

## Chief Executive Notice

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

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

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

- Notice was given by Western Downs Regional Council (the council) under section 18(2) of the Planning Act on 15 March 2018.
- Under section 18(6) of the Planning Act, council must amend 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 council must implement about the instrument is also described in this notice.

#### **Requesting information**

- The Planning Minister 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If the pause a timeframe notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.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 one public notice about the proposal to amend 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 20 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 amendment.

- Notify persons who made properly made submissions about how the local government dealt with the submissions.
- Give the Planning 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 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 Western Downs Regional Council, generally in accordance with its consultation strategy submitted under cover of a letter to the Planning Minister, dated 15 March 2018.
- Document its public consultation and prepare a report on its public consultation to the Planning Minister when submitting the proposed planning scheme amendment for adoption.

### ***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.

Appendix 1

Tailored Process – Western Downs Regional Council - Notice about the process for amending 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 timeframe (business days)
<b>Local government resolves to make a planning scheme amendment (proposed amendment) in accordance with the approved section 18 notice</b>					
1.	Preparation	Local government prepares a draft planning scheme amendment.	The local government must prepare a draft planning scheme amendment.	Local Government	Completed on 23/01/2018
	Early consultation	Local government consults with State agencies.	The local government must consult with state agencies, while preparing the proposed amendment.	Local Government	Discussions were held with the state over 4 months (19/09/2017-23/01/2018)
<b>Local government resolves to progress the proposed amendment for concurrent state interest review process</b>					
2.	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"> <li>a) An electronic copy of the proposed amendment (proposed amendment) in the format identified by the Department of State Development, Manufacturing, Infrastructure and Planning.</li> <li>b) A written statement addressing the state interests in the relevant regional plan and State Planning Policy (SPP) which includes— <ul style="list-style-type: none"> <li>i. how the state interests are integrated in the proposed amendment;</li> <li>ii. reasons why any state interests have not been not integrated in the proposed amendment; and</li> <li>iii. any state interests that are not relevant.</li> </ul> </li> <li>c) 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 proposed amendment is consistent with the regulated requirements.</li> <li>d) A proposed communications strategy if one has not been given with the notice under section 18(2) of the Act.</li> <li>e) Any background studies or reports that informed the preparation of the proposed amendment, including any strategic study or report, or review required under section 25(1) of the Act.</li> <li>f) Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.</li> <li>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.</li> </ul>	Local Government	5 business days

			<p>h) Shapefiles of any mapping.</p> <p>i) A summary of consultation with state agencies and the outcome of the consultation.</p> <p>j) Any other information considered relevant by the local government.</p>		
3.	Concurrent state interest review and public consultation	Chief executive commences and undertakes the state interest review.	The Chief Executive must commence and undertake a state interest review with relevant state agencies within <b>5 business days</b> of receiving the notice from the local government.	Chief Executive	60 – 80 business days (unless public consultation is required to be repeated)
		Chief executive considers key Act and regulation matters.	<p>As part of the state interest review, the Chief Executive must consider if the proposed amendment—</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 advises of changes required.	<p>The Chief Executive may give notice to the local government during the state interest review advising of any changes—</p> <p>a) to the proposed amendment required to address state interests</p> <p>b) to the proposed communications strategy as a result of the state interest.</p>		
		Chief executive provides outcomes of state interest review.	<p>The Chief Executive:</p> <p>a) must give notice to the local government of the outcome of the state interest review within <b>60 business days</b> of commencing the state interest review.</p> <p>b) may include conditions that apply to the proposed amendment and/or proposed communications strategy, including the timing on when the conditions must be complied with.</p>		
		Local government commences public consultation as per the Act, Minister's Guidelines and Rules (MGR), etc.	<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 Chief Executive.</p>	Local Government	
	Local government publishes a public notice.	<p>The local government must publish a public notice about the proposal to 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>The consultation period must be a minimum period of <b>20 business days</b>, commencing after the day the public notice is published in a newspaper circulating in the local government area.</p>			

		Local government considers all properly made submissions.	The local government must consider all properly made submissions about the proposed amendment.		
		Local government prepares written compilation report.	The local government must prepare a written consultation report that is: a) available to view and download on the local government's website; and b) available to inspect and purchase in each of the local government's offices.		
		Local government makes changes as a result of submissions, changed circumstance, etc. and ensures changes made still meet relevant state interests.	The local government may make changes to the proposed amendment to: a) address issues raised in submissions b) amend a drafting error; or c) address new or changed planning circumstances or information.  The local government must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant state interests, including those identified in a state interest review.		
		Local government notifies submitters about the submissions consideration process.	The local government must notify persons who made properly made submissions about how the local government has dealt with the submissions within <b>40 business days</b> of the completion of the consultation period.		
4.	If changes are significantly different	Local government restarts or repeats consultation if changes made result in the proposed amendment being significantly different.	If the local government changes the proposed amendment and the changes result in the proposed amendment 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 repeat the public consultation required for the proposed amendment in accordance with the public consultation aspects of step 3 of this notice.	Local Government	20 business days (as required by the Act)
		Local government limits public consultation to only those aspects changed.	If public consultation is required to be repeated (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 amendment that have changed.		
<b>Local government resolves to progress the proposed amendment for the Minister's endorsement</b>					
5.	Request for endorsement	Local government requests adoption of the proposed amendment.	The local government must give the Minister a notice to request adoption of the proposed amendment that includes: a) 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 b) a summary of the matters raised in the properly made submissions and an explanation of how the local government dealt with the matters raised c) 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

	Endorsement	Minister considers if the local government may adopt the proposed amendment.	The Minister must consider if the local government may adopt the proposed amendment by considering: a) if the adoption version of the proposed amendment is significantly different to the version released for public consultation; and b) if the proposed amendment: 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 iv. is well drafted and clearly articulated; and c) accords with the result of any relevant study or report, or review required under section 25(1) of the Act.	Minister	40 business days
		Minister provides approval to adopt	The Minister must give the local government a notice stating: a) if the local government may adopt the proposed amendment; and b) the Minister's conditions, if any, that apply to the proposed amendment; or c) if the proposed amendment may not be adopted, and the reasons why it may not be adopted.		
		Compliance with any conditions	Any Ministerial conditions stated on the notice given must be complied with before the local government may adopt the proposed amendment.		

**Local government resolves to adopt or not proceed with the proposed planning scheme**

6.	Adoption	Local government decides to adopt or not the proposed amendment.	The local government must decide to adopt or not proceed with the proposed amendment.	Local Government	None
		Local government publicly notifies adoption.	If the local government decides to adopt the proposed amendment, 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 amendment c) the date the amendment was adopted d) the commencement date for the amendment (if different to the adoption date) e) the title of the amendment f) if the amendment 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 amendment; and h) where a copy of the amendment may be inspected and purchased.		

		<p>If local government does not adopt proposed amendment.</p>	<p>If the local government decides not to proceed with an amendment to 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> <ul style="list-style-type: none"> <li>a) the name of the local government</li> <li>b) the decision made by the local government about the amendment; and</li> <li>c) the reasons for not proceeding with the amendment.</li> </ul>		
		<p>Local government provides a public notice and copy of the amended scheme to the chief executive.</p>	<p>The local government must give the Chief Executive a copy of the public notice; and if adopted, a certified copy of the amended planning scheme including:</p> <ul style="list-style-type: none"> <li>a) a certified copy of the instrument</li> <li>b) a copy of all electronic planning scheme amendment spatial data files (mapping) relevant to the instrument.</li> </ul>		<p>Within 5 business days of publishing a public notice</p>

Dated this 26<sup>th</sup> day of June 2018



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