



# Chief Executive Notice

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

### Tailored Process – Proposed Logan Planning Scheme – Logan City Council

#### Part A – Preamble

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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 Logan City Council (the local government) under section (18)(2) of the Planning Act, received on 1 February 2023.
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 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 Logan Planning Scheme (proposed planning scheme), 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 Planning Minister 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 Planning 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the process is paused from the day after the notice is given until the date stated in the notice, unless the notice is withdrawn by the party that gave the notice.
- 2.3 If a notice to pause a timeframe is withdrawn, the process restarts from the day after the withdrawal notice is given.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.

### **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 make the proposed planning scheme.
- 3.2 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 accordance with section 18(5) of the Planning Act.
- 3.3 Give the Planning 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 11 of Part C.

### **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, generally in accordance with the communications strategy outlined in the Logan Plan 2025 Communications strategy, prepared by the City of Logan and received on 16 March 2023.
- 4.4 Prepare a report on public consultation for the Planning Minister, to accompany the proposed planning scheme for adoption.
- 4.5 Undertake its engagement process detailed in Steps 8 and 9 of Part C in line with the principles detailed in Part 1 of the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) 'Community engagement toolkit for planning'.

### **5. Changing the proposed planning scheme**

- 5.1 The local government may make changes to the proposed planning scheme 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 planning scheme 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 planning scheme and the change results in the proposed planning scheme being significantly different (having regard to schedule 2 of the MGR) to the version released for public consultation, the local government must repeat the public consultation required for the proposed planning scheme.

5.4 If public consultation is required to be repeated because of changes which result in the proposed planning scheme being significantly different, the local government may limit the public consultation to only those aspects of the proposed planning scheme that have changed.

5.5 If public consultation is required to be repeated, the timeframes established in Step 9 of Part C apply.

## **6. Planning change under section 30(4)(e) of the Planning Act**

6.1 If the local government intends to make a planning change under section 30(4)(e) of the Planning Act, the local government will do so in accordance with section 30(5) of the Planning Act and all relevant parts of Chapter 4 of the MGR.

## **7. Chief Executive actions**

7.1 For Chief Executive actions given in this notice under section 18 of the Planning Act, the Chief Executive includes the Director-General, the Deputy Director-General, Executive Director, Director and Manager of the Planning Group in DSDILGP.

## Part C – Process for making proposed Logan Planning Scheme under section 18 of the Planning Act

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
<b>Planning &amp; preparation</b>				
Step 1	Local government prepares the proposed planning scheme	The local government must prepare the proposed planning scheme.	Local government	None
Step 2	Local government consults with DSDILGP and state agencies	The local government must consult with DSDILGP and relevant state agencies (through DSDILGP) while preparing the proposed planning scheme.	Local government	None
<b>State interest review</b>				
Step 3	Local government provides notice to commence the state interest review process	<p>The local government must give a notice to the Planning Minister to commence the state interest review that includes—</p> <ul style="list-style-type: none"> <li>a) An electronic copy of the proposed planning scheme in the format identified by DSDILGP.</li> <li>b) The decision of the local government to commence state interest review of the proposed planning scheme.</li> <li>c) A written statement addressing the state interests in the relevant regional plan and State Planning Policy (SPP) which includes— <ul style="list-style-type: none"> <li>i) how the state interests are integrated in the proposed planning scheme</li> <li>ii) reasons why any state interests have not been integrated in the proposed planning scheme</li> <li>iii) any state interests that are not relevant.</li> </ul> </li> <li>d) 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.</li> <li>e) The approved communications strategy (given with this notice), or a communications strategy amended by the local government.</li> </ul>	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
		<ul style="list-style-type: none"> <li>f) 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.</li> <li>g) The natural hazards, risk and resilience evaluation report prepared having regard to the SPP.</li> <li>h) 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.</li> <li>i) Shapefiles of any mapping.</li> <li>j) A summary of consultation with DSDILGP (and state agencies) and how the local government has addressed the consultation outcomes in the proposed planning scheme.</li> <li>k) Any other information considered relevant by the local government.</li> </ul>		
Step 4	Chief Executive undertakes the state interest review	<p>The Chief Executive must commence a state interest review within 5 business days of receiving the notice from the local government about the proposed planning scheme.</p> <p>As part of the state interest review, the state government must consider if the proposed planning scheme—</p> <ul style="list-style-type: none"> <li>a) advances the purpose of the Planning Act</li> <li>b) is consistent with section 16(1) of the Planning Act</li> <li>c) is consistent with the regulated requirements prescribed in the Planning Regulation</li> <li>d) is well drafted and clearly articulated</li> <li>e) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act.</li> </ul>	Chief Executive	To commence within 5 business days of receiving the notice to commence the state interest review
Step 5	Chief Executive advises of changes required	<p>The Chief Executive may give notice to the local government advising of any changes—</p> <ul style="list-style-type: none"> <li>a) to the proposed planning scheme required to address state interests</li> <li>b) to the communications strategy as a result of the state interest review.</li> </ul>	Chief Executive	Within 60 business days from the commencement of the state interest review

