



Chief Executive Notice

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

Proposed Gympie Regional Council Planning Scheme

Part A – Preamble

In accordance with section 18(4) of the *Planning Act 2016* (the Planning Act), the delegate of the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (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 Gympie Regional Council (the council) under section (18)(2) of the Planning Act on 7 June 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 council 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 (the Minister) or the Chief Executive, as relevant to the process, may, at any time, give the council a notice requesting further information.

2. Managing Timeframes

- 2.1 The Minister, the 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 make the planning scheme in a newspaper circulating in the council's local government area and on the council's website.
- 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.
- 3.3 Give the Minister 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 15.

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 Communications Strategy outlined in Appendix A.
- 4.4 Prepare a report on public consultation for the Minister, to accompany the proposed planning scheme for adoption.
- 4.5 Undertake its engagement process detailed below in line with the principles detailed in part 1 of the Department of State Development, Infrastructure, Local Government and Planning's (the department) *Community Engagement Toolkit for Planning*.

5. Changing the Proposed Planning Scheme

- 5.1 The council may make changes to the proposed planning scheme to—
 - 5.1.1 address issues raised in submissions;
 - 5.1.2 amend a drafting error;
 - 5.1.3 address new or changed planning circumstances or information; or
 - 5.1.4 address a matter or the Minister's condition raised during state interest review to appropriately integrate a state interest.
- 5.2 The council 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 council 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 council 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 council 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 9 apply.

6. The Chief Executive Actions

6.1 For the 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 of the Planning Group in the department.

Part C – Process for Making the Gympie Regional Council Planning Scheme under Section 18 of the Planning Act

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
Planning & Preparation				
Step 1	The council prepares a draft planning scheme	The council must prepare a draft planning scheme.	The council	None
Step 2	The council undertakes early engagement	<p>While preparing the draft planning scheme, the council must undertake early engagement on the draft planning scheme with:</p> <ul style="list-style-type: none"> (a) relevant stakeholders; (b) the department; and (c) state agencies (through the department). <p>Consultation should be undertaken at various stages of the drafting process but must include:</p> <ul style="list-style-type: none"> (a) provision of any draft background studies (prepared to support preparing of the proposed planning scheme) to the department for review, prior to drafting the proposed planning scheme provisions; and (b) provision of the draft proposed planning scheme to the department for an early (informal) state interest review. The department will provide the outcomes of the review to the council. 	The council	None
State Interest Review				
Step 3	The council provides notice to commence the state interest review process	<p>The council must give a notice to the Minister to commence the state interest review that includes—</p> <ul style="list-style-type: none"> (a) an electronic copy of the proposed planning scheme in the format identified by the department; (b) a written statement addressing the state interests in the relevant regional plan and the State Planning Policy 2017 (SPP) which includes— <ul style="list-style-type: none"> (i) how the state interests are integrated in the proposed planning scheme; (ii) reasons why any state interests have not been integrated in the proposed planning scheme; <p>and</p>	The council	None

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
		<ul style="list-style-type: none"> (iii) any state interests that are not relevant; (c) 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 proposed planning scheme is consistent with the regulated requirements; (d) a proposed communications strategy; (e) any background studies or reports that informed the preparation of the proposed planning scheme, including any strategic study or report, or review required under section 25(1) of the Planning Act; (f) any natural hazards, risk and resilience evaluation report prepared having regard to the SPP; (g) 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; (h) shapefiles of any mapping; (i) a summary of consultation with state agencies and the outcome of the consultation; and (j) any other information considered relevant by the council. 		
Step 4	The Minister undertakes the state interest review	<p>The Minister must commence the state interest review within 5 business days of receiving the council's notice under Step 3.</p> <p>As part of the state interest review, the Minister must consider if the proposed planning scheme—</p> <ul 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 Regulation 2017; (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 Planning Act. 	The Minister	To commence within 5 business days of receiving the council's notice under Step 3
Step 5	The Chief Executive advises of changes required	<p>The Chief Executive may give notice to the council advising of any changes—</p> <ul style="list-style-type: none"> (a) to the proposed planning scheme required to address state interests; and/or (b) to the proposed communications strategy as a result of the state interest review. 	The Chief Executive	During the Minister's state interest review

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
Step 6	The Minister provides outcomes of state interest review and approval to proceed to public notify	The Minister must give notice to the council that states— (a) the outcome of the state interest review; and (b) if the council may proceed to public consultation of the proposed planning scheme; and (c) the Ministerial conditions, if any, that apply to the proposed planning scheme, including the timing on when the conditions must be complied with; or (d) if the proposed planning scheme may not proceed to public consultation, and the reasons why it may not proceed.	The Minister	60 business days from commencement of the state interest review
Step 7	The council makes changes to the proposed planning scheme	The council may make changes to the proposed planning scheme to address conditions in the Minister's notice about the state interest review.	The council	None
Public Consultation				
Step 8	The council commences public consultation as per the Planning Act, MGR, etc.	The council 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); (b) Schedule 4 of MGR; and (c) the communications strategy, including any amended strategy requested by the Minister/Chief Executive. The public notice must state that any person may make a submission about the instrument to the council within the consultation period.	The council	The consultation period must be a minimum period of 40 business days, commencing after the day the public notice is published in accordance with Section 18 of the Planning Act.
Considering Submissions				
Step 9	The council considers all properly	The council must consider all properly made submissions about the proposed planning scheme.	The council	None

