



Planning scheme monitoring and undertaking a ten-year review

Guidance for local governments

November 2021

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1.0 Purpose

The purpose of this guidance is to support local governments in undertaking active monitoring of their local area context and the implementation of their planning scheme. This will ensure planning schemes remains contemporary, responsive, and relevant to informing and guiding the future of the local government area.

This guidance provides advice on the interpretation and application of the planning scheme ten-year review process articulated in the *Planning Act 2016* (the Planning Act) and Planning Regulation 2017 (Planning Regulation).

This guidance:

- provides advice on the ongoing monitoring of local government planning schemes to support local governments to be responsive in amending their planning scheme
- outlines the statutory requirements for a ten-year review
- provides advice on the matters to consider and document in undertaking a formal ten-year review
- describes the available outcomes of the ten-year review
- explains the written reasons under s25(2)(a) of the Planning Act.

This guidance is complemented by:

- the **Minister's Guidelines and Rules (MGR)** which contains the guidelines and rules for the process of making and amending local planning instruments
- the **Integrating state interests in planning schemes – Guidance for local governments** which provides advice on local government context analysis, investigations, and engagement to inform the integration of state interests during plan-drafting
- the **Toolkit for local government when making or amending a planning scheme** which is designed to assist local governments in ensuring relevant plan-drafting considerations are addressed when making or amending a local planning instrument.

The process for undertaking the five-year review of a Local Government Infrastructure Plan (LGIP) is detailed in Chapter 5, Part 5 of the MGR.

2.0 Monitoring the implementation of the planning scheme

2.1 Approach to monitoring

Local government should undertake ongoing monitoring of the local area context and the implementation of the planning scheme and use these results to guide and inform a responsive approach of progressive amendments to their planning scheme.

This approach directly supports the State Planning Policy July 2017 (SPP) guiding principles that:

- *Contemporary information, challenges and community needs, and aspirations are reflected through up-to-date plans.*
- *Evidence and objectively assessed needs form a basis for planning that uses the best available knowledge.*



In areas of high growth with significant demographic change, development, and infrastructure investment, the response might mean regular amendments to ensure the planning scheme remains up to date. This will also avoid unwieldy amendment packages. In areas of low growth, the response may entail less frequent or more simple amendments, acknowledging that these areas may contain less detailed planning schemes.

Note – Monitoring over time will also inform the statutory ten-year review of the planning scheme and help identify what specific studies and investigations are necessary to finalise the ten-year review report.

2.2 Performance indicators

Local governments are encouraged to establish and undertake ongoing monitoring of key performance indicators for their local planning schemes.

Frequency of monitoring may for example be quarterly, bi-annual or annual, and will be determined by the availability of, and resources involved in collation and analysis of the identified performance indicators.

Local governments should develop performance indicators that can assist in collating the data for studies that will inform planning scheme provisions, such as a land supply analysis, housing needs assessment and commercial / retail / industrial land supply and employment needs analysis, so that this information is collated and reviewed on an ongoing basis.

Examples of possible qualitative and quantitative performance indicators include:

Matter	Example performance indicator
Achievement of planning scheme intent	
Alignment of intent with community aspirations	<ul style="list-style-type: none">• Surveys of 'community satisfaction' with planning and development outcomes, and decision-making processes
Liveable community and housing objectives Dwelling supply and mix targets	<ul style="list-style-type: none">• Number of lots created• Number of applications and approvals by residential type / within identified zones• Number of vacant lots within identified zones• Emerging community zone - changes in total or specific area extent yet to be subdivided• Private rental costs and vacancy rates• Provision of parkland and sport and recreation land by hectares per head of population
Economic growth objectives Employment targets	<ul style="list-style-type: none">• Analysis of and comparison between number of applications and approvals by use type and number of building approvals by use type• Number of vacant lots in commercial or industrial zones• Retail and commercial tenancy vacancy rates• No of jobs for each sector / within identified zones• Economic activity per sector• Number of visitor nights (tourists)
Environment and heritage objectives	<ul style="list-style-type: none">• Number of heritage places• Area of land identified with MES cleared for development• Water quality statistics
Safety and resilience to hazards objectives	<ul style="list-style-type: none">• Air quality levels• Proportion of development approved within walkable distance of public transport• Greenhouse gas emissions

