

Potential amendments to Mackay Region Planning Scheme 2017 - Qualified state interest amendment 1 of 2017

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* Notes:

- In the “Planning scheme page & page no.” column, page numbers mentioned below relate to page numbers in the Track change version of version 2.1
- In the “Proposed amendment” column, *italicised text* is an amendment instruction only – this text does not appear in the planning scheme
- In the “Proposed amendment” column, ~~red strikethrough text~~ is text to be deleted from the planning scheme
- In the “Proposed amendment” column, *blue text* is new text to be included in the planning scheme
- *Statutory Guideline 01/16 – Making and amending local planning instruments* (Section 2.3.A.2 Administrative amendment, Page 6) define Administrative Amendments as follows:

Minster’s Guidelines and Rules – Schedule 1

3. For Chapter 2, Part 3 a **qualified state interest amendment** is an amendment that the Minister is satisfied—
- a) is not a minor amendment or an administrative amendment;
 - b) affects no more than three state interests as expressed in the SPP, relevant regional plan or other statutory instrument or that the Minister is satisfied meets the requirements of 3(d)(iii) of Schedule 1;
 - c) does not involve the state interest of natural hazards, risk and resilience as set out in the SPP; and
 - d) meets at least one of the following—
 - i. is an amendment to make a change or changes to mapping in Appendix 1 of the SPP where the mapping is locally refined by the local government;
 - ii. is an amendment to comply with the relevant matters of state and regional significance in any regional plan including regulatory provisions, or in response to the SPP, that does not adversely impact upon a state interest, and is not a minor change;
 - iii. is an amendment that—
 - a. reflects the guiding principles of the SPP;
 - b. does not adversely affect a state interest in the SPP or regional plan;
 - c. accords with the Act’s purpose; and
 - d. is consistent with the regulated requirements under the Act.

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment									
GENERAL													
Document													
-	-	No amendments specific to this section	-	-									
Mapping													
-	-	No amendments specific to this section	-	-									
PRELIMINARIES													
-	-	No amendments specific to this section	-	-									
PART 1 - ABOUT THE PLANNING SCHEME													
P1-1	<ul style="list-style-type: none"> 1.6 – Building work regulated under the planning scheme (4) Page 1 – 8 	<p>The building assessment benchmarks are contained in the following parts of this planning scheme:</p> <ul style="list-style-type: none"> Overlay codes – Part 8 (8.2.8) – Heritage and neighbourhood character overlay Development codes – Part 9 (9.3.6) – Dwelling house code <table border="1"> <thead> <tr> <th>Description</th> <th>Planning scheme part</th> <th>Building Act (BA) 1975, Building Regulation (BR) 2006 or Queensland Development Code (QDC) reference</th> </tr> </thead> <tbody> <tr> <td colspan="3">Bushfire prone areas</td> </tr> <tr> <td>Description of bushfire prone areas for the BCA</td> <td> <ul style="list-style-type: none"> Section 1.7.1 Bushfire hazard overlay code, the Note section in 8.2.5.1 only Bushfire Hazard Overlay Map: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, </td> <td>Section 32(a) BA 1975 and section 12 BR 2006</td> </tr> </tbody> </table>	Description	Planning scheme part	Building Act (BA) 1975, Building Regulation (BR) 2006 or Queensland Development Code (QDC) reference	Bushfire prone areas			Description of bushfire prone areas for the BCA	<ul style="list-style-type: none"> Section 1.7.1 Bushfire hazard overlay code, the Note section in 8.2.5.1 only Bushfire Hazard Overlay Map: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, 	Section 32(a) BA 1975 and section 12 BR 2006	<p>The proposed amendments better articulate and more clearly identify the planning scheme’s building assessment provisions. Building legislation enables Council to:</p> <ul style="list-style-type: none"> designate all or part of the LGA as a designated bushfire prone area for the BCA designate land subject to flooding include “alternative provisions” to the QDC boundary clearance (setback) and site cover provisions include “varied provisions” for performance criteria 4, 5, 7, 8 or 9 of QDC part 1.1 and 1.2 	Qualified state interest amendment
Description	Planning scheme part	Building Act (BA) 1975, Building Regulation (BR) 2006 or Queensland Development Code (QDC) reference											
Bushfire prone areas													
Description of bushfire prone areas for the BCA	<ul style="list-style-type: none"> Section 1.7.1 Bushfire hazard overlay code, the Note section in 8.2.5.1 only Bushfire Hazard Overlay Map: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, 	Section 32(a) BA 1975 and section 12 BR 2006											

Number	Planning scheme part & page no.	Proposed amendment			Rationale	Type of amendment
			BH - 44 to BH - 53, BH - 55 to BH - 82			
		Flood hazard				
		Designation of a flood hazard area	<ul style="list-style-type: none"> • Section 1.7.2 • Flood and coastal hazards overlay code, the Note to section 8.2.7.1 only • Flood Hazard Overlay Map: maps FC - FH - 5, FC - FH - 25, FC - FH - 26, FC - FH - 29 to FC - FH - 50, FC - FH - 59 to FC - FH - 61, FC - FH - 63 to FC - FH - 65 • Land not identified on the Flood and coastal hazards overlay maps as within: Areas affected by 1% AEP flood event, Areas affected by 0.2% AEP flood event, but is: <ul style="list-style-type: none"> - affected by “defined flood event” - lower than the “minimum floor level” prescribed by 9.3.5 Dwelling house code Acceptable 	Section 32(a) BA 1975 and section 13(1) BR 2006		

Number	Planning scheme part & page no.	Proposed amendment			Rationale	Type of amendment
			outcome AO3(b)(iii) and (iv) and 9.4.1 General development requirements code AO29.1(b)(iii) and (iv)			
		Designation of the defined flood event	SC1.2 – Administrative terms, definition for “defined flood event”	Section 32(a) BA 1975 and section 13(1) BR 2006		
		Declaring a freeboard that is more than 300mm	<ul style="list-style-type: none"> • 8.2.7 – Flood and coastal hazards overlay code, PO1 and AO1.1 • 9.3.5 – Dwelling house code, PO3 and AO3 • 9.4.1 – General development requirements code, PO29 and AO29.1 	Section 32(a) BA 1975 and section 13(1)(b)(iv) BR 2006		
		Declaring the finished floor level of class 1 buildings built in all or part of the flood hazard area	<ul style="list-style-type: none"> • 8.2.7 – Flood and coastal hazards overlay code, PO1 and AO1.1 • 9.3.5 – Dwelling house code, PO3 and AO3 • 9.4.1 – General development requirements code, PO29 and AO29.1 	Section 32(a) BA 1975 and section 13(1)(b)(v) BR 2006		
		Alternative provisions to QDC				
		Building clearance	8.2.8 Heritage and	Section 33(2) BA		

Number	Planning scheme part & page no.	Proposed amendment			Rationale	Type of amendment
		provisions	neighbourhood character overlay code: <ul style="list-style-type: none"> • PO1 and AO1.1 • PO2 and AO2.1 • PO9 and AO9.4, AO9.5 9.3.5 Dwelling house code: <ul style="list-style-type: none"> • PO1 and AO1.1, AO1.2, AO1.3 and AO1.4 • PO2 and AO2.1, AO2.2 	1975 (Performance criteria 1 and 2 under QDC part 1.1 and part 1.2)		
		Site cover provisions	9.3.5 Dwelling house code: <ul style="list-style-type: none"> • PO5 and AO5 • PO6 and AO6.1 	Section 33(2) BA 1975 (Performance criteria 3 under QDC part 1.1 and part 1.2)		
		Varied provisions to QDC				
		Building height provisions	9.3.5 Dwelling house code: <ul style="list-style-type: none"> • PO4 and AO4.1, AO4.2, AO4.3 • PO6 and AO6.2 	Section 33(2) BA 1975 and Part 3 section 10(2) BR 2006 (Performance criteria 4 under QDC part 1.1 and part 1.2)		
		<p>Editor's note – a decision in relation to building work that is assessable development under the planning scheme can only be issued as a preliminary approval. See section 83(b) of the <i>Building Act 1975</i>.</p> <p>Editor's note – in a development application, the applicant may request preliminary approval for building work. The decision on that development application can also be taken to be a referral agency's response under section 56 of the Act, for building work assessable against the <i>Building Act 1975</i>. The decision notice must state this.</p>				
P1-2	• 1.7 – Local	There are no administrative matters for this planning scheme.			The proposed amendments	Qualified state interest

