



Mackay Region

PLANNING SCHEME

Shaping our future

CONSULTATION REPORT

**Consideration of issues raised through
submissions**

and

**Details of proposed changes made to the
amendment following consultation**

***PROPOSED MAJOR AMENDMENT 2 TO THE MACKAY
REGION PLANNING SCHEME 2017***

Prepared in accordance with the *Minister's Guidelines and Rules under the Planning Act 2016 –
version 1.1*

November 2021

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Acronyms and abbreviations of terms / references used in this document

Acronym / abbreviation	Full term / reference
ADSR	Accepted development subject to requirements
AO	Acceptable outcome
APZ	Asset protection zone
Council or council	Mackay Regional Council
CMS	Community management statement
GFA	Gross floor area
HIA buffer	High impact activity buffer
kW/m ²	Kilowatt per square metre
MCU	Material change of use
MGR	<i>Minister's Guidelines and Rules under the Planning Act 2016 – version 1.1</i>
Minister	Minister for State Development, Infrastructure, Local Government and Planning
NCC	National Construction Code
OW	Operational work
Planning scheme	Mackay Region Planning Scheme 2017
PO	Performance outcome
PSP	Planning scheme policy
Proposed major amendment or proposed amendment	Proposed Major Amendment 2
QDC	Queensland Development Code
QFES	Queensland Fire and Emergency Service
ROL	Reconfiguring a lot
TOA	Table of assessment

1. Executive summary

This Consultation Report has been prepared in accordance with the *Minister's Guidelines and Rules (MGR) under the Planning Act 2016 – version 1.1*, to document the process and outcomes of public consultation undertaken on the proposed Major amendment 2 (proposed major amendment) to the Mackay Region Planning Scheme (planning scheme). For completeness, the proposed amendment package also includes administrative amendments relating to proposed Administrative amendment 8.

The proposed PSP amendment 4 – PSP bushfire (proposed PSP amendment) was also released for public consultation at the same time as the proposed major amendment. A separate consultation report has been prepared for the proposed PSP amendment as it is following a separate amendment process under the MGR.

This report details when and how consultation was undertaken, the issues raised in submissions and how these issues have been addressed in the proposed major amendment. Where changes have been made in consideration of issues raised, these changes do not significantly change the proposed major amendment released for public consultation and continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.

2. Background

The planning scheme commenced on 24 July 2017. Since its commencement, there have been a number of amendments to address statutory alignment, workability issues, update information or to introduce or amend a policy position.

The preparation of the proposed major amendment has been informed by workability issues and areas for improvement to the planning scheme that have been identified over time since its commencement.

Council is proposing changes to a broad range of planning scheme provisions, to ensure the region continues to prosper and the planning scheme remains effective and contemporary. Amendments to the planning scheme will ensure planning decisions continue to reflect principles and standards developed with community input.

The purpose and general effect of the proposed major amendment is to:

Improve the planning scheme's integration with the State Planning Policy	State interest policy areas involved: <ul style="list-style-type: none">• natural hazards, risk and resilience (bushfire hazard)• cultural heritage (planning for Aboriginal and Torres Strait Islander People)• economic growth (agriculture, including aquaculture, and tourism)• emissions and hazardous activities (new high impact activity buffers)
Improve the legibility and workability of assessment triggers, overall outcomes and development requirements to provide greater certainty	Key amendments include: <ul style="list-style-type: none">• recalibrate assessment triggers• rationalise provisions in certain codes• improve integration between planning scheme and PDA development scheme

Facilitate new development opportunities, like emerging industries, to ensure the region remains competitive	<p>Key amendments include:</p> <ul style="list-style-type: none"> • facilitating rural tourism activities • facilitating brewing, distilling and coffee roasting in centre zones, industrial zones and the Rural zone (where related to an agricultural use) • expand industry thresholds to facilitate a wider range of industry activities
Changes to zoning and overlay mapping affecting certain properties	<p>Zone map changes to:</p> <ul style="list-style-type: none"> • correct errors • reflect constructed development <p>Overlay map changes to:</p> <ul style="list-style-type: none"> • remove bushfire hazard areas from developed urban areas • introduce new high impact activity buffers

Council prepared a Communication Strategy for the proposed major amendment to guide communications and public consultation in accordance with the requirements of the MGR. The Communications Strategy detailed the engagement objectives, key messages, key stakeholder analysis and the engagement / consultation requirements.

3. Purpose of the report

Council is required to prepare a Consultation Report in accordance with the MGR (Chapter 2, Part 4, Section 18.4) which states that:

Following the end of public consultation, the local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is—

- a. provided to each person who made a properly made submission⁷; 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.*

⁷ *The consultation report may be given electronically or by providing a link to the location of the consultation report on the local government's website.*

In addition, this report includes details of the proposed changes made to the proposed amendment following consultation and in response to issues raised in submissions, which is required to be submitted when giving a notice of a request to adopt the proposed amendment to the Minister. This information is required in accordance Chapter 2, Part 4, Section 21.3(c) of the MGR, which includes:

(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;*
- v. what issues the changes respond to; and*
- vi. a statement whether the local government considers any 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.*

- (d) *a statement whether the local government considers any 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.*

4. Statutory requirements

The process that council must follow for making a major amendment to the local planning instrument (planning scheme) is prescribed within the MGR.

4.1 Consultation period, materials and actions

Chapter 2, Part 4, Section 18.2 and Chapter 3, Part 1, Section 3.1 of the MGR requires that council undertake public consultation for a period of at least 20 business days.

Public consultation was undertaken from 7 April 2021 until 21 May 2021 (approximately 31 business days or 6.5 weeks). A copy of the public notice for public consultation is included in Attachment 1 to this report.

Copies of the proposed amendments were made available for inspection in person at council's customer service centres and online at council's website. The following supporting information was also published on council's website to assist in reading and interpreting the proposed major amendment:

- Schedule of proposed amendments document relating to proposed major amendment 2 and administrative amendment 8
- three factsheets were prepared and made available on council's website. The factsheets covered the following:
 - overview of proposed changes in major amendment 2
 - overview of proposed changes to bushfire hazard requirements
 - overview of proposed high impact activity buffers

Further to the minimal statutory public consultation actions, the following additional consultation actions were also taken:

- dedicated webpage on [council's website](#) and council's consultation portal [Connecting Mackay](#)
- to advise of proposed zone or overlay mapping changes, letters were sent directly to:
 - property owners with a proposed zone change
 - property owners that adjoining a property with a proposed zone change
 - property owners affected by a change to the Bushfire hazard overlay
 - property owners affected by the proposed high impact activity buffers in the Extractive resources and high impact activities overlay map
- a submission form template was made available to the public to use on council's website
- a submission lodgement function on council's website
- planning staff were made available during the consultation to answer enquiries via email, phone or at the front counter
- two information sessions, open to the general public and development industry, were held on 29 April 2021 and 4 May 2021 that covered an overview of:
 - proposed changes in major amendment 2
 - proposed changes to bushfire hazard requirements
- planning staff were made available to field phone, email or front counter enquiries during the consultation period and after the consultation period closed.

4.2 Submission registration and consideration process

Council received a total of 13 submissions of which 11 submissions were properly made submissions and 2 submissions were not properly made (received after the closing date of the consultation period).

All submissions were received by email and once received were registered, acknowledged and considered. The following table provides an overview of the submission registration and consideration process.

Steps	Action / detail
1. Registration of submissions	Submissions were registered and given a submission number. Each submitter was sent a submission acknowledgement letter.
2. Classification of submissions	Submissions were classified by the parts and schedules relevant to the planning scheme.
3. Summarising submission issues / grounds	Each submission was read, and the different issues / grounds raised were entered into the Consultation Report per submission. Each submission often covered a range of topics, with some raising similar issues.
4. Consideration of issues / grounds of the submissions	Once all issues / grounds were summarised, they were considered and responses to these issues / grounds were prepared. Relevant changes to the proposed major amendment were identified.
5. Consultation Report	The Consultation Report was prepared which collates steps 3 and 4 above, providing a summary of the submissions considered, information about the merits of the submissions, recommendations on changes to the proposed amendment to reflect the issues / grounds of the submissions where appropriate. To facilitate presentation and consideration of the issues / grounds raised, these were summarised.
6. Council consideration of submissions	Council reviewed and provided direction on issues / grounds raised and the recommended responses to those issues / grounds. An overview of the submissions received were provided to council, including information on accessing the submissions on an internal intranet page. Council officers presented an overview of the public consultation period, including issues / grounds raised, and recommendations on changes to the proposed amendment at a council briefing on 20 October 2021. At Council's Ordinary meeting on 10 November 2021 , Council resolved to: <ul style="list-style-type: none">• formally consider the submissions received during the public consultation period,• endorse the recommended changes to the proposed amendment as a result of considering submissions,• notify each submitter before submitting the amendment to the Minister, and

Steps	Action / detail
	<ul style="list-style-type: none"> submit the amendment to the Minister requesting approval for council to adopt the proposed amendment.
7. Notify submitters of the consideration of submissions	Council will notify each person who made a properly made submission (making the report available to view and download on council's website).
8. Request Minister approval to adopt	Council to request the Minister's approval to adopt the proposed major amendment.

Chapter 5 of this report contains the submission review and details how council has dealt with each submission, including :

- a unique identifier number for each submission,
- reference to the relevant amendment in the schedule of proposed amendments document
- a summary of issues / grounds of the submission,
- in consideration of the matter / ground of the submission, did it result in a change to the proposed amendment,
- rationale for the consideration of the matter / ground of the submission.

Below is a summary of the general areas of support and the general areas of concerns that were identified throughout the consultation period.

General areas of support:

- inclusion of provisions to facilitate emerging industries like brewery, distilling alcohol and coffee roasting activities in centres
- inclusion of provisions to facilitate rural tourism uses (food, farm-based and adventure tourism) within the region
- inclusion of rooftop uses footnote relating to the building height calculation
- removal of code assessment trigger for outbuildings within the Extractive resources and high impact activities overlay
- recognition of traditional owners in the strategic framework
- further alignment corrections to improve usability

General areas of concern:

- proposed HIA buffers around Mackay showground and Palmyra motorsports precinct
- categories of development assessment relating to operation work
- workability of lot access provisions in Reconfiguring a lot code
- workability of changed provisions in Bushfire hazard overlay code
- workability of changed provisions in Rural zone code

4.3 Changes to the proposed amendment

The MGR allows for changes to be made following public consultation where the changes are to:

- address issues raised in submissions,
- amend a drafting error, or
- address new or changed planning circumstances or information.

Council must ensure any changes continue to appropriately integrate and address relevant regional plan or state interests, including those identified in the state interest review. Council considers the changes as a result of issues raised through submissions appropriately integrate and address the Mackay Isaac Whitsunday Regional Plan and relevant state interests.