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Step 6	Local government changes a proposed planning scheme	If the local government decides to change the proposed planning scheme in response to a notice given by the Chief Executive under Step 5, the local government must— a) advise the Chief Executive, as soon as practicable after deciding to change the proposed planning scheme, that the proposed planning scheme will be changed to appropriately address the state interests; and b) resubmit the proposed planning scheme to the Chief Executive when the change has been made.	Local government	None
Step 7	Planning Minister provides outcomes of state interest review	The Planning Minister must give notice to the local government that states— a) the outcome of the state interest review; and b) a communications strategy that the local government must implement; and c) if the local government may proceed to public consultation of the proposed planning scheme; and d) the ministerial conditions, if any, that apply to the proposed planning scheme, including the timing on when the conditions must be complied with; or e) if the proposed planning scheme may not proceed to public consultation, and the reasons why it may not proceed.	Planning Minister	60 business days from commencement of Step 4, or receipt of the resubmission of the proposed planning scheme under Step 6(b).
<b>Public consultation</b>				
Step 8	Local government complies with any ministerial conditions of state interest review	The local government may only commence public consultation after complying with the Planning Minister's conditions, if any, that apply to the proposed planning scheme given under Step 7.	Local government	None
Step 9	Local government commences public consultation	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 c) the communications strategy, including any strategy requested by the Chief Executive.	Local government	The consultation period must be a minimum period of 40 business days, commencing after the day the public notice is published in accordance with

