



Mackay Region
PLANNING SCHEME



CONSULTATION REPORT – CONSIDERATION OF MATTERS RAISED THROUGH SUBMISSIONS

PROPOSED PLANNING SCHEME POLICY AMENDMENT - BUSHFIRE

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 used in this document

Acronym / Abbreviation	Definition
ADSR	Accepted development subject to requirements
Council	Mackay Regional Council
MCU	Material change of use
MGR	<i>Minister's Guidelines and Rules under the Planning Act 2016 – version 1.1</i>
OW	Operational work
Planning scheme	Mackay Region Planning Scheme 2017
PSP	Planning scheme policy
Proposed PSP amendment or proposed amendment	Proposed Planning scheme policy amendment – bushfire
ROL	Reconfiguring a lot
TOA	Table of assessment
PO	Performance outcome
AO	Acceptable outcome

1. Executive summary

This Consultation Report has been prepared in accordance with the *Minister's Guidelines and Rules (MGR) under the Planning Act 2016*, to document the process and outcomes of public consultation undertaken on the proposed Planning scheme policy (PSP) amendment 4 - bushfire (proposed PSP amendment).

The proposed Major amendment 2 to the Mackay Region Planning Scheme was also released for public consultation in conjunction with as the proposed PSP amendment. A separate consultation report has been prepared for the proposed Major amendment 2 as it is following a separate amendment process under the MGR.

There were no submissions made on the PSP – bushfire. Some submissions received on the Major amendment 2 also mention the PSP amendment bushfire in the title only, however no submissions mentioned or requested changes to the proposed PSP – bushfire.

This report details when and how consultation was undertaken and lists the submissions received on Major Amendment 2 related to bushfire and justification about how they may relate to the PSP – bushfire. This report also details changes made to the PSP amendment. Changes proposed to the amendment do not significantly change the proposed PSP amendment released for public consultation.

2. Background

The proposed Planning scheme policy amendment – bushfire forms part of a project which is updating all of the PSPs in a series of amendments.

In 2020 Council engaged a consultant to assist in reviewing the planning scheme's bushfire provisions including those within the PSP – bushfire.

The review recommended some amendments to the provisions within the Bushfire hazard overlay code as well as an update the PSP to address matters identified in the review and to comply with the following state guidance materials:

- *State Planning Policy - state interest guidance material - Natural hazards, risk and resilience - Bushfire; and*
- *QFES's - Bushfire resilient communities*

The changes proposed include:

- A change to the level of assessment – making dwelling houses in non-urban areas Accepted development subject to requirements where in the Bushfire hazard overlay;
- Amendments to the Bushfire hazard overlay code to align with the Model code provided by the *State Planning Policy - state interest guidance material - Natural hazards, risk and resilience – Bushfire* document;
- Removing areas of mapped hazard from the Bushfire hazard overlay map where there is clearly no longer any bushfire hazards within urban areas;
- Amending the PSP - bushfire to ensure it supports the amendments to the planning scheme by explaining concepts and terminology and provide further guidance.

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

- support and align with changes made to the planning scheme’s bushfire provisions made under Major amendment 2
- explain concepts and terminology related to bushfire requirements in the Mackay region Planning Scheme 2017; and
- update the material to align with latest best practice, and particularly the following state materials:
 - State Planning Policy - state interest guidance material - Natural hazards, risk and resilience - Bushfire; and
 - QFES's - Bushfire resilient communities

3. Purpose of the report

Council is required to prepare a Consultation Report in accordance with the MGR (*Chapter 3, Part 1, Section 3.4* which states that:

At 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 submission⁸; 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.*

⁸ *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.*

4. Statutory requirements

The process that council must follow for making a planning scheme policy is prescribed within the MGR.

4.1 Consultation period, materials and actions

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 on the PSP was undertaken in conjunction with consultation on Major Amendment 2 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 PSP amendment:

- the Draft Planning scheme policy bushfire; and
- a factsheet that explained the proposed changes related to bushfire hazards was also prepared and made available on council’s website.

Further to the minimum 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 overlay mapping changes, letters were sent directly to:
 - property owners affected by a change to the Bushfire hazard overlay mapping
- 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 on Major amendment 2. Two of these were not properly made submissions. The two not properly made submissions were received after the closing date of the consultation period and therefore are not properly made for this reason.