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment		
	<p>government administrative matters</p> <ul style="list-style-type: none"> Page 1 – 10 	<p>1.7.1 Designated bushfire prone area for AS 3959-2009 – Construction of buildings in bushfire prone areas</p> <p>For the purposes of section 32(a) of the BA 1975 and part 3, section 12 of the BR 2006, land identified in Table 1.7.1 is a designated bushfire prone area.</p> <p>Table 1.7.1 – Designated bushfire prone area for AS3959-2009</p> <table border="1" data-bbox="591 539 1308 1038"> <tr> <td data-bbox="591 539 949 1038">Designated bushfire prone area</td> <td data-bbox="949 539 1308 1038"> <p>Land identified in the following categories on the Bushfire Hazard Overlay Map: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, BH - 44 to BH - 53, BH - 55 to BH - 82:</p> <ul style="list-style-type: none"> Very high bushfire hazard area High bushfire hazard area Medium bushfire hazard area Within 100m of a bushfire hazard area </td> </tr> </table> <p>1.7.2 Designated flood hazard area for the Queensland Development Code part MP3.5</p> <p>For the purposes of section 32(a) of the BA 1975, section 13(1)(a) of the BR 2006 and QDC part MP3.5 – Construction of buildings in flood hazard areas, the land identified in Table 1.7.2 is a 'designated flood hazard area'</p> <p>Table 1.7.2 – Designated flood hazard area for QDC part MP3.5</p>	Designated bushfire prone area	<p>Land identified in the following categories on the Bushfire Hazard Overlay Map: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, BH - 44 to BH - 53, BH - 55 to BH - 82:</p> <ul style="list-style-type: none"> Very high bushfire hazard area High bushfire hazard area Medium bushfire hazard area Within 100m of a bushfire hazard area 	<p>better articulate and more clearly identify the planning scheme's building assessment provisions. Building legislation enables Council to designate all or part of the LGA as a designated bushfire prone area for the BCA and designate land subject to flooding.</p>	<p>amendment</p>
Designated bushfire prone area	<p>Land identified in the following categories on the Bushfire Hazard Overlay Map: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, BH - 44 to BH - 53, BH - 55 to BH - 82:</p> <ul style="list-style-type: none"> Very high bushfire hazard area High bushfire hazard area Medium bushfire hazard area Within 100m of a bushfire hazard area 					

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PART 2 - STATE PLANNING PROVISIONS					
-	-	<i>No amendments specific to this section</i>		-	
PART 3 - STRATEGIC FRAMEWORK					
-	-	<i>No amendments specific to this section</i>		-	

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment										
PART 4 - PRIORITY INFRASTRUCTURE PLAN														
-	-	No amendments specific to this section	-											
PART 5 - TABLES OF ASSESSMENT														
P5-1	<ul style="list-style-type: none"> 5.5 – Categories of development and assessment – Material change of use Table 5.5.4 – Emerging community zone Page 5 – 17 	<table border="1"> <thead> <tr> <th>Use</th> <th>Categories of development and assessment</th> <th>Assessment benchmarks for assessable development and requirements for accepted development</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Dwelling house</td> <td colspan="2">Accepted development subject to requirements Accepted development²</td> </tr> <tr> <td>If complying with all requirements for accepted development All circumstances</td> <td>Dwelling house code— all acceptable outcomes in the “Accepted development subject to requirements and assessable development” section No assessment benchmarks apply</td> </tr> <tr> <td>If not accepted development subject to requirements</td> <td>• Emerging community zone code • Dwelling house code • General development requirements code—provisions in the “utility and infrastructure services” and “Flooding” subsections only</td> </tr> </tbody> </table> <p>² Overlays may identify a Dwelling house as assessable development. Refer to Section 5.10 Categories of development</p>	Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development	Dwelling house	Accepted development subject to requirements Accepted development ²		If complying with all requirements for accepted development All circumstances	Dwelling house code— all acceptable outcomes in the “Accepted development subject to requirements and assessable development” section No assessment benchmarks apply	If not accepted development subject to requirements	• Emerging community zone code • Dwelling house code • General development requirements code—provisions in the “utility and infrastructure services” and “Flooding” subsections only	<p>Proposal to reduce the category of assessment for dwelling houses in the Emerging community zone from Accepted development subject to requirements and Code assessment to Accepted development based on the intent to:</p> <ul style="list-style-type: none"> avoid undue over regulation of low risk type development assessment scenarios for dwelling houses; simplify the process and remove hurdles to providing a cost-effective assessment system that delivers housing affordability; accept that building legislation manages assessable Building Work for building class 1a and 10 in the vast majority circumstances competently and efficiently (with or without Council’s nominating varied and alternative provisions to the QDC); and 	Qualified state interest amendment
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		<p style="text-align: center;">and Assessment – Overlays.</p> <p><i>Re-number subsequent footnote numbers accordingly.</i></p>	<ul style="list-style-type: none"> avoid unnecessary and undue demands on MRC resources in Building work assessments for dwelling houses. 														
P5-2	<ul style="list-style-type: none"> 5.5 – Categories of development and assessment – Material change of use Table 5.5.23 – Township zone Page 5 – 109 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="499 448 703 603">Use</th> <th data-bbox="703 448 949 603">Categories of development and assessment</th> <th data-bbox="949 448 1319 603">Assessment benchmarks for assessable development and requirements for accepted development</th> </tr> </thead> <tbody> <tr> <td data-bbox="499 603 703 1252" rowspan="3" style="text-align: center; vertical-align: middle;">Dwelling house</td> <td colspan="2" data-bbox="703 603 1319 676" style="text-align: center;">Accepted development subject to requirements Accepted development¹⁷</td> </tr> <tr> <td data-bbox="703 676 949 957" style="text-align: center;"> If complying with all requirements for accepted development All circumstances </td> <td data-bbox="949 676 1319 957" style="text-align: center;"> Dwelling house code—all acceptable outcomes in the “Accepted development subject to requirements and assessable development” section No assessment benchmarks apply </td> </tr> <tr> <td colspan="2" data-bbox="703 957 1319 997" style="text-align: center;">Code</td> </tr> <tr> <td data-bbox="703 997 949 1252" style="text-align: center;"> If not accepted development subject to requirements </td> <td colspan="2" data-bbox="949 997 1319 1252" style="text-align: center;"> <ul style="list-style-type: none"> Township zone code Dwelling house code General development requirements code—provisions in the “utility and infrastructure services” and “Flooding” subsections only </td> </tr> </tbody> </table> <p>¹⁷ Overlays may identify a Dwelling house as assessable development. Refer to Section 5.10 Categories of development</p>	Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development	Dwelling house	Accepted development subject to requirements Accepted development ¹⁷		If complying with all requirements for accepted development All circumstances	Dwelling house code—all acceptable outcomes in the “Accepted development subject to requirements and assessable development” section No assessment benchmarks apply	Code		If not accepted development subject to requirements	<ul style="list-style-type: none"> Township zone code Dwelling house code General development requirements code—provisions in the “utility and infrastructure services” and “Flooding” subsections only 		<p>Proposal to reduce the category of assessment for dwelling houses in the Township zone from Accepted development subject to requirements and Code assessment to Accepted development based on the intent to:</p> <ul style="list-style-type: none"> avoid undue over regulation of low risk type development assessment scenarios for dwelling houses; simplify the process and remove hurdles to providing a cost-effective assessment system that delivers housing affordability; accept that building legislation manages assessable Building Work for building class 1a and 10 in the vast majority circumstances competently and efficiently (with or without Council’s nominating varied and alternative provisions to the QDC); and 	Qualified state interest amendment
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		<p>and Assessment – Overlays.</p> <p><i>Re-number subsequent footnote numbers accordingly.</i></p>	<ul style="list-style-type: none"> avoid unnecessary and undue demands on MRC resources in Building work assessments for dwelling houses. 							
P5-3	<ul style="list-style-type: none"> 5.7 – Categories of development and assessment – Building work Page 5 - 115 	<p>There is no building work regulated under the planning scheme in respect to zones. Building work is however regulated under 5.10 Categories of development and assessment – Overlays (Table 5.10.1) where triggering an assessment under the Airport environs overlay and Heritage and neighbourhood character overlay.</p>	<p>Clarification that Building work is triggered for assessment under the Airport environs overlay as well as the Heritage and neighbourhood character overlay.</p>	Qualified state interest amendment						
P5-4	<ul style="list-style-type: none"> 5.7 – Categories of development and assessment – Building work Page 5 – 115 	<p><i>Insert the following under sub-section - Note (c) second bullet point:</i></p> <p>Note – under Table 5.10.1, building work (including any ancillary structures, whether permanent (such as flag poles, antennae) or temporary (such as cranes and other construction equipment)) where on a premises triggering the Airport environs overlay is assessable development under the nominated circumstances where a built structure has a height exceeding the obstacle limitation surface.</p>	<p>Clarification that Building work is triggered for assessment under the Airport environs overlay as well as the Heritage and neighbourhood character overlay.</p>	Qualified state interest amendment						
P5-5	<ul style="list-style-type: none"> 5.10 – Categories of development and assessment – Overlays “Airport environs overlay” section Page 5 – 127 	<table border="1"> <thead> <tr> <th>Development</th> <th>Categories of development and assessment</th> <th>Assessment benchmarks for assessable development and requirements for accepted development</th> </tr> </thead> <tbody> <tr> <td>MCU for the following uses (not including outbuildings, verandahs/patios</td> <td>Code assessment Accepted development subject to requirements if:</td> <td>Airport environs overlay code – all acceptable outcomes in the “Accepted</td> </tr> </tbody> </table>	Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development	MCU for the following uses (not including outbuildings, verandahs/patios	Code assessment Accepted development subject to requirements if:	Airport environs overlay code – all acceptable outcomes in the “Accepted	<p>The list of sensitive land uses has been altered to reflect the land uses listed in Table 4 of the <i>State interest guideline – Strategic airports and aviation facilities</i>.</p> <p>Council intended to make certain sensitive land uses accepted development subject to requirements in the 20-40 ANEF contours. Discussions with DSDMIP and DTMR</p>	Qualified state interest amendment
Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development								
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Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment	
		<p>and other non-habitable ancillary structures):</p> <ul style="list-style-type: none"> • caretaker's accommodation • childcare centre • community care centre • community residence • community use • dual occupancy • dwelling house • dwelling unit • educational establishment • health care services • hospital • hotel • multiple dwelling • nature based tourism • non-resident workforce accommodation • office • place of worship • relocatable home park • residential care facility • resort complex • retirement facility • rooming accommodation 	<p>development subject to requirements and assessable development" section</p> <p>Code assessment if:</p> <ul style="list-style-type: none"> • within between the "20 ANEF noise contour" and the "25 ANEF noise contour" or greater noise contours; and • complying with all requirements for accepted development <p>• between the "20 ANEF noise contour" and the "25 ANEF noise contour" not accepted development subject to requirements, or</p> <p>• within the "25 ANEF noise contour" or greater noise contours</p> <p>Airport environs overlay code</p>	<p>revealed that making dwelling houses accepted development subject to requirements would not be supported in the "25-40 ANEF noise contours". Council have therefore made certain sensitive land uses accepted development subject to requirements in the "20 ANEF noise contour" and code assessable in the 25-40 ANEF noise contours.</p> <p>Although more extensive amendments were initially requested, the proposed amendments do simplify and streamline requirements in comparison to the current Mackay Region Planning Scheme.</p>	

