



Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

Rockhampton 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* (the Planning Act), the Chief Executive has considered the Minister's Guidelines and Rules when preparing this notice under section 18(3)(b) of the Planning Act.

- Notice was given by Rockhampton Regional Council (the council) under section 18(2) of the Planning Act on 4 December 2017.
- The Chief Executive gave a notice under section 18(3)(a) of the Planning Act on 19 January 2018.
- The council requested an amendment to the notice given under section 18(3)(a) on 28 November 2018.
- Under section 18(6) of the Planning Act, the council must make the planning scheme amendment 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.
- 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.

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 it is 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If the pause a timeframe notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.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, the council is required to:

- Publish at least one public notice about the proposal to make the planning scheme amendment.
- 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 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 amendment.
- 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 engagement strategy has the aim to enable meaningful engagement on the proposed planning scheme amendment.

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 Rockhampton Region, generally in accordance with its 'Draft Communication Engagement – Major Amendment' submitted to the Department of State Development, Manufacturing, Infrastructure and Planning on 4 December 2018.
- Document its public consultation and prepare a report on its public consultation to the Minister for Planning 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.

Tailored Process – Rockhampton 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 timeframes (Business days)
Step 1	Planning and preparation	Local government prepares a draft planning scheme amendment	The local government must prepare a draft planning scheme amendment.	Local government	60
Step 2	Planning and preparation	Local government consults with state agencies	The local government must consult with state agencies, while preparing the draft planning scheme amendment.	Local government	
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"> 1. An electronic copy of the proposed planning scheme amendment (proposed amendment) in the format identified by the Department of State Development, Manufacturing, Infrastructure and Planning. 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 proposed amendment; b) reasons why any state interests have not been integrated in the proposed amendment; 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 proposed amendment 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 proposed amendment, 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. 8. Shapefiles of any mapping. 9. A summary of consultation with state agencies and the outcome of the consultation. 10. Any other information considered relevant by the local government. 	Local government	5

Step 4	State interest review	Chief Executive undertakes the state interest review and provides outcomes.	The Chief Executive must undertake a state interest review with relevant state agencies.	Chief Executive	60
Step 5	State interest review	Chief Executive considers key Act and regulation matters.	As part of the state interest review, the Chief Executive must consider if the proposed amendment— a) advances the purpose of the Act b) is consistent with section 16(1) of the Act c) is consistent with the regulated requirements prescribed in the Planning Regulation d) is well drafted and clearly articulated; and e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act.	Chief Executive	
Step 6	State interest review	Chief Executive advises of changes required.	The Chief Executive may give notice to the local government advising of any changes – a) to the proposed amendment required to address state interests b) to the proposed communications strategy as a result of the state interest.	Chief Executive	
Step 7	State interest review	Chief Executive provides outcomes of state interest review.	The Chief Executive must give notice to the local government of the outcome of the state interest review.	Chief Executive	
Step 8	State interest review	Chief Executive provides outcomes of state interest review.	The Chief Executive 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.	Chief Executive	
Step 9	Changing the proposed instrument	Local government makes changes prior to public consultation.	The local government may make changes (other than changes required by conditions applied in Step 8) to the proposed amendment prior to undertaking public consultation.	Local government	
Step 10	Changing the proposed instrument	Local government ensures changes made still meet relevant state interests.	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	10
Step 11	State interest review	Local government provides notice to re-commence the state interest review process	Where changes to the proposed amendment are made under Step 9, the local government must give a notice to the Chief Executive to re-commence the state interest review that includes— 1. An electronic copy of the proposed planning scheme amendment (proposed amendment) in the format identified by the Department of State Development, Manufacturing, Infrastructure and Planning. 2. A written statement identifying changes to the proposed amendment in response to conditions applied in Step 8. 3. A written statement identifying changes made to the proposed amendment under step 9.	Local government	5

