

DILGP – BRIEF FOR DECISION

Date: 22 November 2017

SUBJECT: Temporary Local Planning Instrument (TLPI 03/17 – Civic spaces and iconic vistas

RECOMMENDATIONS:

That you:

- **determine** the matters set out in section 23 of the *Planning Act 2016* (the Planning Act) have been satisfied
- **approve** the adoption of the Brisbane City Council's (the council) proposed TLPI 03/17 (**Attachment 1**)
- **approve** the council's request in accordance with section 9(4) of the Planning Act, that the TLPI 03/17 has an early effective date of **21 November 2017**
- **sign** the attached letter to Councillor Julian Simmonds, Chairman for City Planning, advising that the council may adopt the TLPI 03/17 with an early effective date of 21 November 2017 (**Attachment 2**)
- **note** that under chapter 3, part 2, section 8.5 of the Minister's Guidelines and Rules (MGR) your decision is required by **19 December 2017**, however due to the urgency of the matter your decision is required as soon as possible.

NOTED or APPROVED/NOT APPROVED



Hon. Jackie Trad MP
Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Date: 22/11/17

BACKGROUND:

On 21 November 2017, the council resolved to make TLPI 03/17 – Civic spaces and iconic vistas (**Attachment 3**). The proposed TLPI 03/17 seeks to implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will operate until *Brisbane City Plan 2014* (the City Plan) is amended to include these additional protections in the City Centre. On the same date, the council also resolved to seek your approval for an early effective date for TLPI 03/17 of 21 November 2017.

Under section 23(1) of the Planning Act, a local government may make a TLPI if you decide that there is a significant risk that the delay in amending the planning scheme would increase the risk of adverse impacts to cultural or social values, and that the state interests would not adversely be affected by the proposed TLPI.

The MGR sets down the process for a local government to make a TLPI. Under MGR the council must provide you with the required information and you are to decide whether the proposed TLPI satisfies the requirements under section 23(1) of the Planning Act. If you decide this to be the case, you must advise the council that it may adopt the proposed TLPI with or without conditions.

Under section 9(4) of the Planning Act, a local government may, with your written agreement, at a public meeting resolve to give the TLPI to you and request an earlier effective date. The council has requested an early effective date for the proposed TLPI 03/17 and, as part of your response to the council, you must also provide written advice as to whether you agree to an early effective date of 21 November 2017.

KEY ISSUES:

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
- 270 Queen Street, Brisbane – lot 1 RP127671 (commonly known as Post Office Square)
- 261 Queen Street, Brisbane – lot 33 RP48556 (commonly known as Brisbane General Post Office).

Author details: Stephen Smith Position: Manager Telephone: 3452 7628 Date completed: 22 November 2017	Endorsed by: Megan Bayntun Position: A/Executive Director Telephone: 3452 6822 Date approved: 22 November 2017	Endorsed by: Kerry Doss A/DDG Planning Group Telephone: 3452 7909 Date approved: 22 November 2017	Endorsed by: Frankie Carroll Director-General Telephone: 3452 6767 Date approved: 22/11/17
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The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or from an iconic vista (Brisbane General Post Office) and these values currently have limited protection under the City Plan. The cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.

The council is currently preparing an amendment to the City Plan to provide additional protections to these civic spaces and iconic vistas. This scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI 03/17 will provide temporary protection while the City Plan is amended.

The Department of Infrastructure, Local Government and Planning's (the department) assessment of the proposed TLPI 03/17 is **Attachment 4**.

Given the urgency of this matter, the department considers it is appropriate for a decision to be made on the proposed TLPI 03/17 during the current caretaker period and accordingly, recommends this matter be raised with the Opposition.

The department considers that the requirements in the Planning Act for making a TLPI have been satisfied by the council and that there is risk of serious adverse cultural or social impacts. It is recommended that you approve the proposed TLPI 03/17 for adoption and the council's request for an early effective date of 21 November 2017. A letter providing your approval is at **Attachment 2**.

ELECTION COMMITMENT:

This matter does not relate to an election commitment.

RESULTS OF CONSULTATION:

The department has confirmed that none of the properties included in the proposed TLPI 03/17 are owned by the state.

Due to the very limited and localised effect of the proposed TLPI 03/17, the department has not sought the views of state agencies about the proposed TLPI 03/17.

RIGHT TO INFORMATION: Contents/attachments suitable for publication? Yes No

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? Yes No

Cr Julian SIMMONDS

Chairman for City Planning



21 November 2017

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The Honourable Jackie Trad MP
Deputy Premier, Minister for Transport; and
Minister for Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Deputy Premier

Re: Seeking the Minister's approval for Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas

At its meeting on 21 November 2017, Council resolved pursuant to section 7.1 of Part 2 of the *Minister's Guidelines and Rules* (the Guideline) made under the *Planning Act 2016* (the Act), to make Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas (the proposed TLPI).

A copy of the proposed TLPI and Council's resolution is attached.

I now request your consideration of the proposed TLPI in accordance with section 8 of Part 2 of Chapter 3 of the Guideline, and seek your approval of an earlier effective day of the proposed TLPI to be the day of Council's resolution to make the proposed TLPI.

Reason for making the proposed TLPI

Through ongoing review and the availability of new information, it has been established a number of significant civic spaces and iconic vistas within the Brisbane city centre currently have limited protection under *Brisbane City Plan 2014* (City Plan). The cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.

An amendment to City Plan will be prepared to provide additional protections to these civic spaces and iconic vistas. The proposed TLPI will provide temporary protection while City Plan is amended.

.../2

Written Statement of Compliance (section 23(1) of the Act)

The proposed TLPI complies with section 23(1) of the Act for the following reasons:

- a) there is a significant risk of serious adverse cultural and social conditions should the spaces and vistas identified be altered from their current state. The amendment to City Plan will take many months and that time would increase the risk of serious harm
- b) State interests would not be adversely affected by the proposed TLPI
- c) the proposed TLPI has been prepared according to the Guideline
- d) an electronic copy of the proposed TLPI has been forwarded to you separately via the ePlan portal.

Should you require any further information please contact Mr Marcus Mulholland, A/Manager, City Planning and Economic Development, City Planning and Sustainability, on (07) 3403 4220.

I look forward to receiving your further advice in due course.

Yours sincerely

Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing personal information

Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing personal information

Councillor Julian SIMMONDS
Chairman for City Planning
Councillor for Walter Taylor Ward

Att.

BRISBANE CITY COUNCIL
TEMPORARY LOCAL PLANNING INSTRUMENT 03/17
CIVIC SPACES AND ICONIC VISTAS

1. Short title

This Temporary Local Planning Instrument (TLPI) may be cited as Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas.

2. Purpose

The purpose of this TLPI is to:

- implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, in particular Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity; and
- protect significant civic spaces and iconic vistas until *Brisbane City Plan 2014* is amended to include additional protections for civic spaces and iconic vistas in the City Centre.

3. Application

This TLPI applies to any development on the land identified in *Table 1 (Land affected by the TLPI)*.

For Site 1 and Site 2 identified in *Table 1 (Land affected by the TLPI)*, where development is proposed in a 'key civic space' area shown on *Figure 1 (Key civic space areas and iconic vista sites)*, this TLPI applies:

- (a) the category of assessment and assessment benchmarks identified in *Table 2 (Categories of development and assessment and assessment benchmarks)*; and
- (b) the assessment benchmarks identified in *Table 3 (Assessment benchmarks for Site 1 and Site 2)*.

For site three identified in *Table 1 (Land affected by the TLPI)*, where development is proposed on an 'iconic vista site' shown on *Figure 1*, this TLPI applies:

- (a) the category of assessment and assessment benchmarks identified in *Table 2 (Categories of development and assessment and assessment benchmarks)*; and
- (b) the assessment benchmarks identified in *Table 4 (Assessment benchmarks for Site 3)*.

This TLPI applies in addition to the current provisions of *Brisbane City Plan 2014*.

This TLPI does not apply to prescribed accepted development as defined in *Table 5.3.4.1 – Prescribed accepted development of Brisbane City Plan 2014*.

4. Duration

This TLPI has effect for a period of two years from the date of commencement.

5. Terms used in this TLPI

Terms used in this TLPI have the same meaning as in the *Planning Act 2016* or *Brisbane City Plan 2014*, unless otherwise defined in this TLPI.

6. Effect of this Temporary Local Planning Instrument

- 6.1 Development involving a use listed in Table 2, Column 1 on Site 1 and Site 2 in Table 1, where proposed on, or over, a key civic space area designated on Figure 1, has the category of development and assessment specified in Table 2, Column 2, and must comply with the assessment benchmarks specified in Table 2, Column 3.
- 6.2 Development involving a use listed in Table 2, Column 1 on Site 3 in Table 1, where proposed on, or over, an iconic vista site designated on Figure 1, has the category of development and assessment specified in Table 2, Column 2, and must comply with the assessment benchmarks specified in Table 2, Column 3.
- 6.3 Where development is proposed on premises included in more than one zone, or overlay, the level of assessment is the highest level for each aspect of the development under each of the applicable zones, overlays or this TLPI.

Table 1: Land affected by the TLPI

Site reference	Street Number	Street Name	Suburb	Lot number	Plan number
Site 1	266	George Street	Brisbane City	12	SP192709
Site 2	270	Queen Street	Brisbane City	1	RP127671
Site 3	261	Queen Street	Brisbane City	33	RP48556

Table 2: Categories of assessment and assessment benchmarks

Column 1 – Use	Column 2 – Categories of development and assessment	Column 3 – Assessment benchmarks
Site 1 and Site 2		
Any use, excluding: <ul style="list-style-type: none"> • Market; or • Park 	Assessable development – Impact assessment	<i>Brisbane City Plan 2014</i> Table 3 of this TLPI
Site 3		
Any use	Assessable development – Impact assessment	<i>Brisbane City Plan 2014</i> Table 4 of this TLPI
	If involving an increase in building height above the height of the existing heritage building	

Table 3: Assessment benchmarks for Site 1 and Site 2

Overall outcome
(a) Development maintains key civic space areas identified on Figure 1, and does not result in any permanent buildings being erected within a key civic space area on a site, unless there is both an overwhelming community and economic need

<p>demonstrated for the development relative to the public's interest in maintaining the civic space areas identified on figure 1.</p> <p>(b) Development protects land in the city that is generally accessible to the public, while recognising that accessibility may be limited at certain times due to club events and activities.</p> <p>(c) Development provides for land to make an important contribution to Brisbane's liveability.</p> <p>(d) Development provides for a wide range of community and cultural activities primarily <u>park</u> to be accommodated at metropolitan level whether they are on publicly or privately owned land.</p> <p>(e) Development accommodates a diverse range of vibrant activities including activities which may generate noise and light during evening hours, sometimes on a regular basis.</p> <p>(f) Development for a compatible land use of <u>market</u> or <u>theatre</u> (where an outdoor cinema) may be located in where it complements the leisure and recreation experience of users.</p> <p>(g) Development provides a <u>park</u> setting that will attract and cater for users from across the Brisbane metropolitan area.</p>	
Performance outcomes	Acceptable outcomes
<p>PO1</p> <p>When on a site in a key civic space area, as identified on Figure 1, development:</p> <p>(a) does not result in any permanent buildings being erected within the key civic space area; and</p> <p>(b) does not intrude into the air space above the key civic space area.</p> <p><i>Note – For the purposes of Site 2, the key civic space area is the area located above the food court and shopping level. At the Queen Street alignment, the key civic space area is at ground level. At the Adelaide Street alignment, the key civic space area is at one level above ground level.</i></p>	<p>AO1</p> <p>No acceptable outcome is prescribed.</p>

Table 4: Assessment benchmarks for Site 3

Performance outcomes	Acceptable outcomes
<p>PO1</p> <p>Development has a maximum building height that does not exceed the height of the existing heritage building known as the Brisbane General Post Office.</p>	<p>AO1</p> <p>No acceptable outcome is prescribed.</p>

