



Queensland Treasury

Chief Executive Notice

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

Planning Our Liveable City (Major Update 4) Amendment Package – Gold Coast City Council

Part A – Preamble

In accordance with section 18(4) of the *Planning Act 2016* (the Planning 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 Planning Act. The summary matters relevant to this decision are:

1. The notice given by Gold Coast City Council (the council) under section (18)(2) of the Planning Act on 8 June 2020.
2. Parts B & C of this notice comprise the provisions and process that apply to the proposed amending of this planning scheme in accordance with section 18(6) of the Planning Act.
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 Planning Our Liveable City (Major Update 4) amendment (proposed amendment) for example.
4. In accordance with section 18(5) of the Planning Act, a communications strategy that the local government must implement about the instrument is described in this notice.
5. The council will undertake early community engagement as part of the local planning to be undertaken for the Broadbeach to Burleigh Heads Neighbourhood Framework corridor.

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

- 1.1 The Planning Minister or Chief Executive, as relevant to the process, may, at any time, give the local government a notice requesting further information.

2. Managing timeframes

- 2.1 The Planning Minister, Chief Executive, or the local government, may pause a timeframe (except for the public consultation timeframe and the early state interest review in Step 4) 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.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 Despite section 2.1, if a notice to pause a timeframe is given with a request for further information as per section 1.1 above, the timeframe is paused until the request is satisfied.
- 2.5 The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends.
- 2.6 A notice to pause a timeframe will not be given for Step 4.

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 Planning Act, the local government is required to:

- 3.1 Publish at least one public notice about the proposal to amend the planning scheme.
- 3.2 Keep the instrument available for viewing for a period (the consultation period) stated in the public notice of at least 20 business days after the day the public notice is published in a newspaper circulating in the local government area.
- 3.3 Give the Planning Minister a notice containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters as per Step 23.

4. Communications strategy

The local government is required to:

- 4.1 Prepare a detailed communications strategy for each round of public consultation, being the early engagement in Step 2 (Planning and Preparation) and public consultation in Steps 12 and 13 (Public consultation).
- 4.2 Comply with the minimum public consultation standards prescribed in the Planning Act.
- 4.3 Identify the relevant key stakeholders for the purposes of public consultation.
- 4.4 Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose generally in accordance with the Communications Strategy submitted by the council on 8 June 2020.
- 4.5 Prepare a report on public consultation for the Planning Minister, to accompany the proposed amendment for adoption.
- 4.6 Council will undertake its engagement process detailed below in line with the principles detailed in part 1 of the Queensland Treasury's (the department) community engagement toolkit for planning.

5. Changing the proposed planning scheme amendment

- 5.1 The local government may make changes to the proposed amendment to:
 - 5.1.1 address issues raised in submissions;
 - 5.1.2 amend a drafting error; or
 - 5.1.3 address new or changed planning circumstances or information; or
 - 5.1.4 address a matter or Minister's condition raised during state interest review to appropriately integrate a state interest.

- 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 If public consultation is required to be repeated as a result of changes which result in the proposed amendment being significantly different, the local government may limit the public consultation to only those aspects of the proposed amendment that have changed.
- 5.5 If public consultation is required to be repeated, the timeframes established in Step 13 apply. However, if the changes are limited to a single matter in the proposed amendment, a minimum consultation period of ten (10) business days may instead apply subject to the written approval of the Chief Executive.

6. Chief Executive actions

- 6.1 For Chief Executive actions given in this notice under section 18 of the Planning Act, the Chief Executive includes the Under Treasurer/Director-General, the Planning Group State Planner, Executive Director, Director and Manager.

Part C – Process for making Planning Our Liveable City (Major Update 4) amendment under section 18 of the *Planning Act 2016*

