

Department of
Housing, Local Government,
Planning and Public Works

Chief Executive Notice

Notice about the process for amending a planning scheme under section 18(3) of the *Planning Act* 2016

Kurilpa sustainable growth precinct plan – *Brisbane City Plan 2014*

Part A - Preamble

In accordance with section 18(4) of the *Planning Act 2016* (the Act), the Chief Executive of the Department of Housing, Local Government, Planning and Public Works (the department) has considered the matters stated within the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(a) of the Act. The summary matters relevant to this decision are:

- 1. The notice given by Brisbane City Council under section (18)(2) of the Act on 20 December 2023.
- 2. Parts B & C of this notice comprise the provisions and process that apply to the proposed amending of the planning scheme in accordance with section 18(6) of the Act.
- 3. Unless stated otherwise, the process described in Part C of this notice is to be undertaken in the order in which it is prescribed. This does not preclude the need for steps to be repeated should changes be made to the proposed planning scheme amendment for example.
- 4. In accordance with section 18(5) of the Act, a communications strategy that the local government must implement about the instrument is described in this notice.

Part B – Operative provisions

This part prescribes additional matters that are to be read in conjunction with the requirements set out in Part C.

1. Requesting information

- 1.1 The Minister for Planning (the Minister) or Chief Executive, as relevant to the process, may, at any time, give the local government a notice:
 - 1.1.1 requesting further information;
 - 1.1.2 advising of any changes to the proposed planning scheme amendment to address state interests.

2. Managing timeframes

- 2.1 The Minister, Chief Executive, or the local government, may pause a timeframe (except for the public consultation timeframe) for an action for which they are responsible, by giving notice to any other party in the relevant step of the process. This notice must state how long the timeframe will be paused and a date upon which the timeframe will restart.
- 2.2 If a notice to pause a timeframe is given, the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.
- 2.4 Despite section 2.1, if a notice to pause a timeframe is given with a request for further information as per section 1.1 above, the timeframe is paused until the request is satisfied.
- 2.5 The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends.
- 2.6 Each party may only pause timeframes for steps for which it is responsible under this section for a cumulative total number of business days as follows:
 - 2.6.1 for the Minister and the Chief Executive, collectively a total of 45 business days;
 - 2.6.2 for the local government, a total of 45 business days.
- 2.7 A timeframe may be paused beyond the cumulative total number of business days stated in paragraph 2.6 where the local government and either the Minister or Chief Executive agree that it is appropriate to pause the timeframe for a further agreed number of business days.

3. Public consultation

In addition to any steps relating to public consultation included in Part C of this notice and in accordance with section 18(5) of the Act, the local government is required to:

- 3.1 Publish at least one public notice¹ about the proposal to amend the planning scheme.
- 3.2 Keep the instrument available for inspection and purchase for a period (the consultation period) stated in the public notice of at least 20 business days after the day the public notice is published.

4. Communications strategy

The local government is required to:

- 4.1 Comply with the minimum public consultation standards prescribed in section 18(5) of the Act.
- 4.2 Identify the relevant key stakeholders for the purposes of public consultation.
- 4.3 Undertake a range of consultation, generally in accordance with the communications strategy outlined in **Appendix A**.

5. Chief Executive actions

5.1. For Chief Executive actions given in this notice under section 18 of the Act, the Chief Executive includes the Director-General, the Planning Group Deputy Director-General, Executive Director, Director and Manager.

D24/7046

¹ In accordance with the requirements stated in paragraph (b) of the definition of 'public notice' in schedule 2 of the Planning Act 2016.

Part C – Process for making a tailored amendment to *Brisbane City Plan 2014* – Kurilpa sustainable growth precinct plan under section 18 of the *Planning Act 2016*

Table 1 has been provided for information purposes only to outline the precursory steps to be considered and undertaken by the local government and Chief Executive prior to following the process for the proposed planning scheme amendment set out in this notice given under section 18(3)(a) of the Act.