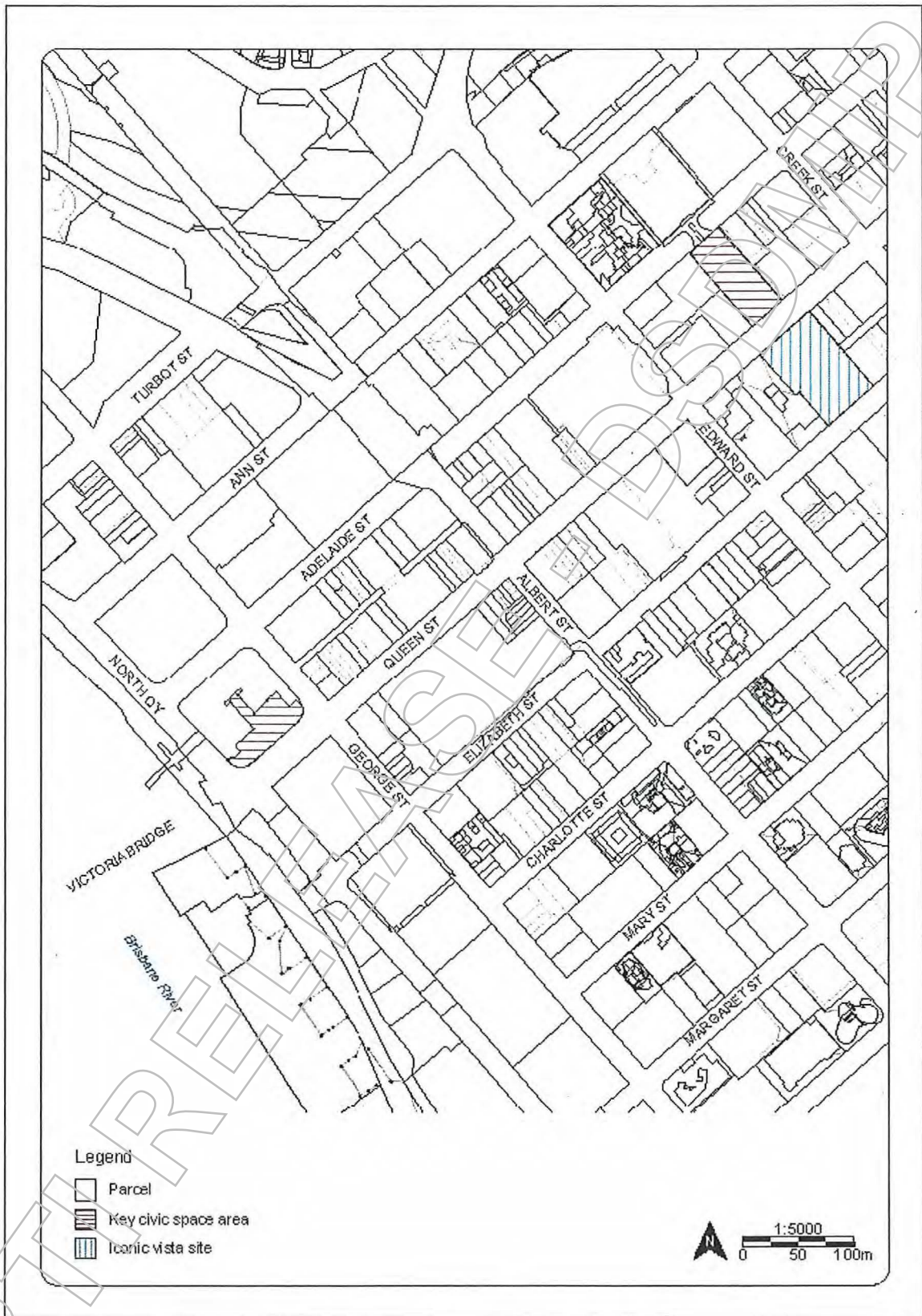


Figure 1: Key civic space areas and iconic vista sites

Note – The extent of the key civic space area on site one reflects the Plan of Lease for Lot 12 on SP192709 under lease dealing 711076130.

Note – For Site 2, the key civic space area is the area located above the food court and shopping level. At the Queen Street alignment, the key civic space area is at ground level. At the Adelaide Street alignment, the key civic space area is at one level above ground level.



Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Our ref: MBN17/1569

22 NOV 2017

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ABN 90 856 020 239

Councillor Julian Simmonds
Chairman for City Planning
Councillor for Walter Taylor Ward
Brisbane City Council
GPO Box 2287
BRISBANE QLD 4001

Dear Councillor Simmonds

Julian,

Thank you for your letter of 21 November 2017 requesting my consideration of the proposed Temporary Local Planning Instrument (TLPI 03/17) – Civic spaces and iconic vistas and seeking my agreement for its immediate effective date.

In accordance with chapter 3, part 2, section 8 of the Minister's Guidelines and Rules, I have considered the proposed TLPI 03/17 and decided that sufficient information has been provided and that it complies with section 23(1) of the *Planning Act 2016* (the Planning Act).

I have also considered your request for an effective date of 21 November 2017 for the proposed TLPI 03/17.

I have decided that you may adopt the proposed TLPI 03/17 and I also agree to an effective date of 21 November 2017 in accordance with section 9(4) of the Planning Act. As such TLPI 03/17 will be in effect from 21 November 2017, which is the day that Brisbane City Council resolved to provide me TLPI 03/17 and resolved to request an early effective date.

If you require further information, I encourage you to contact Ms Amy Marsden, Director, Policy and Statutory Planning in the Department of Infrastructure, Local Government and Planning on 3452 7071 or by email at amy.marsden@dilgp.qld.gov.au.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport and
Minister for Infrastructure and Planning

DECISION OF THE BRISBANE CITY COUNCIL**ESTABLISHMENT AND COORDINATION Committee's Recommendation of
21 November 2017****PRESENTED TO COUNCIL: 21 NOVEMBER 2017; and ADOPTED****A TEMPORARY LOCAL PLANNING INSTRUMENT 03/17 – CIVIC SPACES
AND ICONIC VISTAS
152/60/1218/146**

1. The Divisional Manager, City Planning and Sustainability, provided the information below.
2. Great civic spaces are the platforms for public life. They are the front door to many of our public institutions and historic buildings. They are to be open and flexible spaces that can be everyday gathering places where people can feel safe and welcome to participate in civic life. Iconic vistas contribute to Brisbane's identity, providing vantage points to behold some of Brisbane's defining characteristics and local landmarks, including significant groupings of heritage buildings. The importance of our civic spaces and iconic vistas is highlighted in the *Brisbane City Centre Master Plan 2014* which sets out a vision for the city centre.
3. Reddacliff Place (266 George Street, Brisbane City, Lot 12 on SP192709) is one of the city's significant civic spaces, uniquely located to maintain the visual axis from Victoria Bridge through the Queen Street Mall. The iconic vista is viewed from the Victoria Bridge, through Reddacliff Place and down the Queen Street Mall. It encompasses an intact streetscape of heritage buildings including the Treasury, the Bank of New South Wales building and smaller buildings along Queen Street. It is a key 'postcard' moment and entry statement to Brisbane's city centre.
4. The ceremonial vista is from Central Station, through Anzac Square, Post Office Square and over the heritage-listed General Post Office (261 Queen Street, Brisbane City, Lot 33 on RP48556) to the Cathedral of St Stephen. It comprises a unique collection of significant buildings and civic spaces characterised by its heritage context.
5. Following two recent events, being a development application over Reddacliff Place for a 36-storey mixed use development and the media articles announcing a shortlist for new headquarters for a major bank, including a commercial tower on the General Post Office site, it has come to the Council's attention that a Temporary Local Planning Instrument (TLPI) is necessary to ensure these civic spaces and iconic vistas are protected.
6. These sites have been afforded protection, by the absence of permanent structures intruding into and detracting from the civic spaces. This applies in particular to Reddacliff Place given the history of the development, the current development approval and the long-term lease in favour of the Council for public open space.
7. The protection of Reddacliff Place was further supported by proceedings, which were brought by the current land owner in the Land Court where it argued that the site had a limited use in terms of development potential over and above public open space.
8. A proposed TLPI, entitled Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas (the proposed TLPI), set out in Attachment B (submitted on file), has been prepared to ensure these civic spaces and iconic vistas are protected from inappropriate development that detracts from their civic and visual importance to the city. The proposed TLPI identifies the civic spaces and iconic vistas to be protected by the provisions of the proposed TLPI.

9. Section 23 of the *Planning Act 2016* sets out the local government powers to make a TLPI, including that Council may only make a TLPI if the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (the Minister) is satisfied with the matters set out in that section. These matters include there being a significant risk of serious adverse cultural, economic, environment or social conditions happening in the local government area. The development of Brisbane's cherished civic spaces and the severing of the city centre's iconic vistas present serious cultural and social impacts for Brisbane and the city centre. The *Minister's Guidelines and Rules* (the Guideline) under the *Planning Act 2016* sets out the process for making a TLPI.
10. In accordance with the requirements of the Guideline, Council's reasons for the proposed TLPI are outlined in a letter to the Minister (Attachment C, submitted on file). Further, Council will seek approval from the Minister for an earlier effective date for the making of the proposed TLPI to ensure that the identified civic spaces and iconic vistas are given the earliest possible protection.
11. Once approved by Council, the proposed TLPI will be forwarded to the Minister for approval to give effect to the request for an earlier effective day. Once adopted by Council and subject to the Minister's approval for an earlier effective day, the proposed TLPI will continue to have effect for a period of two years from its adoption, unless rescinded at an earlier date as an amendment to *Brisbane City Plan 2014* (the planning scheme) takes effect.
12. The Divisional Manager provided the following recommendation and the Committee agreed.
13. **RECOMMENDATION:**

THAT COUNCIL RESOLVE AS PER THE DRAFT RESOLUTION SET OUT IN ATTACHMENT A, hereunder.

Attachment A
Draft Resolution

DRAFT RESOLUTION TO PROPOSE THE TEMPORARY LOCAL PLANNING INSTRUMENT 03/17 – CIVIC SPACES AND ICONIC VISTAS

As Council:

- (i) pursuant to section 7.1 of Part 2 of Chapter 3 of the *Minister's Guidelines and Rules* (the Guideline) made under the *Planning Act 2016* (the Act), proposes to make a Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas (the proposed TLPI)
- (ii) pursuant to section 7.2 of the Guideline has prepared the proposed TLPI as set out in Attachment B (submitted on file)
- (iii) pursuant to section 9(4) of the Act, resolves that the effective day for the proposed TLPI is, with the approval of the Minister, the day this resolution is made,

then Council:

- (i) directs, pursuant to section 8 of Part 2 of Chapter 3 of the Guideline, that the Minister be sent the letter in Attachment C (submitted on file), which:
 - (a) requests the Minister's consideration of the proposed TLPI
 - (b) requests the Minister's approval of an earlier effective day of the proposed TLPI being the day this resolution is made

- (c) contains a statement about why Council proposes to make the proposed TLPI
- (d) contains a statement about how the proposed TLPI complies with section 23(1) of the Act.

RTI RELEASED - DSDMIP
Brisbane City Council Decision

PLANNING ASSESSMENT REPORT (TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) - MINISTER'S APPROVAL)

Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas

OVERVIEW

Temporary Local Planning Instrument	TLPI to <i>Brisbane City Plan 2014</i> (the City Plan)
Current stage in plan making process (MGR)	Chapter 3, part 2, sections 8.3 to 8.6
MGR Due Date	19 December 2017
DG Due Date	12 December 2017
Date council resolved to prepare proposed Temporary Local Planning Instrument	21 November 2017
'Pause notice'	n/a
Recommendation	That you approve TLPI 03/17 (proposed TLPI) and Brisbane City Council's request for an early effective date of 21 November 2017

PURPOSE AND RELEVANT PROVISIONS

This report assesses the compliance of the proposed TLPI with the legislative requirements for making or amending a local planning instrument.

Under section 23 of the *Planning Act 2016* (the Planning Act) the preparation of a TLPI is required to follow the process prescribed in the *Minister's Guidelines and Rules* (MGR).

BACKGROUND

A TLPI may be used to advance the purpose of the Planning Act by protecting a planning scheme area from adverse impacts. A TLPI is utilised by a local government to address a situation that needs to be attended to urgently to avoid harm and provide statutory protection for particular matters.

Under section 23 of the Planning Act, a local government may make a TLPI if you and the local government decide that there is a significant risk, the delay in amending the planning scheme would increase the risk and the state interests would not be adversely affected by the proposed TLPI.

On 21 November 2017, the Brisbane City Council (the council) resolved under the Planning Act to make a TLPI to protect civic spaces and iconic vistas.

On 21 November 2017, the council provided a copy of the proposed TLPI 03/17 to you for consideration and your approval for the TLPI to take effect on the day the council resolved to make the TLPI (21 November 2017). You are now required to consider and advise the council how to proceed.

PROPOSED TEMPORARY LOCAL PLANNING INSTRUMENT DETAILS

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
- 270 Queen Street, Brisbane – lot 1 on RP127671 (commonly known as Post Office Square)
- 261 Queen Street, Brisbane – lot 33 on RP48556 (commonly known as Brisbane General Post Office).

The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or form an iconic vista (Brisbane General Post Office) and:

- these values could be adversely impacted by forthcoming development proposals which were not envisaged by City Plan
- these values have limited protection under City Plan
- cultural and social significance of these spaces and vistas are at risk due to development pressures
- there is an overwhelming public interest in protecting these features of the Brisbane city centre.

City Plan seeks to protect Brisbane's identity and the council is currently preparing an amendment to City Plan to provide additional protections to these civic spaces and iconic vistas. The scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI will provide temporary protection while City Plan is amended.

The proposed TLPI 03/17 provides for impact assessment of any use, excluding Market or Park, against assessment benchmarks that seek to maintain identified civic spaces in the CBD, and to protect an identified iconic vista.

TLPI 03/17 will not apply to prescribed accepted development as defined in Table 5.3.4.1 – Prescribed accepted development of the City Plan.

ASSESSMENT

Chapter 3, part 2, section 8.3 requires the Minister to decide if TLPI 03/17 satisfies section 23(1) of the Planning Act.

Required material

The council has provided sufficient information and details supporting the formulation and effect of the proposed TLPI 03/17.

Compliance with s23(1)(a) – there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area

The council is concerned that there is a significant risk of serious adverse cultural or social conditions affecting key civic spaces and the iconic vista. Adoption of the proposed TLPI 03/17 mitigates this risk.

Assessment: The department is satisfied that the proposed TLPI 03/17 is needed to continue to protect the cultural, environmental and social significance of the identified properties prior to a planning scheme amendment being in place. Without the proposed TLPI 03/17, there is a risk that the values of the key civic spaces and the iconic vista could be compromised. Further, there are no alternative planning protections which could provide immediate protection for these properties and associated values.

Compliance with s23(1)(b) – the delay involved in using the process in sections 18 to 20 to make or amend another local planning instrument would increase the risk

The council believes that the delay involved in using the amendment processes under sections 18 and 20, neither of which allow for immediate effect, would increase the risk of serious cultural and social harm. TLPI 03/17 is proposed to ensure appropriate consideration of civic space and iconic vista values for the identified properties for any development proposals over the subject sites. The council is currently preparing an amendment to its City Plan protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will be in place for two years to allow council to progress a planning scheme amendment following the required steps in the MGR.

Assessment: The department has assessed council's request under section 23(1)(b) to prepare the TLPI and considers the material provided meets the legislative requirements. The department considers that any delays to applying the protections under the proposed TLPI 03/17 would unnecessarily risk significant impacts to cultural values including heritage and character, and social expectations and practices in relation to public open space in the CBD.

