

ROUGH PLAN

CONSULTATION AND MINISTER'S CONSIDERATIONS REPORT
PROPOSED CARPENTARIA SHIRE PLANNING SCHEME
DECEMBER 2023

Version Control

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Table of Contents

1.0	Introduction	1
2.0	Consultation Report	2
2.1	Introduction	2
2.2	Consultation Process and Activities	2
2.3	Submissions Received	2
2.4	Response to Submission	3
3.0	Other Changes Made	4
4.0	Whether the Change is Significantly Different.....	5
5.0	Other Matters for the Minister’s Consideration.....	8

Appendices

Appendix A: Copy of the Section 18 Notice	9
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1.0 Introduction

A draft new planning scheme has been prepared for Carpentaria Shire in accordance with Planning Act requirements and the chief executive's section 18 notice.

The draft scheme was provided to the state for formal state interest review in February 2023, and on 7 August 2023, DSDILGP advised that it was satisfied the proposed planning scheme appropriately integrated the relevant state interests and that Council could proceed to public notification, without conditions. Public notification was subsequently held from 25 September to 4 November 2023.

This report documents Council's consideration of submissions received in accordance with step 10 of the section 18 notice. It also outlines the changes made to the draft and additional reporting requirements under step 14.

Council has requested (by resolution on 13 December 2023) that the minister agrees to the adoption and commencement of the planning scheme. This is on the basis that:

- the submission made has been appropriately dealt with;
- the changes to the scheme are not substantially different to the notified version;
- the planning scheme continues to reflect state and regional interests (noting there were no conditions imposed at step 6 of the process); and
- the planning scheme advances the purpose of the Planning Act and is consistent with section 16(1) of the Act and the regulated requirements.

The proposed planning scheme has been drafted as a clear and concise instrument that is suited to Carpentaria's planning and development context. The decision to replace the current planning scheme (which commenced in 2008 and prepared under the Integrated Planning Act) was taken in recognition that the scheme is aging and does not reflect contemporary state, regional or local interests.

2.0 Consultation Report

2.1 Introduction

This section addresses the requirements of steps 9 and 10 on the section 18 notice, to document Council's consideration of all properly made submissions and how they have been responded to.

2.2 Consultation Process and Activities

Consistent with the previously submitted communication strategy, public notification of the draft planning scheme involved the following public activities:

- A notice was published in the Cairns Post on 23 September 2023.
- A notice and a copy of the draft planning scheme and risk assessment report was published and maintained on Council's website for the whole of the notification period.
- A notice and a copy of the draft planning scheme and risk assessment report were made available at each council office for the whole of the notification period.
- Information was published in Council's monthly newsletter and social media during the notification period.
- Summary information and fact sheets were prepared and made available.
- Community drop in sessions were held in both Normanton and Karumba in the last week of October 2023.

Throughout the process (both prior to and during formal notification) invitations for discussion about the draft planning scheme were extended to traditional owners and other stakeholder groups through council officers. Discussions were also held with Council's traditional owner liaison officers and other relevant council officers.

The engagement program was designed to be fit-for-purpose for Carpentaria Shire's small communities. The approach was simple and straightforward, inclusive, and reflective of the likely level of community interest in the proposed planning scheme.

2.3 Submissions Received

Only one submission was received. This was Council's own submission dealing with appropriate floor levels in Normanton and Karumba. It reflects the concerns of councillors (representing their constituents' interests) about the current reliability of flood data and the creation of unnecessary imposts and construction costs.

The submission was made cognisant that commitment has now been made to new flood modelling for both towns through QRA funding. That work is now underway and will be available to replace any interim defined flood level used in the draft planning scheme in the first half of 2024.

The contents of the submission are set out below in full:

The draft scheme uses levels for both Normanton and Karumba that are understood to reflect the 1974 level. However, there is insufficient evidence to verify this level or to determine whether it represents a 1% AEP event or a larger (rarer) event. It represents a significant change from the currently required floor levels (8.8m versus 6m in Normanton and 4.5m versus ground level plus 200mm in Karumba).

