



Chief Executive Notice

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

Proposed Toowoomba Region Planning Scheme – Toowoomba Regional Council

Part A – Preamble

In accordance with section 18(4) of the *Planning Act 2016* (the Planning Act), the Chief Executive has considered the matters stated within the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(a) of the Planning Act. The summary matters relevant to this decision are:

1. The notice given by the Toowoomba Regional Council (the council) under section (18)(2) of the Planning Act on 8 January 2021.
2. Parts B & C of this notice comprise the provisions and process that apply to the proposed making of this planning scheme in accordance with section 18(6) of the Planning Act.
3. Unless stated otherwise, the process described in Part C of this notice is to be undertaken in the order in which it is prescribed. This does not preclude the need for steps to be repeated should changes be made to the proposed planning scheme for example.
4. In accordance with section 18(5) of the Planning Act, a communications strategy that the local government must implement about the instrument is described in this notice.

Part B – Operative provisions

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

1. Requesting information

- 1.1 The Minister for Planning or Chief Executive, as relevant to the process, may, at any time, give the local government a notice requesting further information.

2. Managing timeframes

- 2.1 The Minister for Planning, Chief Executive, or the local government, may pause a timeframe (except for the public consultation timeframe) for an action for which they are responsible, by giving notice to any other party in the relevant step of the process. This notice must state how long 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 Despite section 2.1, if a notice to pause a timeframe is given with a request for further information as per section 1.1 above, the timeframe is paused until the request is satisfied.
- 2.5 The duration of a pause notice may be extended by the giving of another pause notice before the paused period ends.

3. Public consultation

In addition to any steps relating to public consultation included in Part C of this notice and in accordance with section 18(5) of the Planning Act, the local government is required to:

- 3.1 Publish at least one public notice about the proposal to make the planning scheme.
- 3.2 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.
- 3.3 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 as per step 30.

4. Communications strategy

The local government is required to:

- 4.1 Comply with the minimum public consultation standards prescribed in the Planning Act.
- 4.2 Identify the relevant key stakeholders for the purposes of public consultation.
- 4.3 Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose, generally in accordance with the Stakeholder Engagement Strategy submitted by the council.
- 4.4 Prepare a report on public consultation for the Minister for Planning, to accompany the proposed planning scheme for adoption.

5. Changing the proposed planning scheme

- 5.1 The local government may make changes to the proposed planning scheme to—
 - 5.1.1 address issues raised in submissions;
 - 5.1.2 amend a drafting error; or
 - 5.1.3 address new or changed planning circumstances or information; or
 - 5.1.4 address a matter or Minister's condition raised during state interest review to appropriately integrate a state interest.

- 5.2 The local government must ensure any changes made to the proposed planning scheme continue to appropriately integrate and address relevant state interest/s, including those identified in a state interest review.
- 5.3 If the local government changes the proposed planning scheme and the change results in the proposed planning scheme 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 planning scheme.
- 5.4 If public consultation is required to be repeated as a result of changes which result in the proposed planning scheme being significantly different, the local government may limit the public consultation to only those aspects of the proposed planning scheme that have changed.
- 5.5 If public consultation is required to be repeated, the timeframes established in Step 22 apply.

6. Chief Executive actions

- 6.1 For Chief Executive actions given in this notice under section 18 of the Planning Act, the Chief Executive includes the Director-General, the State Planner, Executive Director, Director and Manager.

Part C – Process for making Proposed Toowoomba Region Planning Scheme under section 18 of the Planning Act 2016

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (business days)
Planning scheme preparation				
Planning				
1.	Local government notifies the Chief Executive of decision to make a planning scheme and requests confirmation of state interests.	The local government must give notice to the department of the nature and details of the proposed planning scheme and requests confirmation of state interests.	Local Government	None
2.	Chief Executive confirms plan-making process.	Chief Executive provides a Notice or Amended notice under section 18(3) of the Planning Act which sets out the plan-making process that Toowoomba Regional Council must follow.	Chief Executive	20
3.	Chief Executive provides the local government with confirmation of the state interests.	Chief Executive provides the local government with written confirmation of the state interests that must be addressed in the planning scheme.	Chief Executive	40
4.	Local government undertakes strategic studies to inform the development of the planning scheme.	Local government undertakes a range of strategic studies to inform the development of the planning scheme, including such studies as required to address matters of state interest.	Local Government	370
Preparation and Preliminary Review				
5.	Local government prepares the strategic framework.	Local government prepares the draft strategic framework element of the planning scheme.	Local Government	115
6.	Local government consults with state government.	The local government must consult with the state government (with state government input to be coordinated by Department of State Development, Infrastructure, Local Government and Planning).	Local Government	115
7.	Local government requests an informal review of draft strategic framework.	The local government must provide a draft copy of the strategic framework to the state government for review.	Local Government	None
8.	State reviews the draft strategic framework.	State agency comments are provided to the local government about the draft strategic framework.	Chief Executive	25

