

# Approved Planning Policy

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# 1. Policy statement

## 1.1 Intent

The Department of Transport and Main Roads (TMR) is responsible for planning and delivering a safe, efficient and integrated transport system that supports the state into the future. Other stakeholders plan development and infrastructure that may compromise this planning and the state's ability to cost effectively deliver and manage a sustainable transport network.

The intent of this policy is to provide a transparent and consistent approach that balances the need to support development while reasonably and robustly protecting transport planning. TMR is committed to ensuring transport planning affecting land that is not located within a state transport corridor complies with this policy.

All transport planning undertaken by TMR shall ensure:

- a) it is clearly and unambiguously identified both internally and externally as transport planning affecting the state's transport network; and
- b) it is used in a consistent approach to protect the future sustainability of the transport network while reasonably supporting development.

## 1.2 Purpose

The purpose of this policy is to provide a framework for the identification and use of departmental transport planning when working with external stakeholders.

# 2. Application of policy

This policy applies:

- to all transport planning in which TMR continues to have an interest; and
- consistently across the state.

This policy does not affect:

- TMR's powers under the *Transport Infrastructure Act 1994* or the *Transport Planning and Coordination Act 1994* for ensuring effective integrated planning and efficient management of a system of transport infrastructure; or
- decisions and practices relating to the management of existing state transport corridors, infrastructure and networks; or
- how planning is undertaken or managed in TMR.

Once planning has been identified it should be categorised in accordance with the criteria set out in the table in section 3 – Planning categories.

The status of planning should be clearly and consistently communicated with external and internal stakeholders and used in accordance with the directions set out in section 4 – Disclosure and use of planning.

Appendix A summarises the policy in a single matrix.

### 3. Planning categories

Planning categories						
Criteria	A Unprotected planning	B Planning in progress	C Protected planning		D Protected and funded planning	
	Internal departmental planning including: <ul style="list-style-type: none"> <li>“work in progress” generally in the function (not form) planning stages (Network, Area, Corridor)</li> <li>historic planning of uncertain status</li> <li>planning that TMR has decided not to protect, for example, corridors that are not considered under threat</li> <li>planning to which the government has not made a commitment.</li> </ul> This is the default category unless planning meets the criteria to be in one of the other categories.	TMR is conducting public consultation on the planning in order to select a final route alignment/infrastructure location or land requirement. Likely infrastructure delivery timeframe is not a relevant consideration.	Future state transport corridor	Planned upgrade <sup>1</sup>	Future state transport corridor	Planned upgrade
			The final corridor or land requirement is identified and is declared and/or gazetted under appropriate legislative processes.	The planning to upgrade existing infrastructure meets the definition for planned upgrade.	The final corridor or land requirement is identified and is declared and/or gazetted under appropriate legislative processes.	The planning to upgrade existing infrastructure meets the definition for planned upgrade <sup>1</sup> .
			The planning is approved and protected, but not included in current funding and delivery programs. Land requirements for the planning may be funded for acquisition. The planning is not yet funded for construction.	The planning is approved and protected and funded for construction. Funding can be from the state, such as QTRIP (Queensland Transport and Roads Investment Program) or other sources such as the Commonwealth.		

<sup>1</sup> The term *Planned upgrade* is defined and has the meaning given to it in State Development Assessment Provisions. [Refer also to Glossary]

## 4. Disclosure and use of planning

### 4.1 External discussions and negotiations

It is important that all stakeholders are clearly informed:

- about the current status of the planning and the level of commitment to its delivery; and
- that while accurate at the time of disclosure, planning is dynamic and may change over time.

Planning may be used in external discussions and negotiations in accordance with the following:

Planning category	External discussions and negotiations
<p style="text-align: center;"><b>A</b> <b>Unprotected planning</b></p>	<p>The purpose of sharing planning in these categories is to promote open and transparent government and to ensure that the public, development proponents and planning authorities are making informed decisions. It may be possible to negotiate mutually acceptable planning that accommodates future outcomes.</p> <p>If TMR shares planning documents then it is important that the owners of affected land are also aware of the planning and its status.</p> <p>Planning should be discussed as a concept, avoiding discussion of specific land requirements.</p> <p>Material tabled or provided to a party (including reports, plans, maps, drawings) must be clearly disclaimed with the label “Not Approved Government Planning”.</p>
<p style="text-align: center;"><b>B</b> <b>Planning in progress</b></p>	<p>Planning should be referred to as ‘preliminary thinking or early work’, avoiding the use of terms that foreshadow certainty or finality of a land requirement.</p> <p>Under the “One Network” approach, planning can be shared with local governments and other agencies. There is a need to be very clear about its status. Only protected planning for future state transport corridors and future public passenger transport facilities should be reflected in local planning instruments, consistent with the requirements of the State Planning Policy.</p> <p>In managing shared use of transport corridors with, for example, public utility providers, planning may be shared and used in negotiations.</p>

