



Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

Richmond Shire 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* (the Planning Act), the Chief Executive has considered the Minister's Guidelines and Rules (MGR) when preparing this notice under section 18(3)(a) of the Planning Act.

- Richmond Shire Council (the council) gave notice of its intention to make a new planning scheme under section 18(2) of the Planning Act on 4 December 2017.
- Under section 18(6) of the Planning Act, the council must make 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 Chief Executive or Minister for Planning, as relevant to the process, may (at any time) give the council a notice requesting further information.

Managing timeframes

- The Minister for Planning, the Chief Executive or the council may pause a timeframe (provided it is not during public consultation) for an action for which it is 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- If a pause notice is withdrawn, the process recommences on the day after the party withdraws the pause notice.
- The duration of a pause notice may be extended by giving of another pause notice before the pause period ends.

Public consultation

In accordance with the Planning Act, the council is required to:

- publish at least one public notice about the proposal to make 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 40 business days after the day the public notice is published in a newspaper circulating in the local government area
- ensure the public notice states that any person may make a submission about the instrument to the council within the consultation period
- consider all properly made submissions about the proposed planning scheme
- notify persons who made properly made submissions about how the council dealt with the submissions

- give the Minister for Planning a notice containing a summary of the matters raised in the properly made submissions and stating how the council dealt with the matters

Communications Strategy

The council is required to apply the following:

- comply with the minimum public consultation standards prescribed in the Planning Act
- identify and consult with the relevant key stakeholders, including Indigenous stakeholders
- undertake a range of consultation methods that can be considered 'best practice' and are fit-for-purpose for the Richmond Shire region, having regard to the department's Community Engagement Toolkit for Planning
- the consultation methods must be generally in accordance with the 'Proposed Communications Strategy (December 2018)' submitted to the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 12 December 2018 via Attachment 2 in the 'Response to DSDMIP Further Advice following Notice of Proposed Richmond Shire Planning Scheme'
- document its public consultation and prepare a report on its public consultation for the Minister for Planning when submitting the proposed planning scheme amendment 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 the relevant 'Entity responsible for task' column.

Appendix 1

Tailored Process – Richmond Shire Council – Notice about the process for making a planning scheme under section 18(3) of the *Planning Act 2016* (the Planning Act)

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
Stage 1	Step 1	Planning and preparation	Local government prepares the proposed planning scheme	The local government prepares the proposed planning scheme.	Local Government	Completed
Stage 2	Step 2	State Interest Review	Local government provides notice to commence the state interest review process	<p>The local government gives notice to the Chief Executive to request a state interest review of the proposed planning scheme that includes—</p> <ul style="list-style-type: none"> a) An electronic copy of the proposed planning scheme in the format identified by the department b) A written statement addressing the state interests in the relevant regional plan and SPP which includes— <ul style="list-style-type: none"> i. how the state interests are integrated in the proposed planning scheme ii. reasons why any state interests have not been integrated in the proposed planning scheme (where relevant) iii. any state interests that are not relevant 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 planning scheme is consistent with the regulated requirements d) Any background studies or reports that informed the preparation of the proposed planning scheme, including any strategic study or report, or review required under section 25(1) of the Planning Act 	Local Government	Within 10 business days of receiving the notice under section 18(3) from the Chief Executive

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
				<ul style="list-style-type: none"> e) Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP f) 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. g) Shapefiles of any mapping h) A summary of any consultation with state agencies and the outcome of the consultation i) Any other information considered relevant by the local government. 		
	Step 3	State interest review	Chief Executive commences and undertakes the state interest review	<p>The Chief Executive undertakes a state interest review and gives the proposed planning scheme to other relevant state agencies for consideration of the effect of the proposed planning scheme on state interests, including those identified in legislation, the SPP or a regional plan.</p> <p>As part of the state interest review, the Chief Executive must consider if the proposed planning scheme—</p> <ul 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 e) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act 	Chief Executive including Planning Group: Deputy-Director General Executive Director Director Manager	Concurrent with the state interest review, to commence within 5 business days of receiving the request to commence the state interest review
	Step 4	State interest review	Chief Executive advises of changes required	The Chief Executive may give notice to the local government advising of any changes to the proposed planning scheme required to address state interests	Chief Executive including	During the state interest review period

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
				If the local government changes the proposed planning scheme in response to the notice given by the Chief Executive, the 40-business day state interest review period is paused when the Chief Executive gives the notice and resumes when local government resubmits the proposed scheme for continuation of the state interest review.	Planning Group: Deputy-Director General Executive Director Director Manager	
	Step 5	State interest review	Chief Executive provides outcomes of the state interest review	The Chief Executive gives notice to the local government of the outcome of the 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 including Planning Group: Deputy-Director General	40 business days from commencement of the state interest review
	Step 6	State interest review	Local government complies with any conditions	The local government makes any required changes resulting from the state interest review and/or conditions and prepares proposed planning scheme for public consultation.	Local Government	If required, within 20 business days of receiving the outcome of the state interest review
Stage 3	Step 7	Public consultation	Local government commences public consultation.	The local government undertakes public consultation in accordance with—	Local Government	40 business days minimum, commencing after the day

