



Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

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

In accordance with section 18(4) of the *Planning Act 2016* (the Act), the chief executive has considered the Minister's Guidelines and Rules when preparing this notice under section 18(3)(a) of the Act.

- Notice was given by Burdekin Shire Council (the council) under section 18(2) of the Act on 5 April 2018.
- Under section 18(6) of the Planning Act, the council must make the planning scheme amendment by following the process in this notice.
- Unless stated otherwise, the process described in this notice is to be undertaken in the order in which it is prescribed.
- A communications strategy that the council must implement about the instrument is also described in this notice.

Requesting information

- The chief executive or Minister for Planning, as relevant to the process, may (at any time), give council a notice requesting further information.

Managing timeframes

- The Minister for Planning, the chief executive or the council may pause a timeframe (provided it is not during public consultation) for an action for which it is responsible by giving notice to any other party in the relevant step of the process stating how long the timeframe will be paused and a date upon which the timeframe will restart.
- If a notice to pause a timeframe is issued, the process is paused from the day after the notice is given. The timeframe is paused until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If a pause notice is withdrawn, the process recommences on the day after the party withdraws the pause notice.

Public consultation

In accordance with the Act, council is required to:

- publish at least one public notice about the proposal to make the planning scheme
- keep the instrument available for inspection and purchase for a period (the consultation period) stated in the public notice and of at least 40 business days after the day the public notice is published in a newspaper circulating in the local government area
- ensure the public notice states that any person may make a submission about the instrument to council within the consultation period
- consider all properly made submissions about the proposed planning scheme
- notify persons who made a properly made submission about how council dealt with the submissions
- give the Minister for Planning a notice containing a summary of the matters raised in the properly made submissions and stating how council dealt with the matters.

Communications strategy

The proposed communications strategy aims to enable meaningful engagement on the proposed Burdekin Shire Planning Scheme to address key planning issues and challenges in the Burdekin Shire.

Council is required to apply the following:

- comply with the minimum public consultation standards prescribed in the Planning Act
- identify the relevant stakeholders for its public consultation
- undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for Burdekin Shire - the consultation methods must be generally in accordance with the 'Proposed Communications Strategy' submitted to the Department of State Development, Manufacturing, Infrastructure and Planning on 5 April 2018
- document its public consultation and prepare a report on its public consultation to the Minister for Planning when submitting the proposed planning scheme for adoption.

Chief Executive actions

For chief executive actions 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.

Tailored Process – Burdekin Shire Council – Notice about the process for making a planning scheme under section 18(3) of the *Planning Act 2016* (the *Planning Act*)

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
Stage 1	Step 1	Planning and preparation	Local government decides to make a planning scheme	The local government must decide to make a planning scheme.	Local Government	Completed on 27/02/2018
	Step 2	Planning and preparation	Local government requests an early confirmation of state interests	The local government must give the Chief Executive a notice requesting an early confirmation of state interests that includes a statement of the state interests expressed in a regional plan or State Planning Policy (SPP) the local government considers relevant to the proposed planning scheme.	Local Government	Completed on 5/04/2018
	Step 3	Planning and preparation	Chief Executive considers early confirmation of state interest review request	After receiving a notice requesting an early confirmation of state interests, the Chief Executive must: <ul style="list-style-type: none"> (a) Consider the nature and details of the proposal; (b) Consult with relevant state agencies, if appropriate; and (c) Write to the local government to advise of the matters, including state interests, that the local government must consider when preparing the proposed planning scheme. 	Chief Executive including Planning Group: Deputy-Director General Executive Director Director Manager	Within 20 business days of issuing the section 18(3) notice to the local government
	Step 4	Planning and preparation	Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme.	Local Government	Within 6 months of receiving the notice under

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
	Step 5	Planning and preparation	Local government consults with state agencies	The local government must consult with the relevant state agencies while preparing the draft planning scheme.	Local Government	section 18(3) from the chief executive
Stage 2	Step 6	State interest review	Local government provides notice to commence the state interest review process	<p>The local government must give a notice to the Chief Executive to request a state interest review of the proposed planning scheme 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 SPP which includes: <ul style="list-style-type: none"> i. how the state interests are integrated in the planning scheme ii. reasons why any state interests have not been not integrated in the planning scheme 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 Act have been addressed and if the planning scheme is consistent with the regulated requirements (d) A proposed communications strategy if one has not been given with the notice under section 18(2) of the Act (e) 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 Act (f) Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP 	Local Government	Within 5 business days of completing steps 4 and 5

