



Department of State Development, Infrastructure, Local
Government and Planning

Chief Executive Notice

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

Neighbourhood Development Plan No. 1 (NDP1) of the Caboolture West Local Plan - Proposed amendment to the *Moreton Bay Regional Council Planning Scheme* - Moreton Bay Regional Council

Part A – Preamble

In accordance with section 18(4) of the *Planning Act 2016* (the Planning Act), 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 the Moreton Bay Regional Council (the local government) under section (18)(2) of the Planning Act on 25 February 2021 about the proposed amendment to the *Moreton Bay Regional Council Planning Scheme* (the planning scheme) for NDP1 (the proposed amendment)
2. parts B and C of this notice comprise the provisions and process that apply to the proposed amendment 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 amendment
4. in accordance with section 18(5)(d) of the Planning Act, a communications strategy about the proposed amendment that the local government must implement 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 Part C.

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. 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.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 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
- 3.2 keep the proposed amendment 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 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 as per step 8.

4. 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 that can be considered 'best practice' and are fit-for-purpose for the proposed amendment, generally in accordance with the proposed communication strategy, in part 6 of the document: Section 18 notice – supporting information, submitted by the local government on 25 February 2021
- 4.4 prepare a report on public consultation for the Minister for Planning, to accompany the proposed amendment for adoption.

5. 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
 - 5.1.3 address new or changed planning circumstances or information
 - 5.1.4 address a matter or 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 interests, 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 5 c) of Part C apply.

6. Chief Executive actions

- 6.1 For Chief Executive actions given in this notice under section 18 of the Planning Act, the Chief Executive includes the Director-General, the State Planner, Executive Director, Director and Manager of the Planning Group in the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP).

Part C – Process for making the proposed NDP1 amendment under section 18 of the *Planning Act 2016*

Step No.	Summary of actions	Specific actions	Entity responsible for actions	Indicative timeframes (business days)
Planning and preparation				
Step 1	a) Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme amendment.	Local government	None
	b) Local government consults with DSDILGP and State agencies	The local government must consult with DSDILGP and relevant State agencies while preparing the draft planning scheme amendment.	Local government	None
Step 2	Local government notifies the Chief Executive of preparation and requests a preliminary State interest review (confirmation of State interests)	The local government must give notice to the Chief Executive of the nature and details of the proposed amendment and requesting a confirmation of State interests.	Local government	None
Step 3	Chief Executive considers preliminary State interest review request	If the local government gives notice to the Chief Executive requesting a confirmation of State interests, the Chief Executive must— <ul style="list-style-type: none"> a) consider the nature and details of the proposed amendment b) consult with relevant State agencies, if appropriate c) write to the local government to advise of the matters, including State interests, that the local government must consider when preparing the proposed amendment. 	Chief Executive	Within 30 business days of receiving the notice from local government of the nature and details of the proposed amendment and request for confirmation of State interests
Concurrent State interest review and public consultation¹				
Step 4	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— <ul style="list-style-type: none"> a) an electronic copy of the proposed amendment in the format identified by DSDILGP b) a written statement addressing the State interests in the South East Queensland 	Local government	None

¹ Step 4 and step 5 may commence at the same time and run concurrently

Step No.	Summary of actions	Specific actions	Entity responsible for actions	Indicative timeframes (business days)
		<p>Regional Plan 2017 (<i>ShapingSEQ</i>) and <i>State Planning Policy 2017</i> (SPP) which includes—</p> <ul style="list-style-type: none"> i. how the State interests are integrated in the proposed amendment ii. reasons why any State interests have not been integrated in the proposed amendment iii. any State interests that are not relevant <ul style="list-style-type: none"> 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 proposed amendment is consistent with the regulated requirements in the Planning Regulation 2017 (the Planning Regulation) d) the proposed communications strategy given with the notice under section 18(2) of the Planning Act e) any background studies or reports that informed the preparation of the proposed amendment. f) any natural hazards, risk and resilience evaluation report prepared in regard to the SPP 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 h) shapefiles of any mapping i) a summary of consultation with State agencies during the confirmation of State interest review, the outcome of the consultation and any changes made to the proposed amendment as a result of the consultation j) any other information considered relevant by the local government. 		
Step 5	a) Chief Executive commences the State interest review	<p>The Chief Executive must commence the State interest review within 5 business days of receiving the notice from the local government to commence the State interest review process.</p> <p>As part of the State interest review, the Chief Executive must consider if the proposed amendment:</p> <ul style="list-style-type: none"> i. advances the purpose of the Planning Act 	Chief Executive	To commence within 5 business days of receiving the notice to commence the State interest review