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
Planning and Preparation				
Step 1	Local government prepares a proposed amendment	The local government must prepare a proposed amendment.	Local government	12 months
Step 2	Local government undertakes early community engagement	The local government will undertake early community engagement about the proposed amendment in accordance with the communications strategy to: <ul style="list-style-type: none"> a) provide an understanding of the intent of the proposed amendment; b) refine the vision and land use scenarios for the Broadbeach to Burleigh Heads Neighborhood Framework corridor through the establishment of a community reference group and targeted engagement initiatives. <p><i>Note: This step may be undertaken concurrently with Steps 1, 3 and 4</i></p>	Local government	6 months
Step 3	Local government seeks an early state interest review of proposed amendment	The local government gives notice to the Chief Executive seeking an early state interest review of the proposed amendment. <p><i>Note: This step may be undertaken concurrently with Step 2.</i></p>	Local government	None
Step 4	Chief Executive undertakes early state interest review of proposed amendment	The Chief Executive undertakes an early state interest review of the proposed amendment and provides the local government with the outcomes of this review. <p><i>Note: This step may be undertaken concurrently with Step 2.</i></p>	Chief Executive	30 business days
State interest review (SIR)				
Step 5	Local government provides notice to commence the SIR and requests approval to commence	The local government must give a notice to the Chief Executive to commence the state interest review that includes— <ul style="list-style-type: none"> a) An electronic copy of the proposed amendment in the format identified by the department; b) A written statement addressing the state interests in the relevant regional plan and SPP which includes— 	Local government	None

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
	public consultation	<ul style="list-style-type: none"> • how the state interests are integrated in the proposed amendment; • reasons why any state interests have not been not integrated in the proposed amendment; and • any state interests that are not relevant; <p>c) A written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed and if the proposed amendment is consistent with the regulated requirements;</p> <p>d) A proposed communications strategy for the public consultation to be undertaken in step 12;</p> <p>e) Any background studies or reports that informed the preparation of the proposed amendment, including any strategic study or report, or review required under section 25(1) of the Act;</p> <p>f) Shapefiles of any mapping;</p> <p>g) A written statement that identifies how the early state interest review comments provided by the Chief Executive in Step 4 has been addressed in the proposed amendment;</p> <p>h) Any other information considered relevant by the local government.</p>		
Step 6	Chief Executive undertakes SIR	The Chief Executive must undertake a state interest review about the proposed amendment.	Chief Executive	30 business days
Step 7	Chief Executive considers key Act & Regulation matters	As part of the state interest review, the Chief Executive must consider if the proposed amendment— <ul style="list-style-type: none"> a) advances the purpose of the Act; b) is consistent with section 16(1) of the Act; c) is consistent with the regulated requirements prescribed in the Planning Regulation; d) is well drafted and clearly articulated; and e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act. 	Chief Executive	
Step 8	Chief Executive advises of changes if required	The Chief Executive may give notice to the local government advising of any changes— <ul style="list-style-type: none"> a) to the proposed amendment required to address state interests; b) to the proposed communications strategy as a result of the state interest review. 	Chief Executive	
Step 9	Local government provides notice about changes to	The local government may give a notice to the Chief Executive about any changes to the proposed amendment that includes— <ul style="list-style-type: none"> a) A summary of the changes made to the proposed amendment; 	Local government	None

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
	proposed amendment	b) An electronic copy of the proposed amendment (in the format identified by the department) that clearly identifies the changes made to the version of the proposed amendment submitted in Step 5; c) A written statement addressing how any changes to the proposed amendment the meets state interests in the relevant regional plan and SPP which includes— <ul style="list-style-type: none"> • how the state interests are integrated in the proposed amendment; • reasons why any state interests have not been not integrated in the proposed amendment; and • any state interests that are not relevant; d) A written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed in any changes to the proposed amendment and if the changes to the proposed amendment are consistent with the regulated requirements; e) Shapefiles of any changes to mapping; f) A written statement that identifies how the early state interest review comments provided by the Chief Executive in Step 4 has been addressed in any changes to the proposed amendment.		
Step 10	If necessary, Chief Executive repeats SIR	If changes to the proposed amendment arise as a result of Step 9, the Chief Executive may repeat Steps 6 – 8.	Chief Executive	As per Steps 6 – 8
Step 11	Chief Executive provides outcome of SIR and approval to proceed to public consultation	The Chief Executive must give notice to the local government that provides: <ol style="list-style-type: none"> a) the outcome of the state interest review; b) approval to publicly consult the proposed amendment. The Chief Executive may include conditions that apply to the proposed amendment, including the timing on when the conditions must be complied with.	Chief Executive	10 business days
Public consultation				
Step 12	Local government commences public consultation as per the Act and MGR, and publishes a public notice	The local government must publish a public notice about the proposed amendment in accordance with: <ol style="list-style-type: none"> a) the public notice requirements prescribed in the Act, Schedule 2, definition of public notice, paragraph (b); b) Schedule 4 of MGR; and c) the communications strategy, including any amended strategy requested by the Minister. 	Local government	None