Number	Planning scheme part & page no.	Proposed amendment			Rationale	Type of amendment									
		<ul style="list-style-type: none"> rural workers' accommodation short-term accommodation tourist park 													
P5-6	<ul style="list-style-type: none"> 5.10 – Categories of development and assessment – Overlays “Residential densities overlay” section Page 5 – 138 	<table border="1"> <tr> <td data-bbox="495 711 763 927">Development</td> <td data-bbox="763 711 1043 927">Categories of development and assessment</td> <td data-bbox="1043 711 1317 927">Assessment benchmarks for assessable development and requirements for accepted development</td> </tr> <tr> <td colspan="3" data-bbox="495 927 1317 959">Residential densities overlay</td> </tr> <tr> <td data-bbox="495 959 763 1086"> MCU for a new²²: <ul style="list-style-type: none"> Dwelling house Dual occupancy </td> <td data-bbox="763 959 1043 1086"> Impact assessment if on land identified as “strategic residential density area” </td> <td data-bbox="1043 959 1317 1086"> The planning scheme </td> </tr> </table>	Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development	Residential densities overlay			MCU for a new²²: <ul style="list-style-type: none"> Dwelling house Dual occupancy 	Impact assessment if on land identified as “strategic residential density area”	The planning scheme			<p>It is considered that the Residential densities overlay and associated category of assessment for dwelling houses and dual occupancies (impact assessment) is too onerous. A range of other provisions throughout the planning scheme will ensure the delivery of intended outcomes regarding the efficient use of strategically located urban land and increased housing diversity.</p>	Qualified state interest amendment
Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development													
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PART 6 - ZONES															
P6-1	<ul style="list-style-type: none"> 6.2.4 – Emerging community 	Minimum road frontage setbacks for residential buildings are: (a) from arterial roads and sub-arterial roads – 10 metres; and			Consequential amendment prompted change to Dwelling house code AO1.1.	Qualified state interest amendment									

