



Statutory guideline 02/12

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*

November 2012





The Department of State Development, Infrastructure and Planning leads a coordinated Queensland Government approach to planning, infrastructure and development across the state.

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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 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 of the SPA. However, it does not apply to the amendment of a planning scheme to include a structure plan, which is contained within a separate guideline.

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 is in regard to the powers of the state in relation to local planning instruments.

In accordance with section 119 of the SPA, substantial compliance with the guideline is required.

1.2 Abbreviations

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

1.3 Definitions—the dictionary

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

1.5 How to use this guideline

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

- making or amending a planning scheme (other than an amendment to a planning scheme to include a structure plan)
- 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. Notes are provided at the end of this guideline to give guidance about how the mandatory requirements may be achieved. While the notes are not mandatory, complying with the 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. If the process is partially completed under a previous version, the process continues from the relevant step or stage of this guideline.

In section 2, stages 1 to 4 of this guideline, a reference to a planning scheme also includes an amendment to a planning scheme, unless otherwise stated. Similarly in section 3, stages 1 to 3, a reference to a PSP includes making or amending 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 concluded with a letter or a letter and a roman numeral (e.g. 1.1A and 1.1B or alternatively 10.2A(I) and 10.2A(II)). In these circumstances, only the relevant sub-step is required to be followed for the relevant process.

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



2. Making and amending a planning scheme

2.1 What is a planning scheme?

A planning scheme under the SPA 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.

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.

2.2 Types of planning scheme amendments

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

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

2.2.1 Administrative amendment

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

- (1) An amendment that corrects or changes:
 - (a) an explanatory matter about the planning scheme
 - (b) the format or presentation of the planning scheme
 - (c) a spelling, grammatical or mapping 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
 - (g) cross-references in the planning scheme, or



- (h) 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).
- (2) An amendment to:
 - (a) 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 (2)(a)—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.
 - (b) include a statement that a referral agency has delegated a referral agency jurisdiction to a local government under section 2.3 of the SPSP, or
 - (c) include a statement that a state planning instrument (SPI), or part of one, is appropriately reflected in the planning scheme, if the minister has advised the local government that the planning scheme appropriately reflects the SPI.

2.2.2 Minor amendment

A **minor amendment** to a planning scheme is an amendment that may include, but is not limited to, an amendment:

- (1) The local government is satisfied:
 - (a) reflects a current development approval, a master plan for a declared master planned area or an approval under other legislation
 - (b) includes a PSP prepared in accordance with section 114 of the SPA
 - (c) reflects a change that is directly responding to a regional plan for a designated region that applies in the local government area
 - (d) 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
 - (e) has involved adequate consultation with the public and the state
 - (f) if in South East Queensland (SEQ), reflects changes to the planning scheme relating to water and wastewater infrastructure and services which have involved adequate consultation with the relevant distributor-retailer, the public and the state, or
 - (g) is otherwise of a minor nature.

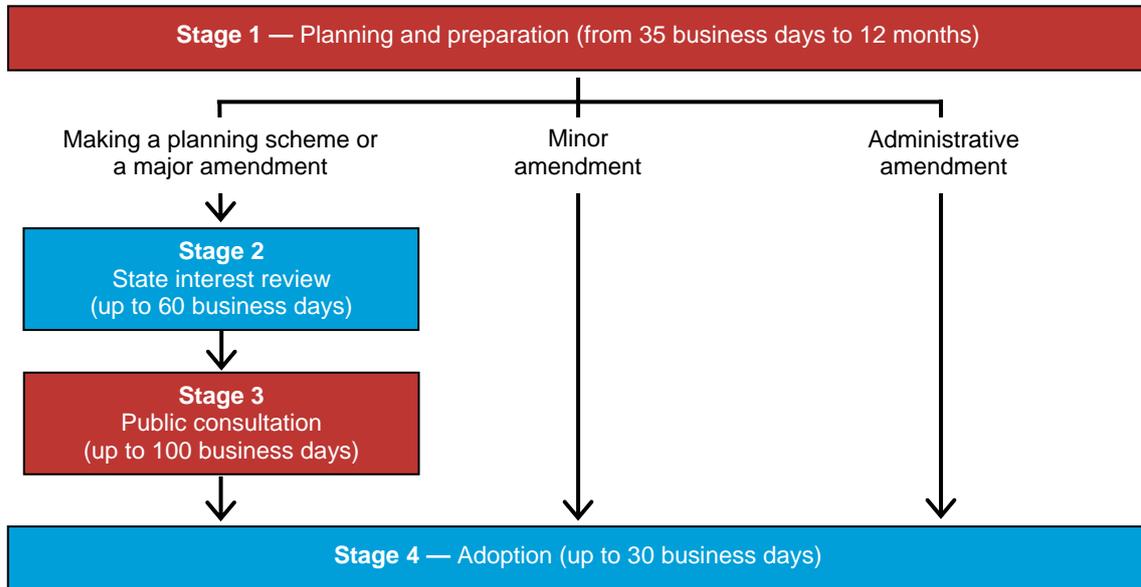
2.2.3 Major amendment

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



2.3 Process for making or amending a planning scheme

Figure 1: Process for making or amending (major, minor or administrative) a planning scheme



This section describes the process (Figure 1) for making or amending a planning scheme. It applies to:

- (1) making a planning scheme, including making a priority infrastructure plan (PIP)
- (2) making a major amendment to a planning scheme
- (3) making a minor amendment to a planning scheme, and
- (4) making an administrative 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.

Unless otherwise stated:

- a reference to a planning scheme includes making or amending a planning scheme, and
- in this section 'a planning scheme' refers to a planning scheme made under either the now repealed *Integrated Planning Act 1997* (IPA) or the SPA.

2.3.2 Summary of applicable steps

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

Process	Applicable steps
Planning scheme	1, 2, 3, 4 ¹ , 5, 6, 7, 8, 9, 10
Major amendment	1, 2, 3, 4 ¹ , 5, 6, 7, 8, 9, 10



Process	Applicable steps
Minor amendment	1, 3, 4 ¹ , 5, 10
Administrative amendment	1, 3, 4 ¹ , 5, 10

¹ If within a declared iconic place, where making a SPA compliant planning scheme or amending an IPA compliant planning scheme, the local government (as defined in section 122A of the SPA) is required to undertake Step 4 if the planning scheme would or may have effect in an iconic place and as a result would change or replace a protected planning provision relating to the place.

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"> Planning scheme Major amendment Minor amendment Administrative amendment 	1.1 The local government must decide to make a planning scheme.	Start of process
	<ul style="list-style-type: none"> Planning scheme Major amendment 	1.2 The local government must advise the minister as soon as possible after deciding to make a planning scheme by providing a written statement to the minister advising of the decision and requesting an outline of the SPIs relevant to the making of the planning scheme, including confirmation of the state interests.	

