



## Chief Executive Notice

### Pursuant to section 18 of the *Planning Act 2016*

#### Lockyer Valley 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), the Chief Executive has considered the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(a) of the Planning Act.

- Notice was given by Lockyer Valley Regional Council (the council) under section 18(2) of the Planning Act on 24 November 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 this notice is to be undertaken in the order in which it is prescribed.

#### **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**

- The Minister for Planning, the Chief Executive, or the 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If the notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.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, the council is required to:

- Publish at least one 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 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.

### ***Communications Strategy***

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

The following requirements apply:

- The council is required to undertake consultation generally in accordance with the New Lockyer Valley Planning Scheme – Community consultation strategy (the communications strategy), updated to reflect greater engagement with Aboriginal and Torres Strait Islander people.
- The council is required to make the communications strategy available to the community.

### ***Chief Executive actions***

For chief executive actions 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.



**Tailored Process – Lockyer Valley Regional Council – Notice about the process for making a planning scheme under section 18(3) of the Planning Act 2016 (Planning Act).**

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
<b>Local government resolves to make a planning scheme in accordance with the approved section 18 notice for making a new planning scheme</b>					
Step 1	Planning and preparation	Local government prepares a draft planning scheme.	The local government must prepare a draft planning scheme.	Local Government	None
Step 2	Planning and preparation	Local government consults with state agencies	The local government must consult with the Department of State Development, Manufacturing, Infrastructure and Planning (the department) and relevant state agencies while preparing the draft planning scheme.	Local Government	None
<b>Local government resolves to progress new planning scheme for state interest review and public consultation</b>					
Step 3	State interest review	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"> <li>1. An electronic copy of the proposed planning scheme in the format identified by the department.</li> <li>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"> <li>a) how the state interests are integrated in the planning scheme;</li> <li>b) reasons why any state interests have not been integrated in the planning scheme; and</li> <li>c) any state interests that are not relevant.</li> </ol> </li> <li>3. A written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Planning Act have been addressed and if the planning scheme is consistent with the regulated requirements.</li> <li>4. A detailed communications strategy.</li> <li>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 Planning Act.</li> </ol>	Local Government	None

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
			<ol style="list-style-type: none"> <li>6. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.</li> <li>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.</li> <li>8. Shapefiles of any mapping.</li> <li>9. A summary of consultation with state agencies and the outcome of the consultation.</li> <li>10. Any other information considered relevant by the local government.</li> </ol>		
Step 4	State interest review	Chief executive undertakes the state interest review	<p>The chief executive must:</p> <ol style="list-style-type: none"> <li>1. Commence the state interest review;</li> <li>2. Give the proposed planning scheme to other relevant state agencies for consideration of the effect of the proposed planning scheme on state interests, including those identified in legislation, the SPP or a regional plan.</li> </ol>	Chief Executive	To commence within five business days of receiving the notice to commence the state interest review
Step 5	State interest review	Chief executive considers key Act and Regulation matters	<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"> <li>a) advances the purpose of the Planning Act;</li> <li>b) is consistent with section 16(1) of the Planning Act;</li> <li>c) is consistent with the regulated requirements prescribed in the Planning Regulation;</li> <li>d) is well drafted and clearly articulated; and</li> <li>e) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act.</li> </ol> <p>The chief executive may also consider the information given with the notice to commence the state interest review.</p>	Chief Executive	60 business days from commencement of the state interest review
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>	Chief Executive	During the state interest review period



Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
			<ol style="list-style-type: none"> <li>to the proposed planning scheme required to address state interests</li> <li>to the proposed communications strategy as a result of the state interest review.</li> </ol>		
Step 7	State interest review	Chief executive provides outcomes of state interest review	<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, including the timing on when the conditions must be complied with.</p>	Chief Executive	60 business days from commencement of the state interest review
Step 8	Local government initiative	Local government makes changes where necessary	The local government makes any required changes resulting from state interest review and/or conditions and prepares planning scheme for public consultation.	Local Government	None
Step 9	Public consultation	Local government commences public consultation of the proposed planning scheme	<p>The local government must undertake public consultation in accordance with—</p> <ol style="list-style-type: none"> <li>the public notice requirements prescribed in the Planning Act and the MGR; and</li> <li>the communications strategy given to the chief executive, or an amended communications strategy requested by the chief executive.</li> </ol>	Local Government	The consultation period must be a minimum of 40 business days, commencing after the day the public notice is published in a newspaper circulating in the local government area.
Step 10	Considering submissions	Local government considers all properly made submissions and prepares consultation report	<p>The local government must consider all properly made submissions about the proposed planning scheme and may consider other submissions.</p> <p>The local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is—</p> <ol style="list-style-type: none"> <li>provided to each person who made a properly made submission; and</li> </ol>	Local Government	None

