

Chief Executive Notice – The Spit Master Plan Implementation (key development sites) (the proposed amendment) to the *Gold Coast City Plan 2016*

Pursuant to section 18 of the *Planning Act 2016*

Gold Coast City Council – Notice about the process for making the proposed amendment under section 18(3) of the *Planning Act 2016*

In accordance with section 18(4) of the *Planning Act 2016* (the Planning Act), I have considered the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(b) of the Planning Act. The matters that were considered for this decision are:

- Notice was given by the Gold Coast City Council (the local government) under section 18(2) of the Planning Act on 13 February 2020.
- The local government must amend the planning scheme by following the process in this notice and in accordance with the Ministerial Direction dated 30 January 2020, as per section 18(6) of the Planning Act.
- Unless stated otherwise, the process described in **Appendix 1** of this notice is to be undertaken in the order in which it is prescribed.
- In accordance with section 18(5), a communications strategy that the local government must implement about the instrument is also described in this notice.

This part prescribes the other relevant matters that I have considered for this notice.

1. Managing timeframes

- 1.1 The proposed amendment forms the delivery of a Ministerial Direction dated 30 January 2020, which requires the local government to receive ministerial approval to adopt the amendment within six months (by 30 July 2020).
- 1.2 The proposed amendment does not preclude the local government from undertaking future amendments to the planning scheme to deliver the broader outcomes of The Spit Master Plan for the entire Spit area.
- 1.3 This process does not allow for 'pause notices' or 'requests for information' to be issued.
- 1.4 To achieve the timeframes, this process requires both the local government and the Chief Executive to collaborate and resolve key issues in a timely manner to deliver upon the steps outlined in **Appendix 1** within the nominated timeframes.
- 1.5 Acknowledgement by both parties that a separate amendment to the planning scheme, Our City Our Plan (known as Major Update 2 and 3), has been used as the basis for drafting the proposed amendment. Major Update 2 and 3 contains changes to the strategic framework that support the implementation of The Spit Master Plan. This does not negate the need for Our City Our Plan to follow the prescribed process under the MGR to complete its plan making process.

2. Public consultation

In accordance with the Planning Act, the local government is required to:

- 2.1 Undertake targeted engagement with The Spit Master Plan Stakeholder Groups prior to and during the formal public consultation period.
- 2.2 Publish at least one public notice about the proposal to amend the planning scheme in a newspaper circulating in the local government area.
- 2.3 Keep the proposed amendment available for inspection and purchase for the consultation period stated in the public notice of at least **20 business days (and a maximum of 22 business days)** after the day the public notice is published under section 2.2.
- 2.4 Ensure that the public notice states that any person may make a submission about the proposed amendment to the local government within the consultation period.
- 2.5 Consider all properly made submissions about the proposed amendment.
- 2.6 Notify persons who made properly made submissions about how the local government dealt with the submissions.
- 2.7 Give the Planning Minister a notice containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters.

3. Communications strategy

The local government is required to deliver public consultation for the proposed amendment, including:

- 3.1 Comply with the minimum public consultation standards in the Planning Act (**minimum 20 business days, maximum 22 business days**).
- 3.2 Targeted consultation with The Spit Master Plan Stakeholder Groups identified by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP).
- 3.3 Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose, including:
 - 3.3.1 Talk to a planner sessions (minimum two, maximum three).
 - 3.3.2 Re-engagement of the community via The Spit Master Plan newsletter database and social media used during preparation of The Spit Master Plan.
- 3.4 Prepare a report on the public consultation (section 2) and provide to the Planning Minister when submitting the proposed amendment for adoption.

4. Changing the proposed amendment

- 4.1 The local government may make changes to the proposed amendment, provided that any amendments continue to align with the requirements of the Ministerial Direction dated 30 January 2020 to —
 - a) address issues raised in submissions
 - b) amend a drafting error or
 - c) address new or changed planning circumstances or information or
 - d) address a Minister's condition or a matter raised during state interest review to appropriately integrate a state interest.
- 4.2 If the local government changes the proposed amendment, resulting in the proposed amendment being significantly different (refer to schedule 2 of the MGR) to the version released for public consultation:
 - a) the local government must repeat the public consultation required for the proposed interim amendment, including the changes made.