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
				<p>(g) If the proposed planning scheme includes a planning change under section 30 of the Act – 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. (Refer to chapter 4 of the Minister’s Guidelines and Rules for information on how to prepare the report)</p> <p>(h) Shapefiles of any mapping</p> <p>(i) A summary of consultation with state agencies and the outcome of the consultation</p> <p>(j) Any other information considered relevant by the local government.</p>		
	Step 7	State interest review	Chief Executive commences and undertakes the state interest review	<p>The Chief Executive must:</p> <p>(a) Commence the state interest review</p> <p>(b) Give the proposed planning scheme to other relevant state agencies for consideration of the effect of the planning scheme on state interests, including those identified in legislation, the SPP, or a regional plan.</p> <p>As part of the state interest review, the Chief Executive must consider if the proposed planning scheme:</p> <p>(a) advances the purpose of the Act</p> <p>(b) is consistent with section 16(1) of the Act</p> <p>(c) is consistent with the regulated requirements prescribed in the Planning Regulation</p> <p>(d) is well drafted and clearly articulated</p>	<p>Chief Executive including Planning Group:</p> <p>Deputy-Director General</p> <p>Executive Director</p> <p>Director</p> <p>Manager</p>	Within 5 business days of receiving the notice from local government to commence the state interest review

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
				(e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act.		
	Step 8	State interest review	Chief Executive advises of changes required	<p>The Chief Executive may give notice to the local government advising of any changes:</p> <p>(a) to the proposed planning scheme required to address state interests</p> <p>(b) to the proposed communication strategy as a result of the state interest review.</p> <p>If the local government changes the proposed planning scheme in response to the notice given by the Chief Executive, the 40-business day timeframe is paused when the Chief Executive gives notice and resumes when the local government resubmits the proposed scheme for continuation of the state interest review.</p>	<p>Chief Executive including Planning Group:</p> <p>Deputy-Director General</p> <p>Executive Director</p> <p>Director Manager</p>	During the state interest review period
	Step 9	State interest review	Chief Executive provides outcomes of the state interest review	<p>The Chief Executive must give notice to the local government of the outcome of the state interest review and a communications strategy that the local government must implement.</p> <p>The notice must state:</p> <p>(a) if the local government may proceed with public consultation for the proposed planning scheme;</p> <p>(b) the Chief Executive's conditions, if any, that apply to the proposed planning scheme, including the timing on when the conditions must be complied with.</p>	<p>Chief Executive including Planning Group:</p> <p>Deputy-Director General</p>	40 business days from commencement of the state interest review

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
	Step 10	Other	Local government complies with any conditions	The local government complies with any conditions stated on the notice issued by the Chief Executive under step 9 prior to commencing public consultation of the proposed planning scheme, unless stated otherwise in the notice.	Local Government	If required, within 20 business days of receiving the outcome of the state interest review
Stage 3	Step 11	Public consultation	Local government commences public consultation	The local government must undertake public consultation in accordance with: <ul style="list-style-type: none"> (a) the public notice requirements prescribed in the Act, Schedule 2, definition of public notice, paragraph (b); (b) the public notice requirements prescribed under Schedule 4 of Minister's Guidelines and Rules (MGR); and (c) the communications strategy given to the Chief Executive under Step 6, including any amended strategy requested by the Chief Executive. 	Local Government	The consultation period must be a minimum of 40 business days, commencing the day after the public notice is published in a newspaper circulating in the local government area
	Step 12	Considering submissions	Local government: <ol style="list-style-type: none"> 1. Considers all properly-made submissions 2. Notifies submitters about submissions consideration process 	<ol style="list-style-type: none"> 1. The local government must consider all properly made submissions about the proposed planning scheme. 2. The local government must notify all properly made submissions about how the local government has dealt with the submissions. 3. The local government must prepare a written consultation report that is – 	Local Government	As relevant, within 3 months of the end of public consultation