Step 2. Minister confirms SPIs and matters to be addressed

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> Planning scheme Major amendment 	2.1 After receiving the written statement under Step 1.2 the minister must: <ol style="list-style-type: none"> consider the existing SPIs, including the state interests expressed in the SPI, and their relevance to the planning scheme consult with relevant state agencies, and write to the local government advising of each SPI relevant to the making of the planning scheme, including a description of the state interests expressed in a contextually relevant way for the planning scheme. 	40 business days



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"> • Planning scheme • Major amendment • Minor amendment • Administrative amendment 	<p>3.1 The local government must prepare a proposed planning scheme.</p> <p>3.2 The local government must consult with relevant state agencies whilst preparing the proposed planning scheme.</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>(Step 3 is able to run concurrently with Step 2)</p>

Step 4. Local government ensures iconic values are protected in a proposed planning scheme

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<p>Where in a declared iconic place and the below process would or may have an effect in an iconic place and would change or replace a protected planning provision relating to the place:</p> <ul style="list-style-type: none"> • Planning scheme • Major amendment (for a planning scheme made under IPA only) • Minor amendment (for a planning scheme made under IPA only) • Administrative amendment (for a planning scheme made under IPA only) 	<p>4.1 The local government must prepare an impact report evaluating the effect of the proposed planning scheme on the place's iconic values.</p> <p>4.2 After preparing the impact report, the local government must write to the advisory panel requesting its consideration and providing a copy of:</p> <ul style="list-style-type: none"> (a) the impact report, and (b) the proposed planning scheme. <p>4.3 The advisory panel must consider the impact report and whether the proposed planning scheme would, if given effect, be inconsistent with protecting the place's iconic values. The advisory panel may consult with anyone it considers appropriate.</p> <p>4.4 The advisory panel must write to the local government providing a panel report including any panel recommendations.</p> <p>4.5 The local government must consider the panel report before proceeding to Step 5.</p>	<p>40 business days for advisory panel consideration and response</p>



Step 5. 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"> • Planning scheme • Major amendment 	<p>5.1A After preparing the proposed planning scheme, the local government must:</p> <ul style="list-style-type: none"> (a) write to the minister requesting a state interest review of the proposed planning scheme and the minister's agreement to publicly consult on the proposed planning scheme (b) submit 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 (c) if the local government considers that it has carried out adequate consultation, a written statement requesting the minister exclude steps and allow it to progress to Step 10 following completion of Step 6 (d) provide: <ul style="list-style-type: none"> (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 (ii) a written statement about how the proposed planning scheme coordinates and integrates matters of state and regional dimension (iii) a written statement about how the proposed planning scheme reflects all relevant SPIs as nominated by the minister under Step 2.1, and (iv) any background studies or reports that informed the preparation of the proposed planning scheme. (e) if having undertaken Step 4, provide: <ul style="list-style-type: none"> (i) a copy of the impact report (ii) a copy of the panel report, and (iii) a written statement about how the local government has responded to the panel report. 	Unspecified
	<ul style="list-style-type: none"> • Minor amendment • Administrative amendment 	<p>5.1B After preparing the proposed administrative or minor amendment, the local government may proceed to Step 10.</p>	



Stage 2 — State interest review

Step 6. Minister considers a 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"> • Planning scheme • Major amendment 	<p>6.1 After receiving information under Step 5.1A the minister must consider if:</p> <ul style="list-style-type: none"> (a) sufficient information has been provided to proceed to Step 6.2, or (b) insufficient information has been provided, prompting the minister to write to the local government seeking more information and advising the local government to go back to Step 3 and repeat the process. <p>6.2 The minister must consider whether or not the purpose of the SPA is achieved, whether or not the key elements of a planning scheme are addressed, whether or not relevant SPIs are appropriately reflected and whether or not state interests would be adversely affected by the proposed planning scheme (<i>state interest review</i>).</p> <p>6.3 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"> (a) publicly consult on the proposed planning scheme and proceed to Step 7 (b) publicly consult on the proposed planning scheme subject to conditions and proceed to Step 7 (c) if having received a request under Step 5.1A(c), and the minister is satisfied the proposed planning scheme advances the purpose of the SPA, addresses the key elements of a planning scheme, appropriately reflects relevant SPIs and does not adversely affect state interests and: <ul style="list-style-type: none"> (i) adequate consultation has been carried out and the state interest review did not result in significant changes, advise the local government it may adopt and proceed to Step 10: <ul style="list-style-type: none"> (A) with conditions, or (B) without conditions, and (C) which SPIs or parts of SPIs the minister is satisfied have been reflected, or (ii) adequate consultation has not been carried out or the state interest review did result in significant changes, advise it may: 	<p>40 business days for state agency consideration plus 20 business days for minister's consideration</p>



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(A) publicly consult on the proposed planning scheme and proceed to Step 7</p> <p>(B) publicly consult on the proposed planning scheme subject to conditions and proceed to Step 7, or</p> <p>(C) not proceed with the proposed planning scheme</p> <p>(d) not proceed with the proposed planning scheme as the purpose of the SPA is not adequately advanced; or the key elements of a planning scheme are not adequately addressed; or the appropriate reflection of relevant SPIs is not achieved; or the adverse affects on state interests are not acceptable, and go back to Step 3 and repeat the process, or</p> <p>(e) not proceed with the proposed planning scheme.</p>	

Stage 3 — Public consultation

Step 7. 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"> Planning scheme Major amendment 	<p>7.1 Before publicly consulting on the proposed planning scheme the local government must comply with any condition imposed by the minister under Step 6.3(b) or Step 6.3(c)(ii)(A).</p> <p>7.2 The local government must carry out public consultation about the proposed planning scheme for a period (consultation period) of at least 30 business days.</p> <p>7.3 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 locally circulating newspaper 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 scheme</p> <p>(c) for a proposed major amendment:</p> <p>(i) the purpose and general effect of the proposed planning scheme, and</p> <p>(ii) the location details of the area where it applies, if it only relates to part of the</p>	45 business days (incorporating a 30 business day consultation period)



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>local government area</p> <p>(d) if having undertaken Step 4, that the advisory panel has been given an impact report evaluating the effect of the proposed planning scheme on the place's iconic values and a copy of the proposed planning scheme</p> <p>(e) where the proposed planning scheme is available for inspection and purchase</p> <p>(f) that written submissions about any aspect of the proposed planning scheme may be made to the local government by any person</p> <p>(g) the consultation period during which a submission may be made</p> <p>(h) the requirements for making a properly made submission, and</p> <p>(i) a contact telephone number for information about the proposed planning scheme.</p> <p>7.4 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>7.5 The notice and proposed planning scheme must also be available for download on the local government's website.</p>	

