



Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

Barcaldine Regional Council – Notice about the process for making a planning scheme under section 18(3) of the *Planning Act 2016*

In accordance with section 18(4) of the *Planning Act 2016* (the Planning Act), I have considered the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(b) of the Planning Act.

- Notice was given by the Barcaldine Regional Council (the Local Government) under section 18(2) of the Planning Act on 7 December 2017.
- The Chief Executive gave a notice under section 18(3)(a) of the Planning Act on 11 April 2018.
- The Local Government requested an amendment to the notice given under section 18(3)(a) on 29 January 2020.
- Under section 18(6) of the Planning Act, the Local Government must prepare a new planning scheme by following the process in this notice.
- Unless stated otherwise, the process described in **Appendix 1** of this notice is to be undertaken in the order in which it is prescribed.
- A communications strategy that the Local Government must implement about the instrument is also described in this notice.

1. *Requesting information*

- 1.1. The Minister for Planning 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 Minister for Planning, the Chief Executive or the Local Government may pause a timeframe (provided it is not during public consultation) for an action for which it is responsible by giving notice to any other party in the relevant step of the process stating 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 issued, the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.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 If the pause a timeframe notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.
- 2.4. Despite section 2.1, if a notice to pause a timeframe is given with a request for further information under section 1.1, the timeframe is paused until the request is satisfied.

3. *Public consultation*

In accordance with the Planning Act, the Local Government is required to:

- 3.1. Publish at least one public notice about the proposal to make a new planning scheme.

- 3.2. Keep the instrument available for inspection and purchase for a period (the consultation period) stated in the public notice of at least 40 business days after the day the public notice is published in a newspaper circulating in the Local Government area.
- 3.3. Ensure that the public notice states that any person may make a submission about the instrument to the Local Government within the consultation period.
- 3.4. The public notice published under step 8 must state:
 - a) the name of the Local Government
 - b) the title of the proposed planning scheme
 - c) the purpose and general effect of the proposed planning scheme
 - d) the location details of the area where the proposed planning scheme applies, if it only relates to part of the Local Government area
 - e) where the proposed planning scheme may be inspected and purchased
 - f) that submissions about any aspect of the proposed planning scheme may be made to the Local Government by any person
 - g) the consultation period during which a submission may be made
 - h) the requirements for making a properly made submission
 - i) a contact telephone number for information about the proposed planning scheme.
- 3.5. The public notice published under step 19 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 planning scheme was adopted
 - d) the commencement date for the planning scheme (if different from the adoption date)
 - e) the title of the planning scheme
 - f) if the planning scheme 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 planning scheme
 - h) where a copy of the planning scheme may be inspected and purchased.

4. Communications Strategy

The Local Government is required to apply the following:

- 4.1. Comply with the minimum public consultation standards prescribed in the Planning Act.
- 4.2. Identify the relevant key stakeholders for its public consultation.
- 4.3. Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for the Barcaldine Region.
- 4.4. Document its public consultation and prepare a report on its public consultation to the Minister for Planning when submitting the proposed planning scheme for adoption.

6. Chief Executive actions

- 6.1. For Chief Executive actions under this notice given under section 18 of the Planning Act, the Chief Executive includes the Director-General, the Planning Group Deputy Director-General, Executive Director, Director and Manager.

Appendix 1 – Process for making a new planning scheme for the Barcaldine Region Local Government Area under section 18 of the *Planning Act 2016* (the *Planning Act*)

