

Chief Executive Notice

Notice about the process for amending a planning scheme under section 18(3) of the *Planning Act 2016*

To support implementation of *ShapingSEQ 2023* and broader housing supply and diversity outcomes

Stones Corner Suburban Renewal Precinct major amendment – *Brisbane City Plan 2014* – Brisbane City Council

Part A – Preamble

In accordance with section 18(4) of the *Planning Act 2016* (the Act), the Chief Executive has considered the matters stated within the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(a) of the Act. The summary matters relevant to this decision are:

1. The notice given by Brisbane City Council under section (18)(2) of the Act on 28 June 2024.
2. Parts B & C of this notice comprise the provisions and process that apply to the proposed amendment of this planning scheme in accordance with section 18(6) of the Act, and the entity responsible for each step in the process¹.
3. Unless stated otherwise, the process described in Part C of this notice is to be undertaken in the order in which it is prescribed. This does not preclude the need for steps to be repeated should changes be made to the proposed planning scheme amendment for example.

Chief Executive Powers and Functions

1. The Chief Executive delegates under section 282 of the *Public Sector Act 2022* the functions and powers of the Chief Executive under this notice to the following delegates:
 - 1.1 For Chief Executive functions and powers listed in Part B of this notice:
 - (a) Deputy Director-General, Planning Group
 - (b) Executive Director, Planning Group

¹ Where the functions and powers of the Chief Executive under this notice may be appropriately performed or exercised by an officer in Planning Group in the Department, this notice includes the delegation of the Chief Executive.

- (c) Director, Planning Group
- (d) Manager, Planning Group

2. For Chief Executive functions and powers listed in Part C of this notice, the person stated as the delegate for each step in Column 4 of Table 1.

Chief Executive delegations exclude the power to subdelegate.

Part B – Operative provisions

This part prescribes additional matters that are to be read in conjunction with the requirements set out in Part C.

1. Requesting information and changes

- 1.1 The Minister for Planning or Chief Executive, as relevant to the process, may, at any time, give the local government a notice:
- (a) requesting further information; or
 - (b) advising of any changes to the proposed planning scheme amendment to address state interests.

2. Managing timeframes

- 2.1 The Minister for Planning, Chief Executive, or the local government, may pause a timeframe (except for the public consultation timeframe) for an action for which they are responsible, by giving notice to any other party in the relevant step of the process. This notice must state how long the timeframe will be paused and a date upon which the timeframe will restart.
- 2.2 If a notice to pause a timeframe is given, the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.
- 2.4 The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends.
- 2.5 Each entity may only pause timeframes for steps for which it is responsible under Part C of this notice for a cumulative total number of business days as follows:
- (a) for the Minister and the Chief Executive, collectively a total of 45 business days; and
 - (b) for the local government, a total of 45 business days.
- 2.6 A timeframe may be paused beyond the cumulative total number of business days stated in paragraph 2.5 where the local government and either the Minister or Chief Executive agree that it is appropriate to pause the timeframe for a further agreed number of business days.

3. Public consultation

In addition to any steps relating to public consultation included in Part C of this notice and in accordance with section 18(5) of the Act, the local government is required to:

- 3.1 Publish at least one public notice² about the proposal to amend the planning scheme.

² In accordance with the requirements stated in paragraph (b) of the definition of 'public notice' in schedule 2 of the Act.

- 3.2 Keep the instrument available for inspection and purchase for the duration of the consultation period identified in Part C, of this notice.
- 3.3 The public notice must:
 - (a) be in accordance with the requirements stated in the definition of 'public notice' in schedule 2 of the Act;
 - (b) state the consultation period identified in Part C of this notice; and
 - (c) state that any person may make a submission about the proposed planning scheme amendment to the local government within the consultation period.
- 3.4 Consider all properly made submissions about the proposed planning scheme amendment.
- 3.5 Notify persons who made properly made submissions about how the local government dealt with the submissions.
- 3.6 For the public consultation report, a notice containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters must be given to the Minister.
- 3.7 If consultation is required to be repeated due to a significantly different change (having regard to the definition in the Minister's Guidelines and Rules (MGR), including reference to schedule 2 of the MGR), the local government may decide to limit the public consultation to only those aspects of the proposed planning scheme amendment that have changed.