Step 8. 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"> • Planning scheme • Major amendment 	<p>8.1 The local government must consider every properly made submission about the proposed planning scheme.</p> <p>8.2 After considering the submissions, the local government:</p> <p>(a) may make changes to the proposed planning scheme 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 appropriately reflect all relevant SPIs as nominated by the minister under Step 2.1</p>	<p>55 business days (planning scheme)</p> <p>or</p> <p>45 business days (major amendment)</p>



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(c) must advise each person in writing who made a properly made submission about how the local government has dealt with their submission, and</p> <p>(d) must prepare a written notice containing a summary of matters raised in the properly made submissions, stating how the local government dealt with the matters.</p> <p>8.3 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 7 and repeat the process.</p> <p>8.4 Despite Step 8.3, public consultation may be limited to those aspects of the proposed planning scheme which have changed.</p> <p>8.5 After complying with Steps 8.1 to 8.4, where relevant, the local government must decide to:</p> <p>(a) proceed with the proposed planning scheme with no change</p> <p>(b) proceed with the proposed planning scheme with changes including changes which it reasonably believes do not result in the proposed planning scheme being significantly different to a version released on public consultation, or</p> <p>(c) not proceed with the proposed planning scheme.</p> <p>8.6 If proceeding with the proposed planning scheme:</p> <p>(a) with no changes under Step 8.5(a)—the local government must write to the minister seeking approval to adopt the proposed planning scheme and proceed to Step 10, or</p> <p>(b) with changes under Step 8.5(b)—the local government must write to the minister seeking approval to adopt the proposed planning scheme and proceed to Step 10.</p> <p>8.7 The written notice given to the minister under Step 8.6(b) must include:</p> <p>(a) information about why any changes have been made including a summary of matters raised in the properly made submissions and stating how the local government has dealt with the matter</p> <p>(b) identification of any changes to the proposed planning scheme that relate to relevant SPIs as nominated by the minister</p>	



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>under Step 2.1</p> <ul style="list-style-type: none"> (c) information about whether the local government considers the changes to the proposed planning scheme will adversely affect state interests (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 (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 8.3 has been undertaken, if applicable. 	

Step 9. 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"> • Planning scheme • Major amendment 	<p>9.1 If the minister receives written notice under Step 8.6, the minister must consider if:</p> <ul style="list-style-type: none"> (a) conditions imposed under Step 6.3(b) or Step 6.3(c)(ii)(A) have been: <ul style="list-style-type: none"> (i) appropriately complied with—proceed to Step 9.2, or (ii) not appropriately complied with or only complied with in part—the minister may, at the minister’s discretion and in consideration of the purpose of SPA and of state interests, write to the local government advising the conditions that need to be complied with and the steps which need to be repeated, and (b) the version is: <ul style="list-style-type: none"> (i) not significantly different to a version which has undertaken public consultation—proceed to Step 9.2, or (ii) significantly different to a version which has undertaken public consultation: <ul style="list-style-type: none"> (A) write to the local government advising it is considered to be significantly different, and (B) go back to Step 7 and repeat the process, and (c) sufficient information: <ul style="list-style-type: none"> (i) has been provided—proceed to Step 	40 business days



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>9.2, 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 8 and repeat the process.</p> <p>9.2 After receiving written notice under Step 8.6(a) or Step 8.6(b), the minister must consider the information supplied and write to the local government advising:</p> <p>(a) it may adopt the proposed planning scheme and proceed to Step 10:</p> <p>(i) with conditions, or</p> <p>(ii) without conditions, and</p> <p>(iii) which SPIs or parts of SPIs the minister is satisfied are appropriately reflected in the proposed planning scheme, or</p> <p>(b) it may not proceed with the proposed planning scheme.</p>	

Stage 4 — Adoption

Step 10. Local government decides whether to adopt the proposed planning scheme or not

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> Planning scheme Major amendment 	<p>10.1A After receiving advice from the minister that it may adopt the proposed planning scheme the local government must decide to:</p> <p>(a) adopt the proposed planning scheme, or</p> <p>(b) not proceed with the proposed planning scheme.</p> <p>10.2A(I) If the local government decides to adopt the proposed planning scheme it must:</p> <p>(a) comply with any conditions imposed by the minister which must be undertaken prior to adoption</p> <p>(b) note in the planning scheme the SPIs which the minister has advised are, in the minister's opinion, appropriately reflected in the proposed planning scheme, and</p> <p>(c) place a notice in the gazette, a locally circulating newspaper and on the local government's website, stating:</p> <p>(i) the local government name</p> <p>(ii) the date the planning scheme was adopted</p>	30 business days



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>(iii) the date the planning scheme commenced (if different to the adoption date)</p> <p>(iv) for a planning scheme amendment only:</p> <p>(A) the title of the amendment</p> <p>(B) if the amendment only applies to part of an existing planning scheme area, a description about the location of that area, and</p> <p>(C) the purpose and general effect of the amendment, and</p> <p>(v) where to inspect and purchase a copy of the planning scheme.</p> <p>10.2A(II) If the local government decides not to proceed with the proposed planning scheme, it must place a notice in the gazette, a locally circulating newspaper, and on the local government's website, stating:</p> <p>(a) the local government name</p> <p>(b) the title of the proposed planning scheme</p> <p>(c) the decision, and</p> <p>(d) the reason for not proceeding.</p> <p>10.3A 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</p> <p>(ii) one certified copy of the planning scheme, and</p> <p>(iii) one electronic copy of the planning scheme, including maps, or</p> <p>(b) after deciding not to proceed:</p> <p>(i) a copy of the notice.</p>	
	<ul style="list-style-type: none"> • Minor amendment • Administrative amendment 	<p>10.1B 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>10.2B(I) If the local government decides to adopt the proposed minor amendment or administrative amendment, it must:</p> <p>(a) place a notice in the gazette, a locally circulating newspaper and on the local government's website, stating:</p> <p>(i) the local government name</p> <p>(ii) the date the planning scheme</p>	



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>amendment was adopted</p> <ul style="list-style-type: none"> (iii) the date the planning scheme amendment commenced (if different to the adoption date) (iv) the title of the amendment (v) if the amendment only applies to part of an existing planning scheme area, a description about the location of that area (vi) the purpose and general effect of the amendment, and (vii) where to inspect and purchase a copy of the planning scheme. <p>10.2B(II) 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>10.3B 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:</p> <ul style="list-style-type: none"> (a) a copy of the notice (b) one certified copy of the planning scheme, and (c) one electronic copy of the planning scheme. 	



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 making a correction or change which is administrative in nature.