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
	made submissions			
Step 10	The council prepares written consultation report	The council must prepare a written consultation report that summarises the issues raised in submissions and outlines how the council has responded to issues raised in the properly made submission. The report must be available to— (a) view and download on the council's website; and (b) inspect and purchase in each of the council's offices.	The council	Within 40 business days of the close of the consultation period
Step 11	The council notifies submitters about submissions consideration process	The council must notify persons who made a properly made submission about how the council has dealt with submissions and where to find the consultation report.	The council	None
Changing the Proposed Planning Scheme				
Step 12	The council makes changes to the proposed planning scheme	The council may make changes to the proposed planning scheme to— (a) address issues raised in submissions; (b) amend a drafting error; and/or (c) address new or changed planning circumstance. The council must ensure 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.	The council	At any time prior to Step 14
Step 13	The council repeats public consultation	If the council 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 council must repeat Steps 8 to 11. If Steps 8 to 11 are required to be repeated, the council may limit the steps to only those aspects of the proposed planning scheme that have changed. Once Steps 8 to 11 have been repeated (if required), the council may repeat Steps 12 and 13 if required.	The council	In accordance with the timeframes for Steps 8 to 12.

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
The Minister's Consideration				
Step 14	The council requests adoption of scheme	<p>The council must give the Minister a notice to request adoption of the proposed planning scheme that includes—</p> <p>(a) if the proposed planning scheme has not changed since the state interest review –</p> <ul style="list-style-type: none"> (i) an electronic copy of the proposed planning scheme; and (ii) a written consultation report prepared in accordance with Step 10; or <p>(b) if the proposed planning scheme has changed since the state interest review –</p> <ul style="list-style-type: none"> (i) an electronic copy of the proposed planning scheme, clearly identifying any change that has been made to the proposed planning scheme since the state interest review; (ii) a report that includes – <ul style="list-style-type: none"> • the changes made to the proposed planning scheme; • when the changes were made • why the changes were made; • how the changes relate to the relevant regional plan or the SPP or affect a state interest; and • what issues the changes respond to; (iii) the reasons why the council doesn't consider the proposed planning scheme to be significantly different from the public consultation version; and (iv) a written consultation report prepared in accordance with Step 10. 	The council	Within 40 business days of completing Steps 8 to 13.
Step 15	The Minister considers the council's request to adopt the proposed planning scheme	<p>The Minister must consider if the council may adopt the proposed planning scheme by considering—</p> <ul style="list-style-type: none"> (a) the information given with the notice under Step 14; (b) if any conditions set out in the given under Step 6 have been complied with; (c) if the adoption version of the proposed planning scheme is significantly different to the public consultation version; and (d) if the proposed planning scheme – 	The Minister	During the Minister's consideration of the council's request to adopt the proposed planning scheme

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
		<ul style="list-style-type: none"> (i) advances the purpose of the Planning Act; (ii) is consistent with section 16(1) of the Planning Act; (iii) is consistent with the regulated requirements prescribed in the Planning Regulation 2017; (iv) is well drafted and clearly articulated; and (v) accords with the result of any relevant study or report, or review required under section 25(1) of the Planning Act. 		
Step 16	The Minister provides approval to adopt	<p>The Minister must give the council a notice stating—</p> <ul style="list-style-type: none"> (a) if the council 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, and the reasons why it may not be adopted. 	The Minister	40 business days from receiving the council's notice under Step 14
Adoption				
Step 17	The council complies with Ministerial conditions of adoption	Any conditions stated in the notice given by the Minister under Step 16 must be complied with before the council may adopt the proposed planning scheme, unless stated otherwise in the notice.	The council	None
Step 18	The council decides to adopt the proposed planning scheme	The council must decide to adopt or not proceed with the proposed planning scheme.	The council	None
Step 19	The council publicly notifies adoption	<p>If the council decides to adopt the proposed planning scheme, 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—</p> <ul style="list-style-type: none"> (a) the name of the council; (b) the decision made by the council about the planning scheme; (c) the date the planning scheme was adopted; 	The council	None

Step No.	Summary of Action/s	Specific Action/s	Entity Responsible for Action/s	Indicative Timeframes (Business Days)
		(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 council's 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.		
Step 20	If the council does not adopt, the council publicly notifies decision not to adopt	If the council decides not to proceed with the planning scheme, 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; (b) the decision made by the council about the planning scheme; and (c) the reasons for not proceeding with the planning scheme.	The council	None
Step 21	The council provides public notice and copy of the planning scheme to the Chief Executive	The council must give the Chief Executive a copy of the public notice issued under Step 19 or Step 20, and if adopted, a copy of the planning scheme.	The council	Within 10 business days of publishing the public notice under Step 19 or Step 20

Dated this 29th day of September 2021



Kerry Doss
State Planner
 Department of State Development, Infrastructure,
 Local Government and Planning

Appendix A – Communications Strategy

Purpose

The purpose of this communications strategy is to:

- (1) provide a communications strategy for Gympie Regional Council (the council) to implement as part of the process of making the proposed Gympie Regional Council Planning Scheme (the proposed planning scheme).

