

Streamlining the planning scheme amendment process under section 18 of the *Planning Act 2016* – Guidance for local governments

Tailoring the plan-making process

The tailored process for plan-making, is an existing process established under section 18 of the *Planning Act 2016* (Planning Act). This process supports local governments in codesigning a plan-making process that is flexible and responsive to the unique local context and communities within their local government areas. The process allows local governments to tailor and adapt steps within the process to suit, as agreed to by the chief executive of the department administering the Planning Act.

Under the Planning Act, local governments are required to follow this process to make a new planning scheme. However, this process may also be used to undertake planning scheme amendments in a faster and more responsive manner, to suit the needs of the local government and its community.

Drivers for change

The *Right Plan for Queensland's Future* identifies key priorities and initiatives for Queensland providing a commitment for clearer, more certain and consistent process to increase housing supply. The plan includes working with local governments through a reset planning partnership to streamline housing approvals to meet the target of one million homes over the next 20 years.

The tailored process is also an appropriate pathway for local governments to undertake amendments to align and advance the outcomes in their respective regional plans, noting the Government's commitment to reviewing every regional plan in the State.

Streamlining amendments to assist Local Governments

The Department of State Development, Infrastructure and Planning (the Department) has been working with local government and industry to prepare this streamlined process to assist local governments enable a fast and more efficient plan-making process under section 18 of the Planning Act.

This process will support expedited planning scheme amendments from preparation to adoption in as little as three months to ensure planning schemes can more readily be kept up to date in responding to needs of residents.

The Department has made available on the Queensland Government's website, a template notice under section 18 of the Act (template). The template provides a starting point to encourage the use of a streamlined process to amend local government planning schemes. The steps in the process identified in the template can be altered or refined to suit the nature of the proposed amendment and the local context.

The template includes the following key features, designed to promote efficient and effective plan-making:

- Greater emphasis on early engagement with the opportunity for state agencies to opt out of participating in the formal State Interest review (SIR) step, where appropriate.
- State agency briefing within 5 days, for local government to present the proposed planning scheme amendment to the Department and state agencies.
- Flexibility for local government to decide whether the SIR and public consultation steps are undertaken concurrently.
- Limit on the number of days the local and state governments can pause a step in the process.
- Ability for the state government to determine that a significantly different change may not require re-notification, if the change addresses an issue raised in submissions or a matter raised during a SIR.
- Clarification on steps in the process that may be delegated by the chief executive and local government.

Key steps to streamline the amendment process

Greater detail is provided below about matters local government is to consider for the planning and preparation of a planning scheme amendment under this streamlined process.

Early engagement

Early and ongoing engagement is an essential part of plan-making. Local governments are encouraged to have early discussions with the Department and relevant state agencies and other government-owned corporations or bodies as required. These discussions can be arranged by contacting the local departmental office. Early engagement is essential with the relevant stakeholders to confirm matters of state interest, discuss locally-responsive approaches to appropriately delivering on the state interest, and for technical information or assistance.

Early and ongoing engagement with government and other stakeholders helps identify and addresses issues early in the plan-making process and informs the proposed planning scheme amendment package.

The local government is encouraged to contact their local departmental office to coordinate early engagement with the Department and relevant state agencies and other government-owned corporations or bodies. To facilitate meaningful and useful engagement, the Local Government is to provide the Department with:

- a preliminary statement about the nature and objectives of the proposed planning scheme amendment
- a statement about why a streamlined planning scheme amendment process is proposed, and
- information regarding state interests relevant to or potentially affected by the proposed planning scheme amendment to ensure any major issues are addressed early in the process.

During early engagement, state agencies are encouraged to consider their ongoing involvement in a proposed planning scheme amendment particularly at a later formal state interest review (SIR) step to determine if the proposed amendment is relevant to their state interests and if they are satisfied the proposed planning scheme amendment sufficiently integrates their state interests. The state agency may:

- provide written advice to the Department and local government about the proposed planning scheme amendment, and
- confirm whether or not they wish to opt out of the formal SIR step.

For further information regarding early engagement for plan-making, refer to the Department's [Toolkit for Local Government when making or amending a planning scheme](#).

Streamlining the process – State agencies to opt out of formal review

Any prior exposure to information about the proposed planning scheme amendment will provide state agencies the knowledge and a better understanding regarding if they require to see a proposed planning scheme amendment again later in the process. With appropriate and meaningful early engagement state agencies can front load their expectations and requirements into the proposed planning scheme amendment and decide to opt out of further formal involvement i.e. not participate in a formal SIR.

By opting out of the formal SIR, time savings within the process can be achieved for both the local government and the state agency. Further, the state agency can focus their resources on other proposed plan-making processes that may impact on their state interests.

