

Minister's Guidelines and Rules

July 2017

Chapter 3—Minister's rules for making and amending a planning scheme policy (PSP) or temporary local planning instrument (TLPI)

Part 2—Temporary Local Planning Instrument

6. What this part prescribes

- 6.1. This part prescribes the process for making or amending a temporary local planning instrument (TLPI) for section 23 of the Act.

7. Planning and preparation

- 7.1. The local government must decide to make or amend a TLPI.⁹
- 7.2. The local government must prepare the proposed TLPI or TLPI amendment.

8. Minister's approval

- 8.1. The local government must submit the proposed TLPI or TLPI amendment and the required material as prescribed in Schedule 3 to the Minister.
- 8.2. The Minister may request additional information from the local government after the Minister receives the proposed TLPI or TLPI amendment under section 8.1.
- 8.3. After receiving the proposed TLPI or TLPI amendment, the Minister must decide if—
- a) for a proposed TLPI, if section 23(1) of the Act is satisfied; or
 - b) for a proposed TLPI amendment, if section 23(2) of the Act is satisfied.
- 8.4. If the Minister approves the local government making or amending a TLPI, the Minister must, within 20 days of receiving the proposed TLPI or TLPI amendment, give the local government a notice stating:
- a) that the Minister approves the making or amending of the TLPI; and
 - b) if the Minister agrees to an earlier **effective day** in accordance with section 9(4) of the Act.
- 8.5. If the Minister does not approve the local government making or amending a TLPI, the Minister must, within 20 days of receiving the proposed TLPI or TLPI amendment, give the local government a notice stating:
- a) that the Minister does not approve the making or amending of the TLPI; and
 - b) if the local government may resubmit the proposed TLPI or TLPI amendment to the Minister for approval and if so, what actions must first be taken by the local government.
- 8.6. If the notice given to the local government by the Minister under section 8.5 allows the local government to resubmit the proposed TLPI or TLPI amendment to the Minister, the Minister may approve the amendment and give notice under section 8.4 or refuse the amendment and give notice under section 8.5.

⁹ If a local government proposes an earlier effective day for the TLPI or TLPI amendment, the local government must resolve, at a public meeting, to give the TLPI or TLPI amendment and the request for an earlier effective day to the Minister for approval – see 9(4) of the Act.

9. Adoption

- 9.1. After completing the relevant actions under this part, the local government must decide to adopt or not to proceed with the proposed TLPI or TLPI amendment.
- 9.2. If the local government decides to adopt the proposed TLPI or TLPI amendment, the local government must publish a public notice in accordance with the requirements in the Act and as prescribed in Schedule 5.
- 9.3. The local government must, within 10 days of adopting the TLPI or TLPI amendment, give the chief executive—
 - a) a copy of the public notice; and
 - b) a certified copy of the TLPI as made or amended, including—
 - i. an electronic copy of the amendment or instrument; and
 - ii. a copy of all electronic planning scheme spatial data files (mapping), relevant to the TLPI.
- 9.4. If the local government decides not to proceed with the proposed TLPI or TLPI amendment, the local government must give the Minister a notice stating—
 - a) the name of the local government;
 - b) the title of the proposed TLPI or TLPI amendment;
 - c) the decision; and
 - d) the reasons for not proceeding with the proposed TLPI or TLPI amendment.

Schedule 3—Required material

For making or amending a TLPI under Chapter 3, Part 2

1. An electronic copy (mandatory) and a hard copy (optional) of the proposed TLPI or TLPI amendment in the format identified by the department.
2. A statement including—
 - a) why the local government proposes to make or amend the TLPI;
 - b) how the proposed TLPI or TLPI amendment complies with section 23(1) or (2) of the Act.
3. Any background studies or reports that informed the preparation of the proposed TLPI or TLPI amendment.
4. Any relevant mapping (if available).