



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

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Your ref: PD113/1275/14/04 #71578487

- 7 DEC 2018

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
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Email: ddickson@goldcoast.qld.gov.au

Dear Mr Dickson 

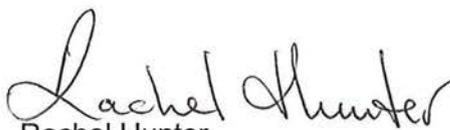
I refer to the notice received on 11 September 2018 from the Gold Coast City Council (the council) advising of the council's intention to make the proposed New Communities (Eggersdorf Road, Ormeau) amendment (the proposed amendment) to the *Gold Coast City Plan* (the planning scheme) under section 18(2) of the *Planning Act 2016* (the Planning Act).

I have considered the council's request and the Minister's Guidelines and Rules. I am pleased to advise that the chief executive notice under section 18(3) of the Planning Act is enclosed. The notice outlines the process for making the proposed amendment as well as the communications strategy that the council must implement. This is required to be undertaken in the order in which it is prescribed.

I commend the council for proposing this incremental change towards ensuring the planning scheme reflects recent changes contained in the South East Queensland Regional Plan 2017 (*ShapingSEQ*) which will assist in delivering growth for the local area.

If you require further information, please contact Mr Gareth Richardson, Manager, Planning and Development Services – SEQ South, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 5644 3213 or gareth.richardson@dsdmip.qld.gov.au, who will be pleased to assist.

Yours sincerely


Rachel Hunter
Director-General

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Department of State Development, Manufacturing, Infrastructure and Planning

Chief Executive Notice

Pursuant to section 18 of the *Planning Act 2016*

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

- Notice was given by the Gold Coast City Council (the council) under section 18(2) of the Planning Act on 11 September 2018.
- 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 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 council 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 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 the notice to pause a timeframe is withdrawn, the process restarts from the day after the party gives the notice to restart the timeframe.

Public consultation

In accordance with the Planning Act, 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 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 amendment
- notify persons who made properly made submissions about how the council dealt with the submissions
- give the Planning Minister 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 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 Gold Coast region, generally in accordance with its Supporting Documentation submitted under cover of a letter to the Chief Executive, Department of State Development, Manufacturing, Infrastructure and Planning dated 10 September 2018
- document its public consultation and prepare a report on its public consultation for the Planning Minister 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.

Tailored Process – Gold Coast City Council – Notice about the process for amending a planning scheme under section 18(3) of the *Planning Act 2016* (the Act)

Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframes (Business days)
Local Government decides to make the proposed amendment and proceeds to drafting of the proposed amendment					
1.	Planning and Preparation	Local Government resolves to prepare a draft planning scheme amendment.	Local Government resolves to make a planning scheme in accordance with the approved section 18 notice for making a new planning scheme	Local Government	20 business days
2.		Local Government prepares a draft planning scheme amendment	The Local Government must prepare a draft planning scheme amendment.	Local Government	
Concurrent processes - requests for both state interest review and Planning Minister's approval to proceed to adoption; and public consultation					
3.	Notice provided	Local Government provides notice to commence the state interest review process, which also includes a request for the Planning Minister's approval to proceed to adopt the proposed amendment.	<p>After preparing the proposed amendment, the Local Government must give a notice to the Planning Minister that includes—</p> <ul style="list-style-type: none"> a) the decision to amend its planning scheme; b) the required material for a proposed major amendment, consistent with the required material as prescribed for a major amendment in Schedule 3 of MGR; c) a request for a state interest review and approval to proceed to adopt the proposed amendment; d) the proposed planning scheme amendment. <p>Note: items a) and b) should include the resolution from Step 1 and all relevant material for the proposed amendment, consistent with the required material as prescribed in Schedule 3 of the MGR.</p>	Local Government	7 business days
4.	Concurrent steps which include: <ul style="list-style-type: none"> • state interest review • request for approval to proceed to adoption 	Chief Executive undertakes the state interest review and consideration for approval to adopt and provides outcomes.	<p>Within 5 business days of receiving the notice from the Local Government under Step 3, the Chief Executive must—</p> <ul style="list-style-type: none"> a) commence the state interest review; and b) give the proposed amendment to other relevant state agencies for consideration of the effect of the amendment on state interests, including those identified in legislation, the State Planning Policy (SPP), or a regional plan. 	Chief Executive	5 business days