Objectives

The objectives of this communications strategy are to ensure the council:

- (1) raises awareness of the proposed planning scheme;
- (2) provides accessible and accurate information about the proposed planning scheme;
- (3) invites and involve relevant key stakeholders and the community in the process for making the proposed planning scheme;
- (4) seeks submissions on the proposed planning scheme;
- (5) hears concerns and issues raised by relevant key stakeholders and the community about the proposed planning scheme.

Actions

The following outlines the actions the council must undertake.

- (1) The council will identify relevant key stakeholders, including their underlying interests, potential concerns and their contribution to the proposed planning scheme. Relevant key stakeholders may include landowners, ratepayers, residents, community, industry and environmental groups, state agencies, and the Department of State Development, Infrastructure, Local Government and Planning.
- (2) The council will engage with identified relevant key stakeholders and the community regarding the proposed planning scheme.
- (3) The council will build upon this communications strategy to prepare a detailed communications strategy to be implemented as part of the process for the proposed planning scheme. The council's detailed communications strategy will:
 - (i) identify the relevant key stakeholders for the proposed planning scheme;
 - (ii) identify the likely level of community interest in the proposed planning scheme;
 - (iii) provide engagement that is inclusive and appropriate, and undertaken in an open, honest and meaningful way;
 - (iv) have regard to the council's Community Engagement Policy and Corporate Standard for Community Engagement; and

- (v) have regard to the former Department of State Development, Manufacturing, Infrastructure and Planning's (now the Department of State Development, Infrastructure, Local Government and Planning) *Community Engagement Toolkit for Planning (August 2017)*;
- (4) The council will keep the proposed planning scheme available for inspection and purchase for at least 40 business days after the day the public notice is published (the consultation period).
- (5) The council will place a public notice in a locally circulating newspaper and on the council's website. The public notice will state than any person may make a submission about the proposed planning scheme to the council within the consultation period.
- (6) The council will:
- (i) consider all properly made submissions about the proposed planning scheme;
 - (ii) prepare a written consultation report that summarises the issues raised in submissions and outlines how the council has responded to the issues raised; and
 - (iii) notify persons who made properly made submissions about how the council dealt with the submissions and how to access the consultation report.
- (7) The council will draw the attention of the community to the purpose and general effect of the proposed planning scheme through the tools outlined in Table 1: Community Engagement Tools.

Table1: Community Engagement Tools

METHOD	DESCRIPTION	INDICATIVE TIMING
Advertising	Advertisements paid for in print, broadcast, or online media	During community focused consultation stages
Briefings	Presentations and discussions with relevant stakeholder groups	As required
Community, Industry and Environmental Reference Groups	A structured group of stakeholder representatives that meet regularly or as required and may operate under terms of reference. This must include the Biodiversity and Koala Habitat Development Strategy Reference Group.	To be determined
Emails/Letters	Direct email/letters to community, industry and environmental groups, landowners, residents, ratepayers, , etc.	As required

METHOD	DESCRIPTION	INDICATIVE TIMING
Email/Telephone Contact Details	Contact details for the council's planning scheme project team that provides opportunities for stakeholders and the community to seek one-to-one responses to questions or complaints	During the consultation period
Interactive Online Tools	Online software that engages the community in an interactive way. May involve seeking input or feedback, participating in games, entering, or sharing data or photos, GPS makers, uploading of content, or a host of other functions	During the consultation period
Media Releases	Media releases provided to journalists to publish on engagement projects or issues. A method to reach a broader audience and to engage the public. Media can be print, broadcast or online.	During the consultation period and as required
Online Discussion Forum	Online forum where invited or self-selected participants contribute to an online discussion about a topic or project for a set period of time	To be determined
Public Displays	Staffed or unstaffed displays of information, options, drafts, or final decisions which are made available in a public place (e.g. the council's administration centres or libraries)	To be determined
Public Information Sessions	Opportunity for the council to deliver information on the proposed planning scheme to a range of stakeholders and the community at once.	During the consultation period
Social Media	Posts on the council's social networking site/s where you can post comments, photos, and videos, which can be seen and shared by either friends or the public. Used to reach a broader audience, have online discussions, and monitor and respond to community ideas or concerns	During the consultation period and as required
Submissions	Stakeholders and the community can make submissions about the proposed planning scheme.	During the consultation period
Surveys	A series of questions provided to a sample which may be a representative sample or a self-selected sample	During the consultation period and as required

METHOD	DESCRIPTION	INDICATIVE TIMING
Talk to a Planner Sessions	Sessions for stakeholders and the community to speak face-to-face with the council's planning scheme project team, giving an opportunity to ask any questions	To be determined
Website	A dedicated website page/s for engagement projects and a central hub for all of the council's engagement activities	All project stages
Workshops	A structured method to explore specific, complex issues, and where participants work in small groups	As required