4. Communications strategy

The local government is required to implement the communications strategy about the proposed planning scheme amendment at **Appendix A**.

5. Changing the proposed amendment

- 5.1 The local government may make changes to the proposed planning scheme amendment or propose conditions the Minister or Chief Executive may consider imposing.
- 5.2 The local government must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant state interest/s, including those identified in a state interest review.
- 5.3 If the local government changes the proposed amendment and the change results in the proposed amendment being significantly different (having regard to schedule 2 of the MGR) to the version released for public consultation, and public consultation has started or been completed, the local government must repeat the public consultation required for the proposed amendment.
- 5.4 However, the Chief Executive may determine that Section 5.3 does not apply for a change that is significantly different, if the change addresses an issue raised in submissions or addresses a matter raised during state interest review.
- 5.5 If public consultation is required to be repeated, the process in Part C restarts from Step 3.
- 5.6 At any time, the Chief Executive may consider giving to the local government an amended notice about the process for amending the planning scheme, in accordance with section 18(3)(b) of the Act.

6. Definitions

- 7.1 A term used in this document has the meaning given to it under the Act or the MGR.

Part C – Process for the Stones Corner Suburban Renewal Precinct major amendment – *Brisbane City Plan 2014* under section 18 of the *Planning Act 2016*

Table 1: Process for amending the planning scheme

1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes ³
Precursory steps (Step a to d are included for information purposes only)				
Step a	Local government decides to prepare a draft planning scheme amendment	Local government decides to prepare proposed planning scheme amendment under section 18 of the Act.	Local government	11 June 2024
Step b	Local government gives notice	The local government gives notice of the proposed amendment to the Chief Executive under section 18(2) of the Act.	Local government	28 June 2024
Step c	Local government conducts early consultation	Local government consults with Department of Housing, Local Government, Planning and Public Works (DHLGPPW) and relevant state agencies (as coordinated by DHLGPPW) on the proposed planning scheme amendment.	Local government	N/A
Step d	Chief Executive gives notice	The Chief Executive gives notice to the local government under Section 18(3) of the Act.	Chief Executive	As per date of this notice.
Plan preparation				
Step e	Local government prepares proposed	Local government prepares the proposed amendment package under Section 18(6) of the Act and decides to provide the proposed	Local government	N/A

³ Days means business days under the Act.


1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes ³
	amendment package	amendment package to the Chief Executive for review.		
State Interest Review				
Step 1	State Interest Review (SIR)	Undertake state interest review, and consideration of the proposed amendment. In undertaking the state interest review, State agency consideration of the effect of the amendment on state interests may be sought. Note – This step may be carried out at the same time as public consultation.	Chief executive Delegates: Deputy Director-General, Planning Group Executive Director, Planning Group	Commencing on the day after the local government provides proposed amendment package under Step e.
Step 2	Outcome of the state interest review	Local government provided with a notice of the outcome of the state interest review.	Chief Executive Delegates: Deputy Director-General, Planning Group Executive Director, Planning Group	Within 30 days from the commencement of Step 1
Public consultation				
Step 3	Public consultation	After the local government provides the proposed amendment to the Chief Executive, the local government carries out public consultation in accordance with the	Local government	The consultation period is a minimum 20

1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes ³
		<p>requirements outlined in Part B, section 3.1 to 3.3 and 4.</p> <p>This step ends at the end of the consultation period.</p> <p>Note – This step may be carried out at the same time as the SIR.</p>		<p>business days after the day the last public notice is published in the local government area</p>
Consideration and notice to request to adopt				
Step 4	Local government gives notice	<p>Local government considers:</p> <ul style="list-style-type: none"> a) the outcomes of public consultation; b) the outcomes of the SIR; and c) whether to make changes to the proposed amendment under section 5 of Part B; <p>Local government gives a notice to the Chief Executive requesting approval to adopt the proposed amendment (including any draft conditions that the Chief Executive may consider imposing to respond to the matters raised during public consultation and SIR).</p> <p>This request must include a copy of the public consultation report, provided to the Minister in accordance with the requirements outlined in Part B, section 3 of this notice.</p> <p>The local government must then notify persons who made properly made submissions about how the local government dealt with their submissions.</p>	Local government	Within 75 days of Step 3 being completed.
Step 5	Chief Executive gives notice	<p>The Chief Executive considers the local governments request to adopt the proposed amendment and gives a notice stating:</p> <ul style="list-style-type: none"> a) that the local government may adopt the proposed amendment, with or without conditions; or b) that the local government may not adopt the proposed amendment and the reasons why. 	Chief Executive Delegate: Deputy Director-General, Planning Group	10 days