Infrastructure objectives	<ul style="list-style-type: none"> Proportion of development undertaken in sequence / in priority infrastructure areas
Planning scheme useability and functionality	
Alignment of development outcomes with planning scheme intent	<ul style="list-style-type: none"> Assessment manager feedback on alignment of approvals / refusals with scheme intent Number and nature of planning appeals Outcomes of court decisions
Navigability and ease of use	<ul style="list-style-type: none"> User surveys Assessment manager feedback – applicant confusion, etc
Extent of regulation	<ul style="list-style-type: none"> Per cent of applications approved (rarely refused) / approved without individual conditions Per cent of applications that are code assessable versus impact assessable

2.3 Ongoing planning scheme amendments

Local governments are encouraged to document the ongoing amendments that have been made to their planning scheme and the rationale for those amendments.

Evaluate to what extent previous planning scheme amendments have fully responded to the matters identified through the ongoing monitoring of the implementation of the planning scheme. These amendments could also be analysed with specific performance indicators based on their purpose, reason and rational.

3.0 Statutory ten-year review requirements

3.1 Overview

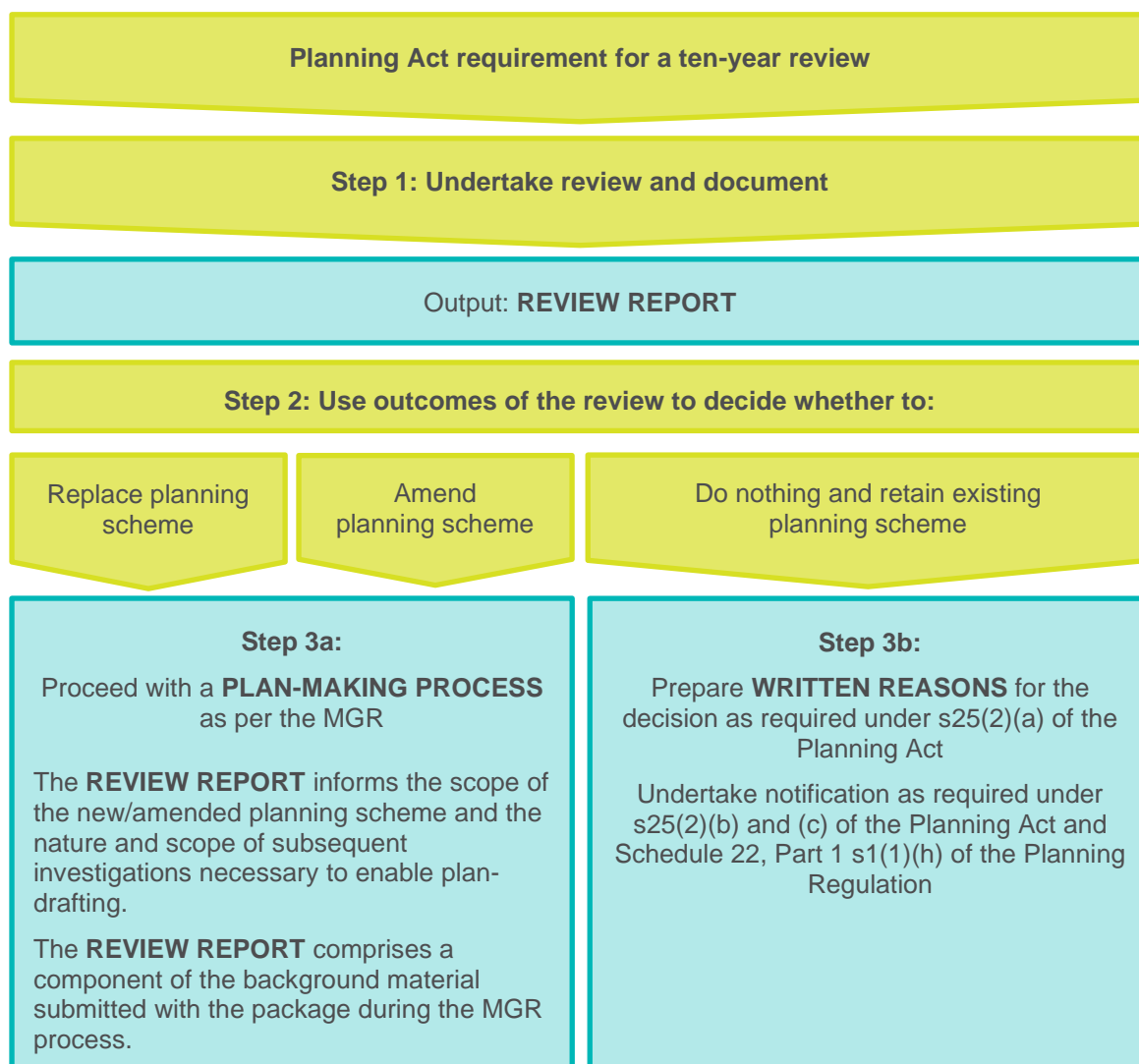
Section 25 of the Planning Act states that a local government must review its planning scheme within ten years after the planning scheme was made or was last reviewed. This requirement ensures planning schemes are well-maintained and remain contemporary, responsive, and relevant to informing and guiding the future of the local government area.

