

# Statutory guideline 04/14

## Making and amending local planning instruments

A procedural and best practice guideline of the process for

- making or amending a planning scheme
- making or amending a planning scheme policy
- making a temporary local planning instrument

under the *Sustainable Planning Act 2009*

**9 October 2014**

**The Department of State Development, Infrastructure and Planning is responsible for driving the economic development of Queensland.**

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# 1. About this guideline

## 1.1 The purpose of this guideline

This guideline has been prepared by the Minister for State Development, Infrastructure and Planning under section 117(1) of the *Sustainable Planning Act 2009* (SPA). This guideline sets out the minimum requirements which must be followed by a local government for making or amending a local planning instrument, in accordance with section 117(1) of the SPA.

This guideline also outlines the participation of state agencies in the process of a local government making or amending a local planning instrument.

This guideline also describes the process that the Minister must follow if acting under Chapter 3, Part 6 of the SPA, which sets out the powers of the state in relation to local planning instruments.

## 1.2 Abbreviations

Schedule 1 provides a list of abbreviations used within this guideline.

## 1.3 Definitions—the dictionary

The dictionary in Schedule 2 defines particular words used in this guideline. Other terms used in this guideline have the meaning given in the SPA.

## 1.4 Objectives and outcomes of this guideline

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

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

- to advance the purpose of the SPA
- in a timely manner, therefore retaining currency and relevance once adopted
- using resources efficiently and effectively
- in consultation with state agencies and the public, where required.

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## 1.5 How to use this guideline

This guideline prescribes the processes a local government must follow for:

- making or amending a planning scheme (including designating land for community infrastructure)
- making or amending a planning scheme policy (PSP)
- making a temporary local planning instrument (TLPI).

This guideline describes the stages in which state agencies participate during the process for making or amending a local planning instrument.

This guideline also prescribes the processes the Minister must follow for:

- taking action under section 128 of the SPA if a local government does not comply with a direction about a local planning instrument
- taking action under section 129 of the SPA about a local planning instrument without a direction being given to a local government.

This guideline contains mandatory requirements which must be followed when making or amending a local planning instrument. Editor's notes are provided at the end of this guideline to give guidance about how the mandatory requirements may be achieved. While the editor's notes are not mandatory, complying with the editor's notes will assist in achieving the objectives and outcomes of this guideline. It is important to note that the Minister has the power to excuse a local government from undertaking certain minimum actions, in particular circumstances. These exclusions have been built within the steps of the process and the local government is to provide sufficient justification for certain steps and actions to be considered by the Minister for exclusion.

A local government may use additional processes beyond the mandatory requirements of this guideline in developing their local planning instruments, provided any additional processes do not conflict with this guideline.

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

This guideline is the relevant version for making or amending a local planning instrument regardless of if the process was commenced or progressed under a previous version of the guideline. Generally, if the process is partially completed under a previous version, the process continues from the relevant step or stage of this guideline, unless otherwise stated.

In Sections 2.4A.1 and Section 2.4B.1 of this guideline, a reference to a planning scheme or LGIP also includes an amendment to a planning scheme or LGIP, unless otherwise stated. Similarly in Section 3.3.2 a reference to a PSP includes an amendment to a PSP, unless otherwise stated.

Furthermore, within certain steps of the process, the sub-steps are either all applicable for the stated process or alternative sub-steps are provided where the process may vary. These alternative sub-steps are either indicated by specifically stating the process to which they relate, or shown with the same sub-step number value (e.g. 1.1) but with a letter included (e.g. 1A.1 and 1B.1). In these circumstances, only the relevant sub-step is required to be followed for the relevant process.

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Where lists are used in this guideline the use of the term “..., and” on the second last listed point is taken to mean all of the items in the list apply. The use of the term “..., or” on the second last listed point is taken to mean any of the items in the list apply.

## **1.6 Local government infrastructure plans**

Where making or amending a planning scheme involves making or amending a local government infrastructure plan (LGIP), this guideline should be read together with the guideline prescribed under section 117(2) of the SPA.

### **1.6.1 Transitional Provisions for PIPs that were in the process of being drafted prior to 4 July 2014**

In relation to LGIPs, the SPA includes transitional provisions that apply where a local government has, prior to 4 July 2014, started the process under former section 627 of SPA to prepare a priority infrastructure plan (or PIP). These provisions allow local governments to choose to continue to prepare a PIP under SPA as it was prior to 4 July 2014. Immediately prior to 4 July 2014, the following guidelines were prescribed for the purposes of section 627 of SPA:

- the previous Statutory Guideline 01/11 - Priority infrastructure plans, dated 7 November 2011; and
- the previous Statutory Guideline 01/14 - Making and amending local planning instruments, dated 17 April 2014.

To be clear, this process will not result in an LGIP that complies with the requirements of Section 982(3) of SPA.

### **1.6.2 Transitional arrangements until 30 June 2016 – application of ‘transitional interim LGIP amendments’ to a PIP that became an LGIP**

In relation to a PIP that became an LGIP in accordance with section 976A(4) or section 982(1) of SPA, a local government may choose to follow the ‘transitional interim LGIP amendment’ process as provided for under Part B, Section 2.4B of this guideline.

To be clear, this process will not result in an LGIP that complies with the requirements of Section 982(3) of SPA.

### **1.6.3 1 July 2016 LGIPs**

Under the SPA provisions, local governments that wish to levy infrastructure charges or impose conditions about trunk infrastructure from 1 July 2016, will not be able to do so unless their planning scheme includes an LGIP which was in place by 30 June 2016. Also, the LGIP must comply with the requirements of the latest statutory guideline for LGIPs which commenced after 3 July 2014.

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## 2. Making and amending a planning scheme

### 2.1 What is a planning scheme?

In accordance with section 84 of SPA, a local government may make a planning scheme for its planning scheme area. A planning scheme is a local planning instrument that provides for development to be planned and undertaken in a strategic way encompassing the entire local government area. It is an effective tool at the local level to achieve the purpose of the SPA. A planning scheme takes a strategic view of an area and incorporates site provisions, such as zones and codes, to manage growth and change in the local government area.

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

A planning scheme is required to be reviewed periodically under the SPA to ensure that it responds appropriately to changes at a local, regional and state level. In accordance with section 91 of SPA, the local government must complete a review of its planning scheme within 10 years after it was originally made or within 10 years after the completion of a previous review. Also, each local government must complete a review of any LGIP included in its planning scheme (an LGIP review) within—

- (a) 5 years after the LGIP was included in the planning scheme; and
- (b) each subsequent 5-year period after completing the review under paragraph (a).

A planning scheme can be amended from time to time to improve the way it functions, bring it into line with changed circumstances in the local government area or to make it consistent with new state policy.

In accordance with section 24AA of the *Acts Interpretation Act 1954*, a power to make an instrument includes a power to amend the instrument and amendments are to be done in the same way and subject to the same conditions, as making the instrument.

### 2.2 Making or amending a planning scheme

The following section has been structured into two parts, part A and part B. Part A is for making or amending a planning scheme. Any reference to a planning scheme in part A does not include the LGIP component.

Part B is for making or amending a planning scheme to make or amend an LGIP.

For the following sections unless otherwise stated:

- a reference to a planning scheme or LGIP includes making or amending a planning scheme or LGIP, and



- ‘a planning scheme’ refers to a planning scheme made under either the repealed *Integrated Planning Act 1997* (IPA) or the SPA.

## 2.2.1 Summary of applicable steps

The table below summarises the applicable steps for making a planning scheme or LGIP and each type of planning scheme or LGIP amendment.

Applicable part	Process	Applicable steps
Part A	Planning scheme	1, 2, 3, 4, 5, 6, 7, 8, 9
	Major amendment	1, 2, 3, 4, 5, 6, 7, 8, 9
	Minor amendment	1, 3, 4, 9
	Administrative amendment	1, 3, 4, 9
	Rezoning of government land amendment	1, 3, 4, 9
Part B	LGIP amendment	1, 2, 3, 4, 5, 6, 7, 8
	Interim LGIP amendment	1, 2, 3, 5, 6, 8
	LGIP administrative amendment	1, 2, 3, 8

### 2.2.1A Modification of steps for de-amalgamating local governments

This section applies if a **continuing local government** proposes to make a planning scheme before the **changeover day**.

- (1) The continuing local government may, at any time before the planning scheme is made, include in the planning scheme an IPA planning scheme for that part of the local government area that will become the **new local government area**, without having to repeat any of the steps under Sections 2.4A.1 or 2.4B.1 of this guideline.
- (2) If the proposed planning scheme is not adopted before the changeover day, the process in this guideline does not stop.

## PART A – Making or amending a planning scheme

### 2.3A Types of planning scheme amendments

For the purposes of this guideline, amendments to a planning scheme are categorised into one of the following four types:

- rezoning of government land amendment
- administrative amendment
- minor amendment, or

- major amendment.

### 2.3A.1 Rezoning of government land amendment

A **rezoning of government land amendment** to a planning scheme is an amendment undertaken in accordance with a Ministerial direction or request (made under chapter 3, part 6 of the SPA) relating to government owned land.

### 2.3A.2 Administrative amendment

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

- (a) an amendment that the local government is satisfied corrects or changes:
  - (i) an explanatory matter about the planning scheme
  - (ii) the format or presentation of the planning scheme
  - (iii) a spelling, grammatical or mapping error in the planning scheme that does not materially affect the remainder of the planning scheme
  - (iv) a factual matter incorrectly stated in the planning scheme
  - (v) a redundant or outdated term in the planning scheme
  - (vi) inconsistent numbering of provisions in the planning scheme, or
  - (vii) cross-references in the planning scheme
- (b) an amendment that removes provisions in a planning scheme which have been declared by a regulation made pursuant to the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (SEQ Water Act) to have no effect for the assessment of a development application in the SEQ Region (see sections 78A and 102 of the SEQ Water Act), or
- (c) an amendment to:
  - (i) reflect an amendment to the mandatory, non-mandatory or optional components of the standard planning scheme provisions (SPSP) used in the planning scheme  
*Example for paragraph (c)(i)—an amendment to reflect an updated use definition of the SPSP that is already reflected (in its previous form) in a local government planning scheme or to reflect a change made to SPSP if able to be included verbatim.*
  - (ii) include a statement that a referral agency has devolved or delegated a referral agency jurisdiction to a local government, as provided for in section 2.3 of the SPSP, or
  - (iii) include a statement that a regional plan or state planning policy (SPP) is appropriately integrated, in whole or in part, in the planning scheme, if the Minister has advised the local government that the planning scheme appropriately reflects the regional plan or SPP.

### 2.3A.3 Minor amendment

A **minor amendment** to a planning scheme is an amendment that the local government is satisfied:

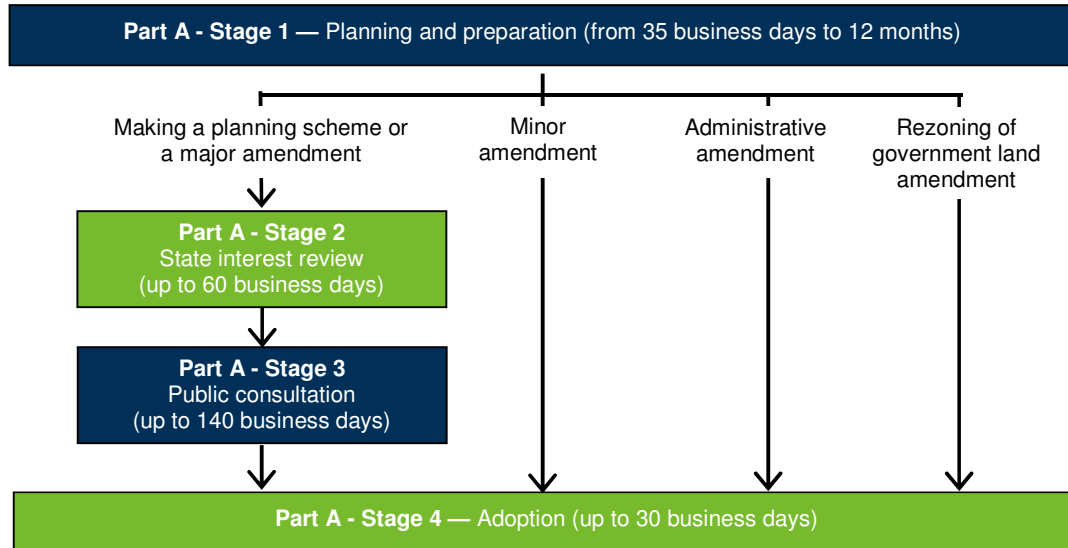
- 
- (a) reflects a current development approval, a master plan for a declared master planned area, or an approved development plan under the *South Bank Corporation Act 1989*, or an approval under other legislation
  - (b) incorporates a structure plan for a declared master planned area, if the local government's declared master planned area has a structure plan for the area, in accordance with section 761A(2)(a) of the SPA
  - (c) includes a PSP prepared in accordance with section 114 of the SPA
  - (d) is a change to a SPSP compliant planning scheme that is directly responding to a SPP
  - (e) reflects a change that is directly responding to a state planning regulatory provision (SPRP) or a regional plan for a designated region that applies in the local government area
  - (f) reflects changes to the planning scheme in response to a Ministerial direction if in the local government's opinion, the subject matter of those changes involved adequate public consultation
  - (g) has involved adequate consultation with the public and the state
  - (h) reflects a change to a natural hazard overlay that if amended using the major amendment process, the delay would significantly increase the risk to people and/or property
  - (i) includes, under section 86 of the SPA, a statement in the planning scheme that a development control plan (DCP) applies to the part of the planning scheme area to which the DCP applies
  - (j) if the local government is a continuing local government or a new local government under the Local Government (De-amalgamation Implementation) Regulation 2013 (LGDIR) and the planning scheme does not include an IPA planning scheme for the new local government area:
    - (i) is a change to the title of the planning scheme
    - (ii) is a change to the planning scheme to identify the name or local government area of the new local government or the continuing local government, or
    - (iii) removes content that only applies to land outside the local government area of the continuing or new local government, or
  - (k) is otherwise of a minor nature (not including zoning changes).

#### **2.3A.4 Major amendment**

A **major amendment** to a planning scheme is an amendment that is not a rezoning of government land amendment, an administrative amendment or a minor amendment.

## 2.4A Process for making or amending a planning scheme

**Figure 1 Process for making or amending (major, minor, administrative and rezoning of government land) a planning scheme**



Section 2.4A.1 describes the process (Figure 1) for making or amending a planning scheme. It applies to:

- making a planning scheme
- making a major amendment to a planning scheme
- making a minor amendment to a planning scheme
- making an administrative amendment to a planning scheme, and
- making a rezoning of government land amendment to a planning scheme.

A more detailed flow diagram of the process for making or amending a planning scheme is located at Schedules 3 and 4 of this guideline.

