



Chief Executive Notice

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

Tailored process – Proposed Sunshine Coast Planning Scheme – Sunshine Coast Regional 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 Sunshine Coast Regional Council under section (18)(2) of the Act on 21 July 2021.
2. Parts B & C of this notice comprise the provisions and process that apply to the proposed making of this planning scheme in accordance with section 18(6) of the 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 proposed planning scheme, for example.
4. In accordance with section 18(5) of the Act, a communications strategy that the local government must implement about the instrument is described in this notice.

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 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, 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.

- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 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.

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 notice about the proposal to make the 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 accordance with section 18(5) of the Act.
- 3.3 Give the Minister for Planning 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 9 of Part C.

4. Communications strategy

The local government is required to:

- 4.1 Comply with the minimum public notification standards prescribed in the Act.
- 4.2 Identify the relevant key stakeholders for the purposes of public consultation.
- 4.3 Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose, generally in accordance with the communication strategy, in part 6 of the document: *Recommended Information Under the Guidance for the Minister's Guidelines and Rules*, submitted by Sunshine Coast Regional Council on 21 July 2021.
- 4.4 Prepare a report on public consultation for the Minister for Planning, to accompany the proposed planning scheme for adoption.

5. Changing the proposed planning scheme

- 5.1 The local government may make changes to the proposed planning scheme to—
 - 5.1.1 address issues raised in submissions
 - 5.1.2 amend a drafting error
 - 5.1.3 address new or changed planning circumstances or information
 - 5.1.4 address a matter or 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 planning scheme 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 planning scheme and the change results in the proposed planning scheme being significantly different (having regard to schedule 2 of the MGR) to the public consultation version, and public consultation has started or been completed, the local government must repeat the relevant parts of the public consultation required for the proposed planning scheme.
- 5.4 If public consultation is required to be repeated because of changes which result in the proposed planning scheme being significantly different, the local government may limit the public consultation to only those aspects of the proposed planning scheme that have changed.
- 5.5 If public consultation is required to be repeated, the timeframes established in Step 4 of Part C apply.

6. Chief Executive actions

- 6.1. For Chief Executive actions given in this notice under section 18 of the Act, the Chief Executive includes the Director-General, the State Planner, Executive Director, Director and Manager of the Planning Group in the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP).

Part C – Process for making the Proposed Sunshine Coast Planning Scheme under section 18 of the Act

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
Planning and preparation				
Step 1	(a) Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme.	Local government	None
	(b) Local government consults with DSDILGP	The local government must consult with DSDILGP, while preparing the draft planning scheme.	Local government	None
	(c) Local government consults with State agencies	The local government must consult with the relevant state agencies (through DSDILGP) while preparing the draft planning scheme.	Local government through DSDILGP	None
State interest review				
Step 2	(a) Local government provides notice to commence the state interest review process	<p>The local government must give a notice to the Chief Executive to commence the state interest review that includes—</p> <ol style="list-style-type: none"> 1. An electronic copy of the proposed planning scheme in the format identified by DSDILGP. 2. A written statement addressing the state interests in the South East Queensland Regional Plan 2017 (<i>ShapingSEQ</i>) and the State Planning Policy (SPP) which includes— <ol style="list-style-type: none"> (a) how the state interests are integrated in the planning scheme (b) reasons why any state interests have not been integrated in the planning scheme (c) any state interests that are not relevant. 3. 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 planning scheme is consistent with the regulated requirements. 	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
		<ol style="list-style-type: none"> 4. A proposed communications strategy if one has not been given with the notice under section 18(2) of the Act. 5. Any background studies or reports that informed the preparation of the planning scheme, including any strategic study or report, or review required under section 25(1) of the Act. 6. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP. 7. 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. 8. Shapefiles of any mapping. 9. A summary of consultation with state agencies and the outcome of the consultation. 10. Any other information considered relevant by the local government. 		
	(b) Chief Executive commences the state interest review	<p>The Chief Executive must commence the state interest review within 5 business days of receiving the notice from the local government to commence the state interest review process.</p> <p>As part of the state interest review, the state government must consider if the proposed planning scheme—</p> <ol 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 2017 (d) is well drafted and clearly articulated (e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act. 	Chief Executive	To commence within 5 business days of receiving the notice to commence the state interest review
	(c) 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"> (a) to the proposed planning scheme required to address state interests (b) to the proposed communications strategy as a result of the state interest review. 	Chief Executive	During the state interest review period (60 business days)