3.2.2 Minor amendment

A **minor amendment** to a PSP is an amendment making a correction or change which:

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

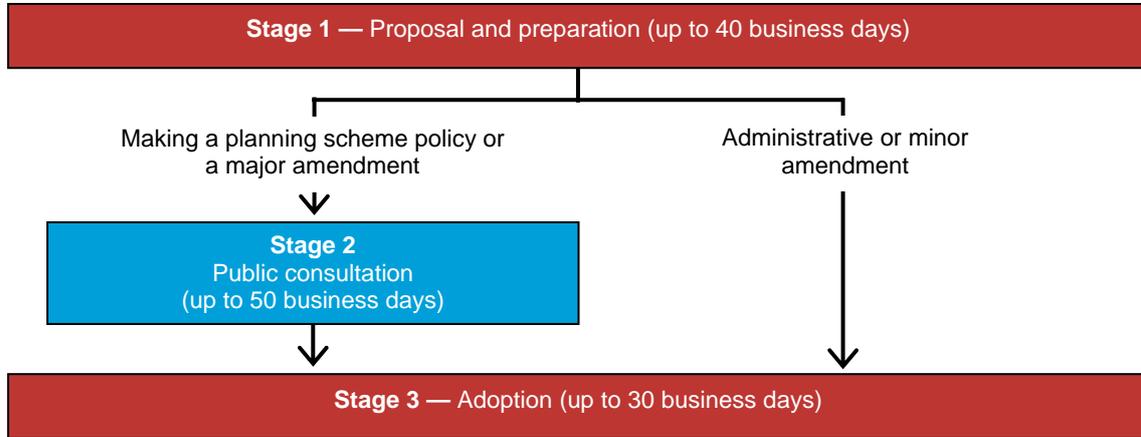
3.2.3 Major amendment

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



3.3 Process for making or amending a planning scheme policy

Figure 2: Process for making or amending (major or minor) a planning scheme policy



This section describes the process (Figure 2) for making or amending a PSP. It applies to:

- (1) making a PSP
- (2) making a major amendment to a PSP,
- (3) making a minor amendment to a PSP, and
- (4) making an administrative amendment to a PSP.

A flow diagram of the process for making or amending a PSP is located in Schedule 5 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 contained under 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



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"> • PSP • Major amendment • Minor amendment • Administrative amendment 	1.1 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"> • PSP • Major amendment • Minor amendment • Administrative amendment 	2.1 The local government must prepare a proposed PSP. 2.2 The local government, if making a: <ul style="list-style-type: none"> (a) PSP or a major amendment—prepare an explanatory statement about the proposal and proceed to Step 3, or (b) minor or administrative amendment—proceed with the proposed PSP to Step 5. 	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"> • PSP • Major amendment 	3.1 The local government must carry out public consultation about the proposed PSP for a period (consultation period) of at least 20 business days. 3.2 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 locally circulating newspaper and on the local government's website stating: <ul style="list-style-type: none"> (a) the name of the local government (b) the title of the proposed PSP (c) the purpose and general effect of the proposed PSP (d) the location details of the area where the PSP applies, if it only relates to part of the 	30 business days (incorporating 20 business days consultation period)



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>local government area</p> <p>(e) if the proposed PSP replaces an existing PSP, the title of the existing PSP</p> <p>(f) where the proposed PSP and any explanatory statement is available for inspection and purchase</p> <p>(g) that written submissions about any aspect of the proposed PSP may be made to the local government by any person</p> <p>(h) the requirements for making a properly made submission</p> <p>(i) the consultation period during which a submissions may be made, and</p> <p>(j) a contact telephone number for information about the proposed PSP.</p> <p>3.3 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>3.4 The notice and proposed PSP must also be available for download on the local government's website.</p>	

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"> • PSP • Major amendment 	<p>4.1 The local government must consider every properly made submission about the proposed PSP.</p> <p>4.2 After considering the submissions, the local government:</p> <p>(a) may make changes to the proposed PSP 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 advise each person in writing who made a properly made submission about how the local government dealt with their submission, and</p> <p>(c) must provide the minister with a written notice containing a summary of matters</p>	20 business days



Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>raised in the properly made submissions, and stating how the local government dealt with the matters.</p> <p>4.3 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>4.4 Despite Step 4.3, the public consultation may be limited to those aspects of the proposed PSP which have changed.</p>	

Stage 3 — Adoption

Step 5. Local government decides whether to adopt the proposed planning scheme policy or not

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> • PSP • Major amendment • Minor amendment • Administrative amendment 	<p>5.1 After complying with Step 4, where required, the local government must decide to:</p> <ol style="list-style-type: none"> (a) adopt the proposed PSP (b) adopt the proposed PSP with changes, or (c) not proceed with the proposed PSP. <p>5.2A If the local government decides to adopt the proposed PSP, it must place a notice in the gazette, a locally circulating newspaper and on the local government's website stating:</p> <ol style="list-style-type: none"> (a) the local government name (b) the title of the adopted PSP (c) the date the PSP commences (d) the purpose and general effect of the PSP (e) if the PSP only applies to part of an existing local government area, a description about the location of that area (f) if the proposed PSP replaced an existing PSP, the title of the existing PSP, and (g) where to inspect and purchase a copy of the PSP. <p>5.2B If the local government decides not to proceed with a:</p> <ol style="list-style-type: none"> (a) proposed PSP or major amendment, it must place a notice in the gazette, a locally circulating newspaper and on the local government's website, stating: <ol style="list-style-type: none"> (i) the local government name 	30 business days



		<ul style="list-style-type: none">(ii) the title of the proposed PSP(iii) the decision, and(iv) the reason for not proceeding, or <p>(b) proposed minor amendment or administrative amendment, there are no further steps required to be taken by the local government.</p> <p>5.3 The local government must give the chief executive as soon as possible:</p> <ul style="list-style-type: none">(a) after adopting:<ul style="list-style-type: none">(i) a copy of the notice(ii) one certified copy of the PSP, and(iii) one electronic copy of the PSP, including associated maps, or(b) after deciding not to proceed with a proposed PSP or major amendment:<ul style="list-style-type: none">(i) a copy of the notice.	
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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 local government area from adverse impacts.

