Queensland Government

Department of State Development, Infrastructure, Local Government and Planning

Chief Executive Notice

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

03/21 – Major Amendment – Quandamooka Land Aspirations Area – Redland City 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 Redland City Council (the council) under section 18(2) of the Planning Act on 4 March 2022 about the proposed amendment to the *Redland City Plan 2018* (the planning scheme) for 03/21 – Major Amendment – Quandamooka Land Aspirations Area (the proposed amendment).
2. The notice given by the council is in response to a Ministerial Direction issued on 27 July 2021, whereby the local government was directed by the Minister for Planning to amend the planning scheme, in accordance with section 18 of the Planning Act, to reflect Temporary Local Planning Instrument No.2 of 2020 – Quandamooka Land Aspirations Area.
3. Parts B and C of this notice comprise the provisions and process that apply to the proposed amendment of this planning scheme in accordance with section 18(6) of the Planning Act.
4. 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 amendment for example.
5. In accordance with section 18(5)(d) of the Planning Act, a communications strategy that the local government must implement about the proposed amendment 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 council, 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 council 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 30 business days after the day the public notice is published in a newspaper circulating in the local government area and on the council website.

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 council dealt with the matters as per step 9.

4. Communications strategy

The council 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 03/21 – Major Amendment – Quandamooka Land Aspirations Area – Communications Strategy submitted by Redland City Council.

4.4 Prepare a report on public consultation for the Minister for Planning, to accompany the proposed amendment for adoption.

4.5 Undertake its Communications Strategy in line with the principles detailed in part 1 of the former Department of State Development, Manufacturing, Infrastructure and Planning's (now the Department of State Development, Infrastructure, Local Government and Planning (the department)) community engagement toolkit for planning.

5. Changing the proposed amendment

5.1 It is acknowledged the Ministerial Direction dated 27 July 2021, restricts the ability for the council to make significant changes to the proposed amendment in response to public submissions. It is further acknowledged that the council will communicate these restrictions during the public submission process and in responding to submissions received.

5.2 The council may make changes to the proposed amendment to—

5.2.1 address issues raised in submissions
5.2.2 amend a drafting error
5.2.3 address new or changed planning circumstances or information

5.2.4 address a matter or Minister's condition raised during state interest review to appropriately integrate a state interest.

5.3 The council must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant State interests, including those identified in the State interest review and the Ministerial Direction dated 27 July 2021.

5.4 If the council 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 council must repeat the public consultation required for the proposed amendment.

5.5 If public consultation is required to be repeated as a result of changes which result in the proposed amendment being significantly different, the council may limit the public consultation to only those aspects of the proposed amendment that have changed.

5.6 If public consultation is required to be repeated, the timeframes established in Step 7 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 in the department.

Part C – Process for making 03/21 – Major Amendment – Quandamooka Land Aspirations Area under section 18 of the *Planning Act 2016*

Step No.	Summary of actions	Specific actions	Entity responsible for action/s	Indicative timeframes (Business days)
Planning and preparation				
Step 1	Council prepares a draft amendment	The council must prepare a draft planning scheme amendment in accordance with the Ministerial Direction issued on 27 July 2021, whereby the council was directed by the Minister for Planning to amend the planning scheme, in accordance with section 18 of the Planning Act, to reflect Temporary Local Planning Instrument No.2 of 2020 – Quandamooka Land Aspirations Area.	Council	None
Step 2	Council consults with the department	Should the council propose any changes to the content of the TLPI, the council must consult with the department whilst preparing the draft planning scheme amendment.	Council	None
State interest review				
Step 3	Council provides notice to commence the State interest review process	The council must give a notice to the State Planner to commence the State interest review that includes— (a) An electronic copy of the proposed planning scheme amendment in the format identified by the department. (b) The proposed communications strategy given with the notice under section 18(2) of the Planning Act. (c) A written statement outlining how the proposed planning scheme amendment complies with the Ministerial Direction dated 27 July 2021. (d) Shapefiles of any mapping. (e) Any other information considered relevant by the council.	Council	By 17 March 2022
Step 4	State Planner commences the State interest review and key matters	The State Planner must commence a state interest review within five (5) business days of receiving the notice from the council about the proposed amendment. As part of the State interest review, the State Planner must consider if the proposed amendment— (f) advances the purpose of the Planning Act	State Planner	To commence within 5 business days of receiving the notice to commence the state interest review

