

# Chief Executive Notice

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

### Tailored amendment package – Inner city affordability initiative – Car parking – *Brisbane City Plan 2014* – Brisbane City Council

#### Introduction

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This notice is given by the Chief Executive of the department administering the *Planning Act 2016* (Chief Executive) in accordance with section 18(3) of the *Planning Act 2016* (the Act), with respect to the planning scheme amendment proposed by the Brisbane City Council (the council) (proposed amendment) by way of notice under section 18(2) of the Act on 4 July 2024.

Part A of this notice sets out the steps undertaken for the planning and preparation of the proposed amendment prior to the issuing of this notice. Parts B & C of this notice set out the process that applies to the proposed amending of this planning scheme, and the entity responsible for each step in the process<sup>1</sup>.

The process stated in this notice must be followed by the local government in accordance with section 18(6) of the Act.

#### 1. Chief Executive Powers and Functions

The Chief Executive delegates under section 282 of the *Public Sector Act 2022* the functions and powers of the Chief Executive under this notice to the following delegates:

- 1.1 For Chief Executive functions and powers listed in Part B of this notice:
  - (a) Deputy Director-General, Planning Group
  - (b) Executive Director, Planning Group
  - (c) Director, Planning Group
  - (d) Manager, Planning Group

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<sup>1</sup> Where the functions and powers of the Chief Executive under this notice may be appropriately performed or exercised by an officer in Planning Group in the Department, this notice includes the delegation of the Chief Executive.

1.2 For Chief Executive functions and powers listed in Part C of this notice, the person stated as the delegate for each step in Column 4 of Table 2.

Chief Executive delegations exclude the power to subdelegate.

## Part A – Planning and preparation

Early and ongoing engagement with the State Government and other stakeholders identifies and helps address issues early in the plan-drafting process.

Table 1 sets out the steps that the local government has advised the Chief Executive have been undertaken for the planning and preparation of the proposed planning scheme amendment prior to the issuing of this notice.

**Table 1: Planning and preparation steps**

Step No.	Summary of action/s	Specific action/s
Step A	Early engagement with state agencies and other relevant parties	<p>Council representatives engaged with officers from the Department of Housing, Local Government, Planning and Public Works (the department) in various forums to advise of the council's intention to prepare the proposed amendment to <i>Brisbane City Plan 2014</i> (City Plan). This included discussions between senior officers in the council and the department, as well as discussions held as part of the department's engagement and implementation for <i>South East Queensland Regional Plan 2023</i> (<i>ShapingSEQ 2023</i>).</p> <p>The council did not identify any relevant state agencies, other than the Department, during early engagement discussions.</p>
Step B	Local government proposes a planning scheme amendment and requests a streamlined amendment process	<p>The council proposed to make the Tailored amendment package – Inner city affordability initiative – Car parking to the <i>City Plan</i> on 11 June 2024.</p> <p>On 4 July 2024 under section 18(2) of the Act, the council wrote to the Chief Executive requesting the Chief Executive to issue a notice under section 18(3) of the Act for the Tailored amendment package – Inner city affordability initiative – Car parking to the <i>City Plan</i>.</p> <p>The request included:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> a draft notice under section 18(3) of the Act for the Chief Executive's consideration;</li> <li><input checked="" type="checkbox"/> a communications strategy;</li> <li><input checked="" type="checkbox"/> an electronic copy of the proposed amendment;</li> <li><input checked="" type="checkbox"/> a nature and objectives report detailing the proposed amendment;</li> <li><input checked="" type="checkbox"/> a statement about the nature and objectives of the proposed amendment and why a streamlined amendment process is proposed;</li> <li><input checked="" type="checkbox"/> consideration of the effect of the proposed amendment on state interests;</li> <li><input checked="" type="checkbox"/> the outcomes of early engagement.</li> </ul>



## Part B – General process provisions

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This part prescribes matters that are to be read in conjunction with the requirements set out in Part C.

### 1. Requesting information and changes

- 1.1 The Minister for Planning (Minister) or Chief Executive, as relevant to the process, may, at any time, give the local government a notice:
  - (a) requesting further information; or
  - (b) advising of any changes to the proposed planning scheme amendment to address state interests.