Further, any changes to the amendment that are significantly different to the version of the proposed amendment released for public consultation must be consulted on again through the formal consultation process.

Section 6 of this report provides a detailed summary of the changes made to the proposed major amendment following public consultation in accordance with the MGR as mentioned above. This section contains:

- detailed of the change following public consultation,
- justification as to why the change is not significantly different to the version of proposed amendments released for public consultation,
- confirmation that the change appropriately reflects state interests.

In summary, the changes as a result of issues raised through submissions are not significantly different to the version of the proposed major amendment released for public consultation. The changes continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.

5. Consideration of issues raised through submissions

5.1 Properly made submissions

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
MA2-2021-1	MA2-SC2-132	Palmyra	Schedule 2 - Overlay maps Extractive resources and high impact activities overlay	Increase the area of the proposed Palmyra HIA buffer to be 10,000 metre or more, as: <ul style="list-style-type: none"> • noise from the drag strip travels several kilometres and therefore the buffer should be protecting a larger area • need to plan for and earmark area for potential motor sport expansion • 1,000 metres is not enough to protect the precinct and does not provide any scope for future development of the precinct 	No	<p>The 1,000 metre buffer is based on best practice for high impacting uses and is considered to be adequate given the very low residential density of the area.</p> <p>The proposed HIA buffer does not give existing motor sport activities permission to:</p> <ul style="list-style-type: none"> • increase, expand or intensify activities beyond existing approvals; or • establish new activities or facilities. <p>Further, the purpose of the HIA buffer is not to 'earmark' or preserve land for future uses, this is the role of the Sport and recreation zone that exists over the motorsport sites.</p> <p>New or expanded motorsport activities would need to be assessed against the planning scheme and address amenity impacts to the surrounding area (amongst other considerations). If new or expanded facilities are approved and constructed, then the HIA buffer may be reviewed.</p> <p>The application of a HIA buffer that is 10,000 metres (or more) is not appropriate or necessary in this instance and would result in an unnecessary area being covered, including Walkerston, Ooralea, Bakers Creek and parts of West Mackay. This would result in unnecessary requirements applying to development in these locations.</p> <p>On this basis, the proposed HIA buffer for the Palmyra motorsports precinct will remain unchanged.</p>
MA2-2021-2	MA2-SC2-3	Mount Pleasant	Schedule 2 – Zone maps	Support for proposed zone change over Lot 501 on SP301938 to Community facilities	No	Support for the proposed zone change over Lot 501 on SP301938 is noted.

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
		Lot 501 on SP301938				No further changes to the proposed amendment will be made because of this submission matter.
	MA2-SC2-6	North Mackay Lot 1 on RP710616	Schedule 2 – Zone maps	Support for proposed zone change over Lot 1 on RP710616 to Community facilities	No	Support for the proposed zone change over Lot 1 on RP710616 is noted. No further changes to the proposed amendment will be made because of this submission matter.
	N/A	West Mackay Lot 21 on SP317314	Schedule 2 – Zone maps	Change the zoning of Lot 21 on SP317314 to Community facilities as: <ul style="list-style-type: none"> the site is approved for a secondary school development approvals are in place and construction on the school has commenced existing zoning (Mixed use zone and Medium density residential zone) is no longer reflective of the use of the site for a school or with public expectations 	No	The request to rezone Lot 21 on SP317314 (the subject property) falls outside of the extent of zone amendments in the proposed major amendment as it was not included in the amendment package released for public consultation. Whilst the construction of the school has commenced, the change in zoning over the subject property, from Mixed use zone / Medium density residential zone (split zone) to Community facilities zone at this stage is considered to be a significant change requiring council to undertake further public consultation. On this basis, the proposed amendment will not be changed. The requested zone change has been noted and will be considered for potential inclusion in a future amendment to the planning scheme.
MA2-2021-3	MA2-P5-28	N/A	Part 5 – Tables of assessment 5.10.6 Extractive resources and high impact activities overlay	Support to remove assessment triggers for outbuildings in the Extractive resources and high impact activities overlay.	Yes	Support is noted to exclude non-habitable outbuildings from the assessment triggers in the Extractive resources and high impact activities overlay TOA as these structures are not impacted by the issues relating to extractive resources or high impact activities. Upon further review of the changes, the application of accepted development for non-habitable outbuildings has been broadened to also apply to lots greater than 5,000m ² across all triggers for dwelling house under the overlay. <i>Refer to change 1 in section 6 of this report.</i>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
	MA2-P5-28	N/A	Part 5 – Tables of assessment 5.10.6 Extractive resources and high impact activities overlay	Recommend that code assessable trigger for dwelling house on properties with an area greater than 5,000m ² in the KRA and, non-KRA and High impact activity and High impact activity buffer areas not apply to 'urban zones' as it seems onerous and unnecessary given the extent of existing urban development in certain HIA buffers like the Mackay Harbour.	No	The amendment did not propose changes to the level of assessment for dwelling house in the Extractive resources and high impact activities overlay other than for non-habitable outbuildings and to include new buffer areas around the Palmyra motorsports precinct and the Mackay showground. Such a change is considered to be a significant change, which would require council to undertake a further period of statutory public consultation. On this basis, the proposed amendment will not be changed to reflect the submission matter.
	MA2-P5-16	N/A	Part 5 – Tables of assessment 5.8.1 Operational work	Make the proposed changes to OW triggers relating to MCU and ROL more of a streamline assessment processes and less onerous. Proposed changes will: <ul style="list-style-type: none"> capture unnecessary assessment, resulting in a more onerous process increase pressure on limited staff resources, time delays, application costs result in the most protracted engineering assessment in Queensland – which is uncompetitive The Planning Regulation provides avenues for dual occupancy to be accepted development and other councils adopt this.	Yes	The intent of the proposed amendment to the categories of development and assessment is to provide further clarity around the trigger for operational works involving infrastructure works to cover both ROL and MCU, and other infrastructure works not associated with either ROL or MCU. Upon consideration of the submission matter, changes have been made to simplify the code assessment trigger whilst maintaining the abovementioned intent. Further, the proposed code assessment trigger for operational work undertaking landscape works has been changed to link this work to an associated ROL or MCU, to be consistent with the code assessment trigger for operational work undertaking infrastructure works. <i>Refer to change 2 in section 6 of this report.</i>
	MA2-P5-16	N/A	Part 5 – Tables of assessment 5.8.1 Operational work	Concern that the minor landscape works trigger would make a 50m ² lawn assessable if planted after a Material Change of Use has taken place	Yes	Upon review of the proposed amendment in consideration of the submission matter, and consequential to the changes to the landscape works trigger to only apply where associated with an ROL or MCU as detailed in change 2 of the report, the categories of development and assessment relating to the Accepted development trigger for minor landscape works has been removed from the Operational work TOA. <i>Refer to change 3 in section 6 of this report.</i>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
	MA2-S1-3	N/A	Schedule 1 – Definitions SC1.2 Administrative terms	Wording in minor landscape works term seems to be incorrect, should read 'or for premises'	Yes	The proposed administrative definition for minor landscape works has subsequently been removed from the proposed amendment due to the removal of the accepted development trigger for minor landscape works. <i>Refer to change 4 in section 6 of this report.</i>
	MA2-P9-1	N/A	Part 9 – Development codes 9.3.5 Dwelling house code	In AO1.2(c), remove reference to carports as it is with odds with the QDC and AO1.3.	No	AO1.2(c) of the Dwelling house code prescribes a front boundary setback for domestic outbuildings (e.g. sheds and carports) from a secondary road frontage. This is an alternative provision to the QDC and therefore does not need to align with the QDC. AO1.3 of the Dwelling house code allows 'open carports' to be setback closer to the street frontage subject to complying with (a) to (d). Upon review of these provisions, there does not seem to be any conflict between AO1.2 and AO1.3 or between the QDC and these code provisions. On this basis, no further changes to the proposed amendment will be made because of the submission matter.
MA2-2021-4	MA2-SC2-132 MA2-SC2-133	Palmyra and Mackay	Schedule 2 – Overlay maps Extractive resources and high impact activities overlay	Consider the impact of proposed HIA buffers on residential land supply and the ability for residential development to efficiently occur within these areas: <ul style="list-style-type: none"> when there is potential for conflict, opportunities for residential development become compromised the cost of mitigation measures is borne by the developer which passed on to the purchaser and impacting on housing affordability 	No	The proposed HIA overlays around the Mackay showground and Palmyra motorsports precinct are unlikely to impact residential land supply or the ability for residential development, given that: <ul style="list-style-type: none"> the proposed Mackay showground HIA buffer is limited to properties immediately adjacent to the showground and most of these are developed. The proposed buffer does not limit the ability to establish residential development in the broader Mackay city centre. most of properties affected by the proposed Palmyra motorsports HIA buffer have an existing dwelling house. The large size of vacant properties that have the potential to establish a dwelling are able to appropriately site, design and orientate a house to minimise impacts in this location. <p>On this basis, no further changes will be made to the proposed HIA buffers.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
	MA2-P5-20	Mackay	Part 5 – Tables of assessment 5.9.1 Mackay city centre local plan	Provide clarity around the proposed 'call up' trigger in the local plan tables of assessment to further understand: <ul style="list-style-type: none"> any unintended consequences, such as protracting assessment and decision timeframes if an impact assessment of this proposed provision has been undertaken 	No	<p>It is an established intent of the planning scheme to apply the local plan codes in assessment for assessable development located within the boundaries of a local plan. Unfortunately, over the course of the planning scheme's preparation, a drafting error has occurred due to changing legislative and plan making requirements, which has resulted in this 'call up' provision being missed.</p> <p>The 'call up' of local plan provisions in assessment is not considered to unnecessarily lengthen the assessment / decision timeframes as the use / application of these codes is already occurring. As such, no impact assessment of the proposed amendment has been undertaken as the inclusion of the local plan codes as a necessary category of development and assessment will not significantly lengthen the assessment of development.</p> <p>Further, if the local plan codes are not called up in assessment, then development located within each local plan area cannot take advantage of the specific provisions (such as building height, parking rates, building setbacks, densities and the like) applicable under each local plan code.</p> <p>On this basis, the proposed major amendment will remain unchanged.</p>
	MA2-P8-5	N/A	Schedule 2 – Overlay maps Bushfire hazard overlay maps	Recommend Council ensures up-to-date reliable bushfire mapping / data is provided, so that: <ul style="list-style-type: none"> industry can make informed decisions and assessments decisions made are not unnecessary or costly to the developer / builder, which are then passed on to purchasers and impacting on housing affordability. 	No	<p>The purpose of the proposed amendments to the bushfire hazard overlay mapping is to remove redundant mapping in urban areas where it is clear that the hazard no longer exists due to development taking place.</p> <p>A broader review of the region's bushfire hazard mapping may be considered in the future.</p> <p>On this basis, further changes to the bushfire hazard overlay mapping will not be included in the proposed major amendment.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
	MA2-P8-5	N/A	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code	Ensure that there are no unintended consequences that result from the changes to bushfire requirements that create regulatory duplication and additional red tape. Construction requirements relating to bushfire effected areas are adequately dealt with as part of the National Construction Code (NCC) and the <i>Building Act 1975</i> .	Yes	<p>The focus of change in the proposed major amendment is to update the bushfire hazard provisions in line with best practice and up-to-date state agency guidance to ensure requirements remain contemporary and relevant.</p> <p>The proposed amendments do not duplicate any of the construction requirements contained in the NCC and <i>Building Act 1975</i>. The proposed scheme provisions deal with siting and the setback distance of the Asset Protection Zones, which are matters not dealt with by the NCC and <i>Building Act 1975</i>.</p> <p>There were a number of submissions that raised issues relating to further refinement of the amended provisions of the Bushfire hazard overlay code to ensure the workability and legibility of requirements. In consideration of the issues raised in these submissions, a number of changes will be made to the Bushfire hazard overlay code.</p> <p><i>Details of further proposed changes are included as change 5 in section 6 of this report.</i></p>
MA2-2021-5	MA2-P6-9 MA2-P5-32 MA2-P7-9	N/A	Various	<p>Support for the changes to facilitate the following:</p> <ul style="list-style-type: none"> • rural tourism, food tourism and adventure tourism in the Rural Zone • brewing and distilling alcohol, and coffee roasting over a variety of zones • roof top areas are not included in building height where located in the Mackay City Centre Local Plan 	No	Support for the proposed changes is noted.
	MA2-P9-15	N/A	Part 9 – Development codes 9.4.3 Reconfiguring a lot code	<p>Revise requirements for PO7, AO7.1 and AO7.2 to allow for infill development opportunities where “fronting a public road”.</p> <p>The following concerns are raised in relation to this:</p> <ul style="list-style-type: none"> • serious implications for the viability of some projects and more generally on 	No	<p>The alterations to PO7, AO7.1 and AO7.2 through the proposed major amendment to refer to roads being constructed to Council standards does not change the overall intent of the provision.</p> <p>‘Constructed to Council standards’ means a road constructed to a suitable standard that Council will accept. The addition of this wording does not mean that existing public roads in established suburbs / locations will need to be upgraded where they are built to an acceptable standard.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
				<p>the affordability of homes for the community</p> <ul style="list-style-type: none"> will require upgrades to existing roads for small rural or urban infill projects will prohibit landowners / farmers providing an additional lot or boundary re-alignments to support agricultural utility over these properties potential to reduce the use of traffic calming devices and access areas that are highly sought-after features by new homebuyers. could exclude the use of access easements for freehold subdivisions involving five lots and under. The alternative approach of creating a body corporate for such subdivisions is costly (especially insurance) and unnecessary, particularly for two lot subdivisions. 		<p>The requirement that access is not provided via easements for non-community management statements subdivisions is already in the planning scheme. This requirement is not being introduced or altered by the proposed amendment.</p> <p>On this basis, the proposed major amendment will remain unchanged.</p>
	MA2-P8-5	N/A	<p>Schedule 2 - Overlay maps</p> <p>Bushfire hazard overlay</p>	<p>Refine bushfire mapping to improve accuracy of hazard management.</p> <p>As the requirements for bushfire have increased through proposed changes, there is concern with the inaccuracies of the hazard mapping (example of inaccurate bushfire mapping is provided over a school in West Mackay), which could:</p> <ul style="list-style-type: none"> add to the cost of development and reduce confidence in the mapping create added strain to the efficiency of the development assessment, whilst adding extra expenses for stakeholders looking to develop 	No	<p>The purpose of the proposed amendments to the bushfire hazard overlay mapping is to remove redundant mapping in urban areas where it is clear that the hazard no longer exists due to development taking place.</p> <p>A broader review of the region's bushfire hazard mapping may be considered in the future .</p> <p>The example of bushfire mapping in an urban area sited in the submission is proposed to be removed as part of the major amendment (see amendment MA2-SC2-123 in the Schedule of amendments released for public consultation). Section 3 of the Schedule of amendments document includes other locations within the urban area where the bushfire mapping layer is proposed to be reduced as the hazard no longer exists due to constructed development.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
						On this basis, further changes to the bushfire hazard overlay mapping will not be included in the proposed major amendment.
MA2-2021-6	MA2-P8-5	N/A	Part 8 – Overlays 8.2.5 Bushfire overlay code Schedule 1 – Definitions SC1.2 Administrative terms	To remove confusion between existing terms 'development footprint plan' and 'development footprint' change each term reference used in the Bushfire hazard overlay code to 'building envelope plan' and include a new corresponding administrative term in Schedule 1.	Yes	The use of the term 'building envelope plan' will improve clarity and avoid confusion. The use of this term and the addition of an administrative term in Schedule 1 is supported. <i>Proposed changes to the code are included as change 5 in section 6 of this report.</i>
	MA2-P8-5	N/A	Part 8 – Overlays 8.2.5 Bushfire overlay code	Reword the heading of the second column of Table 8.2.5.3.C to "Slope under the hazardous vegetation....", rather than "Position on slope of the hazardous vegetation...."	No	This submission matter recommends changes to Table 8.2.5.3.C. In response to submissions, and to improve workability, Table 8.3.5.3.C has been removed. Therefore, this submission matter is not applicable. <i>Refer to change 5 in section 6 of this report for details.</i>
	MA2-P8-5	N/A	Part 8 – Overlays 8.2.5 Bushfire overlay code	Reword the second and third columns of Table 8.2.5.3.C to refer to "...lot boundary, building envelope plan, or outermost projection of the building."	No	This submission matter recommends changes to Table 8.2.5.3.C. In response to submissions, and to improve workability, Table 8.3.5.3.C has been removed. Therefore, this submission matter is not applicable. <i>Refer to change 5 in section 6 of this report for details.</i>
	MA2-P8-5	N/A	Part 8 – Overlays 8.2.5 Bushfire overlay code	Consider rewording the provisions of the Bushfire hazard overlay code to ensure workability and clarity is achieved.	Yes	The focus of change in the proposed major amendment is to update the bushfire hazard provisions in line with best practice and up-to-date state agency guidance to ensure requirements remain contemporary and relevant. In response to this and other submissions that advised careful consideration to ensure the workability of the bushfire provisions, further refinement of the Bushfire hazard overlay

