



Statutory guideline 02/12 Making and amending local planning instruments

Changes since Statutory guideline 01/12

FACTSHEET
NOVEMBER
2012

Background

In response to feedback from councils and the planning community, improvements have been made to the Statutory guideline – Making and amending local planning instruments (MALPI).

Version 02/12 of the statutory guideline has now been released. This replaces version 01/12 released in January 2012.

The statutory guideline is 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 (TLPI).

As part of the Department of State Development, Infrastructure and Planning's (DSDIP) planning reform program, planning reform forums and industry representative workshops were held between May and July 2012.

Feedback from the forums and workshops identified that parts of the guideline required amendment.

What has changed?

Although Statutory guideline 02/12 is not a radical departure from the previous version of the guideline, there are some significant changes including:

- **The role of DSDIP to act on behalf of the minister and act as lead agency in the state interest review and local government liaison process has been strengthened.** Departmental officers will review, refine and consolidate agency comments before providing them to the local government. This change is in response to feedback from local governments that state agency comments received were at times contradictory and conflicting between agencies.
- **Reinforcing the importance of consultation with state agencies** and participation by state agencies throughout all stages of the plan making process, including ensuring appropriate reflection of state planning instruments.
- **Removal of the second state interest review and associated provisions.** The minister now considers changes made to the planning scheme by the local government in response to submissions prior to the approval to adopt the planning scheme. Although the timeframe in step 9 increases from 20 to 40 business days





for additional consideration, there is an overall reduction of 25 business days in the performance indicator timeframe.

- **Responsibility to determine and process ‘administrative amendments’ and ‘minor amendments’ is given to the local government** in line with the Queensland Government’s intent to reduce red tape and empower local governments.
- **A new step requires the minister to provide a local government with a coordinated state interest response** that outlines the relevant state interests identified by each agency relevant to the planning scheme area. Further **state interests cannot be added** unless specifically agreed by the minister.
- **Removal of the requirement for local government to publicly notify the decision to prepare a new planning scheme** as it is too early in the process to be of any value to the community. A new guidance note has been included to advise that **a local government may notify the public of the decision to prepare a new scheme at any time it considers appropriate.**
- **The scope of matters considered by the minister has been broadened to correctly reflect the legislative requirements.** The minister is to consider the purpose of SPA, whether or not the key elements of a planning scheme are addressed, whether or not relevant state planning instruments are appropriately reflected and whether or not state interests would be adversely affected by the proposed planning scheme.
- The process has been amended to **ensure the local government addresses all matters** that are required to be considered by the minister.

- **Removal of both the 6 month and 3 month periods and consequent lapsing provisions.** The timeframes imposed on local governments in version 01/12 created unnecessary operational issues as many local governments experienced difficulty in meeting the timeframes due to circumstances such as elections, caretaker periods and council recess periods. This change reverses changes made in version 01/12.
- **An amendment to a planning scheme policy may be considered administrative** in nature, rather than either a minor or major amendment.
- **A new note to outline the minister’s powers** if a local government is taking an unreasonably long time to consider submissions and decide whether or not to proceed with the proposed planning scheme.
- **The flowcharts** in Schedules 3–6 have been simplified.

Further information

Further fact sheets on related matters are available on DSDIP’s website, <http://www.dsdip.qld.gov.au/fact-sheets/sustainable-planning-act-fact-sheets.html>

More information can be obtained by contacting:

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