5.	<ul style="list-style-type: none"> public consultation 	Chief Executive considers Planning Act and Planning Regulation.	<p>As part of the state interest review, the Chief Executive must consider if the proposed amendment—</p> <ol style="list-style-type: none"> advances the purpose of the Planning Act is consistent with section 16(1) of the Planning Act is consistent with the regulated requirements prescribed in the Planning Regulation is well drafted and clearly articulated; and accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act. 		
6.		State interest review	<p>The Planning Minister must, within 60 business days of receiving the notice under Step 3, or upon receiving a changed proposed amendment under Step 15, whichever is the later, give notice to the Local Government of—</p> <ol style="list-style-type: none"> the outcome of the state interest review; and a communications strategy that the Local Government must implement; and confirmation if the proposed amendment may be adopted; and the Planning Minister's conditions (if any) that apply to the proposed amendment. The conditions may require that if the Local Government proposes to make changes that are significantly different as a result of the public consultation steps, the proposal must be re-submitted to the Planning Minister for consideration requesting approval to adopt the package after first completing Step 18 to 20; or if the proposed amendment may not be adopted, the reasons why it may not be adopted. 	Planning Minister	60 business days
7.		Compliance with Planning Minister's conditions	Any Planning Minister's conditions stated on a notice given under Step 6 must nominate timing for Local Government compliance.	Local Government	Prior to adoption, unless stated otherwise in the notice
8.		Public consultation	<p>Public consultation must be undertaken—</p> <ol style="list-style-type: none"> for a period of at least 20 business days; and <ol style="list-style-type: none"> in accordance with the public notice requirements prescribed in the Act; consistent with the public notice requirements as prescribed for a major amendment under Schedule 4 of MGR; and in accordance with the communications strategy approved by the Planning Minister. 	Local Government	20 business days (minimum)

9.		Local Government considers all properly-made submissions.	The Local Government must consider all properly made submissions about the proposed amendment and may consider other submissions.	Local Government	-
10.		Local Government prepares written consultation report about submissions.	Following the end of public consultation, the Local Government must prepare a consultation report that summarises the issues raised in submissions and outlines how the Local Government has responded to issues raised in the properly made submissions. This report must be— a) provided to each person who made a properly made submission; and b) available to view and download on the Local Government's website; or c) available to inspect and purchase in each of the Local Government's offices.	Local Government	To be determined by Local Government
11.		If the Local Government makes changes to the amendment as a result of submissions or changed circumstance, and verifies these changes made still meet relevant state interests.	If the Local Government proposes to make changes to the proposed amendment (refer Step 16) the actions under Step 9 and Step 10 (regarding considering submissions and preparing a consultation report) may be deferred until after all applicable actions under Step 16-20 (regarding changing the proposed amendment) have been undertaken.	Local Government	To be determined by Local Government
If the Local Government has conducted public consultation and decides that changes <u>are not required</u> to the proposed amendment, they may proceed to adoption					
12.	Steps 12 and 13 are only relevant if the Local Government proposes no changes as a result of public notification	Local Government decides to adopt the proposed amendment and publish a public notice.	If the Planning Minister has notified the Local Government that it may adopt the proposed amendment, the Local Government must— a) decide— i. to adopt the proposed amendment; or ii. not to proceed with the proposed amendment; and b) publish a public notice in accordance with the Act and consistent with the requirements as prescribed for a major amendment under Schedule 5 of MGR; and c) give notice as required under Chapter 4, Part 1, section 3.13.	Local Government	-
13.		Local Government provides copy of public notice to adopt and certified of the major amendment	The Local Government must, within 10 business days of giving public notice under this step, give the Planning Minister— a) a copy of the public notice; and b) if adopted, a certified copy of the major amendment including— i. an electronic copy of the amendment or instrument; and ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the major amendment.	Local Government	10 business days

If the Chief Executive decides to issue a notice to the Local Government advising how the proposed amendment may be changed to address state interests					
14.	Steps 14 and 15 are only relevant if the Chief Executive decides to issue a notice advising the Local Government how the proposed amendment may be changed to address state interests	Chief Executive advises the Local Government how the proposed amendment may be changed to address state interests	During the state interest review, the Chief Executive may advise the Local Government how the proposed amendment may be changed to appropriately address state interests.	Chief Executive	-
15.	Steps 14 and 15 are only relevant if the Chief Executive decides to issue a notice advising the Local Government how the proposed amendment may be changed to address state interests	Local Government decides to change the proposed amendment based on Step 14	<p>If the Local Government decides to change the proposed amendment in response to a notice given by the Chief Executive under Step 14, the Local Government must—</p> <p>a) advise the Chief Executive, as soon as practicable after deciding to change the proposed amendment, that the proposed amendment will be changed to appropriately address the state interests; and</p> <p>b) resubmit the proposed amendment to the Chief Executive when the change has been made.</p> <p>Note: If the Local Government changes the proposed amendment in this step, which results in the proposed amendment being significantly different to the version released for public consultation, the Local Government will need to consider a targeted public consultation period for new version of the proposed amendment.</p>	Local Government	To be determined by Local Government
If the Local Government has conducted public consultation and decides that changes <u>are required</u> to the proposed amendment as a result of submissions, the Local Government must consider if the changes make the proposed amendment significantly different, and may need to repeat public consultation					
16.	Steps 16-27 only relevant when Local Government chooses to change the proposed amendment as a result of submissions	Local Government chooses to change proposed amendment as a result of submissions	<p>The Local Government may make changes to the proposed amendment to—</p> <p>a) address issues raised in submissions;</p> <p>b) amend a drafting error; or</p> <p>c) address new or changed planning circumstances or information.</p>	Local Government	To be determined by Local Government
17.	Steps 16-27 only relevant when Local Government chooses to change the proposed amendment as a result of submissions	Local Government ensures that any changes made under step 16 appropriately address state interests	<p>The Local Government must ensure any changes continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.</p> <p>Note: the Local Government is encouraged to engage with the Chief Executive on any proposed changes.</p>	Local Government	To be determined by Local Government
18.	Steps 16-27 only relevant when Local Government chooses to change the proposed amendment as a result of submissions	Local Government repeats the public consultation process	If the Local Government changes the proposed amendment and the change results in the proposed amendment being significantly different to the version released for public consultation, the Local Government must repeat the public consultation required for the proposed amendment.	Local Government	20 business days minimum