1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes ³
Adoption				
Step 6	Local government decides whether to adopt the proposed amendment	The local government must decide to: a) adopt the proposed amendment in accordance with a notice given by the Chief Executive under Step 5; or b) not proceed with the proposed amendment.	Local government	N/A
Step 7	Local government notifies decision about the proposed amendment	The local government must publish a public notice ⁴ about its decision under Step 6.	Local government	N/A
Step 8	Local government provides public notice and copy of planning scheme amendment to the Chief Executive	The local government must give the Chief Executive a copy of the public notice about the decision made by the local government regarding the adoption of the planning scheme amendment and if made, a certified copy of the planning scheme amendment.	Local government	Within 10 business days of publishing the public notice

Dated

15/8/24



Mark Cridland

Chief Executive

Department of Housing, Local Government, Planning and Public Works

⁴ In accordance with the requirements stated in the definition of 'public notice' in schedule 2 of the Act.

Appendix A: Local government communications strategy

Proposed Communications Strategy

Project Name: Tailored Amendment to Brisbane City Plan 2014 – Stone Corner Suburban Renewal Precinct major amendment

Proponent: Brisbane City Council

Key messages

- Council is committed to facilitating housing, economic growth, maintaining prosperity and facilitating a diversity of housing outcomes in Brisbane through sustainable development.
- ShapingSEQ 2023 encourages diversity and housing growth through infill development in high amenity locations such as Stones Corner which is well serviced area by public and active transport infrastructure.
- Stones Corner is one of Brisbane’s oldest suburban centres, with a distinct identity derived from its leafy village character, iconic main streets and a mix of retail and dining offerings.
- Located next to the award-winning Hanlon Park / Bur’uda, Stones Corner has a range of housing types, convenient public transport and well-connected walking and cycling options.
- The Stones Corner precinct is included in the Eastern corridor neighbourhood plan which commenced in April 2011.
- Thriving suburbs, like Stones Corner, are what make Brisbane great. Brisbane City Council is creating a clear direction for the future of Stones Corner that enhances the area’s identity while meeting the demand for new homes, providing for a strong local economy, and creating vibrant mixed-use communities for us all to enjoy.
- Precinct planning will refresh the vision for the Stones Corner suburban renewal precinct and capitalise on opportunities to further develop the area including improvements to the public realm and connections to surrounding destinations, increased greening and active frontages.
- Following feedback, the precinct plan will be refined and adopted into Brisbane City Plan 2014 (City Plan) to guide and assess development.

Target stakeholders

The primary audience for communications and engagement for the proposed amendments are:

- Residents within the precinct plan boundary and residents within a short distance outside the boundary
- All business owners and/or operators within the precinct plan boundary
- Property and development industry professionals and advocacy groups
- Planning authorities and peak bodies
- City Plan stakeholders registered on the updates list
- Resident and community groups
- State government agencies, as required
- Frequent visitors and tourists to the area, including Hanlon Park/Bur’uda users

State agency consultation
<p>The Nature and objectives report has been prepared to support consultation with the relevant State agencies. It identifies the State interests considered relevant to the proposed amendment and how these will be integrated in the preparation of the tailored amendment. Council will engage further with the Department of Housing, Local Government, Planning and Public Works and other State agencies as required as part of the State interest review, in accordance with the Chief Executive’s section 18 notice. Council is available to participate in briefings in meetings with State agencies as required.</p> <p>The Nature and objectives report will be updated following preparation of the amendment package.</p>

