

# Chief Executive Notice

## Notice about the process for amending a planning scheme under section 18(3) of the *Planning Act 2016*

### Long Term Infrastructure Plan Amendment 1B - Brisbane City Council

#### Part A – Preamble

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In accordance with section 18(4) of the *Planning Act 2016* (the Planning Act), the delegate 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)(a) of the Planning Act. The summary matters relevant to this decision are:

1. The notice given by Brisbane City Council (the local government) under section (18)(2) of the Planning Act on 14 December 2021.
2. Parts B & C of this notice comprise the provisions and process that apply to the proposed amending of this planning scheme in accordance with section 18(6) of the Planning Act.
3. Unless stated otherwise, the process described in Part C 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 amendment for example.
4. In accordance with section 18(5) of the Planning Act, a communications strategy that the local government must implement about the instrument is described in this notice.

#### Part B – Operative provisions

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This part prescribes additional matters that are to be read in conjunction with the requirements set out in Part C.

##### 1. Requesting information

- 1.1 The Minister for Planning (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**

- 2.1 The Minister, 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. 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.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.

## **2. Public consultation**

In addition to any steps relating to public consultation included in Part C of this notice and in accordance with section 18(5) of the Planning Act, the local government is required to:

- 3.1 Publish at least one public notice about the proposal to amend the planning scheme in a newspaper circulating in the local government area and on the local government'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 20 business days after the day the public notice is published in a newspaper circulating in the local government area and on the local government's website.
- 3.3 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 as per step 16.

## **3. Communications strategy**

The local government 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 generally in accordance with the Communications Strategy submitted by the local government on 15 December 2021.
- 4.4 Prepare a report on public consultation for the Minister, to accompany the proposed amendment for adoption.

## **4. Changing the proposed amendment**

- 5.1 The local government may make changes to the proposed amendment to—
  - 5.1.1 address issues raised in submissions;
  - 5.1.2 amend a drafting error; or
  - 5.1.3 address new or changed planning circumstances or information; or
  - 5.1.4 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/s, 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 repeat the public consultation required for the proposed amendment.
- 5.4 If public consultation is required to be repeated as a result of changes which result in the proposed amendment being significantly different, the local government may limit the public consultation to only those aspects of the proposed amendment that have changed.
- 5.5 If public consultation is required to be repeated, the timeframes established in Step 13 apply.

#### **5. 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, State Planner, Executive Director, Director and Manager of the Planning Group in the department.