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
						code to ensure the workability and legibility of requirements has been proposed. <i>Proposed changes to the code are included as change 5 in section 6 of this report.</i>
	MA2-P5-38	N/A	Part 5 – Tables of assessment Various	There are a number of zones which list criteria for home-based businesses to be Accepted development. The wording of the provision uses “and” between requirements where this should be “or”. Reword the Accepted development criteria for home-based business in the relevant zones to replace all instances of “and” with “or”.	Yes	The submission matter has identified a drafting error in the categories of development and assessment relating to the accepted development trigger for home-based business in the TOAs for District centre zone, Emerging community zone, High density residential zone, High impact industry zone, Industry investigation zone, Local centre zone, Low density residential zone, Major centre zone, Medium density residential zone, Mixed use zone, Neighbourhood centre zone, Principal centre zone, Rural zone, Rural residential zone, Specialised centre zone, and Township zone. On this basis, the categories of development and assessment for home-based business in the abovementioned zones will be amended to reflect the submission matter. <i>Refer to change 6 in section 6 of this report.</i>
	MA2-P5-30	N/A	Part 5 – Tables of assessment 5.5.6 High impact industry zone	Consider including additional criteria to exclude the following from the Accepted development criteria for Industry activities in the High impact industry zone: <ul style="list-style-type: none"> • service industry • when located in the Sugar mill precinct (precinct no. HI1). The intent of the Sugar mill precinct is to protect this land and preserve it for mill related activities, so interchangeable Industry activities should not be allowed as Accepted development. 	Yes	The submission matter has identified a drafting error in the categories of development and assessment relating to the accepted development trigger for industry activities. The proposed amendment as drafted has resulted in an unintended conflict with the established policy intent under the High impact industry zone to: <ul style="list-style-type: none"> • only accommodate sugar mill related uses in the sugar mill precinct under the zone; and • primarily accommodate medium and high impact industry uses in all other areas within the zone; and • ensure special industry is appropriately located within the zone and separated from sensitive land uses. On this basis, the accepted development trigger will be changed to exclude service industry, special industry and areas within the sugar mill precinct.

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
						<i>Refer to change 7 in section 6 of this report.</i>
	MA2-P9-1	N/A	Part 9 – Development codes 9.3.5 Dwelling house code	Include a provision in the Dwelling house code that clarifies that secondary road frontage setbacks for dwelling house in the Rural and Rural residential zones is 6 metres. This reflects established policy in the Queensland Development Code.	Yes	<p>The planning scheme can only include alternative provisions to the building provisions under the Queensland Development Code (QDC) and cannot duplicate building provisions under the QDC. As the planning scheme is not varying the front boundary setback for a dwelling house on land zoned Rural or Rural residential, this requirement will default to the front setback requirements under the QDC.</p> <p>To better link this requirement, there is merit in providing a note with AO1.2 of the Dwelling house code to refer the use to the QDC for development located in either the Rural zone or Rural residential zone.</p> <p><i>Refer to change 8 in section 6 of this report.</i></p>
	MA2-P5-16	N/A	Part 5 – Tables of assessment 5.8.1 Overlays	Amend the terminology reference of 'electricity' to 'electrical reticulation'. The term needs to be more specific in relating to triggering reticulated systems and avoid triggering electricity works that should not be triggered.	No	<p>The intent of the proposed amendment to the categories of development and assessment is to provide further clarity around the trigger for operational works involving infrastructure works to cover both MCU and ROL, and other infrastructure works not associated with either a MCU or ROL.</p> <p>Upon consideration of the submission matter, changes have been made to simplify the code assessment trigger whilst maintaining the abovementioned intent.</p> <p>Further, the proposed code assessment trigger for operational work undertaking landscape works has been changed to link this work to an associated ROL or MCU, to be consistent with the code assessment trigger for operational work undertaking infrastructure works associated with a ROL or MCU.</p> <p><i>Refer to change 2 in section 6 of this report.</i></p>
	MA2-P5-27	N/A	Part 5 – Tables of assessment	Amend the ADSR trigger for dwelling unit in the relevant zones from 'on the floor	Yes	The submission matter has identified a drafting error in the categories of development and assessment relating to the ADSR trigger for dwelling unit. The proposed change to the