Council has reconsidered the lack of reliable data relating to flood levels, its assessment of the community's risk tolerance and the potential costs for new housing. It is also cognisant of the recent commencement of flood modelling for Normanton and Karumba under agreement with the Queensland Reconstruction Authority, which should be completed in the first half of 2024. This new work will provide an evidence base for determining a defined flood level (and event)

which will be ready for incorporation into the new planning scheme around the time of its commencement.

Council therefore proposes to reduce the interim levels to 6.3m AHD and 3.7m AHD in Normanton and Karumba respectively. These levels represent a less significant change from current levels and are reflective on the 2009 flood.

Little new development is expected in either town prior to the new flood study becoming available. Any new development at these interim levels will not significantly change the overall risk profile or level of exposure for either community. Risks will be further minimised by the intention to incorporate evidence based levels once the new studies are complete.

In addition, Council intends to rely on these interim levels to establish a clearcut floor height requirement for the rural residential zone (which accommodates the newly released Lilyvale subdivision). This will minimise costs and confusion for new owners and certifiers.

2.4 Response to Submission

In response to this issues, the following change has been made to the definition of the defined flood level in the draft planning scheme.

Column 1 Administrative term	Column 2 Definition
Defined flood level	<p>means the level to which it is reasonably expected flood waters may rise (under Building Regulation 2021, section 8). In Carpentaria Shire the defined flood level is taken to be:</p> <p>(a) RL6.388m in Normanton, <u>Lilyvale (being land in the rural residential zone)</u>, and surrounds shown on maps OM7.3 and 7.4;</p> <p>(b) RL3.7m4.5 in Karumba and surrounds shown on map OM7.5, 7.6 and 7.7; and</p> <p>(c) elsewhere the level to which water would rise in a 1% AEP event.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Editor's note – Where (c) applies, the 1% AEP event level will need to be determined by a site specific flood study. Such a study is to be prepared by the development proponent to a standard acceptable to Council.</i></p> </div>

In the current absence of locally refined flood mapping, the flood overlay map continues to be based on the QRA level 1 flood plain mapping. However, the overlay maps for Normanton and Karumba indicate contours depicting the general extent of the defined flood level. These indicative contours that have been changed to reflect the new lower DFL.

This report will be published on Council's website and made available in Council offices. No additional advice to land owners is proposed at this stage. However, further advice will be undertaken once the refined flood modelling has been completed, as part of the required amendment process to incorporate modelled levels into the new planning scheme (this is intended to occur as soon as possible after the modelling is completed early in 2024). Council believes this will be the most effective means of informing the community without creating unnecessary confusion.

The submitter will be notified of the proposed response in accordance with step 11 of the section 18 notice.

3.0 Other Changes Made

Under step 12 of the section 18 notice, Council may make other changes to the proposed planning scheme to amend a drafting error or address new or changed planning circumstances.

In this regard, various editorial changes have been made, including the addition or clarification of (non-statutory) editor's notes alerting users to:

- the effect of the coastal hazard overlay in setting floor level requirements for dwellings; and
- the definition of essential community infrastructure in the State Planning Policy.

In addition, some minor editorial matters (predominantly formatting – page and line breaking and spacing) have also been attended to.

Overlay mapping has been updated where necessary to incorporate the most recent changes to data layers in the SPP-IMS.

None of these changes impact on state interest matters.