## Part C – Process for making Long Term Infrastructure Plan Amendment 1B under section 18 of the Planning Act 2016

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
<b>Planning and preparation</b>				
Step 1	Local government prepares a draft planning scheme amendment	The local government must prepare a draft planning scheme amendment.	Local government	12 months
Step 2	Local government undertakes early engagement in preparing the draft planning scheme amendment	The local government must consult with the relevant stakeholders, the department and state agencies while preparing the draft planning scheme amendment.  Relevant state agencies with state interest(s) expressed in the State Planning Policy 2017 (SPP) or Regional Plan to the extent the agency may be affected by the proposed amendments; and to the extent a distributor retailer responsible for providing water and wastewater services for the area may be affected by the proposed amendments - the distributor-retailer.	Local government	None
Step 3	Local government resolves to prepare a draft planning scheme amendment	The local government must give notice to the Minister of the decision to prepare the draft planning scheme amendment and a copy of the proposed amendment.	Local government	None
<b>State interest review (SIR)</b>				
Step 4	Local government provides notice to commence the SIR process	The local government must give a notice to the Minister to commence the SIR that includes— <ul style="list-style-type: none"> <li>a) An electronic copy of the proposed planning scheme amendment in the format identified by the department;</li> <li>b) A written statement addressing the state interests in the relevant regional plan and SPP which includes— <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 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</li> </ul>	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
		<p>Planning Act have been addressed and if the planning scheme amendment is consistent with the regulated requirements;</p> <p>d) Any extrinsic material (including planning assumptions or projections if relevant), 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;</p> <p>e) Any relevant mapping (including PDF and spatial data in shapefiles or geographic coordinates format);</p> <p>f) A summary of consultation with state agencies and the outcome of the consultation; and</p> <p>g) Any other information considered relevant by the local government.</p>		
Step 5	Minister / DSDILGP undertakes the SIR	The Minister must undertake a state interest review within 30 business days of receiving the notice from the local government about the proposed planning scheme amendment.	Minister	To commence within 5 business days of receiving the notice to commence the SIR
Step 6	Minister considers key Planning Act & Regulation matters	<p>As part of the state interest review, the Minister must consider if the proposed planning scheme amendment—</p> <p>a) advances the purpose 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>	Minister	Concurrent with state interest review, to commence within 5 business days of receiving the notice to commence to SIR
Step 7	Minister / Chief Executive advises of changes required	<p>The Minister / Chief Executive may give notice to the local government advising of any changes—</p> <p>a) to the proposed planning scheme amendment required to address state interests; and</p> <p>b) to the communications strategy as a result of the state interest review.</p>	Minister / Chief Executive	During the state interest review period (30 business days from commencement of the SIR)
Step 8	Local government decides to make changes to the proposed amendment as a result of Minister / Chief	<p>If the local government decides to change the proposed planning scheme amendment or communication strategy in response to a notice given by the Minister / Chief Executive under Step 7, the local government must—</p> <p>a) advise the Minister / Chief Executive, as soon as practicable after deciding to change the proposed amendment or the communication strategy, that the</p>	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
	Executive notice	proposed amendment or communication strategy will be changed to appropriately address the state interests; and b) resubmit the proposed amendment or communication to the Minister / Chief Executive when the change has been made.		
Step 9	Minister provides outcomes of SIR	The Minister must give notice to the local government of the outcome of the SIR.	Minister	30 business days from commencement of the SIR
Step 10	Minister provides conditions of SIR	The Minister may include conditions that apply to the proposed planning scheme amendment, including the timing on when the conditions must be complied with.	Minister	Concurrent with the notice giving the outcome of the SIR
<b>Public consultation</b>				
Step 11	Local government complies with any Minister's conditions	Any Minister's conditions stated on a notice given under Step 10 must be complied with before the local government may proceed with public consultation for the proposed amendment, unless stated otherwise in the notice.	Local government	Prior to commencing public consultation
Step 12	Local government commences public notice as per the Planning Act, MGR, etc.	The local government must give public notice in accordance with— 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 Minister/ Chief Executive.	Local government	None
Step 13	Local government publishes a public notice	The local government must publish a public notice about the proposal to 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.	Local government	The consultation period must be a minimum period of 20 business days, commencing after the day the public notice is published in a newspaper circulating in the local government area and on the

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
				local government's website.
<b>Considering submissions</b>				
Step 14	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme amendment.	Local government	None
Step 15	Local government notifies submitters about submissions consideration process	The local government must notify persons who made a properly made submission about how the local government has dealt with the submissions.	Local government	None
Step 16	Local government prepares written consultation report	The local government must prepare a written consultation report that is— a) available to view and download on the local government's website; and b) available to inspect and purchase in each of the local government's offices.	Local government	Within 45 business days of the close of the consultation period
<b>Changing the proposed instrument</b>				
Step 17	Local government makes changes as a result of submissions, changed circumstances, etc.	The local government may make changes to the proposed planning scheme amendment to— a) address issues raised in submissions; b) amend a drafting error; or c) address new or changed planning circumstances or information.	Local government	None
Step 18	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.	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
Step 19	Local government restarts or repeats consultation due to scheme changes	If the local government changes the proposed planning scheme amendment 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 planning scheme amendment with the changes made in accordance with the communication strategy or amended communication strategy.	Local government	None
Step 20	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 amendment that have changed and tailor the consultation activities identified in the communication strategy to the nature of the changes proposed.	Local government	None
<b>Minister's consideration</b>				
Step 21	Local government requests adoption of scheme	<p>The local government must give the Minister a notice to request adoption of the planning scheme amendment that includes—</p> <ul style="list-style-type: none"> <li>a) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed planning scheme amendment since public consultation;</li> <li>b) a written consultation report; and</li> <li>c) if any changes have been made to the proposed planning scheme amendment since the SIR— <ul style="list-style-type: none"> <li>(i) a report that includes – <ul style="list-style-type: none"> <li>i. the changes made to the proposed amendment</li> <li>ii. when the changes were made;</li> <li>iii. why the changes were made;</li> <li>iv. how the changes relate to any relevant regional plan or SPP or affect a state interest;</li> <li>v. what issues the changes respond to;</li> </ul> </li> <li>(ii) the reasons why the local government does not consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken; and</li> <li>(iii) any extrinsic material (including planning assumptions or projections if relevant), background studies, reports and supporting information that informed the preparation of the changes to the proposed planning scheme amendment.</li> </ul> </li> </ul>	Local government	None
Step 22	Minister considers the council's	<p>The Minister must consider if the council may adopt the proposed planning scheme amendment by considering—</p> <ul style="list-style-type: none"> <li>a) The information given with the notice under Step 21;</li> </ul>	Minister	During the Minister's consideration of