Proposed actions for Public Consultation Phase – 20 Business Days
<p>The proposed Tailored amendment package – Stones Corner suburban renewal precinct will follow the process (including being made available for public consultation) to be outlined in the Chief Executive’s notice to be issued in accordance with section 18(3) of the <i>Planning Act 2016</i> and the Minister’s Guidelines and Rules. As per the notice provided by Council to the Chief Executive, a 20 business day consultation period is proposed. It will be made available for public consultation in accordance with the Chief Executive’s notice, the requirements of the <i>Planning Act 2016</i> and the Minister’s Guidelines and Rules.</p> <p>Council uses a wide range of community engagement techniques to ensure each audience can understand the purpose, intent, extent and effect of the proposed amendment and is based on the following principles:</p> <ul style="list-style-type: none"> • The provision of clear and relevant information is fundamental to community engagement. • Information should assist the community in understanding the current situation, possible options and solutions and the potential impacts or changes that will result. • Information must be accessible for identified stakeholders and communities, available in a timely manner in relation to the project and should help to achieve project and engagement objectives. • Where possible, the amendments will be accessible to Culturally and Linguistically Diverse (CaLD) community members, including people requiring Auslan interpretation services. <p>Key communication and engagement tools proposed to be employed for public consultation are outlined below.</p>

Preparation phase	Consultation period phase	Post consultation period phase
<ul style="list-style-type: none"> • Prepare project webpage • Identify target stakeholders, as identified above 	<ul style="list-style-type: none"> • Give public notice for 20 business days (the consultation period) advising that any person may make a submission within the consultation period • Update project webpage, including: <ul style="list-style-type: none"> ○ Project purpose ○ General project history ○ Access to key documents and supporting information 	<ul style="list-style-type: none"> • Consider all properly made submissions about the instrument • Prepare a <i>Consultation report</i> on public consultation • Notify submitters and advise how their submissions were considered • Publish a public notice after the planning scheme is amended

	<ul style="list-style-type: none"> ○ Information and links on how to make a submission ○ Project timeline ● Letters to landowners ● E-burst to City Plan stakeholders list and planning and building database ● Respond to phone and email enquiries ● Hold information sessions: <ul style="list-style-type: none"> ○ Different times of the day and week ○ Hosted in the plan area or nearby ○ Providing visual communication aids, City Plan online platforms, iPads and laptops ● Static signage, for example advertising public consultation period and how to comment ● Receive submissions ● Manage submissions, including for example: <ul style="list-style-type: none"> ○ Acknowledge receipt to submitters ○ Allocate a unique submitter number reference ○ Save in Council's record management system ○ Multiple team member assessment ○ Share feedback with program partners ○ Consider further technical investigations to inform responses 	<ul style="list-style-type: none"> ● Update Contact Centre scripting ● Update project web page
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Managing and responding to submissions
<p>Building on our significant experience, Council applies the following methodology to manage and respond to submissions received during the formal public consultation period:</p> <ul style="list-style-type: none"> ● All submissions are receipted and saved in Council's record management system, and each submitter is allocated a submitter number so they can identify how their specific comment was responded to, while remaining anonymous, when the submission report is released. ● Each submission is reviewed to ensure it is a properly made submission under the <i>Planning Act 2016</i>. If the submission is not properly made, the submitter is contacted where possible and asked to provide the missing/correct details in order for the submission to be properly made. ● All submissions received during the consultation period are critically assessed by multiple team members to identify issues and stakeholders. Feedback is then categorised into the themes that emerge from the feedback.

- Feedback is reviewed to determine if changes are required to the proposed amendment package based on analysis of the evidence provided as part of the submission or additional technical investigation. Other changes may be made to respond to identified omissions, inaccuracies, or a lack of clarity.
- Feedback that may not result in changes to the amendment package includes:
 - feedback that clearly supports the proposed amendment or presented an open statement where no change was sought;
 - feedback that is already addressed in the proposed amendment, addressed issues beyond the scope of the proposed amendment, or recommended the inclusion of information that is not appropriate;
 - feedback that proposed an alternative approach, but the proposed amendment is still considered the most appropriate option.
- Council carefully considers all the issues raised and, where necessary, will undertake further technical investigations to inform the responses. Where multiple people provided comments on a similar issue, these submissions will be summarised and responded to collectively.
- Council prepares a Consultation Report in accordance with the s18 notice. This report summarises consultation activities completed, number of submissions received, matters raised in submissions (by theme as appropriate and identifying number of submitters that raised the matter), how Council has considered the matters raised and whether any changes are proposed to the amendment in response.
- Each submitter is sent an email or letter advising them of their submitter number, so they can identify how their specific comment was responded to and if any changes were made to the proposed amendment as a result of the submission. This information is published in the consultation report which is made available on Council's website.