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	<ul style="list-style-type: none"> • zone code • Table 6.2.4.3.A – AO11 • Page 6-27 	<p>(a) from collector streets – 6 metres; and (e)(b)from collector streets and access streets:</p> <ul style="list-style-type: none"> (i) 6 metres for garages, outbuildings and carports; and (ii) 4.5 metres for other parts of the building; and <p>(c) from access streets – 3 metres to open verandahs, where the length of the verandah or verandahs (measured from the inside of the outermost supporting posts) facing the street frontage is not more than 5.5 metres; and</p> <p>(d) from rear laneways:</p> <ul style="list-style-type: none"> (i) 0 metres where the wall height is 3.5 metres or less above ground level; and (ii) 2 metres where the wall height is more than 3.5 metres above ground level. 	<p>The deletion of “rear” from laneways is an administrative amendment. The term “Laneways” appears on the Road hierarchy overlay map, and the term “Rear Laneways” does not.</p>	
P6-2	<ul style="list-style-type: none"> • 6.2.9 – Low density residential zone code • Table 6.2.9.3.A – AO6 • Page 6-68 	<p>Minimum road frontage setbacks for residential buildings are:</p> <p>(a) from arterial roads and sub-arterial roads – 10 metres; and (b) from collector streets – 6 metres; and (e)(b)from collector streets and access streets:</p> <ul style="list-style-type: none"> (i) 6 metres for garages, outbuildings and carports; and (ii) 4.5 metres for other parts of the building; and <p>(c) from access streets – 3 metres to open verandahs, where the length of the verandah or verandahs (measured from the inside of the outermost supporting posts) facing the street frontage is not more than 5.5 metres; and</p> <p>(d) from rear laneways:</p> <ul style="list-style-type: none"> (i) 0 metres where the wall height is 3.5 metres or less above ground level; and (ii) 2 metres where the wall height is more than 3.5 metres above ground level. 	<p>Consequential amendment prompted by change to Dwelling house code AO1.1.</p> <p>The deletion of “rear” from laneways is an administrative amendment (see P6-2). The term “Laneways” appears on the Road hierarchy overlay map, and the term “Rear Laneways” does not.</p>	Qualified state interest amendment
P6-3	<ul style="list-style-type: none"> • 6.2.12 – Medium density residential zone code 	<p>In the Low-medium density precinct (precinct no. MD1) and General medium density precinct (precinct no. MD2), minimum road frontage setbacks for residential buildings are:</p> <p>(a) from arterial roads and sub-arterial roads – 10 metres; and (c) from collector streets – 6 metres; and</p>	<p>Consequential amendment prompted by change to Dwelling house code AO1.1.</p> <p>The deletion of “rear” from</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	<ul style="list-style-type: none"> Table 6.2.12.3.A – AO8.1 Page 6-87 	<p>(e)(b) from collector streets and access streets:</p> <p>(i) 6 metres for garages, outbuildings and carports; and</p> <p>(ii) 4.5 metres for other parts of the building; and</p> <p>(c) from access streets – 3 metres to open verandahs, where the length of the verandah or verandahs (measured from the inside of the outermost supporting posts) facing the street frontage is not more than 5.5 metres; and</p> <p>(d) from rear laneways:</p> <p>(i) 0 metres where the wall height is 3.5 metres or less above ground level; and</p> <p>(ii) 2 metres where the wall height is more than 3.5 metres above ground level.</p>	laneways is an administrative amendment (see P6-2). The term “Laneways” appears on the Road hierarchy overlay map, and the term “Rear Laneways” does not.	
P6-4	<ul style="list-style-type: none"> 6.2.14 – Neighbourhood centre zone code Table 6.2.14.3.A – AO9 Page 6-108 	<p>For residential development, m Minimum road frontage setbacks for residential buildings are:</p> <p>(a) from arterial roads and sub-arterial roads – 10 metres; and</p> <p>(d) from collector streets – 6 metres; and</p> <p>(e)(b) from collector streets and access streets:</p> <p>(iii) 6 metres for garages, outbuildings and carports; and</p> <p>(iv) 4.5 metres for other parts of the building; and</p> <p>(c) from access streets – 3 metres to open verandahs, where the length of the verandah or verandahs (measured from the inside of the outermost supporting posts) facing the street frontage is not more than 5.5 metres; and</p> <p>(d) from laneways:</p> <p>(i) 0 metres where the wall height is 3.5 metres or less above ground level; and</p> <p>(ii) 2 metres where the wall height is more than 3.5 metres above ground level.</p>	Consequential amendment prompted by change to Dwelling house code AO1.1.	Qualified state interest amendment
P6-5	<ul style="list-style-type: none"> 6.2.17 – Rural zone code Table 6.2.17.3.A – AO10.2 Page 6 -125 	<p>On sites with an area of 5,000m² or greater, Tthe minimum setback for other habitable buildings associated with sensitive land uses, other than dwelling house, from boundaries adjoining sites within a sensitive land use zone or Rural zone, is 10 metres.</p>	<p>Recognition that the ability to achieve setbacks on sites with an area of less than 5,000m² is limited.</p> <p>Part of the issue, is ensuring that sensitive land uses are not</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
			<p>impacted by agricultural uses, so the provision has been amended to only apply to habitable buildings.</p> <p>Clarity needed to ensure provisions from the Rural zone code and Dwelling house code are not contradictory.</p>	
P6-6	<ul style="list-style-type: none"> • 6.2.18 – Rural residential zone code • Table 6.2.18.3.A – AO1.1 • Page 6 -128 	<p>Cropping or wholesale nurseries:</p> <p>(a) are on a site that also contains an existing dwelling house; and</p> <p>(b) do not involve aerial spraying; and</p> <p>(c) do not involve centre pivot irrigation; and</p> <p>(d) are setback a minimum of 10 metres from all boundaries; and</p> <p>(e) buildings or structures including greenhouse / netting structures) do not exceed:</p> <p>(i) a maximum area which is lesser of 10% of the total site area or 1,000m²; and</p> <p>(ii) a maximum height of 45.5 metres.</p>	<p>Provision considered necessary to achieve 'line of sight' (internal consistency) with the dwelling house code, where maximum height and site cover provisions for outbuildings ancillary to dwelling houses are set out.</p> <p>Reference to 'buildings' deleted, to clarify intent that 1,000m² buildings are not considered appropriate.</p>	Qualified state interest amendment
P6-7	<ul style="list-style-type: none"> • 6.2.18 – Rural residential zone code • Table 6.2.18.3.A – AO1.3 • Page 6 -129 	<p>Buildings associated with cropping, wholesale nurseries or animal husbandry have:</p> <p>(a) a maximum height of:</p> <p style="padding-left: 20px;">(i) eaves – 4.5 metres above ground level; and</p> <p style="padding-left: 20px;">(ii) roof apex – 45.5 metres above ground level; and</p> <p>(b) a maximum site cover of 450200m².</p>	<p>Provision considered necessary to achieve 'line of sight' (internal consistency) with the dwelling house code, where maximum height and site cover provisions for outbuildings ancillary to dwelling houses are set out.</p>	Qualified state interest amendment
P6-8	<ul style="list-style-type: none"> • 6.2.18 – Rural residential zone code • Table 6.2.18.3.A – AO8.2 	<p>On sites with an area of 5,000m² or greater, the minimum setback for other habitable buildings associated with sensitive land uses, other than dwelling house, from boundaries adjoining sites within a sensitive land use zone or Rural zone, is 10 metres.</p>	<p>Recognition that the ability to achieve setbacks on sites with an area of less than 5,000m² is limited.</p> <p>Part of the issue, is ensuring</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment				
	<ul style="list-style-type: none"> Page 6 -131 		<p>that sensitive land uses are not impacted by agricultural uses, so the provision has been amended to only apply to habitable buildings.</p> <p>Clarity needed to ensure provisions from the Rural zone code and Dwelling house code are not contradictory.</p>					
P6-9	<ul style="list-style-type: none"> 6.2.20 – Specialised centre zone code Table 6.2.20.3 – AO11.2 Page 6-141 	<p>The minimum setback for buildings from road frontage boundaries is:</p> <p>(a) for non-residential buildings – 10 metres; or</p> <p>(b) for residential buildings:</p> <p>(i) 6 metres from arterial roads; and subarterial roads and collector streets – 10 metres; or and</p> <p>(ii) from collector streets and access streets:</p> <p>(A) 6 metres for garages, outbuildings and carports; and</p> <p>(B) 4.5 metres from access streets; for other parts of the building; and</p> <p>(iii) from access streets – 3 metres to open verandahs, where the length of the verandah or verandahs (measured from the inside of the outermost supporting posts) facing the street frontage is not more than 5.5 metres; and</p> <p>(iv) from laneways:</p> <p>(A) 0 metres where the wall height is 3.5 metres or less above ground level; and</p> <p>(B) 2 metres where the wall height is more than 3.5 metres above ground level.</p>	<p>Changes required to make requirements consistent with other zones/precincts facilitating Dwelling houses.</p> <p>Consequential amendment prompted by change to Dwelling house code AO1.1.</p>	Qualified state interest amendment				
PART 7 - LOCAL PLANS								
-	-	<i>No amendments specific to this section</i>	-					
PART 8 - OVERLAYS								
P8-1	<ul style="list-style-type: none"> 8.2.3 – Airport environs 	<table border="1"> <thead> <tr> <th>Performance outcomes</th> <th>Acceptable outcomes</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Performance outcomes	Acceptable outcomes			Consequential amendment arising from the proposal to	Qualified state interest amendment
Performance outcomes	Acceptable outcomes							

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment		
	overlay code • Table 8.2.3.3.A • Page 8 - 8	<p data-bbox="517 231 1303 323">Accepted development subject to requirements and assessable development – Australian Noise Exposure Forecast (ANEF) contours</p> <table border="1" data-bbox="517 323 1303 1369"> <tr> <td data-bbox="517 323 909 1369"> <p data-bbox="517 330 875 632">PO1 Sensitive land uses and uses supported by onsite employees within the ANEF contours are appropriately located and designed to prevent adverse impacts from aircraft noise to achieve a high level of amenity.</p> </td> <td data-bbox="909 323 1303 1369"> <p data-bbox="922 330 1290 1369">AO1.1 Development within the 20 ANEF contour or greater is designed and constructed to attenuate aircraft noise by achieving the following indoor design sound levels: (a) for caretaker's accommodation, community residence, dual occupancy, dwelling house, dwelling unit, multiple dwelling, nature-based tourism, non-resident workforce accommodation, relocatable home park, residential care facility, resort complex, retirement facility, rural workers' accommodation and tourist park: (i) 50 db for sleeping areas; and (ii) 55 db for other habitable areas; and (b) 50 db for educational establishments, childcare centres, hospitals, health care services, community use and place of worship; and (c) 55 db for sleeping areas within short term accommodation, hotel and</p> </td> </tr> </table>	<p data-bbox="517 330 875 632">PO1 Sensitive land uses and uses supported by onsite employees within the ANEF contours are appropriately located and designed to prevent adverse impacts from aircraft noise to achieve a high level of amenity.</p>	<p data-bbox="922 330 1290 1369">AO1.1 Development within the 20 ANEF contour or greater is designed and constructed to attenuate aircraft noise by achieving the following indoor design sound levels: (a) for caretaker's accommodation, community residence, dual occupancy, dwelling house, dwelling unit, multiple dwelling, nature-based tourism, non-resident workforce accommodation, relocatable home park, residential care facility, resort complex, retirement facility, rural workers' accommodation and tourist park: (i) 50 db for sleeping areas; and (ii) 55 db for other habitable areas; and (b) 50 db for educational establishments, childcare centres, hospitals, health care services, community use and place of worship; and (c) 55 db for sleeping areas within short term accommodation, hotel and</p>	<p data-bbox="1330 231 1706 443">make certain development in the 20 ANEF noise contour of the Airport environs overlay accepted development subject to requirements and code assessment where not meeting the requirements.</p> <p data-bbox="1330 480 1697 692">The uses and decibel levels listed in AO1.1 have been amended to align with the requirements of Table 4 of the <i>State interest guideline – Strategic airports and aviation facilities</i>.</p>	
<p data-bbox="517 330 875 632">PO1 Sensitive land uses and uses supported by onsite employees within the ANEF contours are appropriately located and designed to prevent adverse impacts from aircraft noise to achieve a high level of amenity.</p>	<p data-bbox="922 330 1290 1369">AO1.1 Development within the 20 ANEF contour or greater is designed and constructed to attenuate aircraft noise by achieving the following indoor design sound levels: (a) for caretaker's accommodation, community residence, dual occupancy, dwelling house, dwelling unit, multiple dwelling, nature-based tourism, non-resident workforce accommodation, relocatable home park, residential care facility, resort complex, retirement facility, rural workers' accommodation and tourist park: (i) 50 db for sleeping areas; and (ii) 55 db for other habitable areas; and (b) 50 db for educational establishments, childcare centres, hospitals, health care services, community use and place of worship; and (c) 55 db for sleeping areas within short term accommodation, hotel and</p>					