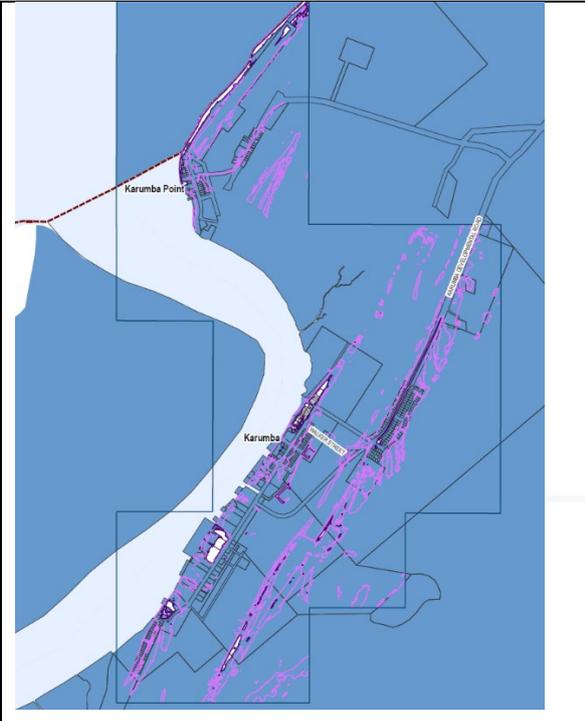
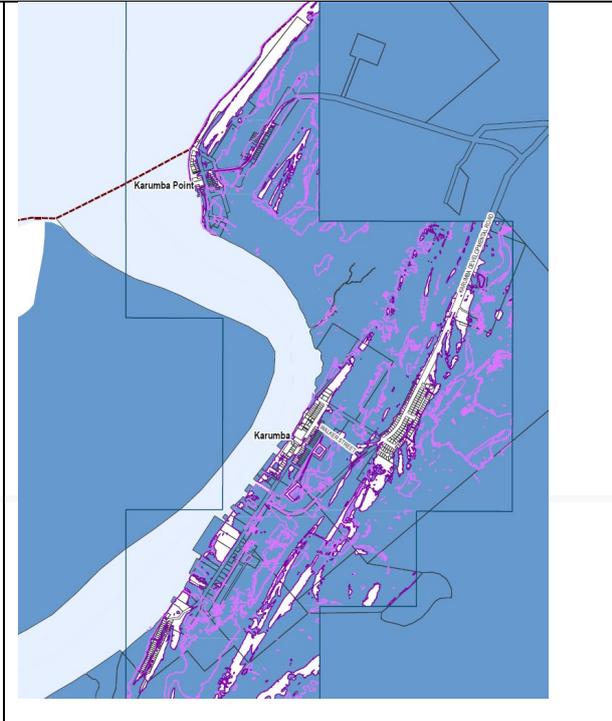
4.0 Whether the Change is Significantly Different

Steps 13 and 14 of the section 18 notice require consideration of whether the proposed change causes the draft planning scheme to be significantly different from the notified version. This section addresses the criteria under schedule 2 of the Minister's Guidelines and Rules (MGR).

Schedule 2 Criteria	Consideration
<i>(2)...consideration must be given to the change in terms of its intent, extent and effect on both the land use outcomes as well as assessment requirements on individuals, and if the change has affected or altered any of the following—</i>	
<i>(a) a material planning issue, such as a policy position</i>	This change does not alter any fundamental or substantive policy positions. It continues to reflect an appropriate response to state interests in natural hazards. It reflects Council's position on managing and mitigating tolerable flood risks.
<i>(b) a significant proportion of the area or landowners covered by the proposed planning instrument</i>	<p>The change does not significantly or adversely affect any landowner. In the absence of local refined mapping, the scheme adopts the state mapping layer for flood (the QRA level 1 flood plain mapping). This will not change. However, the overlay maps for the towns indicate contours depicting the general extent of the defined flood level. These contours have been changed to reflect the new lower DFL.</p> <p>Given the relatively flat topography of both towns, the change slightly <u>reduces</u> the extent of area in which a floor level requirement may apply. However, the reduction is relatively small, as can be seen in the figures below.</p>
<i>(c) a matter which is of public interest</i>	All matters dealt with in the planning scheme are of public interest. In making this change, the councillors have been concerned with avoiding unnecessary impost and costs on people in the planning scheme's interim response, ahead of the anticipated refined flood modelling for the towns.
<i>(d) levels of assessment</i>	The change does not affect levels of assessment. The DFL is given effect through the building assessment provisions for all relevant development (residential building classes and class 9 buildings).
<i>(e) the proposed instrument or proposed amendment, so that it is quite different to the version which was released for public consultation</i>	The proposed change does not make the draft planning scheme significantly different to the version publicly notified. It is a relatively small change which triggers the relevant building assessment provisions rather than changing anything in the scheme itself.
<i>(f) any other matter the local government considers relevant</i>	Council is anticipating new flood modelling for both towns will be complete in early 2024. It intends that this new data will be brought into the new planning scheme as soon as possible (most likely by way of a