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
			3. Prepares written consultation report 4. Makes changes resulting from submissions and/or changed circumstances 5. Ensures any changes made still meet relevant state interests	<ul style="list-style-type: none"> ▪ Available to view and download on the local government's website; and ▪ Available to inspect and purchase in each of the local government's offices. 4. The local government may make changes to the proposed planning scheme to: <ul style="list-style-type: none"> ▪ Address issues raised in submissions; ▪ Amend a drafting error; or ▪ Address new or changed planning circumstances or information. 5. 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 the state interest review.		
	Step 13	Changing the proposed planning scheme	Local government repeats consultation	If the local government changes the proposed planning scheme 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, the local government: <ul style="list-style-type: none"> (a) must repeat the public consultation required for the proposed scheme with the changes made as per Step 11 (b) may limit the public consultation to only those aspects of the proposed planning scheme that have changed. 	Local Government	If required, the re-consultation period must be consistent with the timing established in step 11 (40 business days) and consideration of submissions must be consistent with the timing established in step 12

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				If consultation has been repeated, the local government must take actions required under steps 11 and 12 for the repeated consultation.		
Stage 4	Step 14	Endorsement	Local government requests adoption of 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 proposed planning scheme, clearly identifying any change that has been made to the proposed planning scheme since the state interest review (b) a written consultation report containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters (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. 	Local Government	Within 10 business days of completing Stage 3
	Step 15	Endorsement	Minister considers request to adopt the planning scheme	<p>The Minister must consider if the government may adopt the proposed amendment by considering:</p> <ul style="list-style-type: none"> (a) if any Minister's conditions or further actions set out in the process have been complied with; (b) if the adoption version of the proposed planning scheme is significantly different to the version released for public consideration (c) if the proposed planning scheme: <ul style="list-style-type: none"> i. advances the purpose of the Act 	Minister for Planning	Within 40 business days of receiving the notice from local government requesting adoption of the planning scheme

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
				<ul style="list-style-type: none"> ii. is consistent with section 16(1) of the Act iii. is consistent with the regulated requirements prescribed in the Planning Regulation iv. is well drafted and clearly articulated v. accords with the result of any strategic study or report, or review required under section 25(1) of the Act. 		
	Step 16	Endorsement	Chief Executive advises of changes or actions required	<p>The Chief Executive may give notice to the local government advising:</p> <ul style="list-style-type: none"> (a) any changes to the proposed planning scheme to address state interests (b) any actions the local government must take. 	Chief Executive (only if required)	
	Step 17	Endorsement	Minister provides approval to adopt and any conditions of adoption, if relevant	<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, and the reasons why it may not be adopted. <p>Any Ministerial conditions stated on the notice given must be complied with before the local government may adopt the proposed amendment, unless stated otherwise in the notice.</p>	Minister for Planning	

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
	Step 18	Adoption	Local government decides to adopt scheme and notifies of adoption or not to proceed with the proposed planning scheme	<p>If the Minister has notified the local government that it may adopt the proposed planning scheme, the local government must:</p> <p>(a) decide:</p> <ul style="list-style-type: none"> i. to adopt the proposed planning scheme; or ii. not to proceed with the proposed planning scheme; <p>(b) where local government chooses to adopt the propose planning scheme; publish a notice in accordance with the act and the following requirements:</p> <ul style="list-style-type: none"> i. the name of the local government ii. the decision made by the local government about the planning scheme iii. the date the planning scheme was adopted iv. the commencement date for the amendment (if different to the adoption date) v. the title of the planning scheme vi. if the planning scheme only applies to part of the local government area, a description of the location of that area vii. the purpose and general effect of the planning scheme viii. where a copy of the planning scheme may be inspected and purchased; <p>(c) if the proposed planning scheme includes a change under section 30 of the Act, give notice as required under Chapter 4, Part 1, section of the MGR.</p>	Local Government	Within 20 business days of receiving the notice from the Minister under step 17

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	Step 19	Adoption	Local government provides public notice and copy of the scheme to the Chief Executive	<p>The local government must give the Chief Executive a copy of the public notice; and if adopted, a certified copy of the planning scheme including:</p> <p>(a) a certified copy of the instrument (b) a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.</p>	Local Government	Within 10 business days of the public notice in step 18 being published

Dated this 6th day of June 2018

Rachel Hunter
Director-General