



## Chief Executive Notice

# Tailored amendment 1 (proposed amendment) to the Moreton Bay Regional Council Planning Scheme

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

### Moreton Bay 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* (Planning Act), I have considered the Minister's Guidelines and Rules 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 Moreton Bay Regional Council under section 18(2) of the Planning Act on 10 April 2019.
- The Local Government must amend the planning scheme by following the process in this notice 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. 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 stating how long the timeframe will be paused and a date upon which the timeframe will restart.
- 2.2. Despite section 2.1, a notice to pause a timeframe cannot be issued to advise the Local Government how to change the proposed amendment to appropriately address a state interest.
- 2.3. 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.4. If the pause a timeframe notice is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.
- 2.5. Despite section 2.1, if a notice to pause a timeframe is given with a request for further information under section 1.1, the timeframe is paused until the request is satisfied.

### **3. Public consultation**

- 3.1. In accordance with the Planning Act, the Local Government is required to:
- 3.2. Publish at least one public notice about the proposal to amend the planning scheme.
- 3.3. 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.
- 3.4. Ensure that the public notice states that any person may make a submission about the instrument to the Local Government within the consultation period.
- 3.5. Consider all properly made submissions about the proposed amendment.
- 3.6. Notify persons who made properly made submissions about how the local government dealt with the submissions.
- 3.7. 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.

### **4. Communications strategy**

- 4.1. The Local Government is required to apply the following:
- 4.2. Comply with the minimum public consultation standards prescribed in the Planning Act.
- 4.3. Identify the relevant key stakeholders for its public consultation.
- 4.4. Undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for the Moreton Bay Regional Council, generally in accordance with its Proposed Communications Strategy submitted under cover of a letter to the Chief Executive, Department of State Development, Manufacturing, Infrastructure and Planning dated 10 April 2019.
- 4.5. 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.

### **5. Changing the proposed planning scheme amendment**

- 5.1. 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 matter or Minister's condition raised during state interest review to appropriately integrate a state interest.
- 5.2. The Local Government must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant state interest, 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 restart or repeat the public consultation required for the proposed amendment with the changes made.
- 5.4. If re-consultation is required as a result of changes which result in the proposed amendment being significantly different, the Local Government may choose to limit the public consultation to only those aspects of the proposed amendment that have changed.
- 5.5. If re-consultation is required, the timeframes established in Step 5 apply.

**6. Chief Executive actions**

- 6.1. 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 *Tailored Amendment 1* to the *Moreton Bay Regional Council Planning Scheme* under section 18 of the *Planning Act 2016* (Planning Act)**

**Tailored Process – New Planning Scheme Amendment**

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframes (Business days)
<b>Local government resolves to make a planning scheme amendment in accordance with the approved section 18 notice for making a planning scheme amendment</b>					
Step 1	Planning and preparation	Local government prepares a draft planning scheme amendment	The local government must prepare a draft planning scheme amendment.	Local Government	35 business days
	Planning and preparation	Local government consults with state agencies	The local government must consult with state agencies, while preparing the draft planning scheme amendment.	Local Government	
<b>Local government resolves to progress planning scheme amendment for concurrent state interest review and public consultation</b>					
Step 2	Notice provided	Local government provides notice to commence the state interest review process	<p>The local government must give a notice to the Chief Executive to commence the state interest review that includes—</p> <ul style="list-style-type: none"> <li>a) an electronic copy of the proposed planning scheme amendment in the format identified by the Department of State Development, Manufacturing, Infrastructure and Planning (the department)</li> <li>b) a written statement addressing the state interests in the South East Queensland Regional Plan 2017 (<i>ShapingSEQ</i>) and the <i>State Planning Policy 2017</i> (SPP) which describes— <ul style="list-style-type: none"> <li>i. how the state interests are integrated in the planning scheme amendment;</li> <li>ii. reasons why any state interests have not been not integrated in the planning scheme amendment; and</li> <li>iii. any state interests that are not relevant;</li> </ul> </li> <li>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 planning scheme amendment is consistent with the regulated requirements</li> <li>d) the proposed communications strategy given with the notice under section 18(2) of the Planning Act</li> <li>e) any background studies or reports that informed the preparation of the planning scheme amendment, including any strategic study or report, or review required under section 25(1) of the Planning Act</li> <li>f) any natural hazards, risk and resilience evaluation report prepared having regard to the SPP</li> <li>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</li> <li>h) shapefiles of any mapping</li> <li>i) a summary of consultation with state agencies and the outcome of the consultation</li> <li>j) any other information considered relevant by the local government.</li> </ul>	Local Government	5 business days