Compliance with s23(1)(c) – the making of the TLPI would not adversely affect State interests

The council has considered the TLPI 03/17 against the entirety of the State Planning Policy (SPP) and determined that the state interests would not be adversely affected by the proposed TLPI 03/17. As the proposed TLPI 03/17 protects cultural and social values of the area it assists with state interest integration.

Assessment: The department has undertaken an assessment of the proposed TLPI 03/17 and considers that the proposed TLPI 03/17 supports the cultural heritage state interest and would not adversely impact any other state interests including the transport infrastructure state interest particularly in relation to proximity to significant transport infrastructure at the Reddacliff site.

Comments from state agencies

The department has confirmed that none of the properties in the proposed TLPI 03/17 are owned by the state.

Due to the nature of the TLPI 03/17 and its localised effect, no additional consultation was undertaken. It is anticipated that state agencies will be supportive of the proposed TLPI 03/17 as it does not adversely affect state interests.

An earlier effective date

Section 9(4)(b) of the Planning Act provides that with your agreement in writing, the effective day for the making of a TLPI is day the local government, at a public meeting, resolved to give the TLPI and the request for an earlier effective day, to you for approval.

The council, at a public meeting held on the 21 November 2017, resolved to give the TLPI and the request for an earlier effective day to you for your approval. It is noted that the Planning Act and MGR do not specify any additional requirements which you must consider in determining whether you should grant an early effective date. Due to the risk to cultural heritage values and social conditions affecting identified key public spaces, it is recommended that you approve the council's request for an early effective date.

CONCLUSION

It is the department's view that the TLPI 03/17 meets legislative and statutory requirements. The department therefore recommends that TLPI 03/17 be approved for adoption with an effective date of 21 November 2017.

Zarndra Piper

From: Matt Collins <Matt.Collins@ministerial.qld.gov.au>
Sent: Thursday, 23 November 2017 3:46 PM
To: Tim Fell; Davina Suttie; Frankie Carroll
Subject: FW: TLPI 03/17 - Civic Spaces and Iconic Vistas

Please progress TLPI and not email below confirming opposition agreement.

Thanks
Matt

-----Original Message-----

From: Mansfield Electorate Office [mailto:MANSFIELD@parliament.qld.gov.au]
Sent: Thursday, 23 November 2017 7:49 AM
To: Matt Collins <Matt.Collins@ministerial.qld.gov.au>
Cc: Gerard Benedet <Gerard.Benedet@opposition.qld.gov.au>
Subject: TLPI 03/17 - Civic Spaces and Iconic Vistas

Matt

Thanks for your email of yesterday.

The Opposition has no objection to the Deputy Premier proceeding with the adoption of the TLPI and confirming BCC's proposed commencement date.

Regards

Ian

Ian Walker MP

Member for Mansfield
Shadow Attorney-General & Shadow Minister for Justice Shadow Minister for Planning

12 Mt Gravatt-Capalaba Road, Upper Mount Gravatt QLD 4122<x-apple-data-detectors://14/0>

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mansfield@parliament.qld.gov.au<mailto:mansfield@parliament.qld.gov.au>

W:

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> T:

Zarndra Piper

From: Lachlan Clark
Sent: Wednesday, 22 November 2017 5:05 PM
To: Megan Bayntun; Stephen Smith
Cc: Teresa Luck; Media DILGP; Danni Murphy
Subject: RE: FOR APPROVAL TODAY PLEASE - HIB - TLPI: civic spaces and iconic vistas
Attachments: Hot Issues ~ Temporary Local Planning Instrument (TLPI 03 17 Civic spaces and iconic vistas (V2) (002).docx

Final version with DG Office.

Cheers,

Lachlan Clark
Senior Media Officer – DILGP
07 3452 6742

From: Megan Bayntun
Sent: Wednesday, 22 November 2017 4:34 PM
To: Lachlan Clark <Lachlan.Clark@dilgp.qld.gov.au>
Cc: Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>; Media DILGP <MediaDILGP@dilgp.qld.gov.au>; Stephen Smith <Stephen.Smith@dilgp.qld.gov.au>; Danni Murphy <Danni.Murphy@dilgp.qld.gov.au>
Subject: RE: FOR APPROVAL TODAY PLEASE - HIB - TLPI: civic spaces and iconic vistas

Hi Lachlan

As discussed on the phone just now, we have no suggested changes in the “response” section.

Also note that the HIB has been crafted as if the Ministerial decision has been made. It has not at this stage.

Thanks
Megan

From: Danni Murphy
Sent: Wednesday, 22 November 2017 4:07 PM
To: Stephen Smith <Stephen.Smith@dilgp.qld.gov.au>
Cc: Megan Bayntun <Megan.Bayntun@dilgp.qld.gov.au>; Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>; Media DILGP <MediaDILGP@dilgp.qld.gov.au>
Subject: FOR APPROVAL TODAY PLEASE - HIB - TLPI: civic spaces and iconic vistas

Hi Stephen,

Could you please take a quick look over this slightly amended version of the HIB? Just to ensure all still makes sense before it's sent off to Kathy Parton and beyond.

If you could please reply direct to media (cc me in just so I know it's all gone through) that'd be great – sorry, I have to run (daycare pick up duties!). They need it back this afternoon please.

Cheers,
Danni

From: Lachlan Clark
Sent: Wednesday, 22 November 2017 4:02 PM
To: Danni Murphy <Danni.Murphy@dilgp.qld.gov.au>; Media DILGP <MediaDILGP@dilgp.qld.gov.au>
Cc: Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>
Subject: RE: HIB - TLPI: civic spaces and iconic vistas

Hi Danni made a few media friendly changes can you please have this checked before send it up the line.

Cheers,

Lachlan Clark
Senior Media Officer – DILGP
07 3452 6742

From: Danni Murphy
Sent: Wednesday, 22 November 2017 2:15 PM
To: Media DILGP <MediaDILGP@dilgp.qld.gov.au>
Cc: Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>
Subject: HIB - TLPI: civic spaces and iconic vistas

Hi media team,

Kerry Doss has approved the attached HIB around Temporary Local Planning Instruments (TLPI) – civic spaces and iconic vistas.

Please note, it may require finessing to make it more 'media friendly' which is fine – just drop it back through me in case you need me to check anything with the content experts.

Thanks,
d

Danni Murphy (part-time – Mon, Wed-Fri)
**A/Senior Communications Officer – Planning
Media and Communication Services**
Department of Infrastructure, Local Government and Planning
Level 13, 1 William St Brisbane QLD 4000
p. 07 3452 6818 | e. danni.murphy@dilgp.qld.gov.au

Page 21 redacted for the following reason:

Sch. 3(6)(c)(i) - Infringe the privileges of Parliament

RTI RELEASE - DSDMIP

BRIEFING NOTE

FROM	Department of State Development, Manufacturing, Infrastructure and Planning		
FOR	Deputy Premier, Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships		
SUBJECT	Statement of Reasons Temporary Local Planning Instrument (TLPI 03/17) – Civic spaces and iconic vistas		
Contact Officer	Megan Bayntun, Planning Group, 3452 6822	Reference No.	MBN17/1629
Approval Required	22 December 2017	Reason	Statutory requirement under the <i>Judicial Review Act 1991</i>
Approved by	Kerry Doss, Deputy Director-General, Planning Group		

PURPOSE

- To advise you of a request for Statement of Reasons under the *Judicial Review Act 1991* on the approval of Temporary Local Planning Instrument (TLPI 03/17) – Civic spaces and iconic vistas.

TIMEFRAMES

- Section 33 of the *Judicial Review Act 1991* (JR Act) establishes a 28 business days timeframe to respond to the request. While the time period would expire on 28 December 2017, the Christmas/New Year period means your approval of the statement of reasons is required by 22 December 2017.

BACKGROUND

- On 21 November 2017, the Brisbane City Council (the council) resolved to make TLPI 03/17 – Civic spaces and iconic vistas. The proposed TLPI 03/17 sought to implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas. On the same date, the council also resolved to seek your approval for an early effective date for TLPI 03/17 of 21 November 2017.
- On 22 November 2017, the department provided a briefing and assessment report for you to consider in relation to the council's requests with respect to the proposed TLPI 03/17 (**Attachment 1**).
- You decided on 22 November 2017 that the requirements of sections 23(1) and 9(4) of the *Planning Act 2016* were met, and wrote to the council accordingly on 23 November 2017.

ISSUES

- On 30 November 2017, a request for a statement of reasons under section 32 of the JR Act was made by Allens Linklaters, acting for Brisbane Square Pty Ltd, owner of 266 George Square (Reddacliff Place) (**Attachment 2**).
- s. 3(7) - Legal professional privilege
[Redacted]
- A request can be made of Allens Linklaters to extend the time period for response, if considered desirable.

9. The attached statement of reasons has been prepared as an accurate record of the facts and evidence you considered and reasons for your decision to approve the TLPI 03/17 (**Attachment 3**). It is understood that the statement of reasons is a record of your decision and that there was no further consideration of facts or evidence outside of those stated.

RECOMMENDATION

10. **Note** a request for a statement of reasons (**Attachment 2**) has been made under the *Judicial Review Act 1991* regarding your decision to:
- approve the adoption of the council's proposed TLPI 03/17
 - approve the council's request in accordance with section 9(4) of the *Planning Act 2016*, that the TLPI 03/17 has an early effective date of 21 November 2017.
11. **Consider** the attached drafted statement of reasons and **confirm** that it accurately represents your decision making in relation to the TLPI 03/17.
12. **Confirm** that there was no more facts or material considered by you in making your decision on 22 November 2017.
13. **Sign** the attached statement of reasons by **22 December 2017 (Attachment 3)**.
14. **Sign** the attached letter to Allens Linklaters (**Attachment 4**).

15 Sch. 3(7) - Legal professional privilege

16



Michael Schaumburg
Director-General 15/12/17

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Not approved	<input type="checkbox"/> Noted
Comments		
		
HON. JACKIE TRAD MP Deputy Premier, Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships		
20/12/17.		

Zarndra Piper

From: Executive Correspondence DILGP
Sent: Friday, 22 December 2017 4:02 PM
To: 'bill.mccredie@allens.com.au'
Subject: Correspondence from the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships - Our ref: MBN17/1629
Attachments: Deputy Premier letter to Mr Bill McCredie.pdf; Enclosure - Statement of Reasons.pdf

Please find attached correspondence from the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships.

Please do not reply to this email. All future communications should be addressed to the contact details shown below.



Office of the Hon. Jackie Trad MP

Deputy Premier, Treasurer and
Minister for Aboriginal and Torres Strait Islander Partnerships

P 07 3719 7100 E deputy.premier@ministerial.qld.gov.au
1 William Street Brisbane Qld 4000
PO Box 15009 City East Qld 4002



Deputy Premier
Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships

Our Ref: MBN17/1629
Your Ref: QNMS:JFB:120729214

1 William Street
PO Box 45000 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

ABN 90 856 020 239

20 DEC 2017

Mr Bill McCredie
Partner
Allens Linklaters
GPO Box 7082
BRISBANE QLD 4001
Email: Bill.McCredie@allens.com

Dear Mr McCredie

Thank you for your letter of 30 November 2017 about the Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas, requesting a written statement of reasons under the *Judicial Review Act 1991*.

Please find enclosed my written statement of reasons in relation to my decision to approve the Temporary Local Planning Instrument 03/17.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships

Enc

**Reasons for decision - approval of the Temporary
Local Planning Instrument 03/17 (TLPI)**

Planning Act 2016

TLPI 03/17 – Civic spaces and iconic vistas

RTI RELEASE - DSDMIP

Reasons for decision

Approval of the Making of Temporary Local Planning Instrument

TLPI 03/17 Civic spaces and iconic vistas
Planning Act 2016

This statement provides my reasons for my decision to approve the Temporary Local Planning Instrument (TLPI) 03/17 for adoption with an earlier effective day pursuant to sections 23 and 9(4) of the *Planning Act 2016* (the Planning Act).

Decision

On 22 November 2017, I decided that the requirements of sections 23 and 9(4) of the Planning Act were met. I decided to approve the Brisbane City Council's (**the council**) request to make the TLPI 03/17 and also approve the request for an earlier effective day of 21 November 2017, and I advised the council of my decision.

Relevant material

In forming my decision about the TLPI 03/17, I had regard to the following material:

- Ministerial briefing note for decision about the TLPI 03/17 (MBN17/1569) (**the briefing note**) to which the following were attached:
 - Letter from Cr Julian Simmonds, Chairman for City Planning requesting approval to make TLP! 03/17 with an earlier effective day dated 21 November 2017 enclosing a copy of the proposed TLPI 03/17 (**the council letter**)
 - "Decision of the Brisbane City Council" concerning TLPI 03/17 dated 21 November 2017 (**the council decision**)
 - Planning assessment report prepared by the Department of Infrastructure, Local Government and Planning, November 2017 (**the assessment report**)
 - Draft letter to Cr Julian Simmonds, Chairman for City Planning notifying my decision.

Reasons for decision

On 22 November 2017, I considered the briefing note.

The briefing note informed me that on 21 November 2017, the council resolved to make TLPI 03/17 – Civic spaces and iconic vistas, which sought to implement the policy direction in the Strategic framework of Brisbane City Plan 2014, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas.

The briefing note and assessment report advised me of my powers under section 23 of the Planning Act which calls for me to decide whether:

- s23(1)(a) – there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- s23(1)(b) – the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk
- s23 (1)(c) – the making of the TLPI would not adversely affect State interests.

I considered that the council had provided sufficient material for me to make a decision on TLPI 03/17 under chapter 3, part 2, section 8 of the Minister's Guidelines and Rules (MGR) because:

- council had provided a copy of the proposed TLPI
- council's letter and council's decision attached to the briefing note included a statement why the council proposed to make TLPI 03/17 and how the proposed TLPI 03/17 complied with the Planning Act and the MGR.