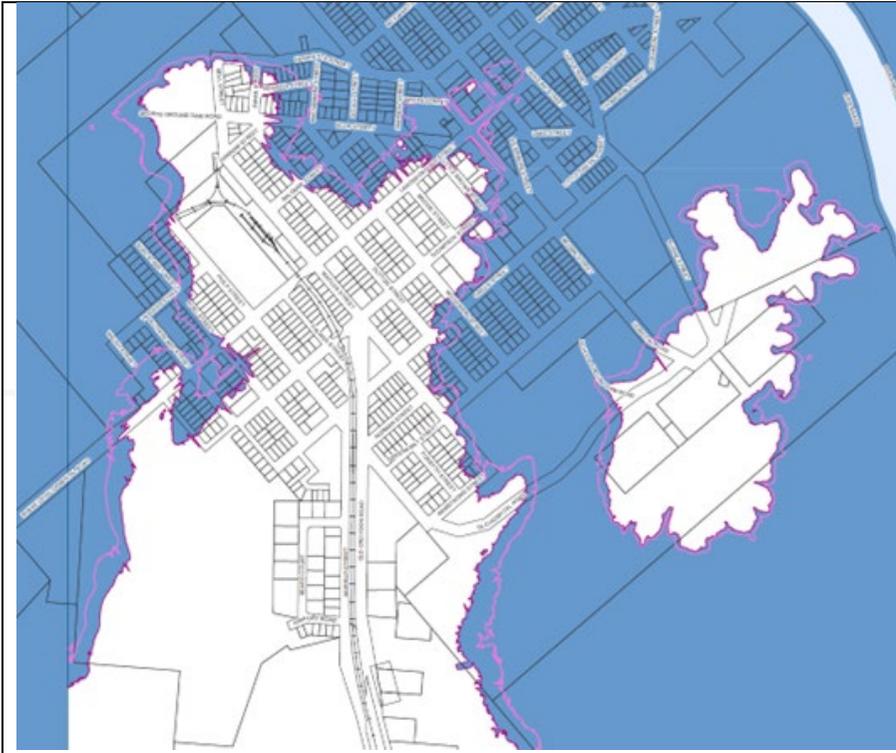
Schedule 2 Criteria	Consideration
	<p>minor amendment adopted at the same time the new scheme commences).</p> <p>As a result, the proposed change represents an interim measure which is likely to be superseded in short order.</p>
<p>3. If the local government makes a change to the proposed instrument or proposed amendment to include new or amended natural hazard mapping, the proposed instrument or proposed amendment is not significantly different if the local government advises each landowner who is affected by the new or amended natural hazard mapping about the meaning of the mapping and how to obtain further advice by—</p> <p>(a) sending a letter to each affected property owner when the number of affected owners is relatively low (for example, in the hundreds or less); or</p> <p>(b) sending a brochure to all property owners in the local government’s area when the number of affected owners is high (for example, in the thousands or more).</p>	<p>In the current absence of locally refined flood mapping, the flood overlay map continues to be based on the QRA level 1 flood plain mapping.</p> <p>However, the overlay maps for the towns indicate contours depicting the general extent of the defined flood level. It is these indicative contours that have been changed to reflect the new lower DFL.</p> <p>This report will be published on Council’s website and made available in Council offices. No additional advice is proposed at this stage. However, further advice will be issued once the refined flood modelling has been completed, as part of the required process to adopt those new levels into the new planning scheme.</p> <p>Council believes this will be the most effective means of informing the community without creating unnecessary confusion.</p>

