



## Chief Executive Notice

### Pursuant to section 18 of the *Planning Act 2016*

#### **Southern Downs Regional Council – Notice about the process for making a planning scheme 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 when preparing this notice under section 18(3)(a) of the Planning Act.

- Notice was given by Southern Downs Regional Council (the council) under section 18(2) of the Planning Act on 21 November 2018.
- Under section 18(6) of the Planning Act, the council must make the planning scheme by following the process in this notice.
- Unless stated otherwise, the process described in **Appendix 1** of 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 Minister or chief executive, as relevant to the process may, at any time, give the local government a notice requesting further information.

#### ***Managing timeframes***

- Any party may pause a timeframe (provided it is not during public consultation) for an action for which they are 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If the notice to pause a timeframe is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.

#### ***Public consultation***

In accordance with the Planning Act, the 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 of at least 40 business days after the day the public notice is published in a newspaper circulating in the local government area.
- Ensure that the public notice states that any person may make a submission about the instrument to the local government within the consultation period.
- Consider all properly made submissions about the proposed planning scheme.
- Notify persons who made properly made submissions about how the local government dealt with the submissions.

- Give the 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.

### ***Communications Strategy***

The council is required to apply the following:

- Comply with the minimum public consultation standards prescribed in the Planning Act.
- Identify the relevant key stakeholders for its public consultation.
- Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for the Southern Downs region, generally in accordance with its Proposed Communications Strategy submitted under cover letter to the Chief Executive, Department of State Development, Manufacturing, Infrastructure and Planning, dated 21 November 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 this notice given 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.

Appendix 1 - Process for making Southern Downs Regional Council's proposed planning scheme under section 18 of the *Planning Act 2016* (the Planning Act)

