



Statutory guideline 01/12 Making and amending local planning instruments

Summary of what has changed – 27 January 2012

FACT SHEET

Background

Since December 2009, when the *Sustainable Planning Act 2009* (SPA) came into effect, the process for making and amending local planning instruments was moved into *Statutory Guideline 02/09 making or amending a local planning instrument* (SG02/09).

SG02/09 is used for making or amending a planning scheme or planning scheme policy (PSP), or making a temporary local planning instrument (TLPI). It became operational on 18 December 2009. SG02/09 underwent minor amendments in July 2011 to:

- streamline the process for a priority infrastructure plan (PIP)
- remove references to infrastructure charges schedules
- make minor changes to implement the recent infrastructure charges reform.

Since its started, minor inefficiencies and issues have been identified with the process stated in SG02/09 when making or amending a local planning instrument. The Department of Local Government and Planning (DLGP) acknowledges SG02/09 is a part of the Qplan continuous improvement process

and will need to evolve as it is put into practice in various circumstances.

As such, DLGP has completed a significant redraft of SG02/09 resulting in *Statutory guideline 01/12 Making and amending local planning instruments* (SG01/12). SG01/12 has been approved and adopted for use while SG02/09 has been repealed by the Honourable Paul Lucas MP, Attorney-General, Minister for Local Government and Special Minister of State.

As of 27 January 2012, SG01/12 is the relevant version for making or amending a local planning instrument regardless of if the process was commenced and/or proceeded under SG02/09. If the process is partially completed under SG02/09, the process continues from the relevant step or stage of SG01/12.

Summary of what has changed

A summary of the significant changes and the reasons or justification for them is below. As SG01/12 is a substantial redraft, not every change has been listed and explained; only the changes of particular interest and notability.



Overall

The changes which affect the overall appearance and operation of SG01/12 include:

- changes to format to include **numbering of headings and sections** – ensures sections and parts are more easily referred to and referenced where required
- **further guidance** on how to use and read the SG01/12 - including more note boxes with additional direction and recommendations
- process structures have been converted into a **table format** - clearly identifies the responsible entity, timeframe and applicability of the step for each process
- amended **diagrams including detailed flowcharts** – to demonstrate the process and possible alternative steps.

Making and amending a planning scheme

- refinement of **definitions** – to improve clarity and ensure amendments are progressed through the relevant process
- included provisions to allow **exclusion of certain steps** within the process – to expedite the process where relevant and justified
- **advising the Minister** that the local government has decided to **make a planning scheme or amendment** – ensures the Minister is aware of the local government's drafting at the start of the process
- local government **must consult with state agencies** – ensures relevant state agencies are aware and involved in the drafting prior to submission for first state interest review (step 2.2)
- steps for **declared iconic place** – captures the new process within SPA that commenced in June 2011 (step 3)
- clarity on required **copies, formats and additional information** for submission – stipulates that DLGP needs an electronic copy and a hard copy is optional. It is also recommended that track-changes or a yellow highlight version be provided to clearly demonstrate changes (steps 4 and 8)
- determination of whether **sufficient information** has been submitted including consultation reports and background studies – ensures the Minister has the required information to adequately undertake a state interest review within the timeframe specified (step 5)
- **non-compliance with conditions** from first state interest review – ensures all conditions imposed are appropriately complied with
- refined matters considered by the Minister in a **state interest review** – clarity has been provided and the section expanded to not only include adverse affects on state interests but to also specifically reference the purpose of the SPA
- breakdown of **state interest review timeframes** – provides clarity and ensures the responsible entity is aware and accountable for its input and requirements in the process (note box with steps 6 and 10)
- **clock stops provision** during state interest reviews– ensures the timeframe provided during a state interest review is a true reflection of the state agency consideration and the clock stops each time the proposed planning scheme/amendment is returned back to the local government (steps 6 and 10)
- inclusion of **lapsing provisions** – incorporated following first state interest or public consultation to guarantee that proposed planning schemes/amendments are current and relevant at time of adoption
- determination of **significantly different** – increased power given to the Minister to determine changes are significantly different



and the local government must repeat the public consultation process where it was not done

- requirement for a **second state interest review** – clarity provided where the Minister does not require a second state interest review and the proposed planning scheme/amendment can go to adoption.

Making and amending a PSP

- refinement of **definitions** – to improve clarity and ensure amendments are progressed through the relevant process
- clarity on what the **notices** regarding the PSP is to detail – ensures consistency and makes it clear to the public what the local government is doing.

Making a TLPI

- clarity on **what a TLPI is and when it should be used** – ensures local governments are proposing to use TLPIs in the correct circumstances and not wasting time when an alternative process is more appropriate and could have been commenced
- **advising the Minister** the local government has decided to **make a TLPI** – ensures that the Minister is aware of the local government's drafting at the start of the process
- steps for **declared iconic place** – captures the new process within SPA that commenced in June 2011 (step 3)
- clarity on required **copies, formats and additional information** for submission – stipulates that DLGP needs an electronic copy and a hard copy is optional (step 4)
- determination of whether **sufficient information** has been submitted – ensures the Minister has the required information to adequately undertake a state interest review within the timeframe specified (step 5)
- breakdown of **state interest review timeframes** – provides clarity and ensures the

responsible entity is aware and accountable for its input and requirements in the process (note box with step 5).

State powers

- process if **Minister takes action without direction** – ensures the excluded steps of the process are clear in this instance.

Schedules

- amended **diagrams** – flowcharts to demonstrate the process and possible alternative steps.

Further information

Further fact sheets on related matters are available on the DLGP's website, <http://dlgp.qld.gov.au/guide-to-the-sustainable-planning-act/>

More information can be found in the *Sustainable Planning Act 2009*, the *Sustainable Planning Regulation 2009* and from:

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