

Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

Isaac 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* (Planning Act), the chief executive has considered the Minister's Guidelines and Rules when preparing this notice under section 18(3)(a) of the Planning Act.

- Notice was given by Isaac Regional Council (the council) under section 18(2) of the Planning Act on 13 July 2017
- Under section 18(6) of the Planning Act, the council must make the 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.

Requesting information

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

Managing timeframes

- Any party may pause a timeframe (provided it is not during public consultation) for an action for which they are 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
- 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice
- If the pause a timeframe notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.

Public consultation

In accordance with the Planning Act, council is required to:

- Publish at least 1 public notice about the proposal to make the planning scheme
- 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
- Ensure that the public notice states that any person may make a submission about the instrument to the local government within the consultation period
- Consider all properly made submissions about the proposed planning scheme
- Notify persons who made properly made submissions about how the local government dealt with the submissions
- Give the 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.

Communications Strategy

The proposed communications strategy has the aim to enable meaningful engagement on the proposed Isaac Regional Planning Scheme to address key planning issues and challenges in the Isaac Region.

The following requirements apply:

- Council is required to comply with the minimum public consultation standards prescribed in the Planning Act
- Council is required to identify the relevant key stakeholders for its public consultation
- Council is required to undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for the Isaac Region, generally in accordance with its Preliminary Draft, Communication and Engagement Plan strategy dated 30 May 2017
- Council is required to 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.

Appendix 1

Tailored Process - Isaac Regional Planning Scheme – Notice about the process for making a planning scheme under section 18(3) of the Planning Act 2016

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (Estimated timeframe)
Step 1	Planning and preparation	Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme.	Local government	Completed 11/07/2017
Step 2	Local government led initiative	Refer to specific actions	Early community engagement through place-making exercise and pre-scheme community consultation.	Local government	Completed 9/12/2016
Step 3	Planning and preparation	Local government consults with DILGP	The local government must consult with the department, while preparing the draft planning scheme or draft planning scheme amendment.	Local government	Completed 11/07/2017
Step 4	Planning and preparation	Local government consults with state agencies	The local government must consult with the relevant state agencies while preparing the draft planning scheme or draft planning scheme amendment.	Local government	Completed 14/08/2017
Step 5	State interest review (SIR)	Local government provides notice to commence the SIR process	<p>The local government must give a notice to the state government 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 the department. 2. A written statement addressing the state interests in the relevant regional plan and 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 not integrated in the planning scheme; and 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. 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 	Local government	Within 3 months of completing Step 4

			<p>review required under section 25(1) of the Act.</p> <p>6. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.</p> <p>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.</p> <p>8. Shapefiles of any mapping.</p> <p>9. A summary of consultation with state agencies and the outcome of the consultation.</p> <p>10. Any other information considered relevant by the local government.</p>		
Step 6	State interest review	DILGP/Chief Executive undertakes the SIR and considers key Act & Regulation matters	<p>The Chief Executive must undertake a state interest review.</p> <p>As part of the state interest review, the state government must consider if the proposed planning scheme—</p> <p>a) advances the purpose of the Act;</p> <p>b) is consistent with section 16(1) of the Act;</p> <p>c) is consistent with the regulated requirements prescribed in the Planning Regulation;</p> <p>d) is well drafted and clearly articulated; and</p> <p>e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act.</p>	Chief Executive	To commence within 5 business days of receiving the notice to commence the state interest review
Step 7	State interest review	DILGP/Chief Executive provides outcomes of SIR	<p>The Chief Executive must give notice to the local government of the outcome of the state interest review.</p> <p>The state government may include conditions that apply to the proposed planning scheme, including the timing on when the conditions must be complied with.</p>	Chief Executive	40 business days from commencement of the state interest review
Step 8	Other	Refer to specific actions	Amend planning scheme to include Chief Executive's conditions and local government to resolve to adopt amended planning scheme for community consultation.	Local government	Within 3 months of DILGP/Chief Executive providing outcomes of SIR
Step 9	Public consultation	1. Local government commences and publishes public notice 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; and</p> <p>c) the communications strategy, including any amended strategy requested by the Minister/Chief Executive.</p>	Local government	Action 1 & 2: The consultation period must be a minimum period of 40 business days, commencing after the