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
	request to adopt the proposed planning scheme amendment	<ul style="list-style-type: none"> <li>b) If any conditions set out in the notice given under Step 9 have been complied with;</li> <li>c) If the adopted version of the proposed planning scheme amendment is significantly different to the public consultation version; and</li> <li>d) If the proposed planning scheme— <ul style="list-style-type: none"> <li>(i) Advance the purpose of the Planning Act;</li> <li>(ii) Is consistent with section 16(1) of the Planning Act;</li> <li>(iii) Is consistent with the regulated requirements prescribed in the Planning Regulation 2017;</li> <li>(iv) Is well drafted and clearly articulated; and</li> <li>(v) Accords with the results of any relevant study or report, or review required under section 25(1) of the Planning Act.</li> </ul> </li> </ul>		the council's request to adopt the proposed planning scheme amendment
Step 23	Minister provides approval to adopt	<p>The Minister must give the local government a notice stating—</p> <ul style="list-style-type: none"> <li>e) if the local government may adopt the proposed planning scheme amendment; and</li> <li>f) the Minister's conditions, if any, that apply to the planning scheme amendment; or</li> <li>g) if the proposed planning scheme amendment may not be adopted, and the reasons why it may not be adopted.</li> </ul>	Minister	Within 20 business days of receiving the notice from local government requesting adoption of the planning scheme amendment
Step 24	Minister provides conditions of adoption	Any Minister's 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	None
<b>Adoption</b>				
Step 25	Local government decides to adopt scheme amendment	The local government must decide to adopt or not proceed with the proposed planning scheme amendment.	Local government	None
Step 26	Local government publicly notifies adoption	<p>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—</p> <ul 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 planning scheme;</li> </ul>	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes
		<ul style="list-style-type: none"> <li>c) the date the planning scheme amendment was adopted;</li> <li>d) the commencement date for the planning scheme amendment (if different to the adoption date);</li> <li>e) the title of the planning scheme amendment;</li> <li>f) if the planning scheme amendment only applies to part of the local government area, a description of the location of that area;</li> <li>g) the purpose and general effect of the planning scheme amendment; and</li> <li>h) where a copy of the planning scheme may be inspected and purchased.</li> </ul>		
	If local government does not adopt, local government publicly notifies decision not to adopt	<p>If the local government decides 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—</p> <ul 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 planning scheme amendment; and</li> <li>c) the reasons for not proceeding with the planning scheme amendment.</li> </ul>	Local government	None
Step 27	Local government provides public notice & copy of scheme to DSDILGP	<p>The local government must give the Chief Executive a copy of the public notice; and if adopted, a certified copy of the planning scheme amendment including—</p> <ul style="list-style-type: none"> <li>a) An electronic copy of the amendment; and</li> <li>b) A copy of all the electronic planning scheme spatial data files (e.g. shapefiles or geographic coordinates format) relevant to the amendment.</li> </ul>	Local government	Within 10 business days of publishing the public notice

**Dated this 20 day of January 2022**



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**Department of State Development, Infrastructure,  
Local Government and Planning**