- 4.3 The local government may seek advice from the Chief Executive in the consideration of properly made submissions and any proposed changes to ensure the intended outcomes as outlined in the Ministerial Direction dated 30 January 2020 are delivered.
- 4.4 If further public consultation is required, the timeframes established in Step 3, **Appendix 1** apply.

5. Chief Executive actions

- 5.1 For Chief Executive actions under this notice given under section 18 of the Planning Act, the Chief Executive includes the Director-General, Deputy Director-General, Executive Director, Director and Manager of the Planning Group in DSDMIP.

Appendix 1 – Process for making The Spit Master Plan Implementation Phase 1 (key development sites) (proposed amendment) to the *Gold Coast City Plan 2016* under section 18 of the Planning Act 2016 (the Planning Act)

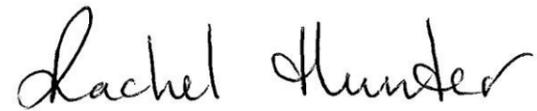
Step	Type of action	Summary of action	Specific actions	Responsible entity	Due date
Planning and preparation					
Step 1	Planning and preparation	Drafting of proposed amendment, including state agency input, supported by the Chief Executive	The local government must prepare a draft of the proposed amendment in collaboration with the Chief Executive and in accordance with the Ministerial Direction dated 30 January 2020.	Local government	To be finalised by 30 April 2020
			The Chief Executive must coordinate state interests and provide state agency input for the preparation of the proposed amendment.	Chief Executive	
		Preliminary engagement with master plan stakeholder groups	The Chief Executive, supported by the local government, will undertake early engagement with the master plan stakeholder groups.	Local government and Chief Executive	
		Local government decision to seek approval to proceed to public consultation	The local government decides to seek approval from the Chief Executive to proceed to public consultation on the proposed amendment, and: <ul style="list-style-type: none"> a) subject to the Chief Executive decision being issued without conditions, resolve to proceed to public consultation and b) subject to no significantly different changes made to the amendment package following public consultation, resolve to give the Planning Minister a notice to request adoption of the proposed amendment. <p>The local government must give the proposed amendment to the Deputy Director-General, Planning Group for review, seeking approval to proceed to public consultation.</p>	Local government	
Step 2		Approval to consult	The Deputy Director-General, Planning Group must give notice to the local government advising — <ul style="list-style-type: none"> a) if the proposed amendment meets the requirements set out in the Ministerial Direction dated 30 January 2020 b) any conditions that apply to the proposed amendment, including the timing on when the conditions must be complied with and c) if the local government may proceed to public consultation. 	Deputy Director-General, Planning Group	To be finalised by 7 May 2020
Public consultation, State interest review, and request for approval to adopt the proposed amendment					
Step 3	Public consultation and Minister's consideration	Local government prepares to undertake public consultation	If no conditions apply in the approval to consult in step 2 the local government may proceed to preparing to undertake public consultation on the proposed amendment. If conditioned in step 2, the local government must take action to comply with conditions and continue to prepare to undertake public consultation on the proposed amendment.	Local government	Public consultation period to commence by 21 May 2020 and to be finalised by 19 June 2020

Step	Type of action	Summary of action	Specific actions	Responsible entity	Due date
		Local government undertakes public consultation, in partnership with the Chief Executive	The local government must undertake public consultation — a) in accordance with sections 2 and 3 of this Chief Executive notice b) for a period of at least 20 business days (and maximum of 22 business days) c) in accordance with the public notice requirements prescribed in the Planning Act and d) consistent with the public notice requirements prescribed for a major amendment under Schedule 4 of the Minister's Guidelines and Rules.	Local government in partnership with the Chief Executive	
		The Chief Executive undertakes state interest review	Concurrently with public consultation, the Chief Executive will co-ordinate a targeted state interest review with the State Agency Advisory Group (SAAG) to ensure the proposed amendment continues to align with the state interests identified throughout The Spit Master Plan drafting process. The state interest review will include an assessment to ensure state interests are appropriately reflected in the proposed amendment. This includes consideration of state interests identified in legislation, the State Planning Policy (SPP) and relevant regional plan.	Chief Executive	
Step 4	Review of submissions	Local government considers all properly made submissions	Following the end of public consultation, the local government must — a) consider all properly made submissions about the proposed amendment b) notify persons who made properly made submission about how the local government has dealt with the submissions c) prepare a consultation report that summarises the issues raised in submissions and outlines how the local government has responded to issues raised in the properly made submissions. This report must be — (i) provided to each person who made a properly made submission and (ii) available to view and download on the local government's website or (iii) available to inspect and purchase in each of the local government's offices.	Local government	To commence by 22 June 2020 and to be finalised by 3 July 2020
			The local government may seek advice from the Chief Executive in the considerations of properly made submissions to ensure the amendment continues to deliver the intended outcomes as outlined in the Ministerial Direction dated 30 January 2020.	Local government, in partnership with the Chief Executive	
		Changes to the proposed amendment	The local government may make changes to the proposed amendment to — a) address issues raised in submissions b) amend a drafting error or c) address new or changed planning circumstances or information or d) address a Minister's condition or a matter raised during state interest review to appropriately integrate a state interest. If the local government changes the proposed amendment and the change results in the proposed amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation steps (steps 3 and 4) noting: a) the local government may limit the public consultation to only those aspects of the proposed amendment that have changed b) the local government must ensure any changes continue to appropriately integrate and address relevant state interests, including the delivery of the actions as outlined in the Ministerial Direction dated 30 January 2020.	Local government	To commence by 6 July 2020 and to be finalised by 17 July 2020