Alternatively, by electing to remain in the SIR, state agencies will be required to assess whether a proposed planning scheme amendment has effectively integrated the state interest and advanced the state interests of the relevant regional plan (to the extent applicable to the scope and nature of the planning scheme amendment being proposed) and provide suitable comments within the timeframes specified. A state agency briefing is proposed to be held in the first part of a SIR to enable a sharing of knowledge in an appropriate forum.

Negotiating and deciding a streamlined process

Under the streamlined process it is expected the local government prepares a draft section 18 notice outlining the process steps and timeframes for its proposed planning scheme amendment.

To enable appropriate consideration for a streamlined process early in the plan-making process, the local government is to provide the department with:

- a draft section 18 notice
- a communications strategy
- a copy of the proposed planning scheme amendment
- a statement about the nature and objectives of the proposed planning scheme amendment
- justification about why a streamlined amendment process is being proposed.
- the outcome of early engagement with the Department and relevant state agencies and other government-owned corporations or bodies
- consideration of the effect of the proposed planning scheme amendment on state interests.

The local government sets out a preferred process for the chief executive to consider. This is particularly important as the setting of the process is intended to be the result of negotiation between the state government and the Local Government. The Local Government should consider as part of developing the tailored section 18 process, the steps it considers are appropriate for the proposed planning scheme amendment, the order of steps, any concurrent steps and indicative timing of the steps for the chief executive to consider.

State interest review

The state's review determines whether the proposed planning scheme amendment appropriately integrates state planning interests, for example, policies contained in either the state planning policy or a regional plan.

The SIR step is an opportunity for state agencies, further to the early engagement step, to consider the proposed planning scheme amendment and provide state technical advice to the Department. The Department, during the SIR step gives the proposed planning scheme amendment to relevant state agencies to consider the effects on state interests. Depending on the state interests impacted by the proposed planning scheme amendments, not all state agencies will be required to consider the proposed planning scheme amendment.

Streamlining the process – State agencies to opt out of formal review

As discussed above in the early engagement step, the state agencies involved in early engagement may determine at that previous step that they do not need to participate in the SIR step as the proposed planning scheme amendment:

- may not be relevant to their state interests, or
- they are satisfied that the proposed planning scheme amendment sufficiently integrates their state interests.

By opting out of the SIR, the state agency can focus their resources on other proposed plan-making processes that may have impact on their state interests and require greater integration.

Streamlining the process – State agency briefing

To assist in open knowledge sharing between the local government and state agencies, a state agency briefing may be facilitated by the Department following the SIR commencing. The Local Government would be expected to provide a presentation at this meeting to brief the Department and relevant state agencies on:

- the nature and objectives of the proposed amendment
- the effect of the proposed amendment on state interests, and
- how the proposed amendment responds to any state agency advice received during early engagement.

The state agency briefing provides an opportunity for state agencies to ask questions of the local government about the proposed planning scheme amendment and to resolve any questions or concerns and request information to aid the state agency's review of the proposed planning scheme amendment or suggest proposed changes. State agencies are to provide their SIR comments back to the Department.

Public consultation

Public consultation traditionally in plan-making is the first opportunity to inform and engage with the community in the development of the proposed planning scheme amendment. Over time, the Department has been encouraging earlier community engagement and awareness in these processes and are supportive of bringing the community along for the journey as outlined in the [Community engagement toolkit guidance](#).

Local governments are encouraged to develop and extend their public consultation efforts by including additional types of consultation, where relevant, to maximise opportunities for engaging with the community proactively.

Streamlining the process – Concurrent public consultation with the SIR

Where extensive consultation and engagement has been undertaken with both state agencies and the community early in the plan-making process and any state interests have been confirmed and appropriately integrated, the local government may decide to undertake public consultation concurrently with the SIR.

The local government would be confident that no major changes are likely to occur which may require the proposed planning scheme amendment to be publicly consulted for a second time. Undertaking these two steps concurrently can provide some great time savings within the plan-making process.

Significantly different

It is reasonably expected that some changes may be made to the proposed planning scheme amendment as a result of the SIR and/or submissions made during the public consultation period.

If it is determined the changes made since public consultation have resulted in the proposed planning scheme amendment being significantly different, additional public consultation may be warranted as the public may not have had the opportunity to comment on the changes that directly impact on them.

If public consultation is required to be repeated due to a significantly different change, the local government may decide to limit the public consultation to only those aspects of the proposed planning scheme amendment that have changed.

Streamlining the process – Significantly different change does not require further public consultation

To enable an efficient process, in appropriate circumstances the chief executive may determine that although the change is a significantly different change, the change addresses an issue raised in a submission or addresses a matter raised during SIR and does not require public consultation to be undertaken again.

This determination enables flexibility while ensuring a proposed planning scheme amendment appropriately reflects community feedback and state interest integration.

