



# Consultation Report - Package 1 Major Amendment

*Townsville City Plan*

# 1. Introduction

This Consultation Report documents and considers the properly made submissions received during the public consultation period for Package 1 Major Amendment. It identifies how each properly made submission will be managed and whether additional changes are required to the amendment package in response to submissions. The Consultation Report is prepared in accordance with the requirements of the Minister's Guidelines and Rules.

The Consultation Report includes:

1. Summary of the public consultation process.
2. Review and categorisation of the submissions.
3. Consideration of key issues and response to submissions.
4. Outline the changes made to the amendment package post public consultation.
5. Outline the next steps.

## 1.1 Background

Package 1 Major Amendment was initiated in 2020. The purpose of the amendment is to make it easier for the community to build supported development in appropriate locations. The amendment seeks to:

- streamline the development assessment process by aligning with prevailing statutory planning instruments and legislation;
- support development opportunities that contribute to a strong economy and grow Townsville; and
- enable continuous maintenance and improvement of the planning scheme.

Package 1 Major Amendment is comprised of proposed changes that are administrative, minor and major amendments in accordance with the *Planning Act 2016*. Throughout the amendment process, Council has worked extensively with State agencies to progress a range of State interests, resulting in numerous improvements to the planning scheme being proposed. Almost all parts and schedules of the scheme include changes to some degree.



## 2. Public Consultation Summary

Public consultation on Package 1 Major Amendment was undertaken in accordance with relevant statutory requirements and Council's Engagement and Communication Plan for the amendment. The consultation period occurred between 3 October 2023 and 31 October 2023. This provided the opportunity for stakeholder feedback on the amendment.

Statutory and non-statutory activities were undertaken for the public consultation, including-

- Placing a notice in the local newspaper.
- Providing access to an electronic and hardcopy version of the amendment with explanatory notes.
- Letter drops to landowners affected by zoning or precinct changes, or changes to Schedule 7 - Places of Cultural Heritage Value.
- Workshops with development industry and interest parties.
- Dedicated webpage to display amendment information.
- Dedicated planning officers available to assist with enquiries on the amendment.

Council received submissions via the Have Your Say platform and also via email. All submissions were considered in an objective, equitable and fair manner, and where considered appropriate, have informed changes to the final amendment package.

Council's review and consideration of submissions involved the following stages -

1. Registering submissions.
2. Summarising and categorising the issues raised in submissions.
3. Evaluate and consider the issues.
4. Formulate responses to the issues.
5. Notification to submitters.

# 3. Submitter Summary

During the public consultation period, Council received a total of 63 submissions. A copy of the Submissions Register is included in Appendix A Submissions register.

## 3.1 Submitter type

Each submission received in response to Package 1 Major Amendment has been classified into one of the two following categories to define the nature of the submitter as either:

- Individual - a submission lodged on behalf of an individual.
- Group/Organisation - a submission lodged on behalf of a group representing the common interest of its constituents or an organisation or public sector entity representing itself or the interests of its constituents.

There were 13 submissions received in response to the proposed major amendment were from a Group/Organisation, the other 50 submissions received were from individuals.

## 3.2 Submission format

Each submission received has been classified into one of the three following categories based on the format of the submission;

- Unique Submission;
- Pro Forma Submission; or
- Common Issue Submission.

There were 46 submissions raising a common issue relating to the reduction in the level of assessment for Nature based tourism and Environmental facilities within the Environmental management and conservation zone, specifically within the Magnetic Island area. The other 17 submissions raised other unique matters or concerns.

## 3.3 Nature of submission

Each submission was categorised based on the nature of the submission and outcome sought, as follows:

- Supportive- the submission agrees with the content contained within the Package 1 Major Amendment;
- Objects - the submission objects with the content contained within Package 1 Major Amendment; or
- Requests for additional changes - the submission involves a request for amendments to the scheme that were not part of the proposed amendment.

Many of the submissions received raised multiple issues and highlighted elements of the amendment that they supported or objected to, as well as made requests for additional changes. There were nine submissions in support of the amendment, 53 received objecting to elements of the amendment, and 17 submissions requested additional changes to the scheme.