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

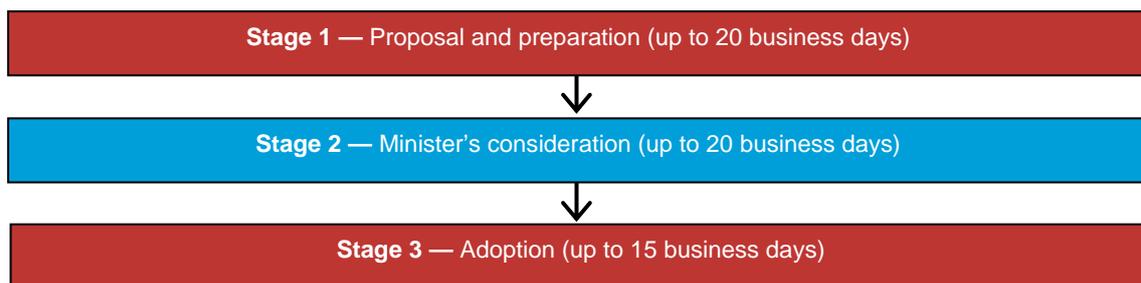
- there is a significant risk of serious environmental harm, or serious adverse cultural, economic or social conditions happening in the planning scheme area
- the delay involved in using the usual planning scheme amendment process would increase the risk
- state interests would not be adversely affected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

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 703 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 3: Process for making a temporary local planning instrument



This section describes the process (Figure 3) for making a TLPI. A detailed flow diagram of the process for making a TLPI is located in Schedule 6 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.



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	<p>1.1 The local government must decide to make a TLPI.</p> <p>1.2 The local government must, as soon as possible, write to the minister advising of the decision to make a TLPI.</p>	Start of process

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

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

Step 3. Local government ensures iconic values are protected in a proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Local government	<p>3.1 Where the proposed TLPI is for a planning scheme made in a declared iconic place:</p> <p>(a) under the IPA, and would or may have effect in an iconic place and would suspend or otherwise affect the operation of a protected planning provision relating to the place, proceed to Step 3.2, or</p> <p>(b) under the SPA, proceed to Step 4.</p> <p>3.2 The local government must prepare an impact report evaluating the effect of the proposed TLPI on the place's iconic values.</p> <p>3.3 After preparing the impact report, the local government must write to the advisory panel requesting its consideration and provide a copy of:</p> <p>(a) the impact report, and</p> <p>(b) the proposed TLPI.</p> <p>3.4 The advisory panel must consider the impact report and whether the proposed TLPI would, if given effect, be inconsistent with protecting the place's iconic values. The advisory panel may consult with anyone it considers appropriate.</p> <p>3.5 The advisory panel must write to the local government providing a panel report including any panel recommendations.</p> <p>3.6 The local government must consider the panel report before proceeding to Step 4.</p>	40 business days for advisory panel consideration and response



Step 4. Local government progresses a proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Local government	<p>4.1 After preparing the proposed TLPI, the local government must:</p> <ul style="list-style-type: none"> (a) write to the minister requesting the minister's consideration of the proposed TLPI (b) provide a written statement about why the local government proposes to make the TLPI (c) provide a written statement about how the proposed TLPI meets the requirements for making a TLPI in the SPA, and (d) submit an electronic (mandatory) and a hard copy (optional) of the proposed TLPI. 	Unspecified

Stage 2 — Minister's consideration

Step 5. Minister considers a proposed temporary local planning instrument

Responsible entity	Step	Performance indicator timeframe
Minister	<p>5.1 If the minister receives written notice under Step 4.1, the minister must consider if:</p> <ul style="list-style-type: none"> (a) sufficient information has been provided and proceed to Step 5.2, or (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 4 and repeat the process. <p>5.2 The minister must consider whether the proposed TLPI meets the TLPI requirements as prescribed under section 105 of the SPA.</p> <p>5.3 The minister also must consider whether or not the proposed TLPI would, if given effect to, be inconsistent with protecting the place's iconic values, if relevant.</p> <p>5.4 After considering the proposed TLPI, the minister must write to the local government advising it may:</p> <ul style="list-style-type: none"> (a) adopt the proposed TLPI and proceed to Step 6 (b) adopt the proposed TLPI subject to conditions and proceed to Step 6, or (c) not proceed with the proposed TLPI. 	20 business days



Stage 3 — Adoption

Step 6. Local government decides whether to adopt the proposed temporary local planning instrument or not

Responsible entity	Step	Performance indicator timeframe
Local government	<p>6.1 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"> (a) adopt the proposed TLPI, or (b) not proceed with the proposed TLPI. <p>6.2A If the local government decides to adopt the proposed TLPI, it must:</p> <ul style="list-style-type: none"> (a) comply with any conditions imposed by the minister which must be undertaken prior to adoption, and (b) place a notice in the gazette, a locally circulating newspaper, and on the local government’s website stating: <ul style="list-style-type: none"> (i) the local government name (ii) the title of the adopted TLPI (iii) the date the TLPI commenced (iv) the date the TLPI will cease to have effect (v) the purpose and general effect of the TLPI (vi) if the TLPI only applies to part of an existing local government area, a description about the location of that area (vii) where to inspect and purchase a copy of the TLPI, and (viii) if located in a declared iconic place that the advisory panel has been given an iconic impact report with the proposed TLPI. <p>6.2B If the local government decides not to proceed with the proposed TLPI, it must give the minister written notice about:</p> <ul style="list-style-type: none"> (a) the local government name (b) the title of the proposed TLPI (c) the decision, and (d) the reasons for not proceeding. <p>6.3 The local government must give the chief executive as soon as possible:</p> <ul style="list-style-type: none"> (a) after adopting: <ul style="list-style-type: none"> (i) a copy of the notice (ii) one certified copy of the TLPI, and (iii) one electronic copy of the TLPI, including associated maps, or (b) after deciding not to proceed: <ul style="list-style-type: none"> (i) a copy of the written notice given to the minister. 	15 business days



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 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:
 - (i) Step 1.2
 - (ii) Step 2
 - (iii) Step 5.1A
 - (iv) Steps 6.1 and 6.3
 - (v) Step 7.1
 - (vi) Step 8.2(d), 8.6 and 8.7, and
 - (vii) Step 9
 - (b) 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
 - (c) for Section 4 of this guideline, Steps 1.2, 4.1(a), 5.1, 5.4 and 6.2B of the process for making a temporary local planning instrument do not apply.

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 of this guideline, the following steps of the process for making or amending a planning scheme do not apply:



- (i) Step 1.2
 - (ii) Step 2
 - (iii) Step 4
 - (iv) Step 5.1A
 - (v) Steps 6.1 and 6.3
 - (vi) Step 7
 - (vii) Step 8, and
 - (viii) Step 9
- (b) for Section 3 of this guideline, Steps 2.2, 3 and 4 of the process for making or amending a planning scheme policy do not apply, and
 - (c) for Section 4 of this guideline, Steps 1.2, 3, 4, 5.1, 5.4 and 6.2B of the process for making a temporary local planning instrument do not apply.

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 chief executive officer is a reference to the Department of State Development, Infrastructure and Planning's chief executive, and
 - (d) a local government's website is a reference to the Department of State Development, Infrastructure and Planning's website.



Notes

Section 2 notes

Section 2.2.1 notes

Note on 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 of 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.

Note on 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.