Whilst some of the submissions contained reference to the PSP – bushfire, none of these submissions had any statements or comments that requested changes to the PSP – bushfire. There were a number of submissions that were relevant to the planning scheme's Bushfire hazard overlay code, which is addressed in the Major Amendment 2 Consultation report. Only the submissions that referred to bushfire have been addressed under this consultation report.

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. None of the submissions were classified as relevant to the PSP – bushfire.
3. Summarising submission matters / grounds	Each submission was read, and the different matters / grounds raised were entered into the Consultation Report per submission. Each submission often covered a range of topics, with some raising similar matters.
4. Consideration of matters / grounds of the submissions	Once all matters / grounds were summarised, they were considered and responses to these matters / grounds were prepared.
5. Consultation report	The Consultation report was prepared which collates steps 3 and 4 above. The consultation report provides a summary of the submissions considered and confirms that the submissions were not related to the PSP - bushfire.

Steps	Action / detail
6. Council consideration of submissions	<p>An overview of the submissions received (and advice that none were relevant to the PSP – bushfire) was provided to council, and recommendations on changes to the proposed amendment were made at a Council briefing on 20 October 2021.</p> <p>Via delegated Memo on 11 November 2021, Council formally considered the submissions received during the public consultation period and the recommended changes to the proposed amendment.</p>
7. Notify submitters of the consideration of submissions	As no submissions were made about the PSP – bushfire, a copy of this submissions report will be made available on Council’s website.

Section 5 of this report contains the submissions relevant to bushfire and details why each of these are not about the PSP – bushfire.

This section contains:

- a unique identifier number for each submission,
- a summary of matters / grounds of the submission,
- rationale for why the submission did not relate to the PSP - bushfire.

4.3 Changes to the proposed amendment

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

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

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 PSP amendment following public consultation in accordance with the MGR as mentioned above. This section contains:

- detail 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,

In summary, the changes proposed to the PSP – bushfire following public consultation are not significantly different to the version of the proposed PSP Amendment 4 - bushfire released for public consultation.

5. Submissions related to bushfire and justification of how they may relate to the PSP – bushfire

5.1 Properly made submissions related to Bushfire

Submission reference	Locality / property details (if relevant)	Planning scheme part	Summary of matters relevant to the PSP - bushfire and grounds of the submission	Justification of how they may relate to the PSP - bushfire
MA2-2021-4	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. 	Bushfire mapping is not provided under the PSP – bushfire. The PSP – bushfire was not mentioned in the body of this submission, other than in formally addressing the Major amendment 2 and PSP amendment 4. On this basis, this is not considered a submission about the PSP – bushfire.
	N/A	Part 8 – Overlays 8.2.5 Bushfire hazard overlay code	<ul style="list-style-type: none"> 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 NCC and the Building Act. 	Requirements related to bushfire are contained within the planning scheme and specifically the Bushfire hazard overlay code. The PSP – bushfire does not introduce any requirements; it provides explanation of terms and concepts used within the planning scheme. The PSP – bushfire was not mentioned in the body of this submission, other than in formally addressing the Major amendment 2 and PSP amendment 4. On this basis, this is not considered a submission about the PSP – bushfire.
MA2-2021-5	N/A	Schedule 2 - Overlay maps Bushfire hazard overlay	Refine bushfire mapping to improve accuracy of hazard management. As the requirements for bushfire have increased through proposed changes, there is concern with the inaccuracies of the hazard mapping, which could: <ul style="list-style-type: none"> add to the cost of development and reduce confidence in the mapping 	Bushfire mapping is not provided under the PSP – bushfire. The PSP – bushfire was mentioned in the body of this submission, but none of the submission matters related to the PSP - bushfire. On this basis, this is not considered a submission about the PSP – bushfire.