			<p>4. A written statement addressing the state interests in the relevant regional plan and State Planning Policy (SPP) which includes—</p> <ol style="list-style-type: none"> d) how the state interests are integrated in the proposed amendment; e) reasons why any state interests have not been not integrated in the proposed amendment; and f) any state interests that are not relevant. <p>5. 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.</p> <p>6. A proposed communications strategy if:</p> <ol style="list-style-type: none"> (i) one has not been given with the notice under section 18(2) of the Act; or (ii) updates to the strategy are required as a result of changes made to the proposed amendment <p>7. 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.</p> <p>8. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.</p> <p>9. 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>10. Shapefiles of any mapping.</p> <p>11. A summary of consultation with state agencies and the outcome of the consultation.</p> <p>12. Any other information considered relevant by the local government.</p>		
Step 12	State interest review	Chief Executive undertakes the state interest review and provides outcomes.	The Chief Executive must undertake a state interest review with relevant state agencies. This review is limited to the changes that have been made to the proposed amendment as identified by the local government under action 3 in Step 11.	Chief Executive	30
Step 13	State interest review	Chief Executive considers key Act and regulation matters.	As part of the state interest review, the Chief Executive must consider if the proposed amendment—	Chief Executive	
			<ol style="list-style-type: none"> a) advances the purpose of the Act b) is consistent with section 16(1) of the Act c) is consistent with the regulated requirements prescribed in the Planning Regulation d) is well drafted and clearly articulated; and e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act. 		

Step 14	State interest review	Chief Executive advises of changes required.	The Chief Executive may give notice to the local government advising of any changes – a) to the proposed amendment required to address state interests b) to the proposed communications strategy as a result of the state interest.	Chief Executive	
Step 15	State interest review	Chief Executive provides outcomes of state interest review.	The Chief Executive must give notice to the local government of the outcome of the state interest review.	Chief Executive	
Step 16	State interest review	Chief Executive provides outcomes of state interest review.	The Chief Executive 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.	Chief Executive	
Step 17	Public consultation	Local government commences public notice as per the Act, Minister's Guidelines and Rules (MGR), etc.	The local government must give public notice in accordance with: a) the public notice requirements prescribed in the Act Schedule 2, definition of public notice, paragraph (b) b) Schedule 4 of MGR; and c) the communications strategy, including any amended strategy requested by the Chief Executive.	Local government	-
Step 18	Public consultation	Local government publishes a public notice – minimum 20 business days.	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.	Local government	The consultation period must be a minimum period of 20 business days, commencing after the day the public notice is published in a newspaper circulating in the local government area.
Step 19	Considering submissions	Local government considers all properly-made submissions.	The local government must consider all properly made submissions about the proposed amendment.	Local government	-
Step 20	Considering submissions	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.	Local government	-
Step 21	Considering submissions	Local government prepares written compilation report.	The local government must prepare a written consultation report that is: • 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.	Local government	Within 40 days of the completion of the consultation period

Step 22	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 amendment 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	-
Step 23	Changing the proposed instrument	Local government ensures changes made still meet relevant state interests.	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	10
Step 24	Changing the proposed instrument	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.	Local government	-
Step 25	Changing the proposed instrument	Local government limits public consultation to only those aspects changed.	If public consultation is required by step 16 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.	Local government	-
Step 26	Changing the proposed instrument	Local government repeats public consultation actions.	If public consultation has to be repeated, the local government must go back to step 9 for the repeated consultation.	Local government	-
Step 27	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: <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 summary of the matters raised in the properly made submissions and an explanation of how the local government dealt with the matters raised the reasons why the local government does not consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken. 	Local government	Within 40 days of the completion of the consultation period

Step 28	Endorsement	Minister considers if the local government may adopt the proposed amendment.	<p>The Minister must consider if the local government may adopt the proposed amendment by considering:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. advances the purpose of the Act b. is consistent with section 16(1) of the Act c. is consistent with the regulated requirements prescribed in the Planning Regulation d. 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
Step 29	Endorsement	Minister provides approval to adopt.	<p>The Minister must give the local government a notice stating:</p> <ul style="list-style-type: none"> 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. 	Minister	
Step 30	Endorsement	Minister provides conditions of adoption.	Any Ministerial conditions stated on the notice given must be complied with before the local government may adopt the proposed amendment.	Minister	
Step 31	Adoption	Local government decides to adopt scheme.	The local government must decide to adopt or not proceed with the proposed amendment.	Local government	20
Step 32	Adoption	Local government publicly notifies adoption.	<p>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:</p> <ul style="list-style-type: none"> 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. 	Local government	5

Step 33	Adoption	If local government does not adopt, local government publicly notifies decision not to adopt	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: a) the name of the local government b) the decision made by the local government about the amendment; and c) the reasons for not proceeding with the amendment.	Local government	5
Step 34	Adoption	Local government provides a public notice and copy of the amended scheme to the Chief Executive	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: a) a certified copy of the instrument b) a copy of all electronic planning scheme amendment spatial data files (mapping) relevant to the instrument.	Local government	5

Dated this 4th day of January 2019



Toni Power
Acting Director-General