Planning category	External discussions and negotiations
<p style="text-align: center;"><b>C</b> <b>Protected</b> <b>planning</b></p> <p style="text-align: center;"><b>D</b> <b>Protected and</b> <b>funded planning</b></p>	<p>The purpose of sharing planning in these categories is to promote open and transparent government and to protect the future sustainability of the transport network while reasonably facilitating development.</p> <p>The aim is to:</p> <ul style="list-style-type: none"> <li>• provide guidance for design and layout to accommodate TMR’s planning</li> <li>• foreshadow likely requirements that will be considered during formal assessment of the application and will likely be conditioned in any approval or required to be shown in land use plans</li> <li>• clearly identify the full extent of any departmental land requirement.</li> </ul> <p>Planning may be discussed openly and in a level of detail appropriate to the matter.</p> <p>Material tabled or provided to a stakeholder (including reports, plans, maps, drawings) should be publicly available or approved for release.</p> <p>Documentation may be tabled or references may be given to the existence of reports, plans, maps, drawings etc. as appropriate and relevant.</p> <p>Planning should be referred to as transport planning with approved protection status.</p> <p>Discussions should foreshadow that the department will require the proponent to identify the impact of the proposed development on affected Category D planning (as well as affected existing infrastructure) and provide strategies for its mitigation. It is the responsibility of the proponent to identify and resolve development impacts.</p> <p>Discussion could include the possibility of entering into an infrastructure agreement.</p>

## 4.2 Property search

The Property Search System offers timely and transparent information about any intentions that TMR may have in relation to a specific property. The following responses will be issued through the property search system:

Planning category	Response provided
<b>A</b> <b>Unprotected planning</b>	The response will clearly state that TMR has no land requirements at this point in time. Other information may be provided to assist if relevant.
<b>B</b> <b>Planning in progress</b>	The response will clearly state that TMR is considering planning that may affect this property, but that no decision has yet been taken. TMR has no land requirements at this point in time. Other information, such as where more information about the planning can be found, may be provided to assist if relevant.
<b>C</b> <b>Protected planning</b> <b>D</b> <b>Protected and funded planning</b>	The response will clearly state that TMR has a land requirement at this point in time. Other information, such as where more information about the planning can be found, may be provided to assist if relevant.

## 4.3 Early acquisition

TMR has an Early Acquisition Policy to respond to owners who request early acquisition of land affected by transport planning. Refer to the Early Acquisition Policy for further details.

The following advice relates to transport planning for the purposes of determining its relevance in relation to the Early Acquisitions Policy:

Planning category	Relevance to early acquisition
<b>A</b> <b>Unprotected planning</b> <b>B</b> <b>Planning in progress</b>	No early acquisition claim will be considered for a reason other than exceptional circumstances.
<b>C</b> <b>Protected planning</b> <b>D</b> <b>Protected and funded planning</b>	Early acquisition claims may be considered under TMR's Early Acquisition Policy.



## 4.4 Development assessment

Development approvals may include conditions to protect approved planning. The scope for conditioning increases as delivery becomes more certain and imminent.

All matters identified in the SDAP should be considered in relation to the stage of planning.

Planning category	Appropriate conditioning
<p style="text-align: center;"><b>A</b> <b>Unprotected planning</b></p> <p style="text-align: center;"><b>B</b> <b>Planning in progress</b></p>	<p>Planning in these categories cannot be used in development assessment such as IDAS information requests or conditioning development approvals if the planning affects land that is not located in a state transport corridor.</p> <p>Where the land affected by the planning is entirely within a state transport corridor, it can be used in development assessment, and development approvals can be conditioned to protect TMR's ability to cost effectively deliver and manage state transport infrastructure and land.</p> <p>In either case, planning may carefully be used in discussions with proponents to assist negotiating mutually agreeable outcomes. It must be made clear that TMR has no commitment to the planning and considers options for the future as part of good management and governance.</p>
<p style="text-align: center;"><b>C</b> <b>Protected planning</b></p>	<p>A development approval may be appropriately conditioned to preserve and protect the land for the future use.</p> <p>Conditioning should try to avoid completely sterilising the land and seek to ensure that when the land is needed for the planned purpose it will be possible to acquire, construct infrastructure on and use the land for the intended transport purpose without substantial extra cost for the state. For example, conditions could seek to:</p> <ul style="list-style-type: none"> <li>• restrict fragmentation of ownership in the corridor</li> <li>• restrict encroachment of development and land uses that will significantly increase costs of acquisition such as a higher order use or intensification of an existing use</li> <li>• restrict development and works that will significantly increase costs associated with construction such as drainage onto the corridor</li> <li>• provide for access that will enable or facilitate the intended future transport use</li> <li>• require setbacks or allow temporary uses or uses that are likely to be beyond their expected economic life when the future need is likely, or at least do not significantly increase the costs of eventual acquisition and development for the intended transport purpose.</li> </ul>
<p style="text-align: center;"><b>D</b> <b>Protected and funded planning</b></p>	<p>A development approval may be appropriately conditioned to protect the planned infrastructure and network as if the planned infrastructure was in place.</p>