### 2. Managing timeframes

- 2.1 The Minister, Chief Executive, or local government, may pause a timeframe (except for the public consultation timeframe) for an action for which the entity is responsible, by giving notice to the other entity prescribed in the relevant section of the process. This notice must state the period for which 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<sup>2</sup> after the notice is given until the date stated in the notice, unless the notice is earlier 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 The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends.
- 2.5 Each entity may only pause timeframes for steps for which it is responsible under Part C of this notice for a cumulative total number of days as follows:
  - (c) for the Minister and the Chief Executive, collectively a total of 20 days<sup>2</sup>; and
  - (d) for the local government, a total of 20 days<sup>2</sup>.
- 2.6 A timeframe may be paused beyond the cumulative total number of business days stated in Section 2.5 where the local government and either the Minister or Chief Executive, whichever entity is relevant to the current part of the process, agree that it is appropriate to pause the timeframe for a further agreed number of business days.

### 3. Public consultation

For public consultation included in Part C of this notice, the local government is required to comply with the following:

- 3.1 Publish at least one public notice about the proposal to amend the planning scheme.
- 3.2 Keep the proposed amendment available for inspection and purchase for the duration of the consultation period identified in Part C of this notice.
- 3.3 The public notice must:
  - (a) be in accordance with the requirements stated in the definition of 'public notice' in schedule 2 of the Act;
  - (b) state the consultation period identified in Part C of this notice; and
  - (c) state that any person may make a submission about the proposed amendment to the local government within the consultation period.
- 3.4 Consider all properly made submissions about the proposed amendment.

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<sup>2</sup> Business day

- 3.5 Notify persons who made properly made submissions about how the local government dealt with the submissions.
- 3.6 For the public consultation report, a notice containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters must be given to the Minister.
- 3.7 If consultation is required to be repeated due to a significantly different change (having regard to the definition in the Minister's Guidelines and Rules (MGR), including reference to schedule 2 of the MGR), the local government may decide to limit the public consultation to only those aspects of the proposed planning scheme amendment that have changed.

#### **4. Communications strategy**

The local government is required to implement the communications strategy about the proposed amendment at **Appendix A**.

#### **5. Changing the proposed amendment**

- 5.1 The local government may make changes to the proposed amendment or propose conditions the Minister or Chief Executive may consider imposing.
- 5.2 The local government must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant state interest/s, including those identified in a state interest review.
- 5.3 If the local government considers that change or changes made to the proposed amendment make the proposed amendment significantly different<sup>3</sup> to the version of the proposed amendment released for public consultation, and the public consultation has started or been completed, the local government must repeat or restart the consultation process as outlined in Part C.
- 5.4 However, the Chief Executive may decide that Section 5.3 does not apply if the proposed amendment is significantly different to the version of the proposed amendment released for public consultation, if due to a change or changes which address an issue raised in submissions or a matter raised during state interest review.
- 5.5 At any time, the Chief Executive may consider giving to the local government an amended notice about the process for amending the planning scheme, in accordance with section 18(3)(b) of the Act.

#### **6 Definitions**

- 6.1 A term used in this document has the meaning given to it under the Act or the MGR.

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<sup>3</sup> The local government is to determine whether the proposed amendment is 'significantly different' having regard to the definition in the Minister's Guidelines and Rules (MGR), including reference to schedule 2 of the MGR



## Part C – Process for amending the planning scheme

Unless stated otherwise, the process described in this Part C is to be undertaken in the order in which it is prescribed in **Table 2**. The proposed amendment will be informed by the steps taken under Part A. This does not preclude the need for steps to be repeated should changes be made to the proposed amendment, as provided for in Part B.


**Table 2: Process for amending the planning scheme**

1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes
<b>State interest review (may occur concurrently with public consultation)</b>				
Step 1	State interest review of proposed amendment	Undertake state interest review, and consideration of the proposed amendment. In undertaking the state interest review, state agency consideration of the effect of the amendment on state interests may be sought.	Chief Executive Delegates: Deputy Director-General, Planning Group Executive Director, Planning Group	Commencing on the day after the Chief Executive gives notice to the local government under Section 18(3) of the Act
Step 2	State agency briefing	The department facilitates a meeting with the local government, and invited state agencies identified as having state interests relevant to or potentially affected by the proposed amendment.	Chief Executive Delegates: Deputy Director-General, Planning Group Executive Director, Planning Group Director, Planning Group Manager, Planning Group	Within 5 days from the commencement of Step 1
Step 3	Outcome of the state interest review	Local government provided with a notice of the outcome of the state interest review.	Chief Executive Delegates: Deputy Director-General, Planning Group Executive Director, Planning Group	Within 20 days from the commencement of Step 1