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
Step 11	Changing the proposed instrument	Local government makes changes to the proposed planning scheme	<p>2. available to view and download on the local government's website; or</p> <p>3. available to inspect and purchase in each of the local government's offices.</p> <p>The local government:</p> <ol style="list-style-type: none"> <li>1. May make changes to the proposed planning scheme to—               <ol style="list-style-type: none"> <li>a) address issues raised in submissions;</li> <li>b) amend a drafting error; or</li> <li>c) address new or changed planning circumstances or information.</li> </ol> </li> <li>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.</li> </ol>	Local Government	None
Step 12	Public consultation	Local government restarts or repeats consultation due to scheme changes	<p>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 MGR) to the version released for public consultation, the local government:</p> <ol style="list-style-type: none"> <li>1. Must repeat the public consultation required for the proposed planning scheme; and</li> <li>2. May limit the public consultation to only those aspects of the proposed planning scheme that have changed.</li> </ol>	Local Government	The consultation period must be at least 40 business days, commencing after the day the public notice is published in a newspaper circulating in the local government area.
Step 13	Considering submissions	Local government considers all properly made submissions received during repeat of consultation, and prepares consultation report	<p>The local government must consider all properly made submissions about the proposed planning scheme and may consider other submissions.</p> <p>The local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is—</p> <ol style="list-style-type: none"> <li>1. provided to each person who made a properly made submission; and</li> </ol>	Local Government	None



Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
Step 14	Changing the proposed instrument	Local government makes changes to the proposed planning scheme	<p>2. available to view and download on the local government's website; or</p> <p>3. available to inspect and purchase in each of the local government's offices.</p> <p>The local government:</p> <ol style="list-style-type: none"> <li>May make changes to the proposed planning scheme to— <ol style="list-style-type: none"> <li>address issues raised in submissions;</li> <li>amend a drafting error; or</li> <li>address new or changed planning circumstances or information.</li> </ol> </li> <li>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.</li> </ol>	Local Government	None
<b>Local government resolves to progress the proposed new planning scheme for Minister's endorsement</b>					
Step 15	Endorsement	Local government requests adoption of scheme	<p>The local government must give the Minister a notice to request adoption of the planning scheme that includes—</p> <ol style="list-style-type: none"> <li>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; and</li> <li>a written consultation report containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters; and</li> <li>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.</li> </ol>	Local Government	None
Step 16	Endorsement	Minister considers if the local government may adopt the proposed planning scheme	<p>The Minister must consider if the local government may adopt the proposed planning scheme by considering:</p> <ol style="list-style-type: none"> <li>the information given with the notice to request adoption of the planning scheme;</li> <li>if any conditions set out in the notice of the outcome of the state interest review have been complied with;</li> </ol>		40 business days

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
			<p>3. if the adoption version of the proposed planning scheme is significantly different to the version released for public consultation; and</p> <p>4. if the proposed planning scheme—</p> <ol style="list-style-type: none"> <li>advances the purpose of the Planning Act;</li> <li>is consistent with section 16(1) of the Planning Act;</li> <li>is consistent with the regulated requirements prescribed in the Planning Regulation;</li> <li>is well drafted and clearly articulated; and</li> <li>accords with the result of any relevant study or report, or review required under section 25(1) of the Planning Act.</li> </ol>		
Step 17	Endorsement	Minister provides approval to adopt	<p>The Minister must give the local government a notice stating—</p> <ol style="list-style-type: none"> <li>if the local government may adopt the proposed planning scheme; and</li> <li>the Minister's conditions, if any, that apply to the proposed planning scheme; or</li> <li>if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted.</li> </ol> <p>Any Ministerial 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.</p>	Minister	Within 40 business days of receiving the notice from local government requesting adoption of the planning scheme
Step 18	Endorsement	Local government complies with conditions		Local Government	None
<b>Local government resolves to adopt or not proceed with the proposed planning scheme</b>					
Step 19	Adoption	Local government decides to adopt or not proceed with the proposed planning scheme	<p>If the Minister has notified the local government that it may adopt the proposed planning scheme, the local government must:</p> <ol style="list-style-type: none"> <li>decide— <ol style="list-style-type: none"> <li>to adopt the proposed planning scheme; or</li> <li>not to proceed with the proposed planning scheme; and</li> </ol> </li> <li>publish a public notice in accordance with the Planning Act; and</li> <li>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 MGR.</li> </ol>	Local Government	None



Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Timeframe (business days)
Step 20	Adoption	Local government provides public notice and copy of scheme to the department	The local government must give the chief executive a copy of the public notice described in step 20 and if adopted, a copy of the planning scheme.	Local Government	Within 10 business days of publishing a public notice

Dated this 25<sup>th</sup> day of January 2018



Michael Schaumburg  
Director-General