Karumba

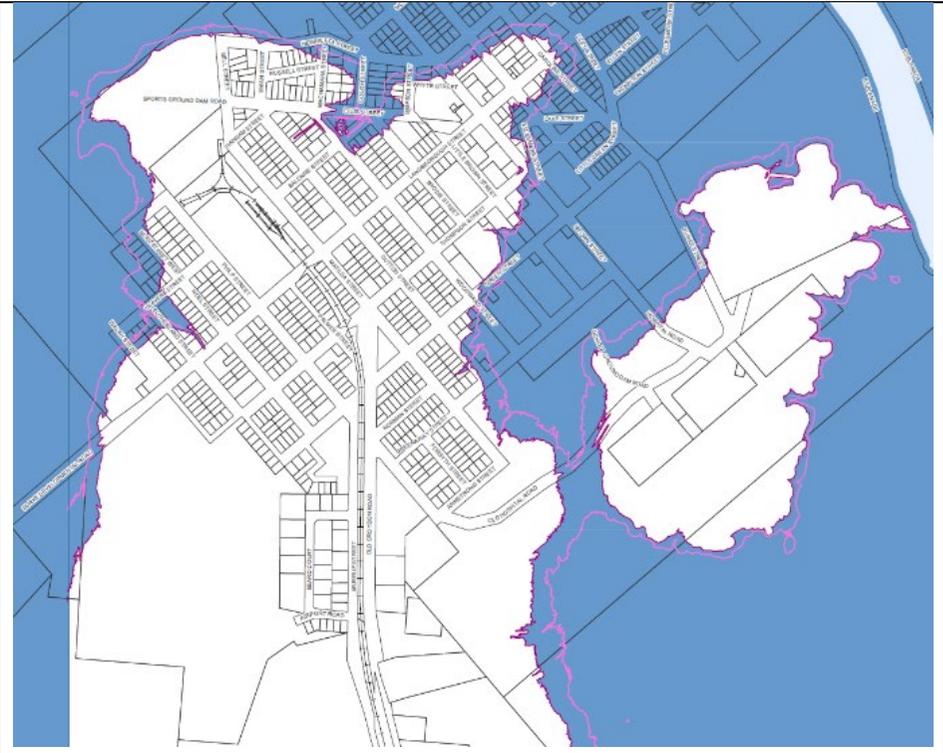
	
<p>Notified map showing 4 and 5 m contour lines</p>	<p>Changed map showing 3 and 4m contour lines</p>

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Normanton



Notified map showing 8m and 9m contour lines



Changed map showing 6m and 7m contour lines

5.0 Other Matters for the Minister’s Consideration

This section addresses other matters to which the Minister will give consideration under step 15 of the section 18 notice.