Note on SEQ Water Act 2009

The *SEQ Water Act 2009* 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.

Section 2.2.2 notes

Note on minor amendments related to regional plans

For an amendment to be considered a minor amendment that is in direct response to a statutory regional plan, the aspect of the regional plan 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 statutory regional plan.

Note on minor amendments related to water and wastewater infrastructure in SEQ

If a local government in SEQ proposes to make a minor amendment that relates to or impacts on water and wastewater infrastructure, the local government must consult with and take account of the views of the relevant distributor-retailer which owns the water and wastewater networks.

Step 1 notes

Note on 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 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.



Step 2 notes

Note on confirmation of SPIs, including confirmation of the state interests

The early determination of which SPIs are to be addressed by the local government is important to ensure that these instruments are able to be appropriately reflected within the proposed planning scheme.

The minister is to consult with state agencies to confirm the SPIs relevant to the making of the planning scheme, including confirmation on the state interests that are relevant to the planning scheme. The state agencies are to provide detailed advice regarding matters of state interest (i.e. mapping, background reports, and assessment methodologies) and advice regarding ways in which the state interest could be appropriately reflected in the proposed 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 2.1 unless the local government is advised in writing by the minister of any change.

Note on state agency liaison

When preparing a proposed planning scheme, consultation and liaison between local government and state agencies must be undertaken early in the planning and preparation stage. This early engagement will ensure that state interests are able to be considered and integrated early, leading to improved planning outcomes.

Step 3 notes

Note on 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.

Note on 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 matters which are of a state interest.

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:

- state interests are able to be 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
- identifying state agency contacts and forming an ongoing working group which undertakes regular meetings and provides updates
- 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 lead state agencies.

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 integrated. That role is in addition to the formal state interest review, where the state government reviews a local government's integration of state interests, as expressed in a SPI, and legislative requirements in a planning scheme.

A local government may seek endorsement of its strategic framework from state agencies prior to developing the other parts of its planning scheme. This is considered an appropriate technique to ensure that the desired regional outcomes (where a statutory regional plan exists) and 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, state agencies are responsible for providing concise and consistent advice on how planning issues regarding a SPI can be appropriately reflected in a proposed planning scheme at a refined local level. State agencies may develop the following and make these available to a local government to help it achieve SPI outcomes in developing a proposed planning scheme:

- internal guides
- model planning scheme codes, and
- other information/operational material.

Note on 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.

**Note for SEQ local governments only**

Where responsibility for distributing water and collecting and treating wastewater has moved from a local government to a distributor-retailer, given the importance of integrating land use outcomes with infrastructure planning, the technical advice of distributor-retailers about their projected location, timing and provision of infrastructure to support a local government's planning assumptions will be critical for local governments making or amending local planning instruments both before and after 1 July 2013.

In such a case, early and on-going consultation between the distributor-retailer and local government must occur to ensure water and wastewater infrastructure planning in SEQ is integrated with the infrastructure planning and land use strategies of the planning schemes.

Step 5 notes

Note on 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 changed' 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 reflects relevant SPIs, the local government are to provide in detail:

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

Each state agency with carriage of a SPI will review the local government's written statement and are required to provide a written statement to the minister articulating whether the state agency is satisfied or not that the proposed planning scheme appropriately reflects its relevant SPIs. State agencies are also encouraged to prepare guidelines to assist both the local government and the state agency to identify what information is required to efficiently assess whether the proposed planning scheme reflects the relevant SPI.

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 10 following completion of Step 6, 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 6 notes

Note on performance indicator timeframes for state agency consideration		
Actions performed for a state interest review	Responsible entity	Performance indicator timeframe (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 ¹
Action 6 Once resolved, minister to consider whether or not purpose of the SPA is advanced, whether or not the key elements of a planning scheme are addressed, whether or not relevant SPIs are appropriately reflected, and whether or not state interests would be adversely affected by the proposed planning scheme.	Minister	20 business days ²
¹ The performance indicator timeframe stops each time the whole-of-government response is returned to the local government for its review and response.		
² This performance indicator timeframe is excluded from the state agency consideration timeframes.		

Note on 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 reflected and whether a state interest would be adversely affected. 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 reflected in the proposed planning scheme and of any potential or outstanding issues.



Officers of the Department of State Development, Infrastructure and Planning play a lead role in the state interest review process and 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 their department's interests and avoid duplication or conflicting interests 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 7 notes

Note on 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 the newspaper 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 8 notes

Note on 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 8.2, 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 comment.

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 8.3, 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 8.4 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.

Note on 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).

Note on 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 8.

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.

Note on 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 state interest is at risk of being compromised due to circumstances which have changed since the public consultation period, the minister may write to the local government requesting the local government completes the action within a specified time.

Step 9 notes

Note on minister's assessment of proposed planning scheme after public consultation

Step 9 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 state interests 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 note 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.

Note on 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 reflects 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 10 notes

Note on certified copies of the planning scheme

Where the local government uses a replacement pages system when updating its planning scheme to reflect amendments, a certified copy of the planning scheme as required under Step 10.3A or Step 10.3B can include just the certified copy of the replacement pages rather than a complete copy of the planning scheme. The replacement pages documentation must clearly explain what is being removed and replaced.

Section 3 notes

Section 3.2.1 notes

Note on an administrative amendment

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 outdated term and cross referencing with another PSP or the planning scheme.

Step 3 notes

Note on 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 the newspaper 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.

Section 4 notes

Step 2 notes

Note on 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 the Department of State Development, Infrastructure and Planning and other state agencies to ensure the proposed TLPI is the most appropriate instrument to resolve the issue.

Step 4 notes

Note on making a temporary local planning instrument

Section 105 of the SPA sets out the requirements the minister must consider when deciding if a local government can make a TLPI. 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 or self assessment 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 5 notes

Note on 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 ¹
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.	Minister	5 business days
¹ The performance indicator timeframe stops each time the whole-of-government response is returned to the local government for its review and response.		