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
		The public notice must state that any person may make a submission about the instrument to the local government within the consultation period.		Section 18 of the Planning Act.
<b>Considering submissions</b>				
Step 10	Local government considers all properly made submissions	The local government must consider all properly made submissions about the proposed planning scheme.	Local government	None
Step 11	Local government prepares consultation report	<p>The local government must prepare a consultation report (as defined in MGR) that summarises the issues raised in submissions and outlines how the local government has responded to issues raised in the properly made submissions.</p> <p>The consultation report (as defined in the MGR) must be:</p> <ol style="list-style-type: none"> <li>provided to each person who made a properly made submission</li> <li>available to view and download on the local government's website</li> <li>available to inspect and purchase in each of the local government's offices.</li> </ol>	Local government	None
Step 12	Local government notifies submitters about the consideration of submissions.	<p>The local government must notify each person who made a properly made submission about how the local government has dealt with the submissions.</p> <p>The consultation report may be given electronically or by giving a link to the location of the consultation report on the local government's website.</p>	Local government	12 months from the completion of public consultation in accordance with Step 9.
<b>Changing the proposed planning scheme</b>				
Step 13	Local government makes changes to proposed planning scheme	<p>The local government may make changes to the proposed planning scheme to:</p> <ol style="list-style-type: none"> <li>address issues raised in submissions</li> <li>amend a drafting error</li> <li>address new or changed planning circumstances or information.</li> </ol>	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
		The process required to be followed to make changes to the proposed planning scheme is outlined in Part B, Section 5 of this notice.		
<b>Planning Minister's consideration</b>				
Step 14	Local government requests adoption of proposed planning scheme	<p>The local government must give the Planning Minister a notice to request adoption of the proposed planning scheme that includes—</p> <ul style="list-style-type: none"> <li>a) if the proposed planning scheme has not changed since the state interest review— <ul style="list-style-type: none"> <li>i) an electronic copy of the proposed planning scheme</li> <li>ii) a consultation report (as defined under the MGR) prepared in accordance with Step 11.</li> </ul> </li> <li>b) if the proposed planning scheme has been changed since the state interest review – <ul style="list-style-type: none"> <li>i) an electronic copy of the proposed planning scheme, clearly identifying any change that has been made to the proposed planning scheme since the state interest review</li> <li>ii) an explanation of when the changes were made, why the changes were made, how the changes relate to the relevant regional plan, the SPP or affect a state interest and what issues the changes respond to</li> <li>iii) the reasons why the local government doesn't consider the proposed planning scheme to be significantly different from the public consultation version (having regard to Schedule 2 of the MGR)</li> <li>iv) a consultation report (as defined under the MGR) prepared in accordance with Step 11.</li> </ul> </li> </ul>	Local government	None
Step 15	Planning Minister considers the local government's request to adopt proposed planning scheme	<p>The Planning Minister must consider if the local government may adopt the proposed planning scheme by considering—</p> <ul style="list-style-type: none"> <li>a) the information given with the notice under Step 14</li> <li>b) if any conditions set out in the notice given under Step 7 have been complied with</li> </ul>	Planning Minister	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
		<ul style="list-style-type: none"> <li>c) if the adoption version of the proposed planning scheme is significantly different to the public consultation version</li> <li>d) if the proposed planning scheme— <ul style="list-style-type: none"> <li>i) advances 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</li> <li>v) accords with the result of any relevant study or report, or review required under section 25(1) of the Planning Act.</li> </ul> </li> </ul>		
Step 16	Planning Minister provides approval to adopt	<p>The Planning Minister must give the local government a notice stating—</p> <ul style="list-style-type: none"> <li>a) if the local government may adopt the proposed planning scheme; and</li> <li>b) the Planning Minister’s conditions, if any, that apply to the proposed planning scheme; or</li> <li>c) if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted.</li> </ul>	Planning Minister	Within 40 business days of receiving the notice from local government requesting adoption of the proposed planning scheme under Step 14
Step 17	Local government complies with ministerial conditions of adoption	Any ministerial conditions stated on the notice given under Step 16 must be complied with before the local government may adopt the proposed planning scheme, unless stated otherwise in the notice.	Local government	None
<b>Adoption</b>				
Step 18	Local government decides to adopt proposed planning scheme	The local government must decide to adopt or not proceed with the proposed planning scheme.	Local government	None
Step 19	Local government publicly notifies adoption	<p>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—</p> <ul style="list-style-type: none"> <li>a) the name of the local government</li> </ul>	Local government	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
		<ul style="list-style-type: none"> <li>b) the decision made by the local government about the proposed planning scheme</li> <li>c) the date the proposed planning scheme was adopted</li> <li>d) the commencement date for the proposed planning scheme (if different to the adoption date)</li> <li>e) the title of the proposed planning scheme</li> <li>f) if the proposed planning scheme 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 proposed planning scheme</li> <li>h) where a copy of the proposed planning scheme may be inspected and purchased.</li> </ul>		
Step 20	If local government does not adopt the proposed planning scheme, local government publicly notifies decision not to adopt	<p>If the local government decides not to proceed with 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—</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 proposed planning scheme</li> <li>c) the reasons for not proceeding with the proposed planning scheme.</li> </ul>	Local government	None
Step 21	Local government provides public notice and copy of the proposed planning 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 proposed planning scheme and shapefiles of any mapping.	Local government	Within 10 business days of publishing the public notice under Steps 19 or 20

Dated this 24<sup>th</sup> day of May 2023



Mike Kaiser  
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