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (business days)
9.	Public consultation on the draft strategic framework.	Local government seeks community feedback on the draft strategic framework.	Local Government	25
10.	Local government reviews state government comments and community feedback on draft strategic framework.	Local government reviews state government and community comments on the draft strategic framework and incorporates the feedback.	Local Government	50
11.	Local government prepares the balance of the planning scheme.	The local government drafts the balance of the planning scheme.	Local Government	225
12.	Local government requests a review of the planning scheme.	The local government must provide the draft planning scheme to the state government for informal state interest review.	Local Government	None
13.	State government reviews the planning scheme.	Whole of state agency comments provided to the local government about the draft planning scheme.	Chief Executive	40 days
14.	Draft planning scheme review.	The local government undertakes concurrent peer, legal, development industry and grammar reviews of the draft planning scheme.	Local Government	40 days
15.	Local government reviews state government comments on the planning scheme.	Local government reviews state government comments on the draft planning scheme and incorporates feedback in the finalisation of the draft planning scheme. The council endorses the draft planning scheme.	Local Government	75 days
State interest review				
16.	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 in a format identified by the department. 2. A written statement addressing the state interests in the relevant regional plan and 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 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 Planning Act have been addressed and if the planning scheme is consistent with the regulated requirements. 4. A statement about the nature and objectives of the proposed planning scheme. 	Local Government	None

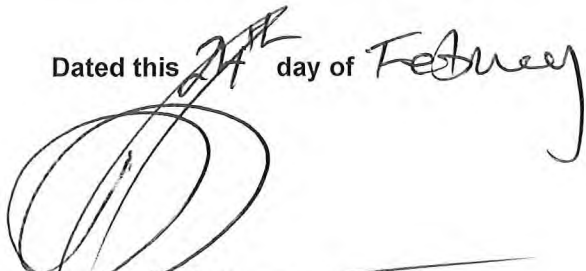
Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (business days)
		<ol style="list-style-type: none"> 5. A statement advising whether Chapter 4 of the Minister's Guidelines and Rules would apply to the proposed planning scheme amendment. 6. A proposed communications strategy if one has not been given with the notice under section 18(2) of the Planning Act. 7. 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. 8. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP. 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. 10. Shapefiles of any mapping. 11. A summary of consultation with state agencies and the outcome of the consultation. 12. A summary of the changes that have been made to the draft planning scheme since the completion of step 12. 13. Any other information considered relevant by the local government. 		
17.	Chief Executive undertakes the state interest review.	The Chief Executive must undertake a state interest review.	Chief Executive	60
18.	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"> a) Advances the purpose of the Planning Act; b) Is consistent with section 16(1) of the Planning Act; c) Is consistent with the regulated requirements prescribed in the Planning Regulations; d) Is well drafted and clearly articulated; and e) Accords with the results of any strategic study or report, or review required under section 25(1) of the Planning Act. <p>The Chief Executive may also consider the information given with the notice to commence the state interest review.</p>	Chief Executive	60
19.	Chief Executive advises of changes required.	<p>The Chief Executive must give notice to the local government of the outcomes of the state interest review, including advising-</p> <ol style="list-style-type: none"> a) Of any change to the proposed planning scheme required to address state interests; b) Of any changes to the proposed communications strategy as a result of the state interest review; and c) Whether the proposed planning scheme may be publicly notified. 	Chief Executive	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (business days)
		The Chief Executive may include conditions that apply to the proposed planning scheme, including the timing on when the conditions must be complied with.		
20.	Local government makes required changes.	The local government makes any changes to the proposed planning scheme required in the notice provided by the Chief Executive in step 17.	Local Government	25
Public Consultation				
21.	Local government commences public notice as per the Planning Act, MGR, etc.	The local government must give public notice in accordance with- <ul style="list-style-type: none"> a) The public notice requirements prescribed in the Planning Act, Schedule 2, definition of public notice, paragraph (b); b) Schedule 4 of MGR; and c) The communications strategy, including any amendments to the strategy required by the Chief Executive. 	Local Government	50
22.	Local government publishes a public notice – minimum 40 business days.	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.	Local Government	50
Consideration of Submissions				
23.	Local government considers all properly made submissions.	The local government must consider all properly made submissions about the proposed planning scheme.	Local Government	70
24.	Local government prepares consultation report.	The local government must prepare a written consultation report that is available- <ul style="list-style-type: none"> a) to view and download on the local government website; and b) for inspection and purchase in each of the local government's customer service centres. 	Local Government	70
25.	Local government notifies submitters about submissions consideration process.	The local government must notify persons who make properly made submission about how the local government has dealt with the submissions.	Local Government	10
26.	Local government makes changes as a result of submissions, changed circumstances, etc.	The local government may make changes to the proposed planning scheme to- <ul style="list-style-type: none"> a) Address issues raised in submissions; b) Amend a drafting error; or c) Address new or changed planning circumstances or information. 	Local Government	10
27.	Local government ensures changes made still meet relevant state interest.	The local government must ensure that 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.	Local Government	10