## 4.5 Statutory planning instruments such as planning schemes

The *Planning Act 2017* provides for statutory planning instruments such as regional plans, state planning policies and local government planning schemes. Use of approved planning in relation to statutory planning instruments is as follows:

Planning category	Use in planning schemes
<b>A</b> <b>Unprotected planning</b>	Planning should not be reflected in statutory planning instruments.
<b>B</b> <b>Planning in progress</b>	
<b>C</b> <b>Protected planning</b>	Protected planning should be recognised in statutory planning instruments.  Only a future state transport corridor that is declared and/or gazetted under appropriate legislative processes should be recognised as a future state transport corridor in a local government planning scheme.
<b>D</b> <b>Protected and funded planning</b>	

## 5. Rationale

This policy aims to improve the transparency and consistency of decision making affecting the community and the development industry in relation to disclosing and protecting transport planning and to facilitate development where possible.

Planning for the long term needs of the state is a fundamental role of government and in the context of open and transparent government it is appropriate to share planning information with affected stakeholders. The community and development proponents should have reasonable access to planning information that may influence their decision making.

Conditioning under the Planning Act must be relevant and reasonable, final and certain. However all plans have an inherent level of uncertainty and therefore the use of planning, especially in conditioning development approvals, needs careful consideration and sound policy.

Under this policy, all planning is assigned a category based on characteristics such as the level of certainty and commitment. The categorisation determines the appropriate level of protection and the ways in which the planning can be used.

This framework allows the state to assess development proposals impacting on its future transport planning and for it to apply conditions that are relevant and reasonable in relation to the development in seeking to protect and accommodate its future planning.

# Glossary

In this policy, terms have the following meaning –

Term	Meaning
Early Acquisition Policy	A policy to respond to owners who request early acquisition of land affected by transport planning.
Future state transport corridor	<p>A future corridor for state transport purposes created under one of a number of statutory mechanisms:</p> <ul style="list-style-type: none"> <li>(i) future State-controlled road (under s42 TIA)</li> <li>(ii) future railway corridor (under s242 TIA or s8E TPCA)</li> <li>(iii) future busway corridor (under s8E TPCA)</li> <li>(iv) future light rail corridor (under s8E TPCA)</li> <li>(v) future State-controlled transport tunnel (defined in s24 Planning Regulation 2017)</li> <li>(vi) future active transport corridor (under s8E TPCA)</li> <li>(vii) future public passenger transport facility (under s8E TPCA)</li> </ul> <p>Notes:</p> <p>Corridors under (i) to (v) above are recognised in the Planning Regulation 2017 and trigger referral of development applications to the state. They should be used for development assessment and conditioning. They are also recognised in the SPP and should be used for plan making by local government.</p> <p>Corridors under (vi) and facilities under (vii) are recognised in the SPP and should be used for plan making and development assessment by local government.</p> <p>Facilities under (vi) are recognised in the SDAP and should be used for development assessment and conditioning but only trigger referral of development applications to local government, not the state.</p> <p>A future state transport corridor is mutually exclusive of a planned upgrade.</p>
Planned upgrade	<p>Defined in SDAP as an extension, upgrade or duplication of state transport infrastructure or transport networks for which affected land has been identified:</p> <ul style="list-style-type: none"> <li>(1) in a publicly available government document; or</li> <li>(2) in written advice to affected land owners.</li> </ul> <p>Government documents are commonwealth, state or local government documents that include a statement of intent for, or a commitment to, a planning outcome or infrastructure provision.</p> <p>A planned upgrade relates to works to existing infrastructure and therefore is likely to be mutually exclusive of a future state transport corridor or facility.</p> <p>Under the Planning Regulation 2017, there is no specific referral trigger for development on land for a planned upgrade.</p>
Planning Act	The <i>Planning Act 2016</i>
SDAP	The <i>State Development Assessment Provisions</i> which identify assessment criteria against which state agencies will review and assess development applications.
SPP	The State Planning Policy

Term	Meaning
TCAF	Transport Corridor Acquisition Fund
TIA	The <i>Transport Infrastructure Act 1994</i>
TMR	The Department of Transport and Main Roads
TPCA	The <i>Transport Planning and Coordination Act 1994</i>
Transport planning	All transport and other planning relating to state transport infrastructure and network. Such planning ranges from broad, strategic planning at network and area levels, through proposed future state transport corridors at corridor and route levels to quite specific planning for upgrades to existing infrastructure at link level.

## Appendix A – Planning status matrix

Planning category	A Unprotected planning	B Planning in progress	C Protected planning	D Protected and funded planning
Approved for protection	No	No	Yes	Yes
Funded for construction	No	No	No	Yes
Disclosure and use of planning				
Shared within TMR	Yes	Yes	Yes	Yes
External discussions and negotiations	Yes (Not Approved Planning)	Yes (Not Approved Planning)	Yes	Yes
Property search	No	Yes (No requirement, no decision)	Yes (Requirement)	Yes (Requirement)
Early acquisition	No	No	Possible	Yes
Development Assessment	No	No	Yes (preserve and protect land)	Yes (protect planned infrastructure)
Statutory planning instruments	No	No	Yes	Yes