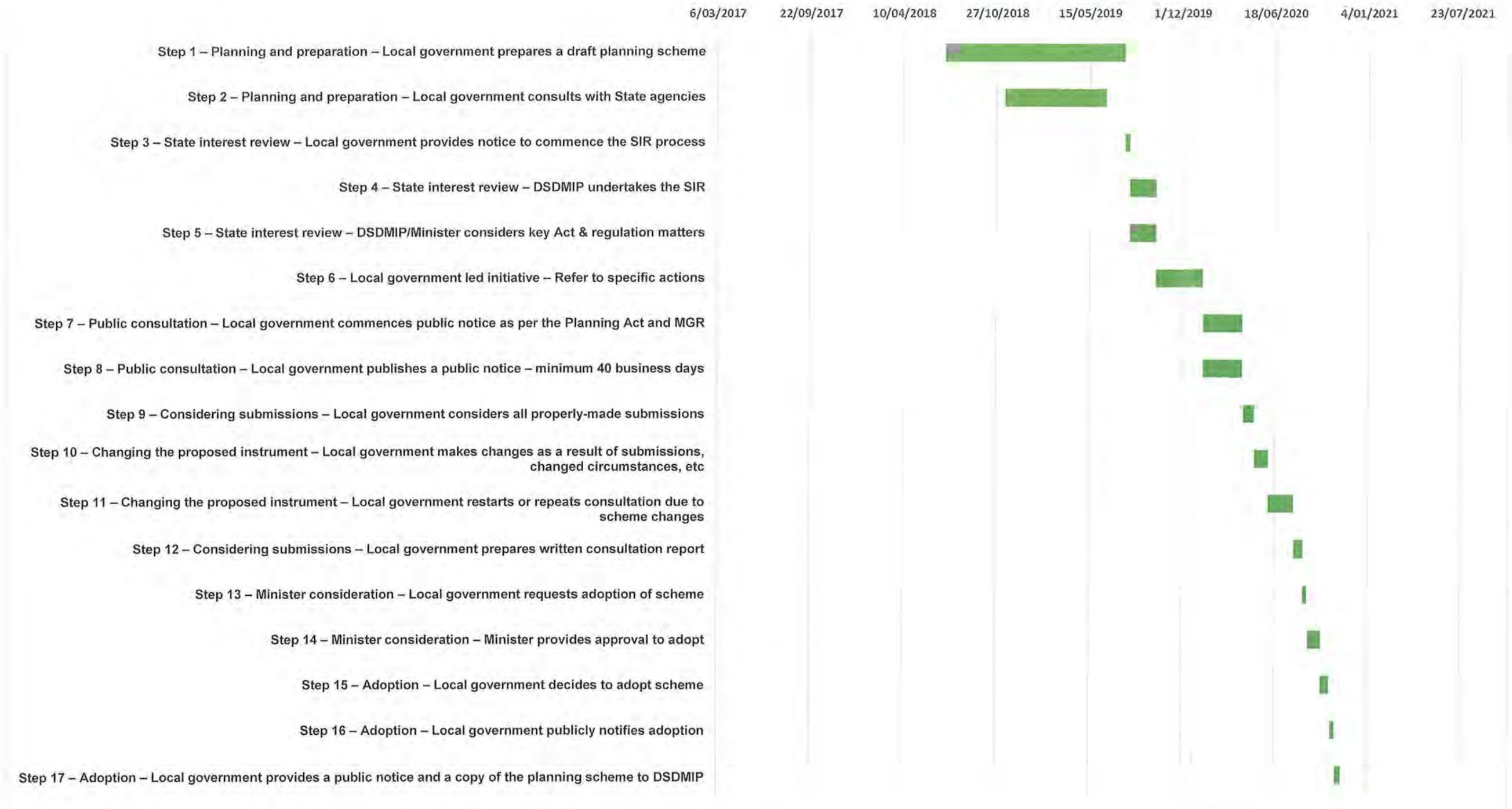
Tailored Process – New Planning Scheme

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
<b>Local government resolves to make a planning scheme in accordance with the approved section 18 notice for making a new planning scheme</b>					
Step 1	Planning and preparation	Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme.	Local Government	12 months
Step 2		Local government consults with State agencies	The local government must consult with the relevant state agencies while preparing the draft planning scheme or draft planning scheme amendment.	Local Government	None
<b>Local government resolves to progress proposed new planning scheme for state interest review and public consultation</b>					
Step 3	State interest review (SIR)	Local government provides notice to commence the SIR 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> <ol style="list-style-type: none"> <li>1. An electronic copy of the proposed planning scheme in the format identified by the department.</li> <li>2. A written statement addressing the state interests in the relevant regional plan and SPP which includes: <ol style="list-style-type: none"> <li>(a) how the state interests are integrated in the planning scheme</li> <li>(b) reasons why any state interests have not been not integrated in the planning scheme c) any state interests that are not relevant.</li> </ol> </li> <li>3. 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 planning scheme is consistent with the regulated requirements.</li> <li>4. A communications strategy.</li> <li>5. 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 Planning Act.</li> <li>6. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.</li> <li>7. If the proposed planning scheme includes a planning change under section 30 of the Planning 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).</li> <li>8. A summary of consultation with state agencies and the outcome of the consultation.</li> <li>9. Any other information considered relevant by the local government.</li> </ol>	Local Government	None
Step 4		Chief Executive undertakes the SIR and advises local government whether it can commence public notification	<p>The Chief Executive must undertake a SIR, including the following:</p> <ul style="list-style-type: none"> <li>• Conduct the SIR</li> <li>• Consider and matters from the Planning Act and the Planning Regulation 2017</li> <li>• Advise of any changes required</li> <li>• Provide the outcomes of the SIR and</li> <li>• Advise the local government whether it can commence public notification of the proposed planning scheme.</li> </ul>	Chief Executive	To commence within 5 business days of receiving the notice to commence the SIR and be completed within 40 business days from the commencement of the SIR.
Step 5		Chief Executive considers key Act and Regulation matters	As part of the state interest review, the Chief Executive must consider if the proposed amendment-	Chief Executive	