### 2.4A.1 Stages and steps for making or amending a planning scheme

#### Stage 1 — Planning and preparation

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

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Planning scheme</li> <li>• Major amendment</li> <li>• Minor amendment</li> </ul>	<b>1.1</b> The local government must <i>decide</i> to make a planning scheme.	Start of process

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
	<ul style="list-style-type: none"> <li>Administrative amendment</li> </ul>		
	<ul style="list-style-type: none"> <li>Rezoning of government land amendment</li> </ul>	<p><b>1.2</b> The local government:</p> <p>(a) agrees to a request from the Minister to rezone government land, or</p> <p>(b) is directed by the Minister to rezone government land.</p> <p><b>1.3</b> The local government must decide to make a planning scheme.</p>	
	<ul style="list-style-type: none"> <li>Planning scheme</li> <li>Major amendment</li> </ul>	<p><b>1.4</b> The local government must advise the Minister as soon as possible after deciding to make a planning scheme by providing:</p> <p>(a) a written statement advising of the decision</p> <p>(b) if a major amendment – a written statement about the nature and details of the amendment, and</p> <p>(c) a statement of the state interests expressed in a regional plan or SPP the local government considers relevant and how these may be integrated within the proposed planning scheme, or</p> <p>(d) a written statement, including justification, requesting the Minister excuse compliance with Steps 1.4(c) and 2A.1.</p>	
	<ul style="list-style-type: none"> <li>Minor amendment</li> </ul>	<p><b>1.5</b> If a minor amendment under subsection 2.3A.3(k) the local government must, as soon as possible after deciding, advise the Minister of the reasons why it is considered a minor amendment.</p>	

## Step 2. Minister confirms state interests and matters to be addressed

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>Planning scheme</li> <li>Major amendment</li> </ul>	<p><b>2A.1</b> After receiving the written statement and statement of state interests under Step 1.4(c) the Minister must:</p> <p>(a) consider the local government's statement of the relevant state interests expressed in a regional plan or SPP</p> <p>(b) consult with relevant state agencies if the Minister considers it appropriate, and</p> <p>(c) write to the local government confirming the statement of state interests or advising of inclusions or exclusions to the statement, or</p> <p><b>2B.1</b> After receiving the written statement under</p>	20 business days

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>Step 1.4(d) the Minister must consider the local government's justification for exclusion of Steps 1.4(c) and 2A.1, and:</p> <p>(a) if the Minister considers sufficient justification has been provided - write to the local government advising it may proceed to Step 3.1, or</p> <p>(b) if the Minister considers insufficient justification has been provided - write to the local government requiring the local government to go back to Step 1.4(c).</p>	

### Step 3. Local government prepares a proposed planning scheme

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Planning scheme</li> <li>• Major amendment</li> <li>• Minor amendment</li> <li>• Administrative amendment</li> <li>• Rezoning of government land amendment</li> </ul>	<p><b>3.1</b> The local government must prepare a proposed planning scheme.</p> <p><b>3.2</b> The local government must consult with relevant state agencies while preparing the proposed planning scheme. (This step is not mandatory for a minor, administrative or rezoning of government land amendment.)</p>	<p>12 months (planning scheme)</p> <p>or</p> <p>6 months (major amendment)</p> <p>or</p> <p>35 business days (minor or administrative amendment)</p> <p>or</p> <p>the number of days advised in the Minister's request or direction (rezoning of government land amendment)</p> <p>(Step 3 is able to run concurrently with Step 2)</p>

### Step 4. Local government progresses a proposed planning scheme

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Planning scheme</li> </ul>	<p><b>4.1</b> After preparing the proposed planning scheme, the local government must:</p> <p>(a) write to the Minister requesting a state</p>	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
	<ul style="list-style-type: none"> <li>• Major amendment</li> </ul>	<p>interest review of the proposed planning scheme and the Minister's agreement to publicly consult the proposed planning scheme</p> <p>(b) give to the Minister an electronic copy (mandatory) and a hard copy (optional) of the proposed planning scheme to the Minister in the format identified by the Department of State Development, Infrastructure and Planning</p> <p>(c) for a planning scheme amendment - if the local government considers that it has carried out adequate consultation, give a written statement to the Minister requesting the Minister excuse compliance with Steps 6 to 8</p> <p>(d) give to the Minister:</p> <ul style="list-style-type: none"> <li>(i) a consultation report, which includes a written statement about the extent and outcomes of any consultation undertaken with state agencies and the public in preparing the proposed planning scheme</li> <li>(ii) where a proposed planning scheme, or major amendment to a planning scheme, proposes a significant change to the existing planning scheme provisions, and those changes affect a substantial numbers of properties, a written statement about the communication strategy the local government intends to implement with a view to drawing the attention of the community, or the affected part of the community, to the purpose and general effect of the proposed changes, and, if it only relates to part of the local government area, the location to which it applies</li> <li>(iii) a written statement about how the proposed planning scheme coordinates and integrates matters of state and regional interest</li> <li>(iv) a written statement addressing the relevant regional plan or SPP, including the state interests expressed in those instruments, as confirmed by the Minister under Step 2A.1, which includes: <ul style="list-style-type: none"> <li>(A) how they are integrated in the proposed planning scheme</li> <li>(B) reasons why they are not integrated in the proposed</li> </ul> </li> </ul>	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>planning scheme, and</p> <p>(C) those that are not relevant</p> <p>(v) a written statement about how the key elements of a planning scheme mentioned in section 88 of the SPA have been addressed, and</p> <p>(vi) any background studies or reports that informed the preparation of the proposed planning scheme.</p>	
	<ul style="list-style-type: none"> <li>• Minor amendment</li> <li>• Administrative amendment</li> <li>• Rezoning of government land amendment</li> </ul>	<p><b>4.2</b> After preparing the proposed minor, administrative or rezoning of government land amendment, the local government may proceed to Step 9.</p>	



## Stage 2 — State interest review

### Step 5. Minister considers proposed planning scheme and decides how to proceed

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>• Planning scheme</li> <li>• Major amendment</li> </ul>	<p><b>5.1</b> After receiving information under Step 4.1 the Minister must:</p> <ul style="list-style-type: none"> <li>(a) if the Minister considers sufficient information has been provided - proceed to Step 5.2, or</li> <li>(b) if the Minister considers insufficient information has been provided - write to the local government seeking more information and requiring the local government to go back to Step 3 and repeat the process.</li> </ul> <p><b>5.2</b> The Minister must consider the following during the <b>state interest review</b>:</p> <ul style="list-style-type: none"> <li>(a) whether the proposed planning scheme advances the purpose of the SPA</li> <li>(b) whether the key elements of a planning scheme mentioned in section 88 of the SPA are addressed</li> <li>(c) whether the proposed planning scheme is consistent with the SPSP, where relevant</li> <li>(d) whether any relevant regional plan or SPP, including the state interests expressed in these instruments, are appropriately integrated in the proposed planning scheme, and</li> <li>(e) whether any proposed communication strategy required under Step 4.1(d)(ii) is adequate having regard to the nature of the proposed changes to the planning scheme.</li> </ul> <p><b>5.3</b> After carrying out the state interest review, the Minister must write to the local government advising it may:</p> <ul style="list-style-type: none"> <li>(a) publicly consult on the proposed planning scheme and proceed to Step 6</li> <li>(b) publicly consult on the proposed planning scheme subject to conditions and proceed to Step 6</li> <li>(c) proceed to Step 9, with or without conditions, if: <ul style="list-style-type: none"> <li>(i) a request was made under Step 4.1(c)</li> <li>(ii) the Minister is satisfied: <ul style="list-style-type: none"> <li>(A) the proposed planning scheme amendment advances the purpose of the SPA, addresses</li> </ul> </li> </ul> </li> </ul>	40 business days for state agency consideration plus 20 business days for Minister's consideration

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>the key elements of a planning scheme, is consistent with the SPSP (where relevant) and integrates any relevant regional plan or SPP, including the state interests expressed in those instruments, and</p> <p>(B) adequate consultation has been carried out and the state interest review did not result in significant changes, or</p> <p>(d) not proceed with the proposed planning scheme.</p> <p><b>5.4</b> If the Minister advises the local government under Step 5.3(a), 5.3(b) or 5.3(c), the Minister must also advise the local government whether the Minister is satisfied any relevant regional plan or SPP, or parts of those instruments, have been appropriately integrated in the planning scheme.</p> <p><b>5.5</b> If the Minister advises the local government it may not proceed with the proposed planning scheme, but the local government still wishes to make a planning scheme, the local government may return to Step 3.</p>	

### Stage 3 — Public consultation

#### Step 6. Local government commences public consultation of a proposed planning scheme

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>Planning scheme</li> <li>Major amendment</li> </ul>	<p><b>6.1</b> Before publicly consulting on the proposed planning scheme the local government must comply with any condition imposed by the Minister under Step 5.3(b).</p> <p><b>6.2</b> The local government must carry out public consultation about the proposed planning scheme, including in accordance any proposed communication strategy required under Step 4.1(d)(ii), for a period (<b>consultation period</b>) of at least 30 business days.</p> <p><b>6.3</b> The local government must notify the public that the proposed planning scheme is available for public consultation by, at a minimum, placing a notice in a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <p>(a) the name of the local government</p> <p>(b) the title of the proposed planning</p>	45 business days (incorporating a 30 business day consultation period)

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>scheme</p> <p>(c) for a proposed major amendment:</p> <p>(i) the purpose and general effect of the amendment, and</p> <p>(ii) the location details of the area where it applies, if it only relates to part of the local government area</p> <p>(d) where the proposed planning scheme is available for inspection and purchase</p> <p>(e) that written submissions about any aspect of the proposed planning scheme may be made to the local government by any person</p> <p>(f) the consultation period during which a submission may be made</p> <p>(g) the requirements for making a properly made submission</p> <p>(h) a contact telephone number for information about the proposed planning scheme, and</p> <p>(i) a proposed communication strategy is required to be implemented by the local government in certain circumstances. The absence of a communication strategy does not mean that the proposed planning scheme or amendment will not result in adverse effects upon individual members of the public. It remains the responsibility of the public to satisfy themselves as to the effect of the proposed planning scheme or amendment.</p> <p><b>6.4</b> During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed planning scheme available for inspection and purchase.</p> <p><b>6.5</b> The notice and proposed planning scheme must also be available for download on the local government's website.</p>	

**Step 7. Local government reviews submissions and decides how to proceed with the proposed planning scheme**

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>Planning scheme</li> <li>Major amendment</li> </ul>	<p><b>7.1</b> The local government must consider every properly made submission about the proposed planning scheme.</p> <p><b>7.2</b> After considering the submissions, the local government:</p>	55 business days (planning scheme) or

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(a) may make changes to the proposed planning scheme to:</p> <ul style="list-style-type: none"> <li>(i) address issues raised in a properly made submission</li> <li>(ii) amend a drafting error, or</li> <li>(iii) address new or changed planning circumstances or information</li> </ul> <p>(b) must ensure any changes continue to appropriately integrate any relevant regional plan or SPP, including the state interests expressed in those instruments, as confirmed by the Minister under Step 2A.1, and</p> <p>(c) must advise each person in writing who made a properly made submission about how the local government has dealt with their submission.</p> <p><b>7.3</b> If the local government changes the proposed planning scheme and the changes result in the proposed planning scheme being significantly different to the version released for public consultation, the local government must go back to Step 6 and repeat the process.</p> <p><b>7.4</b> Despite Step 7.3, public consultation may be limited to those aspects of the proposed planning scheme which have significantly changed.</p> <p><b>7.5</b> After complying with Steps 7.1 to 7.4, where relevant, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) proceed with the proposed planning scheme with no change</li> <li>(b) proceed with the proposed planning scheme with changes if it reasonably believes the changes do not result in the proposed planning scheme being significantly different to the version released for public consultation, or</li> <li>(c) not proceed with the proposed planning scheme.</li> </ul> <p><b>7.6</b> If proceeding with the proposed planning scheme, the local government must write to the Minister seeking approval to adopt the proposed planning scheme and proceed to Step 9.</p> <p><b>7.7</b> If proceeding with the proposed planning scheme with changes under Step 7.5(b), the written notice given to the Minister under Step 7.6 must include:</p> <ul style="list-style-type: none"> <li>(a) a summary of matters raised in the properly made submissions and how the local government dealt with the matters</li> <li>(b) identification of any changes to the</li> </ul>	45 business days (major amendment)

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>proposed planning scheme that relate to any relevant regional plan or SPP as confirmed by the Minister under Step 2A.1</p> <p>(c) information about whether the local government considers the changes to the proposed planning scheme affect a state interest</p> <p>(d) an electronic copy of the proposed planning scheme (and a hard copy if requested by the Minister) that clearly identifies the changes that have been made to the proposed planning scheme since the state interest review, and</p> <p>(e) confirmation that the local government does not believe the proposed planning scheme is significantly different from a version which has undertaken public consultation and that additional public consultation under Step 7.3 has been undertaken, if applicable.</p>	

#### Step 8. Minister advises on the next stage of the process

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>Planning scheme</li> <li>Major amendment</li> </ul>	<p><b>8.1</b> If the Minister receives written notice under Step 7.6, the Minister must consider if:</p> <p>(a) conditions imposed under Step 5.3(b) have been:</p> <p>(i) appropriately complied with—proceed to Step 8.2, or</p> <p>(ii) not appropriately complied with or only complied with in part—the Minister may, at the Minister’s discretion, having regard to the purpose of SPA, the SPSP and any relevant regional plan or SPP, including a state interest expressed in those instruments, write to the local government advising the conditions that need to be complied with and the steps which need to be repeated</p> <p>(b) the version is:</p> <p>(i) not significantly different to a version which has undertaken public consultation—proceed to Step 8.2, or</p> <p>(ii) significantly different to a version which has undertaken public consultation:</p>	40 business days

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(A) write to the local government advising it is considered to be significantly different, and</p> <p>(B) go back to Step 6 and repeat the process</p> <p>(c) sufficient information:</p> <p>(i) has been provided—proceed to Step 8.2, or</p> <p>(ii) has not been provided, the Minister must write to the local government advising more information is required and advise the local government to go back to Step 7 and repeat the process, and</p> <p>(d) the proposed planning scheme:</p> <p>(i) achieves the purpose of the SPA, and addresses the key elements of a planning scheme mentioned in section 88 of the SPA, and is consistent with the SPSP (where relevant), and appropriately integrates any relevant regional plan or SPP, and does not adversely affect a state interest—proceed to Step 8.2, or</p> <p>(ii) does not achieve the purpose of the SPA, or does not address the key elements of a planning scheme, or is not consistent with the SPSP (where relevant), or does not appropriately integrate any relevant regional plan or SPP, or adversely affects a state interest—the Minister may, at the Minister’s discretion, write to the local government advising the matters that need to be addressed and the steps which need to be repeated.</p> <p><b>8.2</b> After receiving written notice under Step 7.6, the Minister must consider the information supplied and write to the local government advising it may:</p> <p>(a) adopt the proposed planning scheme and proceed to Step 9:</p> <p>(i) with conditions, or</p> <p>(ii) without conditions, or</p> <p>(b) not proceed with the proposed planning scheme.</p>	

## Stage 4 — Adoption

### Step 9. Local government decides whether to adopt the proposed planning scheme

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• Planning scheme</li> <li>• Major amendment</li> </ul>	<p><b>9.1</b> After receiving advice from the Minister that it may adopt the proposed planning scheme, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed planning scheme, or</li> <li>(b) not proceed with the proposed planning scheme.</li> </ul> <p><b>9A.2</b> If the local government decides to adopt the proposed planning scheme it must:</p> <ul style="list-style-type: none"> <li>(a) comply with any conditions imposed by the Minister which must be undertaken prior to adoption</li> <li>(b) note in the planning scheme any relevant regional plan or SPP which are appropriately integrated in the proposed planning scheme, and</li> <li>(c) place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating:               <ul style="list-style-type: none"> <li>(i) the local government name</li> <li>(ii) the date the planning scheme was adopted</li> <li>(iii) the date the planning scheme commences (if different to the adoption date)</li> <li>(iv) for a planning scheme amendment only:                   <ul style="list-style-type: none"> <li>(A) the title of the amendment</li> <li>(B) if the amendment only applies to part of the planning scheme area, a description of the location of that area, and</li> <li>(C) the purpose and general effect of the amendment, and</li> </ul> </li> <li>(v) where to inspect and purchase a copy of the planning scheme, or</li> </ul> </li> </ul> <p><b>9B.2</b> If the local government decides not to proceed with the proposed planning scheme, it must place a notice in the gazette, a newspaper circulating generally in the local government's area, and on the local government's website, stating:</p> <ul style="list-style-type: none"> <li>(a) the local government name</li> <li>(b) the title of the proposed planning scheme</li> <li>(c) the decision, and</li> </ul>	30 business days

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(d) the reason for not proceeding.</p> <p><b>9.3</b> The local government must give the chief executive as soon as possible:</p> <p>(a) after adopting:</p> <p>(i) a copy of the notice under Step 9A.2(c), and</p> <p>(ii) one electronic copy of the planning scheme, including associated maps, or</p> <p>(b) after deciding not to proceed, a copy of the notice under Step 9B.2.</p>	
	<ul style="list-style-type: none"> <li>• Minor amendment</li> <li>• Administrative amendment</li> </ul>	<p><b>9.4</b> After preparing the proposed minor amendment or administrative amendment, the local government must decide to:</p> <p>(a) adopt the proposed minor amendment or administrative amendment, or</p> <p>(b) not proceed with the proposed minor amendment or administrative amendment.</p> <p><b>9A.5</b> If the local government decides to adopt the proposed minor amendment or administrative amendment, it must place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <p>(a) the local government name</p> <p>(b) the date the planning scheme amendment was adopted</p> <p>(c) the date the planning scheme amendment commences (if different to the adoption date)</p> <p>(d) the title of the amendment</p> <p>(e) if the amendment only applies to part of the planning scheme area, a description about the location of that area</p> <p>(f) the purpose and general effect of the amendment, and</p> <p>(g) where to inspect and purchase a copy of the planning scheme, or</p> <p><b>9B.5</b> If the local government decides not to proceed with the proposed minor amendment or administrative amendment, there are no further steps required to be taken by the local government.</p> <p><b>9.6</b> If the local government decides to adopt the proposed minor amendment or administrative amendment, it must give the chief executive as soon as possible after adopting the amendment:</p> <p>(a) a copy of the notice, and</p> <p>(b) one electronic copy of the planning</p>	



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
	<ul style="list-style-type: none"> <li>Rezoning of government land amendment</li> </ul>	<p>scheme, including associated maps.</p> <p><b>9.7</b> After preparing the proposed rezoning of government land amendment, the local government must decide to adopt the amendment and place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <ul style="list-style-type: none"> <li>(a) the local government name</li> <li>(b) the date the planning scheme amendment was adopted</li> <li>(c) the date the planning scheme amendment commences (if different to the adoption date)</li> <li>(d) the title of the amendment</li> <li>(e) a description of the location to which the amendment applies</li> <li>(f) the purpose and general effect of the amendment, and</li> <li>(g) where to inspect and purchase a copy of the planning scheme.</li> </ul> <p><b>9.8</b> The local government must give the chief executive as soon as possible after adopting the amendment:</p> <ul style="list-style-type: none"> <li>(a) a copy of the notice, and</li> <li>(b) one electronic copy of the planning scheme, including associated maps.</li> </ul>	

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## PART B – Making or amending a planning scheme for a local government infrastructure plan

### 2.3B Types of planning scheme amendments

For the purposes of this guideline, amendments to a planning scheme for an LGIP are categorised as, LGIP administrative amendments, LGIP amendments and interim LGIP amendments.