Timeframes

For a streamlined process to achieve a fast and efficient plan-making process, any time saving measures are critical. The Department is encouraging local governments to undertake a tailored process to address key priorities of the state government, including facilitating housing supply and diversity planning outcomes, [local housing action plans](#) and to align and advance the outcomes of regional plans.

The state government has committed to support expedited planning scheme amendments from preparation to adoption in as little as three months to ensure planning schemes are meeting the housing needs of residents and unlock homes in the right locations.

The tailored section 18 process enables the flexibility to develop a tailored process that is fast and responsive to suit the needs of the local government and its community.

In consultation with local governments, state agencies and industry bodies, the Department has identified the following indicative timeframes for the various steps that could make up a three, six and twelve month process. It must be noted that each tailored process is different, and a process could use a mix of timeframes from a six and twelve month process, or alternatively completely different timeframes not shown below. This timeframe diagram is included to provide guidance to local government to assist in mapping a process with timeframes, however an approved section 18 process will include appropriate timeframes negotiated between the local government and state government for each step based on complexity and risk within the proposed planning scheme amendment.

The complexity and risk of the proposed planning scheme amendment will determine, to some extent, the minimum timeframe a process can be completed in. Where a local government is proposing a low risk change with minimal or no impacts on state interests, for example changing the category of assessment from impact to code for a selection of uses, this is more suitable for a process aiming for completion in around three to six months.

However, for a more complex proposed planning scheme amendment, say an amendment impacting on multiple state interests or significantly effecting land-use rights, the plan-making process must still appropriately consider these impacts and provide adequate time and process for a thorough assessment and consideration to be undertaken.

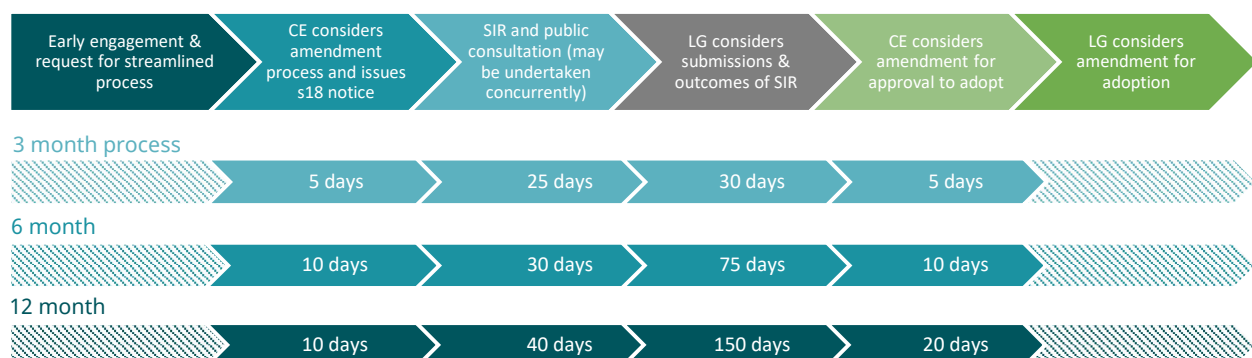


Diagram 1: Indicative timeframes making processes of three, six and twelve months

Streamlining the process – Delegations

Delegated decisions provide an opportunity to reduce decision timeframes and this should be considered for streamlined tailored section 18 processes. The Department will endeavour to delegate steps in the planning scheme amendment process to support efficient and effective decision making. This includes using delegated decisions at the lowest level possible, based on the scope and complexity of the amendment.

Where a local government is required to make a decision to amend a planning scheme, it may delegate its power in certain circumstances. Each local government may determine, in accordance with its legislative obligations and

any other internal requirements, whether certain steps can be delegated. A local government may, by resolution, delegate its powers to:

- the mayor,
- the chief executive officer,
- a standing committee or joint standing committee, or
- the chairperson of a standing committee or joint standing committee.

The local government may choose to delegate various functions and powers to council officers by 'double or sub delegation', where the power is first delegated from the local government to the local government's chief executive officer, and then from the chief executive officer on to council officers.

Streamlining the process – Paused timeframes

During the plan-making process the timeframe can be paused in circumstances such as where additional time may be required to respond to a request for further information. To ensure all parties involved in the process are committed to actioning a request during a paused timeframe it is recommended the section 18 process includes a cumulative total number of days that each party may pause the process.

The template limits each party to only be able to pause timeframes for a cumulative total number of 45 days, and where it is required to be paused past the 45 days, this is to be by agreement. To ensure commitment to the streamlining of amendment processes, all parties will endeavour to provide early advice on matters that may impact timeframes and or pause notices.

Further information

Please contact the Departmental regional offices to discuss alternative proposed planning scheme amendment to be considered for a streamlined plan-making processes.

For further information regarding the plan-making process and assistance in determining appropriate timeframes for each step based on complexity and risk, see the Department's suite of guidance material available online at <https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/local-planning/assisting-local-government> or your local Departmental office.