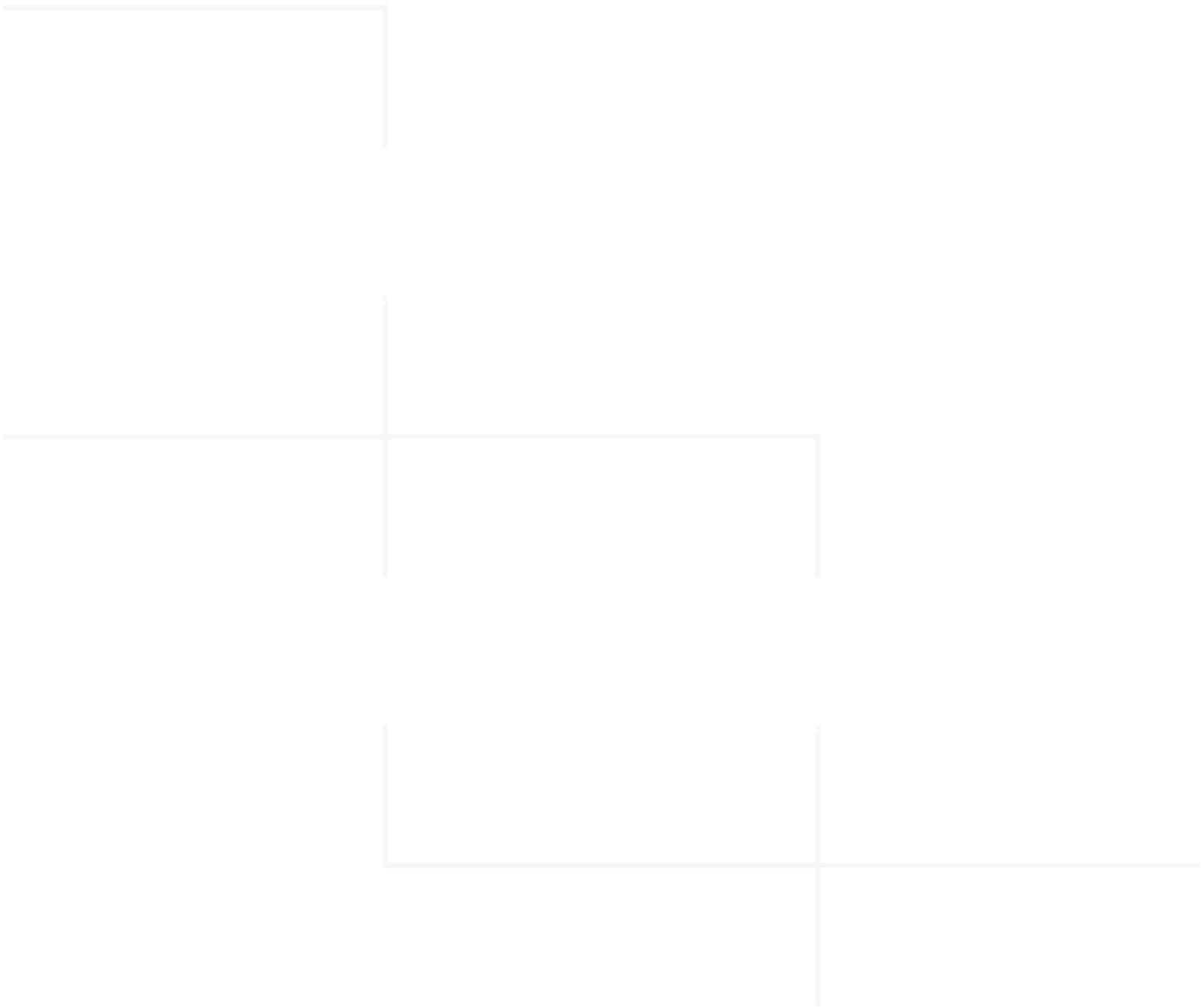
The proposed planning scheme:

- continues to reflect state and regional interests; no conditions imposed at step 6 of the process and the proposed change does not diminish consistency with the SPP – it is intended to adopt a more practical response to mitigating tolerable flood risks;
- is consistent with the requirements of section 16(1) of the Act and with the regulated requirements; and
- advances the purpose of the Planning Act, by addressing all the matters set out in section (5) of the Act, balancing protection of natural values, economic development and community well-being, and establishing a basis for an efficient, effective, transparent, integrated, coordinated and accountable planning and development assessment system for Carpentaria Shire.

The proposed planning scheme has been drafted as a clear and concise instrument that provides a practical framework for Carpentaria’s planning and development context.

Relevant to section 25(1) of the Planning Act, the decision to replace the current planning scheme (which commenced in 2008 and was prepared under the Integrated Planning Act) was taken in recognition that the current scheme is aging and does not reflect contemporary state, regional or local interests. The proposed planning scheme will redress these issues.

Appendix A: Copy of the Section 18 Notice





Department of
**State Development, Infrastructure,
Local Government and Planning**

Chief Executive Notice

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

Carpentaria Planning Scheme – Carpentaria 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 Carpentaria Shire Council under section (18)(2) of the Act on 11 May 2022.
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 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 make the 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 a newspaper circulating in the local government area.
- 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 15.

4. Communications strategy

The local government is required to:

- 4.1 Comply with the minimum public consultation standards prescribed in the 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 Appendix A.
- 4.4 Prepare a report on public consultation for the Minister for Planning, to accompany the proposed planning scheme for adoption.
- 4.5 Undertake its engagement process in accordance with the approved Communications Strategy and in line with the principles detailed in part 1 of the department's '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 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, AND public consultation has started or been completed, the local government must repeat the public consultation required for the proposed planning scheme.
- 5.4 If public consultation is required to be repeated as a result 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 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 Director-General, the State Planner, Executive Director, Director and Manager of the Planning Group in the department.