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
				<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) the communications strategy 		the public notice is published in a newspaper circulating in the local government area
	Step 8	Considering submissions	<p>Local government:</p> <ul style="list-style-type: none"> 1. Considers all properly made submissions 2. Notifies submitters about submissions' consideration process 3. Prepares written consultation report 4. Makes changes resulting from submissions and/or changed circumstances 5. Ensures any changes made still meet 	<ul style="list-style-type: none"> 1. The local government considers all properly made submissions about the proposed planning scheme. 2. The local government notifies all properly made submitters about how the local government has dealt with the submissions. 3. The local government prepares a written consultation report that is— <ul style="list-style-type: none"> 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. 4. The local government may make changes to the proposed planning scheme to— <ul style="list-style-type: none"> a) address issues raised in submissions; b) amend a drafting error; and/or c) address new or changed planning circumstances or information 5. The local government ensures any changes made to the proposed planning scheme continue to appropriately integrate and address relevant state 	Local Government	If required, within 50 business days of the end of public consultation

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
			relevant state requirements	interests, including those identified in the state interest review.		
	Step 9	Changing the proposed instrument	Local government repeats consultation	<p>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, the local government—</p> <ul style="list-style-type: none"> a) must repeat the public consultation required for the proposed planning scheme with the changes made as per step 8 b) may limit the public consultation to only those aspects of the proposed planning scheme that have changed. 	Local Government	If required, consistent with the timeframe established in step 7
Stage 4	Step 10	Endorsement	Local government requests adoption of scheme	<p>The local government gives the Minister a notice to request adoption of the proposed planning scheme that includes—</p> <ul style="list-style-type: none"> a) an electronic copy of the amended proposed 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 does not consider the proposed planning scheme to be 	Local Government	Within 5 business days of the completion of step 8 or step 9

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
				significantly different from the version for which public consultation has been undertaken.		
	Step 11	Endorsement	Minister considers request to adopt the proposed planning scheme	<p>The Minister considers if the local government may adopt the proposed planning scheme by considering—</p> <ul style="list-style-type: none"> a) if any chief executive conditions or further actions set out in the process have been complied with b) if the adoption version of the proposed planning scheme is significantly different to the version released for public consideration c) if the proposed planning scheme— <ul style="list-style-type: none"> i. advances the purpose 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 v. accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act. 	Minister	Within 40 business days of receiving the notice from local government requesting adoption of the proposed planning scheme
	Step 12	Endorsement	Minister provides approval to adopt	<p>The Minister gives the local government a notice stating—</p> <ul style="list-style-type: none"> a) if the local government may adopt the proposed planning scheme b) the Minister's conditions, if any, that apply to the proposed planning scheme c) if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted. 	Minister	Within 40 business days of receiving the notice from local government requesting adoption of the proposed

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
				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.		planning scheme
Stage 5	Step 13	Adoption	<ol style="list-style-type: none"> 1. Local government decides whether to adopt proposed planning scheme 2. Local government publicly notifies adoption 3. If Local Government does not adopt, local government publicly notifies decision not to adopt 	<ol style="list-style-type: none"> 1. The local government must decide to adopt or not proceed with the proposed planning scheme. 2. 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— <ol style="list-style-type: none"> a) the name of the local government b) the decision made by the local government about the proposed planning scheme c) the date the planning scheme was adopted d) the commencement date for the proposed planning scheme (if different to the adoption date) e) the title of the proposed planning scheme f) if the proposed 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 proposed planning scheme h) where a copy of the proposed planning scheme may be inspected and purchased 3. If the local government decides not to adopt the proposed planning scheme, the local government must 	Local Government	Within 20 business days of the completion of step 12

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Recommended timeframe (estimated timeframe)
				<p>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 planning scheme c) the reasons for not proceeding with the proposed planning scheme 		
	Step 14	Adoption	Local government provides public notice & copy of scheme to the Chief Executive	<p>The local government gives the Chief Executive a copy of the public notice; and if adopted, a certified copy of the proposed planning scheme including—</p> <ul style="list-style-type: none"> a) a certified copy of the instrument b) a copy of all electronic proposed planning scheme spatial data files (mapping) relevant to the instrument 	Local Government	Within 10 business days of the public notice being publicised

Dated this 8th day of January 2019

Rachel Hunter
Director-General