		<p>2. Local government considers all properly-made submissions</p> <p>3. Local government notifies submitters about submissions consideration process</p> <p>4. Local government prepares written consultation report</p> <p>5. Local government makes changes as a result of submissions, changed circumstances</p> <p>6. Local government ensures changes made still meet relevant state interests</p>	<p>The local government must publish a public notice about the proposal to make or amend the planning scheme. It must state that any person may make a submission about the instrument to the local government within the consultation period.</p> <p>2. The local government must consider all properly made submissions about the proposed planning scheme.</p> <p>3. The local government must notify persons who made properly made submissions about how the local government has dealt with the submissions.</p> <p>4. The local government must prepare a written consultation report that is—</p> <ul style="list-style-type: none"> • available to view and download on the local government's website; and • available to inspect and purchase in each of the local government's offices. <p>5. The local government may make changes to the proposed planning scheme to:</p> <ul style="list-style-type: none"> • address issues raised in submissions; • amend a drafting error; or • address new or changed planning circumstances or information. <p>6. The local government must ensure any changes made to the proposed instrument continue to appropriately integrate and address relevant state interests, including those identified in a state interest review.</p>	Local government	<p>day the public notice is published in a newspaper circulating in the local government area.</p> <p>Actions 3,4,5,6: Within 3 months of public consultation concluding</p>
Step 10	Changing the proposed instrument	Local government restarts or repeats consultation due to scheme changes	If the local government changes the proposed planning scheme and the change results in the proposed scheme 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 restart or repeat the public consultation required for the proposed scheme with the changes made.	Local government	The re-consultation period must be a minimum of 20 business days, (if step 19 is required), commencing after the day the public notice is published in a

Step 11	Endorsement	Local government requests adoption of scheme	<p>If re-consultation is required as a result of changes which result in the instrument being significantly different, the local government may choose to limit the public consultation to only those aspects of the proposed planning scheme or proposed amendment that have changed.</p> <p>The local government must give the state government a notice to request adoption of the planning scheme that includes—</p> <ol style="list-style-type: none"> an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed amendment since the state interest review a written consultation report 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	newspaper circulating in the local government area.
Step 12	Endorsement	<ol style="list-style-type: none"> Minister provides approval to adopt Minister provides conditions of adoption 	<ol style="list-style-type: none"> The state government must give the local government a notice stating— <ol style="list-style-type: none"> if the local government may adopt the proposed planning scheme; and the Minister/chief executive's conditions, if any, that apply to the proposed planning scheme; or if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted. Any Minister/chief executive conditions stated on the notice given must be complied with before the local government may adopt the proposed amendment, unless stated otherwise in the notice. 	Minister	Within 40 business days of receiving the notice from local government requesting adoption of the planning scheme	
Step 13	Adoption	<ol style="list-style-type: none"> Local government decides to adopt scheme Local government publicly notifies adoption If Local government does not adopt, Local government publicly 	<ol style="list-style-type: none"> Amend planning scheme to include Minister/Chief Executive conditions. The local government must decide to adopt or not proceed with the proposed planning scheme. 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— <ol style="list-style-type: none"> the name of the local government; the decision made by the local government about the planning scheme; the date the planning scheme was adopted; 	Local government	<p>Action 1: Within 3 months of receiving the approval for adoption from the Minister</p> <p>Action 2 & 3: Within 6 months of receiving the approval for adoption from the Minister</p> <p>Action 4:</p>	

	<p>notifies decision not to adopt</p> <p>4. Local government provides a public notice and copy of the scheme to DILGP</p>	<p>d) the commencement date for the planning scheme (if different to the adoption date);</p> <p>e) the title of the planning scheme;</p> <p>f) if the planning scheme only applies to part of the local government area, a description of the location of that area;</p> <p>g) the purpose and general effect of the planning scheme; and</p> <p>h) where a copy of the planning scheme may be inspected and purchased.</p> <p>3. If the local government decides to not to proceed with the 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> <p>a) the name of the local government;</p> <p>b) the decision made by the local government about the amendment; and</p> <p>c) the reasons for not proceeding with the planning scheme.</p> <p>4. 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—</p> <p>a) a certified copy of the instrument;</p> <p>b) a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.</p>	<p>Within 10 business days of publishing the public notice</p>
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Dated this **9** day of **Sep** 2017



Frankie Carroll
DIRECTOR-GENERAL
Department of Infrastructure, Local Government and Planning