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (business days)
28.	Local government considers whether changes make the planning scheme significantly different.	The local government determines if the proposed planning scheme, as modified in step 24, is significantly different to the proposed planning scheme that was subject to public consultation in steps 19 and 20 considering the tests prescribed in the MGR Schedule 2.	Local Government	10
Public Consultation (repeated, if required)				
29.	Local government repeats consultation due to scheme changes (if required).	<p>If the local government changes the proposed planning scheme and the changes result in the proposed planning scheme being significantly different (having regard to schedule 2 of the MGR) to the version released for public consultation, and the public consultation has started or been completed, the local government must restart or repeat the public consultation required for the proposed scheme with the changes made.</p> <p>If consultation is required to be repeated, the local government may choose to limit the public consultation to only those aspects of the proposed planning scheme that have changed and made it significantly different.</p>	Local Government	See steps 19 to 26
Minister's consideration				
30.	Local government requests adoption of the planning scheme.	<p>The local government must give the Minister a notice to request adoption of the planning scheme that includes-</p> <ul style="list-style-type: none"> a) An electronic copy of the planning scheme, clearly identifying any change that has been made to the proposed planning scheme since the state interest review; b) The consultation report; and c) A written statement identifying the reasons why the local government doesn't consider the proposed planning scheme to be significantly different from the version for which public consultation has been undertaken. 	Local Government	None
31.	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 planning scheme; and b) The Minister's conditions, if any, that apply to the proposed planning scheme; or c) If the proposed planning scheme may not be adopted, the reasons why it may not be adopted; and d) Any issues that must be addressed and/or actions taken by the local government after which the Minister will reconsider the local government's request to adopt the planning scheme. <p>Any ministerial conditions stated on the notice given must be complied with before the local government</p>	Minister	40

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (business days)
		may adopt the proposed planning scheme, unless stated otherwise in the notice.		
Adoption				
32.	Local government adopts the planning scheme.	The local government must decide to adopt or not proceed with the proposed planning scheme.	Local Government	None
33.	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 Planning Act, Schedule 2, definition of public notice, paragraph (c) that must state- <ul style="list-style-type: none"> 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; and h) Where a copy of the planning scheme may be inspected and purchased. 	Local Government	None
34.	Local government provides public notice and copy of the planning scheme to the Chief Executive.	The local government must give the Chief Executive a copy of the public notice; and if adopted, an electronic copy of the planning scheme, including all relevant mapping and spatial files.	Local Government	None
35.	Planning scheme commences.	The new planning scheme and any related planning scheme policies, replaces the previous planning scheme and any related planning scheme policies, making the previous planning scheme a superseded planning scheme.	Local Government	None

Dated this *24* day of *February* 2021


Damien Walker
Director General
Department of State Development, Infrastructure,
Local Government and Planning