Based on the review, local governments must decide whether to amend or replace the planning scheme.

If a local government decides not to amend or replace the planning scheme, they must give written reasons for the decision to the chief executive and undertake required notification of those reasons.

If a local government decides replace (i.e., to make a new planning scheme) or amend an existing planning scheme, this plan-making process proceeds as normal using the steps of the MGR.

This process is illustrated below:



3.2 Review report

3.2.1 Scope

The ten-year review is in place to consider and document the currency of the planning scheme.

The review should include the currency of the planning scheme in relation to:

- the local government area setting, such as its **demographic** profile
- the delivery of **infrastructure and development**
- the current **legislative context**
- the latest **state policy context** including:
 - the approach and workability of the planning scheme in terms of delivery of the **State Planning Policy July 2017 (SPP) guiding principles**
 - integration of the **SPP state interest policies** and most current SPP IMS
 - the advancement of the applicable **regional plan**
- the **local government's strategic directions** and **community** aspirations.

While these matters are to be addressed in a ten-year review, local governments are strongly encouraged to regularly monitor these matters and progressively undertake amendments to the planning scheme in response to identified changes and trends.

Considerations in assessing the currency of the planning scheme in relation to these matters, include:

- the **nature of amendments** that have been made to the planning scheme in the ten years
- the **scope of investigations** that have been undertaken to understand and inform the changes in the local government area and its context, over those ten years.

The outcomes of **ongoing monitoring of the implementation of the current planning scheme** (and details of any planning scheme amendments that have been adopted to progressively address these matters) should be included in the review report. The outcomes should also inform the scope of the further investigations necessary to inform the formal review report.

It is recommended that the connection with the local government infrastructure plan (LGIP) also be made as part of the review process. A local government is required to review their LGIP every five years.

3.2.2 Demographic profile and trends

Scope

The approach and scope of the review will be informed by:

- The nature and extent of demographic change that has occurred in the local government area over the ten years.
- The extent of amendment to the planning scheme that has already occurred over those ten years in response to those changes.

Enquiry questions

- What are the population characteristics and trends and migration trends in the local government area?
- How do previously used population projections (for LGIP or amendment) correlate with actual data?
- What are the drivers and enablers/inhibitors behind these trends?
- How is household composition changing and how does this correlate with dwelling supply and mix?

3.2.3 Infrastructure and development trends

Scope

The approach and scope of the review will be informed by:

- The nature and extent of development and infrastructure provision that has occurred in the local government area over the ten years.
- The extent of amendment to the planning scheme that has already occurred over those ten years in response to those changes.