		(g) is consistent with section 16(1) of the Planning Act (h) is consistent with the regulated requirements prescribed in the Planning Regulation (i) is well drafted and clearly articulated (j) complies with the Ministerial Direction dated 27 July 2021.		
Step 5	State Planner gives notice of the outcome of the State interest review	The State Planner: (a) must give notice to the council of the outcome of the State interest review (b) may include conditions that apply to the proposed amendment, including the timing on when the conditions must be complied with (c) provides the complete supporting information package including: i. high level key messaging in relation to the context of the Temporary Local Planning Instrument No.2 of 2020 – Quandamooka Land Aspirations Area being incorporated into the council's planning scheme ii. a comprehensive package drawn from material consisting of pre-prepared FAQs to assist the council in responding to questions and properly made submissions. This includes, but is not limited to: – 'what and why' (why the amendment and TLPI is necessary) – a clear distinction should be drawn between the State and council's role in the project to date – a chronology on 'how we got here' – An explanation of why the land is being rezoned (as far as possible) – An explanation of why a TLPI and Ministerial Direction was necessary and how these two planning tools work.	State Planner	20 business days from commencement of the State interest review
Step 6	Council considers State Planner response	The council must consider the response given by the State Planner about the State interest review, and if necessary, make changes to the proposed amendment. The council must provide all outward facing documentation (public notice) that contains the Queensland Government and/or Departmental logo for the consideration of the State Planner in relation to public consultation matters.	Council	Prior to public consultation

Public consultation				
Step 7	Council commences public consultation	The council must give public notice about the proposal to amend the planning scheme, in accordance with: (a) the public notice requirements prescribed in the Planning Act, Schedule 2, definition of public notice, paragraph (b) (b) Schedule 4 of MGR (c) the communications strategy described in Part B and section 4.3 of this notice. The public notice must state that any person may make a submission about the proposed amendment to the council within the consultation period. The notice will also state the proposed amendment has been prepared to comply with the Ministerial Direction issued on 27 July 2021, whereby the council was directed by the Minister for Planning to amend the planning scheme, in accordance with section 18 of the Planning Act, to reflect Temporary Local Planning Instrument No.2 of 2020 – Quandamooka Land Aspirations Area.	Council	The public consultation period must commence by 31 May 2022 The consultation period must be a minimum period of 30 business days, commencing after the day the public notice is published in a newspaper circulating in the local government area and on the council website
Considering Submissions				
Step 8	Council considers all properly made submissions	The council must consider all properly made submissions about the proposed amendment.	Council	Within 60 business days of the close of the consultation period
Step 9	Council prepares written consultation report	The council must prepare a written consultation report that summarises the issues raised in the properly made submissions and outlines how issues raised in the properly made submissions have been considered. The report must be: (a) available to view and download on the council's website (b) available to inspect and purchase in each of the council's offices.	Council	
Step 10	Council notifies submitters about submissions consideration process	The council must notify persons who made a properly made submission about how the council and the department has dealt with the submissions. In responding to submitters, the council will state the proposed amendment has been prepared to	Council	

		comply with the Ministerial Direction issued on 27 July 2021, which in turn restricts the ability for the council to make significant changes to the proposed amendment in response to public submissions.		
Minister's consideration				
Step 11	Council requests adoption of the proposed amendment	The council must give the Minister a notice to request adoption of the proposed amendment prepared in accordance with the Ministerial Direction dated 27 July 2021, that includes— (a) an electronic copy of the proposed amendment, clearly identifying any change that has been made to the proposed amendment since the state interest review (b) a written consultation report (c) if any changes have been made to the proposed amendment, the reasons why the council doesn't consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken.	Council	Within 60 business days of the close of the consultation period
Step 12	Minister provides approval to adopt the proposed amendment	The Minister must give the council a notice stating— (a) if the council may adopt the proposed amendment, (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	Within 30 business days of receiving the notice from council requesting adoption of the proposed amendment
Step 13	Minister provides conditions of adoption	Any Ministerial conditions stated on the notice given must be complied with before the council may adopt the proposed amendment, unless stated otherwise in the notice.	Minister	None
Adoption				
Step 14	Council decides to adopt the proposed amendment	By 13 January 2023, the council must adopt and commence the proposed amendment prepared in accordance with the Ministerial Direction dated 27 July 2021.	Council	20 business days or no later than the 23 January 2023
Step 15	Council publicly notifies the adoption of the amendment	The council 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— (a) the name of the council	Council	20 business days

		(b) the decision made by the council about the planning scheme amendment which is prepared in accordance with the Ministerial Direction dated 27 July 2021 (c) the date the planning scheme amendment was adopted (d) the commencement date for the planning scheme amendment (if different to the adoption date) (e) the title of the planning scheme amendment (f) if the planning scheme 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 planning scheme amendment (h) where a copy of the planning scheme amendment may be inspected and purchased.		
Step 16	Council provides public notice and copy of scheme to Chief Executive	The council must give the Chief Executive a copy of the public notice, a copy of the planning scheme amendment and shapefiles of any mapping.	Council	Within 10 business days of publishing the public notice

Dated this 18th **day of** March **2022**

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