced by development infrastructure.

**Priority infrastructure plan (PIP)**—The part of a planning scheme that integrates land use and infrastructure planning by providing for the matters stated in Section 1.1.3.

**Regulated infrastructure charge**—A charge for a premises for a trunk infrastructure network identified in a priority infrastructure plan, calculated in accordance with a Regulated Infrastructure Charges Schedule.

**Regulated infrastructure charges notice**—A notice requiring the payment of a regulated infrastructure charge levied on premises.

**Regulated infrastructure charges register**—A register of relevant details relating to regulated infrastructure charges levied by a local government.

**Regulated infrastructure charges schedule (RICS)**—A schedule adopted by a local government that states the regulated charges for the establishment cost of a trunk infrastructure network identified in a priority infrastructure plan, limited to amounts set out in a regulation to the Act.

**Trunk infrastructure**—Development infrastructure identified in a priority infrastructure plan as trunk infrastructure.

#### **Terms used in these guidelines**

**Base date**—The date from which a local government has estimated its projected infrastructure demands and costs.

**Charge area**—The area to which a charge rate applies.

**Demand unit**—Unit of demand that applies to each type of infrastructure to express the demand represented by different types of lots or uses.

**Planning assumptions**—assumptions about the type, scale, location and timing of future development.

**Projection area/s**—area or areas within a local government area for which a local government carries out population and employment growth projections.

**Ultimate development**—The extent of development anticipated when a site or locality is fully developed.



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# 'DLGP-14'

## The IDAS Process