# 4. Submission Review & Consideration

## 4.1 Submission issues

There were a variety of issues raised in the submissions, including objections and support for the proposed amendment, as well as requests for additional changes.

A total of 48 issues were identified in the review of the submissions received. Refer to Appendix B Submission issues responses for details of each issue identified as well as Council's consideration and proposed response.

## 4.2 Submission themes

The 48 issues identified have been categorised into eight themes, including;

- Hazard overlay code issues.
- Airport environs overlay code and Airport issues.
- Magnetic Island issues.
- Cultural heritage issues.
- Rezoning issues.
- Editorial issues.
- Requests for scheme changes.
- Miscellaneous issues.

## 4.3 Submission key themes and issues

Discussion is provided below on the more significant issues raised in each theme and how Council intends to manage and respond the relevant submission. Further detail on each issue and theme is provided in the Submission Issues Responses (Appendix B).

### *Hazard overlay code issues*

#### *Bushfire hazard*

##### *Issue*

The Minister imposed conditions on the amendment to update bushfire hazard provisions in the planning scheme to comply with the State Interest - Natural Hazards, Risk and Resilience (Bushfire Prone Areas). The condition requires Council to implement the State's Bushfire Prone Area Mapping and make subsequent changes to the categories of assessment and relevant assessment benchmarks to reflect the new mapping.

The integration of the Ministerial conditions adversely impacts the development assessment and building certification process, utilises mapping that is not locally refined, and may impact the delivery of desirable projects (e.g. delivery of infill housing product). In particular, the changes result in a range of uses triggering impact assessment in any bushfire area (rather than only high hazard areas).

Council received several submissions raising concern the changes will unnecessarily impact the delivery of appropriately located development and will not improve outcomes regarding bushfire mitigation and the safety of people and property.

## *Response*

Council will revise the amendment package so that all uses will trigger code assessment if located in any bushfire prone area. The condition also requires Council to progress a Bushfire Risk Assessment and planning scheme amendment to integrate the State Interest. This work has commenced.

## **MIHF overlay code**

### *Issue*

The amendment includes a new overlay code that seeks to ensure development is compatible with, and does not adversely affect the viability, integrity, operation, and maintenance of existing and planned major infrastructure and hazardous facilities within the Townsville region. Several submissions raised drafting issues with the new overlay code, such as -

- The table of assessment was drafted to identify Dwelling houses as assessable development in some scenarios. However, changes to the *Planning Regulation* have prohibited councils from making Dwelling houses in Low density residential areas assessable development.
- The overlay triggers impact assessment in some scenarios when applicable provisions are arguably better suited to code assessment.
- Safeguarding requirements associated with two Defence facilities have not been appropriately integrated into the new code.

### *Response*

Council will continue with the inclusion of Dwelling houses as a trigger in the MIHF Overlay despite any conflict with the *Planning Regulation* to ensure the intent of the overlay is maintained and alignment with the SPP achieved. Council advised the State of the inconsistency between the Planning Regulation and the Emissions and hazardous activities State Interest for consideration. Given the complexity, potential direct amenity impacts, and potential reverse amenity impacts associated with MIHF Council considers the provision of Impact assessment for certain uses within the MIHF overlay to be necessary. Accordingly, no change to the MIHF overlay table of assessment is proposed.

Council worked with Department of Defence to ensure that the safeguarding requirements associated with two Defence facilities are integrated appropriately.

## **Building work in Landslide overlay code level of assessment**

### *Issue*

The table of assessment is proposed to be amended to trigger Building work in the Landslide hazard overlay area for Code assessment. A submission identifies this may be an unlawful duplication of building assessment provisions.

### *Response*

Council will remove this amendment from the package and revisit the matter as part of a future amendment to the Landslide hazard overlay.

## *Airport environs overlay code and Airport issues*

### *Airport environs overlay code*

#### *Issue*

The Airport environs overlay code has been redrafted to better align with the Strategic airports and aviation facilities state interest - Example planning scheme assessment benchmarks. A submission from the Townsville Airport raises concerns about the clarity of PO1 and PO5 of the Airport environs overlay code, and requests further changes to better explain aviation regulations. Townsville Airport and Defence also identify that while the ANEF provisions have been amended, the mapping has not been updated from the 2036 ANEF mapping to the recently endorsed 2043 ANEF mapping.