Part C – Process for making Carpentaria Shire Council planning scheme under section 18 of the *Planning Act 2016*

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Planning and Preparation				
Step 1	The council prepares a draft planning scheme	The council must prepare a draft planning scheme.	The council	None
Step 2	The council undertakes early engagement	<p>While preparing the draft planning scheme, the council must undertake early engagement on the draft planning scheme with:</p> <ul style="list-style-type: none"> (a) relevant stakeholders; (b) the department; and (c) state agencies (through the department). <p>Consultation should be undertaken at various stages of the drafting process but must include:</p> <ul style="list-style-type: none"> (a) provision of any draft background studies (prepared to support preparing of the proposed planning scheme) to the department for review, prior to drafting the proposed planning scheme provisions; and (b) provision of the draft proposed planning scheme (or agreed parts of the draft) to the department for an early (informal) state interest review. The department will provide the outcomes of the review to the council. 	The council	None
State Interest Review				
Step 3	The council provides notice to commence the state interest review process	<p>The council must give a notice to the Chief Executive to commence the state interest review 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 the State Planning Policy 2017 (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; and (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) a proposed communications strategy; 	The council	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"> (e) 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; (f) any natural hazards, risk and resilience evaluation report prepared having regard to the SPP; (g) 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; (h) shapefiles of any mapping; (i) a summary of consultation with state agencies and the outcome of the consultation; and (j) any other information considered relevant by the council. 		
Step 4	The Chief Executive undertakes the state interest review	<p>The Chief Executive must commence the state interest review within 5 business days of receiving the council's notice under Step 3. 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 2017; (d) is well drafted and clearly articulated; and (e) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act. 	The Chief Executive	To commence within 5 business days of receiving the council's notice under Step 3
Step 5	The Chief Executive advises of changes required	<p>The Chief Executive may give notice to the council advising of any changes—</p> <ul style="list-style-type: none"> (a) to the proposed planning scheme required to address state interests; and/or (b) to the proposed communications strategy as a result of the state interest review. 	The Chief Executive	During the State Planner's state interest review
Step 6	The State Planner provides outcomes of state interest review and approval to proceed to public notify	<p>The State Planner must give notice to the council that states—</p> <ul style="list-style-type: none"> (a) the outcome of the state interest review; and (b) if the council may proceed to public consultation of the proposed planning scheme; and (c) the conditions, if any, that apply to the proposed planning scheme, including the timing on when the conditions must be complied with; or (d) if the proposed planning scheme may not proceed to public consultation, and the reasons why it may not proceed. 	The State Planner	60 business days from 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 7	The council makes changes to the proposed planning scheme	The council may make changes to the proposed planning scheme to address conditions in the State Planner's notice about the state interest review.	The council	None
Public Consultation				
Step 8	The council commences public consultation as per the Planning Act, MGR, etc.	<p>The council must give public notice in accordance with:</p> <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) Schedule 4 of MGR; and (c) the communications strategy, including any amended strategy requested by the Minister/Chief Executive. <p>The public notice must state that any person may make a submission about the instrument to the council within the consultation period.</p>	The council	The consultation period must be a minimum period of 40 business days, commencing after the day the public notice is published in accordance with Section 18 of the Planning Act.
Considering Submissions				
Step 9	The council considers all properly made submissions	The council must consider all properly made submissions about the proposed planning scheme.	The council	None
Step 10	The council prepares written consultation report	<p>The council must prepare a written consultation report that summarises the issues raised in submissions and outlines how the council has responded to issues raised in the properly made submission.</p> <p>The report must be available to—</p> <ul style="list-style-type: none"> (a) view and download on the council's website; and (b) inspect and purchase in each of the council's offices. 	The council	Within 40 business days of the close of the consultation period
Step 11	The council notifies submitters about submissions consideration process	The council must notify persons who made a properly made submission about how the council has dealt with submissions and where to find the consultation report.	The council	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Changing the Proposed Planning Scheme				
Step 12	The council makes changes to the proposed planning scheme	<p>The council may make changes to the proposed planning scheme to—</p> <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 circumstance. <p>The council must ensure any changes made to the proposed planning scheme continue to appropriately integrate and address relevant state interests, including those identified in a state interest review.</p>	The council	At any time prior to Step 14
Step 13	The council repeats public consultation	<p>If the council 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, and public consultation has started or been completed, the council must repeat Steps 8 to 11.</p> <p>If Steps 8 to 11 are required to be repeated, the council may limit the steps to only those aspects of the proposed planning scheme that have changed.</p> <p>Once Steps 8 to 11 have been repeated (if required), the council may repeat Steps 12 and 13 (if required).</p>	The council	In accordance with the timeframes for Steps 8 to 12.
The Minister's Consideration				
Step 14	The council requests adoption of scheme	<p>The council must give the Minister a notice to request adoption of the proposed planning scheme that includes—</p> <ul style="list-style-type: none"> (a) if the proposed planning scheme has not changed since the state interest review – <ul style="list-style-type: none"> (i) an electronic copy of the proposed planning scheme; and (ii) a written consultation report prepared in accordance with Step 10; or (b) if the proposed planning scheme has changed since the state interest review – <ul style="list-style-type: none"> (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; (ii) a report that includes – <ul style="list-style-type: none"> • the changes made to the proposed planning scheme; • when the changes were made • why the changes were made; • how the changes relate to the relevant regional plan or the SPP or affect a state interest; and 	The council	Within 40 business days of completing Steps 8 to 13.

