



# Fact sheet: Making and amending local planning instruments under the *Planning Act 2016*

The *Planning Act 2016* commenced on 3 July 2017, replacing the *Sustainable Planning Act 2009* (SPA) as Queensland's planning legislation. To support the new plan-making framework, a new statutory instrument called the Minister's Guidelines and Rules (MGR) has been made by the Planning Minister.

**This fact sheet provides an overview of the MGR and the main processes for making and amending local planning instruments.**

## What is the MGR?

The MGR contains the guidelines and rules for plan-making under the Planning Act, which includes making and amending local planning schemes, planning scheme policies (PSP), temporary local planning instruments (TLPI) and local government infrastructure plans (LGIP).

## Making and amending using a tailored approach

Given the diversity of local government areas across Queensland, section 18 of the Planning Act provides for a new, tailored approach to plan-making. This is intended to allow the process for making or amending schemes more responsive to the unique circumstances and communities across Queensland.

A tailored approach is to be used:

- for making all new local planning schemes
- if the Minister has directed a local government under section 26(5) of the Planning Act to make or amend a local planning scheme under section 18 of the Planning Act; or
- if a local government chooses to use a tailored approach for amending a planning scheme.

## A new notice to start the process

The process a local government must follow to make or amend a planning scheme under a tailored approach is set by a notice given to the local government by the chief executive of the Planning Act (the Director-General of the Department of Infrastructure, Local Government and Planning).

Chapter 1, part 1 of the MGR contains the guidelines that set out the matters the chief executive must consider when preparing a notice.

The chief executive will be required, under the Planning Regulation, to keep a copy of each notice about the process (including amended notices) given under section 18(3) of the Planning Act.

Although the notice about the proposed process may be tailored to meet the individual circumstances of the new planning scheme or amendment, section 18(5) of the Planning Act prescribes elements that must be included in the notice. This includes the requirements for giving notice about public consultation, the minimum number of days for public consultation, and how submissions received about the new scheme or amendment must be considered.



## A set process for planning scheme amendments

A local government may choose to follow a set process when amending a planning scheme rather than the tailored approach. Section 20 of the Planning Act prescribes that a local government may amend a planning scheme by following a set process outlined in the Minister's rules (contained in the MGR).

Planning scheme change	Options
Making a new planning scheme	Tailored process
Amending an existing planning scheme	Tailored process or set process

Chapter 2 of the MGR provides set processes (rules) for the following four types of amendments: administrative, minor, qualified state interest, and major.

- **Administrative amendments** (chapter 2, part 1) and **minor amendments** (chapter 2, part 2) are amendments that do not require public notification. These are similar to the existing plan-making processes for administrative and minor amendments under SPA.
- **Qualified state interest amendments** (chapter 2, part 3) are a new type of planning scheme amendment that require public notification but which do not require all of the steps in the major amendment process, including a state interest review.

To use the qualified state interest amendment process, a proposed amendment must meet the definition contained in section 3 of schedule 1 of the MGR.

Qualified state interest amendments are administered and approved by the local government seeking the amendment and are subject to the same minimum public notification requirements as a major amendment.

To ensure that the state's interests are protected, and appropriate consultation with the community is undertaken, the Minister retains oversight of the process at key points and can intervene and direct actions if required. It is the Minister who is responsible for approving the adoption of the qualified state interest amendment.

It is expected these amendments will allow planning schemes to be amended more quickly than through a major amendment process, without compromising the opportunity for meaningful community engagement.

- **Major amendments (chapter 2, part 4) are amendments that are not qualified state interest amendments, minor amendments, or administrative amendments.** The process allows the chief executive to provide an early confirmation of state interests as an optional step at the request of the local government. The Minister is responsible for approving the adoption of major amendments.

For more information about these amendment processes, including the definitions and what types of amendments to a local planning scheme may be undertaken for each process, refer to schedule 1 of the MGR.

## **Making and amending a planning scheme policy**

The Planning Act (section 22) prescribes that a local government may make or amend a PSP by following the process in the Minister's rules. The MGR (chapter 3) prescribes this process, which is similar to the existing PSP process under SPA.

## **Making and amending a temporary local planning instrument**

The Planning Act (section 23) prescribes that a local government may make or amend a TLPI by following the process in the Minister's rules (chapter 3, part 2 of the MGR).

## **Making and amending a local government infrastructure plan**

The Planning Act (section 21) prescribes that a local government may make or amend an LGIP by following the process in the Minister's rules. The MGR (chapter 5, part 2) prescribes the process for making or amending an LGIP and part 3 prescribes the process for making an administrative LGIP amendment. These processes are similar to the existing LGIP process under SPA.

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