#### *Response*

The States guidance material includes an additional editor's note that was not included in the proposed amendment. For clarity, this editor's note will be included as part of the proposed amendment. Council considers that the guidance material provided by the State is the appropriate source for identifying aviation regulations that should be incorporated into the planning scheme and does not recommend drafting additional references to aviation regulation. Regarding updating the ANEF mapping, Council notes that the mapping was officially endorsed in July 2024, and as such, can now be updated within the amendment package. Changes to the ANEF mapping will be made accordingly.

## *Magnetic Island issues*

### *Reduction in Level of Assessment for Tourism in EMZ on Magnetic Island*

#### *Issue*

The level of assessment for Nature based tourism and Environment facilities within the Environmental management and conservation zone is proposed to be amended from Impact assessable to Code assessable. Concerns have been raised with this change, particularly the impact this change has on the environmental values of Magnetic Island and limited benchmarks that will manage the impact of these development on the environment. There were 46 submissions received regarding this change with submitters raising concern that the amendment will result in inappropriate development of natural areas on Magnetic Island.

#### *Response*

Council acknowledges further work is required to ensure the Environment management and conservation code adequately regulates development, particularly when involving accommodation activities. Council will remove this amendment from the package and review this change as part of a future amendment that considers improvement to the applicable codes to ensure that they are comprehensive enough to deliver acceptable outcomes in this zone.

### *Cultural heritage issues*

#### **Schedule 7 Places of cultural heritage**

##### *Issue*

Following a comprehensive review of Schedule 7 Places of cultural heritage, including the register of properties on the list, amendments were made to the planning scheme to include or remove certain properties. Two property owners made submissions requesting that their properties also be removed from the register. The Magnetic Museum also made a submission requesting that more properties from Magnetic Island be included on the register.

##### *Response*

There is an established process for adding and removing properties from the register which is outside of the amendment process. SC6.3.10 (1) of the planning scheme specifies the four-stage process of entering and removing a heritage place from Schedule 7 and submitters have been encouraged to follow this process.

### *Rezoning issues*

#### **Rezone properties**

##### *Issue*

The proposed amendment included zoning a limited number of properties (primarily state-owned) with the intent of allocating zones to unzoned land. The lessee of one of these properties (being Lot 801 on SP321618) objects to the zoning of an unzoned portion of the land within Ross Creek to the Open space zone.

Two requests have also been made for additional rezoning to what was proposed in the amendment. Defence have requested that the Mount Stuart Training Area be rezoned as Special Purpose Defence and property owners at 1199 Riverway Drive have requested the site be zoned within the District centre zone.

##### *Response*

Council proposes to remove the proposed zoning of Lot 801 on SP321618, noting that the land is subject to the as Waterfront Priority Development Area (PDA), and that in the instance that the Townsville City Plan is applicable, the unzoned portion of the lot will take on the zoning of the adjoining zoned land, which in this circumstance is the Open space zone.

The additional requests for rezoning properties are outside of the scope of work for this amendment package. Notwithstanding this, they will be included within Council's amendments log for consideration as part of the upcoming amendment program

## ***Editorial issues***

### **Editorial corrections**

#### *Issue*

A number of editorial and/or administrative errors were identified throughout the public consultation process. These errors are minor and can be corrected as part of this amendment without substantiating a significantly different amendment.

#### *Response*

Multiple adjustments will be made to various parts of the amendment to respond to the editorial errors. These adjustments are not considered to result in a significantly different amendment.

## ***Requests for scheme changes***

### **Out of scope requests**

#### *Issue*

A number of submitters used the public consultation process as an opportunity to request changes to the planning scheme that were not related to proposed changes and outside of the scope of the proposed amendment. An example of this was rezoning a parcel of land from residential to the Rasmussen District Centre Zone.

#### *Response*

Out-of-scope amendment requests will be included within the planning scheme amendments log for consideration as part of future amendments where appropriate.