I noted that the council advised:

- that the iconic vistas to be protected by TLPI 03/17 contribute to Brisbane's identity, defining characteristics and local landmarks, including significant groupings of heritage buildings.
- that the importance of the civic spaces and iconic vistas the subject of TLPI 03/17 are highlighted in the Brisbane City Centre Master Plan 2014.
- that there is an overwhelming public interest in protecting the sites the subject of TLPI 03/17.
- of the history of Reddacliff Place and the current development approval, including the long-term lease in favour of the council for public open-space.
- that Reddacliff Place is one of the city's significant civic spaces, uniquely located to maintain the visual axis from Victoria Bridge through the Queen Street Mall and that the iconic vista is viewed from the Victoria Bridge, through Reddacliff Place and down the Queen Street Mall. The iconic vista encompasses an intact streetscape of heritage buildings including the Treasury, the Bank of New South Wales building and smaller buildings along Queen Street.
- of the previous Land Court proceeding involving Reddacliff Place where the current owner of that land argued that the site had a limited use in terms of development potential over and above public open space.
- that the vista from Central Station through Anzac Square, Post Office Square and over the heritage listed General Post Office to the Cathedral of St Stephen is a "ceremonial vista" and comprises a unique collection of significant buildings and civic spaces characterised by its heritage context.

- that it is currently preparing an amendment to its City Plan to protect the sites the subject of TLPI 03/17. However, due to the imminent threat to the sites from proposed developments, council had proposed TLPI 03/17 and requested an earlier effective day of the TLPI.

I noted that the department advised:

- that the planning scheme amendment processes required under sections 18 to 20 of the Planning Act, neither of which allow for immediate effect, would increase the risk of serious cultural and social harm occurring, due to the risk of development proceeding on the sites subject to TLPI 03/17 while the planning scheme amendment process was carried out.
- that the council's request that the Minister approve TLPI 03/17 met the requirements of the Planning Act and the MGR.
- that the material provided in support of the council's request that the Minister approve TLPI 03/17 met the requirements of the Planning Act and the MGR.
- that there are no alternative planning protections which could provide immediate protection for these sites and associated values.
- that a delay in applying the protections provided for under TLPI 03/17 would unnecessarily risk significant impacts to cultural values including heritage and character and social expectations and practices in relation to public open space in the Brisbane city centre.
- that they were of the opinion that TLPI 03/17 would not adversely affect State interests, in particular, cultural heritage and transport infrastructure State interests.

I considered the material provided to me and I noted:

- the council letter and council decision stated that there was a significant risk of serious adverse cultural or social conditions, and delay in amending the planning scheme would increase risk at the affected sites.
- the department's briefing note and assessment report advised me of the council's compliance with the relevant sections of the Planning Act and MGR.
- the department's assessment that State interests would not be adversely affected.

On the basis of the material before me, I was satisfied of the matters set out in:

- **s23(1)(a) of the Planning Act (i.e. there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area) because:**

- the council's request advised that the iconic vistas to be protected by TLPI 03/17 contribute to Brisbane's identity, defining characteristics and local landmarks, including groupings of heritage buildings.
- the council's request advised that the importance of the civic spaces and iconic vistas are highlighted in the Brisbane City Centre Master Plan 2014.
- the council's request advised that there is an overwhelming public interest in protecting these sites and features of the Brisbane city centre.

- the council's request advised of the history of Reddacliff Place and the current development approval, including the long-term lease in favour of the council for public open-space
- the council's request advised that Reddacliff Place is one of the city's significant civic spaces, uniquely located to maintain the visual axis from Victoria Bridge through the Queen Street Mall and that the iconic vista is viewed from the Victoria Bridge, through Reddacliff Place and down the Queen Street Mall. The iconic vista encompasses an intact streetscape of heritage buildings including the Treasury, the Bank of New South Wales building and smaller buildings along Queen Street.
- the council's request advised of the previous Land Court proceeding involving Reddacliff Place where the current owner of that land argued that the site had a limited use in terms of development potential over and above public open space.
- the council's request advised that the vista from Central Station through Anzac Square, Post Office Square and over the heritage listed General Post Office to the Cathedral of St Stephen is a "ceremonial vista" and comprises a unique collection of significant buildings and civic spaces characterised by its heritage context.
- the council's letter to me advised that through ongoing review and the availability of new information, it has been established a number of significant civic spaces and iconic vistas within the Brisbane city centre currently have limited protection under City Plan 2014.
- the council's letter to me advised that the cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.
- the council's letter to me advised that there is a significant risk of serious adverse cultural and social conditions should the spaces and vistas identified in TLPI 03/17 be altered from their current state.
- the department's assessment report advised me that the properties to which the proposed TLPI 03/17 applies are prominent civic spaces or form an iconic vista and:
 - the values of those places could be adversely impacted on by forthcoming development proposals
 - the values of those places have limited protection under City Plan
 - the cultural and social significance of the identified spaces and vistas are at risk due to development pressures
 - there is an overwhelming public interest in protecting these features in the Brisbane city centre.

- the department's assessment report advised me that the department was satisfied that the proposed TLPI was needed to continue to protect the cultural and social significance of the identified properties prior to a planning scheme amendment being in place.
 - the department's assessment report advised me that without the proposed TLPI, there was a risk that the values of the places the subject of TLPI 03/17 could be compromised.
 - the department's assessment report advised me that there were no alternative planning protections which could provide immediate protection for these properties and associated values.
 - the department's assessment advised me that the department's view was that the TLPI 03/17 meets legislative and statutory requirements, and recommended it be approved for adoption.
- **s23(1)(b) of the Planning Act (i.e. the delay involved in using the process in sections 18 to 22 of the *Planning Act 2016* to make or amend another local planning instrument would increase the risk) because:**
 - the council's letter to me advised that amendment to City Plan 2014 would take many months and that such a delay would increase the risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area.
 - the council's request advised that the council is currently preparing an amendment to its City Plan to provide additional protections to these civic spaces and iconic vistas, however, due to the imminent threat to the sites from proposed developments Council had proposed TLPI 03/17 and requested an earlier effective day for the TLPI.
 - the department's assessment report, read together with TLPI 03/17, stated that the proposed TLPI 03/17 provides for impact assessment of any use, excluding Market or Park, against assessment benchmarks that seek to maintain identified civic spaces in the CBD for 266 George Street and 270 Queen Street. For 261 Queen Street, impact assessment would result for a proposal comprising of any use if involving an increase in building height above the height of the existing heritage building.
 - the department's assessment report advised me that council believes the delay involved in using the amendment processes under sections 18 and 20, neither of which allow for immediate effect, would increase the risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area.
 - the department's assessment report advised me that the TLPI is proposed to ensure appropriate consideration of civic space and iconic vista values for the identified properties for any development proposals over the subject sites.

- the department's assessment report advised me that council is currently preparing an amendment to its City Plan to protect significant civic spaces and iconic vistas.
- the department's assessment report advised me that the proposed TLPI would be in place for two years to allow council to progress a planning scheme amendment following the required steps in the MGR.
- the department's assessment report advised me that council is concerned that there is a significant risk of serious adverse cultural or social conditions affecting key civic spaces and iconic vistas, and that adoption of the proposed TLPI mitigates this risk.
- the department's assessment report advised that any delays to applying the protections under the proposed TLPI would unnecessarily risk significant impacts to cultural values including heritage and character, and social expectations and practices in relation to public open space in the Brisbane CBD.
- the department's assessment report advised me that the department's view was that the TLPI 03/17 meets legislative and statutory requirements including those set out in the Planning Act and the MGR, and recommended it be approved for adoption.
- **s23 (1)(c) of the Planning Act (i.e. State interests are not adversely affected) because:**
 - the department's assessment report advised me that council had considered the TLPI against the State Planning Policy and advised that State interests would not be adversely affected by the TLPI.
 - the department's assessment report advised me that as the TLPI protects cultural and social values of the area, it assists with State interest integration.
 - the department's assessment report advised me that the proposed TLPI supports the cultural heritage State interest and would not adversely impact on other State interests. Particularly, the TLPI would not adversely affect the transport infrastructure State interest arising from the proximity of some of the sites the subject of TLPI 03/17 to significant transport infrastructure.
 - the department's assessment report advised me that the department's view was that TLPI 03/17 meets legislative and statutory requirements, and recommended it be approved for adoption.

For these reasons, I decided to approve TLPI 03/17.

Further, I was satisfied of the matters set out in:

- **s9 (4) of the Planning Act (i.e. that to request an earlier effective day, the local government must, at a public meeting, resolve to make the TLPI and make the request that the Minister approve an earlier effective day) because:**
 - the council advised that it had resolved to make the TLPI at a public meeting.
 - the council advised that it had resolved to ask for the minister's approval of an earlier effective day at a public meeting.
 - the Council's advice was supported by documents attached to the briefing note.
 - the department's assessment report advised me that the council had, at a public meeting held on 21 November 2017, resolved to give the TLPI and the request for an earlier effective day to me for approval.
 - the department's assessment report advised that the Planning Act and MGR do not specify any additional requirements that I was required to consider in determining whether to approve a request for an earlier effective day.
 - the department's assessment report recommended that I approve the council's request for an earlier effective day.
 - the department's assessment report advised me that the department's view was that TLPI 03/17 meets the applicable legislative and statutory requirements, and recommended it be approved for adoption, with an effective day of 21 November 2017.

- **The Minister's guidelines and rules requirements under chapter 3, part 2 section 8 and Schedule 3 because:**
 - the council advised in its letter to me that the proposed TLPI had been prepared in accordance with the MGR.
 - the department's assessment report advised me that on 21 November 2017, the council had provided a copy of the proposed TLPI 03/17 to me for consideration and my approval for the TLPI to take effect on the day the council resolved to make the TLPI (21 November 2017).
 - the department assessment report advised me that sufficient information had been provided by the council to meet the requirements of the MGR.
 - the department's assessment report advised me that the department's view was that TLPI 03/17 met the applicable legislative and statutory requirements, including the MGR, and recommended it be approved for adoption.

For these reasons, I also decided to approve TLPI 03/17 for adoption with an earlier effective day.

Prior to my decision to approve TLPI 03/17 with an earlier effective day, I consulted with the Shadow Minister for Planning, Mr Ian Walker, in accordance with established Caretaker Government Conventions. He confirmed that he had no objection to me proceeding with the decision.

Dated 20/12/17



**JACKIE TRAD MP
DEPUTY PREMIER
Treasurer**

Minster for Aboriginal and Torres Strait Islander Partnerships

Zarndra Piper

From: DLO
Sent: Friday, 1 December 2017 9:38 AM
To: Kerry Doss; Teresa Luck; Megan Bayntun
Cc: Barbara Ryan; Kathy Parton; Executive Correspondence DILGP
Subject: FW: INCOMING CORRO - Temporary Local Planning Instrument 03/17 - Civic Spaces and Iconic Values - Request for reasons under the Judicial Review Act 1991
Attachments: Letter to Minister requesting reasons.pdf

Good morning,

Please see attached for action.

Thanks.

Tim

Tim Fell
Director
Office of the Director-General
Department of Infrastructure, Local Government and Planning
Level 39, 1 William Street Brisbane QLD 4000
p. 07 3452 6827 | m. [REDACTED]
e. tim.fell@dilgp.qld.gov.au

Sch. 4(3)(c) - Prejudicial
disclosure of personal
information
Sub. 4(1)(6) - Disclosing
personal information

Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

From: Deputy Premier [mailto:deputy.premier@ministerial.qld.gov.au]
Sent: Friday, 1 December 2017 9:31 AM
To: DLO <dlo@dilgp.qld.gov.au>
Subject: INCOMING CORRO - Temporary Local Planning Instrument 03/17 - Civic Spaces and Iconic Values - Request for reasons under the Judicial Review Act 1991

From: Meurling, Rosanne [mailto:Rosanne.Meurling@allens.com.au]
Sent: Thursday, 30 November 2017 2:27 PM
To: Deputy Premier <deputy.premier@ministerial.qld.gov.au>
Subject: Temporary Local Planning Instrument 03/17 - Civic Spaces and Iconic Values - Request for reasons under the Judicial Review Act 1991



Dear Deputy Premier

Please see **attached** correspondence.

Kind regards,

Rosanne Meurling
Special Counsel, Allens
DL +61 7 3334 3517 M [REDACTED] www.allens.com.au

Allens < Linklaters

Follow Allens  

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ABN 47 702 595 758

Allens > < Linklaters

30 November 2017

The Honourable Jackie Trad MP
Deputy Premier, Minister for Transport and Minister for
Infrastructure, Local Government and Planning
Queensland Government
Level 39, 1 William Street
Brisbane QLD 4000

By Email: deputy.premier@ministerial.qld.gov.au

By Express Post

Dear Deputy Premier

Temporary Local Planning Instrument 03/17 – Civic Spaces and Iconic Vistas

We act for Brisbane Square Pty Ltd, the registered owner of 266 George Street, Brisbane.

Our client has been informed by Brisbane City Council that, on 23 November 2017, you approved Temporary Local Planning Instrument 03/17 – Civic Spaces and Iconic Vistas (**TLPI**) with an effective date of 21 November 2017 (the **Decision**). The TLPI applies to development on our client's land.

Pursuant to section 32 of the *Judicial Review Act 1991*, our client requests that you provide a written statement of reasons in relation to the Decision.

We look forward to receiving the statement of reasons. If you have any queries, please contact us.

Yours faithfully



Bill McCredie
Partner
Allens
Bill.McCredie@allens.com.au
T +61 7 3334 3049

Rosanne Meurling
Special Counsel
Allens
Rosanne.Meurling@allens.com.au
+61 7 3334 3517

Our Ref QNMS:JFB:120729214
jfbb A0141168573v1 120729214 30.11.2017

Your Ref 11299831

Allens is an independent partnership operating in alliance with Linklaters LLP.