Table 1 - Precursory Steps

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Precurs	ory steps (Steps a	to d are included for information purposes only)		
Step a	Local government decides to prepare a proposed planning scheme amendment	Local government decides to prepare proposed planning scheme amendment under section 18 of the Act and seek early confirmation of state interests.	Local government	28 November 2023
Step b	Local government gives the Chief Executive a notice about the intention to commence a tailored amendment under section	After deciding to prepare a proposed planning scheme amendment, the local government gives a notice to the Chief Executive that includes: a) details of its decision to prepare a planning scheme amendment under section 18 of the Act; b) a request for early consultation on State interests; c) a proposed tailored amendment process setting out the preferred process including the order and timing of tailored steps (this document); d) a proposed Communications strategy.	Local government	None
Step c	Local government gives the Chief Executive a statement about the nature and objectives of the amendment	The local government provides the Chief Executive with a Nature and objectives report identifying relevant state agencies and the scope of the state interest review together with providing background and supporting information at a level appropriate to enable state agencies to engage on matters relevant to their portfolio.	Local government	None
Step d	The Chief Executive considers the MGR and provides a notice to local government	The Chief Executive considers MGR and provides a notice under section 18: a) about the process for amending the planning scheme; b) considering all matters required under section 18 of the Act;	Chief Executive	None

Table 2 details the process for making the planning scheme amendment under section 18 of the Act.

D24/7046

Table 2 – Process for making the planning scheme amendment

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)	
Plannir	Planning and preparation			Where specific timeframes have not been noted, local government will work with the State to deliver accelerated timeframes.	
Step 1	Local government undertakes early consultation with State agencies	The local government must consult with the department and relevant state agencies.	Local government	None	
Step 2	Local government prepares the proposed planning scheme amendment	The local government prepares the proposed planning scheme amendment.	Local government	Timeframes will depend on the nature and complexity of planning issues and the outcome of state agency consultation and technical investigations.	
Progre	ss the proposed plan	nning scheme amendment for state interest review and	l public consultat	ion	
Step 3	Local government progresses the proposed planning scheme amendment	Local government: a) progresses the proposed planning scheme amendment; b) requests the state interest review; c) advises of timeframe for commencement of public consultation.	Local government	None	
State in	nterest review (may o	occur concurrently with public consultation)			
Step 4	Local government gives a notice to the Minister	When progressing the proposed planning scheme amendment under Step 3, the local government must give a notice to the Minister that includes: a) the proposed planning scheme amendment; b) supporting information for a proposed amendment (specified below); c) a request to commence the state interest review; d) a statement about when public consultation will commence. Supporting information: I. an electronic copy of the proposed amendment in the format identified by the department; II. the Nature and objectives report – Consultation period update; III. a written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed and if the	Local government	None	

				1
		proposed planning scheme amendment is consistent with the regulated requirements; IV. any background studies or reports that informed the preparation of the proposed planning scheme amendment, including any strategic study or report; V. any natural hazards, risk and resilience study/evaluation report prepared having regard to the State Planning Policy. Note: Item II will be an update to the Nature and objectives report provided under Step c, amended to include the details of further early consultation with State agencies undertaken in Step 1 and updated and further refined to accurately reflect drafting of the proposed amendment.		
Step 5	Minister commences state interest review	Within 5 business days of receiving the notice from the local government under Step 4, the Minister must: a) commence the state interest review; b) give the proposed planning scheme amendment to other relevant state agencies for consideration of state interests.	Minister	Within 5 business days of receiving the notice from the local government under Step 4
Step 6	Minister provides outcome of state interest review	The Minister must give notice to the local government of the outcome of the state interest review.	Minister	Within 45 business days from receiving the notice from the local government under Step 4
Public	consultation (may oc	ccur concurrently with state interest review)		
Step 7	Local government commences public consultation	After deciding to progress the proposed planning scheme amendment under Step 3, the local government must undertake public consultation: a) for a period of at least 20 business days (consultation period); b) by giving a public notice that states that any person may make a submission about the proposed planning scheme amendment to the local government within the consultation period; c) in accordance with the public notice requirements prescribed in section 18(5) of the Act; d) consistent with the public notice requirements prescribed for a proposed planning scheme amendment under Schedule 4 of the MGR; e) consistent with the Communications strategy at Appendix A. If public consultation is required to be repeated under step 12 or 15, the local government may decide to limit the public consultation to only those aspects of the proposed planning scheme amendment that have changed.	Local government	Consultation period minimum 20 business days
Step 8	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme amendment.	Local government	Timeframes will depend on the nature and complexity of issues raised in submissions and the total