Number	Planning scheme part & page no.	Proposed amendment		Rationale	Type of amendment						
			rooming accommodation; and (d) 55 db for offices								
			AO1.2 Development accords with <i>AS2021 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.</i>								
		Assessable development									
		Protection of aviation facilities									
		<i>Renumber subsequent provisions accordingly</i>									
P8-2	<ul style="list-style-type: none"> 8.2.3 – Airport environs overlay code Table 8.2.3.3.A Pages 8 – 9 and 8 – 10 	<table border="1"> <thead> <tr> <th data-bbox="510 762 900 794">Performance outcomes</th> <th data-bbox="900 762 1308 794">Acceptable outcomes</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="510 794 1308 826"> Australian Noise Exposure Forecast (ANEF) contours </td> </tr> <tr> <td data-bbox="510 826 900 1378"> PQ3 Sensitive land uses and uses supported by onsite employees within the ANEF contours are appropriately located and designed to prevent adverse impacts from aircraft noise to achieve a high level of amenity. </td> <td data-bbox="900 826 1308 1378"> AO3.1 Development within the 20-40 ANEF contour is designed and constructed to attenuate aircraft noise by achieving the following indoor design sound levels: (a) for caretaker's accommodation, community residence, dual occupancy, dwelling house, dwelling unit, multiple dwelling activities and residential care facility: (i) 50 db for sleeping areas; and (ii) 55 db for other habitable areas; and </td> </tr> </tbody> </table>	Performance outcomes	Acceptable outcomes	Australian Noise Exposure Forecast (ANEF) contours		PQ3 Sensitive land uses and uses supported by onsite employees within the ANEF contours are appropriately located and designed to prevent adverse impacts from aircraft noise to achieve a high level of amenity.	AO3.1 Development within the 20-40 ANEF contour is designed and constructed to attenuate aircraft noise by achieving the following indoor design sound levels: (a) for caretaker's accommodation, community residence, dual occupancy, dwelling house, dwelling unit, multiple dwelling activities and residential care facility: (i) 50 db for sleeping areas; and (ii) 55 db for other habitable areas; and		Consequential amendment arising from the proposal to make certain development within the 20 ANEF noise contour of the Airport environs overlay accepted development subject to requirements and code assessment where not meeting the requirements.	Qualified state interest amendment
Performance outcomes	Acceptable outcomes										
Australian Noise Exposure Forecast (ANEF) contours											
PQ3 Sensitive land uses and uses supported by onsite employees within the ANEF contours are appropriately located and designed to prevent adverse impacts from aircraft noise to achieve a high level of amenity.	AO3.1 Development within the 20-40 ANEF contour is designed and constructed to attenuate aircraft noise by achieving the following indoor design sound levels: (a) for caretaker's accommodation, community residence, dual occupancy, dwelling house, dwelling unit, multiple dwelling activities and residential care facility: (i) 50 db for sleeping areas; and (ii) 55 db for other habitable areas; and										

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
		<p>(b) 50 db for childcare centres and community activities; and (c) 55 db for centre activities, hotel, outdoor business activities and short term accommodation; and (d) 75 db for hardware and trade supplies, low impact industry, research and technology industry, service industry and service station.</p> <p>AO3.2 Development accords with AS2021 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.</p>		
P8-3	<ul style="list-style-type: none"> 8.2.5 – Bushfire hazard overlay code 8.2.5.1, Note 1 Page 8 – 16 	<p>For the purposes of section 32(a) of the Building Act 1975 and Part 3, Section 12 of the Building Regulation 2006, land identified within the bushfire hazard areas (very high, high and medium), and within 100m of a bushfire hazard area on the Bushfire hHazard eOverlay mMap: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, BH - 44 to BH - 53, BH - 55 to BH – 82, are 'designated bushfire prone areas'. Relevant sections of the Building Code of Australia and AS3959 (2009) "<i>Construction of Buildings in Bushfire-prone Areas</i>" apply to development within the 'designated bushfire prone areas' identified on the Bushfire hHazard eOverlay mMap: maps BH - 1 to BH - 20, BH - 22 to BH - 26, BH - 28 to BH - 42, BH - 44 to BH - 53, BH - 55 to BH – 82.</p>	<p>The proposed amendments better articulate and more clearly identify the planning scheme's building assessment provisions. Building legislation enables Council to designate all or part of the LGA as a designated bushfire prone area for the BCA.</p>	<p>Qualified state interest amendment</p>
P8-4	<ul style="list-style-type: none"> 8.2.7 – Flood and coastal 	<p><i>Insert new note at the bottom of part 8.2.7.1:</i></p>	<p>The proposed amendments better articulate and more</p>	<p>Qualified state interest amendment</p>