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
			Various zones	level above the ground floor' to be 'on a floor level above the ground floor'.		ADSR trigger will improve clarity around the intent in applying it where the use is located above the ground floor. <i>Refer to change 9 in section 6 of this report.</i>
	MA2-P9-4	N/A	Part 9 – Development codes 9.3.8 Industry activities code	AO3 in the Industry activities code requires development to comply with the performance outcomes of any relevant State Government guideline, code or practice. Consider reviewing the ADSR provision to be more quantifiable. Either relocate provision to its original position in the code or amend to list the specific code requirements.	Yes	In consideration of the submission matter, improvements to PO3 and AO3 have been made to better achieve the hierarchy of outcomes between AO and PO whilst maintaining the policy position being proposed by the amendment. Further, PO16 and AO16 (formerly PO15 and AO15) have been reinstated within the code to cover all other industrial activities not mentioned by PO3 and AO3. <i>Refer to change 10 in section 6 of this report.</i>
	MA2-P6-9	N/A	Part 6 – Zones Rural zone code	The AO's associated with PO6, PO7 and PO8 in the Rural zone code need to include a new AO for each PO relating to ancillary activities and products made on the premises.	Yes	Upon review of PO6, PO7, PO8 and associated AOs, it is considered that improvements to these provisions are necessary to better achieve the hierarchy of outcomes between AO and PO whilst maintaining the policy position being proposed by the amendment. In addition to the above review and changes, AO9.1, AO9.2 and AO9.3 will be amended to clarify the relationship of these provisions to AO6.1, AO7.1 and AO8.1 as indicated in PO9. <i>Refer to change 11 in section 6 of this report.</i>
	N/A	N/A	Part 5 – Tables of assessment Table 5.5.6 High impact industry zone	Include wording in the assessment trigger that ensures development does not include a drive-through facility.	No	The request to change the categories of development and assessment relating to code assessment for food and drink outlet in the High impact industry zone to exclude drive-through facility falls outside of the scope of the proposed major amendment as this specific change was not included in the amendment package released for public consultation. Further, the requested change to the proposed major amendment will require council to undertake further public consultation.

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
						On this basis, the requested change has not been made to the proposed major amendment.
	MA2-P5-2	N/A	Part 5 – Tables of assessment	Consider the overall workability of the zone tables of assessment to improve usability and legibility.	Yes	<p>Whilst the proposed amendment seeks to reduce repetition within the zone TOAs, in consideration of the submission matter there is merit in ensuring each TOA is workable and legible. Therefore, the nominated land uses in each TOA will revert to alphabetical ordering.</p> <p><i>Refer to change 12 in section 6 of this report.</i></p>
MA2-2021-7	MA2-SC2-132	Palmyra	<p>Schedule 2 - Overlay maps</p> <p>Extractive resources and high impact activities overlay</p>	<p>Objection to the proposed HIA buffer over the Palmyra motor sports precinct:</p> <ul style="list-style-type: none"> • affect land valuations in the area • no issue with noise from motorsports uses, however noise issues experienced in vicinity of Stockroute Road • buffer should require motorsports uses to provide landscape buffers to minimise noise • compensation to cover costs of buffer requirements should be offered • residents not informed of small additional airstrip in the area or additional hangars/planes, resulting in loss of amenity (from noise) and privacy • buffer requirements being implemented will result in personal costs to long term residents 	No	<p>The purpose of the HIA buffer is to provide awareness to surrounding properties of potential amenity impacts from the motorsports uses in the area (like noise) and to ensure new development for sensitive land uses within the buffer (i.e. a new dwelling house) is sited, orientated and designed to mitigate and minimise the impacts of noise.</p> <p>Requirements of the HIA buffer do not apply to existing development, only future development is required to buffer to the impacts.</p> <p>The 1,000 metre buffer is based on best practice for high impacting uses and is considered to be appropriate given the low residential density of the area.</p> <p>The proposed HIA buffer does not give existing motorsport activities permission to:</p> <ul style="list-style-type: none"> • increase, expand or intensify activities beyond existing approvals; or • establish new activities or facilities. <p>New or expanded motorsport activities would need to be assessed against the planning scheme and address amenity impacts to the surrounding area (amongst other considerations).</p> <p>On this basis, the proposed HIA buffer for the Palmyra motorsports precinct will remain unchanged.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
MA2-2021-8	Various	N/A	Part 5 – Assessment tables Various	The proposed changes to the zoning to facilitate brewing, will enable our small business to grow in the region and enable us to expand our brewing operations and add further ancillary ad hoc events that will complement our industry and nurture our passion for the brewing industry.	No	Support for the proposed changes relating to brewing is noted. Upon further review of these proposed changes under the major amendment, an unintended drafting error has been identified relating to ancillary non-industrial activities in the High impact industry zone code. A change is proposed to PO7 in the High impact industry zone code to clarify that ancillary non-industrial activities are to comply with the requirements of the performance outcome. <i>Refer to change 13 of this report.</i>
MA2-2021-9	MA2-SC2-132	Palmyra	Schedule 2 - Overlay maps Extractive resources and high impact activities overlay	Objection to the proposed HIA buffer over the Palmyra motor sports precinct: <ul style="list-style-type: none"> • affect land valuations in the area • buffer should require motorsports uses to provide landscape buffers to minimise noise • compensation to cover costs of buffer requirements should be offered • residents not informed of small additional airstrip in the area, resulting in loss of amenity (from noise) and privacy • buffer requirements being implemented will result in personal costs to long term residents 	No	The purpose of the HIA buffer is to provide awareness to surrounding properties of potential amenity impacts from the motorsports uses in the area (like noise) and to ensure new development for sensitive land uses within the buffer (i.e. a new dwelling house) is sited, orientated and designed to mitigate and minimise the impacts of noise. Requirements of the HIA buffer do not apply to existing development, only future development is required to buffer to the impacts. The 1,000 metre buffer is based on best practice for high impacting uses and is considered to be appropriate given the low residential density of the area. The proposed HIA buffer does not give existing motor sport activities permission to: <ul style="list-style-type: none"> • increase, expand or intensify activities beyond existing approvals; or • establish new activities or facilities. New or expanded motorsport activities would need to be assessed against the planning scheme and address amenity impacts to the surrounding area (amongst other considerations). On this basis, the proposed HIA buffer for the Palmyra motor sports precinct will remain unchanged.

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
MA2-2021-10	N/A	Richmond	Part 3 – Strategic framework 3.2.2 Growth management and urban consolidation	Add “the existing urban zoned area to the east” to the list defining the extent of the Richmond investigation area.	No	<p>The Richmond investigation area described in the Strategic framework refers to and aligns with the undeveloped Rural zoned land identified within the Investigation area precinct under the zone. Whilst the existing zoned Specialised centre is physically located within the locality of Richmond, for the purposes of the planning scheme it is not included within the investigation area. This does not take away the ability of this urban zoned area to be included in future structure planning for the Richmond area.</p> <p>Further, this matter falls outside the extent of the proposed amendment and was not part of the proposed amendment package released for public consultation. Such a change is considered to be significant requiring council to undertake further public consultation.</p> <p>On this basis, the amendment will remain unchanged.</p>
	MA2-P6-3	N/A	Part 6 – Zones 6.2.17 Rural zone code	<p>Reinstate the provision relating to “<i>other activities where such uses requiring a location outside urban areas due to the amount of land required and, the significance of impacts generated and/or other reasons</i>” as per following grounds:</p> <ul style="list-style-type: none"> • significant departure from well-established policy in the rural area without any justification • narrow range of uses do not reflect the existing range of land uses in the Rural zone for which there is a demonstrated need over time • overall outcome and performance outcome repeat each other and do not provide the hierarchy of outcomes in the code 	No	<p>Upon review of Rural zone related planning policy in superseded planning schemes dating back to 1999, there does not seem to be evidence of this being a well-established planning policy position.</p> <p>The intent of the proposed amendment to overall outcome (3)(a)(ii) is to:</p> <ul style="list-style-type: none"> • remove any ambiguity in the wording of the overall outcome and therefore any opportunity for an urban use to attempt to use this provision to locate in the Rural zone; and • provide clarity and certainty to the range of uses that the Rural zone accommodates by expanding the list of appropriate uses. <p>Any ‘other’ use not listed in the overall outcome is likely to be impact assessment, which is therefore assessed against the whole planning scheme and can have regard to ‘other relevant matters’ in demonstrating the merits of such a proposal.</p> <p>On this basis, the proposed amendment will remain unchanged.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
	N/A	N/A	Part 6 – Zones 6.2.17 Rural zone code	Community facilities are listed as a use that does not locate in the rural zone, yet there are a number of existing community facilities located in the Rural zone due to the nature of the use and more community facilities will require a rural location in the future.	No	This matter falls outside the extent of the proposed amendment and was not part of the proposed amendment package released for public consultation. Such a change is considered to be significant requiring council to undertake further public consultation. Service catchments for community facilities have increased over time, requiring these uses to establish in urban areas. On this basis, the amendment will remain unchanged.
	MA2-P6-9	N/A	Part 6 – Zones 6.2.17 Rural zone code	Short term accommodation and tourist park are listed as uses that do not locate in the Rural Zone, which appears inconsistent with PO6 which supports rural based tourism units associated with a natural element.	Yes	The submission matter has identified a drafting error, where an unintentional conflict has resulted because of proposed changes relating to PO6, PO7 and PO8 within the Rural zone code. AO4 has been amended to ensure that it does not conflict with the abovementioned provisions of the code that seek to facilitate certain uses in relation to tourism within the Rural zone. <i>Refer to change 14 in section 6 of this report.</i>
	MA2-P9-15	N/A	Part 9 – Development codes 9.4.3 Reconfiguring a lot code	Delete “to Council standards” from PO7, as: <ul style="list-style-type: none"> the PO & AO repeat each other and do not provide the hierarchy of outcomes in the code the PO is too prescriptive (effectively an AO) 	No	The PO7 requires construction to Council standards which is more general than the AO and therefore provides an appropriate hierarchy of outcomes. AO7.1 and AO7.2 refer to construction in accordance with the Planning scheme policy – geometric road design. 'Constructed to Council standards' means a road constructed to a suitable standard that Council will accept. The addition of this wording does not mean that existing public roads in established suburbs / locations will need to be upgraded where they are built to an acceptable standard. On this basis, no further changes will be made to PO7 within the Reconfiguring a lot code.