#### 2.3B.1 Local government infrastructure plan administrative amendment

A **local government infrastructure plan administrative amendment** (LGIP administrative amendment) to a planning scheme is an amendment that the local government is satisfied corrects or changes:

- (a) an explanatory matter about the planning scheme
- (b) the format or presentation of the planning scheme
- (c) a spelling or grammatical error in the planning scheme that does not materially affect the remainder of the planning scheme
- (d) a factual matter incorrectly stated in the planning scheme
- (e) a redundant or outdated term in the planning scheme
- (f) inconsistent numbering of provisions in the planning scheme, or
- (g) cross-references in the planning scheme.

#### 2.3B.2 Local government infrastructure plan amendment

A **local government infrastructure plan amendment** (LGIP amendment) to a planning scheme is an amendment which:

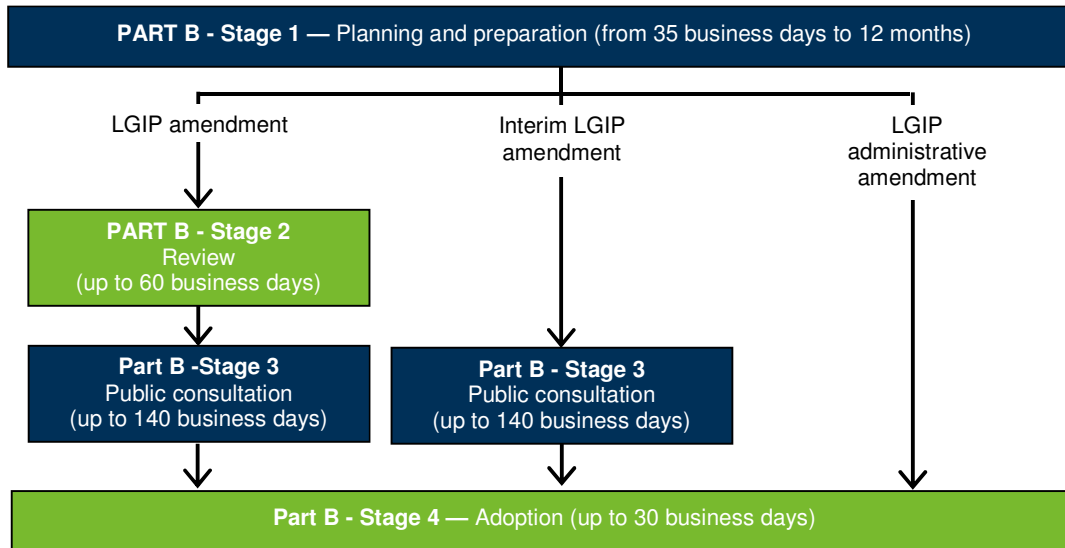
- (a) is making a new LGIP
- (b) before 1 July 2016, is an amendment required by section 982(3) of SPA to an LGIP (where the PIP became an LGIP under section 982(1) of SPA) on 4 July 2014, or section 976A(4) of SPA
- (c) is being made pursuant to a review as required under section 94A(1) of the SPA, or
- (d) removes an area from an existing priority infrastructure area.

#### 2.3B.3 Interim local government infrastructure plan amendment

An **interim local government infrastructure plan amendment** (interim LGIP amendment) to a planning scheme is an amendment which is not an LGIP administrative amendment or an LGIP amendment.

## 2.4B Process for making or amending a planning scheme for a local government infrastructure plan

**Figure 2** Process for making or amending (LGIP, interim LGIP and LGIP administrative) a planning scheme for an LGIP



Section 2.4B.1, describes the process (Figure 2) for making or amending a planning scheme in relation to an LGIP. It applies to:

- making an LGIP amendment
- making an interim LGIP amendment, and
- making an LGIP administrative amendment.

A more detailed flow diagram of the process for making or amending a planning scheme for an LGIP is located at Schedules 5, 6 and 7 of this guideline.

In relation to a PIP that became an LGIP in accordance with section 976A(4) or section 982(1) of SPA, a local government may choose to follow a **transitional interim LGIP amendment** process. Until 30 June 2016, for the purposes of a transitional interim LGIP amendment:

- a transitional interim LGIP amendment can follow the same process as for an interim LGIP amendment
- a reference under 2.4B.1 to ‘statutory guideline for LGIPs’ may be read as a reference to the previous *Statutory Guideline 01/11 – Priority infrastructure plan*, and
- the process steps outlined under 2.4B.1 apply to the extent that it is consistent with the previous *Statutory Guideline 01/11 – Priority infrastructure plan*.

## 2.4B.1 Stages and steps for making or amending a planning scheme for a local government infrastructure plan

### Stage 1 — Planning and preparation

#### Step 1. Local government proposes to make an LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• LGIP amendment</li> <li>• Interim LGIP amendment</li> <li>• LGIP administrative amendment</li> </ul>	<b>1.1</b> The local government must decide to make an LGIP.	Start of process

#### Step 2. Local government prepares a proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• LGIP amendment</li> <li>• Interim LGIP amendment</li> <li>• LGIP administrative amendment</li> </ul>	<b>2.1</b> The local government must in accordance with the statutory guideline for LGIPs: <ol style="list-style-type: none"> <li>prepare a proposed LGIP, and</li> <li>complete the checklist (not required for LGIP administrative amendment).</li> </ol>	12 months (LGIP) or 6 months (interim LGIP amendment) or
	<ul style="list-style-type: none"> <li>• LGIP amendment</li> </ul>	<b>2.2</b> Whilst preparing the LGIP the local government must consult with: <ol style="list-style-type: none"> <li>the relevant state agency about transport matters, and</li> <li>a distributor-retailer responsible for providing water and wastewater services for the area (if applicable).</li> </ol>	35 business days (LGIP administrative amendment)
	<ul style="list-style-type: none"> <li>• Interim LGIP amendment</li> </ul>	<b>2.3</b> Whilst preparing the interim LGIP amendment the local government must consult with: <ol style="list-style-type: none"> <li>the relevant state agency about transport matters only to the extent the agency may be affected by the proposed amendments, and</li> <li>a distributor-retailer responsible for providing water and wastewater services for the area (if applicable), only to the extent a distributor-retailer may be affected by the proposed amendments.</li> </ol>	

#### Step 3. Local government progresses a proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local	<ul style="list-style-type: none"> <li>• LGIP</li> </ul>	<b>3.1</b> After preparing the proposed LGIP, the local	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
government	amendment	<p>government must:</p> <ul style="list-style-type: none"> <li>(a) engage an <b>Appointed reviewer</b> to conduct a compliance check of the proposed LGIP</li> <li>(b) give to the Appointed reviewer, in accordance with the statutory guideline for LGIPs: <ul style="list-style-type: none"> <li>(i) an electronic copy of the proposed LGIP (and a hard copy if requested by the Appointed reviewer)</li> <li>(ii) the completed checklist, and</li> <li>(iii) any background studies or reports that informed the preparation of the proposed LGIP.</li> </ul> </li> </ul> <p><b>3.2</b> After receiving information under Step 3.1, the Appointed reviewer must:</p> <ul style="list-style-type: none"> <li>(a) if the Appointed reviewer considers sufficient information has been provided - proceed to Step 3.3, or</li> <li>(b) if the Appointed reviewer considers insufficient information has been provided - write to the local government seeking more information.</li> </ul> <p><b>3.3</b> During the <b>compliance check</b> the Appointed reviewer must:</p> <ul style="list-style-type: none"> <li>(a) consider whether the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs</li> <li>(b) consider whether the proposed LGIP is consistent with the SPSP, and</li> <li>(c) complete the checklist in accordance with the statutory guideline for LGIPs.</li> </ul> <p><b>3.4</b> After carrying out the compliance check, the Appointed reviewer must write to the local government providing:</p> <ul style="list-style-type: none"> <li>(a) the completed checklist, and</li> <li>(b) a written statement, signed by the Appointed reviewer: <ul style="list-style-type: none"> <li>(i) confirming that the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs, and</li> <li>(ii) identifying any outstanding issues with recommendations on how they should be addressed if the proposed LGIP does not fully comply with any matters considered in Step 3.3.</li> </ul> </li> </ul> <p><b>3.5</b> After receiving information under Step 3.4, the local government must, in accordance with</p>	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>the statutory guideline for LGIPs:</p> <p>(a) write to the Minister requesting a review of the proposed LGIP and the Minister's agreement to publicly consult the proposed LGIP, and</p> <p>(b) give to the Minister:</p> <p>(i) an electronic copy (mandatory) and a hard copy (optional) of the proposed LGIP</p> <p>(ii) the checklist completed by the Appointed reviewer</p> <p>(iii) the written statement prepared by the Appointed reviewer</p> <p>(vi) any background studies or reports that informed the preparation of the proposed LGIP, and</p> <p>(v) any supporting information as stated in the statutory guideline for LGIPs.</p>	
	<ul style="list-style-type: none"> <li>Interim LGIP amendment</li> </ul>	<p><b>3.6</b> After preparing a proposed interim LGIP amendment and completing the checklist the local government must proceed to Step 5.</p>	
	<ul style="list-style-type: none"> <li>LGIP administrative amendment</li> </ul>	<p><b>3.7</b> After preparing a proposed LGIP administrative amendment the local government must proceed to Step 8.</p>	

## Stage 2 — Review

### Step 4. Minister considers proposed LGIP and decides how to proceed

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>LGIP amendment</li> </ul>	<p><b>4.1</b> After receiving information under Step 3.5, the Minister must:</p> <p>(a) if the Minister considers sufficient information has been provided - proceed to Step 4.2, or</p> <p>(b) if the Minister considers insufficient information has been provided - write to the local government seeking more information.</p> <p><b>4.2</b> The Minister may consider the following during the <b>review</b>:</p> <p>(a) whether the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs</p> <p>(b) whether the proposed LGIP is consistent with the SPSP</p> <p>(c) the checklist completed by the local</p>	30 business days

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>government and the Appointed reviewer in accordance with the statutory guideline for LGIPs, and</p> <p>(d) the Appointed reviewer's signed written statement with recommendations.</p> <p><b>4.3</b> After carrying out the review, the Minister must write to the local government advising it may:</p> <p>(a) publicly consult on the proposed LGIP and proceed to Step 5</p> <p>(b) publicly consult on the proposed LGIP subject to conditions and proceed to Step 5, or</p> <p>(c) not proceed with the proposed LGIP.</p> <p><b>4.4</b> If the Minister advises the local government it may not proceed with the proposed LGIP, but the local government still wishes to make an LGIP, the local government may return to Step 2.</p>	

### Stage 3 — Public consultation

#### Step 5. Local government commences public consultation of a proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>LGIP amendment</li> <li>Interim LGIP amendment</li> </ul>	<p><b>5.1</b> Before publicly consulting on the proposed LGIP the local government must comply with any condition imposed by the Minister under Step 4.3(b), if applicable.</p> <p><b>5.2</b> The local government must carry out public consultation about:</p> <p>(a) the proposed LGIP amendment for a period (<b>consultation period</b>) of at least 30 business days, or</p> <p>(b) the proposed interim LGIP amendment for a period (<b>consultation period</b>) of at least 15 business days.</p> <p><b>5.3</b> The local government must notify the public that the proposed LGIP is available for public consultation by, at a minimum, placing a notice in a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <p>(a) the name of the local government</p> <p>(b) the title of the proposed LGIP</p> <p>(c) for a proposed interim LGIP amendment:</p> <p>(i) the purpose and general effect of the amendment, and</p> <p>(ii) the location details of the area where it applies, if it only relates to part of</p>	<p>45 business days (incorporating a 30 business day consultation period) (LGIP amendment)</p> <p>or</p> <p>25 business days (incorporating a 15 business day consultation period) (interim LGIP amendment)</p>

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>the local government area</p> <p>(d) where the proposed LGIP is available for inspection and purchase</p> <p>(e) that written submissions about any aspect of the proposed LGIP may be made to the local government by any person</p> <p>(f) the consultation period during which a submission may be made</p> <p>(g) the requirements for making a properly made submission, and</p> <p>(h) a contact telephone number for information about the proposed LGIP.</p> <p><b>5.4</b> During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed LGIP, completed checklist and any other documents as identified in a statutory guideline for LGIPs, available for inspection and purchase.</p> <p><b>5.5</b> The notice, proposed LGIP and completed checklist must also be available for download on the local government's website.</p>	

**Step 6. Local government reviews submissions and decides how to proceed with the proposed LGIP**

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• LGIP amendment</li> <li>• Interim LGIP amendment</li> </ul>	<p><b>6.1</b> The local government must consider every properly made submission about the proposed LGIP.</p> <p><b>6.2</b> After considering the submissions, the local government:</p> <p>(a) may make changes to the proposed LGIP to:</p> <p>(i) address issues raised in a properly made submission</p> <p>(ii) amend a drafting error, or</p> <p>(iii) address new or changed planning circumstances or information</p> <p>(b) must ensure any changes continue to appropriately comply and address any relevant requirements identified in a statutory guideline for LGIPs, and</p> <p>(c) must advise persons who made a properly made submission about how the local government has dealt with the submission.</p> <p><b>6.3</b> If the local government changes the proposed</p>	<p>55 business days (LGIP amendment)</p> <p>or</p> <p>45 business days (interim LGIP amendment)</p>



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>LGIP and the changes result in the proposed LGIP being significantly different to the version released for public consultation, the local government must go back to Step 5 and repeat the process.</p> <p><b>6.4</b> Despite Step 6.3, public consultation may be limited to those aspects of the proposed LGIP which have significantly changed.</p> <p><b>6.5</b> After complying with Steps 6.1 to 6.4, where relevant, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) proceed with the proposed LGIP with no change</li> <li>(b) proceed with the proposed LGIP with changes if it reasonably believes the changes do not result in the proposed LGIP being significantly different to the version released for public consultation, or</li> <li>(c) not proceed with the proposed LGIP, and</li> <li>(d) update the checklist in accordance with the statutory guideline for LGIPs to reflect any changes to the proposed LGIP.</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGIP amendment</li> </ul>	<p><b>6.6</b> If proceeding with the proposed LGIP, the local government must:</p> <ul style="list-style-type: none"> <li>(a) engage an Appointed reviewer to conduct a second compliance check of the proposed LGIP</li> <li>(b) give to the Appointed reviewer, in accordance with the statutory guideline for LGIPs: <ul style="list-style-type: none"> <li>(i) an electronic copy of the proposed LGIP (and a hard copy if requested by the Appointed reviewer) that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the review in Step 4</li> <li>(ii) the completed checklist</li> <li>(iii) where proceeding with changes under Step 6.5(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters</li> <li>(iv) confirmation that the local government does not believe the proposed LGIP is significantly different from a version which has undertaken public consultation and that additional public consultation under Step 6.3 has been undertaken, if applicable</li> </ul> </li> </ul>	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(v) a copy of any condition as imposed by the Minister under Step 4.3(b), if applicable, and</p> <p>(vi) any supporting information as stated in the statutory guideline for LGIPs.</p> <p><b>6.7</b> After receiving information under Step 6.6, the Appointed reviewer must:</p> <p>(a) if the Appointed reviewer considers sufficient information has been provided - proceed to Step 6.8, or</p> <p>(b) if the Appointed reviewer considers insufficient information has been provided - write to the local government seeking more information.</p> <p><b>6.8</b> During the <b><i>second compliance check</i></b> the Appointed reviewer must:</p> <p>(a) consider whether the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs</p> <p>(b) consider whether the proposed LGIP:</p> <p>(i) appropriately complies with any conditions imposed under Step 4.3(b)</p> <p>(ii) version is not significantly different to a version which has undertaken public consultation, and</p> <p>(iii) is consistent with the SPSP, and</p> <p>(c) complete the checklist in accordance with the statutory guideline for LGIPs.</p> <p><b>6.9</b> After carrying out the second compliance check, the Appointed reviewer must write to the local government providing:</p> <p>(a) the completed checklist reflecting changes to the original version of the LGIP, and</p> <p>(b) a written statement, signed by the Appointed reviewer:</p> <p>(i) confirming that the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs, and</p> <p>(ii) identifying any outstanding issues with recommendations on how they should be addressed if the proposed LGIP does not fully comply with any matters considered in Step 6.8.</p> <p><b>6.10</b> After receiving information under Step 6.9, the local government must, in accordance with the statutory guideline for LGIPs:</p>	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(a) write to the Minister seeking approval to adopt the proposed LGIP and proceed to Step 8, and</p> <p>(b) give to the Minister:</p> <p>(i) an electronic copy (mandatory) and a hard copy (optional) of the proposed LGIP, that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the review in Step 4</p> <p>(ii) the checklist completed by the Appointed reviewer</p> <p>(iii) the written statement prepared by the Appointed reviewer</p> <p>(iv) where proceeding with changes under Step 6.5(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters</p> <p>(v) confirmation that the local government does not believe the proposed LGIP is significantly different from a version which has undertaken public consultation and that additional public consultation under Step 6.3 has been undertaken, if applicable, and</p> <p>(vi) any supporting information as stated in the statutory guideline for LGIPs.</p>	
	<ul style="list-style-type: none"> <li>Interim LGIP amendment</li> </ul>	<p><b>6.11</b> If proceeding with the proposed interim LGIP amendment, the local government must proceed to Step 8.</p>	

### Step 7. Minister advises on the next stage of the process

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>LGIP amendment</li> </ul>	<p><b>7.1</b> If the Minister receives written notice under Step 6.10, the Minister must consider if:</p> <p>(a) conditions imposed under Step 4.3(b) have been:</p> <p>(i) appropriately complied with—proceed to Step 7.2, or</p> <p>(ii) not appropriately complied with or only complied with in part—the Minister may, at the Minister’s discretion, having regard to the SPSP or the requirements outlined in a statutory guideline for LGIPs, write to the local government advising the conditions that need to be complied with and the steps</p>	20 business days