Schedule 1

Abbreviations

IDAS	Integrated development assessment system
IPA	<i>Integrated Planning Act 1997</i>
LG	Local government
PIP	Priority infrastructure plan
PIA	Priority infrastructure area
RPC	Regional Planning Committee
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(s)
SPSP	Standard planning scheme provisions
TLPI	Temporary local planning instrument



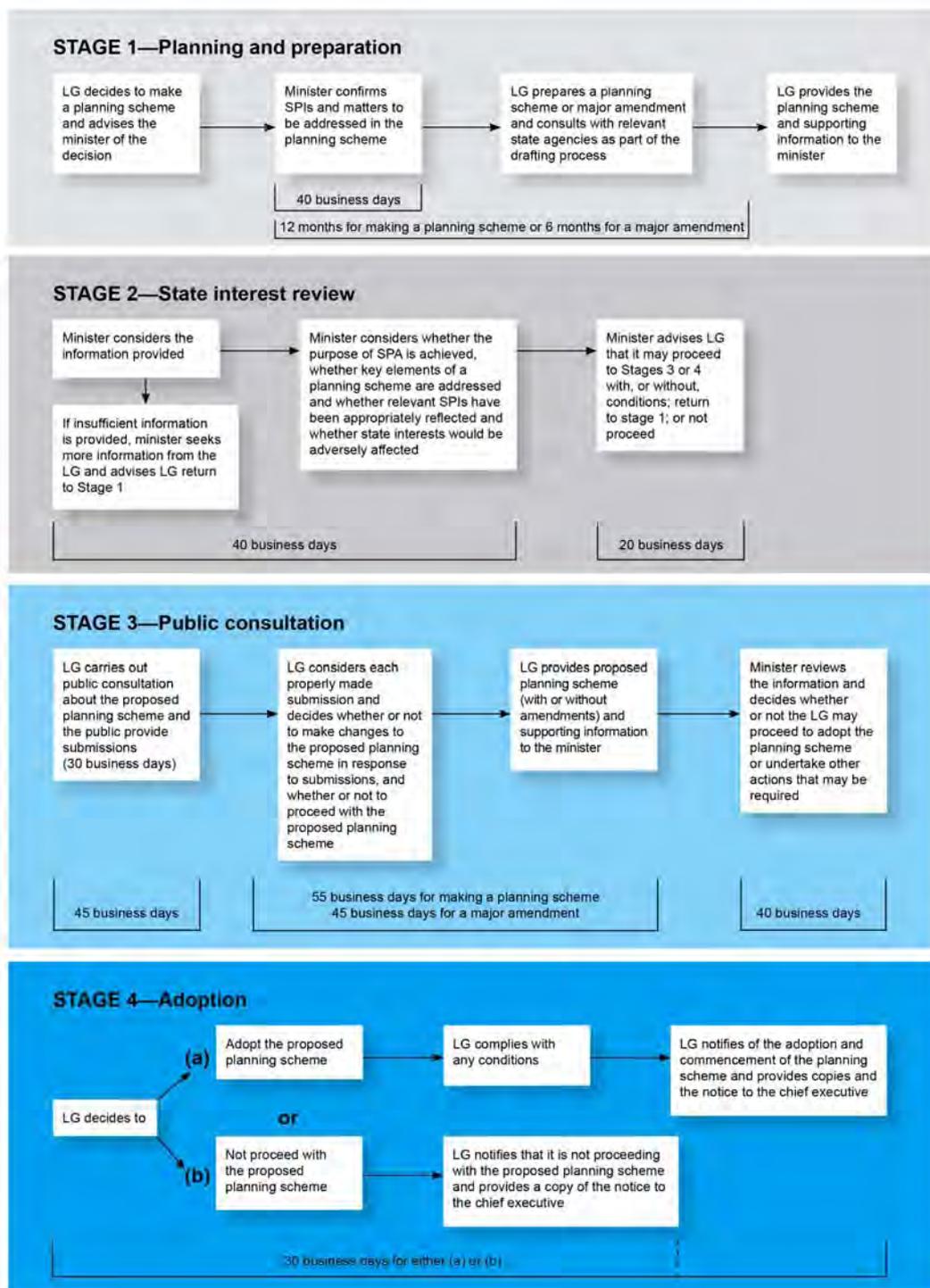
Schedule 2

Dictionary

State interest review	means a review carried out by the minister under Section 2, Stage 2 of this guideline
Public consultation	means the actions and period as specified under section 118 of the <i>Sustainable Planning Act 2009</i>
Suppliers of state infrastructure	means suppliers of the following: <ul style="list-style-type: none">• state schools infrastructure• public transport infrastructure• state-controlled roads infrastructure• emergency services infrastructure• water infrastructure (if applicable in the local government area).

