



# Chief Executive Notice

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

### Long Term Infrastructure Plan Amendment - Brisbane City Council

#### Part A – Preamble

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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 Brisbane City Council under section (18)(2) of the Planning Act on 8 January 2020.
2. Parts B & C of this notice comprise the provisions and process that apply to the proposed amending 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 amendment 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

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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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 amend 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 20 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 14.

## **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 generally in accordance with the Communication Strategy submitted by the Brisbane City Council on 8 January 2020.
- 4.4 Prepare a report on public consultation for the Minister for Planning, to accompany the proposed amendment for adoption.

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

- 5.1 The local government may make changes to the proposed amendment 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 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 changes the proposed amendment and the change results 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.
- 5.4 If public consultation is required to be repeated as a result of changes which result in the proposed amendment being significantly different, the local government may limit the public consultation to only those aspects of the proposed amendment that have changed.
- 5.5 If public consultation is required to be repeated, the timeframes established in step 5 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 Planning Group Deputy Director-General, Executive Director, Director and Manager.

**Part C – Process for making Long Term Infrastructure Plan Amendment 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)
<b>Planning &amp; preparation</b>				
Step 1	Local government prepares a draft planning scheme	The local government prepares a draft planning scheme amendment.	Local government	488
Step 2	Local government consults with State agencies	The local government must consult with the relevant state agencies while preparing the draft planning scheme amendment.  Relevant State agencies include the State agency responsible for transport matters to the extent the agency may be affected by the proposed amendments; and to the extent a distributor retailer responsible for providing water and wastewater services for the area may be affected by the proposed amendments – the distributor retailer.	Local government	None
Step 3	Local government consults with DSDMIP	The local government must consult with the department, while preparing the draft planning scheme amendment.	Local government	None
Step 4	Local government resolves to prepare a draft planning scheme amendment	The local government must give notice to the department of the decision to prepare the draft planning scheme amendment and a copy of the proposed amendment.	Local government	None
<b>Public consultation</b>				
Step 5	Local government commences public notice as per the Act, MGR, etc.	The local government must give public notice in accordance with: a) the public notice requirements prescribed in the Planning Act, Schedule 2, definition of public notice, paragraph (b);	Local government	None

		<p>b) Schedule 4 of MGR; and</p> <p>c) the communications strategy, including any amended strategy requested by the Minister/ chief executive.</p>		
Step 6	Local government publishes a public notice - minimum 20 business days	The local government must publish a public notice about the proposal to make or 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 7	Local government public consultation period	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.	Local government	None
<b>Considering submissions</b>				
Step 8	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme amendment.	Local government	None
Step 9	Local government notifies submitters about submissions consideration process	The local government must notify persons who made properly made submission about how the local government has dealt with the submissions.	Local government	None
Step 10	Local government prepares written consultation report	<p>The local government must prepare a written consultation report that is:</p> <ul style="list-style-type: none"> <li>• available to view and download on the local government's website; and</li> <li>• available to inspect and purchase in each of the local government's offices.</li> </ul>	Local government	Within 45 days of the close of the consultation period

<b>Changing the proposed instrument</b>				
Step 11	Local government makes changes as a result of submissions, changed circumstances, etc.	The local government may make changes to the proposed planning scheme amendment to: <ul 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> </ul>	Local government	None
Step 12	Local government ensures changes made still meet relevant state interests	The local government must ensure any changes made to the proposed instrument continue to appropriately integrate and address relevant state interests, including those identified in a state interest review.	Local government	None
Step 13	Local government restarts or repeats consultation due to scheme changes	If the local government changes the proposed planning scheme amendment and the change results in the proposed 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 restart or repeat the public consultation required for the proposed planning scheme amendment with the changes made.	Local government	None
Step 14	Local government limits public consultation to only those aspects changed	If re-consultation is required 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 planning scheme amendment that have changed.	Local government	None
<b>Minister's consideration</b>				
Step 15	Local government requests adoption of scheme	The local government must give the state government a notice to request adoption of the planning scheme amendment that includes— <ul style="list-style-type: none"> <li>a) an electronic copy of the amended planning scheme,</li> </ul>	Local government	Within 45 days of the close of the consultation period

		<p>clearly identifying any change that has been made to the proposed planning scheme amendment since the state interest review</p> <p>b) a written consultation report</p> <p>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.</p>		
Step 16	Minister provides approval to adopt	<p>The Minister must give the local government a notice stating—</p> <p>a) if the local government may adopt the proposed planning scheme amendment; and</p> <p>b) the Minister's conditions, if any, that apply to the planning scheme amendment; or</p> <p>c) if the proposed planning scheme amendment may not be adopted, and the reasons why it may not be adopted.</p>	Minister	Within 20 business days of receiving the notice from local government requesting adoption of the planning scheme
Step 17	Minister provides conditions of adoption	Any Minister conditions stated on the notice given must be complied with before the local government may adopt the proposed planning scheme amendment, unless stated otherwise in the notice.	Minister	None
<b>Adoption</b>				
Step 18	Local government decides to adopt scheme	The local government must decide to adopt or not proceed with the proposed planning scheme amendment.	Local government	None
Step 19	Local government publicly notifies adoption	<p>If the local government decides to adopt the proposed planning scheme amendment, 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—</p> <p>a) the name of the local government;</p> <p>b) the decision made by the local government about the planning scheme;</p>	Local government	None