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Allens > < Linklaters

30 November 2017

The Honourable Jackie Trad MP
Deputy Premier, Minister for Transport and Minister for
Infrastructure, Local Government and Planning
Queensland Government
Level 39, 1 William Street
Brisbane QLD 4000

By Email: deputy.premier@ministerial.qld.gov.au

By Express Post

Dear Deputy Premier

Temporary Local Planning Instrument 03/17 – Civic Spaces and Iconic Vistas

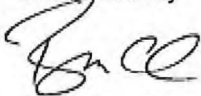
We act for Brisbane Square Pty Ltd, the registered owner of 266 George Street, Brisbane.

Our client has been informed by Brisbane City Council that, on 23 November 2017, you approved Temporary Local Planning Instrument 03/17 – Civic Spaces and Iconic Vistas (*TLPI*) with an effective date of 21 November 2017 (the *Decision*). The TLPI applies to development on our client's land.

Pursuant to section 32 of the *Judicial Review Act 1991*, our client requests that you provide a written statement of reasons in relation to the Decision.

We look forward to receiving the statement of reasons. If you have any queries, please contact us.

Yours faithfully



Bill McCredie
Partner
Allens
Bill.McCredie@allens.com.au
T +61 7 3334 3049

Rosanne Meurling
Special Counsel
Allens
Rosanne.Meurling@allens.com.au
+61 7 3334 3517

Our Ref QNMS:JFB:120729214
jffb A0141168573v1 120729214 30.11.2017

Your Ref 11299831

Allens is an independent partnership operating in alliance with Linklaters LLP.

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26 December 2017

The Hon. Jackie Trad MP
Deputy Premier
Treasurer
Minister for Aboriginal and Torres Strait Islander
Partnerships
PO Box 15009
City East Qld 4002

By Email:

executivecorrespondence@dilgp.qld.gov.au
deputy.premier@ministerial.qld.gov.au

Dear Deputy Premier

Reasons for decision - Approval of the Temporary Local Planning Instrument 03/17 (TLPI)

We refer to your letter dated 20 December 2017 which enclosed a written statement of reasons in relation to your decision to approve Temporary Local Planning Instrument 03/17 (also dated 20 December 2017). Your letter was received by Mr McCredie in Sydney by email at 5:01 PM GMT +11 (AEDT) on 22 December 2017.

The following documents are listed in your written statement of reasons as the material to which you had regard in forming your decision about the TLPI:

"Ministerial briefing note for decision about the TLPI 03/17 (MBN17/1569) (the briefing note) to which the following were attached:

- *Letter from Cr Julian Simmonds, Chairman for City Planning requesting approval to make TLPI 03/17 with an earlier effective day dated 21 November 2017 enclosing a copy of the proposed TLPI 03/17 (the council letter);*
- *"Decision of the Brisbane City Council" concerning TLPI 03/17 dated 21 November 2017 (the council decision);*
- *Planning assessment report prepared by the Department of Infrastructure, Local Government and Planning, November 2017 (the assessment report);*
- *Draft letter to Cr Julian Simmonds, Chairman for City Planning notifying my decision."*

As you are aware, the TLPI relates to only three lots, and our client as owner of one of those lots was not consulted in relation to the making of the TLPI.

So that our client is fully and fairly informed, and can be properly advised, about your reasons we respectfully request that you provide copies to us of the material to which you had regard in forming your decision about the TLPI, as soon as practicable.

Our Ref QNMS:RMMB:120729214
rmmB A0141483712v1 120729214 26.12.2017

Yours sincerely



Bill **Bill McCredie**
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RTI RELEASE - DSDMIP

Temporary Local Planning Instrument 03/17 Civic Spaces and Iconic Vistas (TLPI 03/17)

At its meeting on 28 November 2017, Brisbane City Council adopted TLPI 03/17, with an earlier effective day of 21 November 2017, as agreed by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning, and which will cease to have effect at **21 November 2019** (unless repealed at an earlier date).

Purpose and General Effect

The purpose of TLPI 03/17 is to protect significant civic spaces and iconic vistas until *Brisbane City Plan 2014* (the City Plan) is amended to include additional protections for civic spaces and iconic vistas in the City Centre.

TLPI 03/17 will implement policies in the Strategic framework of the City Plan, in particular Theme 2: Brisbane's outstanding lifestyle and Element 2.1 – Brisbane's identity.

TLPI 03/17 applies to development on land identified as:

- (a) 266 George Street, Brisbane City, described as Lot 12 on SP192709.
- (b) 270 Queen Street, Brisbane City, described as Lot 1 on RP127671.
- (c) 261 Queen Street, Brisbane City, described as Lot 33 on RP48556.

TLPI 03/17 applies category of assessment and assessment benchmarks to these sites, and applies in addition to the current provisions of the City Plan.

Further information

Copies of Temporary Local Planning Instrument 03/17 are available for inspection and purchase from the Brisbane City Council Library and Customer Service Centre, Level 1, North Quay Podium, Brisbane Square, 266 George Street, Brisbane. TLPI 03/17 can also be accessed by searching for 'Temporary Local Planning Instrument 03/17' at www.brisbane.qld.gov.au. For more information, please either visit the Council Customer Service Centre or telephone Council on 3403 8838.

Colin Jensen Chief Executive Officer



Dedicated to a better Brisbane



Dedicated to a better Brisbane

1 December 2017

Mr Frankie Carroll
Director-General
Department of Infrastructure, Local Government and Planning
GPO Box 15009
City East QLD 4002

Dear Mr Carroll

Notice of Adoption of Temporary Local Planning Instrument 03/17 Civic Spaces and Iconic Vistas

At its meeting on 28 November 2017, Brisbane City Council resolved, pursuant to Chapter 3, Part 2, Section 9.1 of the *Minister's Guidelines and Rules* (the Guideline) made under the *Planning Act 2016*, to adopt Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas (TLPI). The TLPI came into effect on the earlier date of 21 November 2017, in accordance with section 9(4) of the *Planning Act 2016*.

Pursuant to Chapter 3, Part 2, Section 9.2 of the Guideline, a notice of adoption was placed in the gazette, a newspaper circulating generally in the local government's area (The Courier Mail) and on Council's website.

In accordance with Chapter 3, Part 2, Section 9.3 of the Guideline, an electronic copy of the public notice and a certified copy of the TLPI have been forwarded to you separately via the planning portal.


Should you wish to discuss this matter further, please contact Mr Sean Cullen, Neighbourhood Planning and Urban Renewal Manager, City Planning and Economic Development Branch who can be contacted by phone 3178 1346, or by email at sean.cullen@brisbane.qld.gov.au.

Yours sincerely

Marcus Mulholland
Acting Manager
City Planning and Economic Development

BRISBANE CITY COUNCIL
TEMPORARY LOCAL PLANNING INSTRUMENT 03/17
CIVIC SPACES AND ICONIC VISTAS

I certify that this is a true copy of Temporary Local Planning Instrument 03/17 – Civic Spaces and Iconic Vistas, Adopted by Council on 28 November 2017.



Marcus Mulholland
Acting Manager, City Planning and Economic Development Branch
Brisbane City Council

BRISBANE CITY COUNCIL
TEMPORARY LOCAL PLANNING INSTRUMENT 03/17
CIVIC SPACES AND ICONIC VISTAS

1. Short title

This Temporary Local Planning Instrument (TLPI) may be cited as Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas.

2. Purpose

The purpose of this TLPI is to:

- implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, in particular Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity; and
- protect significant civic spaces and iconic vistas until *Brisbane City Plan 2014* is amended to include additional protections for civic spaces and iconic vistas in the City Centre.

3. Application

This TLPI applies to any development on the land identified in *Table 1 (Land affected by the TLPI)*.

For Site 1 and Site 2 identified in *Table 1 (Land affected by the TLPI)*, where development is proposed in a 'key civic space' area shown on *Figure 1 (Key civic space areas and iconic vista sites)*, this TLPI applies:

- (a) the category of assessment and assessment benchmarks identified in *Table 2 (Categories of development and assessment and assessment benchmarks)*; and
- (b) the assessment benchmarks identified in *Table 3 (Assessment benchmarks for Site 1 and Site 2)*.

For site three identified in *Table 1 (Land affected by the TLPI)*, where development is proposed on an 'iconic vista site' shown on *Figure 1*, this TLPI applies:

- (a) the category of assessment and assessment benchmarks identified in *Table 2 (Categories of development and assessment and assessment benchmarks)*; and
- (b) the assessment benchmarks identified in *Table 4 (Assessment benchmarks for Site 3)*.

This TLPI applies in addition to the current provisions of *Brisbane City Plan 2014*.

This TLPI does not apply to prescribed accepted development as defined in *Table 5.3.4.1 – Prescribed accepted development of Brisbane City Plan 2014*.

4. Duration

This TLPI has effect for a period of two years from the date of commencement.

5. Terms used in this TLPI

Terms used in this TLPI have the same meaning as in the *Planning Act 2016* or *Brisbane City Plan 2014*, unless otherwise defined in this TLPI.

6. Effect of this Temporary Local Planning Instrument

- 6.1 Development involving a use listed in Table 2, Column 1 on Site 1 and Site 2 in Table 1, where proposed on, or over, a key civic space area designated on Figure 1, has the category of development and assessment specified in Table 2, Column 2, and must comply with the assessment benchmarks specified in Table 2, Column 3.
- 6.2 Development involving a use listed in Table 2, Column 1 on Site 3 in Table 1, where proposed on, or over, an iconic vista site designated on Figure 1, has the category of development and assessment specified in Table 2, Column 2, and must comply with the assessment benchmarks specified in Table 2, Column 3.
- 6.3 Where development is proposed on premises included in more than one zone, or overlay, the level of assessment is the highest level for each aspect of the development under each of the applicable zones, overlays or this TLPI.

Table 1: Land affected by the TLPI

Site reference	Street Number	Street Name	Suburb	Lot number	Plan number
Site 1	266	George Street	Brisbane City	12	SP192709
Site 2	270	Queen Street	Brisbane City	1	RP127671
Site 3	261	Queen Street	Brisbane City	33	RP48556

Table 2: Categories of assessment and assessment benchmarks

Column 1 – Use	Column 2 – Categories of development and assessment	Column 3 – Assessment benchmarks
Site 1 and Site 2		
Any use, excluding: <ul style="list-style-type: none"> • Market; or • Park 	Assessable development – Impact assessment	<i>Brisbane City Plan 2014</i> Table 3 of this TLPI
Site 3		
Any use	Assessable development – Impact assessment If involving an increase in building height above the height of the existing heritage building	<i>Brisbane City Plan 2014</i> Table 4 of this TLPI

Table 3: Assessment benchmarks for Site 1 and Site 2

Overall outcome
(a) Development maintains key civic space areas identified on Figure 1, and does not result in any permanent buildings being erected within a key civic space area on a site, unless there is both an overwhelming community and economic need

<p>demonstrated for the development relative to the public's interest in maintaining the civic space areas identified on figure 1.</p> <p>(b) Development protects land in the city that is generally accessible to the public, while recognising that accessibility may be limited at certain times due to club events and activities.</p> <p>(c) Development provides for land to make an important contribution to Brisbane's liveability.</p> <p>(d) Development provides for a wide range of community and cultural activities primarily <u>park</u> to be accommodated at metropolitan level whether they are on publicly or privately owned land.</p> <p>(e) Development accommodates a diverse range of vibrant activities including activities which may generate noise and light during evening hours, sometimes on a regular basis.</p> <p>(f) Development for a compatible land use of <u>market</u> or <u>theatre</u> (where an outdoor cinema) may be located in where it complements the leisure and recreation experience of users.</p> <p>(g) Development provides a <u>park</u> setting that will attract and cater for users from across the Brisbane metropolitan area.</p>	
Performance outcomes	Acceptable outcomes
<p>PO1</p> <p>When on a site in a key civic space area, as identified on Figure 1, development:</p> <p>(a) does not result in any permanent buildings being erected within the key civic space area; and</p> <p>(b) does not intrude into the air space above the key civic space area.</p> <p><i>Note – For the purposes of Site 2, the key civic space area is the area located above the food court and shopping level. At the Queen Street alignment, the key civic space area is at ground level. At the Adelaide Street alignment, the key civic space area is at one level above ground level.</i></p>	<p>AO1</p> <p>No acceptable outcome is prescribed.</p>

Table 4: Assessment benchmarks for Site 3

Performance outcomes	Acceptable outcomes
<p>PC1</p> <p>Development has a maximum building height that does not exceed the height of the existing heritage building known as the Brisbane General Post Office.</p>	<p>AO1</p> <p>No acceptable outcome is prescribed.</p>