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>which need to be repeated</p> <ul style="list-style-type: none"> <li>(b) the version is: <ul style="list-style-type: none"> <li>(i) not significantly different to a version which has undertaken public consultation—proceed to Step 7.2, or</li> <li>(ii) significantly different to a version which has undertaken public consultation: <ul style="list-style-type: none"> <li>(A) write to the local government advising it is considered to be significantly different, and</li> <li>(B) go back to Step 5 and repeat the process</li> </ul> </li> </ul> </li> <li>(c) sufficient information: <ul style="list-style-type: none"> <li>(i) has been provided—proceed to Step 7.2, or</li> <li>(ii) has not been provided, the Minister must write to the local government advising more information is required, and</li> </ul> </li> <li>(d) the proposed LGIP: <ul style="list-style-type: none"> <li>(i) is consistent with the SPSP (where relevant and appropriately reflects the requirements outlined in a statutory guideline for LGIPs,—proceed to Step 7.2, or</li> <li>(ii) is not consistent with the SPSP (where relevant), does not appropriately reflect the requirements outlined in a statutory guideline for LGIPs—the Minister may, at the Minister’s discretion, write to the local government advising the matters that need to be addressed and the steps which need to be repeated.</li> </ul> </li> </ul> <p><b>7.2</b> After receiving written notice under Step 7.1, the Minister must consider the information supplied and write to the local government advising it may:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed LGIP and proceed to Step 8: <ul style="list-style-type: none"> <li>(i) with conditions, or</li> <li>(ii) without conditions, or</li> </ul> </li> <li>(b) not proceed with the proposed LGIP.</li> </ul>	

## Stage 4 — Adoption

### Step 8. Local government decides whether to adopt the proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• LGIP amendment</li> <li>• Interim LGIP amendment</li> </ul>	<p><b>8.1</b> After receiving advice from the Minister that it may adopt the proposed LGIP, or after completing Step 6.11 for an interim LGIP amendment, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed LGIP, or</li> <li>(b) not proceed with the proposed LGIP.</li> </ul> <p><b>8A.2</b> If the local government decides to adopt the proposed LGIP it must:</p> <ul style="list-style-type: none"> <li>(a) comply with any conditions imposed by the Minister which must be undertaken prior to adoption, and</li> <li>(b) place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating: <ul style="list-style-type: none"> <li>(i) the local government name</li> <li>(ii) the date the LGIP was adopted</li> <li>(iii) the date the LGIP commences (if different to the adoption date), or</li> <li>(iv) for a proposed interim LGIP amendment: <ul style="list-style-type: none"> <li>(A) the title of the amendment, and</li> <li>(B) if the amendment only applies to part of the planning scheme area, a description about the location of that area,</li> <li>(C) the purpose and general effect of the amendment, and</li> </ul> </li> <li>(v) where to inspect and purchase a copy of the planning scheme.</li> </ul> </li> <li>(c) include on its website, a copy of the checklist and any other documents identified in the statutory guideline for LGIPs.</li> </ul> <p><b>8B.2</b> If the local government decides not to proceed with the proposed LGIP, it must place a notice in the gazette, a newspaper circulating generally in the local government's area, and on the local government's website, stating:</p> <ul style="list-style-type: none"> <li>(a) the local government name</li> <li>(b) the title of the proposed LGIP</li> <li>(c) the decision, and</li> <li>(d) the reason for not proceeding.</li> </ul> <p><b>8.3</b> The local government must give the chief executive as soon as possible:</p> <ul style="list-style-type: none"> <li>(a) after adopting:</li> </ul>	30 business days

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<ul style="list-style-type: none"> <li>(i) a copy of the notice under Step 8A.2(b), and</li> <li>(ii) one electronic copy of the entire planning scheme, including associated maps, or</li> </ul> <p>(b) after deciding not to proceed, a copy of the notice under Step 8B.2.</p>	
	<ul style="list-style-type: none"> <li>• LGIP administrative amendment</li> </ul>	<p><b>8.4</b> After preparing the proposed LGIP administrative amendment, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed LGIP administrative amendment, or</li> <li>(b) not proceed with the proposed LGIP administrative amendment.</li> </ul> <p><b>8A.5</b> If the local government decides to adopt the proposed LGIP administrative amendment it must</p> <ul style="list-style-type: none"> <li>(a) place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating: <ul style="list-style-type: none"> <li>(i) the local government name</li> <li>(ii) the date the LGIP was adopted</li> <li>(iii) the date the LGIP commences (if different to the adoption date)</li> <li>(iv) the title of the proposed LGIP</li> <li>(v) the purpose and general effect of the amendment</li> </ul> </li> <li>(vii) where to inspect and purchase a copy of the planning scheme, and</li> <li>(b) give the chief executive as soon as possible after adopting the amendment: <ul style="list-style-type: none"> <li>(i) a copy of the notice in the gazette, and</li> <li>(ii) one electronic copy of the entire planning scheme, including associated maps.</li> </ul> </li> </ul>	

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## 3. Making and amending a planning scheme policy

### 3.1 What is a planning scheme policy?

A PSP under the SPA is a statutory instrument that supports the local dimension of a planning scheme and local government actions for the integrated development assessment system (IDAS) and for making or amending its planning scheme.

A PSP may apply to either all or part of the planning scheme area and may only deal with limited matters as specified by section 114 of the SPA. A PSP may do one or more of the following:

- state information a local government may request for a development application
- state the consultation the local government may carry out under section 256 of the SPA
- state actions a local government may take to support the process for making or amending its planning scheme
- contain standards identified in a code, or
- include guidelines or advice about satisfying assessment criteria in the planning scheme.

### 3.2 Types of planning scheme policy amendments

For the purposes of this guideline, amendments to a PSP are categorised into one of the following three types:

- administrative amendment
- minor amendment, or
- major amendment.

#### 3.2.1 Administrative amendment

An **administrative amendment** to a PSP is an amendment that the local government is satisfied corrects or changes:

- (a) an explanatory matter about the planning scheme or PSP
- (b) the format or presentation of the PSP
- (c) a spelling, grammatical or mapping error in the PSP that does not materially affect the remainder of the PSP
- (d) a factual matter incorrectly stated in the PSP
- (e) a redundant or outdated term in the PSP
- (f) inconsistent numbering of provisions in the PSP, or

- (g) cross-references in the planning scheme or PSP.

### 3.2.2 Minor amendment

A **minor amendment** to a PSP is an amendment making a correction or change which the local government is satisfied:

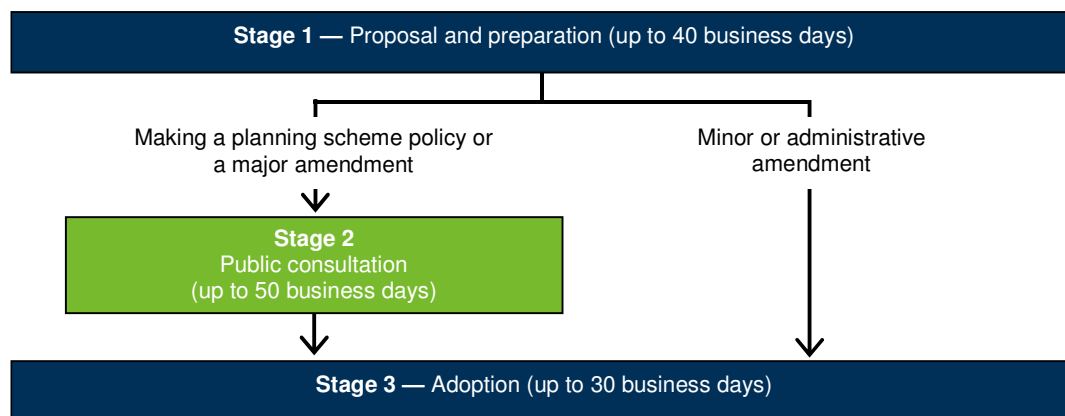
- (a) does not introduce new information, or  
(b) does not significantly change an existing policy position of the planning scheme or technical matter contained in the existing PSP.

### 3.2.3 Major amendment

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

## 3.3 Process for making or amending a planning scheme policy

**Figure 3** Process for making or amending (major, minor or administrative) a planning scheme policy



This section describes the process (Figure 3) for making or amending a PSP. It applies to:

- making a PSP
- making a major amendment to a PSP
- making a minor amendment to a PSP, and
- making an administrative amendment to a PSP.

A flow diagram of the process for making or amending a PSP is located in Schedule 8 of this guideline. In this guideline, a reference to a PSP includes making or amending a PSP, unless otherwise stated.

The process for repealing a PSP is set out in section 124 of the SPA and is not detailed within this guideline.



### 3.3.1 Summary of applicable steps

The table below summarises the applicable steps for making a PSP and each type of PSP amendment. Some of the steps listed as applicable may not be required in certain circumstances.

Process	Applicable steps
PSP	1, 2, 3, 4, 5
Major amendment	1, 2, 3, 4, 5
Minor amendment	1, 2, 5
Administrative amendment	1, 2, 5

### 3.3.2 Stages and steps for making or amending a planning scheme policy

#### Stage 1 — Proposal and preparation

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

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>PSP</li> <li>Major amendment</li> <li>Minor amendment</li> <li>Administrative amendment</li> </ul>	<b>1.1</b> The local government must decide to make a PSP.	Start of process

##### Step 2. Local government prepares and progresses a proposed planning scheme policy

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>PSP</li> <li>Major amendment</li> <li>Minor amendment</li> <li>Administrative amendment</li> </ul>	<b>2.1</b> The local government must prepare a proposed PSP. <b>2.2</b> The local government must: <ul style="list-style-type: none"> <li>(a) if making a PSP or a major amendment—prepare an explanatory statement about the proposal and proceed to Step 3, or</li> <li>(b) if making a minor or administrative amendment—proceed to Step 5.</li> </ul>	40 business days

## Stage 2 — Public consultation

### Step 3. Local government commences public consultation of a proposed planning scheme policy

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• PSP</li> <li>• Major amendment</li> </ul>	<p><b>3.1</b> The local government must carry out public consultation about the proposed PSP for a period (<b>consultation period</b>) of at least 20 business days.</p> <p><b>3.2</b> The local government must notify the public that the proposed PSP is available for public consultation by, at a minimum, placing a notice in a newspaper circulating generally in the local government's area and on the local government's website stating:</p> <ul style="list-style-type: none"> <li>(a) the name of the local government</li> <li>(b) the title of the proposed PSP</li> <li>(c) the purpose and general effect of the proposed PSP</li> <li>(d) the location details of the area where the PSP applies, if it only relates to part of the local government area</li> <li>(e) if the proposed PSP replaces an existing PSP, the title of the existing PSP</li> <li>(f) where the proposed PSP and any explanatory statement is available for inspection and purchase</li> <li>(g) that written submissions about any aspect of the proposed PSP may be made to the local government by any person</li> <li>(h) the requirements for making a properly made submission</li> <li>(i) the consultation period during which a submissions may be made, and</li> <li>(j) a contact telephone number for information about the proposed PSP.</li> </ul> <p><b>3.3</b> During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed PSP and any explanatory statement available for inspection and purchase.</p> <p><b>3.4</b> The notice and proposed PSP must also be available for download on the local government's website.</p>	30 business days (incorporating 20 business days consultation period)

**Step 4. Local government reviews submissions and decides how to proceed with the proposed planning scheme policy**

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• PSP</li> <li>• Major amendment</li> </ul>	<p><b>4.1</b> The local government must consider every properly made submission about the proposed PSP.</p> <p><b>4.2</b> After considering the submissions, the local government:</p> <ul style="list-style-type: none"> <li>(a) may make changes to the proposed PSP to:               <ul style="list-style-type: none"> <li>(i) address issues raised in a properly made submission</li> <li>(ii) amend a drafting error, or</li> <li>(iii) address new or changed planning circumstances or information</li> </ul> </li> <li>(b) must advise each person in writing who made a properly made submission about how the local government dealt with their submission, and</li> <li>(c) must give the Minister a written notice containing a summary of matters raised in the properly made submissions, and stating how the local government dealt with the matters.</li> </ul> <p><b>4.3</b> If the local government changes the proposed PSP and the change results in the proposed PSP being significantly different to the version released for public consultation, the local government must go back to Step 3 and repeat the process.</p> <p><b>4.4</b> Despite Step 4.3, the public consultation may be limited to those aspects of the proposed PSP which have changed.</p>	20 business days

**Stage 3 — Adoption**

**Step 5. Local government decides whether to adopt the proposed planning scheme policy**

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>• PSP</li> <li>• Major amendment</li> <li>• Minor amendment</li> <li>• Administrative amendment</li> </ul>	<p><b>5.1</b> After complying with all other applicable steps, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed PSP</li> <li>(b) adopt the proposed PSP with changes, or</li> <li>(c) not proceed with the proposed PSP.</li> </ul> <p><b>5A.2</b> If the local government decides to adopt the proposed PSP, it must place a notice in the</p>	

		<p>gazette, a newspaper circulating generally in the local government's area and on the local government's website stating:</p> <ul style="list-style-type: none"> <li>(a) the local government name</li> <li>(b) the title of the adopted PSP</li> <li>(c) the date the PSP commences</li> <li>(d) the purpose and general effect of the PSP</li> <li>(e) if the PSP only applies to part of a local government area, a description about the location of that area</li> <li>(f) if the proposed PSP replaced an existing PSP, the title of the existing PSP, and</li> <li>(g) where to inspect and purchase a copy of the PSP.</li> </ul> <p><b>5B.2</b> If the local government decides not to proceed with:</p> <ul style="list-style-type: none"> <li>(a) a proposed PSP or major amendment, it must place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating: <ul style="list-style-type: none"> <li>(i) the local government name</li> <li>(ii) the title of the proposed PSP</li> <li>(iii) the decision, and</li> <li>(iv) the reason for not proceeding, or</li> </ul> </li> <li>(b) a proposed minor amendment or administrative amendment, there are no further steps required to be taken by the local government.</li> </ul> <p><b>5.3</b> The local government must give the chief executive as soon as possible:</p> <ul style="list-style-type: none"> <li>(a) after adopting: <ul style="list-style-type: none"> <li>(i) a copy of the notice under Step 5A.2, and</li> <li>(ii) one electronic copy of the PSP, including associated maps, or</li> </ul> </li> <li>(b) after deciding not to proceed with a proposed PSP or major amendment, a copy of the notice under Step 5B.2(a).</li> </ul>	
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## 4. Making a temporary local planning instrument

### 4.1 What is a temporary local planning instrument?

A TLPI is a statutory instrument which assists in advancing the purpose of the SPA by protecting a planning scheme area from adverse impacts.

As prescribed by section 105 of the SPA, a TLPI can be made if the Minister is satisfied that:

- there is a significant risk of serious environmental harm, or serious adverse cultural, economic or social conditions happening in the planning scheme area
- the delay involved in using the usual planning scheme amendment process would increase the risk
- a state interest would not be adversely affected by the proposed TLPI, and
- the proposed TLPI appropriately reflects the standard planning scheme provisions.

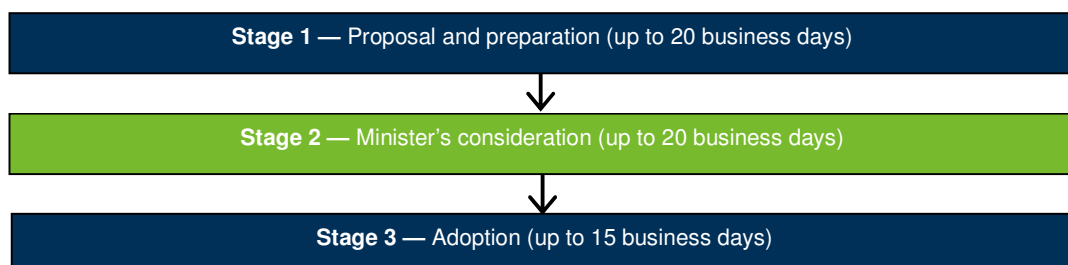
Under sections 755B and 755C of SPA respectively, a TLPI can be made to regulate a material change of use for a **party house** or to identify a **party house restriction area**, as those terms are used in the SPA.

A TLPI may suspend or otherwise affect the operation of a planning scheme for up to one year, but does not amend a planning scheme and is not a change to a planning scheme under section 104 of the SPA. Where the factors which created the need for the TLPI are expected to continue, a planning scheme amendment should be progressed and completed prior to the TLPI ceasing to have effect.

As a TLPI can be introduced quickly without public consultation to deal with certain urgent situations, there should be careful consideration by a local government of natural justice to be afforded to affected persons before a TLPI is made.

### 4.2 Process for making a temporary local planning instrument

Figure 4 Process for making a temporary local planning instrument



This section describes the process (Figure 4) for making a TLPI. A detailed flow diagram of the process for making a TLPI is located in Schedule 9 of this guideline. In this section a planning scheme refers to a planning scheme made under either the IPA or the SPA, unless otherwise stated.