				number of submissions.
Step 9	Local government prepares a Consultation report	The local government provides the Minister with a Consultation report that contains a summary of the matters raised in the properly made submissions and states how the local government will deal with these matters.	Local government	None
	es to the proposed p and public consulta	lanning scheme amendment (if required) may occur co	oncurrently with §	State Interest
Step 10	Local government makes changes to the proposed planning scheme amendment	The local government may make changes to the proposed planning scheme amendment to: a) address issues raised in submissions; or b) amend a drafting error; or c) address new or changed planning circumstances or information; or d) address a matter raised in a notice given by the Minister or Chief Executive.	Local government	None
Step 11	Local government ensures changes made still meet relevant State interests	The local government must ensure any changes made to the proposed planning scheme amendment continue to appropriately integrate and address relevant state interests.	Local government	None
Step 12	Local government restarts or repeats consultation due to scheme amendment changes	The local government must restart the process from Step 7 if the local government considers that the changes result in the proposed planning scheme amendment being significantly different (having regard to schedule 2 of the MGR) to the version released for public consultation.	Local government	None
Comple	etion of state interes	t review and public consultation		
Step 13	Local government requests approval to make the proposed planning scheme amendment	Local government requests approval to make the proposed planning scheme amendment from the Minister. The request must include: a) the Consultation report prepared under Step 9; b) an electronic copy of the proposed planning scheme amendment, clearly identifying any change that has been made to the proposed planning scheme amendment since the state interest review;	Local government	None
		c) a statement about whether the local government considers any changes made by the local government result in a proposed planning scheme amendment that is significantly different from the version for which public consultation was undertaken and the reasons why; d) a statement about the state interest review consultation outcomes and integration of state interests.		
		Note: The local government will provide to the Minister a summary of the state agency issues and outline how the local government has responded to these in a final <i>Nature and objectives report</i> .		

Step 14	Minister considers the request	The Minister must decide if the local government may make the proposed planning scheme amendment by considering: a) the information provided in Step 10; b) if applicable, whether the version of the proposed planning scheme amendment is significantly different to the version released for public consultation; c) if the proposed planning scheme amendment: i. advances the purpose of the Act; ii. is consistent with section 16(1) of the Act; iii. is consistent with the regulated requirements prescribed in the <i>Planning Regulation 2017</i> ; iv. is well drafted and clearly articulated; v. accords with the result of any strategic study or report.	Minister	Within 20 business days of the request from local government provided in Step 13
Step 15	Minister provides outcome of significantly different test	If the Minister is satisfied that the version is significantly different to a version which has been the subject of public consultation, the Minister may write to the local government advising it is considered to be significantly different, and advise the local government to repeat the process from Step 8.	Minister	Concurrent with Step 14
Step 16	Minister provides outcome of the request for approval to make the planning scheme amendment	The Minister must give notice to the local government that states: a) That the proposed planning scheme amendment: i. may be adopted; or ii. may not be adopted, including the reasons why it may not be; b) any conditions that apply to the proposed planning scheme amendment including the timing on when the conditions must be complied with.	Minister	Within 20 business days of completing Step 14
Approv	al			
Step 17	Local government decision about the proposed planning scheme amendment	The local government decides to either: a) make the proposed planning scheme amendment in accordance with a notice given by the Minister under Step 16; or b) not proceed with the proposed planning scheme amendment.	Local government	None
Step 18	Local government publicly notifies making	If the local government decides to make the proposed planning scheme amendment, the local government must publish a public notice that must state: a) the name of the local government; b) the decision made by the local government about the planning scheme amendment; c) the date the planning scheme amendment was adopted; d) the commencement date for the planning scheme amendment (if different to the day on which the notice of the amendment is published in the gazette); e) the title of the planning scheme amendment; f) if the planning scheme amendment only applies to part of the local government area, a description of the location of that area; g) the purpose and general effect of the planning scheme amendment; and h) where a copy of the planning scheme may be inspected and purchased.	Local government	None