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
	(d) Minister for Planning provides outcomes of state interest review and approval to publicly notify	<p>The Minister for Planning must give notice to the local government that states—</p> <p>(a) the outcome of the state interest review; and</p> <p>(b) if the local government may proceed to public consultation of the proposed planning scheme; and</p> <p>(c) the Ministerial conditions, if any, that apply to the proposed planning scheme, including the timing on when the conditions must be complied with; or</p> <p>(d) if the proposed planning scheme may not proceed to public consultation, and the reasons why it may not proceed.</p>	Minister	60 business days from commencement of the state interest review
Consideration of State interest outcomes				
Step 3	Local government considers Minister's response to state interest review	The local government must consider the response given by the Minister for Planning about the state interest review, and if necessary, make changes to the proposed planning scheme.	Local government	None
Public consultation				
Step 4	Local government commences public consultation as per the Act and MGR	<p>The local government must give public notice in accordance with:</p> <p>(a) the public notice requirements prescribed in the Act, Schedule 2, definition of public notice, paragraph (b)</p> <p>(b) Schedule 4 of MGR</p> <p>(c) the communications strategy, including any amended strategy requested by the Chief Executive.</p> <p>The public notice must state that any person may make a submission about the proposed planning scheme to the local government within the consultation period.</p>	Local government	The consultation period must be a minimum period of 40 business days, commencing after the day the public notice is published in accordance with Section 18 of the Act
Considering submissions				
Step 5	Local government considers all	The local government must consider all properly made submissions about the proposed planning scheme.	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
	properly made submissions			
Step 6	Local government prepares written consultation report	<p>The local government must prepare a written 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.</p> <p>The report must be:</p> <p>(a) available to view and download on the local government's website;</p> <p>(b) available to inspect and purchase in each of the local government's offices.</p>	Local government	None
Step 7	Local government notifies submitters about submissions consideration	The local government must notify persons who made a properly made submission about how the local government has dealt with the submissions.	Local government	12 months from the completion of public consultation in accordance with Step 4
Changing the proposed planning scheme				
Step 8	(a) Local government makes changes to proposed planning scheme	<p>The local government may make changes to the proposed planning scheme to:</p> <p>(a) address issues raised in submissions</p> <p>(b) amend a drafting error</p> <p>(c) address new or changed planning circumstances.</p>	Local government	None
	(b) Local government ensures changes made still meet relevant State interests	The local government 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.	Local government	None
	(c) Local government repeats public consultation due to scheme changes	If the local government changes the proposed planning scheme and the change results in the proposed planning scheme being significantly different (having regard to schedule 2 of the MGR) to the public consultation version and public consultation has started or been completed, the local government must repeat the relevant parts of the public consultation required for the proposed planning scheme with the changes made, in accordance with the process in Step 4.	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
	(d) Local government may limit public consultation to only those aspects changed	If re-consultation is required because of changes that result in the proposed planning scheme being significantly different, the local government may choose to limit the public consultation to only those aspects of the proposed planning scheme that have changed.	Local government	None
Minister for Planning's consideration				
Step 9	Local government requests adoption of proposed planning scheme	<p>The local government must give the Minister for Planning a notice to request adoption of the proposed planning scheme that includes—</p> <p>(a) If the proposed planning scheme has not changed since the state interest review—</p> <ol style="list-style-type: none"> i. an electronic copy of the planning scheme ii. a written consultation report prepared in accordance with Step 6. <p>(b) If the proposed planning scheme has been changed since the state interest review—</p> <ol style="list-style-type: none"> i. 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 and public consultation ii. an explanation of when the changes were made, why the changes were made, how the changes relate to the South East Queensland Regional Plan 2017 (<i>ShapingSEQ</i>), the SPP or affect a state interest and what issues the changes respond to iii. the reasons why the local government doesn't consider the proposed planning scheme to be significantly different from the public consultation version iv. a written consultation report prepared in accordance with Step 6. 	Local government	Within 20 business days of resolving to request adoption of the proposed planning scheme
Step 10	Minister for Planning considers local government's request to adopt proposed planning scheme	<p>The Minister for Planning must consider if the local government may adopt the proposed planning scheme by considering—</p> <ol style="list-style-type: none"> (a) the information given with the notice under Step 9 (b) if any Minister's conditions or further actions set out in the notice under Step 2(d) have been complied with (c) if the adoption version of the proposed planning scheme is significantly different to the public consultation version; and (d) if the proposed planning scheme— 	Minister	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
		<ul style="list-style-type: none"> i. advances the purpose of the Act ii. is consistent with section 16(1) of the Act iii. is consistent with the regulated requirements prescribed in the Planning Regulation 2017 iv. is well drafted and clearly articulated v. accords with the result of any relevant study or report, or review required under section 25(1) of the Act. 		
Step 11	Minister for Planning provides approval to adopt	<p>The Minister for Planning must give the local government a notice stating—</p> <ul style="list-style-type: none"> (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 for Planning	Within 40 business days of receiving the notice from local government requesting adoption of the proposed planning scheme under Step 9
Adoption				
Step 12	Local government complies with Ministerial conditions of adoption	Any Ministerial conditions stated on the notice given under Step 11 must be complied with before the local government may adopt the proposed planning scheme, unless stated otherwise in the notice.	Local government	None
Step 13	Local government decides to adopt proposed planning scheme	The local government must decide to adopt or not proceed with the proposed planning scheme	Local government	None
Step 14	Local government publicly notifies adoption	<p>If the local government decides to adopt the proposed planning scheme, 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—</p> <ul style="list-style-type: none"> (a) the name of the local government (b) the decision made by the local government about the proposed planning scheme (c) the date the proposed planning scheme was adopted 	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
		(d) the commencement date for the proposed planning scheme (if different to the adoption date) (e) the title of the proposed planning scheme (f) the purpose and general effect of the proposed planning scheme (g) where to view a copy of the proposed planning scheme.		
Step 15	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 planning scheme, 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 planning scheme (c) the reasons for not proceeding with the proposed planning scheme.	Local government	None
Step 16	Local government provides public notice and copy of scheme 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 planning scheme and shapefiles of any mapping.	Local government	Within 10 business days of publishing the public notice under Steps 14 or 15

Dated this 20th day of August 2021


 Damien Walker
 Director-General
 Department of State Development, Infrastructure,
 Local Government and Planning