Step	Type of action	Summary of action	Specific actions	Responsible entity	Due date
Step 5	Request approval to adopt	Local government requests adoption of the proposed amendment	The local government must give the Planning Minister a notice to request adoption of the proposed amendment that includes — <ul style="list-style-type: none"> a) an electronic copy of the proposed amendment, clearly identifying any change that has been made since the state interest review and b) a summary of the matters raised in the properly made submissions and c) an explanation of how the local government dealt with the matters raised in the properly made submissions and d) how the local government has complied with any conditions given under step 2 and e) the reasons why the local government considers the proposed amendment is not significantly different from the version for which public consultation has been undertaken. 	Local government	To be submitted by 23 July 2020
Step 6	Minister's consideration	Planning Minister considers if the local government may adopt the proposed amendment	Following receipt of the notice to request adoption, the Planning Minister must: <ul style="list-style-type: none"> • consider — <ul style="list-style-type: none"> a) the information given with the notice under step 5 and b) if any conditions set out in the notice under step 2 have been complied with and c) if the adoption version of the proposed amendment is significantly different to the version released for public consultation and d) if the proposed amendment: <ul style="list-style-type: none"> (i) advances the purposes 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 (iv) is well drafted and clearly articulated and (v) accords with the result of any relevant study or report and (vi) meets the requirements of the Ministerial Direction dated 30 January 2020. • give notice to the local government stating— <ul style="list-style-type: none"> a) if the local government may adopt the proposed amendment; and b) if the local government has met the requirements of the Ministerial Direction dated 30 January 2020 and c) the Minister's conditions, if any, that apply to the proposed amendment or d) if the proposed amendment may not be adopted, and the reasons why it may not be adopted. 	Planning Minister	To be finalised by 30 July 2020
Adopt or decision not to proceed with the proposed amendment					
Step 7	Adoption	Local government prepares to proceed to adoption	If no conditions apply in the approval to proceed to adoption in step 6 the local government may proceed to preparing to adopt the proposed amendment and nominate a commencement date. If conditioned in step 6, the local government must take action to comply with conditions and continue to prepare to adopt the proposed amendment and nominate a commencement date.	Local government	To be adopted by 18 September 2020
		Local government decides to adopt the proposed amendment	The local government must decide to adopt the proposed amendment and nominate a commencement date.		

Step	Type of action	Summary of action	Specific actions	Responsible entity	Due date
		Local government publicly notifies adoption	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 — a) the name of the local government b) the decision made by the local government about the proposed amendment c) the date the proposed amendment was adopted d) the commencement date for the proposed amendment (if different to the adoption date) e) the title of the proposed amendment f) if the proposed 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 proposed amendment and h) where a copy of the proposed amendment may be inspected and purchased.		
		Local government provides a public notice and copy of the adopted amendment to the Chief Executive	The local government must give the Chief Executive a copy of the public notice under step 7; and a certified copy of the planning scheme, including the adopted proposed amendment, and a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.	Local government	Within 10 business days of publishing a public notice

Dated this 20th day of February 2020



Rachel Hunter
Director-General
Department of State Development, Manufacturing, Infrastructure and Planning