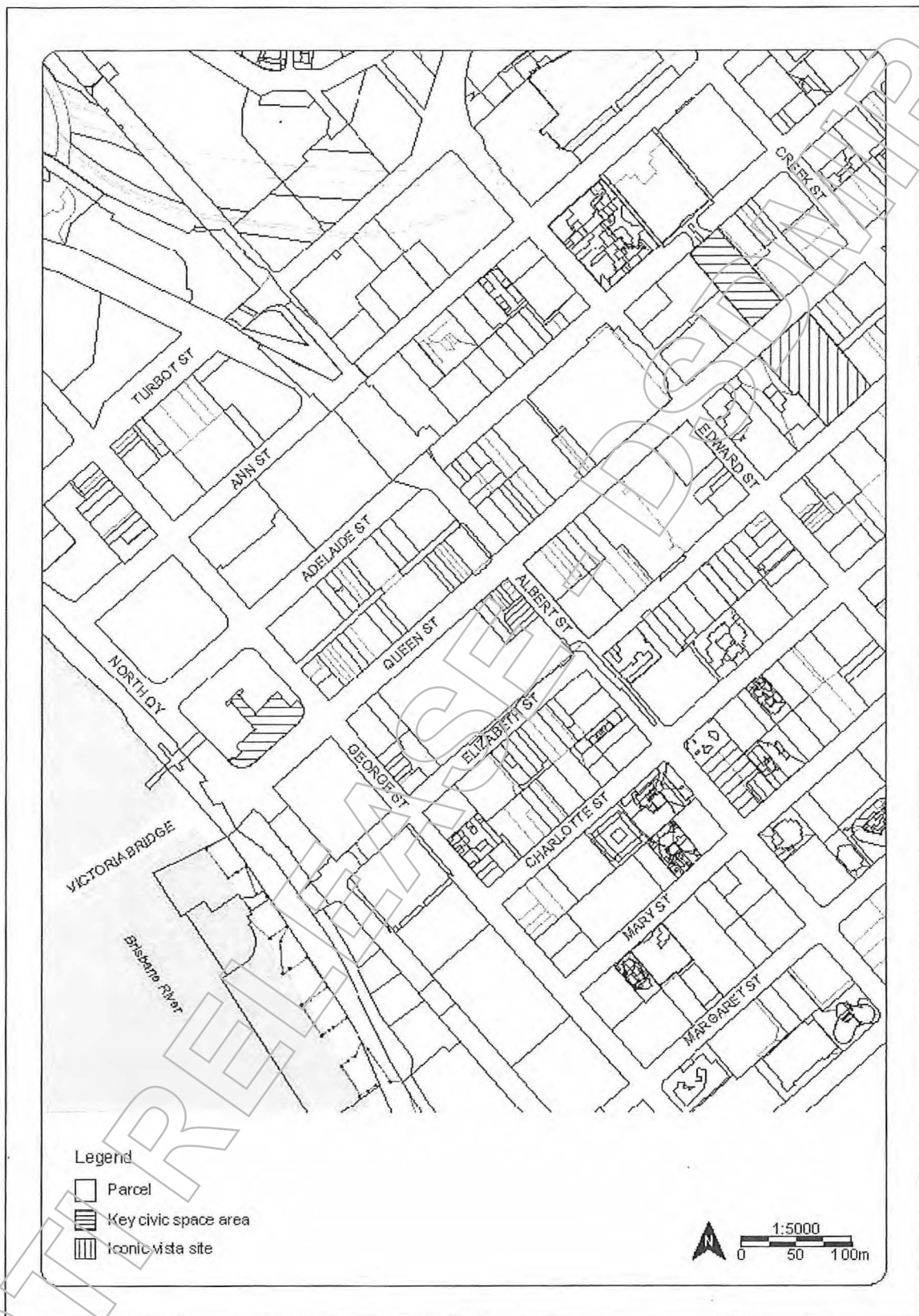


Figure 1: Key civic space areas and iconic vista sites

Note – The extent of the key civic space area on site one reflects the Plan of Lease for Lot 12 on SP192709 under lease dealing 711076130.

Note – For Site 2, the key civic space area is the area located above the food court and shopping level. At the Queen Street alignment, the key civic space area is at ground level. At the Adelaide Street alignment, the key civic space area is at one level above ground level.

RTI RELEASE - DSDMIP

Zarndra Piper

From: Executive Correspondence DILGP
Sent: Tuesday, 2 January 2018 9:28 AM
To: Yvonne Braganza
Cc: Megan Bayntun; Matt Collins; Jennifer Hutcheon; Deputy Premier; DLO
Subject: Reasons for decision - approval of the Temporary Local Planning Instrument 03/17 - Civic spaces and iconic vistas
Attachments: Letter to Deputy Premier.pdf; Deputy Premier and Treasurer Briefing Note.docx; Deputy Premier Letter Template - Deputy Premier Signature.doc

Hi Yvonne

Please assign the attached correspondence to Planning Group (addressed to the Hon. Jackie Trad MP).

A priority response timeframe please.

A MBN and response template is required (DP/Treasurer templates are attached).

Thanks
Davina

From: Meurling, Rosanne [mailto:Rosanne.Meurling@allens.com.au]
Sent: Tuesday, 26 December 2017 8:03 PM
To: Executive Correspondence DILGP <executivecorrespondence@dilgp.qld.gov.au>; deputy.premier@ministerial.qld.gov.au
Subject: Reasons for decision - approval of the Temporary Local Planning Instrument 03/17 - Civic spaces and iconic vistas

Dear Deputy Premier


Please see **attached** correspondence.

Kind regards,

Rosanne Meurling
Special Counsel, **Allens**
DL +61 7 3334 3517 M [REDACTED] www.allens.com.au

Allens > < Linklaters

IMPACT Take a look at the impact of some of our recent pro bono and community initiatives

Follow Allens 

Allens is an independent partnership operating in alliance with Linklaters LLP.

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BRIEFING NOTE

FROM	Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning		
FOR	Deputy Premier, Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships		
SUBJECT	Request to provide copies of the documents listed in your Statement of Reasons - material to which you had regard in forming your decision about Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas		
Contact Officer	Megan Bayntun, Policy and Statutory Planning, 3452 6822	Reference No.	MC18/1
Approval Required	15/01/2018	Reason	Priority response
Approved by		Approved by	

PURPOSE

- To advise you of a request addressed to you and dated 26 December 2017 from Allens Linklaters, acting for Brisbane Square Pty Ltd, to provide copies of the documents listed in your Statement of Reasons as the material to which you had regard in forming your decision about Temporary Local Planning Instrument (TLPI 03/17) – Civic spaces and iconic vistas (**Attachment 1**).

BACKGROUND

- On 21 November 2017, the Brisbane City Council (the council) resolved to make TLPI 03/17- Civic spaces and iconic vistas, with an earlier effective day.
- On 22 November 2017, the then Department of Infrastructure, Local Government and Planning (DILGP) provided a brief and assessment report for your consideration in relation to the council's request for approval.
- On 22 November 2017, you decided that the requirements of the *Planning Act 2016* (Planning Act) were met and wrote to the council approving its request on 22 November 2017.
- By letter dated 30 November 2017, Allens Linklaters, acting for Brisbane Square Pty Ltd, requested a statement of reasons under section 32 of the *Judicial Review Act 1991*.
- By letter dated 20 December 2017, you wrote to Allens Linklaters, providing your statement of reasons in relation to your decision to approve the TLPI 03/17 with an earlier effective day.

ISSUES

- The letter referred to in paragraph 1 above asked for copies of the following documents to be provided:
 - ministerial briefing note (Ref: MBN17/1569)
 - letter from Councillor Julian Simmonds, Chairman for City Planning, requesting approval to make TLPI 03/17 with an earlier effective day
 - the council decision concerning TLPI 03/17 dated 21 November 2017
 - Planning Assessment Report prepared by DILGP
 - draft letter to Councillor Simmonds notifying of your decision.

8. Sch. 3(7) - Legal professional privilege

9. Sch. 3(7) - Legal professional privilege

10. On 3 January 2018, the department's Right to Information and Privacy Unit received a request from Brisbane Square Pty Ltd under the RTI Act requesting all documents relevant to the TLPI 03/17, including any communication with the council.
11. The proposed attached letter to Allens Linklater notes that an access application under the RTI Act has been made by their client, Brisbane Square Pty Ltd, and that you consider this to be the appropriate mechanism for dealing with the request.

RECOMMENDATION

12. **Sign** the attached letter to Allens Linklaters (**Attachment 3**).

13. Sch. 3(7) - Legal professional privilege

Toni Power
Acting Director-General

<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved	<input type="checkbox"/> Noted
Comments		
<p>_____ HON. JACKIE TRAD MP Deputy Premier, Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships</p>		

Our Ref: MC18/1
Your Ref: QNMS:RMMB:120729214
rmb A0141483712v1 120729214 26.12.2017

Mr Bill McCredie
Partner
Allens Linklaters
Bill.McCredie@allens.com.au

Ms Rosanne Meurling
Special Counsel
Allens Linklaters
Rosanne.Meurling@allens.com.au

Dear Mr McCredie and Ms Meurling

Thank you for your emailed letter of 26 December 2017 requesting, on behalf of your client, Brisbane Square Pty Ltd, copies of the documents which I had regard to in forming my decision to approve the Brisbane City Council's (the council) request to make the Temporary Local Planning Instrument 03/17 (TLPI 03/17) – Civic spaces and iconic vistas with an earlier effective day of 21 November 2017.

I have been advised that your client has made an access application under the *Right to Information Act 2009* (RTI Act) to the Department of State Development, Manufacturing, Infrastructure and Planning (the department) requesting all documents relevant to TLPI 03/17, including any communication with the council.

I consider that your client's access application under the RTI Act is the appropriate mechanism for dealing with your request. The department will consider whether those documents may be released to your client through the RTI Act process.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships

DILGP – BRIEF FOR DECISION

Date: 22 November 2017

SUBJECT: Temporary Local Planning Instrument (TLPI 03/17 – Civic spaces and iconic vistas

NOTED or APPROVED/NOT APPROVED

RECOMMENDATIONS:

That you:

- **determine** the matters set out in section 23 of the *Planning Act 2016* (the Planning Act) have been satisfied
- **approve** the adoption of the Brisbane City Council's (the council) proposed TLPI 03/17 (**Attachment 1**)
- **approve** the council's request in accordance with section 9(4) of the Planning Act, that the TLPI 03/17 has an early effective date of **21 November 2017**
- **sign** the attached letter to Councillor Julian Simmonds, Chairman for City Planning, advising that it may adopt the TLPI 03/17 with an early effective date of 21 November 2017 (**Attachment 2**)
- **note** that under chapter 3, part 2, section 8.5 of the Minister's Guidelines and Rules (MGR) your decision is required by **19 December 2017**, however due to the urgency of the matter your decision is required as soon as possible.

Hon. Jackie Trad MP
Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Date:

BACKGROUND:

On 21 November 2017, the council resolved to make TLPI 03/17 – Civic spaces and iconic vistas (**Attachment 3**). The proposed TLPI 03/17 seeks to implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will operate until *Brisbane City Plan 2014* (the City Plan) is amended to include these additional protections in the City Centre. On the same date, the council also resolved to seek your approval for an early effective date for TLPI 03/17 of 21 November 2017.

Under section 23(1) of the Planning Act, a local government may make a TLPI if you decide that there is a significant risk that the delay in amending the planning scheme would increase the risk of adverse impacts to cultural or social values, and that the state interests would not adversely be affected by the proposed TLPI.

The MGR sets down the process for a local government to make a TLPI. Under MGR the council must provide you with the required information and you are to decide whether the proposed TLPI satisfies the requirements under section 23(1) of the Planning Act. If you decide this to be the case, you must advise the council that it may adopt the proposed TLPI with or without conditions.

Under section 9(4) of the Planning Act, a local government may, with your written agreement, at a public meeting resolve to give the TLPI to you and request an earlier effective date. The council has requested an early effective date for the proposed TLPI 03/17 and, as part of your response to the council, you must also provide written advice as to whether you agree to an early effective date of 21 November 2017.

KEY ISSUES:

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
- 270 Queen Street, Brisbane – lot 1 RP127671 (commonly known as Post Office Square)
- 261 Queen Street, Brisbane – lot 33 RP48556 (commonly known as Brisbane General Post Office).

Author details: Stephen Smith Position: Manager Telephone: 3452 7628 Date completed: 22 November 2017	Endorsed by: Megan Bayntun Position: A/Executive Director Telephone: 3452 6822 Date approved: 22 November 2017	Endorsed by: Kerry Doss A/DDG Planning Group Telephone: 3452 7909 Date approved: 22 November 2017	Endorsed by: Frankie Carroll Director-General Telephone: 3452 6767 Date approved:
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The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or from an iconic vista (Brisbane General Post Office) and these values currently have limited protection under the City Plan. The cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.

The council is currently preparing an amendment to the City Plan to provide additional protections to these civic spaces and iconic vistas. This scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI 03/17 will provide temporary protection while the City Plan is amended.

The Department of Infrastructure, Local Government and Planning's (the department) assessment of the proposed TLPI 03/17 is **Attachment 4**.

Given the urgency of this matter, the department considers it is appropriate for a decision to be made on the proposed TLPI 03/17 during the current caretaker period and accordingly, recommends this matter be raised with the Opposition.

The department considers that the requirements in the Planning Act for making a TLPI have been satisfied by the council and that there is risk of serious adverse cultural or social impacts. It is recommended that you approve the proposed TLPI 03/17 for adoption and the council's request for an early effective date of 21 November 2017. A letter providing your approval is at **Attachment 2**.

ELECTION COMMITMENT:

This matter does not relate to an election commitment.

RESULTS OF CONSULTATION:

The department has confirmed that none of the properties included in the proposed TLPI 03/17 are owned by the state.

Due to the very limited and localised effect of the proposed TLPI 03/17, the department has not sought the views of state agencies about the proposed TLPI 03/17.

RIGHT TO INFORMATION: Contents/attachments suitable for publication? Yes No

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? Yes No

DILGP – BRIEF FOR DECISION

Date: 22 November 2017

SUBJECT: Temporary Local Planning Instrument (TLPI 03/17 – Civic spaces and iconic vistas

NOTED or APPROVED/NOT APPROVED

RECOMMENDATIONS:

That you:

- **determine** the matters set out in section 23 of the *Planning Act 2016* (the Planning Act) have been satisfied
- **approve** the adoption of the Brisbane City Council's (the council) proposed TLPI 03/17 (**Attachment 1**)
- **approve** the council's request in accordance with section 9(4) of the Planning Act, that the TLPI has an early effective date of **21 November 2017**
- **sign** the attached letter to Councillor Julian Simmonds, Chairman for City Planning, advising that it may adopt the TLPI with an early effective date of 21 November 2017 (**Attachment 2**)
- **note** that a decision is required by **19 December 2017** because chapter 3, part 2, section 8.5 of the Minister's Guidelines and Rules (MGR) specifies that you must provide notice to the council advising of your decision.