			<p>(a) Advances the purposes of the Planning Act</p> <p>(b) Is consistent with section 16(1) of the Planning Act</p> <p>(c) Is consistent with the regulated requirements prescribed in the Planning Regulation</p> <p>(d) Is well drafted and clearly articulated; and</p> <p>(e) Accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act.</p>		
Step 6	Local government led initiative	Refer to specific actions	The local government makes any required changes resulting from the SIR and/or conditions and prepares the proposed planning scheme for public consultation.	Local Government	None
Step 7	Public consultation	Local government commences public consultation as per the Planning Act and the Minister's Guidelines and Rules (MGR)	The local government must give public notice in accordance with: <ul style="list-style-type: none"> <li>(a) the public notice requirements prescribed in the Planning Act, Schedule 2, definition of public notice, paragraph (b)</li> <li>(b) Schedule 4 of MGR, and</li> <li>(c) the council's communications strategy, including any amended strategy requested by the Chief Executive.</li> </ul>	Local Government	None
Step 8		Local government publishes a public notice	The local government must publish a public notice about the proposal to make the proposed planning scheme. It must state that any person may make a submission about the proposed planning scheme to the local government within the consultation period.	Local Government	The consultation period must be a minimum period of 40 business days, commencing after the day the public notice is published in a newspaper circulating in the local government area.
Step 9	Considering submissions	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme.	Local Government	None
Step 10	Changing the proposed instrument	Local government makes changes as a result of submissions and/or changed circumstances	The local government may make changes to the proposed planning scheme to: <ul style="list-style-type: none"> <li>• address issues raised in submissions</li> <li>• amend a drafting error, or</li> <li>• address new or changed planning circumstances or information.</li> </ul>	Local Government	None
Step 11		Local government restarts or repeats consultation due to scheme changes	If the local government 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 local government must restart or repeat the public consultation required for the proposed planning scheme with the changes made.	Local Government	None
Step 12	Considering submissions	Local government prepares a written consultation report	The local government must prepare a written consultation report that is— <ul style="list-style-type: none"> <li>• available to view and download on the local government's website, and</li> <li>• available to inspect and purchase in each of the local government's offices.</li> </ul>	Local Government	Within 40 business days of the close of the consultation period

Local government resolves to progress the proposed new planning scheme for the Minister's endorsement					
Step 13	Minister's consideration	Local government requests adoption of the proposed planning scheme	The local government must give the Minister a notice to request adoption of the proposed planning scheme that includes— (a) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed planning scheme since public consultation (b) a written consultation report, and (c) the reasons why the local government doesn't consider the proposed planning scheme to be significantly different from the version for which public consultation has been undertaken.	Local Government	Within 40 business days of the close of the consultation period.
Step 14		Minister provides approval to adopt	The Minister must give the local government a notice stating— (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.	Minister	Within 20 business days of receiving the notice from local government requesting adoption of the proposed planning scheme.
Local government resolves to adopt or not proceed with the proposed new planning scheme					
Step 15	Adoption	Local government decides to adopt the proposed planning scheme	The local government must decide to adopt or not proceed with the proposed planning scheme.	Local Government	None
Step 16		Local government publicly notifies adoption	If the local government decides to adopt the proposed planning scheme, 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 planning scheme (c) the date the planning scheme was adopted (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 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.	Local Government	None
Step 17		Local government provides a public notice and a copy of the planning scheme to the Chief Executive	The local government must give the Chief Executive a copy of the public notice and, if adopted, a copy of the planning scheme.	Local Government	None

Gantt chart showing the section 18 process for making a planning scheme for the Southern Downs Regional Council with indicative timeframes (based on the estimated timeframes)



Dated this 3rd day of January 2019

Toni Power  
 Acting Director-General  
 Department of State Development, Manufacturing, Infrastructure and Planning