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
		<ul style="list-style-type: none"> • what issues the changes respond to; (iii) the reasons why the council doesn't consider the proposed planning scheme to be significantly different from the public consultation version; and (iv) a written consultation report prepared in accordance with Step 10. 		
Step 15	The Minister considers the council's request to adopt the proposed planning scheme	<p>The Minister must consider if the council may adopt the proposed planning scheme by considering—</p> <ul style="list-style-type: none"> (a) the information given with the notice under Step 14; (b) if any conditions set out in the given under Step 6 have been complied with; (c) if the adoption version of the proposed planning scheme is significantly different to the public consultation version; and (d) 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 2017; (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 Planning Act. 	The Minister	During the Minister's consideration of the council's request to adopt the proposed planning scheme
Step 16	The Minister provides approval to adopt	<p>The Minister must give the council a notice stating—</p> <ul style="list-style-type: none"> (a) if the council 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. 	The Minister	40 business days from receiving the council's notice under Step 14
Adoption				
Step 17	The council complies with Ministerial conditions of adoption	Any conditions stated in the notice given by the Minister under Step 16 must be complied with before the council may adopt the proposed planning scheme, unless stated otherwise in the notice.	The council	None
Step 18	The council decides to adopt the proposed planning scheme	The council must decide to adopt or not proceed with the proposed planning scheme.	The council	None

Step No.	Summary of action/s	Specific action/s	Entity responsible for action/s	Indicative timeframes (Business days)
Step 19	The council publicly notifies adoption	<p>If the council decides to adopt the proposed planning scheme, the council 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"> (a) the name of the council; (b) the decision made by the council about the planning scheme; (c) the date the planning scheme was adopted; (d) the commencement date for the planning scheme (if different to the adoption date); (e) the title of the planning scheme; (f) if the planning scheme only applies to part of the council's local government area, a description of the location of that area; (g) the purpose and general effect of the planning scheme; and (h) where a copy of the planning scheme may be inspected and purchased. 	The council	None
Step 20	If the council does not adopt, the council publicly notifies decision not to adopt	<p>If the council decides not to proceed with the planning scheme, the council 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"> (a) the name of the council; (b) the decision made by the council about the planning scheme; and (c) the reasons for not proceeding with the planning scheme 	The council	None
Step 21	The council provides public notice and copy of the planning scheme to the Chief Executive	The council must give the Chief Executive a copy of the public notice issued under Step 19 or Step 20, and if adopted, a copy of the planning scheme.	The council	Within 10 business days of publishing the public notice under Step 19 or Step 20

Dated this 5 day of July 2022

Chris Aston
Acting State Planner
Department of State Development, Infrastructure,
Local Government and Planning

