

Chief Executive Notice

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

Noosa Plan 2020 Amendment 1 - Coastal Erosion – Noosa Shire Council

Part A – Preamble

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

1. The notice given by Noosa Shire Council (the local government) under section (18)(2) of the Act on 30 July 2020.
2. Parts B & C 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 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 Act, a communications strategy that the local government 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 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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 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 instrument available for viewing 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.
- 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 19.

4. Communications strategy

The local government is required to:

- 4.1 Comply with the minimum public consultation standards prescribed in the Act.
- 4.2 Undertake consultation generally in accordance with:
 - 4.2.1 the communications strategy, *Community Engagement & Communications Plan for: Noosa Plan 2020 Amendment – Coastal Erosion* submitted by Noosa Shire Council; and
 - 4.2.2 all relevant legislation about public consultation in effect at the time of its preparation.
- 4.3 Prepare a report on public consultation for the Minister for Planning, to accompany the proposed planning scheme 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; or
 - 5.1.3 address new or changed planning circumstances or information; or
 - 5.1.4 address a matter or Chief Executive'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 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 11 apply.

6. Chief Executive actions

- 6.1 For Chief Executive actions given in this notice under section 18 of the Act, the Chief Executive includes the Under Treasurer, the State Planner, and the Executive Director, Director and Manager of the Planning Group in Queensland Treasury (QT).

Part C – Process for making *Noosa Plan 2020* Amendment 1 – Coastal Erosion (proposed planning scheme amendment) under section 18 of the *Planning Act 2016* (the Act)

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Planning and preparation				
Step 1	Local government prepares a draft planning scheme amendment	The local government must prepare a draft planning scheme amendment.	Local government	6 months
Step 2	Local government consults with state agencies	The local government must consult with the relevant state agencies while preparing the draft planning scheme amendment.	Local government	None
Step 3	Local government consults with QT	The local government must consult with QT, while preparing the draft planning scheme amendment.	Local government	None
State interest review				
Step 4	Local government provides notice to commence the state interest review (SIR) process	<p>The local government must give a notice to the Chief Executive to commence the SIR that includes—</p> <ol style="list-style-type: none"> 1. An electronic copy of the proposed planning scheme amendment in the format identified by QT. 2. A written statement addressing the state interests in the South East Queensland Regional Plan 2017 (<i>ShapingSEQ</i>) and <i>State Planning Policy 2017</i> (SPP) which includes— <ol style="list-style-type: none"> a) how the state interests are integrated in the proposed planning scheme amendment; b) reasons why any state interests have not been integrated in the proposed planning scheme amendment; and c) any state interests that are not relevant. 3. A written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed and if the proposed planning scheme amendment is consistent with the regulated requirements. 4. Any background studies or reports that informed the preparation of the proposed planning scheme amendment, including any strategic study or report, or review required under section 25(1) of the Act. 5. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP. 6. 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. 	Local government	None

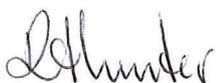
		<p>7. PDF and shapefiles of any mapping.</p> <p>8. A summary of consultation with state agencies and the outcome of the consultation.</p> <p>9. Any other information considered relevant by the local government.</p>		
Step 5	Chief Executive undertakes the SIR	The Chief Executive must commence the SIR within 5 business days of receiving the notice from the local government about the proposed planning scheme amendment.	Chief Executive	To commence within 5 business days of receiving the notice to commence the SIR
Step 6	Chief Executive considers key Act and Regulation matters	<p>As part of the SIR, the Chief Executive must consider if the proposed planning scheme amendment—</p> <p>a) advances the purpose of the Act;</p> <p>b) is consistent with section 16(1) of the 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 Act.</p>	Chief Executive	During the SIR period
Step 7	Chief Executive advises of changes required	<p>The 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;</p> <p>b) to the proposed communications strategy as a result of the SIR.</p>	Chief Executive	During the SIR period
Step 8	Chief Executive provides outcomes of SIR and approval to publicly notify	<p>The Chief Executive must give notice to the local government that states—</p> <p>a) the outcome of the SIR;</p> <p>b) if the local government may proceed to public consultation of the planning scheme amendment; and</p> <p>c) the Chief Executive's conditions, if any, that apply to the proposed planning scheme amendment; or</p> <p>d) if the proposed planning scheme amendment may not proceed to public consultation, and the reasons why it may not proceed.</p>	Chief Executive	25 business days from commencement of the SIR
Public consultation				
Step 9	Local government commences public consultation as per the Act, MGR and communications strategy	<p>The local government must give public notice in accordance with:</p> <p>a) the public notice requirements prescribed in the Act, Schedule 2, definition of public notice, paragraph (b);</p> <p>b) Schedule 4 of MGR; and</p> <p>c) the communications strategy, including any amended strategy requested by the Chief Executive.</p>	Local government	None
Step 10	Local government publishes a public notice	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.	Local government	None

Step 11	Local government public consultation period	The consultation period must be a minimum period of 20 business days, commencing after the day the public notice is published.	Local government	Minimum of 20 business days
Considering submissions				
Step 12	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme amendment.	Local government	Within 30 business days of the close of the consultation period
Step 13	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 and advise how to access the consultation report.	Local government	
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 view in the local government's office (where practical). 	Local government	
Changing the proposed planning scheme amendment				
Step 15	Local government makes changes as a result of submissions or changed circumstances	The local government may make changes to the proposed planning scheme amendment 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 16	Local government ensures changes made still meet relevant state interests	The local government must ensure any changes made to the proposed planning scheme amendment continue to appropriately integrate and address relevant state interests, including those identified in the SIR.	Local government	None
Step 17	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.	Local government	None

Step 18	Local government limits public consultation to only those aspects changed	If re-consultation is required as a result of changes which result in the proposed planning scheme amendment 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.	Local government	None
Minister's consideration				
Step 19	Local government requests adoption of proposed planning scheme amendment	The local government must give the Minister for Planning a notice to request adoption of the proposed planning scheme amendment that includes— <ol style="list-style-type: none"> 1. An electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed planning scheme amendment since the SIR. 2. A statement about whether the proposed planning scheme amendment continues to appropriately integrate and address relevant state interests, including those identified in the SIR. 3. A written consultation report. 4. A summary of the matters raised in submissions. 5. An explanation of how the local government dealt with the matters raised in submissions. 6. 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 planning scheme amendment
Step 20	Minister provides approval to adopt	The Minister for Planning must give the local government a notice stating— <ol style="list-style-type: none"> a) if the local government may adopt the proposed planning scheme amendment; and b) the Minister's conditions, if any, that apply to the proposed planning scheme amendment; or c) if the proposed planning scheme 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 planning scheme amendment
Step 21	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 amendment, unless stated otherwise in the notice.	Minister	None
Adoption				
Step 22	Local government decides to adopt the proposed planning scheme amendment	The local government must decide to adopt or not proceed with the proposed planning scheme amendment.	Local government	None
Step 23	Local government	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 Act,	Local government	None

	publicly notifies adoption	Schedule 2, definition of public notice, paragraph (c) that must state— 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 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; and h) where a copy of the planning scheme may be viewed.		
Step 24	If local government does not adopt, local government publicly notifies decision not to adopt	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 Act, Schedule 2, definition of public notice, paragraph (c) that must state— a) the name of the local government; b) the decision made by the local government about the planning scheme amendment; and c) the reasons for not proceeding with the planning scheme amendment.	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 amendment.	Local government	Within 10 business days of publishing the public notice

Dated this 19th day of August 2020


Rachel Hunter
Under Treasurer