		Note: Timeframes for Steps 19 to 22 will depend on the commencement date for the planning scheme amendment.		
Step 19	If local government decides not to proceed, local government publicly notifies decision not to make	If the local government decides not to proceed with the proposed planning scheme amendment, the local government must publish a public notice that must state: a) the name of the local government; b) the decision made by the local government about the planning scheme amendment; and c) the reasons for not proceeding with the planning scheme amendment.	Local government	None
Step 20	Local government makes the Consultation report available	The Consultation report must be: a) available to view and download on the local government's website; b) available to inspect and purchase in each of the local government's offices.	Local government	None
Step 21	Local government notifies submitters about submissions consideration process	The local government must notify persons who made properly made submission about how the local government has dealt with the submissions.	Local government	None
Step 22	Local government provides public notice and copy of scheme amendment to the Chief Executive	The local government must give the Chief Executive a copy of the public notice and if made, a certified copy of the planning scheme amendment.	Local government	Within 10 business days of publishing the public notice

Dated this 15th day of March 2024

Mark Cridland **Director-General**

Department of Housing, Local Government, Planning and Public Works

D24/7046 8

Appendix 1: Communication strategy

Communications strategy

Proposed Communications Strategy

Project Name: Tailored Amendment to Brisbane City Plan 2014 – Kurilpa Sustainable Growth Precinct Plan

Proponent: Brisbane City Council

Purpose and background

This Communications strategy (the strategy) supports a tailored amendment process using section 18 of the Planning Act 2016 (the Act) to deliver timely and efficient amendments to Brisbane City Plan 2014 (City Plan). The amendments address the following:

- To generally give ongoing effect to the Kurilpa Sustainable Growth Precinct Temporary Local Planning Instrument 02/2023 (TLPI 02/2023).
- Council has recently commenced preparation of the Kurilpa sustainable growth precinct plan (the precinct plan). It is proposed to amend the planning scheme to give effect to any statutory recommendations of the precinct plan and to provide for the process of precinct planning.
- The proposed amendment will include relevant maps for the Kurilpa sustainable growth precinct plan area and will include supporting and consequential amendments to the City Plan as required.

The local and broader Brisbane community, and key community and interest groups, are aware of the proposal to facilitate housing supply in the Kurilpa sustainable growth precinct plan area since the Lord Mayor's announcement on 2 March 2023. Substantial media and public discourse about the proposal has occurred since that time. Council approved the Kurilpa Sustainable Growth Precinct Temporary Local Planning Instrument 01/2023 (TLPI 01/2023) on 6 June 2023 and made the document available on its website shortly thereafter. Furthermore, the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning (the Minister) sought the community's views on TLPI 01/2023 between 13 to 26 July 2023. The Minister considered 1,493 submissions before his decision to make TLPI 02/2023.

Consequently, this strategy has been prepared in recognition that there is widespread understanding about the reasons for and the nature of the proposed amendment and that submissions have been considered by the Minister in the finalisation of TLPI 02/2023.

Public consultation

Public consultation:

- Public consultation will be undertaken in accordance with the public consultation details specified in the Communication activities and methods section of this strategy and prescribed under section 18(5) of the Act as follows:
 - Publish at least one public notice about the proposal to amend the planning scheme.
 - Keep the amendment (the instrument) available for inspection and purchase for a period (the consultation period) stated in the public notice of at least 20 business days after the day the public notice is published.
 - Give a notice containing a summary of the matters raised in the properly made submissions and stating how the Council dealt with the matters.

Supplementary public consultation:

Supplementary public consultation will be undertaken generally in accordance with the details specified in the Communication activities and methods section of this strategy. Council reserves the right to amend or remove any of the identified supplementary public consultation activities or methods to respond to changes in project need, timeframes or resources.

SECURITY LABEL: OFFICIAL

- Council will identify the relevant key stakeholders specified in the Target stakeholders section of this strategy as part of its supplementary public consultation and will engage to the
 greatest extent necessary with target stakeholders.
- Council will engage widely and will seek to communicate a wide range of matters as documented in the Key messages section of this strategy.
- Council will make material widely accessible wherever possible and as necessary, for example, to Culturally and Linguistically Diverse (CaLD) community members, including people
 requiring Auslan interpretation services. All published images and graphics material will be provided with alt text.

