

## **Chief Executive Notice pursuant to section 18 of the *Planning Act 2016***

### ***Townsville City 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* (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 Townsville City Council (the council) under section 18(2) of the Planning Act on 14 May 2019.
- Under section 18(6) of the Planning Act, the council must amend 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 Planning 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If the notice to pause a timeframe is withdrawn, the process restarts from the day after the party gives the notice to withdraw the notice.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 2016*, the council is required to:

- publish at least one public notice about the proposal to amend 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 20 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 amendment
- 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:

- 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 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 14 May 2019
- have regard to the Department of State Development, Manufacturing, Infrastructure and Planning's Community Engagement Toolkit
- document its public consultation and prepare a report on its public consultation to the Planning Minister 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 as specified in relevant 'Entity responsible for task' column of Appendix 1.

Appendix 1 - Process for amending Townsville City Council's planning scheme - Major amendment (Woodstock Industrial Precinct) under section 18 of the *Planning Act 2016*

Tailored Process – New Planning Scheme Amendment

Stage	Step	Type of Action	Summary of actions	Specific actions	Entity responsible for task	Indicative Timeframe (business days)
Stage 1	Step 1	Planning and Preparation	Local government decides to make a draft amendment	The local government must prepare a draft amendment.	Local Government	Completed 30 July 2017
	Step 2	Planning and Preparation	Local government consults with State agencies	The local government must consult with the relevant state agencies while preparing the draft amendment.	Local Government	Completed October 2017
	Step 3	Planning and Preparation	Local government prepares a draft amendment	The local government must prepare a draft amendment.	Local Government	Within 12 months of receiving the notice under section 18(3) from the chief executive
Stage 2	Step 4	State interest review	Local government provides notice to commence the SIR process	<p>The local government must give notice to the state government to commence the state interest review that includes—</p> <ol style="list-style-type: none"> <li>1) an electronic copy of the proposed amendment in the format identified by the department</li> <li>2) a written statement addressing the state interests in the relevant regional plan and State Planning Policy (SPP) which includes—                             <ol style="list-style-type: none"> <li>a. how the state interests are integrated in the amendment</li> <li>b. reasons why any state interests have not been not integrated in the amendment; and</li> <li>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 amendment is consistent with the regulated requirements</li> <li>4) a proposed communications strategy if one has not been given with the notice under section 18(2) of the Planning Act</li> <li>5) any background studies or reports that informed the preparation of the amendment, 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) 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>8) shapefiles of any mapping</li> <li>9) a summary of consultation with state agencies and the outcome of the consultation</li> <li>10) any other information considered relevant by the local government.</li> </ol>	Local Government	Within 5 business days of completing step 3
	Step 5	State interest review	Chief executive commences and undertakes the state interest review	<p>The chief executive must:</p> <ol style="list-style-type: none"> <li>1) commence the state interest review</li> <li>2) give the proposed amendment 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.</li> </ol> <p>As part of the state interest review, the state government must consider if the proposed amendment—</p> <ol style="list-style-type: none"> <li>1) advances the purpose of the Planning Act</li> <li>2) is consistent with section 16(1) of the Planning Act</li> <li>3) is consistent with the regulated requirements prescribed in the Planning Regulation</li> <li>4) is well drafted and clearly articulated; and</li> <li>5) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act.</li> </ol>	Chief Executive including Planning Group: Deputy-Director General Executive Director Director Manager	Within 5 business days of receiving the notice from local government under step 4 to commence to state interest review

Stage	Step	Type of Action	Summary of actions	Specific actions	Entity responsible for task	Indicative Timeframe (business days)
	Step 6	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> <ol style="list-style-type: none"> <li>1) to the proposed amendment required to address state interests</li> <li>2) to the proposed communications strategy as a result of the state interest review.</li> </ol> <p>If the local government changes the proposed amendment 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 amendment 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</p> <p>Manager</p>	During the state interest review period (40 business days from commencement of the state interest review)
	Step 7	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> <ol style="list-style-type: none"> <li>1) if the local government may proceed with public consultation for the proposed amendment</li> <li>2) the chief executive's conditions, if any, that apply to the proposed amendment, including the timing on when the conditions must be complied with.</li> </ol>	<p>Chief Executive including Planning Group:</p> <p>Deputy-Director General</p>	40 business days from commencement of the state interest review
	Step 8	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 7 prior to commencing public consultation of the proposed amendment, unless stated otherwise in the notice.	Local Government	If required, within 30 business days of receiving the outcome of the state interest review.
Stage 3	Step 9	Public consultation	Local government commences public consultation	<p>The local government must give public notice in accordance with:</p> <ol style="list-style-type: none"> <li>1) the public notice requirements prescribed in the Planning Act, Schedule 2, definition of public notice, paragraph (b);</li> <li>2) the public notice requirements prescribed under Schedule 4 of Minister's Guidelines and Rules; and</li> <li>3) the communications strategy given to the chief executive under Step 4, including any amended strategy requested by the chief executive.</li> </ol>	Local Government	The consultation period must be a minimum of 20 business days, commencing the day after the public notice is published in a newspaper circulating in the local government area.
	Step 10	Considering submissions	<p>Local government:</p> <ol style="list-style-type: none"> <li>1) considers all properly-made submissions</li> <li>2) prepares written consultation report</li> <li>3) makes changes resulting from submissions and/or changed circumstances</li> <li>4) ensures any changes made still meet relevant state interests.</li> </ol>	<ol style="list-style-type: none"> <li>1) The local government must consider all properly made submissions about the proposed amendment.</li> <li>2) The local government must prepare a written consultation report about how the local government has dealt with properly made submissions, which is – <ol 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; and/or</li> <li>c. available to inspect and purchase in each of the local government's offices.</li> </ol> </li> <li>3) The local government may make changes to the proposed amendment to: <ol style="list-style-type: none"> <li>a. address issues raised in submissions</li> <li>b. amend a drafting error; or</li> <li>c. address new or changed planning circumstances or information.</li> </ol> </li> <li>4) The local government must ensure any changes continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.</li> </ol>	Local Government	As relevant, within 45 business days of the end of public consultation
	Step 11	Changing the proposed amendment	Local government repeats public consultation	<p>If the local government changes the proposed amendment and the changes results in the proposed amendment being significantly different (having regard to schedule 2 of the MGR) to the version released for public consultation, the local government:</p> <ol style="list-style-type: none"> <li>1) must repeat the public consultation required for the proposed amendment with the changes made as per step 9</li> <li>2) may limit the public consultation to only those aspects of the proposed amendment that have changed.</li> </ol>	Local Government	If required, the re-consultation period must be consistent with the timing established in step 9 and consideration of submissions must be consistent with the timing established in step 10.

