

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

Stage	Step	Type of action	Summary of action	Specific actions	Entity responsible for task	Indicative timeframe
Stage 1	Step 1	Planning and preparation	Local government decides to make a planning scheme	The local government must decide to make a planning scheme.	Local Government	Completed on 18/04/2018
	Step 2	Planning and preparation	Local government prepares a draft planning scheme	The local government must prepare a draft planning scheme.	Local Government	Within 6 months of receiving the notice under section 18(3) from the chief executive (Anticipated timing: December 2017-August 2018)
	Step 3	Planning and preparation	Local government consults with state agencies	The local government must consult with the relevant state agencies while preparing the draft planning scheme.	Local Government	
Stage 2	Step 4	State interest review	Local government provides notice to commence the state interest review process	The local government must give a notice to the Chief Executive to request a state interest review of the proposed planning scheme that includes: (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: i. how the state interests are integrated in the planning scheme ii. reasons why any state interests have not been integrated in the planning scheme iii. any state interests that are not relevant	Local Government	Within 5 business days of completing steps 2 and 3 (Anticipated timing: August 2018)

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				<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 Act have been addressed and if the planning scheme is consistent with the regulated requirements (d) A proposed communications strategy if one has not been given with the notice under section 18(2) of the Act (e) Any background studies or reports that informed the preparation of the planning scheme, including any strategic study or report, or review required under section 25(1) of the Act (f) Any natural hazards, risk and resilience (excluding coastal hazards) evaluation report prepared having regard to the SPP (g) If the proposed planning scheme includes a planning change under section 30 of the Act – 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. (Refer to chapter 4 of the Minister’s Guidelines and Rules for information on how to prepare the report) (h) Shapefiles of any mapping (i) A summary of consultation with state agencies and the outcome of the consultation (j) Any other information considered relevant by the local government. 		
	Step 5	State interest review	Chief Executive commences and undertakes the state interest review	<p><i>The Chief Executive must:</i></p> <ul style="list-style-type: none"> (a) <i>Commence the state interest review</i> (b) <i>Give the proposed planning scheme to other relevant state agencies for consideration of the</i> 	Chief Executive including Planning Group:	Within 5 business days of receiving the notice from local

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				<p><i>effect of the planning scheme on state interests, including those identified in legislation, the SPP, or a regional plan.</i></p> <p><i>As part of the state interest review, the Chief Executive must consider if the proposed planning scheme:</i></p> <ul style="list-style-type: none"> <i>(a) advances the purpose of the Act</i> <i>(b) is consistent with section 16(1) of the Act</i> <i>(c) is consistent with the regulated requirements prescribed in the Planning Regulation</i> <i>(d) is well drafted and clearly articulated</i> <i>(e) accords with the result of any strategic study or report, or review required under section 25(1) of the Act.</i> 	<p>Deputy Director-General</p> <p>Executive Director</p> <p>Director</p> <p>Manager</p>	<p>government to commence the state interest review</p> <p>(Anticipated timing: August 2018 – 5 business days from receiving the notice)</p>
	Step 6	State interest review	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"> (a) to the proposed planning scheme required to address state interests (b) to the proposed communication strategy as a result of the state interest review. <p>If the local government changes the proposed planning scheme in response to notice given by the Chief Executive, the local government must resubmit the proposed scheme for state interest review thus recommencing the timeframe.</p>	<p>Chief Executive including Planning Group:</p> <p>Deputy Director-General</p> <p>Executive Director</p> <p>Director</p> <p>Manager</p>	During the state interest review period

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	Step 7	State interest review	Chief Executive provides outcomes of the state interest review	<p>The Chief Executive must give notice to the local government of the outcome of the state interest review and a communications strategy.</p> <p>The notice must state:</p> <p>(a) if the local government may proceed with public consultation for the proposed planning scheme</p> <p>(b) the Chief Executive's conditions, if any, that apply to the proposed planning scheme, including the timing on when the conditions must be complied with.</p>	<p>Chief Executive including Planning Group:</p> <p>Deputy Director-General</p>	<p>40 business days from commencement of the state interest review</p> <p>(Anticipated timing: October 2018 – 40 business days from commencement of SIR)</p>
	Step 8	State interest review	Local government complies with any conditions	The local government complies with any conditions stated on the notice issued by the Chief Executive under step 9 prior to commencing public consultation of the proposed planning scheme, unless stated otherwise in the notice.	Local Government	<p>If required, within 20 business days of receiving the outcome of the state interest review</p> <p>(Anticipated timing: November 2017 – January 2018)</p>
Stage 3	Step 9	Public consultation	Local government commences public consultation	<p>The local government must undertake public consultation in accordance with:</p> <p>(a) the public notice requirements prescribed in the Act, Schedule 2, definition of public notice, paragraph (b)</p>	Local Government	The consultation period must be a minimum of 40 business days, commencing the day after the public notice is

