

Fact sheet: A guide for local government on plan-making under the *Planning Act 2016*

This fact sheet provides local government with a quick overview of the new plan-making framework that supports the *Planning Act 2016* (Planning Act).

Statutory instrument for making and amending local planning instruments

The Minister's Guidelines and Rules (MGR) is a new statutory instrument made by the Minister under the Planning Act. It contains the guidelines and rules for making and amending local planning schemes. The MGR is supported by guidance and other explanatory material to assist local governments and other stakeholders in using the guidelines and rules.

New planning schemes

Section 18 of the Planning Act provides a new, tailored approach to plan-making. All new planning schemes must follow the tailored process, and a local government may elect to use it for scheme amendments too.

Under the tailored process, a local government must give a notice of a proposed new planning scheme or amendment to the chief executive of the Department of Local Government, Infrastructure and Planning. The chief executive is then required to give the local government a notice about the plan-making process to be followed for the new scheme or amendment.

Chapter 1 of the MGR provides examples of the information a local government may give to the chief executive to assist in tailoring the notice about the plan-making process. Local government is encouraged to participate in tailoring the process to the proposed new scheme or amendment.

Planning scheme amendments

While the tailored approach (section 18 of the Planning Act) can be used for planning scheme amendments, a local government may choose to follow a set process when amending a planning scheme. Section 20 of the Planning Act prescribes that a local government may amend a planning scheme by following a set process outlined in the MGR.

Chapter 2 of the MGR provides set processes (rules) for four types of amendments:

1. Administrative amendment.
2. Minor amendment.
3. Qualified state interest amendment.
4. Major amendment.

A qualified state interest amendment is a new type of planning scheme amendment (see schedule 1, section 3 of the MGR). This amendment process will benefit a local government seeking to make amendments that do not require a formal state interest review, as it will allow such amendments to proceed to adoption faster than a major amendment process.



Other local planning instruments

The MGR also prescribes the process for making and amending:

- planning scheme policies (chapter 3)
- temporary local planning instruments (chapter 3)
- local government infrastructure plans (chapter 5).

Plan-making portal

The plan-making portal went live on 3 July 2017 for the new Planning Act. The portal:

- is more sophisticated than the previous system (ePlan portal)
- is a one-stop-shop for making and amending local planning instruments
- saves time when sharing information between local and state government
- is used by local government to give notice electronically to the Minister or chief executive about proposed new planning instruments and amendments
- is used by state agencies to consider planning instruments during the state interest review
- allows the Minister or chief executive to give notice to a local government electronically about new planning schemes and amendments.

The plan-making portal will allow a local government to:

- lodge proposed new planning schemes and amendments
- receive decision notices from the Minister or chief executive
- keep track of plan-making tasks
- access templates, fact sheets and guidance material.

Each local government must have a portal ‘super user’ (administrator) who is responsible for setting up their users in the plan-making portal and assigning access rights. Once an administrator has been appointed, welcome instructions are provided.

Instructions on how to submit a new planning scheme or amendment in plan-making portal are available on the department’s [Planning website](#).

Each local government has its own portal interface where users have access to all or only a part of the plan-making portal. The interface tracks a proposed local planning instrument through the plan-making process using workflows for each part of the process. Each workflow has its own web page, including the state interest review and Minister’s consideration. When one workflow is completed, the portal automatically progresses the proposed instrument to the next workflow in the process.

For portal support, please email eplanningsupport@dilgp.qld.gov.au.

Using the plan-making portal

Logging on for the first time

When logging onto the portal for the first time, the user will be prompted to select the relevant plan-making process under the Planning Act. The user will then be taken to an input page to upload notices and associated material. An online web form will also appear with drop-down boxes and input fields. This form will include details about the planning instrument/amendment and other relevant information, including contact details, relevant state interest(s) and resolution dates. Once all input details and uploads have been made, the user can submit the planning instrument/amendment to the department.

Stakeholders

The community will be able to view the progress of proposed new planning schemes and amendments during the plan-making process through a limited portal view.

Public consultation information

For MGR plan-making processes that require public consultation, local governments will be encouraged to upload consultation details in the portal, including start and finish dates and/or re-notification details, before any consultation begins. Uploading the public notice, once public consultation has commenced, is also encouraged.

This information will help the department answer questions from the community about the status of an amendment/instrument.

Adoption version of instruments/amendments

Upon adoption of a planning scheme instrument/amendment under the Planning Act, a local government must give the department:

- a certified electronic copy of the instrument or amendment
- a copy of all electronic planning scheme spatial data files (mapping).

Local governments are encouraged to upload this material onto the portal.

Hard copy versions

Although local governments will be able to lodge notices and instruments/amendments with the department via email, hard copy or USB format, the department's preferred lodgement method is through the portal.

Local planning instruments commenced under the *Sustainable Planning Act 2009 (SPA)*

As the plan-making portal has been designed for plan-making under the Planning Act, it cannot be used for processes commenced under SPA. Instruments that are being progressed under SPA may continue to use the ePlan portal, or be provided to the department via email, hard copy or USB.

Once all proposed schemes and amendments lodged under SPA are completed, the ePlan portal will be decommissioned.

Department support

Staff (including in regional offices) are available to support local governments with the plan-making framework.

Further information

For more information and to find the contact details for your local office, visit the [Planning website](#).