Submission reference	Locality / property details (if relevant)	Planning scheme part	Summary of matters relevant to the PSP - bushfire and grounds of the submission	Justification of how they may relate to the PSP - bushfire
			<ul style="list-style-type: none"> create added strain to the efficiency of the development assessment, whilst adding extra expenses for stakeholders looking to develop <p>Remove the bushfire mapping over a school in West Mackay as it incorrectly mapped as a bushfire hazard.</p>	
MA2-2021-6	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.	<p>This terminology is used and defined in the planning scheme. This terminology is not used in the PSP – bushfire.</p> <p>The PSP – bushfire was not mentioned in the body of this submission.</p> <p>On this basis, this is not considered a submission about the PSP – bushfire.</p>
	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....”	<p>This submission matter recommends changes to the bushfire hazard overlay code in the planning scheme.</p> <p>The PSP – bushfire was not mentioned in the body of this submission.</p> <p>On this basis, this is not considered a submission about the PSP – bushfire.</p>
	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.”	<p>This submission matter recommends changes to the bushfire hazard overlay code in the planning scheme.</p> <p>The PSP – bushfire was not mentioned in the body of this submission.</p> <p>On this basis, this is not considered a submission about the PSP – bushfire.</p>
	N/A	Part 8 – Overlays	Consider rewording the provisions of the Bushfire hazard overlay code to ensure workability and clarity is achieved.	<p>This submission matter recommends changes to the bushfire hazard overlay code in the planning scheme.</p> <p>The PSP – bushfire was not mentioned in the body of this submission.</p>

Submission reference	Locality / property details (if relevant)	Planning scheme part	Summary of matters relevant to the PSP - bushfire and grounds of the submission	Justification of how they may relate to the PSP - bushfire
		8.2.5 Bushfire overlay code		On this basis, this is not considered a submission about the PSP – bushfire.

5.2 Not properly made submissions related to bushfire

Submission reference	Locality / property details (if relevant)	Planning scheme part	Summary of matters / grounds of the submission	Justification of how they may relate to the PSP - bushfire
MA2-2021-12	N/A	Part 8 – Overlay codes 8.2.5 Bushfire hazard overlay code & Schedule 2 – Overlay mapping Bushfire hazard overlay	Recommended that Council: <ul style="list-style-type: none"> undertake as 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. 	<p>This submission requested a risk assessment be undertaken in relation to the bushfire hazard amendments, as recommended by the State Planning Policy. A risk assessment, would inform levels of assessment and requirements prescribed under the planning scheme. A risk assessment is not relevant to the explanatory materials outlined in the PSP – bushfire.</p> <p>The submission comment about preparing targeted communication materials about the changes is predominantly about the changed requirements under the planning scheme. It is acknowledged that the PSP – bushfire has some of the explanatory materials about concepts that will form part of the communication materials released to the community.</p> <p>To be clear about how this submission has been responded to, refer to the consultation report for Major amendment 2.</p> <p>The PSP – bushfire was mentioned in the body of this submission – in acknowledging the amendments made to the PSP - bushfire but none of the submission items were specifically about the PSP – bushfire.</p> <p>On this basis, this is not considered a submission about the PSP – bushfire.</p>

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

These changes are made to address new or changed planning circumstances or information.

Change #	Details of the change to the PSP – bushfire	Justification as to why the change is not significantly different
1	<p><i>Amend wording of section 2.2 to reflect the removal of the Table 8.2.5.3.C of the Bushfire overlay code under Major amendment 2 and clarify that the calculation of radiant heat profiles must be undertaken by a suitably qualified professional.</i></p> <p>Section 2.2</p> <p>The calculation of radiant heat profiles is a technical matter and should be undertaken by suitably qualified and experienced professionals.</p> <p>Default APZ distances for a variety of circumstances are provided at Table 8.2.5.3.B of the Bushfire overlay code. Where a site-specific assessment is undertaken in departure from these default distances, the assessment should <u>must</u> be undertaken by a suitably qualified and experienced professional and relevant calculations are to be provided to Council as part of any bushfire hazard assessment and management plan.</p>	<p>This change is required to align with a change to Major amendment 2 which removes table 8.2.5.3.C.</p> <p>The change 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>Note – the draft PSP referenced table 8.2.5.3.B in error. This should have referenced table 8.2.5.3.C.</p>
2	<p><i>Administrative change to reflect the removal of Table 8.2.5.3.C in the planning scheme and subsequent renumbering of Table 8.2.5.3.D.</i></p> <p>Section 2.6</p> <p>The Bushfire hazard overlay code provides the design requirements for static water supply tanks and volume requirements for different uses and lot sizes in Table 8.2.5.3.D.</p>	<p>This change is required to align with a change to Major amendment 2 which removes table 8.2.5.3.C.</p> <p>Also corrects a grammatical error.</p> <p>The change 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>
3	<p>Section 2.2</p> <p>APZ maintenance provisions should be provided as part of an <u>a</u> bushfire management plan prepared in support of a development application.</p>	<p>Corrects a grammatical error.</p> <p>The change 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>