## 4.2.1 Stages and steps for making a temporary local planning instrument

### Stage 1 — Proposal and preparation

#### Step 1. Local government proposes to make a temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Local government	<b>1.1</b> The local government must decide to make a TLPI.	Start of process
	<b>1.2</b> The local government must, as soon as possible, write to the Minister advising of the decision to make a TLPI.	

#### Step 2. Local government prepares a proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Local government	<b>2.1</b> The local government must prepare a proposed TLPI.	20 business days

#### Step 3. Local government progresses a proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Local government	<p><b>3.1</b> After preparing the proposed TLPI, the local government must:</p> <ul style="list-style-type: none"> <li>(a) write to the Minister requesting the Minister’s consideration of the proposed TLPI</li> <li>(b) give a written statement to the Minister about why the local government proposes to make the TLPI</li> <li>(c) if a TLPI is being made under section 105 of the SPA, give a written statement to the Minister about how the proposed TLPI complies with section 105, and</li> <li>(d) give to the Minister an electronic (mandatory) and a hard copy (optional) of the proposed TLPI.</li> </ul>	Unspecified

### Stage 2 — Minister’s consideration

#### Step 4. Minister considers a proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
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Responsible entity	Step	Performance indicator timeframe
Minister	<p><b>4.1</b> If the Minister receives written notice under Step 3.1, the Minister must consider if:</p> <ul style="list-style-type: none"> <li>(a) sufficient information has been provided - proceed to Step 4.2, or</li> <li>(b) insufficient information has been provided - the Minister must write to the local government advising more information is required and advise the local government to go back to Step 3 and repeat the process.</li> </ul> <p><b>4.2</b> If a TLPI is being made under section 105 of the SPA, the Minister must consider whether the proposed TLPI complies with section 105.</p> <p><b>4.3</b> After considering the proposed TLPI, the Minister must write to the local government advising it may:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed TLPI and proceed to Step 5: <ul style="list-style-type: none"> <li>(i) with conditions, or</li> <li>(ii) without conditions, or</li> </ul> </li> <li>(b) not proceed with the proposed TLPI.</li> </ul>	20 business days

## Stage 3 — Adoption

### Step 5. Local government decides whether to adopt the proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Local government	<p><b>5.1</b> After receiving advice from the Minister that it may adopt the proposed TLPI, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed TLPI, or</li> <li>(b) not proceed with the proposed TLPI.</li> </ul> <p><b>5A.2</b> If the local government decides to adopt the proposed TLPI, it must:</p> <ul style="list-style-type: none"> <li>(a) comply with any conditions imposed by the Minister which must be undertaken prior to adoption, and</li> <li>(b) place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website stating: <ul style="list-style-type: none"> <li>(i) the local government name</li> <li>(ii) the title of the adopted TLPI</li> <li>(iii) the date the TLPI commences</li> <li>(iv) the date the TLPI will cease to have effect</li> <li>(v) the purpose and general effect of the TLPI</li> <li>(vi) if the TLPI only applies to part of a local government area, a description about the location of that area, and</li> <li>(vii) where to inspect and purchase a copy of the TLPI.</li> </ul> </li> </ul> <p><b>5B.2</b> If the local government decides not to proceed with the proposed TLPI, it must give the Minister written notice stating:</p> <ul style="list-style-type: none"> <li>(a) the local government name</li> <li>(b) the title of the proposed TLPI</li> </ul>	15 business days

Responsible entity	Step	Performance indicator timeframe
	<ul style="list-style-type: none"> <li>(c) the decision, and</li> <li>(d) the reasons for not proceeding.</li> </ul> <p><b>5.3</b> The local government must give the chief executive as soon as possible after adopting:</p> <ul style="list-style-type: none"> <li>(a) a copy of the notice under Step 5A.2(b), and</li> <li>(b) one electronic copy of the TLPI, including associated maps.</li> </ul>	



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## 5. State powers regarding local planning instruments

### 5.1 What are the state powers?

The Minister has the power under the SPA to direct a local government to take an action in relation to a local planning instrument or a proposed local planning instrument. This includes requiring a local government to make, amend or repeal a local planning instrument following the process under Sections 2, 3 or 4 of this guideline. The Minister can also make, amend or repeal a local planning instrument in certain circumstances. The process for repealing a local planning instrument is contained in the SPA, not this guideline.

### 5.2 Minister's process for making or amending a local planning instrument

#### 5.2.1 Process if Minister takes directed action

- (1) If the local government does not comply with a Ministerial direction in relation to a local planning instrument or proposed local planning instrument, the Minister may take the action the Minister directed the local government to take. The process for the Minister to take the action is the same as the process for the local government to take the action except that:
  - (a) for Section 2, part 2.4A.1 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:
    - (i) Step 1.4
    - (ii) Step 2
    - (iii) Step 4.1
    - (iv) Steps 5.1 and 5.3
    - (v) Step 6.1
    - (vi) Steps 7.6 and 7.7
    - (vii) Step 8, and
    - (viii) Step 9A.2(a)
  - (b) for Section 2, part 2.4B.1 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:
    - (i) Step 3.5
    - (ii) Step 4.1 and 4.3
    - (iii) Step 5.1

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- (iv) Step 6.10
  - (v) Step 7, and
  - (vi) Step 8A.2(a)
- (c) for Section 3 of this guideline, Step 4.2(c) of the process for making or amending a planning scheme policy does not apply, and
- (d) for Section 4 of this guideline, the following steps of the process temporary local planning instrument do not apply:
- (i) Step 1.2
  - (ii) Step 3.1
  - (iii) Steps 4.1 and 4.4, and
  - (iv) Steps 5A.2(a), 5B.2 and 5B.3.

### **5.2.2 Process if Minister takes action without giving a direction**

- (1) If the Minister is satisfied urgent action is necessary to protect or give effect to a state interest, the Minister may make or amend a local planning instrument without giving a direction to the local government to make or amend the local planning instrument. The process for the Minister to take the action is the same as the process for the local government to take the action except that:
- (a) for Section 2, part 2.4A.1 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:
- (i) Step 1.4
  - (ii) Step 2
  - (iii) Step 4.1
  - (iv) Steps 5.1 and 5.3
  - (v) Step 6
  - (vi) Step 7
  - (vii) Step 8, and
  - (viii) Step 9A.2(a)
- (b) for Section 2, part 2.4B.1 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:
- (i) Step 3.5
  - (ii) Step 4.1 and 4.3
  - (iii) Step 5
  - (iv) Step 6
  - (v) Step 7, and
  - (vi) Step 8A.2(a)

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- (c) for Section 3 of this guideline, the following steps of the process for making or amending a planning scheme policy do not apply:
    - (i) Step 2.2
    - (ii) Step 3, and
    - (iii) Step 4
  - (d) for Section 4 of this guideline, the following steps of the process temporary local planning instrument do not apply:
    - (i) Step 1.2
    - (ii) Step 3.1
    - (iii) Steps 4.1 and 4.4, and
    - (iv) Steps 5A.2(a), 5B.2 and 5B.3.

### **5.2.3 References in the statutory guideline to local government**

- (1) If the Minister takes the action the Minister directed the local government to take or takes action without giving a direction to the local government, a reference in this guideline to:
  - (a) the local government's public office is a reference to the Department of State Development, Infrastructure and Planning's state office
  - (b) a decision or action of the local government is a reference to a decision or action of the Minister
  - (c) a local government's website is a reference to the Department of State Development, Infrastructure and Planning's website.

# Editor's notes

## Section 1 editor's notes

### Section 1.5

#### **Local government decisions for actions arising under this guideline**

Where a local government is required to make a decision for making or amending a planning scheme, planning scheme policy or TLPI under this guideline, it may delegate its power in certain circumstances. Flexibility is given to each local government to determine, in accordance with its legislative obligations and any other internal requirements, whether or not certain steps can be delegated. For example, a local government may seek to enable minor amendments and administrative amendments of its planning scheme to be undertaken without requiring a resolution if the local government desires (and has an appropriate delegation to support such an action). However, pursuant to section 92 of SPA, a local government is required to make decisions, by resolution, for actions arising from the 10 year review of its planning scheme in accordance with section 91 of SPA.

## Section 2 editor's notes

### Section 2.2.1A

#### **Applicable steps for de-amalgamated local governments making a planning scheme or amendment**

This guideline and the SPSP allow for an IPA planning scheme to be included in a proposed planning scheme, the making of which commenced prior to the changeover day. The inclusion of such content must be a direct copy from the IPA planning scheme and may only relate to the new local government area.

A continuing or new local government can continue to prepare a planning scheme that a continuing local government had started to prepare before the changeover day. The plan-making process continues in this situation. No steps in the process need to be repeated.

### PART A - Section 2.3A.2

#### **Mapping error as an administrative amendment**

A mapping error can be corrected as an administrative amendment. However this does not apply to a change to a zone or overlay unless the change corrects an error where adequate consultation for the correct information has taken place. It applies to changes to maps resulting from an administrative oversight. Examples include:

- adoption dates, notations or version numbers need to be included or corrected if incorrect
- location of infrastructure, roads or buildings need to be corrected or included if incorrect or missing.

#### **Including notes within the planning scheme**

Where a local government is required to make a note on its planning scheme under either sections 211 or 391 of the SPA, this is not an amendment of the planning scheme under this guideline. This also applies if the planning scheme contains a relevant table which can be populated with further information as appropriate under these sections of the SPA.

#### **SEQ Water Act**

The SEQ Water Act provides for a regulation to be made declaring provisions in a planning scheme to have no effect on the assessment of a development application in South East Queensland (SEQ)—which would reflect the replacement of planning scheme provisions by the provisions in a distributor-retailer's water netserv plan or in the *SEQ Design and Construction Code*. An administrative amendment would remove provisions from a planning scheme that have become redundant.

## PART A - Section 2.3A.3

### **General note on determining if an amendment is a minor amendment**

Amendments to a planning scheme may have significant planning implications and affect the wider community because they change the way land can be used or developed and change the basis for making planning decisions in the future. A significant amendment to a planning scheme should be consulted with affected parties in an appropriate way.

Deciding to undertake an amendment as a minor amendment is at the determination of the local government, however consideration needs to be given as to whether the matters being amended are minor and would be considered minor if the decision was to be made by the public or the Minister. The local government should consider whether any affected parties (including the public or state agencies) should have the opportunity to comment on proposed changes at public consultation or as part of a state interest review. If the local government has undertaken informal consultation outside the process stated in this guideline, this does not override the requirement for a state interest review if the proposed amendment may have an impact on a state interest or would otherwise have been considered major amendment.

### **Incorporating a structure plan for a declared master planned area as a minor amendment**

Where a local government is required to amend its planning scheme to incorporate a structure plan in accordance with section 761A(2)(a) of the SPA, this can be undertaken as a minor amendment. This is only applicable to a local government that has a planning scheme made under the SPA and if the declared master planned area had an adopted structure plan for the area at 22 November 2012.

If at 22 November 2012, the local government had an IPA planning scheme, the local government is required to make a new planning scheme.

### **Minor amendment related to a SPI**

For an amendment to be considered a minor amendment that is in direct response to a SPRP or regional plan, the aspect of the state planning instrument (SPI) being proposed within the planning scheme must be precise criteria that does not require the exercise of discretion (e.g. where a regional plan identifies a major regional activity centre but does not state the size or scale of the major regional activity centre, the local government cannot use a minor amendment process to amend a planning scheme to alter development assessment provisions of a major regional activity centre). A local government cannot use a minor amendment process to amend the zone of land to reflect a change to a regional plan, SPRP or SPP.

### **Minor amendment related to DCPs**

A local government may amend its planning scheme as a minor amendment to include a reference to the Development Control Plan 1 Kawana Waters, Mango Hill Infrastructure Development Control Plan or the Springfield Structure Plan if relevant to the local government's area. This change is only relevant to include a reference and the DCP is to remain separate to the planning scheme.

### **Minor amendment in response to de-amalgamation**

Where local governments have been created under the LGDIR, at changeover day the continuing local government's planning scheme becomes the planning scheme for the new local government and the continuing local government. The new local government and continuing local government can make a minor amendment to the planning scheme to reflect matters relating to the de-amalgamation.

## PART A - Section 2.4A.1

### Step 1

#### **Proposed new planning scheme**

At the commencement of the planning scheme the local government may choose to notify the public about the proposal by, for example, placing a notice in a newspaper circulating generally in the local government's area or on the local government's website. This notice would be to simply advise the public of the proposal and confirm that there would be further opportunities for their involvement in the plan making process at a later date.

### **Local government's assessment of state interests**

The early determination of which state interests, including the state interests expressed in a SPI, are to be addressed by the local government is important to ensure that these state interests are able to be appropriately integrated within the proposed planning scheme.

Regional plans and state planning policies should be integrated in a planning scheme. Planning schemes made under the SPA are also required to be consistent with the standard planning scheme provisions. A state planning regulatory provision does not need to be reflected in a planning scheme but should be considered.

### **Procedure for a rezoning of government land amendment prior to starting the process**

Under chapter 3, part 6 of the SPA, the Minister can direct a local government to amend its planning scheme, however the Minister must first give written notice to the local government of the Minister's intention to exercise the power. The local government can then make representation about the proposed direction in the timeframe stipulated in the notice. If the local government does not comply with the direction, the Minister can amend the planning scheme on the local government's behalf.

## **Step 2**

### **Confirmation of state interests, including confirmation of the state interests under a SPI**

Following receipt of the summary and assessment of state interests from the local government, the Minister will confirm the state interests relevant to making a planning scheme or major amendment of the planning scheme, including confirmation of the state interests under a SPI that are relevant to the planning scheme.

The written notice to the local government summarising the relevant SPIs, including state interests, provided to the local government is not able to be added to at the completion of Step 2A.1 unless the local government is advised in writing by the Minister of any change.

## **Step 3**

### **Role of Department of State Development, Infrastructure and Planning**

The Department of State Development, Infrastructure and Planning is the central agency responsible for coordinating state agency consultation and liaison with the local government. The Department of State Development, Infrastructure and Planning acts on behalf of the Minister under this guideline and is able to facilitate outcomes and arbitrate on conflicts where necessary.

Early engagement in the planning and preparation stage will ensure that state interest are able to be considered, and coordinated and integrated early, leading to improved outcomes.

### **State consultation**

The SPA (Chapter 3, Part 2) identifies matters which a local government must address or consider when making or amending a planning scheme. This includes the state dimension of matters.

A proposed planning scheme, specifically when making a planning scheme or a major amendment, needs to be well advanced in its development at the time it is submitted to the Minister for a state interest review. Upfront and ongoing communication and collaboration between local and state government officers is required and will ensure:

- SPIs are able to be coordinated and integrated early at the conceptual and drafting stages (particularly in the development of the strategic framework of a new planning scheme)
- issues are identified early and that local and state governments have sufficient time and scope to determine an appropriate response to the issue
- necessary studies are able to be undertaken to assist in the drafting
- a more streamlined process is achieved for making or amending a planning scheme, particularly at state interest review
- the gathering of further information from state agencies which can be included (e.g. mapping)
- greater use of available resources and less duplication

- local and state government officers are familiar with the structure, content and how matters are addressed by the proposed scheme prior to the state interest review
- collaborative relationships are built between local and state government officers, and
- support between local and state government for the planning scheme once it is adopted.

Techniques local government may use to enable valuable communication with state agencies include, but are not limited to:

- holding state agency workshops
- forming an ongoing working group which undertakes regular meetings and provides updates (the Department of State Development, Infrastructure and Planning will be able to provide relevant state agency contacts)
- establishing an agreed governance arrangement for milestones, attendance at meetings, endorsement of concepts and resolution of conflicts
- using a staff exchange program which embeds state agency officers in the local government office to assist drafting at relevant stages of the planning and preparation stage, and
- gaining awareness of the SPIs and following the development of new or amended SPIs with assistance from the Department of State Development, Infrastructure and Planning.

State agencies have a role in assisting a local government in preparing its planning scheme. That role includes assisting in the development of the strategic framework to ensure state and regional interests are appropriately coordinated and integrated. That role is in addition to the formal state interest review, where the state government reviews a local government's integration of a SPI and legislative requirements in a planning scheme.

A local government may seek endorsement of its strategic framework from the Department of State Development, Infrastructure and Planning prior to developing the other parts of its planning scheme. It is important to ensure that SPIs, including incorporated state interests, are appropriately addressed upfront and the remainder of the planning scheme will be able to appropriately reflect these where practical.

When providing preliminary advice to a local government, Department of State Development, Infrastructure and Planning, where necessary, will coordinate concise and consistent advice from state agencies on how planning issues regarding a SPI can be appropriately integrated in a proposed planning scheme at a refined local level.

#### **State consultation for minor, administrative or rezoning of government land amendments**

While Step 3.2 requires a local government to consult with relevant state agencies when making a planning scheme or planning scheme amendment, the local government only needs to consult should it be beneficial or helpful for a minor, administrative or rezoning of government land amendment. This step serves to encourage discussions between state agencies and local governments, but is not mandatory, particularly if it would be onerous for the state agencies to consider the proposed amendments.

#### **Public and stakeholder consultation**

The local government may choose to undertake public and stakeholder consultation (in addition to the mandatory consultation later in the process) when developing a new planning scheme or making an amendment, particularly a major amendment to a planning scheme.

There are many benefits to having early consultation with the public and stakeholders when preparing planning schemes, such as:

- early identification of issues
- early identification of community values, and
- greater community ownership of the planning scheme during preparation and once it is adopted.