## **Expansion of car parking reductions**

#### *Issue*

The amendment included proposed changes to Schedule 6.10 Parking rates planning scheme policy, focusing on key infill areas only. A submission was received questioning why the parking rate reductions were not applied to areas designated in the District Centre Zone

#### *Response*

The proposed amendments relating to a reduction in the parking rates were based on recommendations from the *Development Feasibility Assessment Report for Townsville's Priority Infill Areas*, which only focused on particular inner-city areas. This did not include other areas, such as the District Centre Zone.

Future planning scheme review may be considered as part of the future amendment program.

## *Miscellaneous issues*

### **Breakwater Precinct**

#### *Issue*

Amendments to the existing Breakwater Precinct have been proposed to align with the *Port overlay for the Priority Port of Townsville* (a statutory document that prevails over the planning scheme). The Port overlay includes additional assessment requirements for some development within the ‘interface’ area to manage the interface between sensitive land uses and port operations. A submission has identified an error in the application of the interface precinct as it extends beyond the area identified in the Port Overlay.

#### *Response*

The amendment includes updated mapping that clearly identifies the location and extent of the Interface Precinct, consistent with the Port Overlay and the categories of assessment change to ensure assessment is triggered in that precinct.

# 5. Changes to the Proposed Amendment

Changes are proposed to the amendment package post public consultation. In accordance with section 19.1 of the Minister's Guidelines and Rules, Council can change the proposed amendment after public consultation to:

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

During the consultation period Council identified additional issues that can be resolved by adjusting the amendment before submitting to the State for the final Ministers consideration per section 21 of the Ministers guidelines and rules.

If a change is considered significantly different from the version of the amendment that underwent public consultation, Council is required to undertake public consultation again for that particular change.

## 5.1 Submission response changes

The Submission issues report (Appendix B) identifies the changes to the amendment package in response to submissions, and any drafting errors and changed circumstances as identified by Townsville City Council staff. This report explains the rationale behind any proposed amendment changes.

Table 2 below provides a summary of the adjustments that Council has made to the proposed amendment to respond to issues raised in the submissions, to amend drafting errors, or to respond to changed planning circumstances.

Table 2: Amendment revisions to address submissions

Issue	Parts of the scheme to be amended	Proposed adjustments to the amendment	Reason for revision per section 19 of the MGR
1.1 -Bushfire provisions	Part 5 Table of Assessment	Revise the table of assessment for the Bushfire hazard overlay so that uses categorised as assessable development - Impact assessable is changed to assessable development - Code assessable.	(a) address issues raised in submissions.
1.4 -Defence explosive ordnance facilities	Schedule 2 Mapping	Revise OM-10.2 to correctly label defence explosive reserve buffer areas	(a) address issues raised in submissions; (b) amend a drafting error; and (c) address new or changed planning circumstances or information.
1.6 - Building work in the landslide overlay	Part 5 Table of Assessment	Remove the amendment from Package 1 by removing the Building work assessment trigger in the Table of assessment for development within the Landslide hazard overlay.	(a) address issues raised in submissions; and (b) amend a drafting error.
2.1 - ANEF Mapping	Schedule 2 mapping	Align mapping with the updated 2043 ANEF mapping. <i>Note - this is a minor amendment as per Schedule 1 of the MGR.</i>	(a) address issues raised in submissions; and (c) address new or changed planning circumstances or information.
2.2 -RAAF Mapping	Schedule 2 mapping	Revise amendment to correct OM01.1 mapping so that it aligns with the SPP mapping for Strategic airports and aviation facilities.	(a) address issues raised in submissions; and (b) amend a drafting error.
2.3 -Outdated DACR Reference	Part 8 Overlays (Airport environs overlay)	Remove reference to DARC and replace with DAA in Table 8.2.1.3.	(a) address issues raised in submissions; and (b) amend a drafting error.