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	hazards overlay code <ul style="list-style-type: none"> 8.2.7.1 Page 8 – 24 	<p>Note – Pursuant to section 32(a) of the Building Act 1975 and section 13(1)(a) of the Building Regulation 2006, land identified as:</p> <ul style="list-style-type: none"> Areas affected by 1% AEP flood event, and Areas affected by 0.2% AEP flood event, on the Flood Hazard Overlay Map: maps FC - FH - 5, FC - FH - 25, FC - FH - 26, FC - FH - 29 to FC - FH - 50, FC - FH - 59 to FC - FH - 61, FC - FH - 63 to FC - FH - 65, is designated as a “Flood hazard area”; and 	clearly identify the planning scheme’s building assessment provisions. Building legislation enables Council to designate land subject to flooding.	
PART 9 - DEVELOPMENT CODES				
P9-1	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO1.1 Page 9-22 	Dwelling houses, secondary dwellings, domestic outbuildings and other ancillary structures are setback from the primary road frontage in accordance with the minimum setbacks identified in the relevant zone code Table 9.3.5.3.B.	Change removes the need to direct a reader to the various zone codes. This also accords with Schedule 6 of the Planning Regulation 2017 which limits the provisions that a dwelling house can be assessed against to those which are alternate provisions to the QDC.	Qualified state interest amendment
P9-2	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO1.2 Page 9-23 	<p>On corner lots in key-urban areas and the Township zones, the minimum secondary road frontage setback is:</p> <p>(a) 3 metres for the dwelling house (not including garages or domestic outbuildings eg garages sheds and carports); and</p> <p>(b) 6 metres for garages (eaves of up to 600mm can intrude into this setback); and</p> <p>(c) 6 metres for domestic outbuildings eg sheds and carports.</p>	<p>The definition for urban zone covers Township. The provision is streamlined and simplified by referring to ‘urban zones’ rather than ‘key urban areas and the Township zone’.</p> <p>Clarify that the reduced setback does not apply to garages by separating this from domestic outbuildings. Otherwise is unclear whether provision applies to garages that are built into the house.</p> <p>Post consultation change to</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
			<p>this amendment is to clarify that the 6m setback requirement to garages, domestic outbuildings and carports applies to the secondary road frontage setback as well as the primary road frontage setback. Table 9.3.5.3.B sets the primary road frontage setback only.</p> <p>While there was no submission which specifically requested this change, one submission requested a reduced secondary road frontage setback and this oversight was identified.</p> <p>Additional change in response to submission to allow eaves to overhang into the 6m setback to garages.</p>	
P9-3	<ul style="list-style-type: none"> • 9.3.5 – Dwelling house code • Table 9.3.5.3.A – AO1.3 • Page 9-23 	<p>AO1.3 An open carport (as defined in the QDC) or shade sail may be set back less than the minimum setbacks identified in AO1.1 or AO1.2 provided that:</p> <ul style="list-style-type: none"> (a) the setback is from a collector street or access street; and (b) the maximum width of the carport is the lesser of 6 7 metres or 50% of the frontage (measured from the inside of the outermost supporting posts); and (c) supporting posts are setback a minimum of 1 metre from the road frontage; and (d) enclosing / screening elements (for example walls, doors/ windows, screens) are not provided on any elevations. 	<p>It is considered appropriate that lesser setbacks are provided for shade sails if on an appropriate road type, of an appropriate width and the posts that are appropriately setback.</p> <p>The Heritage and Neighbourhood Character Overlay code requires a maximum carport width of 7 metres. The provision has</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
		<p><i>Renumber subsequent footnote numbers accordingly.</i></p>	<p>been amended to be consistent with this.</p> <p>Requirements have been provided to clarify what is meant by “open carport”. A definition is also provided in the QDC.</p> <p>Post consultation change to this amendment to clarify that the reduced setbacks also apply to secondary road frontage setbacks specified in AO1.2.</p>	
P9-4	<ul style="list-style-type: none"> • 9.3.5 – Dwelling house code • Table 9.3.5.3.A – AO1.4 • Page 9-23 	<p>The following ancillary structures may be set back less than the minimum setbacks required by AO1.1 or AO1.2:</p> <p>(a) unroofed landings, entry porches, steps or ramps with a maximum height of 1 metre above ground level; or</p> <p>(b) shade devices attached to a dwelling house or dwelling unit such as screens, sunblinds and sunhoods over windows and doors; or</p> <p>(c) minor outdoor recreation / garden structures such as pergolas, gatehouses and arches; or</p> <p>(cd) utilities such as above ground rainwater tanks (not more than 1.5 metres high and with a footprint of not more than 4m², aerials, electricity and gas meters¹⁹.</p>	<p>This matter is adequately dealt with by the Queensland Development Code – which allows lesser front setbacks for gatehouses and arches if less than 3m high, 2m wide and 4m² in area.</p> <p>The term ‘pergolas’ is ambiguous, and may provide for structures of varying height, size and design. In addition, front setbacks are often required for infrastructure such as water mains/ sewage. It is not suitable to allow large structures to be built over this infrastructure.</p> <p>Post consultation change to this amendment to clarify that the reduced setbacks also</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
			apply to secondary road frontage setbacks specified in AO1.2.	
P9-5	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO2.1 Page 9-24 	<p>On sites with an area of 1 hectare or greater in the Rural zone, the minimum setback from side and rear boundaries for the primary dwelling houses and any secondary dwellings (excluding domestic outbuildings and other ancillary structures) is 10 metres²⁰.</p> <p>²⁰————This provision does not apply to outbuildings and other ancillary structures that do not contain habitable rooms.</p> <p><i>Renumber subsequent footnote numbers accordingly.</i></p>	Considered appropriate to include reference “(excluding domestic outbuildings and other ancillary structures)” in the provision and delete the footnote to improve clarity and make consistent with AO2.2(a).	Qualified state interest amendment
P9-6	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO2.2 Page 9-24 	<p>On sites with an area of 5,000m² or greater in the Rural residential zone, the minimum setback from side and rear boundaries for dwelling houses, secondary dwellings, domestic outbuildings and other ancillary structures is:</p> <p>(a) for dwelling houses and secondary dwellings (excluding domestic outbuildings and other ancillary structures) – 10 metres from boundaries adjoining land within the Rural zone; and</p> <p>(b) for dwelling houses, secondary dwellings, domestic outbuildings and other ancillary structures – 5 metres from boundaries adjoining land within the Rural residential zone and other zones other than the Rural zone.</p>	The intent of AO2.2(a) is to ensure adequate separation between sensitive land uses and agricultural activities. It is not considered necessary that outbuildings and other ancillary structures are also subject to this requirement. The purpose of this amendment is to remove the side setback requirement for outbuildings and other ancillary structures from boundaries adjoining properties zoned Rural.	Qualified state interest amendment
P9-7	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – heading for the Building height and site cover section 	<p>Building height and site cover²²</p> <p>²² Refer to the Queensland Development Code for building height provisions relevant to areas not mentioned in AO4.1, AO4.2 and AO4.3.</p>	Enable provisions in this section to be streamlined by deleting unnecessary duplications of the Queensland Development Code.	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	<ul style="list-style-type: none"> Page 9-25 			
P9-8	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – PO4 and PO5 Page 9-25 	<p>PO4 Dwelling houses height:</p> <p>(a) integrates with the character of surrounding built form; and (b) maintains views and access to natural light for adjoining and nearby lots; and (c) does not form overdevelopment of the site; and (d) utilises a usable extent of building height within areas affected by flooding.</p> <p>PO5 Dwelling houses within areas affected by flooding or the landslide hazard overlay:</p> <p>(a) utilise a usable extent of building height; and (b) integrate with the built form character of the surrounding area; and (c) do not form overdevelopment of the site.</p> <p>Renumber AO4 to AO4.1, AO5.1 to AO4.2 and AO5.2 to AO4.3. Renumber subsequent provision accordingly.</p>	<p>Streamline provisions by consolidating two separate but similar performance outcomes addressing the same topic.</p> <p>“and” inserted after each dot point for consistency with other provisions.</p>	Qualified state interest amendment
P9-9	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO4 Page 9-25 	<p>AO4.1 Dwelling houses have a maximum height of:</p> <p>(a) 11 metres above ground level (3 storeys) in the areas identified on:</p> <p>(ia) Figure 9.3.6.3.A – 11 metre (3 storey) maximum building height areas – Mackay Harbour; or (ii)b) Figure 9.3.6.3.B – 11 metre (3 storey) maximum building height areas – Sarina Beach; or.</p> <p>(b) 8.5 metres above ground level in other locations.</p>	Streamline provision by deleting unnecessary duplication of the Queensland Development Code.	Qualified state interest amendment
P9-10	<ul style="list-style-type: none"> 9.3.5 - Dwelling house code 	<p>In areas covered by the landslide hazard overlay, dwelling houses have a maximum height of 10 metres.</p>	This matter is at the discretion of building certifier. The Department of Housing and	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	<ul style="list-style-type: none"> Table 9.3.5.3.A – AO5.2 Page 9-2 	Delete provision AO5.2.	Public Works recommended removal of this provision.	
P9-11	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – PO6 Page 9-25 	<p>PO65 Development Dwelling house site cover:</p> <p>(a) maintains an adequate and usable outdoor recreation area; and</p> <p>(b) does not constitute over-development of the subject site; and</p> <p>(c) maintains a high level of amenity and privacy for adjoining lots.</p>	Consistent wording with other provisions in the code.	Qualified state interest amendment
P9-12	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO7.2 Page 9-26 	<p>AO6.17.2 In the Rural residential zone, the site cover of domestic outbuildings does not exceed 200m².</p>	Consistent terminology. Other provisions in the Dwelling house code and the use definition for Dwelling house refers to “domestic outbuilding”.	Qualified state interest amendment
P9-13	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO7.2 Page 9-26 	Domestic outbuildings are setback from street frontages in accordance with the minimum setbacks identified in the relevant zone code.	Provision duplicates Dwelling house code AO1.1 and therefore is not necessary. Removal streamlines the code.	Qualified state interest amendment
P9-14	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO7.3 Page 9-26 	<p>AO6.27.3 Domestic outbuildings accord with the following maximum heights:</p> <p>(a) eaves in urban zones on sites with an area of less than 400m²:</p> <p>(i) on lots with an area of 400m² or more – 3.5 metres above ground level; or eaves – 2.4 metres above ground level; and</p> <p>(ii) on lots with an area of less than 400m² – 2.4 metres</p>	<p>The previous provision recognised 2 types of shed heights – for lots 400m² and over and lots less than 400m². The provisions did not differentiate zones.</p> <p>The proposed amendment</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
		<p style="text-align: center;">above ground level; and roof apex – 2.7 metres above ground level</p> <p>(b) roof apex on sites in urban zones with an area of 400m² or more and on sites zoned Rural residential with an area of less than 5,000m²:</p> <p>(i) on lots with an area of 400m² or more – 4.5 metres above ground level; or eaves – 4 metres above ground level; and</p> <p>(ii) on lots with an area of less than 400m² – 2.7 metres above ground level. roof apex – 5 metres above ground level</p> <p>(c) on sites zoned Rural residential with an area of 5,000m² or more:</p> <p>(i) eaves – 4.5 metres above ground level; and</p> <p>(ii) roof apex – 5.5 metres above ground level.</p>	<p>recognises 4 types of shed heights:</p> <ul style="list-style-type: none"> • standard lots in urban zones (400m² or more) and small Rural residential lots (less than 5,000m²) • small lots in urban zones (less than 400m²) • standard Rural residential lots (5,000m² or more) • rural zone <p>The proposed amendment:</p> <ul style="list-style-type: none"> • increases the height of sheds in standard urban zone lots and small Rural residential lots by 0.5 metres – this small increase will allow for standard design requirements for boats and caravans (currently the 3.5 eaves prevent the required entrance height due to the roller door) • retain the shed heights for small lots in urban zones • increases the height of sheds on Rural residential lots by 1m to reflect the larger lot size and large site cover provided for • removes provisions for the Rural zone (shed 	