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				<ul style="list-style-type: none"> (b) the public notice requirements prescribed under Schedule 4 of Minister’s Guidelines and Rules (MGR); and (c) the communications strategy given to the Chief Executive under Step 6, including any amended strategy requested by the Chief Executive. 		<p>published in a newspaper circulating in the local government area</p> <p>(Anticipated timing: Late January early February 2019 – 40 business days from public notice)</p>
	Step 10	Considering submissions	<p>Local government:</p> <ol 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 	<ul style="list-style-type: none"> (a) The local government must consider all properly made submissions about the proposed planning scheme. (b) The local government must notify the contact for all the properly made submissions about how the local government has dealt with the submissions. (c) The local government must prepare a written consultation report that is – <ul style="list-style-type: none"> i. Available to view and download on the local government’s website; and ii. Available to inspect and purchase in each of the local government’s offices. (d) The local government may make changes to the proposed planning scheme to: <ul style="list-style-type: none"> ▪ Address issues raised in submissions; ▪ Amend a drafting error; or 	Local Government	<p>As relevant, within 3 months of the end of public consultation</p> <p>(Anticipated timing: April – July 2019)</p>

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			5. Ensures any changes made still meet relevant state interests	<ul style="list-style-type: none"> ▪ Address new or changed planning circumstances or information. <p>(e) The local government must ensure any changes made to the proposed instrument continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.</p>		
	Step 11	Changing the proposed planning scheme	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 scheme with the changes made as per Step 11 (b) may limit the public consultation to only those aspects of the proposed planning scheme that have changed. <p>If consultation has been repeated, the local government must take actions required under steps 11 and 12 for the repeated consultation.</p>	Local Government	If required, the re-consultation period must be consistent with the timing established in step 11 (40 business days) and consideration of submissions must be consistent with the timing established in step 12

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Stage 4	Step 12	Endorsement	Local government requests adoption of scheme	<p>The local government must give the Minister a notice to request adoption of the planning scheme that includes—</p> <ul style="list-style-type: none"> (a) 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 (b) a written consultation report containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters (c) 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	<p>Within 10 business days of completing Stage 3</p> <p>(Anticipated timing: July 2019)</p>
	Step 13	Endorsement	Minister considers request to adopt the planning scheme	<p>The Minister must consider if the local government may adopt the proposed amendment by considering:</p> <ul style="list-style-type: none"> (a) if any Minister's 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 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 	Minister for Planning	<p>Within 40 business days of receiving the notice from local government requesting adoption of the planning scheme</p> <p>(Anticipated timing: September)</p>

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				v. accords with the result of any strategic study or report, or review required under section 25(1) of the Act.		2019 – within 40 business days)
	Step 14	Endorsement	Chief Executive advises of changes or actions required	The Chief Executive may give notice to the local government advising: (a) any changes to the proposed planning scheme to address state interests (b) any actions the local government must take.	Chief Executive (only if required)	
	Step 15	Endorsement	Minister provides approval to adopt and any conditions of adoption, if relevant	The Minister must give the local government a notice stating: (a) if the local government may adopt the proposed planning scheme; and (b) the Minister's conditions, if any, that apply to the proposed planning scheme; or (c) if the proposed planning scheme may not be adopted, and the reasons why it may not be adopted. Any Ministerial 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 for Planning	
	Step 16	Adoption	Local government decides to adopt scheme and notifies of adoption or not to proceed with the	If the Minister has notified the local government that it may adopt the proposed planning scheme, the local government must: (a) decide: i. to adopt the proposed planning scheme; or	Local Government	Within 20 business days of receiving the notice from the Minister under step 17

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			proposed planning scheme	<ul style="list-style-type: none"> ii. not to proceed with the proposed planning scheme; (b) where local government chooses to adopt the proposed planning scheme; publish a notice in accordance with the act and the following requirements: <ul style="list-style-type: none"> i. the name of the local government ii. the decision made by the local government about the planning scheme iii. the date the planning scheme was adopted iv. the commencement date for the amendment (if different to the adoption date) v. the title of the planning scheme vi. if the planning scheme only applies to part of the local government area, a description of the location of that area vii. the purpose and general effect of the planning scheme viii. where a copy of the planning scheme may be inspected and purchased; (c) if the proposed planning scheme includes a change under section 30 of the Act, give notice as required under Chapter 4, Part 1, section of the MGR. 		(Anticipated timing: October 2019)
	Step 17	Adoption	Local government provides public notice and copy of the scheme to the Chief Executive	<p>The local government must give the Chief Executive a copy of the public notice; and if adopted, a certified copy of the planning scheme including:</p> <ul style="list-style-type: none"> (a) a certified copy of the instrument 	Local Government	Within 10 business days of the public notice in step 18 being published

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				(b) a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.		(Anticipated timing: November 2019)

Dated this 24th day of May 2018



Rachel Hunter
DIRECTOR-GENERAL
Department of State Development, Manufacturing, Infrastructure and Planning