Hon. Jackie Trad MP
Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Date:

BACKGROUND:

On 21 November 2017, the council resolved to make TLPI 03/17 – Civic spaces and iconic vistas (**Attachment 3**). The proposed TLPI 03/17 seeks to implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will operate until *Brisbane City Plan 2014* (City Plan) is amended to include these additional protections in the City Centre. On the same date, the council also resolved to seek your approval for an early effective date for TLPI 03/17 of 21 November 2017.

Under section 23(1) of the Planning Act, a local government may make a TLPI if you decide that there is a significant risk that the delay in amending the planning scheme would increase the risk of adverse impacts to cultural or social values, and that the state interests would not be adversely affected by the proposed TLPI.

The MGR sets down the process for a local government to make a TLPI. Under MGR the council must provide you with the required information and you are to decide whether the proposed TLPI satisfies the requirements under section 23(1) of the Planning Act. If you decide this to be the case, you must advise the council that it may adopt the proposed TLPI with or without conditions.

Under section 9(4) of the Planning Act, a local government may, with your written agreement, at a public meeting resolve to give the TLPI to you and request an earlier effective date. The council has requested an early effective date for the proposed TLPI 03/17 and, as part of your response to the council, you must also provide written advice as to whether you agree to an early effective date of 21 November 2017.

KEY ISSUES:

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
- 270 Queen Street, Brisbane – lot 1 RP127671 (commonly known as Post Office Square)
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Author details: Stephen Smith Position: Manager Telephone: 3452 7628 Date completed: 22 November 2017	Endorsed by: Megan Bayntun Position: A/Executive Director Telephone: 3452 6822 Date approved: 22 November 2017	Endorsed by: Kerry Doss A/DDG Planning Group Telephone: 3452 7909 Date approved: 22 November 2017	Endorsed by: Frankie Carroll Director-General Telephone: 3452 6767 Date approved:
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The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or from an iconic vista (Brisbane General Post Office) and these values currently have limited protection under City Plan. The cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.

The council is currently preparing an amendment to City Plan to provide additional protections to these civic spaces and iconic vistas. This scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI 03/17 will provide temporary protection while City Plan is amended.

The Department of Infrastructure, Local Government and Planning's (the department) assessment of the proposed TLPI 03/17 is **Attachment 4**.

Given the urgency of this matter the department considers it is appropriate for a decision to be made on the proposed TLPI 03/17 during the current caretaker period and accordingly, recommends this matter be raised with the Opposition.

The department considers that the requirements in the Planning Act for making a TLPI have been satisfied by the council and that there is risk of serious adverse cultural or social impacts. It is recommended that you approve the proposed TLPI 03/17 for adoption and the council's request for an early effective date of 21 November 2017. A letter providing your approval is at **Attachment 2**.

ELECTION COMMITMENT:

This matter does not relate to an election commitment.

RESULTS OF CONSULTATION:

The department has confirmed that none of the properties included in the proposed TLPI 03/17 are owned by the state.

Due to the very limited and localised effect of the proposed TLPI, the department has not sought the views of state agencies about the proposed TLPI.

RIGHT TO INFORMATION: Contents/attachments suitable for publication? Yes No

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? Yes No

DILGP – BRIEF FOR DECISION

Date: 22 November 2017

SUBJECT: Temporary Local Planning Instrument (TLPI 03/17 – Civic spaces and iconic vistas

NOTED or APPROVED/NOT APPROVED

RECOMMENDATIONS:

That you:

- **determine** the matters set out in section 23 of the *Planning Act 2016* (the Planning Act) have been satisfied
- **approve** the adoption of the Brisbane City Council's (the council) proposed TLPI 03/17 (**Attachment 1**)
- **approve** the council's request in accordance with section 9(4) of the Planning Act, that the TLPI have an early effective date of 21 November 2017
- **sign** the attached letter to Councillor Julian Simmonds, Chairman for City Planning, advising that it may adopt the TLPI with an early effective date of 21 November 2017 (**Attachment 2**)
- **note** that a decision is required by **19 December 2017** because chapter 3, part 2, section 8.5 of the *Minister's Guidelines and Rules* (MGR) specifies that you must provide notice to the council advising of your decision.

Hon. Jackie Trad MP
Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Date:

BACKGROUND:

On 21 November 2017, the council resolved to make TLPI 03/17 – Civic spaces and iconic vistas. The proposed TLPI 03/17 seeks to implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will operate until *Brisbane City Plan 2014* (City Plan) is amended to include these additional protections in the City Centre. On the same date, the council also resolved to seek your approval for an early effective date for TLPI 03/17 of 21 November 2017.

Under section 23(1) of the Planning Act, a local government may make a TLPI if you decide that there is a significant risk that the delay in amending the planning scheme would increase the risk of adverse impacts to cultural or social values, and that the state interests would not be adversely affected by the proposed TLPI.

The MGR sets down the process for a local government to make a TLPI. Under MGR the council must provide you with the required information and you are to decide whether the proposed TLPI satisfies the requirements under section 23(1) of the Planning Act. If you decide this to be the case, you must advise the council that it may adopt the proposed TLPI with or without conditions.

Under section 9(4) of the Planning Act, a local government may, with your written agreement, at a public meeting resolve to give the TLPI to you and request an earlier effective date. The council has requested an early effective date for the proposed TLPI 03/17 and, as part of your response to the council, you must also provide written advice as to whether you agree to an early effective date of 21 November 2017.

KEY ISSUES:

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
- 270 Queen Street, Brisbane – lot 1 RP127671 (commonly known as Post Office Square)
- 261 Queen Street, Brisbane – lot 33 RP48556 (commonly known as Brisbane General Post Office)

Author details: Stephen Smith Position: Manager Telephone: 3452 7628 Date completed: 22 November 2017	Endorsed by: Megan Bayntun Position: A/Executive Director Telephone: 3452 6822 Date approved: 22 November 2017	Endorsed by: Kerry Doss A/DDG Planning Group Telephone: 3452 7909 Date approved: 22 November 2017	Endorsed by: Frankie Carroll Director-General Telephone: 3452 6767 Date approved:
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The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or from an iconic vista (Brisbane General Post Office) and these values currently have limited protection under City Plan. The cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.

Council is currently preparing an amendment to City Plan to provide additional protections to these civic spaces and iconic vistas. This scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI 03/17 will provide temporary protection while City Plan is amended.

The Department of Infrastructure, Local Government and Planning's (the department) assessment of the proposed TLPI 03/17 is **Attachment 3**.

Given the urgency of this matter the department considers it is appropriate for a decision to be made on the proposed TLPI 03/17 during the current caretaker period and accordingly, recommends this matter be raised with the Opposition.

The department considers that the requirements in the Planning Act for making a TLPI have been satisfied by the council and that there is risk of serious adverse cultural or social impacts. It is recommended that you approve the proposed TLPI 03/17 for adoption and the council's request for an early effective date of 21 November 2017. A letter providing your approval is at **Attachment 2**.

ELECTION COMMITMENT:

This matter does not relate to an election commitment.

RESULTS OF CONSULTATION:

The department has confirmed that none of the properties included in the proposed TLPI 03/17 are owned by the state.

Due to the very limited and localised effect of the proposed TLPI, the department has not sought the views of state agencies about the proposed TLPI.

RIGHT TO INFORMATION: Contents/attachments suitable for publication? Yes No

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? Yes No

DILGP – BRIEF FOR DECISION

Date: 22 November 2017

SUBJECT: Temporary Local Planning Instrument (TLPI 03/17 – Civic spaces and iconic vistas

NOTED or APPROVED/NOT APPROVED

RECOMMENDATIONS:

That you:

- **determine** the matters set out in section 23 of the *Planning Act 2016* (the Planning Act) have been satisfied
- **approve** the adoption of the Brisbane City Council's (the council) proposed TLPI 03/17 (**Attachment 1**)
- **approve** the council's request in accordance with section 9(4) of the Planning Act, that the TLPI have an early effective date of 21 November 2017
- **sign** the attached letter to Councillor Julian Simmonds, Chairman for City Planning, advising that it may adopt the TLPI with an early effective date of 21 November 2017 (**Attachment 2**)
- **note** that a decision is required by **19 December 2017** because chapter 3, part 2, section 8.5 of the *Minister's Guidelines and Rules* (MGR) specifies that you must provide notice to the council advising of your decision.

Hon. Jackie Trad MP
Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Date:

BACKGROUND:

On 21 November 2017, the council resolved to make TLPI 03/17 – Civic spaces and iconic vistas. The proposed TLPI 03/17 seeks to implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, Theme 2: Brisbane's outstanding lifestyle, and Element 2.1 – Brisbane's identity, in particular, to protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will operate until *Brisbane City Plan 2014* (City Plan) is amended to include these additional protections in the City Centre. On the same date, the council also resolved to seek your approval for an early effective date for TLPI 03/17 of 21 November 2017.

Under section 23(1) of the Planning Act, a local government may make a TLPI if you decide that there is a significant risk that the delay in amending the planning scheme would increase the risk of adverse impacts to cultural or social values, and that the state interests would not be adversely affected by the proposed TLPI.

The MGR sets down the process for a local government to make a TLPI. Under MGR the council must provide you with the required information and you are to decide whether the proposed TLPI satisfies the requirements under section 23(1) of the Planning Act. If you decide this to be the case, you must advise the council that it may adopt the proposed TLPI with or without conditions.

Under section 9(4) of the Planning Act, a local government may, with your written agreement, at a public meeting resolve to give the TLPI to you and request an earlier effective date. The council has requested an early effective date for the proposed TLPI 03/17 and, as part of your response to the council, you must also provide written advice as to whether you agree to an early effective date of 21 November 2017.

KEY ISSUES:

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
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- 261 Queen Street, Brisbane – lot 33 RP48556 (commonly known as Brisbane General Post Office)

Author details: Stephen Smith Position: Manager Telephone: 3452 7628 Date completed: 22 November 2017	Endorsed by: Megan Bayntun Position: A/Executive Director Telephone: 3452 6822 Date approved: 22 November 2017	Endorsed by: Kerry Doss A/DDG Planning Group Telephone: 3452 7909 Date approved: 22 November 2017	Endorsed by: Frankie Carroll Director-General Telephone: 3452 6767 Date approved:
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The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or from an iconic vista (Brisbane General Post Office) and these values currently have limited protection under City Plan. The cultural and social significance of these spaces and vistas are at risk due to development pressures, and there is an overwhelming public interest in protecting these features of the Brisbane city centre.

Council is currently preparing an amendment to City Plan to provide additional protections to these civic spaces and iconic vistas. This scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI 03/17 will provide temporary protection while City Plan is amended.

The Department of Infrastructure, Local Government and Planning's (the department) assessment of the proposed TLPI 03/17 is **Attachment 3**.

The department considers that the requirements in the Planning Act for making a TLPI have been satisfied by the council and that there is risk of serious adverse cultural or social impacts. It is recommended that you approve the proposed TLPI 03/17 for adoption and the council's request for an early effective date of 21 November 2017. A letter providing your approval is at **Attachment 2**.

ELECTION COMMITMENT:

This matter does not relate to an election commitment.

RESULTS OF CONSULTATION:

The department has confirmed that none of the properties included in the proposed TLPI 03/17 are owned by the state.

Due to the very limited and localised effect of the proposed TLPI, the department has not sought the views of state agencies about the proposed TLPI.

RIGHT TO INFORMATION: Contents/attachments suitable for publication? Yes No

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? Yes No

Draft v1

Attachment 4

PLANNING ASSESSMENT REPORT (TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) - MINISTER'S APPROVAL)

Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas

OVERVIEW

Temporary Local Planning Instrument	TLPI to <i>Brisbane City Plan 2014</i> (City Plan)
Current stage in plan making process (MGR)	Chapter 3, part 2, sections 8.3 to 8.6
MGR Due Date	19 December 2017
DG Due Date	12 December 2017
Date council resolved to prepare proposed Temporary Local Planning Instrument	21 November 2017
'Pause notice'	n/a
Recommendation	That you approve TLPI 03/17 (proposed TLPI) and Brisbane City Council's request for an early effective date of 21 November 2017

PURPOSE AND RELEVANT PROVISIONS

This report assesses the compliance of the proposed TLPI with the legislative requirements for making or amending a local planning instrument.

Under section 23 of the *Planning Act 2016* (the Planning Act) the preparation of a TLPI is required to follow the process prescribed in the *Minister's Guidelines and Rules* (MGR).

BACKGROUND

A TLPI may be used to advance the purpose of the Planning Act by protecting a planning scheme area from adverse impacts. A TLPI is utilised by a local government to address a situation that needs to be attended to urgently to avoid harm and provide statutory protection for particular matters.

Under section 23 of the Planning Act, a local government may make a TLPI if you and the local government decide that there is a significant risk, the delay in amending the planning scheme would increase the risk and the state interests would not be adversely affected by the proposed TLPI.

On 21 November 2017, the Brisbane City Council (the council) resolved under the Planning Act to make a TLPI to protect civic spaces and iconic vistas.

On 21 November 2017, the council provided a copy of the proposed TLPI 03/17 to you for consideration and your approval for the TLPI to take effect on the day the council resolved to make the TLPI (21 November 2017). You are now required to consider and advise the council how to proceed.

PROPOSED TEMPORARY LOCAL PLANNING INSTRUMENT DETAILS

The proposed TLPI 03/17 would apply to the following properties:

- 266 George Street, Brisbane – lot 12 on SP192709 (commonly known as Reddacliff Place)
- 270 Queen Street, Brisbane – lot 1 RP127671 (commonly known as Post Office Square)
- 261 Queen Street, Brisbane – lot 33 RP48556 (commonly known as Brisbane General Post Office)

The properties to which the proposed TLPI 03/17 applies are prominent civic spaces (Reddacliff Place and Post Office Square) or form an iconic vista (Brisbane General Post Office) and:

- these values could be adversely impacted by forthcoming development proposals which were not envisaged by City Plan
- these values have limited protection under City Plan
- cultural and social significance of these spaces and vistas are at risk due to development pressures
- there is an overwhelming public interest in protecting these features of the Brisbane city centre.