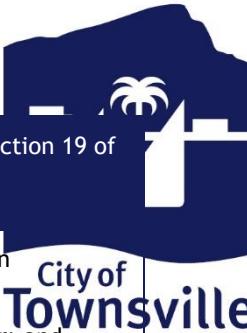


**City of  
Townsville**

Issue	Parts of the scheme to be amended	Proposed adjustments to the amendment	Reason for revision per section 19 of the MGR
2.4- Airport environs overlay code PO1 CASA & TAPL references	Part 8 Overlays (Airport environs overlay)	Replace editors note in PO1.	(a) address issues raised in submissions; (b) amend a drafting error; or (c) address new or changed planning circumstances or information.
2.6 - Airport Environs Overlay Code PO5 Aviation Facilities Drafting	Part 8 Overlays (Airport environs overlay)	Airport environs overlay Table of assessment to be amended replacing reference to aviation facilities' buffers areas to building restriction areas; and Add Editors note regarding referral process for clarity in the assessment process.	(a) address issues raised in submissions;
2.8 - Accommodation Activity and Community Activity Definitions	Part 8 Overlays (Airport environs overlay)	Amend the Airport environs overlay code, A06.1, A06.2, and A07.1 to list out Accommodation activities or Community Activities as per the Planning Regulation 2017 definition.	(a) address issues raised in submissions; and (b) amend a drafting error.
3.1 - Reduction in Level of Assessment for Tourism Activities in the EMC Zone on Magnetic Island	Part 5 Table of Assessment	Remove the change in the level of assessment for Nature based tourism and Environment facility in the Environmental Management and Conservation Zone. Remove amendments to the code to allow accommodation activities	(a) address issues raised in submissions.
5.1 - Rezone 194 Flinders Street	Schedule 2 Mapping	Remove amendment so that the portion of the lot remains unzoned.	(a) address issues raised in submissions.



Issue	Parts of the scheme to be amended	Proposed adjustments to the amendment	Reason for revision per section 19 of the MGR
6.1 - Admin Error Regarding Character Demolition	Part 5 Table of Assessment	Amend Table 5.7.1 to remove reference to the Reconfiguring a lot code.	(a) address issues raised in submissions; and (b) amend a drafting error; or
6.2 - Editorial Corrections	Part 2 State planning provisions Part 5 Table of Assessment Part 9 Development codes	Part 2.5 - Regulated requirements - 'the following' to be deleted as now just a statement, not a list.  Table 5.5.4 - Material Change of Use Table for High density residential - Bar and Food and drink outlet Assessment benchmarks include High density residential zone code and Self-assessable works requirements code. Reference to self assessable works requirements code is not consistent with usual wording. To be changed to High-density residential code and Works code.  Part 9.2.1 Landscape code A025.1 - correct spelling mistake of arborist to arborist.	(a) address issues raised in submissions; and (b) amend a drafting error.
6.3 LGIP Table	Part 4 LGIP	LGIP table 4.2.1 to be amended: <ul style="list-style-type: none"><li>• Delete Non-resident workforce accommodation;</li><li>• Battery storage facility include in the LGIP development type - Industry; and</li><li>• Party house and Workforce accommodation to be added to the Services LGIP development type.</li></ul>	(a) address issues raised in submissions; and (b) amend a drafting error.
6.5 - Ministerial Designations	Schedule 5 Designation of premise for development	Update Schedule 5 to include new Ministerial designations.	(a) address issues raised in submissions; (b) amend a drafting error; and (c) address new or changed planning circumstances or information.



Issue	Parts of the scheme to be amended	Proposed adjustments to the amendment	Reason for revision per section 19 of the MGR
6.6 - Development Manual Cross-References	Part 8 Overlays Part 9 Development codes Schedule 6 Planning scheme policies	Incorporate existing adopted changes to the planning scheme.	(a) address issues raised in submissions; (b) amend a drafting error; and (c) address new or changed planning circumstances or information.
8.2 - Dual Occupancy Provisions Regarding Accessway Requirements	Part 5 Table of Assessment	Amend the wording of the assessment trigger to provide clarity that Dual occupancy's that involve access by a common private title are Accepted development subject to requirements of the relevant zone code and Works code.	(a) address issues raised in submissions; and (b) amend a drafting error.
8.4 - Breakwater Precinct	Part 5 Table of Assessment Part 6 Zones Schedule 2 Mapping	Amend Schedule 2 Mapping by adding a new Breakwater sub precinct map which clearly identifies the interface area as reflected in the Port overlay for the Priority Port of Townsville (include consequential update to Precinct map index).  Amend the Table of assessment for the Mixed use zone so that Community residence, Multiple dwelling, Retirement facility, Rooming accommodation, and Short-term accommodation are categorised as Impact assessable only when located within the Breakwater Interface sub precinct.  Amend Figure 6.146 - Breakwater precinct concept plan so that area C - Breakwater interface aligns with interface area mapped in the Port overlay for the Priority Port of Townsville.	(a) address issues raised in submissions; and (b) amend a drafting error.