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
	MA2-P9-15	N/A	Part 9 – Development codes 9.4.3 Reconfiguring a lot code	<p>Delete reference to access easement or any other shared access arrangements in AO7.1. as:</p> <ul style="list-style-type: none"> many circumstances where an access easement is the logical mechanism to provide lawful and practical access to properties policy position is based on the community complaints about “easements”. 	No	<p>The requirement that access is not provided via easements for non-community management statement subdivisions is already in the planning scheme. This requirement is not being introduced or altered by the proposed amendment.</p> <p>This matter falls outside the extent of the proposed amendment and was not part of the proposed amendment package released for public consultation. Such a change in policy at this point of the amendment process is considered to be significant requiring council to undertake further public consultation.</p> <p>On this basis, no further changes will be made to AO7.1 within the Reconfiguring a lot code.</p>
MA2-2021-11	MA2-SC2-31	Beaconsfield Lot 3 on SP268113	Schedule 2 – Zone maps	<ul style="list-style-type: none"> Need to ascertain the most suitable zoning/precinct for the subject site. The proposed zoning does not consider the existing and operating land use, existing approval, and future development on the balance site, despite the rationale given. Proposed zoning will prejudice the existing and future uses of the site where significant investment has been made in specialised aged care Future development applications will be compromised by the proposed Amendment. <p>Therefore, based on the above, it is requested that either:</p> <ul style="list-style-type: none"> Leave zoning as Emerging community; or Change the proposed Low-medium density precinct (MD1) under the Medium density residential zone for Lot 3 on SP268113 to the Multi-storey medium density precinct (MD3) to reflect the multi-storey 	Yes	<p>In consideration of the issues raised in the submission, the proposed zoning change of the subject site to Medium density residential zone, Low-medium density precinct (precinct MD1) is considered to be premature as the subject site is not fully developed.</p> <p>Therefore, the zoning of the subject site will remain as Emerging community as an interim zone as until such time the land is developed for urban purposes and a zone relevant to the completed development is allocated.</p> <p>Despite the approved use being defined as ‘hospital (aged care facility including ancillary retail and medical uses and supported care villas)’, aged care and supported care under the current planning scheme would be defined as a residential care facility. Residential care facility is code assessment in the Emerging community zone. In addition, retirement facility and multiple dwellings are also code assessment under this zone.</p> <p>Whilst the approval allows for a height of 4 storeys, future development higher than 2 storeys will need to be assessed on its merit in consideration of performance and overall outcomes of the zone code.</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
				residential development that is either constructed or approved on the site – Aged care comprising low-set villas and 4 storey care building.		On this basis, the zoning of the subject site will revert to Emerging community. <i>Refer to change 15 in section 6 of this report.</i>

5.2 Not properly made submissions

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
MA2-2021-12	Various	N/A	Various	Acknowledge that the proposed amendment package contains several positive and welcome aspects including: <ul style="list-style-type: none"> • recognition of traditional owners within the strategic framework • further alignment corrections to improve usability • inclusion of provisions to encourage food, farm-based and adventure tourism within the region • inclusion of provisions to facilitate growing industries such as coffee roasting, distilling and breweries. 	No	Support for the mentioned proposed changes is noted.
	MA2-P8-5	N/A	Part 8 – Overlay codes 8.2.5 Bushfire hazard overlay code &	Recommended that Council: <ul style="list-style-type: none"> • undertake a risk assessment to support proposed changes and refined mapping • prepare targeted communication materials to assist the community in understanding these changes and the justification and reasoning behind them. 	No	The purpose of the proposed amendments to the bushfire hazard overlay mapping is to remove redundant mapping in urban areas where it is clear that the hazard no longer exists due to development taking place. These mapping amendments were supported by state agencies including QFES. The focus of changes to the bushfire provisions in the proposed major amendment is to align with best practice and

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
			Schedule 2 – Overlay mapping Bushfire hazard overlay			<p>up-to-date state agency guidance to ensure requirements remain contemporary and relevant.</p> <p>A future study may be considered to confirm and refine mapping, include a risk assessment, and calibrate levels of assessment and requirements to align with identified risk levels. The undertaking of this work is beyond the scope of this current amendment process and will require additional resourcing to complete.</p> <p>Fact sheets and explanatory materials will be prepared to support the implementation of changes.</p> <p>No further changes will be made as a result of this submission matter.</p>
	MA2-P5-27	N/A	Part 5 – Tables of assessment Various zones	Recommended that the ADSR trigger for dwelling unit be amended to reflect that a dwelling unit may be ADSR where located above the ground floor.	Yes	<p>The submission matter has identified a drafting error in the categories of development and assessment relating to the ADSR trigger for dwelling unit. The proposed change to the ADSR trigger will improve clarity around the intent in applying it where the use is located above the ground floor.</p> <p><i>Refer to change 9 in section 6 of this report.</i></p>
	MA2-SC2-133	Mackay	Schedule 2 – Overlay mapping Extractive industries and high impact activities overlay	<p>Recommended that Council further explore and consider alternative noise attenuation measures prior to applying further design and building requirements on dwelling house owners.</p> <ul style="list-style-type: none"> What noise impact assessment have been undertaken to inform the buffer extent; why the trigger only applies to dwelling houses, despite the area containing a number of multiple dwellings; what alternatives, including requiring stricter noise conditions on events held at the Mackay Showground, have been explored. 	No	<p>Noise mitigation measures would be considered as part of any future intensification of activities on the showground site and are currently considered for all events that occur at the site. Local Law policies that govern the management of noise from the showground are administered outside of the planning scheme and can support this proposed amendment.</p> <p>Whilst no noise assessments have been undertaken, the buffer extent is limited to the properties which directly face the showground and would therefore be exposed to the greatest degree of noise.</p> <p>The proposed HIA buffer applies to a range of uses including multiple dwelling and other sensitive land uses which are triggered for code assessment by the Extractive resources and high impact activities overlay, of which the proposed Mackay</p>

Submission reference	Amendment reference in schedule of proposed amendments	Locality / property details (if relevant)	Planning scheme part	Summary of issues / grounds of the submission	Did this result in a change? (Yes / No)	Rationale – consideration of the issues / grounds of the submission
						<p>showground HIA buffer is part of. A separate trigger for dwelling house is included in the proposed major amendment.</p> <p>As there is limited potential to establish a dwelling house in this location and that any new development is likely to be of a commercial nature or a multi-unit form due to its city centre location, the proposed assessment trigger for dwelling house is considered not to detriment development of this area. Further, the proposed buffer does not limit the ability to establish residential development in the broader Mackay city centre.</p> <p>On this basis, no further changes will be made to the proposed Mackay showground HIA buffer.</p>
MA2-2021-13	N/A	Mount Pleasant Lot 49 on RP732088	Schedule 2 – zone maps	<p>Consider rezoning Lot 49 on RP732088 to Commercial in line with the Major Amendment 2:</p> <ul style="list-style-type: none"> • precedent set on the adjoining commercial property • there is a commercial building built on the site and occupied by a commercial tenant • site is unsuitable for a residential dwelling 	No	<p>The request to rezone Lot 49 on RP732088 (the subject property) falls outside of the extent of zone amendments in the proposed major amendment as it was not included in the amendment package released for public consultation.</p> <p>Whilst the subject is used for a commercial purpose, the change in zoning from Low density residential zone to Major centre zone, will not be included as a change to the proposed major amendment as it is considered to be a significant change requiring council to undertake further public consultation.</p> <p>This requested change has been noted and will be considered for potential inclusion in a future amendment to the planning scheme.</p>

6. Changes made to the proposed major amendment following public consultation

6.1 Details of the proposed changes to the proposed amendment following public consultation

Note – proposed changes as a result of considering issues raised in submissions are highlighted in yellow.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests																		
1	MA2-2021-3	MA2-P5-28 and MA2-P5-29	Part 5 – Tables of assessment 5.10.6 Extractive resources and high impact activities overlay	<p>To clarify the intent of the proposed amendment relating to reducing the level of assessment for non-habitable outbuildings in the Extractive resources and high impact activities TOA, change the categories of development and assessment to accepted development as follows:</p> <table><tr><td>Non-habitable domestic outbuilding(s) associated with a dwelling house</td><td colspan="2">Accepted development</td></tr><tr><td></td><td>All circumstances</td><td>No assessment benchmarks apply</td></tr><tr><td>Dwelling house (excluding non-habitable domestic outbuildings) on land within the high impact activity buffer for the Mackay showground</td><td colspan="2">Code assessment</td></tr><tr><td></td><td>All circumstances</td><td>Extractive resources and high impact activities overlay code</td></tr><tr><td>MCU for Dwelling house (excluding non-habitable domestic outbuildings) on a property with an area greater than 5,000m² within:<ul style="list-style-type: none">KRA resource/processing area or separation area; or</td><td colspan="2">Code assessment</td></tr><tr><td></td><td>Code assessment if: within a KRA “processing area” or “separation area” within a “High impact activity” or “high impact activity buffer”</td><td>Extractive resources and high impact activities overlay code</td></tr></table>	Non-habitable domestic outbuilding(s) associated with a dwelling house	Accepted development			All circumstances	No assessment benchmarks apply	Dwelling house (excluding non-habitable domestic outbuildings) on land within the high impact activity buffer for the Mackay showground	Code assessment			All circumstances	Extractive resources and high impact activities overlay code	MCU for Dwelling house (excluding non-habitable domestic outbuildings) on a property with an area greater than 5,000m² within: <ul style="list-style-type: none">KRA resource/processing area or separation area; or	Code assessment			Code assessment if: within a KRA “processing area” or “separation area” within a “High impact activity” or “high impact activity buffer”	Extractive resources and high impact activities overlay code	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect the state interest relating to emissions and hazardous activities as it involves non-habitable structures.
Non-habitable domestic outbuilding(s) associated with a dwelling house	Accepted development																							
	All circumstances	No assessment benchmarks apply																						
Dwelling house (excluding non-habitable domestic outbuildings) on land within the high impact activity buffer for the Mackay showground	Code assessment																							
	All circumstances	Extractive resources and high impact activities overlay code																						
MCU for Dwelling house (excluding non-habitable domestic outbuildings) on a property with an area greater than 5,000m² within: <ul style="list-style-type: none">KRA resource/processing area or separation area; or	Code assessment																							
	Code assessment if: within a KRA “processing area” or “separation area” within a “High impact activity” or “high impact activity buffer”	Extractive resources and high impact activities overlay code																						

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change			Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
				<ul style="list-style-type: none"> High impact activity or high impact activity buffer; or Non-KRA quarry or non-KRA quarry buffer 	“Non-KRA quarry” or “non-KRA quarry buffer” All circumstances			
2	MA2-2021-3 MA2-2021-6	MA2-P5-16	Part 5 – Tables of assessment 5.8.1 Operational work	To simplify the proposed amendments regarding the categories of development and assessment relating to operational work triggers for undertaking infrastructure works and landscape works, these triggers have been changed to read.			The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect a state interest.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change		Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
				<div><div>Code assessment</div><div><div>Operational work undertaking infrastructure works where:<ul style="list-style-type: none">not accepted development; andassociated with reconfiguring a lot or material change of use</div><div><div>Operational work – infrastructure works, where not Accepted development and associated with the provision of:<ul style="list-style-type: none">roads; orstormwater drainage; orstreet lighting; orwater supply; orsewerage; oropen space and recreation facilities; orunderground service conduits; orreticulated gas; orelectricity</div></div></div></div> <div><ul style="list-style-type: none">Relevant Zzone codeGeneral development requirements codeHealthy waters code</div>			
				<div><div>Operational work undertaking landscape works where:<ul style="list-style-type: none">not accepted development; andassociated with reconfiguring a lot or material change of use</div></div> <div><ul style="list-style-type: none">Relevant zone codeGeneral development requirements code</div>			