Step No.	Summary of actions	Specific actions	Entity responsible for actions	Indicative timeframes (business days)
		<ul style="list-style-type: none"> ii. is consistent with section 16(1) of the Planning Act iii. is consistent with the regulated requirements prescribed in the Planning Regulation 2017 iv. is well drafted and clearly articulated v. accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act. 		
	b) Chief Executive gives notice of the outcome of the State interest review	<p>The Chief Executive:</p> <ul style="list-style-type: none"> i. must give notice to the local government of the outcome of the State interest review ii. may include conditions that apply to the proposed amendment, including the timing on when the conditions must be complied with. 	Chief Executive	Within 40 business days of commencing the State interest review
	c) Local government commences public notice - minimum 20 business days	<p>The local government must give public notice about the proposal to amend the planning scheme in accordance with:</p> <ul style="list-style-type: none"> i. the public notice requirements prescribed in the Planning Act, Schedule 2, definition of public notice, paragraph (b) ii. Schedule 4 of MGR iii. the communications strategy described in Part B, Section 4.3 of this notice. <p>The public notice must state that any person may make a submission about the proposed amendment to the local government within the consultation period.</p>	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 local government website
Considering submissions and State interest review outcomes				
Step 6	Local government considers Chief Executive response	The local government must consider the response given by the Chief Executive about the State interest review, and if necessary, make changes to the proposed amendment.	Local government	Within 40 business days of the close of the consultation period
Step 7	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed amendment.	Local government	
Step 8	Local government prepares written consultation report	The local government must prepare a written consultation report that summarises the issues raised in submissions and outlines how the local	Local government	

Step No.	Summary of actions	Specific actions	Entity responsible for actions	Indicative timeframes (business days)
		<p>government has responded to issues raised in the properly made submissions.</p> <p>The report must be:</p> <ul style="list-style-type: none"> a) available to view and download on the local government's website b) available to inspect and purchase in each of the local government's offices. 		
Step 9	Local government notifies submitters about submissions consideration	The local government must notify persons who made properly made submission about how the local government has dealt with the submissions and how to access the consultation report.	Local government	
Changing the proposed amendment				
Step 10	Local government makes changes as a result of submissions, or changed circumstances	<p>The local government may make changes to the proposed amendment to:</p> <ul style="list-style-type: none"> a) address issues raised in submissions b) amend a drafting error c) address new or changed planning circumstances or information d) to address a matter or condition raised during the State interest review to appropriately integrate a State interest. 	Local government	None
Step 11	Local government ensures changes made still meet relevant State interests	The local government must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant State interests, including those identified in a State interest review.	Local government	None
Step 12	Local government repeats consultation due to scheme changes	If the local government changes the proposed 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 repeat the public consultation required for the proposed amendment with the changes made, in accordance with the process in step 5 c).	Local government	None
Step 13	Local government limits public consultation to only those aspects changed	If re-consultation is required because of changes that 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.	Local government	None

Step No.	Summary of actions	Specific actions	Entity responsible for actions	Indicative timeframes (business days)
Minister's consideration				
Step 14	Local government requests adoption of proposed amendment	The local government must give the Minister a notice to request adoption of the proposed amendment that includes— <ul style="list-style-type: none"> a) 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 and public consultation b) a written consultation report c) if any changes have been made to the proposed amendment, 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. 	Local government	Within 5 business days of resolving to request adoption of the proposed amendment
Step 15	Minister provides approval to adopt	The Minister must give the local government a notice stating— <ul style="list-style-type: none"> a) if the local government may adopt the proposed amendment b) the Minister's conditions, if any, that apply to the proposed amendment; OR c) if the proposed amendment 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 amendment
Step 16	Minister provides conditions of adoption	Any Minister 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.	Minister	None
Adoption				
Step 17	Local government decides to adopt proposed amendment	The local government must decide to adopt or not proceed with the proposed amendment.	Local government	None
Step 18	Local government publicly notifies adoption	If the local government decides to adopt the proposed 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— <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 	Local government	None

Step No.	Summary of actions	Specific actions	Entity responsible for actions	Indicative timeframes (business days)
		<ul style="list-style-type: none"> 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 h) where to view a copy of the planning scheme. 		
Step 19	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 proposed 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"> a) the name of the local government b) the decision made by the local government about the proposed amendment c) the reasons for not proceeding with the proposed amendment. 	Local government	None
Step 20	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 amendment and shapefiles of any mapping.	Local government	Within 10 days of publishing the public notice

Dated 11 March 2021



Kerry Doss
State Planner
Planning Group
Department of State Development, Infrastructure, Local Government and Planning