19.		Local Government may choose to target public consultation under step 18 only to aspects of the amendment changed under step 16	The Local Government may limit the public consultation to only those aspects of the proposed amendment that have changed.	Local Government	To be determined by Local Government
20.		Local Government to consider submissions and prepare report based on repeated public consultation	If consultation has been repeated, the Local Government must take the actions required under Step 9 and Step 10 (regarding considering submissions and preparing a consultation report) for the repeated consultation.	Local Government	To be determined by Local Government
21.		Local Government gives notice of request to adopt the proposed amendment	After all actions under Steps 8-11 and 16-20, 5 and 7 (regarding public consultation, changing the proposed amendment and the effect of changes on public consultation) have been completed, the Local Government must give a notice of a request to adopt the proposed amendment to the Planning Minister.	Local Government	Only after steps regarding public consultation, changing the proposed amendment and the effect of changes on public consultation have been completed
22.		Local Government provides Planning Minister details of changes made to the proposed amendment and statement about whether the changes are considered significantly different	If the proposed amendment has been changed since the state interest review and public consultation, the notice under Step 21 must include— a) an electronic copy of the proposed amendment that clearly identifies any changes that have been made to the proposed amendment since the state interest review; b) the consultation report prepared under Step 10, c) a report that includes— i. the changes made to the proposed amendment; ii. when the changes were made; iii. why the changes were made; iv. how the changes relate to any relevant regional plan or SPP or affect a state interest; and v. what issues the changes respond to; and d) a statement confirming whether the Local Government considers the proposed amendment is significantly different from the version for which public consultation has been undertaken, and the reasons why the Local Government formed this view.	Local Government	-

23.		Chief Executive considers whether the Local Government can adopt the proposed amendment	<p>The Chief Executive must consider if the Local Government may adopt the proposed amendment by considering—</p> <ul style="list-style-type: none"> a) the information given with the notice under Step 22 (notice requesting adoption of the proposed amendment to the Planning Minister); b) if any Planning Minister's conditions or further actions set out in the notice under Step 6 (notice responding to SIR that included conditions to be complied with prior to adoption) have been complied with; c) if the adoption version of the proposed amendment is significantly different to the version released for public consultation; and d) if the proposed amendment— <ul style="list-style-type: none"> i. advances the purpose of the Act; ii. is consistent with section 16(1) of the Act; iii. is consistent with the regulated requirements prescribed in the Planning Regulation; iv. is well drafted and clearly articulated; and v. accords with the result of any relevant study or report, or review required under section 25(1) of the Act. 	Chief Executive	40 business days
24.		Planning Minister gives notice to the Local Government as to whether the proposed amendment may be adopted	<p>Within 40 business days of receiving the proposed amendment under Step 22 (notice requesting adoption of the proposed amendment to the Planning Minister), the Planning Minister must give the Local Government a notice stating—</p> <ul style="list-style-type: none"> a) if proposed amendment may be adopted; and b) the Planning 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. 	Planning Minister	40 business days
25.		Local Government demonstrates compliance with the Planning Minister's conditions if required	Any Planning Minister's conditions stated on a notice given under Step 24 must be complied with before the Local Government may adopt the proposed amendment, unless stated otherwise in the notice.	Local Government	Prior to the proposed amendment being adopted
26.		Local Government decides to adopt the proposed amendment and publish a public notice.	<p>If the Planning Minister has notified the Local Government that it may adopt the proposed amendment, the Local Government must—</p> <ul style="list-style-type: none"> a) decide— <ul style="list-style-type: none"> i. to adopt the proposed amendment; or ii. not to proceed with the proposed amendment; and b) publish a public notice in accordance with the Act and consistent with the requirements prescribed in Schedule 5 of MGR; and c) give notice as required under Chapter 4, Part 1, section 3.13 of MGR. d) 	Local Government	-

27.		Local Government provides copy of public notice to adopt and certified copy of the major amendment	The Local Government must, within 10 business days of giving public notice under this section, give the Planning Minister — a) a copy of the public notice; and b) if adopted, a certified copy of the major amendment including— i. an electronic copy of the amendment or instrument; and ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the major amendment.	Local Government	10 business days
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Dated this 6th day of December 2018



Rachel Hunter
Director-General