Step 3	Concurrent State interest review and public consultation	Chief Executive commences state interest review	<p>Within <b>5 business days</b> of receiving the notice from the Local Government under Step 2, the Chief Executive must—</p> <ul style="list-style-type: none"> <li>a) commence the state interest review; and</li> <li>b) give the proposed planning scheme amendment to other relevant state agencies for consideration of state interests, including those identified in legislation, the SPP, or ShapingSEQ.</li> </ul> <p>As part of the state interest review, the Chief Executive must consider if the proposed planning scheme amendment—</p> <ul style="list-style-type: none"> <li>a) advances the purpose of the Planning Act;</li> <li>b) is consistent with section 16(1) of the Planning Act;</li> <li>c) is consistent with the regulated requirements prescribed in the Planning Regulation;</li> <li>d) is well drafted and clearly articulated; and</li> <li>e) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act.</li> </ul>	Chief Executive	5 business days
Step 4		Chief Executive provides outcomes of state interest review	<p>The Chief Executive—</p> <ul style="list-style-type: none"> <li>a) must give notice to the Local Government of the outcome of the state interest review within <b>40 business days</b> of commencing the state interest review;</li> <li>b) may include conditions that apply to the proposed planning scheme amendment, including the timing on when the conditions must be complied with.</li> </ul>	Chief Executive	40 business days
Step 5		Local Government commences public consultation	<p>Public consultation must be undertaken—</p> <ul style="list-style-type: none"> <li>a) for a period of at least 20 business days; and</li> <li>b) in accordance with the public notice requirements prescribed in the Planning Act;</li> <li>c) consistent with the public notice requirements prescribed for a major amendment under Schedule 4 of the Minister's Guidelines and Rules.</li> </ul>	Local Government	20 business days
<b>Local Government considers submissions and state interest review</b>					
Step 6	Consideration of state interest review response	Local Government considers the state interest review response	The Local Government must consider the response given by the department about the state interest review.	Local Government	40 business days
Step 7		Local Government considers all properly-made submissions	The Local Government must consider all properly made submissions about the proposed planning scheme amendment.	Local Government	
Step 8		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 9		Local Government prepares written consultation report	<p>Following the end of public consultation, the Local Government must 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.</p> <p>This report must be—</p> <ul style="list-style-type: none"> <li>a) provided to each person who made a properly made submission; and</li> <li>b) available to view and download on the Local Government's website; or</li> </ul>	Local Government	

			c) available to inspect and purchase in each of the Local Government's offices.		
<b>Local Government resolves to progress amendment for the Minister's endorsement</b>					
Step 10	Minister's consideration	Local Government requests adoption of planning scheme amendment	The Local Government must give the Minister a notice to request adoption of the planning scheme amendment that includes— a) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed planning scheme amendment 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 Minister's conditions given under Step 4; and e) the reasons why the Local Government considers the proposed planning scheme amendment is not significantly different from the version for which public consultation has been undertaken.	Local Government	20 business days
Step 11		Minister considers if the Local Government may adopt the proposed planning scheme amendment	The Minister must consider if the Local Government may adopt the proposed amendment by considering— a) the information given with the notice under Step 10; and b) if any Minister's conditions or further actions set out in the notice under Step 4 have been complied with; and c) if the adoption version of the proposed planning scheme amendment is significantly different to the version released for public consultation; and d) if the proposed planning scheme amendment: 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 e) accords with the result of any relevant study or report.	Minister	
Step 12		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 amendment; and b) the Minister's conditions, if any, that apply to the proposed planning scheme amendment; or c) if the proposed planning scheme amendment may not be adopted, and the reasons why it may not be adopted.	Minister	
Step 13		Compliance with any conditions	Any Ministerial 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	
<b>Local Government resolves to adopt or not proceed with the proposed planning scheme amendment</b>					
Step 14	Adoption	Local Government decides to adopt or not proceed with the proposed planning scheme amendment	The Local Government must decide to adopt or not proceed with the proposed planning scheme amendment.	Local Government	None

Step 15	Local Government publicly notifies adoption	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— a) the name of the Local Government; b) the decision made by the Local Government about the planning scheme amendment; 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 amendment may be inspected and purchased.	Local Government	
	If Local government does not adopt, Local Government publicly notifies decision not to adopt	If the Local Government decides to 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— a) the name of the Local Government; 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.	Local Government	
Step 16	Local Government provides a public notice and copy of the planning scheme amendment to the Chief Executive	The Local Government must give the Chief Executive a copy of the public notice; and if adopted, a certified copy of the amended planning scheme, including— a) a certified copy of the instrument; and b) a copy of all electronic planning scheme amendment spatial data files (mapping) relevant to the instrument.	Local Government	Within 10 business days of publishing a public notice

Dated this 3<sup>rd</sup> day of MAY 2019



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