State agency consultation

State agency consultation:

- Consultation with State agencies occurred throughout preparation of TLPI 01/2023 and TLPI 02/2023. This early consultation is documented in the Nature and objectives report
 submitted with Council's notice of a tailored amendment process. It is noted the Minister has advised in making the State TLPI 02/2023 that all State interests have been
 appropriately considered and integrated in TLPI 02/2023 and it does not adversely affect any State interests. Council therefore considers, to the extent that the proposed amendment
 reflects TLPI 02/2023, the proposed amendments do not adversely affect any State interests.
- Council will engage with the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) as part of further early consultation while preparing any statutory
 amendments recommended by the Kurilpa sustainable growth precinct planning process not already captured in TLPI 02/2023.
- Council will engage on the matters identified in the Nature and objectives report; a report which provides background and supporting information relevant to the proposed
 amendments and which identifies State interests, how these have been addressed, including previous consultation with State agencies.

Supplementary State agency consultation:

Council is available to participate in further meetings with key representatives from Queensland Government State agencies as part of early consultation regarding relevant State interests.

Communication activities and methods				
Preparation phase	Consultation period phase	Post consultation period phase		
Public consultation:	Public consultation:	Public consultation:		
Give notice of the proposed amendment (the instrument) to the Chief Executive	Give public notice for 20 business days (the consultation period)	Consider all properly made submissions about the instrument		
Supplementary public consultation:	Publish a public notice which also states that any	Prepare a Consultation report on public consultation		
Provide Contact Centre scripting	person may make a submission within the consultation	Notify submitters and advise how their submissions		
Prepare project webpage, featuring for example:	period	were considered		

¹ The Minister advised in his Statement of Reasons supporting his decision of 4 October 2023 to make TLPI 02/2023 that there was no adverse effect on State interests as articulated in either the State Planning Policy (SPP) or the South East Queensland Regional Plan 2017 (ShapingSEQ 2017). State agency consultation has occurred throughout preparation of the TLPI 01/2023 and TLPI 02/2023. Conversion of TLPI 02/2023 into a City Plan amendment and any statutory recommendations which might arise as part of the precinct plan are unlikely to affect State interests.

CA23/1205537 December 2023 2

- Project purpose and objectives
- General project history
- Access to key documents
- Project timeline
- E-burst to City Plan stakeholders list
- Identify relevant key stakeholders
- Letters to affected properties and key stakeholders, for example peak bodies
- Presentations to key stakeholders, for example peak bodies, planning industry forum

- Keep the instrument available for inspection and purchase throughout consultation period:
 - o Brisbane Square Library
 - o Project webpage on Council's website
- Receive submissions

Supplementary public consultation:

- Hold information sessions:
 - o Different times of the day and week
 - Hosted in the plan area or nearby
 - Providing visual communication aids, City Plan online platforms, iPads and laptops
- Static signage, for example advertising public consultation period and how to comment
- Manage submissions, including for example:
 - o Acknowledge receipt to submitters
 - o Allocate a unique submitter number reference
 - o Save in Council's record management system
 - Multiple team member assessment
 - Share feedback with program partners
 - Consider further technical investigations to inform responses
- Respond to phone and email enquiries
- Update project webpage, featuring for example:
 - Public consultation period details
 - Online submission form links
 - Links to other relevant amendment packages
 - Interactive mapping (ArcGIS StoryMaps)

 Publish a public notice after the planning scheme is amended

Supplementary public consultation:

- Update Contact Centre scripting
- Update project web page

Target stakeholders

Key stakeholders:

- . The primary audiences for communications and engagement for the proposed amendments are:
 - Directly affected property owners, residents and business operators
 - Resident and community groups

- o Aboriginal and Torres Strait Islander people
- Planning, property and development industry professional bodies and advocacy groups
- Queensland Government State agencies (as required)
- City Plan stakeholders list (registered on the updates list).