City Plan seeks to protect Brisbane's identity and the council is currently preparing an amendment to City Plan to provide additional protections to these civic spaces and iconic vistas. The scheme amendment would not be effective in sufficient time to protect the civic space and iconic vista values from imminent development proposals. The proposed TLPI will provide temporary protection while City Plan is amended

The proposed TLPI 03/17 provides for impact assessment of any use, excluding Market or Park, against assessment benchmarks that seek to maintain identified civic spaces in the CBD, and to protect an identified iconic vista.

TLPI 03/17 will not apply to prescribed accepted development as defined in Table 5.3.4.1 – Prescribed accepted development of City Plan.

ASSESSMENT

Chapter 3, part 2, section 8.3 requires the Minister to decide if TLPI 03/17 satisfies section 23(1) of the Planning Act.

Required material

The council has provided sufficient information and details supporting the formulation and effect of the proposed TLPI 03/17.

Compliance with s23(1)(a) – there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area;

The council is concerned that there is a significant risk of serious adverse cultural or social conditions affecting key civic spaces and the iconic vista. Adoption of the proposed TLPI 03/17 mitigates this risk.

Assessment: The department is satisfied that the proposed TLPI 03/17 is needed to continue to protect the cultural, environmental and social significance of the identified properties prior to a planning scheme amendment being in place. Without the proposed TLPI 03/17, there is a risk that the values of the key civic spaces and the iconic vista could be compromised. Further, there are no alternative planning protections which could provide immediate protection for these properties and associated values.

Compliance with s23(1)(b) – the delay involved in using the process in sections 18 to 20 to make or amend another local planning instrument would increase the risk

The council believes that the delay involved in using the amendment processes under sections 18 and 20, neither of which allow for immediate effect, would increase the risk of serious cultural and social harm. TLPI 03/17 is proposed to ensure appropriate consideration of civic space and iconic vista values for the identified properties for any development proposals over the subject sites. The council is currently preparing an amendment to its City Plan protect significant civic spaces and iconic vistas. The proposed TLPI 03/17 will be in place for two years to allow council to progress a planning scheme amendment following the required steps in the MGR.

Assessment: The department has assessed council's request under section 23(1)(b) to prepare the TLPI and considers the material provided meets the legislative requirements. The department considers that any delays to applying the protections under the proposed TLPI 03/17 would unnecessarily risk significant impacts to cultural values including heritage and character, and social expectations and practices in relation to public open space in the CBD.

Compliance with s23(1)(c) – the making of the TLPI would not adversely affect State interests

The council has considered the TLPI 03/17 against the entirety of the State Planning Policy (SPP) and determined that the state interests would not be adversely affected by the proposed TLPI 03/17. As the proposed TLPI 03/17 protects cultural and social values of the area it assists with state interest integration.

Assessment: The department has undertaken an assessment of the proposed TLPI 03/17 and considers that the proposed TLPI 03/17 supports the cultural heritage state interest and would not adversely impact any other state interests including the transport infrastructure state interest particularly in relation to proximity to significant transport infrastructure at the Reddacliff site.

Comments from state agencies

The department has confirmed that none of the properties in the proposed TLPI 03/17 are owned by the state.

Due to the nature of the TLPI 03/17 and its localised effect, no additional consultation was undertaken. It is anticipated that state agencies will be supportive of the proposed TLPI 03/17 as it does not adversely affect state interests.

An earlier effective date

Section 9(4)(b) of the Planning Act provides that with your agreement in writing, the effective day for the making of a TLPI is day the local government, at a public meeting, resolved to give the TLPI and the request for an earlier effective day, to you for approval.

The council, at a public meeting held on the 21 November 2017, resolved to give the TLPI and the request for an earlier effective day to you for your approval. It is noted that the Planning Act and MGR do not specify any additional requirements which you must consider in determining whether you should grant an early effective date. Due to the risk to cultural heritage values and social conditions affecting identified key public spaces, it is recommended that you approve the council's request for an early effective date.

CONCLUSION

It is the department's view that the TLPI 03/17 meets legislative and statutory requirements. The department therefore recommends that TLPI 03/17 be approved for adoption with an effective date of 21 November 2017.

RTI RELEASE - DSDMIP

Stephen Smith

From: Dominique Gallagher
Sent: Thursday, 14 December 2017 5:24 PM
To: Megan Bayntun; Karen Kenny; Stephen Smith
Subject: TLPI media

FYI – Quest news – neutral reporting on the day the TLPI was submitted
<http://www.couriermail.com.au/questnews/brisbane-cbd-tower-plans-put-reddacliff-place-at-risk/news-story/c89136dd00475b602b68fa95aa8f6736>

Dominique Gallagher
Manager
Policy and Statutory Planning
Department of Infrastructure, Local Government and Planning
Level 13, 1 William St Brisbane QLD 4000
p. 07 3452 7888 | e. Dominique.Gallagher@dilgp.qld.gov.au

RTI RELEASE - DSDMIP

BRIEFING NOTE

FROM	Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning		
FOR	Deputy Premier, Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships		
SUBJECT	Request to provide copies of the documents listed in your Statement of Reasons - material to which you had regard in forming your decision about Temporary Local Planning Instrument 03/17 – Civic spaces and iconic vistas		
Contact Officer	Megan Bayntun, Policy and Statutory Planning, 3452 6822	Reference No.	MC18/1
Approval Required	15/01/2018	Reason	Priority response
Approved by		Approved by	

PURPOSE

- To advise you of a request addressed to you and dated 26 December 2017 from Allens Linklaters, acting for Brisbane Square Pty Ltd, to provide copies of the documents listed in your Statement of Reasons as the material to which you had regard in forming your decision about Temporary Local Planning Instrument (TLPI 03/17) – Civic spaces and iconic vistas (**Attachment 1**).

BACKGROUND

- On 21 November 2017, the Brisbane City Council (the council) resolved to make TLPI 03/17- Civic spaces and iconic vistas, with an earlier effective day.
- On 22 November 2017, the then Department of Infrastructure, Local Government and Planning (DILGP) provided a brief and assessment report for your consideration in relation to the council's request for approval.
- On 22 November 2017, you decided that the requirements of the *Planning Act 2016* (Planning Act) were met and wrote to the council approving its request on 22 November 2017.
- By letter dated 30 November 2017, Allens Linklaters, acting for Brisbane Square Pty Ltd, requested a statement of reasons under section 32 of the *Judicial Review Act 1991*.
- By letter dated 20 December 2017, you wrote to Allens Linklaters, providing your statement of reasons in relation to your decision to approve the TLPI 03/17 with an earlier effective day.

ISSUES

- The letter referred to in paragraph 1 above asked for copies of the following documents to be provided:
 - ministerial briefing note (Ref: MBN17/1569)
 - letter from Councillor Julian Simmonds, Chairman for City Planning, requesting approval to make TLPI 03/17 with an earlier effective day
 - the council decision concerning TLPI 03/17 dated 21 November 2017
 - Planning Assessment Report prepared by DILGP
 - draft letter to Councillor Simmonds notifying of your decision.

Sch. 3(7) - Legal professional privilege

8.



9.

- 10. On 3 January 2018, the department's Right to Information and Privacy Unit received a request from Brisbane Square Pty Ltd under the RTI Act requesting all documents relevant to the TLPI 03/17, including any communication with the council.
- 11. The proposed attached letter to Allens Linklater notes that an access application under the RTI Act has been made by their client, Brisbane Square Pty Ltd, and that you consider this to be the appropriate mechanism for dealing with the request.

RECOMMENDATION

- 12. **Sign** the attached letter to Allens Linklaters (**Attachment 3**).

13.

Sch. 3(7) - Legal professional privilege



Toni Power
Acting Director-General / /

Approved Not approved Noted

Comments

HON. JACKIE TRAD MP
Deputy Premier, Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships

Zarndra Piper

From: Stephen Smith
Sent: Tuesday, 9 January 2018 10:48 AM
To: Zarndra Piper
Subject: FW: TLPI 03/17 - Civic Spaces and Iconic Vistas

-----Original Message-----

From: Kerry Doss
Sent: Thursday, 23 November 2017 3:48 PM
To: Tim Fell <Tim.Fell@dilgp.qld.gov.au>
Subject: RE: TLPI 03/17 - Civic Spaces and Iconic Vistas

Thanks Tim

Can you let me know when the letter has gone to BCC and could you also send me a copy.

regards

KD

Kerry Doss

Deputy Director-General
Planning Group

Department of Infrastructure, Local Government and Planning Level 13, 1 William Street, Brisbane QLD 4000 p. 07 3452 7909 | m [Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing personal information] e. Kerry.Doss@dilgp.qld.gov.au Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

-----Original Message-----

From: Tim Fell
Sent: Thursday, 23 November 2017 3:47 PM
To: Kerry Doss <Kerry.Doss@dilgp.qld.gov.au>, Teresa Luck <Teresa.Luck@dilgp.qld.gov.au>
Subject: FW: TLPI 03/17 - Civic Spaces and Iconic Vistas

FYI

Tim Fell
Director

Office of the Director-General

Department of Infrastructure, Local Government and Planning Level 39, 1 William Street Brisbane QLD 4000 p. 07 3452 6827 | m [Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing personal information] e. tim.fell@dilgp.qld.gov.au Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

-----Original Message-----

From: Matt Collins [mailto:Matt.Collins@ministerial.qld.gov.au]
Sent: Thursday, 23 November 2017 3:46 PM
To: Tim Fell <Tim.Fell@dilgp.qld.gov.au>; Davina Suttie <Davina.Suttie@dilgp.qld.gov.au>; Frankie Carroll <Frankie.Carroll@dilgp.qld.gov.au>
Subject: FW: TLPI 03/17 - Civic Spaces and Iconic Vistas

Please progress TLPI and not email below confirming opposition agreement.

Thanks
Matt

-----Original Message-----

From: Mansfield Electorate Office [mailto:MANSFIELD@parliament.qld.gov.au]
Sent: Thursday, 23 November 2017 7:49 AM
To: Matt Collins <Matt.Collins@ministerial.qld.gov.au>
Cc: Gerard Benedet <Gerard.Benedet@opposition.qld.gov.au>
Subject: TLPI 03/17 - Civic Spaces and Iconic Vistas

Matt

Thanks for your email of yesterday.

The Opposition has no objection to the Deputy Premier proceeding with the adoption of the TLPI and confirming BCC's proposed commencement date.

Regards

Ian

Ian Walker MP

Member for Mansfield
Shadow Attorney-General & Shadow Minister for Justice Shadow Minister for Planning

12 Mt Gravatt-Capalaba Road, Upper Mount Gravatt QLD 4122 <x-apple-data-detectors://14/0>

P: 07 3414 3100 <tel:07%203414%203100> E:

mansfield@parliament.qld.gov.au <mailto:mansfield@parliament.qld.gov.au>

W:

<https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Flinkprotect.cudasvc.com%2Furl%3Fa%3Dhttps%3A%2F%2Fianwalkermp.com.au%26c%3DE%2C1%2C0MBlQbTGZW-MstMB3vFFe3a8XEeugkvOKZYh55RJ9QC4iKfxCzYSDcKDIUGsQj85hXh8EutE6yLsbnsM1KsGoM9aWsNxUcD62Qtghf8gFFRNwQc%2C%26typo%3D1&data=01%7C01%7Ctim.fell%40dilgp.qld.gov.au%7Ca03f4be97eb346e7615308d532357084%7C7db2bee6535c4748bf78c30733511bcd%7C0&sdata=zwsZ1B7rpoE%2BDxDIOoU%2FAO7%2FZys%2BAwZc600y5OaEga8%3D&reserved=0>

<https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ianwalkermp.com.au%2F%26c%3DE%2C1%2Cnm7FfBP4R47c-rCsSICfX98E1wkckijRankEb1yD8T2QQTB9nbYQkmJlaP5SnodJ7pZoqk2kkWSfX9yV30pfDUa3sH-rVrxsNaxLRPsKeTXCgA%2C%2C%26typo%3D1&data=01%7C01%7Ctim.fell%40dilgp.qld.gov.au%7Ca03f4be97eb346e7615308d532357084%7C7db2bee6535c4748bf78c30733511bcd%7C0&sdata=Df0RsQgmtrCNu%2BKRhtbR1%2BwDcy40Ai%2FkLJ6yYbhQiFk%3D&reserved=0>

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https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.twitter.com%2FlanWalker_MP&data=01%7C01%7Ctim.fell%40dilgp.qld.gov.au%7Ca03f4be97eb346e7615308d532357084%7C7db2bee6535c4748bf78c30733511bcd%7C0&sdata=jOWg90gyrZqC13gH9A5sCUlni%2FB26wFaooj9pOeNuq4%3D&reserved=0

https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FlanWalker_MP&data=01%7C01%7Ctim.fell%40dilgp.qld.gov.au%7Ca03f4be97eb346e7615308d532357084%7C7db2bee6535c4748bf78c30733511bcd%7C0&sdata=jOWg90gyrZqC13gH9A5sCUlni%2FB26wFaooj9pOeNuq4%3D&reserved=0

https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FlanWalker_MP&data=01%7C01%7Ctim.fell%40dilgp.qld.gov.au%7Ca03f4be97eb346e7615308d532357084%7C7db2bee6535c4748bf78c30733511bcd%7C0&sdata=jOWg90gyrZqC13gH9A5sCUlni%2FB26wFaooj9pOeNuq4%3D&reserved=0

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