1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes
<b>Public consultation (may occur concurrently with state interest review)</b>				
Step 4	Public consultation	Local government undertakes public consultation in accordance with the requirements outlined in Part B, sections 3.1 to 3.3 and 4 of this notice.  Note – Public consultation may be carried out at the same time as the state interest review.	Local government	The consultation period is a minimum 20 business days after the day the last public notice is published in the local government area
<b>Considering submissions and approval to adopt</b>				
Step 5	Local government gives notice	Local government considers: a) the outcomes of public consultation; b) the outcomes of the state interest review; and c) whether to make changes to the proposed amendment under section 5 of Part B of this notice.  Local government gives notice to the Chief Executive requesting approval to adopt the proposed amendment.  This request must include a copy of the public consultation report, provided to the Minister in accordance with the requirements outlined in Part B, section 3 of this notice and the Chief Executive and may also include proposed conditions for the Chief Executive to consider imposing.  The local government must then notify persons who made properly made submissions about how the local government dealt with their submissions.	Local government	Within 75 days from the end of Step 3 or Step 4, whichever is the later.
Step 6	Consideration for approval to adopt / Chief Executive gives notice	The Chief Executive considers the request for approval to adopt the proposed amendment and gives notice to the local government stating whether the proposed amendment may: (a) be adopted, with or without conditions; or (b) not be adopted and the reasons why.	Chief Executive Delegate: Deputy Director-General, Planning Group	Within 5 days from the end of Step 5
<b>Local government to adopt</b>				
Step 7	Local government	The local government decides to either:	Local government	None

1. Step No.	2. Summary of action/s	3. Specific action/s	4. Entity responsible for action/s	5. Timeframes
	consideration to adopt	(a) adopt the proposed amendment in accordance with a notice given by the Chief Executive under Step 6; or (b) not proceed with the proposed amendment.  After the planning scheme is amended, the local government must publish a public notice about amending the planning scheme.		
Step 8	Local government provides public notice and copy of planning scheme amendment to the Chief Executive	The local government must give the Chief Executive a copy of the public notice about the decision made by the local government regarding the adoption of the planning scheme amendment and if made, a certified copy of the planning scheme amendment.	Local government	Within 10 business days of publishing the public notice

Dated 22/5/24



Mark Cridland  
**Chief Executive**  
 Department of Housing, Local Government, Planning and Public Works

# **Appendix A: Local government communications strategy**



# PROPOSED COMMUNICATIONS STRATEGY

**Project name:** *Brisbane City Plan 2014 – Tailored amendment package – Inner city affordability initiative – Car parking*

**Proponent:** BRISBANE CITY COUNCIL

## Key messages

- Council is committed to facilitating housing, economic growth, maintaining prosperity and facilitating a diversity of housing outcomes in Brisbane through sustainable development. As part of this commitment, Council is proposing to update requirements for the provision of car parking in inner city suburbs.
- Council is proposing to update Figure a in the Transport, access, parking and servicing code (TAPS code) to extend the boundary of the City core and City frame parking areas, which apply special car parking rates for some developments.
- This amendment is phase one of the implementation of an action identified in Council's *Housing Supply Action Plan* from October 2023, and the Lord Mayor's *Inner-City Affordability Initiative* announced on 16 May 2024.
- The proposed amendment is intended to support the provision of more dwellings in well serviced locations by improving project feasibility and reducing the amount of space required for car parking.
- It is anticipated there will be increased use of active and public transport in the locations subject to the proposed amendment, thereby managing road congestion.

## Target stakeholders

The primary audience for communications and engagement for the proposed Tailored amendment – Inner city affordability initiative – Car parking is industry professionals, developers and community groups interested or involved in the delivery of housing supply in Brisbane. Other residents and visitors to Brisbane may have an interest in Brisbane's overall planning processes. Council will engage with:

- Property and development industry professionals and advocacy groups
- Planning authorities and peak bodies
- City Plan stakeholders registered on the updates list
- Resident and community groups
- State government agencies, as required

## State agency consultation

The Nature and objectives report has been prepared to support consultation with the relevant state agencies. It identifies the state interests considered relevant to the proposed amendment and how these have been integrated. Council will engage further with the Department of Housing, Local Government, Planning and Public Works and other state agencies as required as part of the state interest review, in accordance with the Chief Executive's section 18 notice. Council is available to participate in briefings and meetings with state agencies as required. The Nature and objectives report will be updated following completion of state interest review to summarise outcomes of the review.

## Proposed actions for Public Consultation Phase – 20 Business Days

The proposed Tailored amendment package – Inner city affordability initiative – Car parking will follow the process (including being made available for public consultation) to be outlined in the Chief Executive's notice to be issued in accordance with section 18(3) of the *Planning Act 2016*. As per the notice provided by Council to the Chief Executive, a 20 business day consultation period is proposed. It will be made available for public consultation in accordance with the Chief Executive's notice, the requirements of the *Planning Act 2016* and the Minister's guidelines and rules.