Tailored Process – New planning scheme

Stage	Step	Type of action	Summary of action	Specific actions	Commentary	Entity responsible for task	Indicative timeframes (business days)
Local Government resolves to make a new planning scheme in accordance with the approved section 18 notice for making a new planning scheme							
Stage 1	Step 1	Planning and preparation	Local Government prepares a proposed planning scheme	The Local Government must prepare a proposed planning scheme.		Local Government	4 months
	Step 2	Planning and preparation	Local Government consults with the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and other State agencies	The Local Government must consult with DSDMIP and other State agencies, while preparing the proposed planning scheme (including any informal State interest review).			
Local Government resolves to progress its proposed planning scheme for State interest review							
Stage 2	Step 3	Notice provided	Local Government provides notice to commence the State interest review process	<p>The Local Government must give notice to the Chief Executive to commence the State interest review that includes—</p> <ul style="list-style-type: none"> a) an electronic copy of the proposed planning scheme in the format identified by the DSDMIP b) a written statement addressing the State interests in the Central West Regional Plan 2009 and State Planning Policy 2017 (SPP) which includes— <ul style="list-style-type: none"> i. how the State interests are integrated in the proposed planning scheme; ii. reasons why any State interests have not been not integrated in the proposed planning scheme; and iii. any State interests that are not relevant. c) a written statement about how the key elements of a planning scheme mentioned in section 16(1) of Planning Act have been addressed and if the proposed planning scheme is consistent with the regulated requirements. d) a communications strategy. e) any background studies or reports that informed the preparation of the proposed planning scheme, including any strategic study or report, or review required under section 25(1) of Planning Act. f) any natural hazards, risk and resilience evaluation report prepared having regard to the SPP. g) any draft feasible alternatives report prepared for a planning change made to reduce the risk of natural hazards, including details of the potentially affected premises and any relevant supporting information. h) a summary of consultation with State agencies and the outcome of the consultation. i) any other information considered relevant by the Local Government. 		Local Government	10 business days

	Step 4	State interest review	Chief Executive commences State interest review	<p>Within 5 business days of receiving the notice from the Local Government under Step 3, the Chief Executive must—</p> <ol style="list-style-type: none"> commence the State interest review; and give the proposed planning scheme to other relevant State agencies for consideration of State interests, identified in legislation and the SPP inform the Minister of the proposed planning scheme. 		Chief Executive	40 business days
	Step 5	State interest review	Chief Executive undertakes State interest review	<p>As part of the State interest review, the Chief Executive must consider if the proposed planning scheme —</p> <ol style="list-style-type: none"> advances the purpose of Planning Act; is consistent with section 16(1) of Planning Act; is consistent with the regulated requirements prescribed in the Planning Regulation; is well drafted and clearly articulated; and accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act. 		Chief Executive	
	Step 6	State interest review	Chief Executive advises of changes required	<p>The Chief Executive may give notice to the Local Government advising of any changes –</p> <ol style="list-style-type: none"> to the proposed planning scheme required to address State interests; to the proposed communications strategy as a result of the State interest review. 	<p>If required, DSDMIP can decide to use the stop the clock mechanism or the Chief Executive may issue a notice to advise the Local Government of any changes.</p> <p>If the Local Government decides to change the proposed planning scheme in response to the notice given by the Chief Executive, the Local Government must resubmit the proposed planning scheme for State interest review and thus restarting the timeframe.</p>	Chief Executive	
	Step 7	State interest review	Chief Executive provides outcomes of State interest review	<p>The Chief Executive—</p> <ol style="list-style-type: none"> must give notice to the Local Government of the outcome of the State interest review within 40 business days of commencing the State interest review; may include conditions that apply to the proposed planning scheme, including the timing on when the conditions must be complied with. 		Chief Executive	
Local Government resolves to proceed to public consultation							
Stage 3	Step 8	Public consultation	Local Government commences public consultation	<p>The Local Government must undertake public consultation:</p> <ol style="list-style-type: none"> for a period of at least 40 business days; and in accordance with: <ol style="list-style-type: none"> the public notice requirements prescribed in the Planning Act the public notice requirements prescribed in this notice; and the communications strategy given to the Chief Executive under Step 3. 		Local Government	At least 40 business days
Local Government considers submissions							
Stage 4	Step 9	Considering submissions	Local Government considers all properly made submissions	The Local Government must consider all properly made submissions about the proposed planning scheme.		Local Government	20 business days