Enquiry questions

- What infrastructure has been delivered, committed to or proposed since the planning scheme was originally developed and to what extent have those changes been reflected in the planning scheme?
- What are the development trends in the local government area?
- What are the drivers and enablers/inhibitors behind these trends?

3.2.4 Legislative context

Scope

The approach and scope of the review will be informed by:

- The nature and extent of legislative change that has occurred in the local government area over the ten years.
- The extent of amendment to the planning scheme over those ten years in response to those changes.

Enquiry questions

- Under which primary and secondary planning legislation and statutory instruments was the planning scheme originally developed?
- To what extent did the planning scheme undertake an 'alignment amendment' to fully address any changes to the legislative context?
- What other changes to regulations and legislation have occurred since the planning scheme was drafted?
- What is the extent of inconsistency between the planning scheme and the current regulations and legislation?

Resources

- Refer to the [Delivery of state interests through the Planning Regulation 2017](#) document for guidance on relevant regulatory provisions associated with the delivery of state interests.

3.2.5 State policy context

Scope

The approach and scope of the review will be informed by:

- The existing approach and workability of the planning scheme in terms of delivery of the **SPP guiding principles**.
- The status of integration of the **SPP state interest policies** and most current SPP IMS in the planning scheme.
- The status of advancement of the applicable **regional plan** in the planning scheme and the currency of that regional plan.

3.2.5.1 SPP guiding principles

Enquiry questions and actions

- To what extent were the current SPP guiding principles considered / inform the current planning scheme structure and approach?
- Audit the structure and operation of the planning scheme to identify extent and nature of achievement of SPP guiding principles.
- Community surveys may assist in understanding how easy users find the planning scheme to navigate and how well they understand the intended outcomes of the planning scheme.

Resources

- Refer to the 'Drafting principles' section of the [Toolkit for local government when making or amending a planning scheme](#) to assist in identifying aspects to consider in the audit of the current planning scheme. For example, to evaluate the extent of integration, transparency and efficiency, how many places does a user need to look to establish the category of development and assessment applying to a development?

3.2.5.2 SPP state interest policies

Enquiry questions and actions

- What version of the SPP has been integrated into the planning scheme for each state interest?
- Identify the nature of any revisions between that version and the current version of the SPP.
- Have amendments been made to the planning scheme following the release of the latest SPP?
If so, describe the state interest policies in the latest SPP that were addressed and integrated/advanced in the amendment.
- What version of each of the SPP IMS mapping layers has been integrated in the planning scheme?
SPP IMS mapping is updated regularly to reflect the most up to date information and circumstances. More significant revisions to the SPP mapping may modify mapping layer categories or reflect the outcomes of state-wide investigations.
- Consider the effect of any mapping changes, including whether they necessitate amendments to other elements of the planning scheme. For example:
 - whether the existing underlying zoning and land use intent aligns with the intent for the amended mapping, OR
 - whether the existing planning provisions that rely on the mapping, such as an overlay code, remain current or require revision to acknowledge new mapping layers or changed inputs to mapping outcomes.
- Draw conclusions on the extent to which the current planning scheme is considered to align with and fully integrate the current SPP state interest policies and mapping.
- Analyse data and undertake studies to understand and inform future/greater integration of the SPP state interest policies (and regional plan land use planning outcomes).

Resources

- Refer to the 'State Planning Policy' page on the department's [website](#) for the current State Planning Policy July 2017 and for copies of lapsed and repealed SPPs.
- Refer to the 'Mapping' page on the department's [website](#) for a summary of previous mapping amendments to the SPP IMS.
- Refer to the 'Studies and investigations' section of the [Toolkit for local government when making or amending a planning scheme](#) to assist in identifying the typical studies and investigations relevant to inform the drafting of up-to-date planning scheme outcomes and provisions.
Of particular importance, to build upon the demographic and development trends analysis, is the undertaking of a **housing strategy**, incorporating a **land supply analysis**, **housing needs assessment**, and a **commercial / retail / industrial land supply and employment needs analysis**.