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
3	MA2-2021-3	MA2-P5-16	Part 5 – Tables of assessment 5.8.1 Operational work	<p>The proposed categories of development and assessment relating to the accepted development trigger for 'minor landscape works' has been removed from the proposed major amendment.</p> <p>The changed accepted development trigger reads:</p> <p>Operational work involving:</p> <ul style="list-style-type: none"> • minor landscape work; or • landscape works associated with a dwelling house or caretaker's residence <p><i>Operational work undertaking landscape works associated with a dwelling house or caretaker's residence</i></p>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect a state interest.
4	MA2-2021-3	MA2-S1-3	Schedule 1 – Definitions SC1.2 Administrative terms	The proposed administrative term for 'minor landscape works' has been removed in its entirety from the proposed major amendment.	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect a state interest.
5	MA2-2021-4 MA2-2021-6	MA2-P8-5	Bushfire hazard overlay 5.10.5 Bushfire hazard overlay 8.2.5 Bushfire hazard overlay code Schedule 2 – Overlay maps	Refer to Appendix A – Bushfire related changes	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change continues to appropriately integrate state interest policies relating to Natural hazards, risk and resilience
6	MA2-2021-6	MA2-P5-38	Part 5 – Tables of assessment	Correct a drafting error in the District centre zone, Emerging community zone, High density residential zone, High impact industry zone, Industry investigation zone, Local centre zone, Low density residential zone, Major	The change addresses an issue raised by a submission and does not	The change does not affect a state interest.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
			Various	<p>centre zone, Medium density residential zone, Mixed use zone, Neighbourhood centre zone, Principal centre zone, Rural zone, Rural residential zone, Specialised centre zone, and Township zone TOAs by changing the 'and' to an 'or' between each criteria mentioned in the categories of development and assessment relating to the accepted development subject to requirements trigger for home-based business, to read:</p> <p><i>If:</i></p> <ul style="list-style-type: none"> • occupying a floor area of 30m² or less and the activity does not involve: <ul style="list-style-type: none"> - employees on the site that do not also reside in the dwelling; or - customers or clients visiting the site; or - direct retail activity or hiring of goods on / from the site; or - industrial activities; or - service industry activities; or • involving home-based childcare 	result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	
7	MA2-2021-6	MA2-P5-30	Part 5 – Tables of assessment 5.5.6 High impact industry zone	<p>To clarify the policy intent and application extent of the proposed categories of development and assessment relating to the accepted development trigger for industrial activities within an existing building, change the trigger to exclude service industry and special industry and land within the sugar mill precinct, to read:</p> <p><i>If:</i></p> <ul style="list-style-type: none"> • development constitutes minor building work – industrial activities; or • within an existing building approved for use as an industry activity (excluding service industry and special industry) and not located within the sugar mill precinct (precinct no. HI1) 	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect a state interest.
8	MA2-2021-6	MA2-P9-1	Part 9 – Development codes 9.3.5 Dwelling house code	<p>Include a note in AO1.2 of the Dwelling house code referring the user to the QDC for the requirement for a road setback for a property located in the Rural zone or Rural residential zone, to read:</p> <p>Note – For the minimum secondary road frontage setback requirement for a dwelling house on a property located within the Rural zone and Rural residential zone, refer to the minimum road setback provisions in QDC MP1.2.</p>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect a state interest.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
9	MA2-2021-6 MA2-2021-12	MA2-P5-27	Part 5 – Tables of assessment Various zones	<p>To clarify the intent of the categories of development and assessment relating to the ADSR trigger for dwelling unit within the District centre zone, Emerging community zone, Local centre zone, Low density residential zone, Major centre zone, Medium density residential zone, Mixed use zone, Neighbourhood centre zone, Principal centre zone, Specialised centre zone, and Township zone, amend the ADSR trigger to read:</p> <p><i>If:</i></p> <ul style="list-style-type: none"> <i>within an existing / approved building; and</i> <i>where located above the ground floor on the floor level above the ground floor, complying with all requirements for accepted development</i> 	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change does not affect a state interest.
10	MA2-2021-6	MA2-P9-4	Part 9 – Development codes 9.3.8 Industry activities code	<p>Amend PO3 and AO3, to better achieve the hierarchy of outcomes between AO and PO, to read:</p> <p>PO3 <i>Development involving repairing and servicing motor vehicles apply best practice standards to mitigate potential environmental impacts.</i></p> <p><i>Industrial uses apply best practice standards to mitigate potential environmental impacts.</i></p> <p>AO3 <i>Development involving repairing and servicing motor vehicles complies with the performance outcomes of the State Government Motor vehicle workshop operations code of practice.</i></p> <p><i>Development complies with the performance outcomes of any relevant State Government guideline, code or practice.</i></p> <p><i>Note: This includes Motor vehicle workshop operations code of practice dated 27 June 2014.</i></p> <p>Further, reinstate PO16 and AO16 (formerly PO15 and AO15), to read:</p> <p>PO16 <i>Industrial uses, not mentioned in PO3, apply best practice standards to mitigate potential environmental impacts.</i></p>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change continues to appropriately integrate state interest policies.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests				
				AO16 <i>Development complies with the performance outcomes of any relevant State Government guideline or code or of practice including Motor vehicle workshop operations code of practice dated 27 June 2014.</i>						
11	MA2-2021-6	MA2-P6-9	Part 6 – Zones Rural zone code	<p>Amend PO6, PO7, PO8, PO9 and the associated AOs of each PO to better achieve the hierarchy of outcomes between AO and PO and to clarify the planning intent of provisions as drafted by the proposed amendment, to read:</p> <table><tr><th colspan="2">Rural tourism uses</th></tr><tr><td><p>PO65 <i>Uses Development providing tourist accommodation or tourist activities facilities, such as a farm stay, tourist park, nature-based tourism and environment facility must:</i></p><p>(a) have a direct relationship with a: (i) rural agricultural activity; or (ii) natural element of high amenity value, such as a watercourse, 4 coastline, rural landscapes, area of remnant vegetation or natural landform feature; and</p><p>(b) beare small scale, low intensity and integrate with the visual amenity of the surrounding rural and natural landscapes.;</p></td><td><p>AO6.1 <i>Development involves:</i></p><p>(a) environment facility; or (b) the following tourist accommodation activities: (i) farm stay³⁴; or (ii) nature based tourism; or (iii) tourist park; or</p><p>(c) the following tourist attraction activities: (i) adventure tourism; or (ii) farm based tourism, including food tourism that utilises and promotes local produce.</p><p><i>Note – Refer to the relevant development codes in Part 9 for nature based tourism or tourist park for development requirements relating to these uses.</i></p></td></tr></table>	Rural tourism uses		<p>PO65 <i>Uses Development providing tourist accommodation or tourist activities facilities, such as a farm stay, tourist park, nature-based tourism and environment facility must:</i></p> <p>(a) have a direct relationship with a: (i) rural agricultural activity; or (ii) natural element of high amenity value, such as a watercourse, 4 coastline, rural landscapes, area of remnant vegetation or natural landform feature; and</p> <p>(b) beare small scale, low intensity and integrate with the visual amenity of the surrounding rural and natural landscapes.;</p>	<p>AO6.1 <i>Development involves:</i></p> <p>(a) environment facility; or (b) the following tourist accommodation activities: (i) farm stay³⁴; or (ii) nature based tourism; or (iii) tourist park; or</p> <p>(c) the following tourist attraction activities: (i) adventure tourism; or (ii) farm based tourism, including food tourism that utilises and promotes local produce.</p> <p><i>Note – Refer to the relevant development codes in Part 9 for nature based tourism or tourist park for development requirements relating to these uses.</i></p>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change continues to appropriately integrate state interest policies relating to tourism and agriculture.
Rural tourism uses										
<p>PO65 <i>Uses Development providing tourist accommodation or tourist activities facilities, such as a farm stay, tourist park, nature-based tourism and environment facility must:</i></p> <p>(a) have a direct relationship with a: (i) rural agricultural activity; or (ii) natural element of high amenity value, such as a watercourse, 4 coastline, rural landscapes, area of remnant vegetation or natural landform feature; and</p> <p>(b) beare small scale, low intensity and integrate with the visual amenity of the surrounding rural and natural landscapes.;</p>	<p>AO6.1 <i>Development involves:</i></p> <p>(a) environment facility; or (b) the following tourist accommodation activities: (i) farm stay³⁴; or (ii) nature based tourism; or (iii) tourist park; or</p> <p>(c) the following tourist attraction activities: (i) adventure tourism; or (ii) farm based tourism, including food tourism that utilises and promotes local produce.</p> <p><i>Note – Refer to the relevant development codes in Part 9 for nature based tourism or tourist park for development requirements relating to these uses.</i></p>									

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change		Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
				<p>and (b) do not fragment, alienate or otherwise diminish the potential productive capacity of land for rural activities; and (c) maintain the amenity of surrounding sensitive land uses.</p>	<p>AO6.2 The gross floor area of a building/s used for a tourist attraction activity mentioned in AO6.1 does not exceed 150m².</p> <p>AO6.3 The development intensity of a farm stay does not exceed: (a) 10 accommodation rooms; and (b) 30 guests³⁵. No acceptable outcome prescribed.</p>		
				<p>PO7 Low impact industry, involving brewery, coffee roasting, or distilling alcohol is: (a) ancillary to and has a direct relationship with a rural agricultural activity; and (b) small scale, low intensity and integrate with the visual amenity of the surrounding rural and natural landscapes.</p>	<p>AO7.1 Development involves the following low impact industry activities, where these activities are ancillary to cropping and utilise produce grown on the premises: (a) brewery; or (b) coffee roasting; or (c) distilling alcohol.</p> <p>Note – Activities mentioned in AO7.1 may utilise locally grown and sourced produce in addition to produce grown on the premises. Activities must not wholly utilise produce sourced externally to the premises.</p> <p>AO7.2 The gross floor area of a building/s used for manufacturing, packing and storing products associated with activities mentioned in AO7.1 does not exceed 150m².</p>		