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment								
			height will now be regulated by the QDC)									
P9-15	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO8.1 Page 9-26 	No more than 1 secondary dwelling is provided per lot.	Streamline code by consolidating former AO8.1 and AO8.2 into AO7.	Qualified state interest amendment								
P9-16	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – AO8.2 Page 9-26 	<p>AO78.2 In the Rural zone and Rural residential zone The secondary dwelling:</p> <p>(a) no more than 1 secondary dwelling is provided per lot; and (b) the secondary dwelling has a maximum gross floor area of 60m². and contains no more than 1; and (c) the secondary dwelling is not located more than 20 metres from the primary dwelling house.</p> <p>(a) bedroom; (b) combined living / dining area; (c) kitchen; (d) bathroom / toilet.</p>	<p>Streamline code by deleting requirements for residential zones / urban areas – this is considered to be adequately regulated by the Queensland Development Code.</p> <p>Provisions for Rural and Residential zones are retained / included to prevent secondary dwellings that are large and / or distant from the dwelling house (may provide motivation for future subdivision application).</p> <p>References to number of rooms by type is not considered necessary and has been deleted to streamline the provision.</p>	Qualified state interest amendment								
P9-17	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code Table 9.3.5.3.A – 	<table border="1"> <thead> <tr> <th>Performance outcomes</th> <th>Acceptable outcomes</th> </tr> </thead> <tbody> <tr> <td colspan="2">Car parking and garage width</td> </tr> <tr> <td>PO9</td> <td>AO9</td> </tr> <tr> <td>The number of car parks</td> <td>Car parking is provided in</td> </tr> </tbody> </table>	Performance outcomes	Acceptable outcomes	Car parking and garage width		PO9	AO9	The number of car parks	Car parking is provided in	Deletion of PO9 and AO9 - streamline code by deleting unnecessary duplication of the Queensland Development Code	Qualified state interest amendment
Performance outcomes	Acceptable outcomes											
Car parking and garage width												
PO9	AO9											
The number of car parks	Car parking is provided in											

Number	Planning scheme part & page no.	Proposed amendment		Rationale	Type of amendment
	PO9, PO10, AO9, AO10 • Page 9-27	provided on the lot is adequate to the needs of residents.	accordance with Table 9.4.1.3.B in the General development requirements code.	Deletion of PO10 and AO10: <ul style="list-style-type: none"> provisions may have unintended consequences by triggering appropriate development for assessment the Queensland Development Code addresses this matter on lots less than 450m² 	
PO10 Enclosed garages: (a) are visually integrated with the dwelling house and the streetscape; and (b) do not dominate the appearance of the site as viewed from the street.	AO10 The width of enclosed garages does not exceed the lesser of: (a) 7 metres; or (b) 50% of the total width of road frontage.				
P9-18	<ul style="list-style-type: none"> 9.3.5 – Dwelling house code 	<p><i>Insert new Table 9.3.5.3.B – Dwelling house code – minimum primary road frontage setback, after Table 9.3.5.3.A.</i></p> <p><i>Amendments include:</i></p> <ul style="list-style-type: none"> <i>reduce primary road frontage setback requirements in the Emerging community zone (post urban development), Low density residential zone, Medium density residential zone (MD1 and MD2 precincts, Neighbourhood centre zone and Specialised centre zone (SC2 precinct) as follows:</i> <ul style="list-style-type: none"> <i>to 4.5 metres from collector streets (was 6 metres)</i> <i>to 3 metres from local streets for open verandahs (was 4.5 metres) provided that the total length of the verandah/s facing the street frontage does not exceed 5.5 metres</i> <i>for roads not identified on the Road Hierarchy Overlay Map (include unconstructed road reserves), include a requirement that:</i> <ul style="list-style-type: none"> <i>requires Council advice to determine the relevant road type for the purposes of the provision</i> <i>indicates that 2 metres is an acceptable setback from unconstructed esplanades and other roads where the site is zoned, Emerging community (where urban development</i> 		<p>Change removes the need to direct a reader to the various zone codes. This also accords with Schedule 6 of the Planning Regulation 2017 which limits the provisions that a dwelling house can be assessed against to those which are alternate provisions to the QDC.</p> <p>The setback reductions on collector streets and for open verandahs on access streets essentially reinstate former requirements under the Mackay City Planning Scheme.</p> <p>However, a 5.5 metre limitation on verandah length facing the</p>	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
		<p><i>has taken place), High density residential, Low density residential, Medium density residential, Mixed use (MX2 precinct), Neighbourhood centre, Specialised centre (SC2 precinct), Township</i></p> <p><i>See separate track change version of the proposed Dwelling house code.</i></p>	<p>street frontage has been introduced. This is considered reasonable, given that an excessively long (especially 2 storey) verandahs would constitute overdevelopment of the site and result in significant impacts on the streetscape.</p>	
P9-19	<ul style="list-style-type: none"> • 9.3.7 – Home based business code • Table 9.3.7.3.A – AO1.3 • Page 9 – 40 	<p>AO1.3 Home-based business involving bed and breakfast use comply with the following:</p> <p>(a) the use is wholly contained within the principle dwelling house on the site; and</p> <p>(b) sites have a minimum area of:</p> <p>(i) 600m² if within a residential zone other than the Township zone or Rural residential zone; or</p> <p>(ii) 1,000m² if within the Township zone; or</p> <p>(iii) 1 hectare if within the Rural zone or Rural residential zone; and</p> <p>(c) does not contain more than:</p> <p>(i) 2 guest bedrooms if within a residential zone other than the Rural residential zone; or</p> <p>(ii) 4 guest bedrooms if within the Rural zone or Rural residential zone; and</p> <p>(d) with regards to employees that do not live in the principle dwelling house:</p> <p>(i) no non-resident employees are associated with the use if within a residential zone other than the Rural residential zone; or</p> <p>(ii) no more than 2 employees are associated with the use if within the Rural zone or Rural residential zone; and</p> <p>(e) the maximum continuous period of stay for any guest is 4 weeks.</p>	<p>The proposed amendments seek to clarify / reiterate that the Rural Residential zone is not a residential zone. As such, the references to Rural residential zone in AO1.3(b)(i), (c)(i) and (d)(i) are incorrect.</p>	<p>Qualified state interest amendment</p>
P9-20	<ul style="list-style-type: none"> • 9.3.20 – Tourist park 	<p>The following is provided alongside and rear boundaries:</p> <p>(a) 1.8 metre visual screen fence and a 3 metre landscape buffer</p>	<p>The proposed amendments seek to clarify and consolidate</p>	<p>Qualified state interest amendment</p>

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment								
	<ul style="list-style-type: none"> and relocatable home park code • Table 9.3.20.3.A – AO20 • Page 9 – 103 	<p>where site boundaries adjoin properties in an sensitive land use zone urban residential zone⁶², Community facilities zone or Sport and recreation zone; and</p> <p>(b) 1.8 metre visual screen fence and a 5 metre landscape buffer where boundaries adjoin properties in an industry zone, multipurpose centre⁶³⁶², Specialised centre zone or Special purpose zone; and</p> <p>(c) a 5 metre landscape buffer where boundaries adjoin properties in a Rural zone or Rural residential zone.</p> <p>⁶²“Urban residential zone” means Emerging community zone, High density residential zone, Low density residential zone, Medium density residential zone, Mixed use zone, Tourism area (major) zone and Township zone.</p> <p><i>Renumber subsequent footnote numbers accordingly.</i></p>	<p>definitions regarding sensitive land zones, residential zones and urban zones.</p> <p>The definition for “urban residential” is covered by sensitive land use zone and is therefore unnecessary. As such, the definition is unnecessary.</p>									
P9-21	<ul style="list-style-type: none"> • 9.4.1 – General development requirements code • Table 9.4.1.3.B – parking requirements for Dwelling house • Page 9 – 130 	<table border="1"> <thead> <tr> <th data-bbox="504 783 707 847">Use</th> <th data-bbox="707 783 909 847">Car parking rate</th> <th data-bbox="909 783 1111 847">Relevant vehicle size</th> <th data-bbox="1111 783 1312 847">Bicycle parking rate</th> </tr> </thead> <tbody> <tr> <td data-bbox="504 847 707 1303">Dwelling house</td> <td data-bbox="707 847 909 1303">2 spaces (of which 1 space must be covered). Spaces may be in tandem. Car parking rate regulated by the Queensland Development Code.</td> <td data-bbox="909 847 1111 1303">B99 Car parking dimensions regulated by the Queensland Development Code.</td> <td data-bbox="1111 847 1312 1303">Not applicable.</td> </tr> </tbody> </table>	Use	Car parking rate	Relevant vehicle size	Bicycle parking rate	Dwelling house	2 spaces (of which 1 space must be covered). Spaces may be in tandem. Car parking rate regulated by the Queensland Development Code.	B99 Car parking dimensions regulated by the Queensland Development Code.	Not applicable.	<p>Note enables provisions in the Dwelling house code to be streamlined by deleting unnecessary duplication of the Queensland Development Code.</p>	Qualified state interest amendment
Use	Car parking rate	Relevant vehicle size	Bicycle parking rate									
Dwelling house	2 spaces (of which 1 space must be covered). Spaces may be in tandem. Car parking rate regulated by the Queensland Development Code.	B99 Car parking dimensions regulated by the Queensland Development Code.	Not applicable.									
PART 10 – OTHER PLANS												
-	-	<i>No amendments specific to this section</i>	-									