3.2.5.3 Regional Plans

Enquiry questions and actions

- Has a new regional plan been prepared, or an existing regional plan amended or replaced, in the last ten years?
If so, how recent were these changes?
- Have amendments been made to the planning scheme following the release of the new or amended regional plan?
If so, describe the land use planning outcomes in the regional plan that were addressed, integrated, or advanced in the amendment.
- Identify the nature of any balance new or changed regional plan benchmarks and land use planning outcomes.
- Undertake an updated review of the regional plan to identify how the planning scheme at this point in time may be updated to more fully and effectively advance the regional plan land use planning outcomes of the relevant regional plan. This will help determine whether the current planning scheme aligns with state and regional planning horizons.

Resources

- Refer to the 'Regional planning' page on the Department's [website](#) to access all current regional plans and information about regional plans under review.
- Refer to the 'Regional Plans' section of the [Integrating state interests in planning schemes – Guidance for local governments](#) document for advice on the land use planning policies of each regional plan that are to be given effect through planning schemes.

3.2.6 Local government directions

Scope

The approach and scope of the review will be informed by:

- The nature and extent of change to local government strategic directions and community aspirations over the last ten years.
- The extent of amendment to the planning scheme over those ten years in response to those changes.

Enquiry questions and actions

- What strategic policy documents and strategies has the local government undertaken/prepared, or contributed to, with their community over the last ten years?
For example - Regional Organisation of Councils strategic plans and local government strategic and corporate plans, community visions, and strategies and projects such as economic development plans, environmental policies and recreation and parks plans.
- How have these informed amendments to the current planning scheme?
- What studies and strategies are already proposed as part of the ten-year review / to inform a new or amended planning scheme?
- What are the policy areas where a current local government strategic direction is then still missing?

3.3 Review outcomes

At the completion of the review, local government has three options:

- to decide to replace the planning scheme
- to decide to make amendments to the planning scheme
- to decide to do nothing, e.g., not make any amendments to the existing planning scheme and not prepare a new planning scheme.

Where a local government decides to proceed with preparing a new planning scheme or making amendments to the existing planning scheme, the scope of matters to be addressed and the nature of the proposed new or amended content should be informed by the robust ten-year review.

Where a local government decides to do nothing, section 25(2)(a) of the Planning Act requires the local government to provide written reasons for that decision.

3.4 Written reasons

3.4.1 Content

Section 25(2)(a) of the Planning Act requires that if the local government decides not to amend or replace the planning scheme, the local government must give written reasons for the decision to the chief executive.

The reasons should articulate the evidence base for how the current planning scheme already effectively:

1. Responds to and will accommodate the needs generated by the current and projected **demographic profile** of the local government area over the following 10 years or the articulated life of the planning scheme.
2. Responds to existing development and will accommodate the **development trends** projected over the following 10 years or the articulated life of the planning scheme.
3. Reflects the nature and extent of infrastructure developed in the local government area and the **infrastructure needs and infrastructure development** projected over the following 10 years or the articulated life of the planning scheme.
4. Aligns with current **legislation**.
5. Delivers on the **SPP guiding principles**.
6. Integrates the **SPP state interest policies** and most current **SPP mapping** in the planning scheme.
7. Advances the applicable **regional plan**.

3.4.2 Notification

Section 25(2)(b) of the Planning Act requires local government to publish a public notice, in the approved form, about the decision.

The department has a Public Notice (Planning Act Form 1) for the local government to give the reasons for their decision under section 25(2) of the Act available on its [website](#) entitled 'Form – Public notice about decision not to amend or replace a planning scheme'.

Section 25(2)(c) requires local government to keep a copy of the public notice in a conspicuous place in the local government's public office, for a period of at least 40 business days after the notice is published. Schedule 22, Part 1 s1(1)(h) of the Planning Regulation requires that the written reason be kept available for inspection and purchase.



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