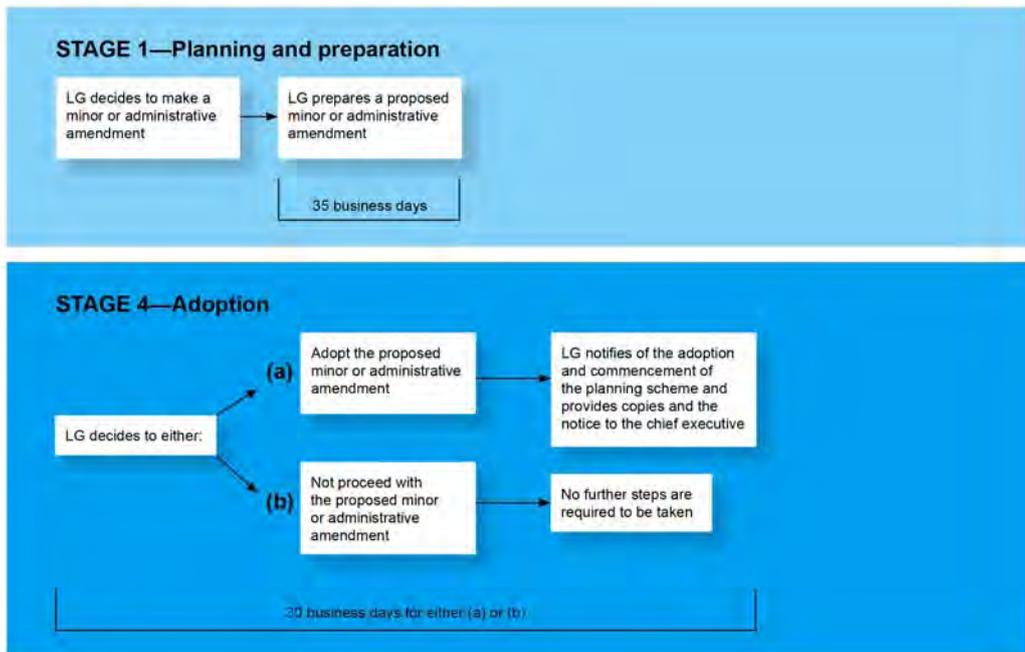
Schedule 3

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



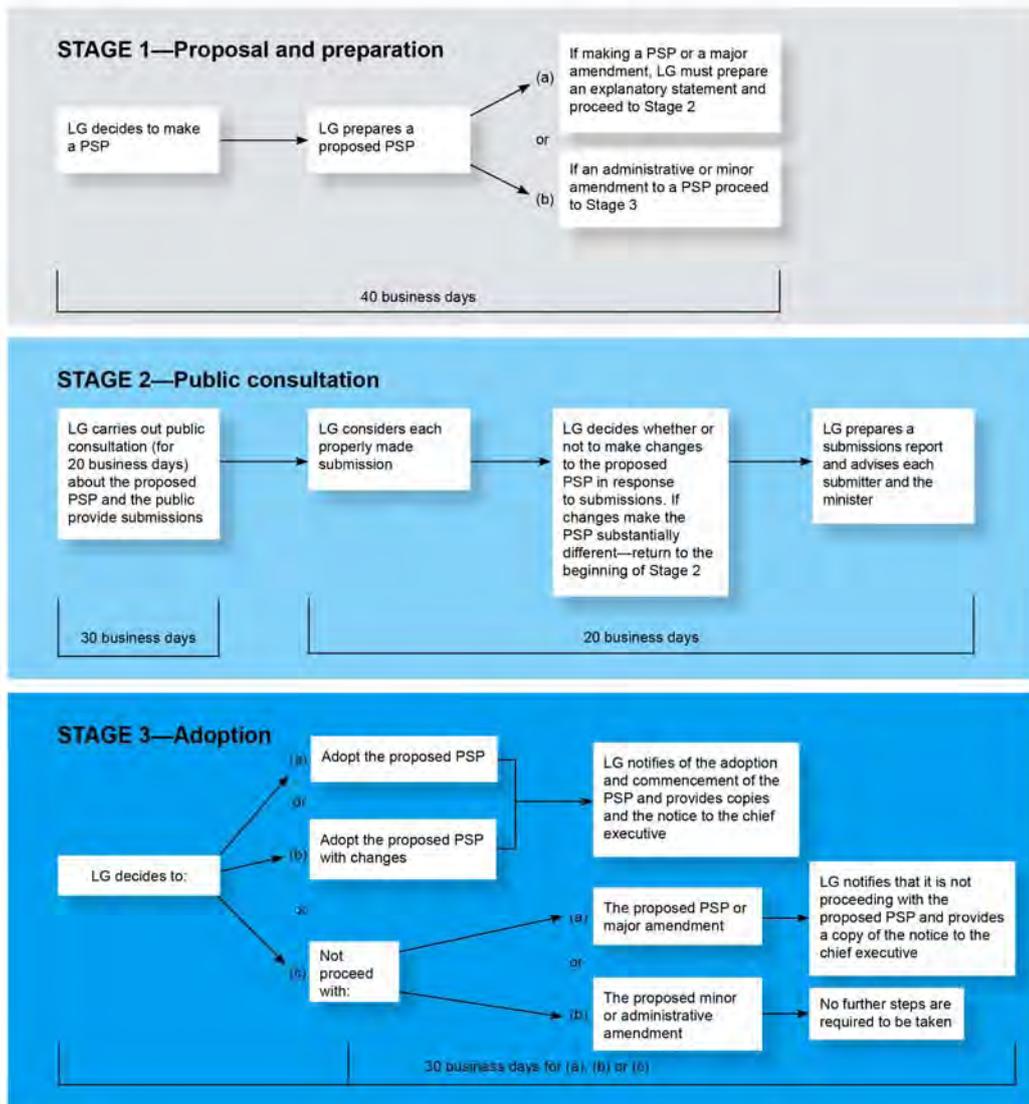
Schedule 4

Flow diagram of the process for making a minor or administrative amendment to a planning scheme



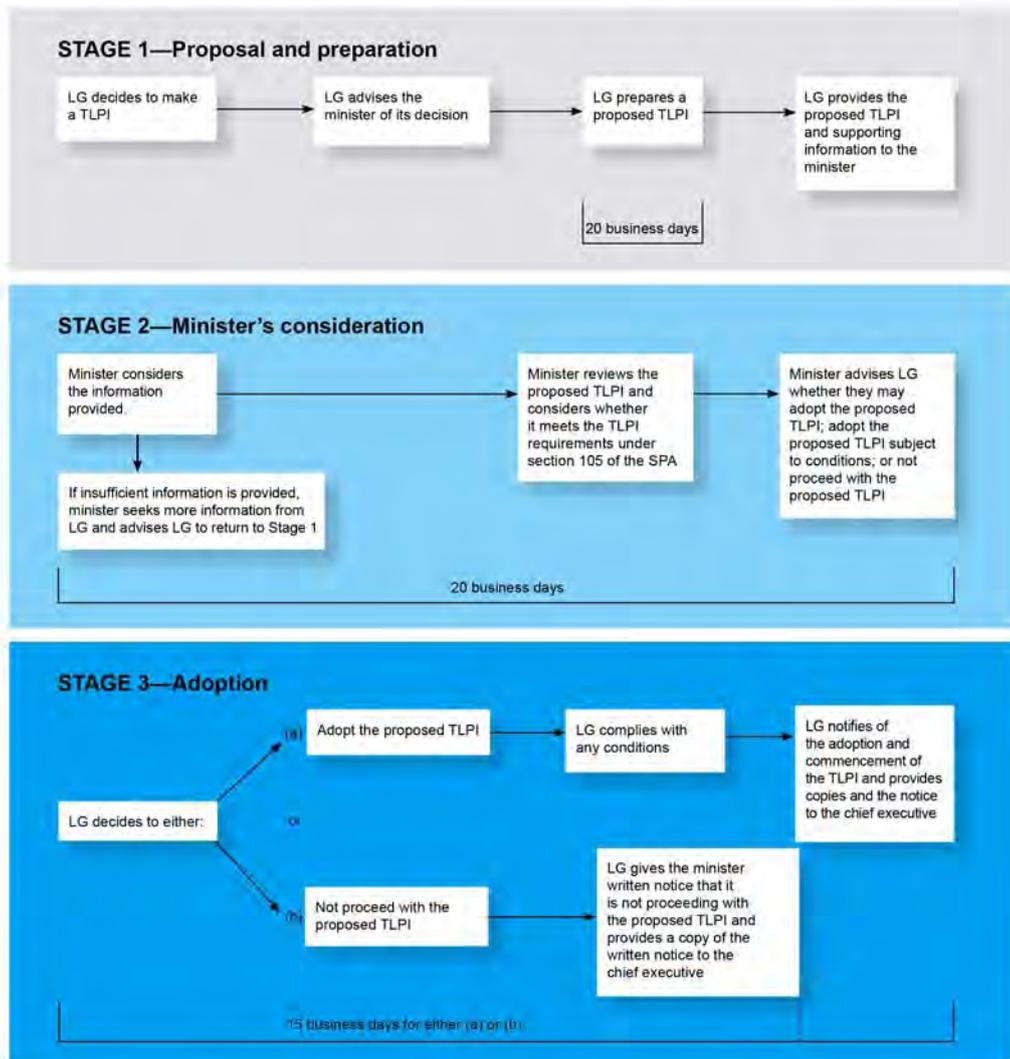
Schedule 5

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



Schedule 6

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





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