

Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

Banana Shire 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 Banana Shire Council (the council) under section 18(2) of the Planning Act on 26 September 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 council 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 council a notice requesting further information.
- For the purpose of requesting further information, the chief executive includes the Planning Group Deputy Director-General, Executive-Director, Director and Manager.

Managing timeframes

- The Minister for Planning, the chief executive or council 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If the pause a timeframe notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.
- For the purpose of pausing a timeframe, the chief executive includes the Planning Group Deputy Director-General, Executive-Director, Director and Manager.

Public consultation

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

- Publish at least one (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 the public notice states that any person may make a submission about the instrument to the council within the consultation period
- Consider all properly made submissions about the proposed planning scheme

- Notify persons who made properly made submissions about how the council dealt with the submissions
- Give the Minister for Planning a notice containing a summary of the matters raised in the properly made submissions and stating how the council dealt with the matters.

Communications Strategy

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

The council is required to apply the following:

- Comply with the minimum public consultation standards prescribed in the Planning Act.
- Identify the relevant key stakeholders for its public consultation.
- Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for the Banana Shire, generally in accordance with its preliminary Communication Strategy 2017 submitted under cover of a letter to the Chief Executive, Department of Infrastructure Local Government and Planning dated 26 September 2017.
- 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.

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

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframes (Business days)
Step 1	Planning and preparation	Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme.	Local government	60
Step 2	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 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 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. An updated communications strategy. 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. 	Local government	5

Step 3	State interest review	DILGP/Chief Executive undertakes the SIR and provides outcomes.	<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> <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> <ol style="list-style-type: none"> advances the purpose of the Act; is consistent with section 16(1) of the 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 Act. <p>The Chief Executive must give notice to the local government of the outcome of the state interest review.</p> <p>The Chief Executive may include conditions that apply to the proposed planning scheme and/or proposed communications strategy, 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 4	Public consultation	Local government commences and publishes a public notice as per the Minister's Guidelines and Rules (MGR)	<p>The local government must give public notice in accordance with:</p> <ol style="list-style-type: none"> the public notice requirements prescribed in the Act Schedule 2, definition of public notice, paragraph (b); Schedule 4 of MGR; and the communications strategy, including any amended strategy requested by the Chief Executive. 	Local government	-
Step 5	Public consultation	Local government publishes a public notice – minimum 40 business days	<p>The local government must publish a public notice about the proposal to make 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>	Local government	The consultation period must be a minimum period of 40 business days, commencing after the day the public notice is published in a

						newspaper circulating in the local government area.
Step 6	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	10	
Step 7	Considering submissions	Local government notifies submitters about the submissions consideration process.	The local government must notify persons who made properly made submission about how the local government has dealt with the submissions.	Local government	5	
Step 8	Considering submissions	Local government prepares written compilation report	The local government must prepare a written consultation report that is – <ul style="list-style-type: none"> available to view and download on the local government's website; and available to inspect and purchase on each of the local government's offices. 	Local government	15	
Step 9	Changing the proposed instrument	Local government makes changes as a result of submissions, changed circumstance, etc.	The local government may make changes to the proposed planning scheme to – <ul style="list-style-type: none"> address issues raised in submissions; amend a drafting error; or address new or changed planning circumstances or information 	Local government	15	
Step 10	Endorsement	Local government requests adoption of scheme	The local government must give the state government a notice to request adoption of the planning scheme that includes— <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	5	
Step 11	Endorsement	Minister provides approval to adopt	The Minister 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's conditions, if any, that apply to the proposed planning scheme; or 	Minister	40	

Step 12	Adoption	Local government decides to adopt scheme	c) if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted. The local government must decide to adopt or not proceed with the proposed planning scheme.	Local government	20
Step 13	Adoption	Local government publicly notifies adoption	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— 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 to 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. 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) a certified copy of the instrument; b) a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.	Local government	20
Step 14	Adoption	Local government provides a public notice and copy of the scheme to DILGP		Local government	20

Dated this 1 day of Nov 2017

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