Council uses a wide range of community engagement techniques to ensure each audience can understand the purpose, intent, extent and effect of the proposed amendment and is based on the following principles:

- The provision of clear and relevant information is fundamental to community engagement.
- Information should assist the community in understanding the current situation, possible options and solutions and the potential impacts or changes that will result.
- Information must be accessible for identified stakeholders and communities, available in a timely manner in relation to the project and should help to achieve project and engagement objectives.
- Where possible, the amendments will be accessible to Culturally and Linguistically Diverse (CaLD) community members, including people requiring Auslan interpretation services.

Key communication and engagement tools proposed to be employed for public consultation are outlined below.

Preparation phase	Consultation period	Post consultation phase
<ul style="list-style-type: none"> <li>• Identify target stakeholders (see above)</li> <li>• Lord Mayor's announcement of project (16 May 2024)</li> </ul>	<ul style="list-style-type: none"> <li>• Publish a public notice about the consultation in accordance with the requirements of the s18 notice, the <i>Planning Act 2016</i> and Minister's Guidelines and Rules</li> <li>• Prepare project webpage, including:</li> </ul>	<ul style="list-style-type: none"> <li>• Consider all properly made submissions about the proposed amendment</li> <li>• Prepare a consultation report outlining submissions and how Council has considered submissions</li> </ul>



	<ul style="list-style-type: none"> <li>○ Project purpose and objectives</li> <li>○ Proposed amendment summary</li> <li>○ Access to key documents and supporting information</li> <li>○ StoryMaps (interactive map)</li> <li>○ Information and links on how to make a submission</li> <li>○ Project timeline</li> <li>● Eburst to City Plan stakeholders list – advertise proposed amendment consultation to people registered to receive City Plan updates</li> <li>● 'Your City, Your Say' Ebulletin article – advertise proposed amendment consultation to a broader cross section of the community <ul style="list-style-type: none"> <li>● Social media – as appropriate</li> <li>● Media releases – as needed</li> <li>● Hold industry information session/s to provide an overview of the proposed amendment and an opportunity for questions</li> <li>● Hold online Talk to a Planner sessions – at various times/days to facilitate individual discussion for stakeholders on the effect of the proposed changes</li> </ul> </li> <li>● Manage submissions received</li> </ul>	<ul style="list-style-type: none"> <li>● Notify submitters and advise how their submissions were considered</li> <li>● Publish a public notice after the planning scheme is amended in accordance with the requirements of the s18 notice, the <i>Planning Act 2016</i> and Minister's Guidelines and Rules</li> </ul>
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### Managing and responding to submissions

Building on our significant experience, Council applies the following methodology to manage and respond to submissions received during the formal public consultation period:

- All submissions are receipted and saved in Council's record management system, and each submitter is allocated a submitter number so they can identify how their specific comment was responded to, while remaining anonymous, when the submission report is released.



- Each submission is reviewed to ensure it is a properly made submission under the *Planning Act 2016*. If the submission is not properly made, the submitter is contacted where possible and asked to provide the missing/correct details in order for the submission to be properly made.
- All submissions received during the consultation period are critically assessed by multiple team members to identify issues and stakeholders. Feedback is then categorised into the themes that emerge from the feedback.
- Feedback is reviewed to determine if changes are required to the proposed amendment package based on analysis of the evidence provided as part of the submission or additional technical investigation. Other changes may be made to respond to identified omissions, inaccuracies, or a lack of clarity.
- Feedback that may not result in changes to the amendment package includes:
  - feedback that clearly supports the proposed amendment or presented an open statement where no change was sought;
  - feedback that is already addressed in the proposed amendment, addressed issues beyond the scope of the proposed amendment, or recommended the inclusion of information that is not appropriate;
  - feedback that proposed an alternative approach, but the proposed amendment is still considered the most appropriate option.
- Council carefully considers all the issues raised and, where necessary, will undertake further technical investigations to inform the responses. Where multiple people provided comments on a similar issue, these submissions will be summarised and responded to collectively.
- Council prepares a Consultation Report in accordance with the requirements of the Minister's Guidelines and Rules. This report summarises consultation activities completed, number of submissions received, matters raised in submissions (by theme as appropriate and identifying number of submitters that raised the matter), how Council has considered the matters raised and whether any changes are proposed to the amendment in response.
- Each submitter is sent an email or letter advising them of their submitter number, so they can identify how their specific comment was responded to and if any changes were made to the proposed amendment as a result of the submission. This information is published in the consultation report which is made available on Council's website.