Although minimum timeframes are required by the SPA for the public consultation stage, local governments have flexibility to choose suitable consultative processes and the length of time consultation occurs during other stages of the process.

Some examples of alternative consultation methods which may be of use include:

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

## Step 4

### Information required by the Minister

It is important to ensure matters which the Minister will consider when making decisions regarding the proposed planning scheme are clearly articulated by the local government so as to facilitate a timely and efficient assessment process.

In particular for a major amendment, the information provided should clearly identify, usually in a 'track change' or 'yellow highlight' version:

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

For a proposed planning scheme where a consultation report is required, this report should as a minimum identify and detail any discussions with state agencies and the public, including any issues raised and the outcomes reached.

For a proposed planning scheme where a written statement is required about how the proposed planning scheme integrates relevant SPIs, the local government are to provide in detail:

- evidence of how and where the relevant SPI has been integrated, including section references and description of how the matter has been integrated, and
- any analysis or reporting required by the SPI, including where relevant, the methodology used.

The local government and the Minister must be satisfied that the proposed planning scheme addresses the key elements of a planning scheme specified in section 88 of the SPA.

Department of State Development, Infrastructure and Planning, and where relevant, state agencies, will review the local government's written statement and are required to provide a written statement to the Minister articulating whether or not the proposed planning scheme appropriately integrates its relevant SPIs.

If the local government considers it has undertaken adequate consultation and is seeking the Minister's approval to excuse steps and progress straight to Step 9 following completion of Step 5, the Minister must be satisfied:

- the copy submitted for state interest review was not substantially different from the copy released for informal public consultation, and
- if changes are required as a response to the state interest review, that they are not significant enough to justify public consultation.

It is therefore recommended that consultation is initiated early on in the preparation stage between the local government and state agencies to ensure minimal changes are made in response to the state interest review. This enables the local government to be excused from certain steps, to complete the process and to progress to adoption expeditiously.

If a state interest review is required, the local government may be required to supply multiple copies of information to the Minister for distribution to state agencies involved in the state interest review. Prior to sending their proposed planning scheme to the Minister for consideration the local government should contact its regional contact from the Department of State Development, Infrastructure and Planning to confirm the information requirements for the state interest review.



If there is inadequate information provided or insufficient copies of the information for the Minister to assess the proposed planning scheme for state interest review, the Minister may notify the local government that further information is required, and may delay commencement of the state interest review, until satisfied that all required information is provided.

## Step 5

<b>Performance indicator timeframes for state agency consideration</b>		
<b>Actions performed for a state interest review</b>	<b>Responsible entity</b>	<b>Performance indicator timeframe</b> (40 business days for state agencies to consider the proposed planning scheme)
Action 1 Receive the proposed planning scheme.	Minister	5 business days
Action 2 State agencies review and provide comments on the proposed planning scheme to the Minister.	State agency	15 business days
Action 3 Collate state agency comments (whole-of-government response) and send to local government.	Minister	5 business days
Action 4 Local government reviews, addresses and responds to whole-of-government response.	Local government	Clock stops
Action 5 Review and resolve outstanding issues with state agency and local government.	Minister	15 business days <sup>1</sup>
Action 6 Once resolved, Minister to consider whether the planning scheme advances the purpose of the SPA, whether the key elements are addressed, whether it is consistent with the SPSP (where relevant), whether any relevant regional plan or SPP are appropriately integrated, including the state interests expressed in these instruments.	Minister	20 business days <sup>2</sup>
<sup>1</sup> The performance indicator timeframe stops each time the whole-of-government response is returned to the local government for its review and response.		
<sup>2</sup> This performance indicator timeframe is excluded from the state agency consideration timeframes.		

### **State interest review**

The state interest review enables the Minister to review a proposed planning scheme to consider whether the purpose of the SPA is adequately addressed, whether relevant SPIs are appropriately integrated. The local government and the Minister must be satisfied that the proposed planning scheme addresses the key elements of a planning scheme specified in section 88 of the SPA. These elements are considered as part of the state interest review, where required.

The purpose of providing a thorough breakdown of the performance indicator timeframe is to ensure that the state interest review is carried out in a timely and efficient manner.

The performance indicator timeframes are considered quite short, however this process relies on liaison between local and state government commencing during the planning and preparation stage of the proposed planning scheme. As such, prior to commencement of the state interest review, each relevant state agency and the local government should have a high level of understanding of how the purpose of the SPA is achieved, how state planning instruments have been integrated in the proposed planning scheme and of any potential or outstanding issues.

The Department of State Development, Infrastructure and Planning plays a lead role in the state agency coordination within this guideline. In the state interest review process, officers of the Department of State Development, Infrastructure and Planning are required to facilitate and coordinate discussions between a state agency and the local government regarding matters of interest to the state in the review period. The Department of State Development, Infrastructure and Planning will also be the lead agency in coordinating, filtering and consolidating the responses from state agencies and to deliver the consolidated state

response to local government. State agencies should also liaise directly with other state agencies to coordinate responses and avoid duplication or conflicting advice where possible.

It is recommended that the local government provides a complete 'track changes' or 'yellow highlight' version for the proposed planning scheme following any changes agreed to as part of the state interest review. This assists in completing the state interest review in a timely and efficient manner whilst maintaining clarity and transparency of the changes made through the process.

## Step 6

### **The consultation period**

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

Public consultation announces that the local government is seeking views and information from the community on the proposed planning scheme. A public notice in a newspaper circulating generally in the local government's area and on the local government's website is the minimum requirement for public consultation. Local governments are encouraged to develop and extend their public consultation efforts to maximise opportunity for proactively engaging with the community.

## Step 7

### **Changes to a proposed planning scheme and if it is significantly different**

It is reasonably expected that some changes can be made to the proposed planning scheme through the local government's assessment of public submissions and additional matters outlined under Step 7.2, and that those changes may affect some individuals and stakeholders.

However, the public consultation stage also requires the public to have an opportunity to provide comment on proposals which may affect their land use rights.

If changes have been made to the proposed planning scheme that has been released for public consultation, the local government must determine whether those changes result in the proposed planning scheme being significantly different to the proposed planning scheme that was released for public consultation.

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

Although it will depend on the individual circumstances of the proposed planning scheme for determining whether it is significantly different for the purposes of Step 7.3, the local government should consider the change in terms of its intent, extent and effect on both the land use outcomes as well as assessment requirements on individuals. In making the determination, the local government should consider if the change has affected or altered:

- a material planning issue, such as a policy position
- a significant proportion of the area or land owners covered by the proposed planning scheme
- a matter which is of widespread public interest throughout the local government area and would be likely to generate multiple public submissions
- the level of assessment, or
- the proposed planning scheme so that it is quite different to that which was released for public consultation.

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

If the local government considers the proposed planning scheme is significantly different to the version released for public consultation, it must undertake additional public consultation. Step 7.4 provides that

local government may undertake a targeted consultation process involving only those matters which have significantly changed.

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

#### **Consideration of submissions relating specifically to land owners**

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

Also, if a submission about the zoning of a particular lot is made by a person other than the registered owner of that lot, before considering the submission, the local government may write to the registered owner of the lot about which a submission was made, advising of the submission. The local government may also give the registered owner an opportunity to respond to the local government, within a specified timeframe, on the matter(s) raised in the submission. After considering the submission(s) the local government may advise each owner of the relevant lot(s) how it has dealt with the submission(s).

#### **Information required by the Minister**

The local government should provide well drafted and clearly articulated documents addressing any changes or processes which have been undertaken as part of Step 7.

Providing information in a 'track changed' or 'yellow highlight' version will help facilitate faster assessment and consideration by the Minister. Insufficient or unclear documentation is likely to delay the process, and the Minister may need to request further information from the local government to undertake this assessment. The information provided should clearly identify:

- the differences in the proposed planning scheme since state interest review
- why changes have occurred, and
- what issue the changes respond to.

The local government may provide any additional information that it believes will assist the Minister when considering the proposed planning scheme.

#### **Minister's powers to direct local government to take action**

Section 126 of the SPA gives the Minister the ability to direct a local government to take particular action about a local planning instrument if the Minister is satisfied it is necessary to protect or give effect to a state interest or to ensure that a local planning instrument appropriately reflects the standard planning scheme provisions. If the Minister considers the preparation of the proposed planning scheme to be taking an unnecessarily long time and the currency of information relating to a SPI is at risk of being compromised due to circumstances which have changed since the state interest review or public consultation period, the Minister may write to the local government requesting the local government completes the action within a specified time.

## **Step 8**

#### **Minister's assessment of proposed planning scheme after public consultation**

Step 8 relates to determining the next stages of the process in finalising the proposed planning scheme after public consultation. Generally it is intended that a proposed planning scheme which had all issues resolved at the state interest review and has not changed significantly from the public consultation version may proceed, with the Minister's approval, to the adoption stage.

The process for making or amending a planning scheme requires early and ongoing liaison between local and state governments. As such, it is intended that SPIs will have been raised early in the planning and preparation stage and resolved prior to the end of the state interest review.

In some instances new SPIs (see box below) or new policy positions regarding matters of state importance may commence following the finalisation of the state interest review. In these instances the Minister will advise on the step(s) required, or provide conditions to address the matter.

#### **New SPIs**

SPIs are developed by the state and have the potential to be amended or developed during the drafting of proposed planning schemes. Effective and ongoing liaison between local and state governments may provide scope for draft SPI matters to be dealt with in a proposed planning scheme.

However, given the potential for changes during the finalisation of draft SPIs, local government may not be in a position to adequately consider how its proposed planning scheme integrates the draft SPI.

The Minister may consider whether any SPIs have come into effect after the state interest review, when advising on the next stage of the process or if conditions are to be imposed. These considerations may include:

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

### **Step 9**

#### **Copies of the planning scheme to the Chief Executive**

The local government's Chief Executive Officer certifies the planning scheme to be a true and correct copy. This can be undertaken by including a signed and dated statement as per the following, or similar to the following. "I certify that this is a true and correct copy of the <insert planning scheme name> as adopted by Council at its meeting held on <insert date> and implemented on <insert date>."

The Department of State Development, Infrastructure and Planning no longer requires a certified hard copy for adopted local planning instruments. A complete electronic copy of the whole planning scheme must be provided with the inclusion of all maps. The electronic copy must be clearly labelled and must have a certification page within the files provided (preferred) or attached with the cover letter.

Any mapping which is prepared as part of a planning scheme or amendment must be provided in the format specified by the SPSP.

Where the local government uses a replacement pages system when updating its planning scheme to reflect amendments, the electronic copy of the planning scheme as required under Step 9A.4 or Step 9B.4 must include a complete copy of the planning scheme, not just the replacement pages. The replacement pages may be submitted as an additional electronic file to clearly explain what is being removed and replaced, but this is at the discretion of the local government.

## **PART B**

#### **Further information on LGIPs**

Please refer to the statutory guideline for LGIPs for more information on matters relating to LGIPs and LGIP preparation and drafting. Statutory guidelines are available for viewing and download from the Department of State Development, Infrastructure and Planning's website.

### **PART B - Section 2.3B.2**

#### **Amendments pursuant to section 982(3) regarding PIPs that became LGIPs**

The *Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014* introduced provisions that transitioned existing PIPs to LGIPs and therefore provided for a reference to an LGIP to apply to existing PIPs or PIPs that were adopted after 4 July 2014. Section 982(3) confirms that before 1 July 2016, a PIP that became an LGIP must be amended in accordance with the requirements set out in

this statutory guideline and the statutory guideline for LGIPs (first introduced on 4 July 2014). Local governments that do not intend to levy infrastructure charges or impose conditions about trunk infrastructure after 1 July 2016 need not include an LGIP in their planning scheme.

## Section 3 editor's notes

### Section 3.2.1

#### **Administrative amendments**

An amendment that is administrative in nature includes, but is not limited to, a change or correction to an explanatory matter, the format or presentation of the PSP, a spelling or grammatical error, a factual matter, a redundant or out-dated term and cross referencing with another PSP or the planning scheme.

### Section 3.3.2

#### Step 3

##### **Public consultation**

It is recommended and encouraged that the local government consults with relevant state agencies prior to and during public consultation for matters within a proposed PSP that are specifically relevant to a particular state agency (e.g. Building Codes Queensland or Department of Environment and Heritage Protection).

The consultation period seeks to engage the community in the development of the proposed PSP and provide them with the opportunity to input into its development. Public consultation ensures that a range of views and perspectives are taken into account, widening the perspective of drafters and bringing new ideas forward that may not have been considered.

The consultation period announces that the local government is seeking views and information from the community on the proposed PSP. A public notice in a newspaper circulating generally in the local government's area and on the local government's website is the minimum requirement for public consultation. Local governments are encouraged to develop and extend their public consultation efforts to maximise opportunity for proactively engaging with the community.

#### Step 5

##### **Copies of the planning scheme to the Chief Executive**

The local government's Chief Executive Officer certifies the planning scheme to be a true and correct copy. This can be undertaken by including a signed and dated statement as per the following, or similar to the following. "I certify that this is a true and correct copy of the <insert planning scheme name> as adopted by Council at its meeting held on <insert date> and implemented on <insert date>.

The Department of State Development, Infrastructure and Planning no longer requires a certified hard copy for adopted local planning instruments. A complete electronic copy of the whole planning scheme must be provided with the inclusion of all maps. The electronic copy must be clearly labelled and must have a certification page within the files provided or attached with the cover letter.

Any mapping which is prepared as part of a PSP must be provided in the format specified by the SPSP.

Where the local government uses a replacement pages system when updating its planning scheme to reflect amendments, the electronic copy of the planning scheme as required under Step 5.3 must include a complete copy of the planning scheme, not just the replacement pages. The replacement pages may be submitted as an additional electronic file to clearly explain what is being removed and replaced, but this is at the discretion of the local government.

## Section 4 editor's notes

### Section 4.2.1

#### Step 2

##### State agency consultation

As there are strict requirements which need to be met by local governments in order for a TLPI to be approved by the Minister, local governments are recommended to establish and maintain discussions with officers of the Department of State Development, Infrastructure and Planning to be provided with the relevant contacts within other state agencies to ensure the proposed TLPI is the most appropriate instrument to resolve the issue.

#### Step 3

##### Making a temporary local planning instrument

A local government may make a TLPI to regulate a material change of use for a party house under section 755B or to identify a party house restriction area under section 755C of the SPA. If a local government seeks to make a TLPI for another reason section 105 of the SPA sets out the requirements the Minister must consider when deciding if a local government can proceed. As such, a local government must provide sufficient justification and any relevant information (commensurate with the scale and scope of the identified issue) to demonstrate how the proposed TLPI complies with section 105 of the SPA.

The sufficient justification should:

- detail the significant risk(s), including the key planning considerations. Where, for example, a TLPI relates to a significant risk of serious:
  - environmental harm, a local government should provide information pertaining to loss of habitat/vegetation, degradation of biodiversity values etc
  - adverse cultural conditions, a local government should provide information pertaining to heritage places, loss of identity, indigenous issues, design provisions etc
  - adverse economic conditions, a local government should provide information pertaining to the economic/market conditions, network of centres, retail hierarchy etc, or
  - adverse social conditions, a local government should provide information pertaining to the human impacts/needs, and
- the reasons why a delay will increase the risk (why is urgency required).

Pursuant to section 106 of the SPA, a TLPI may also set out the levels of assessment for development. Where these levels of assessment are proposed to be changed, for example, from impact assessment to code assessment or self-assessable or vice versa, the local government should also provide sufficient justification clearly demonstrating the need, and how natural justice and procedural fairness has been considered.

#### Step 4

Performance indicator timeframes for Minister's consideration		
Actions performed for the Minister's consideration	Responsible entity	Performance indicator timeframe
Action 1 Receive the proposed TLPI and undertake a preliminary assessment.	Minister	5 business days
Action 2 Complete a targeted state agency review and provide comments on the proposed TLPI to the Minister.	State agency	5 business days
Action 3 Collate state agency comments (whole-of-government response) and send to local government. Local government reviews, addresses and responds to whole-of-government response where required.	Minister	5 business days <sup>1</sup>
Action 4 Review and resolve outstanding issues with state agency and local government. Once resolved, Minister to consider whether the TLPI satisfies the requirements of section 105 of the SPA, if the TLPI has been made	Minister	5 business days

<b>Performance indicator timeframes for Minister's consideration</b>		
<b>Actions performed for the Minister's consideration</b>	<b>Responsible entity</b>	<b>Performance indicator timeframe</b>
under than section.		
<sup>1</sup> The performance indicator timeframe stops each time the whole-of-government response is returned to the local government for its review and response.		

## **Step 5**

### **Copies of the planning scheme to the Chief Executive**

The local government's Chief Executive Officer certifies the TLPI to be a true and correct copy. This can be undertaken by including a signed and dated statement as per the following, or similar to the following. "I certify that this is a true and correct copy of the <insert TLPI name> as adopted by Council at its meeting held on <insert date> and implemented on <insert date>."

The Department of State Development, Infrastructure and Planning no longer requires a certified hard copy for adopted local planning instruments. A complete electronic copy of the TLPI must be provided with the inclusion of all maps. The electronic copy must be clearly labelled and must have a certification page within the files provided or attached with the cover letter.

Any mapping which is prepared as part of a TLPI must be provided in the format specified by the SPSP.