Step 10	Considering submissions	Local Government prepares written consultation report	The Local Government must prepare a consultation report that summarises the issues raised in submissions and outlines how the Local Government has responded to issues raised in the properly made submissions. This report must be— a) provided to each person who made a properly made submission; b) available to view and download on the Local Government's website; and c) available to inspect and purchase in each of the Local Government's offices.		Local Government	
Step 11	Changing the proposed planning scheme	Local Government makes changes as a result of submissions, changed circumstances etc.	After considering the submissions, the Local Government: 1. may make changes to the proposed planning scheme to— a) address issues raised in submissions; b) amend a drafting error; or c) address new or changed planning circumstances or information. 2. must ensure any changes made to the proposed planning scheme continue to appropriately integrate and address relevant State interests, including those identified in a State interest review.	Only if required	Local Government	
Step 12	Changing the proposed planning scheme	Local Government considers if changes made results in the proposed planning scheme being significantly different	If the Local Government changes the proposed planning scheme and the change results in the proposed planning scheme being significantly different to the version released for public consultation, the Local Government: 1. must repeat the public consultation required for the proposed planning scheme; and 2. may limit the public consultation to only those aspects of the proposed planning scheme that have changed.	Only if required	Local Government	
Step 13	Changing the proposed planning scheme	Local Government repeats public consultation actions	If public consultation has been repeated, the Local Government must take actions required under steps 8, 9, and 10 for the repeated consultation.	Only if required	Local Government	
Local Government resolves to progress proposed planning scheme for the Minister's endorsement						
Stage 5						
Step 14	Notice provided	Local Government requests adoption of proposed planning scheme	The Local Government must give the Minister a notice to request adoption of the proposed planning scheme that includes— a) an electronic copy of the proposed planning scheme, clearly identifying any change that has been made to the proposed planning scheme since the State interest review; b) a written consultation report containing a summary of the matters raised in the properly made submissions and an explanation of how the Local Government dealt with the matters raised in the properly made submissions; c) how the Local Government has complied with any conditions given under Step 7; and d) the reasons why the Local Government considers the proposed planning scheme is not significantly different from the version for which public consultation has been undertaken.		Local Government	10 business days
Step 15	Minister's consideration	Minister considers if the Local Government may adopt the proposed planning scheme	The Minister must consider if the Local Government may adopt the proposed planning scheme by considering— a) the information given with the notice under Step 14; and b) if any conditions or further actions set out in the notice under Step 7 have been complied with; and c) if the adoption version of the proposed planning scheme is significantly different to the version released for public consultation; and d) if the proposed planning scheme: i. advances the purposes of the Planning Act; ii. is consistent with section 16(1) of the Planning Act; iii. is consistent with the regulated requirements prescribed in the Planning Regulation; iv. is well drafted and clearly articulated; and		Minister	20 business days

				v. accords with the result of any relevant study or report, or review required under section 25(1) of the Planning Act.			
	Step 16	Minister's consideration	Chief Executive advises of changes or actions required	The Chief Executive may give notice to the Local Government advising: 1. any changes to the proposed planning scheme to address State interests; or 2. any actions the Local Government must take.	Only if required	Chief Executive	
	Step 17	Minister's consideration	Minister provides approval to adopt	The Minister must give the Local Government a notice stating— a) if the Local Government may adopt the proposed planning scheme; and b) the Minister's conditions, if any, that apply to the proposed planning scheme; or c) if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted.		Minister	
Local Government resolves to adopt or not proceed with the proposed planning scheme							
	Step 18	Adoption	Compliance with any conditions	Any ministerial conditions stated on the notice given must be complied with before the Local Government may adopt the proposed planning scheme, unless stated otherwise in the notice.		Local Government	10 business days
	Step 19		Local Government decides to adopt or not proceed with the proposed planning scheme	If the Minister has notified the Local Government that it may adopt the proposed planning scheme, the Local Government must: 1. decide: a. to adopt the proposed planning scheme; or b. not to proceed with the proposed planning scheme; and 2. publish a public notice in accordance with this notice and the Planning Act; and 3. if the proposed planning scheme includes a planning change under section 30 of the Planning Act, give notice as required under Chapter 4, Part 1, Section 3.13 of the Minister's Guidelines and Rules.		Local Government	20 business days
	Step 20		Local Government provides a public notice and copy of the planning scheme to the Chief Executive	The Local Government must give the Chief Executive a copy of the public notice, and if adopted, a certified copy of the planning scheme, including— a) certified copy of the instrument; and b) a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.		Local Government	Within 10 business days of publishing a public notice

Dated this 14th day of February 2020



Rachel Hunter
Director-General
Department of State Development, Manufacturing, Infrastructure and Planning