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
SCHEDULE 1 - DEFINITIONS				
S1-1	<ul style="list-style-type: none"> • SC1.1 – Administrative terms • Table SC1.2.2 – Administrative definitions • Page SC 1 – 50 • 	<p><i>Insert definition below the new definition for “nutrients of concern”:</i></p> <p><i>Column 1 Term</i> Open verandah</p> <p><i>Column 2 Definition</i> open verandah means that all elevations, and parts of elevations, that do not adjoin a building wall are ‘open’.</p> <p>For the purposes of this definition, ‘open’ means that, excluding verandah balustrade, elevations are not fully or partially enclosed by:</p> <ul style="list-style-type: none"> • solid walls, glazing/windows or doors • semi-open (eg. separated battens, lattice, screens) walls, glazing/windows, louvres, panels or doors 	Clarification of this term is required. This term is used in both the Dwelling house code and a number of zone codes.	Qualified state interest amendment
S1-2	<ul style="list-style-type: none"> • SC1.1 – Administrative terms • Table SC1.2.2 – Administrative definitions • Definition for “residential zone” • Page SC 1 – 52 	<p>residential zone: means premises designated in a local categorising instrument as residential. For the purposes of the Mackay Region Planning Scheme 2017, residential zone includes emerging community zone, high density residential zone, low density residential zone, medium density residential zone, mixed use zone, rural residential zone, tourism zone and township zone.</p>	Amended to respond to Schedule 6 of the Planning Regulation 2017.	Qualified state interest amendment
S1-3	<ul style="list-style-type: none"> • SC1.1 – Administrative terms • Table SC1.2.2 – Administrative 	<p><i>Insert definition below the definition for “sensitive land use”:</i></p> <p><i>Column 1 Term</i> Sensitive land use zone</p> <p><i>Column 2 Definition</i></p>	Consequential amendment resulting from the amendment to the definition for “residential zone” (to respond to Schedule 6 of the Planning Regulation 2017).	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	<ul style="list-style-type: none"> definitions Page SC 1 – 52 	sensitive land use zone: includes community facilities zone, emerging community zone, high density residential zone, low density residential zone, medium density residential zone, mixed use zone, rural residential zone, tourism zone and township zone.		
S1-4	<ul style="list-style-type: none"> SC1.1 – Administrative terms Table SC1.2.2 – Administrative definitions Definition for “urban zone” Page SC1 – 56 	<p>urban zone means Community facilities zone, District centre zone, Emerging community zone, High density residential zone, High impact industry zone, Industry investigation zone, Local centre zone, Low density residential zone, Low impact industry zone, Major centre zone, Medium density residential zone, Mixed use zone, Principal centre zone, Specialised centre zone, Sport and recreation zone, and Township zone. any of the following zones:</p> <p>(a) low density residential zone, medium density residential zone or high density residential zone;</p> <p>(b) neighbourhood centre zone, local centre zone, district centre zone, major centre zone or principal centre zone;</p> <p>(c) low impact industry zone, high impact industry zone or industry investigation zone;</p> <p>(d) emerging community zone;</p> <p>(e) mixed use zone;</p> <p>(f) specialised centre zone; or</p> <p>(g) township zone.</p>	Amended to reflect the Planning Regulation 2017.	Qualified state interest amendment
S1-5	<ul style="list-style-type: none"> Table SC1.2.2 – Administrative definitions Definition for “primary road frontage” Page SC1 – 51 	<p>primary road frontage:</p> <p>(a) on sites with 1 road frontage only, the primary road frontage is the road frontage</p> <p>(b) on corner sites (sites with 2 or more road frontages), the primary road frontage is:</p> <p>(i) is the shorter of the two road frontages; or</p> <p>(ii) where the 2 road frontages are the same length, the frontage that buildings on adjoining and nearby sites primarily address (front door, letter box and mailing address).</p>	Refine administrative definitions for “primary road frontage” to: <ul style="list-style-type: none"> - account for properties with more than 2 road frontages - have clearer guidance where road frontages are the same length 	Qualified state interest amendment
S1-6	<ul style="list-style-type: none"> Table SC1.2.2 – Administrative 	<p>secondary road frontage, on corner sites (sites with 2 or more road frontages), means:</p> <p>(a) the frontage that is the longer of the two road frontages; or</p>	Refine administrative definitions for “secondary road frontage” to:	Qualified state interest amendment

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	definitions <ul style="list-style-type: none"> • Definition for “secondary road frontage” • Page SC1 – 52 	(b) where the 2 road frontages are the same length, the frontage that buildings on adjoining and nearby sites do not primarily address (front door, letter box and mailing address).	<ul style="list-style-type: none"> - account for properties with more than 2 road frontages - have clearer guidance where road frontages are the same length 	
SCHEDULE 2 - MAPPING				
S2-1	<ul style="list-style-type: none"> • SC2.5 – Overlay maps • Residential Density Overlay Maps series (Grid index and Map numbers: RD - 5, RD - 19, RD - 20, RD - 22 to RD - 24, RD - 34 to RD - 42 	<i>Delete entire map series.</i>	It is considered that the Residential densities overlay and associated category of assessment for dwelling houses and dual occupancies (impact assessment) is too onerous. A range of other provisions throughout the planning scheme will ensure the delivery of intended outcomes regarding the efficient use of strategically located urban land and increased housing diversity.	Qualified state interest amendment
SCHEDULE 3 - PRIORITY INFRASTRUCTURE PLAN MAPPING				
-	-	<i>No amendments specific to this section</i>	-	
SCHEDULE 4 - NOTATIONS REQUIRED UNDER THE SUSTAINABLE PLANNING ACT 2009				
-	-	<i>No amendments specific to this section</i>	-	
SCHEDULE 5 - LAND DESIGNATED FOR COMMUNITY INFRASTRUCTURE				
-	-	<i>No amendments specific to this section</i>	-	
SCHEDULE 6 - PLANNING SCHEME POLICIES				
-	-	<i>No amendments specific to this section</i>	-	
APPENDIX 1 - INDEX AND GLOSSARY OF ABBREVIATIONS AND ACRONYMS				
AP-1	Table AP1.1 –	<i>Insert the following below the row for “B99”</i>	Consequential amendment -	Qualified state interest

Number	Planning scheme part & page no.	Proposed amendment	Rationale	Type of amendment
	Abbreviations and acronyms	BA 1975 Building Act 1975	proposed amendments reference this legislation (through this acronym) a number of times.	amendment
AP-2	Table AP1.1 – Abbreviations and acronyms	<i>Insert the following below the row for “BA 1975”</i> BCA Building Code of Australia	Consequential amendment - proposed amendments reference this legislation (through this acronym) a number of times.	Qualified state interest amendment
AP-3	Table AP1.1 – Abbreviations and acronyms	<i>Insert the following below the row for “BPEM Guidelines”</i> BR 2006 Building Regulation 2006	Consequential amendment - proposed amendments reference this legislation (through this acronym) a number of times.	Qualified state interest amendment
AP-4	Table AP1.1 – Abbreviations and acronyms	<i>Insert the following below the row for “QCCCE”</i> QDC Queensland Development Code	Consequential amendment - proposed amendments reference this legislation (through this acronym) a number of times.	Qualified state interest amendment
APPENDIX 2 - TABLE OF AMENDMENTS				
-	-	<i>No amendments specific to this section</i>	-	