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# Schedule 1

## Abbreviations

DCP	Development control plan
IDAS	Integrated development assessment system
IPA	<i>Integrated Planning Act 1997</i>
LG	Local government
LGDIR	Local Government (De-amalgamation Implementation) Regulation 2013
LGIP	Local government infrastructure plan
PIP	Priority infrastructure plan
PSP	Planning scheme policy
SEQ Water Act	<i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i>
SPA	<i>Sustainable Planning Act 2009</i>
SPI	State planning instrument
SPP	State planning policy
SPRP	State planning regulatory provision
SPSP	Standard planning scheme provisions
TLPI	Temporary local planning instrument



## Schedule 2

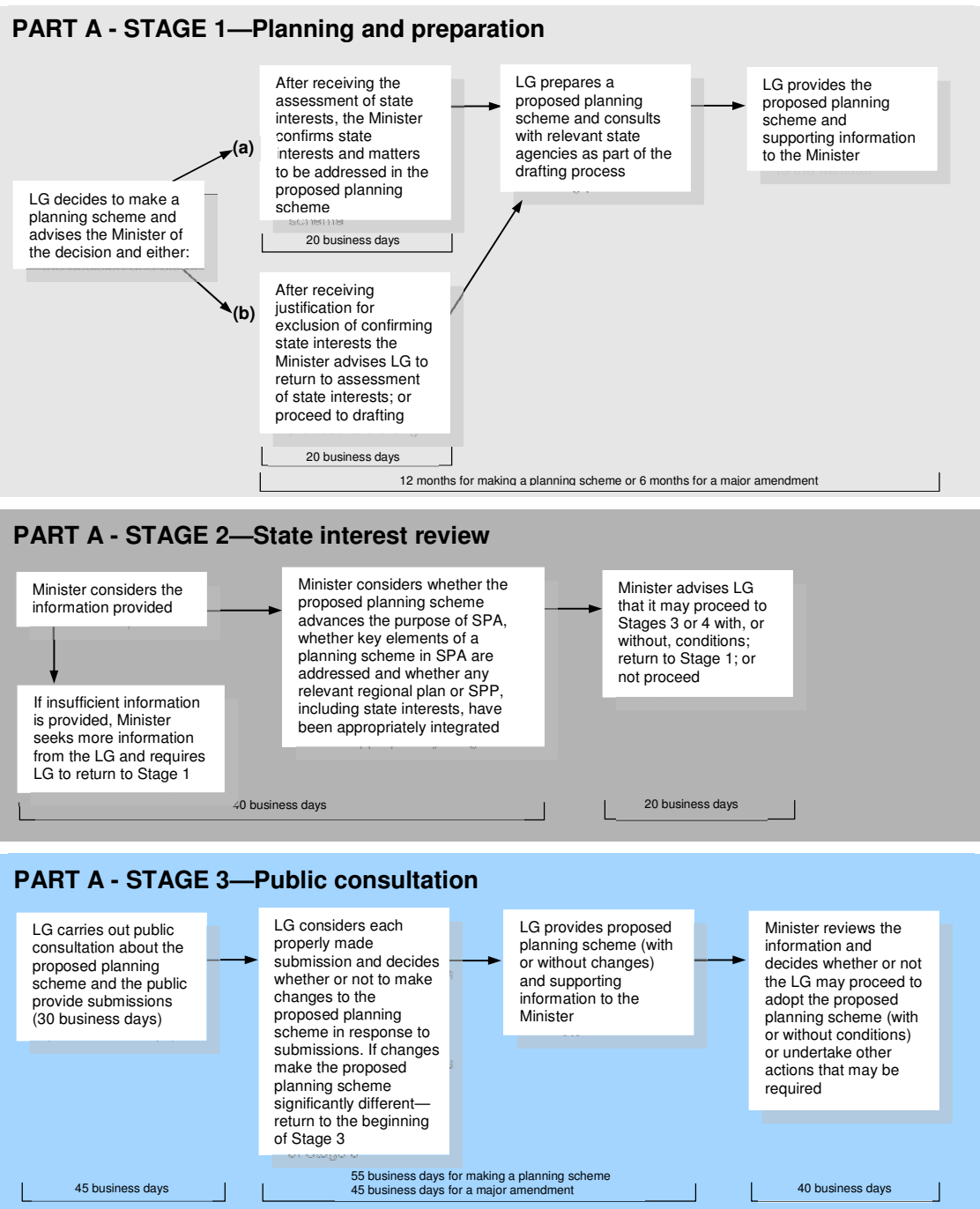
### Dictionary

Appointed reviewer	means a person or party who holds the specified qualifications and who has been appointed to the “Panel of approved LGIP reviewers” set up and maintained by the department
Changeover day	has the meaning in section 5(1) of the Local Government (De-amalgamation Implementation) Regulation 2013 Editor’s note - means 1 January 2014
Compliance check	means a review of a local government infrastructure plan carried out by an Appointed reviewer under Section 2.4B.1, Stage 1, Step 3.3 of this guideline
Continuing local government	has the meaning in section 5(1) of the Local Government (De-amalgamation Implementation) Regulation 2013 Editor’s note – means Cairns Regional Council, Rockhampton Regional Council, Sunshine Coast Regional Council or Tablelands Regional Council
Decide	means a local government is required to make a decision in relation to certain matters before proceeding to the next step of this guideline Editor’s note – a local government may delegate its power to amend its planning scheme under SPA in accordance with section 257 of the <i>Local Government Act 2009</i> and section 238 of the <i>City of Brisbane Act 2010</i> , other than where a decision is required to be made by resolution in accordance with an Act.
Government owned land	means land owned by a Public sector entity as defined by the <i>Sustainable Planning Act 2009</i>
New local government	has the meaning in section 5(1) of the Local Government (De-amalgamation Implementation) Regulation 2013 Editor’s note – means each of the following local governments that comes into existence on the changeover day—Douglas Shire Council, Livingstone Shire Council, Noosa Shire Council or Mareeba Shire Council
New local government area	has the meaning in section 5(1) of the Local Government (De-amalgamation Implementation) Regulation 2013 Editor’s note – means the local government area for the new local government that comes into existence on the changeover day
Party house	has the meaning in section 755A of the <i>Sustainable Planning Act 2009</i> Editor’s note – means premises containing a dwelling that is used to provide accommodation or facilities for guests in certain circumstances.
Party house restriction area	means the area referred to section 755C of the <i>Sustainable Planning Act 2009</i> Editor’s note – a local government may identify all or part of the planning scheme area as a party house restriction area.

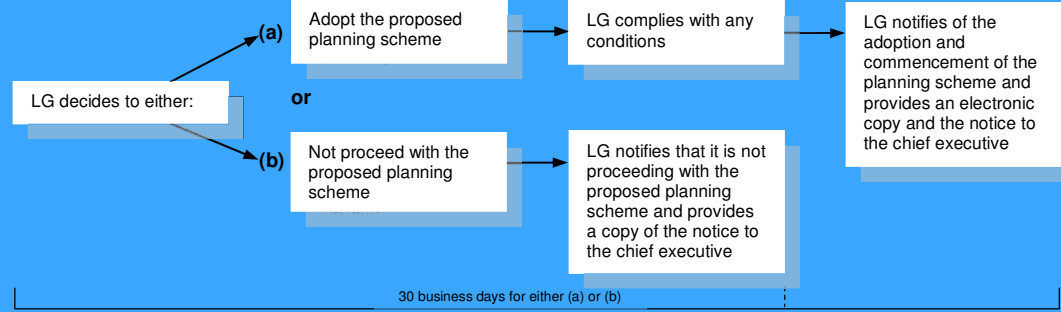
Review	means a review of a local government infrastructure plan carried out by the Minister under Section 2.4B.1, Stage 2, Step 4.2 of this guideline
Second compliance check	means a review of a local government infrastructure plan carried out by an Appointed reviewer under Section 2.4B.1, Stage 3, Step 6.8 of this guideline
Significantly different	for a proposed planning scheme: (a) does not include a change to a proposed planning scheme as a result of a new state planning instrument that has been introduced since the process started, or (b) being made by a continuing local government, does not include a change to the proposed planning scheme to include all or part of an IPA planning scheme for the part of the local government area that will become the new local government area on the changeover day
Statutory guideline for LGIPs	means since 4 July 2014, the guideline referred to in s117(2) of the <i>Sustainable Planning Act 2009</i> relating to the preparation of a local government infrastructure plan or the amendment of a local government infrastructure plan, as in force from time to time
State interest review	means a review carried out by the Minister under Section 2.4A.1, Stage 2, Step 6.2 of this guideline
Transitional LGIP amendment	Means an amendment referred to in Section 2.4B of this guideline

# Schedule 3

## Flow diagram of the process for making a planning scheme or major amendment



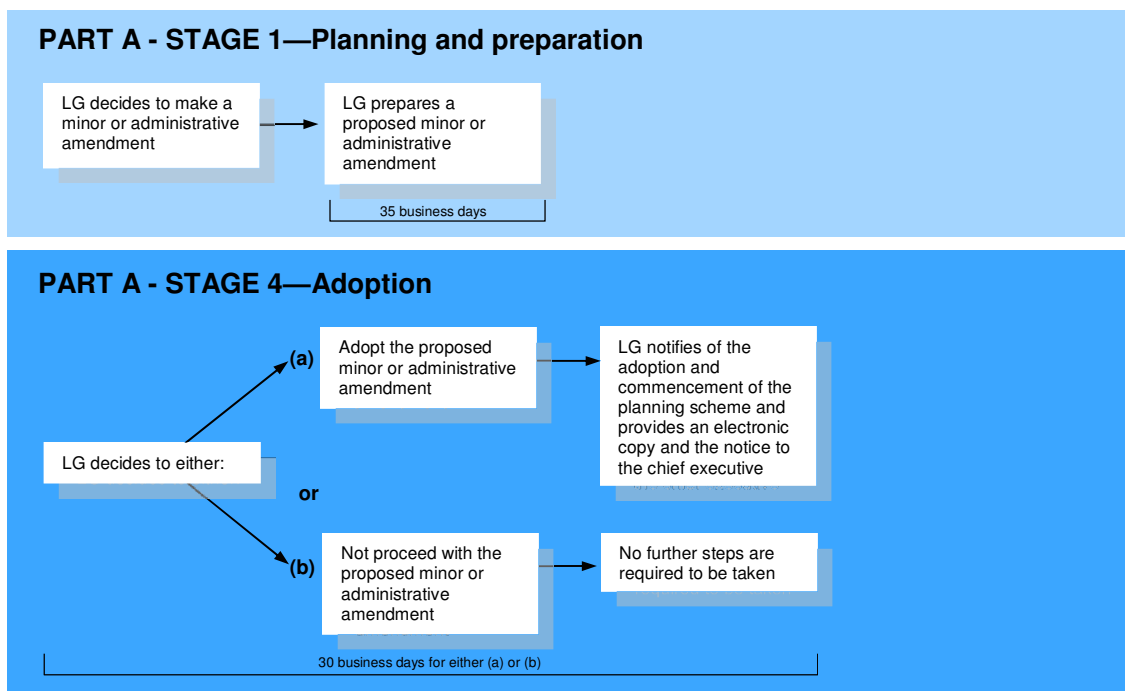
## PART A - STAGE 4—Adoption



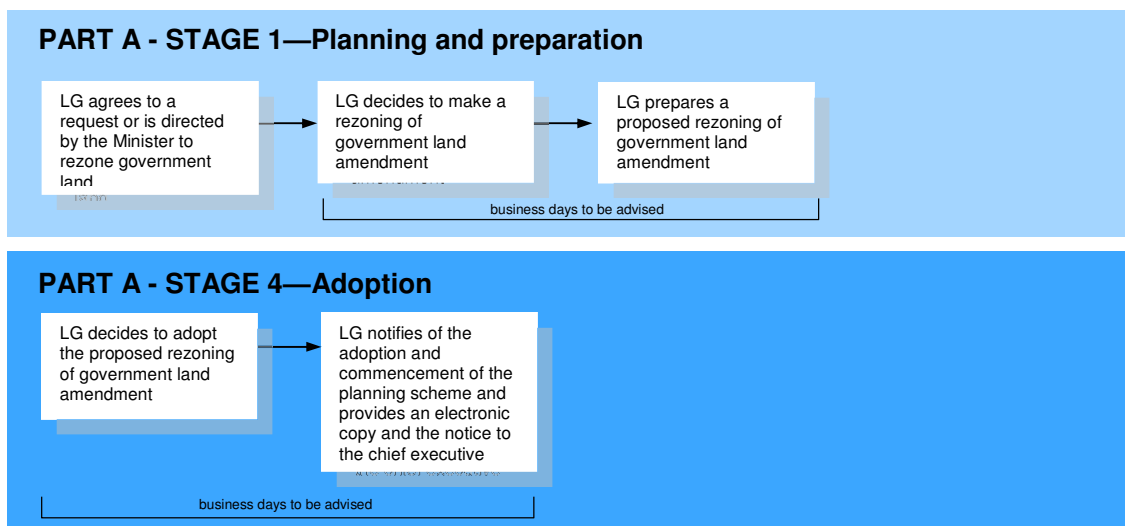
# Schedule 4

## Flow diagram of the process for making a minor, administrative or rezoning of government land amendment to a planning scheme

### Minor and administrative amendments flow diagram

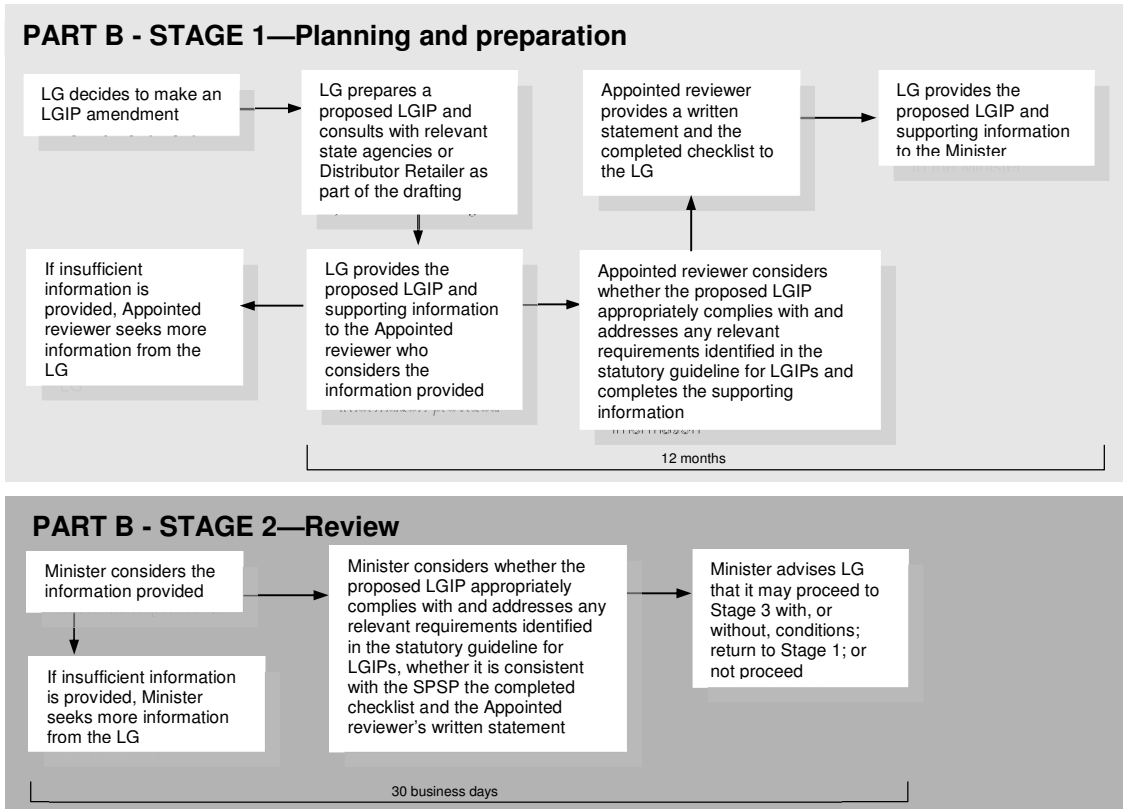


### Rezoning of government land amendment flow diagram

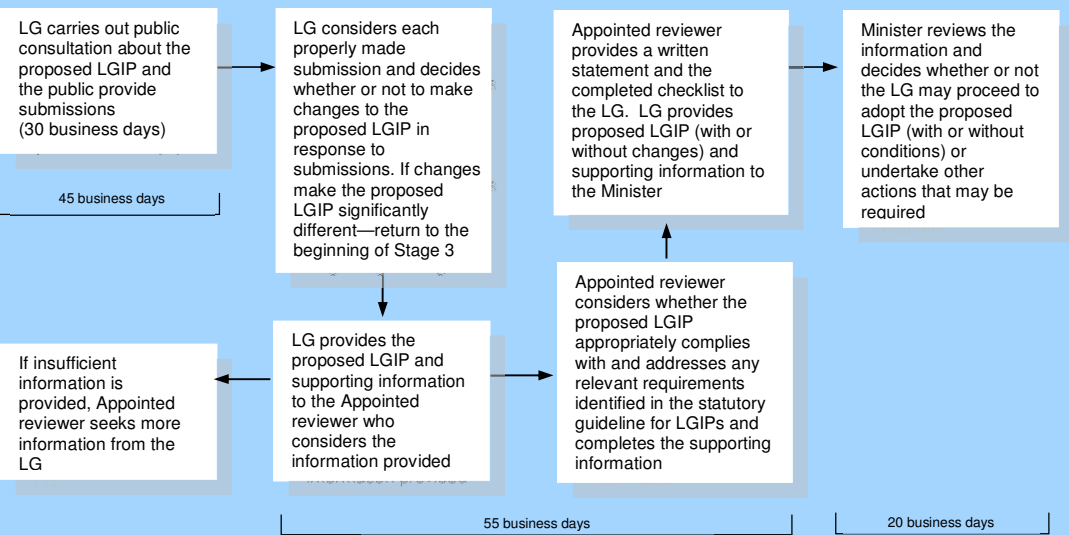


# Schedule 5

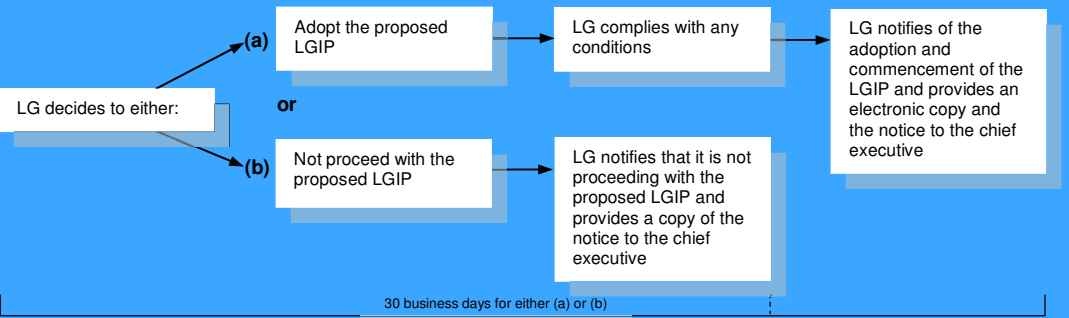
## Flow diagram of the process for making a local government infrastructure plan amendment