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				<p>PO8</p> <p>Ancillary uses such as:</p> <ul style="list-style-type: none"> • bar, primarily serving alcoholic products made: <ul style="list-style-type: none"> ○ on the premises; and/or ○ in the local area; or • food and drink outlet (excluding drive-through facility); or • shop, involving the display and selling of: <ul style="list-style-type: none"> ○ food, beverage or hand-made products made on the premises; or ○ gifts and souvenirs; <p>Ancillary commercial activities are:</p> <p>(a) subordinate to, and have a nexus with, development mentioned in PO6 or PO7, and</p> <p>(b) small scale, low intensity to the primary uses mentioned in PO6 and PO7 and do not compromise the role and function of designated centres, townships, and existing centre activities.</p>	<p>AO8.1</p> <p>Ancillary commercial activities supporting development mentioned in AO6.1 or AO7.1 involves:</p> <p>(a) bar, primarily serving alcoholic products manufactured on the premises and in the local area; or</p> <p>(b) food and drink outlet (excluding drive-through facility), offering food or beverage items that utilise produce grown on the premises or products manufactured from produce grown on the premises; or</p> <p>(c) shop, involving the display and selling of:</p> <p>(i) food, beverage, or hand-made products manufactured on the premises; or</p> <p>(ii) gifts and souvenirs.</p> <p>Note – Activities mentioned in AO8.1 may utilise locally grown or externally sourced produce in addition to produce grown on the premises. Activities must not wholly utilise produce grown or sourced externally to the premises.</p> <p>AO8.2</p> <p>The gross floor area of an ancillary bar or food and drink outlet does not exceed 100m².</p> <p>AO8.3</p> <p>The gross floor area of an ancillary shop does not exceed 50m².</p>		

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
				<div> <div> PO9 <i>Development mentioned in PO6, PO7 or PO8:</i> <ul style="list-style-type: none"> (a) <i>does not fragment, alienate or otherwise diminish the agricultural productive capacity of land for rural activities; and</i> (b) <i>maintains the amenity of surrounding sensitive land uses.</i> </div> <div> AO9.1 <i>Development mentioned in AO6.1, AO7.1 or AO8.1 does not result in the creation of a new lot.</i> </div> <div> AO9.2 <i>New buildings and structures associated with development mentioned in AO6.1, AO7.1 or AO8.1 co-locates with existing buildings and structures on the premises.</i> </div> <div> AO9.3 <i>Development mentioned in AO6.1, AO7.1 or AO8.1 is located a minimum of 100 metres from a sensitive land use not on the premises.</i> </div> </div> <p>In addition, consequential have been made to Overall outcome 3(iv)(E) to clarify the intent of the outcome, to read:</p> <p>(E) <i>ensure ancillary commercial activities supporting rural tourism uses are:</i></p> <ul style="list-style-type: none"> <i>small scale and low intensity; and</i> <i>subordinate, and have a nexus with, to the rural tourism use; and</i> <i>do not compromise existing centre activities in designated centres and townships.</i> 		
12	MA2-2021-6	MA2-P5-2	Part 5 – Tables of assessment	To improve the workability and legibility of each zone TOA, the order of nominated uses has reverted to an alphabetical order.	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy	The change does not affect a state interest.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
					intent of the amended provision.	
13	MA2-2021-8	MA2-P6-5	Part 6 – Zone codes – High impact industry zone code	<p>To improve clarity around the intent of proposed changes relating to brewing and distilling alcohol, minor changes made to PO7 in the High Impact Industry zone code to read:</p> <p>PO7 <i>Non-industrial activities, (including where ancillary to an industrial use) such as food and drink outlet, health care services, shop and emergency services are:</i></p> <p>(a) <i>required to serve the needs of the local area and do not compromise the viability of:</i></p> <p>(i) <i>existing or intended uses within a multi-purpose centre; and</i></p> <p>(ii) <i>similar existing or approved uses in the local area; and</i></p> <p>(b) <i>of a small scale and are subordinate to the primary industrial use of the area; and</i></p> <p>(c) <i>are not affected by, or mitigate impacts, generated by surrounding industrial uses</i></p>	The change addresses an unintended consequence related to an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision	The change does not affect a state interest.
14	MA2-2021-10	MA2-P6-9	Part 6 – Zones 6.2.17 Rural zone code	<p>To remove unintended conflicts between existing and proposed provisions in the Rural zone code, changes to AO4 of the code are proposed to read:</p> <p>AO4 <i>The following uses are not located on land within the Rural zone, including within the Investigation area precinct (precinct no. RU1):</i></p> <p>(a) <i>centre activities, outdoor business activities and other commercial uses (except where involving ancillary commercial activities mentioned in AO8.1); and</i></p> <p>(b) <i>community activities and other community uses; and</i></p> <p>(c) <i>industry activities and other industrial uses (except where involving ancillary low impact industry activities mentioned in AO7.1 in areas outside of the Investigation area precinct (precinct no. RU1)); and</i></p> <p>(d) <i>multiple dwelling activities, non-resident workforce accommodation, short-term accommodation (except where involving farm stay), relocatable home park, tourist park, and other residential uses not associated with a rural activity; and</i></p> <p>(e) <i>recreation activities and other formal recreation uses; and</i></p> <p>(f) <i>other uses that extensively compromise the rural amenity and landscape character of the area.</i></p>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change continues to appropriately integrate state interest policies relating to tourism and agriculture.

Change #	Submission reference	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
15	MA2-2021-11	MA2-SC2-31	Schedule 2 – Zone maps	Amend the zoning of Lot 3 on SP268113 to revert to Emerging community.	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change continues to appropriately integrate state interest policies relating to development and construction.

6.2 Details of proposed changes relating to the Bushfire hazard overlay

Note – proposed changes as a result of considering issues raised in submissions are highlighted in yellow.

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests														
5a	PA2-P5-26	Part 5 – Tables of assessment Table 5.10.5 – Bushfire hazard overlay	<p>To improve workability of the dwelling house trigger in the overlay TOA, the following changes have been made:</p> <ol style="list-style-type: none">1. A written assessment from a qualified consultant can determine that the hazard mapping is not applicable thereby making it accepted development;2. Clarify that the overlay trigger for Dwelling houses does not apply to extensions to existing dwelling houses involving less than a 50% increase to GFA. A new footnote clarifies that a secondary dwelling is not an extension of a dwelling house in this circumstance; and3. In accordance with Schedule 6, Part 2 of the Planning Regulation 2017, Clarify that the overlay trigger for Dwelling houses in the Township zone only applies to lots over 2,000m². <table><tr><td>Development</td><td>Categories of development and assessment</td><td>Assessment benchmarks for assessable development and requirements for accepted development</td></tr><tr><td colspan="3">Material change of useBushfire hazard overlay</td></tr><tr><td rowspan="2">Dwelling house (excluding non-habitable outbuildings and extensions to existing dwelling houses²³ involving less than a 50% increase in GFA) in any of the following zones:</td><td colspan="2">Accepted development</td></tr><tr><td>Where a written assessment by a suitably qualified bushfire consultant confirms that the site is not in a bushfire hazard area or within 100 metres of a bushfire hazard area</td><td>No assessment benchmarks apply</td></tr><tr><td colspan="3">Accepted development subject to requirements</td></tr></table>	Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development	Material change of use Bushfire hazard overlay			Dwelling house (excluding non-habitable outbuildings and extensions to existing dwelling houses ²³ involving less than a 50% increase in GFA) in any of the following zones:	Accepted development		Where a written assessment by a suitably qualified bushfire consultant confirms that the site is not in a bushfire hazard area or within 100 metres of a bushfire hazard area	No assessment benchmarks apply	Accepted development subject to requirements			<p>The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.</p> <p>Change clarifies that a qualified expert may demonstrate that the overlay mapping is incorrect by providing a written assessment.</p>	The change appropriately integrates the state interest policies relating to natural hazards.
Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development																	
Material change of use Bushfire hazard overlay																			
Dwelling house (excluding non-habitable outbuildings and extensions to existing dwelling houses ²³ involving less than a 50% increase in GFA) in any of the following zones:	Accepted development																		
	Where a written assessment by a suitably qualified bushfire consultant confirms that the site is not in a bushfire hazard area or within 100 metres of a bushfire hazard area	No assessment benchmarks apply																	
Accepted development subject to requirements																			

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change			Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
			<ul style="list-style-type: none"> Community facilities zone Conservation zone Open space zone Rural zone Rural residential zone Tourism zone Township zone (where on a property with an area greater than 2,000m²) 	<p>Where not accepted development and if on land identified as:</p> <ul style="list-style-type: none"> very high bushfire hazard area; or high bushfire hazard area; or medium bushfire hazard area; or within 100 metres of a bushfire hazard area. 	Bushfire hazard overlay code		
<p>²³ In this circumstance, an extension to an existing dwelling house does not include a secondary dwelling.</p>							
<p>Note that changes to the Bushfire hazard overlay code are shown in track changes and not highlighted as there were no track changes on the version for public consultation as the code was new.</p>							
5b	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code Table 8.2.5.3.A – Accepted development subject to requirements – Dwelling houses	<p>Clarify in note that a Bushfire management plan is required to demonstrate compliance with the performance outcome.</p> <p>PO1</p> <p><i>Development achieves an acceptable or tolerable risk to people through:</i></p> <p>(a) <i>siting in areas of tolerable risk; and</i> (b) <i>providing access for evacuation and firefighting vehicles; and</i> (c) <i>providing asset protection zones.</i></p> <p><i>Note: The preparation of a bushfire management plan in accordance with both the QFES Bushfire resilient communities document and Council's Planning scheme policy – bushfire may assist in is required to demonstrateing compliance with this performance outcome.</i></p>			<p>The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.</p> <p>Change clarifies that a bushfire management plan is required to demonstrate compliance.</p>	The change appropriately integrates the state interest policies relating to natural hazards.