Stage	Step	Type of Action	Summary of actions	Specific actions	Entity responsible for task	Indicative Timeframe (business days)
				If the consultation has been repeated, the local government must take actions required under steps 9 and 10 for the repeated public consultation.		
Stage 4	Step 12	Endorsement	Local government requests adoption of amendment	<p>The local government must give the Minister a notice to request adoption of the amendment that includes—</p> <ol style="list-style-type: none"> <li>1) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed amendment since the state interest review</li> <li>2) a summary of the matters raised in the properly made submissions</li> <li>3) an explanation of how the local government dealt with the matters 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.</li> </ol>	Local Government	Within 10 days of completing stage 3.
	Step 13	Endorsement	Minister considers request to adopt the proposed amendment	<p>The Minister must consider if the local government may adopt the proposed amendment by considering:</p> <ol style="list-style-type: none"> <li>1) if any chief executive's conditions or further actions set out in the process have been complied with</li> <li>2) if the adoption version of the proposed amendment is significantly different to the version released for public consultation</li> <li>3) if the proposed amendment: <ol style="list-style-type: none"> <li>a. advances the purposes 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</li> <li>e. accords with the result of any relevant study or report, or review required under section 25(1) of the Planning Act.</li> </ol> </li> </ol>	Planning Minister	Within 40 business days of receiving the notice from local government requesting adoption of the proposed amendment
	Step 14	Endorsement	Chief Executive advised of changes or actions required	<p>The chief executive may give notice to the local government advising:</p> <ol style="list-style-type: none"> <li>1) any changes to the proposed amendment to address state interests</li> <li>2) any actions to local government must take.</li> </ol>	Chief Executive (only if required)	
	Step 15	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> <ol style="list-style-type: none"> <li>1) if the local government may adopt the proposed amendment; and</li> <li>2) the Minister's conditions, if any, that apply to the proposed amendment; or</li> <li>3) if the proposed amendment may not be adopted, and the reasons why it may not be adopted.</li> </ol> <p>Any Minister's 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>	Planning Minister	
Stage 5	Step 16	Adoption	Local government decides to adopt proposed amendment and notifies of adoption or not to proceed with the proposed amendment	<p>If the Minister has notified the local government that it may adopt the proposed amendment, the local government must:</p> <ol style="list-style-type: none"> <li>1) decide: <ol style="list-style-type: none"> <li>a. to adopt the proposed amendment; or</li> <li>b. not to proceed with the proposed amendment; and</li> </ol> </li> <li>2) where local government decides to adopt the proposed amendment, the publish a public notice in accordance with the Act and the following requirements: <ol style="list-style-type: none"> <li>a. the name of the local government</li> <li>b. the decision made by the local government about the amendment;</li> <li>c. the date the amendment was adopted</li> <li>d. the commencement date for the amendment (if different to the adoption date)</li> <li>e. the title of the amendment</li> <li>f. if the amendment only applies to part of the planning scheme area, a description of the location of that area</li> </ol> </li> </ol>	Local Government	

Stage	Step	Type of Action	Summary of actions	Specific actions	Entity responsible for task	Indicative Timeframe (business days)
				g. the purpose and general effect of the amendment h. where a copy of the amendment may be inspected and purchased. 3) If the proposed amendment includes a change under section 30 of the Act, give notice as required under Chapter 4, Part 1, section 3.13 of the MGR.		
	Step 17	Adoption	Local government provides public notice and a copy of the 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 amendment including: 1) an electronic copy of the amendment or instrument 2) a copy of all electronic planning scheme spatial data filed (mapping) relevant to the amendment.	Local Government	Within 10 business days of the public notice in step 16 being published

Dated this 17<sup>th</sup> day of JUNE 2019



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