### PART B - STAGE 3—Public consultation

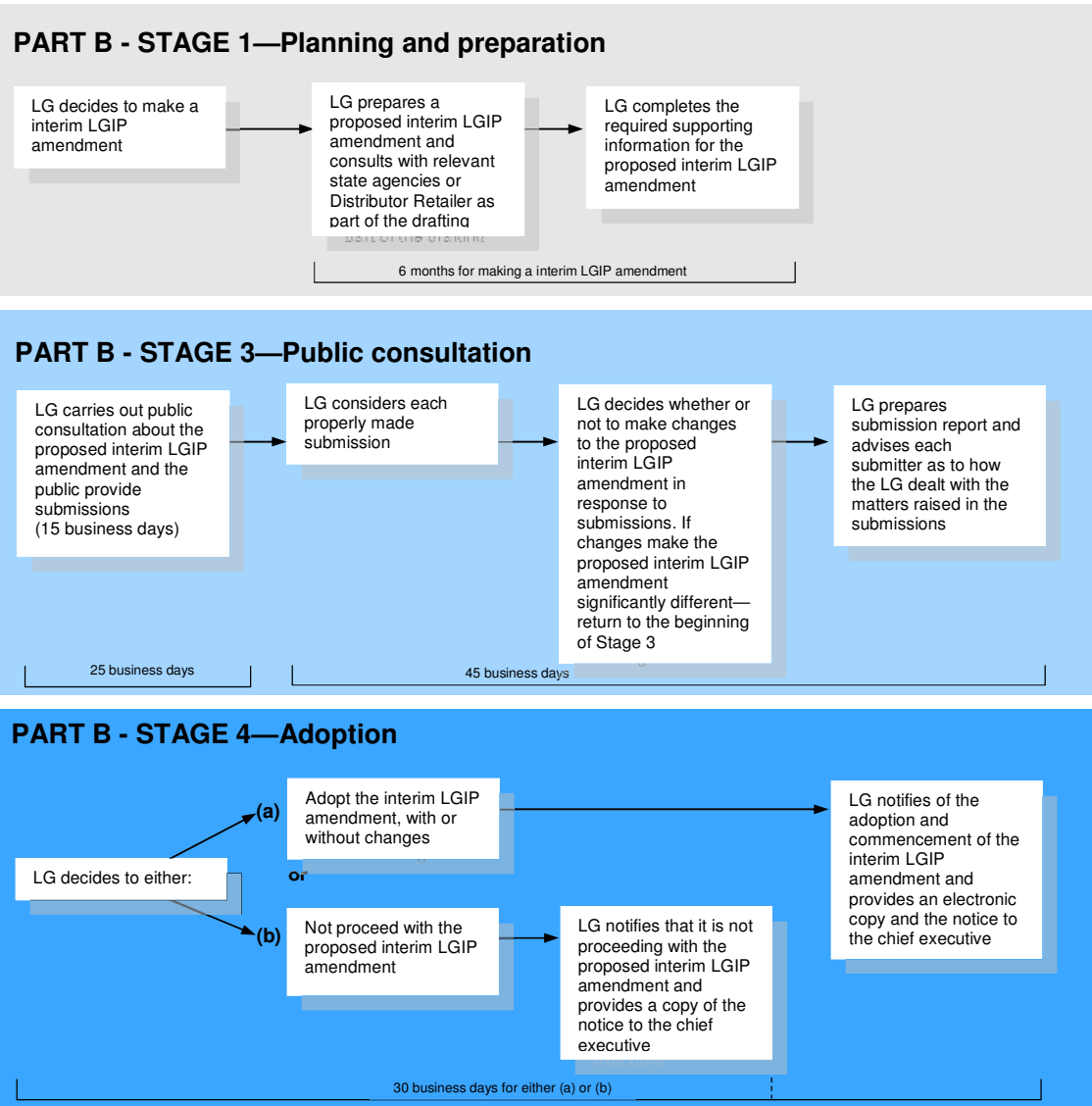


### PART B - STAGE 4—Adoption



# Schedule 6

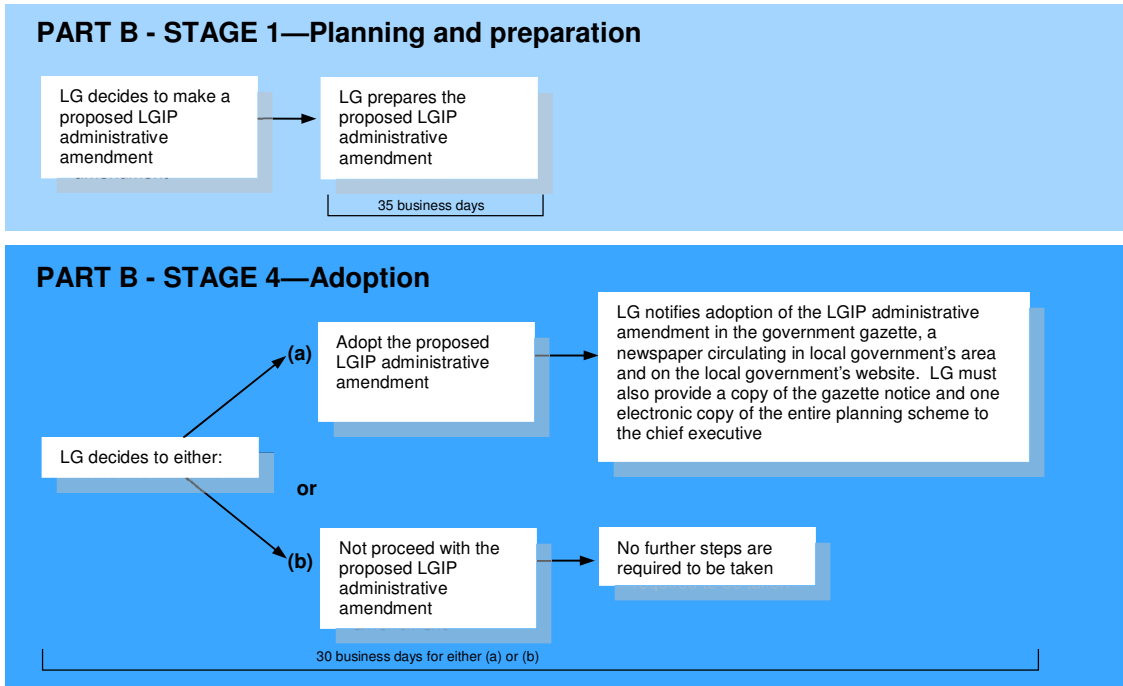
## Flow diagram of the process for making an interim local government infrastructure plan amendment





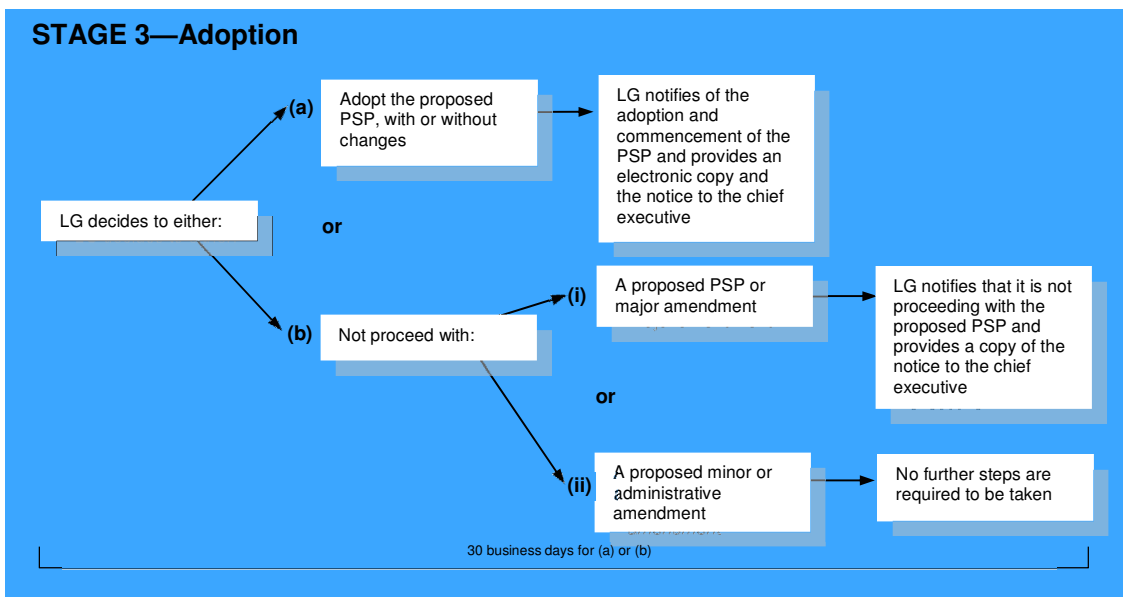
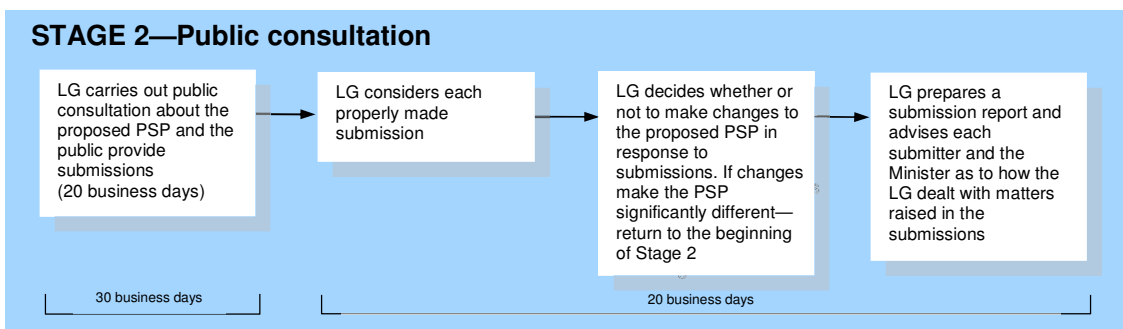
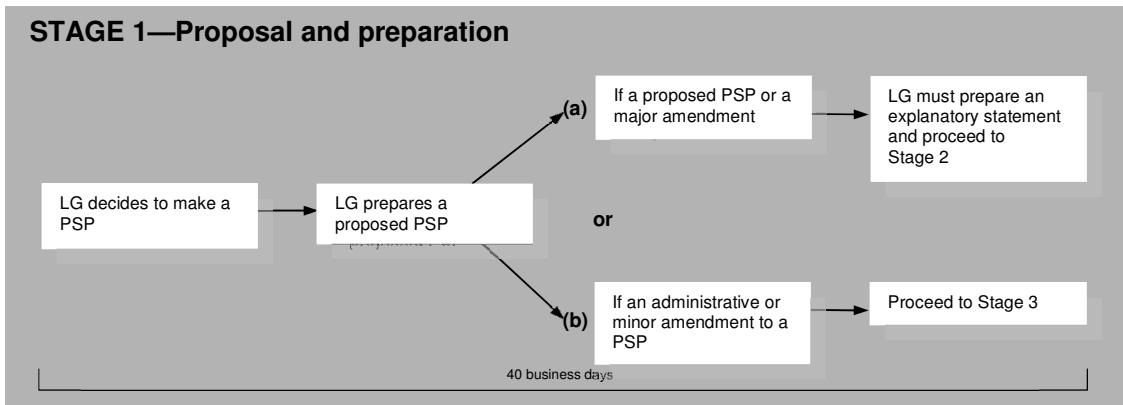
# Schedule 7

## Flow diagram of the process for making a local government infrastructure plan administrative amendment



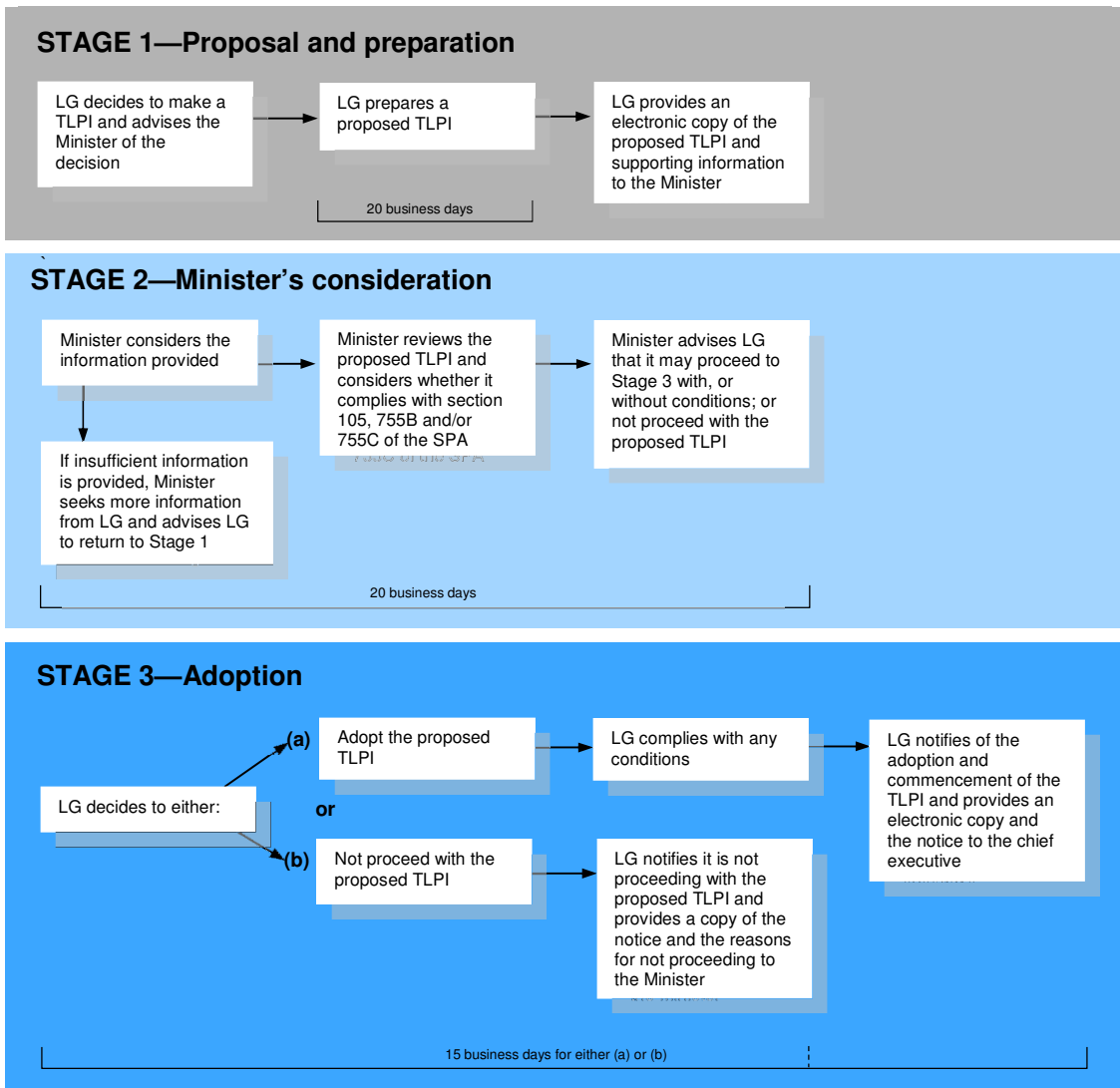
# Schedule 8

## Flow diagram of the process for making or amending a planning scheme policy



# Schedule 9

## Flow diagram of the process for making a temporary local planning instrument



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