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
		The public notice must state that any person may make a submission about the proposed amendment to the local government within the consultation period.		
Step 13	Local government undertakes public consultation	The local government undertakes public consultation of the proposed amendment.	Local government	Minimum period of 20 business days, commencing after the day the public notice is published
Considering submissions				
Step 14	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed amendment.	Local government	None
Step 15	Local government notifies submitters about submissions consideration process	The local government must notify persons who made a properly made submission about how the local government has dealt with the submissions.	Local government	None
Step 16	Local government prepares written consultation report	The local government must prepare a written consultation report that is— a) available to view and download on the local government's website; and b) available to inspect and purchase in each of the local government's offices.	Local government	Within 3 months of the close of the consultation period
Changing the proposed instrument				
Step 17	Local government makes changes as a result of submissions and changed circumstances	The local government may make changes to the proposed amendment to: a) address issues raised in submissions; b) amend a drafting error; or c) address new or changed planning circumstances or information.	Local government	None
Step 18	Local government ensures changes made	The local government must ensure any changes made to the proposed amendment continue to appropriately integrate state interests.	Local government	None

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
	still appropriately integrates state interests			
Step 19	Local government must restart or repeat consultation due to changes to proposed amendment	The local government must restart or repeat public consultation for the proposed amendment in the following circumstances: a) the local government changes the proposed amendment; b) the changes result in the proposed amendment being significantly different (having regard to Schedule 2 of the MGR) to the version released for public consultation; and c) public consultation has started or been completed.	Local government	None
Step 20	Local government seeks a reduced consultation period for changes to the proposed amendment involving a single matter	The local government may seek approval from the Chief Executive to reduce the consultation period to a minimum of 10 business days for any changes to the proposed amendment involving a single matter.	Local government	None
Step 21	Chief Executive considers local government's request for a reduced consultation period	The Chief Executive advises the local government of the outcome of the request for a reduced consultation period for changes to the proposed amendment involving a single matter.	Chief Executive	10 business days
Step 22	Local government repeats or restarts public consultation	The local government repeats or restarts public consultation about the proposed amendment. The local government may choose to limit the re-consultation to only those aspects of the proposed amendment that have changed.	Local government	Minimum period of 20 business days or 10 business days (whichever is applicable), commencing after the day the public notice is published

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
Minister's consideration				
Step 23	Local government requests adoption of proposed amendment	The local government must give the Minister a notice to request adoption of the proposed amendment that includes— a) an electronic copy of the proposed amendment, clearly identifying any change that has been made to the proposed amendment since the state interest review; b) a written consultation report; and c) the reasons why the local government doesn't consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken.	Local government	None
Step 24	Minister provides approval to adopt	The Minister must give the local government a notice stating— a) if the local government may adopt the proposed amendment; and b) the Minister's conditions, if any, that apply to the proposed amendment, including the timing on when the conditions must be complied with; or c) if the proposed amendment may not be adopted, and the reasons why it may not be adopted.	Minister	40 business days
Adoption				
Step 25	Local government decides to adopt proposed amendment	The local government must decide to adopt or not proceed with the proposed amendment.	Local government	None
Step 26	Local government publicly notifies adoption	If the local government decides to adopt the proposed amendment, the local government must publish a public notice in accordance with the requirements of the Act, Schedule 2, definition of public notice, paragraph (c) that must state— a) the name of the local government; b) the decision made by the local government about the planning scheme; c) the date the select was adopted; d) the commencement date for the select (if different to the adoption date); e) the title of the proposed amendment; f) if the proposed amendment only applies to part of the local government area, a description of the location of that area; g) the purpose and general effect of the proposed amendment; and	Local government	None

Step No.	Summary of action	Specific action/s	Entity responsible for action/s	Indicative timeframes
		h) where a copy of the planning scheme may be inspected and purchased.		
Step 27	If local government does not adopt, local government publicly notifies decision not to adopt	If the local government decides not to proceed with the proposed amendment, the local government must publish a public notice in accordance with the requirements of the Act, Schedule 2, definition of public notice, paragraph (c) that must state— a) the name of the local government; b) the decision made by the local government about the proposed amendment; and c) the reasons for not proceeding with the proposed amendment.	Local government	None
Step 28	Local government provides public notice and copy of amendment to the Chief Executive	The local government must give the Chief Executive a copy of the public notice; and if adopted, a copy of the amendment.	Local government	Within 10 business days of publishing the public notice

Dated this 17th day of July 2020


Rachel Hunter
Under Treasurer
Queensland Treasury