Other stakeholders:

- Other stakeholders which may have a general interest in Brisbane's planning proposals are:
 - Broader community
 - Local Government Association of Queensland.

Key messages

Background/context:

- Brisbane is at the centre of the state's fastest growing region
- ShapingSEQ South East Queensland Regional Plan 2023 (ShapingSEQ 2023) dwelling supply targets indicate an additional 210,800 dwellings by 2046 for an expected 462,400 new residents²
- ShapingSEQ 2023 acknowledges a regional growth rate of 1.8% and encourages diversity and housing growth through infill development in high amenity locations such as Kurilpa
- Brisbane is experiencing acute housing demand, constrained by supply and short to medium term sustained housing stress

Council's strategies for managing growth:

- Brisbane City Plan 2014 (City Plan) Strategic Framework
- Brisbane's Sustainable Growth Strategy
- Brisbane's Inner City Strategy (identifies priority sustainable growth precincts within Brisbane's inner city, including Kurilpa)
- Kurilpa Sustainable Growth Precinct Temporary Local Planning Instrument 01/2023 (TLPI 01/2023) proposes and Kurilpa Sustainable Growth Precinct Temporary Local Planning Instrument 01/2023 (TLPI 02/2023) now enables new planning requirements to be applied ahead of the longer process to amend City Plan to:
 - respond to the housing crisis by providing for additional housing supply
 - deliver higher density residential buildings incentivised through increased building heights
 - o reduce car parking requirements to encourage use of existing active travel and public transport networks
 - ensure development for higher density residential buildings makes a positive contribution through design excellence and community benefit
 - o enhance the intrinsic elements that make the Kurilpa precinct a liveable urban neighbourhood.

Actions completed:

 Council has been engaging with the residents of West End and South Brisbane about their neighbourhood, opportunities for substantial growth and infrastructure investment for several years:

² ShapingSEQ 2023, Page 55 (https://planning.statedevelopment.qld.gov.au/__data/assets/pdf_file/0024/86145/shapingseq-2023-low.pdf), accessed 15 December 2023

- West End-Woolloongabba district neighbourhood plan adopted 2006
- 0 South Brisbane riverside neighbourhood plan - adopted 2011
- Brisbane City Plan 2014 (rezoning for large parts of Kurilpa to Principal centre zone enabling expansion of the core function of the inner city) adopted 2014
- Kurilpa riverfront renewal draft master plan prepared 2013 2014
- Inner Spark and Brisbane's Book of Big Ideas (citywide conversation and engagement program proposing key initiatives in Kurilpa) delivered 2021 2023
- Council commenced preparation of TLPI 01/2023 and Kurilpa sustainable growth precinct plan announced March 2023
- Council prepared updates to its Local government infrastructure plan (LGIP 1B) and Long term infrastructure plans providing for additional 2 hectare riverfront park (TLPI 02/2023 provides for 3.54 ha), new ferry terminal, principal indoor sports centre and a district community arts centre - consulted August - September 2023
- Council prepared TLPI 01/2023 approved and submitted to the DSDILGP June 2023
- The Minister sought the community's views on TLPI 01/2023 between 13 to 26 July 2023
- The Minister released the Queensland Government's TLPI 02/2023 October 2023

Next steps:

- The proposed amendment will provide greater detail and certainty about the following key outcomes for the Kurilpa sustainable growth precinct:
 - An increase in the supply of housing through increased maximum building height for residential uses in specific locations where meeting additional assessment benchmarks.
 - Exemplar green, subtropical and sustainable design outcomes, with high quality architectural design and promotion of sustainable forms of transport.
 - Community benefits to ensure housing choice, including housing affordability and diversity, to cater to the needs of people at different life stages, including long-term rental housing or adaptable housing.
 - Enhanced amenity and contribution to the local community, through the provision of a range of new public parks and open spaces, community facilities, public art and active and passive recreation opportunities.
 - Reduced car parking requirements to support green mobility and reflect the high level of public and active transport accessibility of this location.
 - Facilitating a transition from industrial to residential and commercial uses in Brisbane's largest remaining inner city riverfront renewal area, providing opportunities for renewal and new housing that is well serviced with transport, services, recreation, and employment opportunities.