

Minister's Guidelines and Rules fact sheet

The Minister's Guidelines and Rules (MGR) outlines plan-making requirements, including how local governments prepare and amend planning schemes and apply mapping within those schemes.

The proposed amendments update terminology and references to align with the revised State Planning Policy (SPP).

Summary of changes

The following changes are proposed to the MGR.

Proposed change	Purpose
Location: Chapter 4 – Minister's rules for making a planning change to reduce a material risk of serious harm to persons or property on the premises from natural events or processes - Part 1, 1.2 (Pg 28) Change: <i>The planning change must integrate the SPP for the state interest natural hazards and safety.</i>	Clarify the intent of the provision and align terminology with the revised SPP.
Location: Chapter 4 – Minister's rules for preparing a report assessing feasible alternatives for reducing the risk stated in the Act – Part 2, 2.2.f (Pg 31) Change: <i>a statement about the proposed planning change's consistency with the SPP and State Interest Guidelines with regard to natural hazards and safety; and</i>	Align terminology with the revised SPP.
Location: Schedule 1 – Types of planning instrument amendments – 1(b) For an administrative amendment to a planning scheme (Pg 69) Change: <i>Delete</i>	Reflect previous legislative changes.
Location: Schedule 1 – Types of planning instrument amendments – 2(h) For a minor amendment to a planning scheme (Pg 70) Change: <i>reflects a change or changes to mapping in Appendix 1 of the SPP where the mapping is not locally refined by the local government</i>	Simplify process for local governments to include state hazard mapping in planning scheme.
Location: Schedule 1 – Types of planning instrument amendments – 3(c) For a qualified state interest amendment (Pg 71) Change: <i>does not involve the state interest of natural hazards and safety as set out in the SPP; and</i>	Update terminology in response to revised SPP.
Location: Schedule 1 - Types of Planning instrument amendments - 3(d)(ii) For a qualified state interest amendment (Pg 71) Change: <i>is an amendment to comply with the relevant matters of state and regional significance in any regional plan including regulatory provisions, or in response to the SPP, that does not adversely impact upon a state interest.</i>	Clarify intent of provision.

Location: Schedule 1 - Types of Planning instrument amendments - 3(d)(iii) For a qualified state interest amendment (Pg 71) Change: <i>is an amendment that—</i> <i>reflects the strategic aspirations and guiding principles of the SPP;</i> <i>does not adversely affect a state interest in the SPP or regional plan;</i> <i>accords with the Act's purpose; and</i> <i>is consistent with the regulated requirements under the Act.</i>	Update following introduction of Strategic aspirations as part of revised SPP.
Location: Schedule 3 - Required material – 2(c)(i) For a proposed qualified state interest amendment (Pg 74) Change: <i>unless the amendment is of a type described in section 3(d)(iii) in Schedule 1—</i> <i>how the strategic aspirations and guiding principles of the SPP are reflected in the proposed amendment;</i> <i>how the amendment accords with the Act's purpose; and</i> <i>if the amendment is consistent with the regulated requirements.</i>	Reflect the introduction of the Strategic aspirations in the revised SPP.

Pathways for implementing the revised SPP in planning schemes

The planning framework provides several pathways for local government to amend their planning schemes. The SPP review and proposed MGR amendments do not introduce any new planning scheme amendment pathways.

The Department of State Development, Infrastructure and Planning will work with local government to support the implementation of planning scheme changes arising from the revised SPP.

Simplified pathway for implementing state hazard mapping in planning schemes

The proposed amendment to section 2(h) of schedule 1 of the MGR expands the minor amendment pathway for local government to more readily reflect changes to state hazard mapping in their planning schemes, without the need to undertake a Feasible Alternatives Assessment Report (FAAR) for reducing the risk stated in section 30(4) of the Planning Act, when adopting mapping in full with no local refinement.

Moving forward, clearer state mapping governance processes will require relevant mapping agencies to undertake consultation with landowners ahead of maps being amended, as outlined in the [Natural hazards land use planning discussion paper](#). Given this, councils will no longer need to notify affected landowners of the change under the FAAR process as notification would have already occurred through the state notification processes. Under this expanded minor amendment pathway, it will be open to landowners to seek compensation from a local government under the Planning Act where the mapping change limits the use of a premises.

This change is proposed in response to feedback about the need for a more timely, simplified minor amendment pathway for integrating state hazard mapping in planning schemes, where mapping is not locally refined.

Streamlined planning scheme amendment pathways

The planning framework includes the following streamlined pathways for amending planning schemes.

Pathway	Details
Section 18 streamlined amendment (Consultation required)	Supports planning scheme amendments in as little as three months. Local government and chief executive co-design the plan making process to develop proportional requirements to suit the amendment.
Qualified state interest amendment under MGR (Consultation required)	Smaller scale amendments to implement the SPP. Cannot involve more than three state interest or matters relating to natural hazards.
Minor amendment under MGR	Available for changes such as: • Changes to mapping where the mapping is not locally refined by the local government. • Changes that integrate SPP state interests without introducing a significant policy change (for example, zoning, category of development, policy position). • Implements changes in response to a ministerial direction.
Ministerial direction (Consultation at the discretion of local government)	The minister can direct local government to take action, such as reviewing their planning schemes to consider how changes to the SPP can be integrated or taking specific action to implement those changes. Where specific changes are identified, a local government may be directed to implement them without public consultation.