



Chief Executive Notice

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

Major Amendment Package K (Other) - Brisbane 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 the Brisbane City Council (the local government) under section (18)(2) of the Planning Act on 17 December 2020.
2. Parts B and 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

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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 and on the local government's 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 local government dealt with the matters as per step 7.

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 local government on 23 December 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.
- 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 3 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 State Planner, Executive Director, Director and Manager.

Part C – Process for making Major Amendment Package K (Other) under section 18 of the Planning Act 2016

Note: Major Amendment Package K (Other) does not result in any content changes to the proposed planning scheme amendment already approved by the Planning Minister to proceed to public consultation on 8 April 2020, with the exception of the removal of provisions now relating to Major Amendment Package K (Lamb House) and as resolved by Brisbane City Council on 10 November 2020.

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Public consultation				
Step 1	Local government commences public notice as per the Act, MGR, etc.	<p>The local government must give public notice in accordance with:</p> <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 (as if the proposed amendment were a proposed planning scheme amendment under Chapter 2, Part 2, 3 and 4); and c) the communications strategy, including any amended strategy requested by the Minister / chief executive. 	Local government	None
Step 2	Local government publishes a public notice	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	None

Step 3	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 and on the local government website.	Local government	None
Considering submissions				
Step 4	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme amendment.	Local government	Within 40 days of the close of the consultation period
Step 5	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	
Step 6	Local government prepares written consultation report	The local government must prepare a written consultation report that is: <ul style="list-style-type: none"> a) available to view and download on the local government's website; and b) available to inspect and purchase in each of the local government's offices. 	Local government	
Minister's consideration				
Step 7	Local government requests adoption of scheme amendment	The local government must give the Minister for Planning a notice to request adoption of the planning scheme amendment that includes— <ul style="list-style-type: none"> a) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed planning scheme amendment if 	Local government	Within 40 days of the close of the consultation period

		<p>any changes have been made to the amendment since public consultation</p> <p>b) a written consultation report</p> <p>c) if any changes have been made to the proposed planning scheme amendment, 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.</p>		
Step 8	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 40 business days of receiving the notice from local government requesting adoption of the planning scheme
Step 9	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
Adoption				
Step 10	Local government decides to adopt scheme amendment	The local government must decide to adopt or not proceed with the proposed planning scheme amendment.	Local government	None

Step 11	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> <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 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; and h) where a copy of the planning scheme may be inspected and purchased. 	Local government	None
	If local government does not adopt, local government publicly notifies decision not to adopt	<p>If the local government decides not to proceed with the 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> <ul style="list-style-type: none"> a) the name of the local government; 	Local government	None

		<ul style="list-style-type: none"> b) the decision made by the local government about the planning scheme amendment; and c) the reasons for not proceeding with the planning scheme amendment. 		
Step 12	Local government provides public notice and copy of planning scheme to DSDILGP	The local government must give the chief executive a copy of the public notice; and if adopted, a copy of the planning scheme amendment.	Local government	Within 10 days of publishing the public notice

Dated 18 January 2021

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