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
5c	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code Table 8.2.5.3.A – Accepted development subject to requirements – Dwelling houses	<p>This amended AO1.1 ensures that siting of dwellings approved under RaLs are not re-assessed. A note also clarifies that if AO1.1 is complied with AO1.2 and AO1.3 are not required to be complied with and vice-versa.</p> <p>AO1.2 has been simplified to avoid ambiguity relating to siting in the lowest hazard area.</p> <p>The requirement to minimise vegetation clearing has been moved to a note.</p> <p>A note has been added clarifying that extensions to existing dwellings do not need to consider the siting requirements in AO1.2.</p> <p>AO1.3 has been amended to remove reference to Table 8.2.5.3.C. The reworded AO1.3 has one clear acceptable outcome which is to provide an APZ that achieves a 29 kW/m2 radiant heat profile. A note clarifies that a suitably qualified professional must calculate radiant heat profiles in accordance with the methodology outlined in QFES's Bushfire resilient communities document.</p> <p>AO1.1 <i>The development complies with an existing approved Bushfire Management Plan as referenced within an approval for reconfiguring a lot.</i> <i>Note: If AO1.1 is complied with then compliance with AO1.2 and AO1.3 is not required.</i> <i>Alternatively if development can comply with AO1.2 and AO1.3 then compliance with AO1.1 is not required.</i></p> <p>AO1.12 <i>Development is:</i> (a) located within 60 metres of the road frontage; and (b) provided with a minimum four metre wide access driveway to the road frontage with a gradient that does not exceed 12.5%; and (c) sited to avoid bushfire prone areas, and avoids or minimises clearing of vegetation (for an APZ) to that extent possible; or (c) where avoidance of bushfire prone areas is not possible, development locateds in the lowest hazard areas on the sitef lowest hazard as per the following order: (i) within 100 metres of a bushfire hazard area; or (ii) if not possible to locate as per (c)(i), then locate in the medium bushfire hazard area; or</p>	<p>The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.</p>	<p>The change appropriately integrates the state interest policies relating to natural hazards.</p>

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
			<p>(iii) if not possible to locate as per (c)(i) or (ii), then locate in the high bushfire hazard area; or</p> <p>(iv) if not possible to locate as per (c)(i), (ii) or (iii), then locate in the very high bushfire hazard area.</p> <p><i>Note: Development should be sited to minimise the clearing of vegetation required to achieve an asset protection zone.</i></p> <p><i>Note: Development for extensions to existing dwellings do not need to comply with this AO.</i></p> <p><i>Note: The State classifies vegetation into regional ecosystem types. Clearing of higher value regional ecosystems should be avoided to the extent possible.</i></p> <p>AO1.23</p> <p>Development is sited such that an asset protection zone between the outermost projection of the building and the bushfire hazard area provides a distance that is no closer than the distances specified in Table 8.2.5.3.C; or a distance that achieves a radiant heat flux level of 29 kW/m² or less.</p> <p><i>Note – A suitably qualified professional must calculate the radiant heat flux levels using the methodology in the QFES Bushfire resilient communities document.</i></p> <p><i>Note – Council's Planning scheme policy – bushfire provides guidance on landscaping treatments within asset protection zones.</i></p> <p><i>Note - Where constrained by the size of the lot, the asset protection zone distances are achieved to the extent possible within the constraints of the lot boundaries.</i></p> <p><i>Note – Approval may be required under the Planning Regulation 2017 or other legislation, for the clearing of vegetation.</i></p>		
5d	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code	<p>Consequential change to remove reference to table 8.2.5.3.C. See change 5e for justification.</p> <p>Also consequential change to refer to Building envelope plan rather than development footprint plan. Building envelope plan is now defined. See proposed definition below.</p>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it	The change appropriately integrates the state interest policies relating to natural hazards.

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
		Table 8.2.5.3.B – Assessable development	<p>Also ensure wording of footnote is consistent in asking for a qualified professional to calculate the radiant heat in accordance with QFES Bushfire resilient document.</p> <p>AO1.2</p> <p><i>Reconfigured lots or development footprints are sited via the provision of an asset protection zone (APZ) so that they are separated from the closest edge to the adjacent mapped medium, high or very high potential bushfire intensity area by a distance that:</i><i>is no closer than the distances specified in Table 8.2.5.3.C:</i></p> <p><i>at lot boundaries for lots of 2,000m² or less; and</i></p> <p><i>at development footprint plan boundaries identified for lots of more than 2,000m²; or</i></p> <p><i>achieves a radiant heat flux level of 29 kW/m² or less:</i></p> <ul style="list-style-type: none"> (i) <i>for lots of 2,000m² or less, either at lot boundaries or at building envelope plan if identified at RaL stage; or</i> (ii) <i>at development footprintbuilding envelope plan boundaries for lots exceeding 2,000m².</i> <p><i>Note – A bushfire hazard assessment and bushfire management plan prepared in accordance with the QFES Bushfire resilient communities document and Council's Planning scheme policy – bushfire can demonstrate compliance with this acceptable outcome.</i></p> <p><i>Note – This separation area is often termed an asset protection zone.</i></p> <p><i>Note – A suitably qualified professional must calculate the radiant heat flux levels using the methodology in the QFES Bushfire resilient communities document.</i></p> <p><i>Note – The radiant heat flux levels can be established by undertaking a bushfire hazard assessment in accordance with the methodology in the QFES Bushfire resilient communities document.</i></p> <p><i>Note – For staged developments, temporary separation distances and perimeter roads may be absorbed as part of subsequent stages.</i></p> <p><i>Note – Existing cleared areas external to the site may only be used in calculating necessary separation where tenure ensures that the land will remain</i></p>	does not alter the policy intent of the amended provision.	

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
			cleared of hazardous vegetation (for example the land is a road, watercourse or highly managed park in public ownership). <i>Note – Approval may be required under the Planning Regulation 2017 or other legislation, for the clearing of vegetation.</i>		
5e	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code Table 8.2.5.3.B – Assessable development	Ensure footnote is clear that a Bushfire management plan is required to demonstrate compliance with the performance outcome. PO1 <i>Note: To demonstrate compliance with the above, preparation of a bushfire management plan is to be undertaken in accordance with both the QFES Bushfire resilient communities document and Planning scheme policy – bushfire.</i>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change appropriately integrates the state interest policies relating to natural hazards.
5f	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code Table 8.2.5.3.B – Assessable development	Add footnote to be clear that a Bushfire management plan is required to demonstrate compliance with the performance outcome. PO4 <i>Note: Preparation of a bushfire management plan is to be undertaken in accordance with both the QFES Bushfire resilient communities document and Planning scheme policy – bushfire.</i>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change appropriately integrates the state interest policies relating to natural hazards.
5g	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code Table 8.2.5.3.B – Assessable development	Consequential change to remove reference to table 8.2.5.3.C. See change 5e for justification. Also ensure wording of footnote is consistent in asking for a qualified professional to calculate the radiant heat in accordance with QFES Bushfire resilient document. AO7.1 <i>For development that is not a vulnerable use or community infrastructure for essential services, development is sited such that an asset protection zone between the outermost projection of the building and the bushfire hazard area provides:</i> (a) a distance that is no closer than the distances specified in Table 8.2.5.3.C; or	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change appropriately integrates the state interest policies relating to natural hazards.

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
			<p><i>a distance that achieves a radiant heat flux level of 29 kW/m² or less.</i></p> <p><i>Note – A bushfire hazard assessment and bushfire management plan prepared in accordance with the QFES Bushfire resilient communities document and Council's Planning scheme policy – bushfire can demonstrate compliance with this acceptable outcome.</i></p> <p><i>Note – A suitably qualified professional must calculate the radiant heat flux levels using the methodology in the QFES Bushfire resilient communities document.</i></p> <p><i>Note – Approval may be required under the Planning Regulation 2017 or other legislation, for the clearing of vegetation.</i></p>		
5h	MA2-P8-5	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code Table 8.2.5.3.C – Default separation distances	Delete Table 8.2.5.3.C. The option to determine your own APZ has been removed as this may lead to unqualified persons making errors and cause confusion for an ADSR application.	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change appropriately integrates the state interest policies relating to natural hazards.
5i	N/A	Schedule 1 – Definitions SC1.2 Administrative Terms	To avoid confusion associated with the existing terms development footprint or building envelop, the new term 'building envelope plan' is proposed. Add definition of Building envelope plan to administrative definitions: <i>building envelope plan means a plan showing a nominated area in which the outermost projection of a proposed building is to be contained. The building envelope is sized to reflect the outermost projection of the proposed building and allow for some design variances.</i>	The change addresses an issue raised by a submission and does not result in a significantly different version of the proposed amendment as it does not alter the policy intent of the amended provision.	The change appropriately integrates the state interest policies relating to natural hazards.
5j	N/A	Part 8 – Overlays	Consequential renumbering of sections and table numbers associated with above changes will occur within the code.	This change is related to cross-referencing and formatting.	The change does not affect a state interest.

Change #	Amendment reference in schedule of proposed amendments	Planning scheme part	Details of the change	Justification as to why the change is not significantly different	Confirmation that the change appropriately integrates and addresses state interests
		8.2.5 Bushfire hazard overlay code			
5k	N/A	Schedule 1 – Definitions SC1.2 Administrative Terms	Add a section to the existing definition of “suitably qualified professional” <i>(g) for bushfire - as per the definition in Part 10 of the Bushfire Resilient Communities – Technical reference guide.</i>	The change clarifies a requirement that is already detailed in the PSP – bushfire, for the clarity of the applicant.	The change does not affect a state interest.

Appendix 1 – Public notice of public consultation

Copy of notice as published in the Mackay Life newspaper on 2 April 2021

PUBLIC NOTICES

PUBLIC NOTICE

PUBLIC CONSULTATION OF 'MAJOR AMENDMENT 2' AND 'PSP AMENDMENT 4 (BUSHFIRE)' UNDER THE MACKAY REGION PLANNING SCHEME 2017

Notice is given that Mackay Regional Council will begin public consultation of the proposed planning scheme major amendment (proposed major amendment 2) and planning scheme policy (PSP) amendment (proposed PSP amendment 4 (bushfire)) as per the requirements of the Planning Act 2016.

The purpose and general effect of proposed major amendment 2 is to:

- improve the planning scheme's integration with the State Planning Policy;
- improve the legibility and workability of assessment triggers, overall outcomes and development requirements to provide greater certainty;
- facilitate new development opportunities, like emerging industries, to ensure the region remains competitive; and
- correct errors or reflect constructed development in the zoning maps.

The purpose and general effect of the proposed PSP amendment 4 (bushfire) is to:

- explain concepts and terminology related to bushfire requirements in the Mackay Region Planning Scheme 2017 (planning scheme); and
- support changes to bushfire provisions in the planning scheme under proposed under major amendment 2.

PUBLIC CONSULTATION PERIOD

The consultation period for the proposed amendments is from Wednesday, April 7, 2021 to Friday, May 21, 2021.

During the public consultation period, the proposed amendments will be available for viewing and purchase at the customer service centres in Mackay, Sanna and Mirani.

The proposed amendments can be viewed online or downloaded at www.mackay.qld.gov.au/planningschemes.

SUBMISSION & ENQUIRIES

Anyone can make a submission within the consultation period about any aspect of the proposed amendments.

The submission must:

- be in writing
- include the full name and residential or business address of each person making the submission
- be signed by each person making the submission
- state the grounds of the submission and the facts and circumstances relied on in support of the grounds
- be directed and submitted to Mackay Regional Council
- be received within the consultation period

To view an electronic version of the proposed amendments and for further information on how to make a properly made submission visit: www.mackay.qld.gov.au/planningschemes.

For enquiries, please contact Mackay Regional Council's Strategic Planning program on 1300 MACKAY (622 529) or email strategic.planning@mackay.qld.gov.au.

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