



Chief Executive Notice

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

Proposed Ipswich City 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)(b) of the Planning Act. The summary matters relevant to this decision are:

1. The notice given by Ipswich City Council (the council) under section (18)(2) of the Planning Act dated 9 September 2021.
2. Parts B 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 Appendix 1 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 Appendix 1.

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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 Appendix 1 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 20.

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 (New Ipswich Planning Scheme (including New Local Government Infrastructure Plan)).
- 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 18 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 Planning Group Deputy Director-General, Executive Director, Director, and Manager of the Planning Group in the department.

APPENDIX 1 - Tailored process – Ipswich City Council – Notice about the process for making a planning scheme under section 18(3) of the *Planning Act 2016*

Step	Type of action	Summary of action	Specific actions	Commentary	Entity responsible for task	Recommended timeframe (business days)
Step 1	Planning and preparation	Local government notifies the Chief Executive of preparation & requests confirmation of state interests and early state interest review	The local government must give notice to the department of the nature and details of the proposed planning scheme and requests confirmation of state interests and early state interest review.	It is proposed that the confirmation of state interests (early state interest review) will occur as part of the preparation and consultation on the draft Strategic Framework. (refer to Steps 2, 3 and 4). Step 1 completed when the Chief Executive provides a Notice under section 18(3) of the Planning Act and which sets out the process that Ipswich City Council must follow during the plan-making process.	Local Government	Completed
Step 2		Local government prepares draft planning scheme	The local government must prepare a draft planning scheme.	Preparing the draft planning scheme will be staged: 1. Initial focus on preparing and consulting on the draft Strategic Framework (Statement of Proposals)- 2. Finalisation of draft Strategic Framework and preparation of draft detailed zoning and operational provisions (draft of the balance of the planning scheme).	Local Government	12 months
Step 3		Local government consults with the department	The local government must consult with the department (who will coordinate state agency input) while preparing the draft planning scheme.	Engagement and consultation with the department will occur throughout preparation of the planning scheme (refer to the Communications Strategy for information on engagement with the department).	Local Government	None
Step 4		State comments on draft planning scheme	Whole of state agency comments provided to the council about the draft strategic framework.	A coordinated written response containing state agency comments will be provided the council.	Chief Executive	None
State interest review						
Step 5	State interest review	Local government provides notice to commence the state interest review process	The local government must give a notice to the Chief Executive to commence the state interest review that includes— 1. An electronic copy of the proposed planning scheme in the format identified by the department. 2. An electronic copy of the proposed planning scheme in the format identified by the department. 3. A written statement addressing the state interests in the relevant regional plan and SPP which includes— a. how the state interests are integrated in the planning scheme; b. reasons why any state interests have not been integrated in the planning scheme; and c. any state interests that are not relevant.	The state interest review will be substantially informed and addressed through the early state interest review undertaken during the preparation of the draft planning scheme.	Local; Government	None

Step	Type of action	Summary of action	Specific actions	Commentary	Entity responsible for task	Recommended timeframe (business days)
			<ol style="list-style-type: none"> 4. 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. 5. A proposed communications strategy if one has not been given with the notice under section 18(2) of the Planning Act. 6. 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. 7. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP. 8. 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. 9. Shapefiles of any mapping. 10. A summary of consultation with state agencies and the outcome of the consultation. 11. Any other information considered relevant by the local government. 			
Step 6		Chief Executive undertakes the state interest review	The Chief Executive must undertake a state interest review.		Chief Executive	To commence within 5 days of receiving the notice to commence the state interest review
Step 7		Chief Executive considers key Act & Regulation matters	<p>As part of the state interest review, the Chief Executive must consider if the proposed planning scheme—</p> <ol 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; 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. <p>The Chief Executive may also consider the information given with the notice to commence the state interest review.</p>		Chief Executive	Concurrent with state interest review, to commence within 5 days of receiving the notice to commence to state interest review
Step 8		Chief Executive advises of changes required	<p>The Chief Executive may give notice to the local government advising of any changes—</p> <ol style="list-style-type: none"> a) to the proposed planning scheme required to address state interests b) to the proposed communications strategy as a result of the state interest review. 		Chief Executive	During the state interest review period (60 business days from commencement of the state interest review)

Step	Type of action	Summary of action	Specific actions	Commentary	Entity responsible for task	Recommended timeframe (business days)
Step 9		Chief Executive provides outcomes of state interest review	The Chief Executive must give notice to the local government of the outcome of the state interest review.		Chief Executive	60 business days from commencement of the state interest review
Step 10		Chief Executive provides conditions of state interest review	The Chief Executive may include conditions that apply to the proposed planning scheme, including the timing on when the conditions must be complied with.		Chief Executive	Concurrent with the notice giving the outcome of the state interest review
Public consultation						
Step 11	Public consultation	Local government commences public notice as per the Planning Act, MGR, etc.	The local government must give public notice in accordance with: <ul style="list-style-type: none"> 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 Chief Executive. 	Refer to the Communications Strategy for further information about the consultation.	Local Government	None
Step 12		Local government publishes a public notice - minimum 40 business days	The local government must publish a public notice about the proposal to make or amend the planning scheme. It must state that any person may make a submission about the instrument to the local government within the consultation period.	Refer to the Communications Strategy for further information about the consultation.	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 13	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 14		Local government prepares written consultation report	The local government must prepare a written consultation report that is— <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. 		Local Government	Within 40 days of the close of the consultation period
Step 15		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	None
Step 16	Changing the proposed instrument	Local government makes changes as a result of submissions, changed circumstances, etc.	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. 		Local Government	None

Step	Type of action	Summary of action	Specific actions	Commentary	Entity responsible for task	Recommended timeframe (business days)
Step 17		Local government ensures changes made still meet relevant state interests	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 a state interest review.		Local Government	None
Step 18		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 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 scheme with the changes made.	If this step is required to be undertaken, then the starting and completing subsequent steps 20 to 25 will be changed by a corresponding time to that taken to complete steps 18 and 19.	Local Government	None
Step 19		Local government limits public consultation to only those aspects changed	If re-consultation is required as a result of changes which result in the instrument being significantly different, the local government may choose to limit the public consultation to only those aspects of the proposed planning scheme that have changed.	If this step is required to be undertaken, then the starting and completing subsequent Steps 20 to 25 will be changed by a corresponding amount of time to that taken to complete Steps 18 and 19.	Local Government	None
Minister's consideration						
Step 20	Minister's consideration	Local government requests adoption of scheme	The local government must give the Minister a notice to request adoption of the planning scheme that includes— a) an electronic copy of the 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 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 days of the close of the consultation period
Step 21		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, the reasons why it may not be adopted.		Minister	Within 40 business days of receiving the notice from local government requesting adoption of the planning scheme
Step 22		Minister provides conditions of adoption	Any ministerial conditions stated on the notice given must be complied with before the local government may adopt the proposed planning scheme, unless stated otherwise in the notice.		Minister	None
Adoption						
Step 23	Adoption	Local government decides to adopt scheme	The local government must decide to adopt or not proceed with the proposed planning scheme.		Local Government	None

Step	Type of action	Summary of action	Specific actions	Commentary	Entity responsible for task	Recommended timeframe (business days)
Step 24		Local government publicly notifies adoption	<p>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—</p> <ul style="list-style-type: none"> 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. 	Step also includes preparing the final version of the adopted Ipswich Planning Scheme, systems updates and publication.	Local Government	None
Step 25		Local government provides public notice and copy of 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	Within 10 business days of publishing a public notice

Dated this 9th day of December 2021



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