Issue	Parts of the scheme to be amended	Proposed adjustments to the amendment	Reason for revision per section 19 of the MGR
Stock routes	Schedule 2 Mapping	Revise mapping OM-08.3 remove stock route networks that are no longer a State interest as per SPP IMS.	(c) address new or changed planning circumstances or information.
MIHF Overlay code consistency	Part 5 Table of Assessment  Part 8 Overlays  Schedule 2 Mapping	Amend the Table of assessment, MIHF overlay code and mapping (OM10.1, 10.2 and 10.3) so that major infrastructure and hazardous facilities are identified consistently.	(c) address new or changed planning circumstances or information.

## 5.2 Changes not significantly different and impact on State Interests

It is considered the changes to the amendment do not represent a significantly different change from the amendment package taken to public consultation. The reasons why council does not consider the adjustments to the amendment to substantiate a significant difference are detailed within the Submission issues report (Appendix B)

It is considered the changes to the amendment package do not impact on the North Queensland Regional Plan or affect a State Interest.

## 6. Next Steps

The next steps to progress Package 1 Major Amendment are to -

1. Seek resolution from Council to progress amendment based on recommendations within this report.
2. Give a notice of a request to adopt the proposed amendment to the Minister, notice to include:
  - (a) an electronic copy of the proposed amendment that clearly identifies any changes that have been made to the proposed amendment since the state interest review;
  - (b) the consultation report prepared under section 18.4;
  - (c) a report that includes—
    - (i) the changes made to the proposed amendment;
    - (ii) when the changes were made;
    - (iii) why the changes were made;
    - (iv) how the changes relate to any relevant regional plan or SPP or affect a state interest; and
    - (v) what issues the changes respond to; and
  - (d) a statement whether the local government considers any proposed amendment is significantly different from the version for which public consultation has been undertaken, and the reasons why the local government formed this view.
3. Ministers consideration and decision, including conditions if applicable.
4. Local government to decide if it will adopt the amendment.
5. Publish a public notice of the decision.
6. Give notice to the State regarding Council's decision, along with a certified copy of the amendment.



# Appendix A

*Submissions Register*



# Submissions Register

*Package 1 Major Amendment*



Submission #	Doc Set ID	Submitter	Submitter type	Submission Format	Nature of Submission	Issues raised
1.	21332804	Alicia Payne	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
2.	21332763	Anne and John Stowar	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island 3.5 - Increased tourism puts pressure on Island roads and parking
3.	21332779	Anne Zareh on behalf of Elements Rasmussen Pty Limited	Group	Unique Submission	Requests additional changes	7.1 - Recognition of Riverstone
4.	21332774	Annie Niven	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island

5.	21332761	Annie Taylor	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
6.	21332770	Audrey Ledbrook	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
7.	21332799	Barry Taylor	Individual	Unique Submission	Objects	5.1 - Rezone 194 Flinders Street
8.	21332758	Beat Lehmann	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
9.	21332796	Ben McLean	Group	Unique Submission	Supports and Requests additional changes	2.1 - ANEF Mapping 2.2 - RAAF Mapping 5.2 - Mount Stuart Training Area zoning 2.3 - Outdated DACR reference 1.5 - Defence explosive ordnance facilities
10.	21332746	Benjamin Smith	Individual	Unique Submission	Requests additional	8.1 - Bike paths for every street

					changes	
11.	21332776	Blake Carney	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
12.	21332750	Daniela Ceccarelli	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
13.	21332766	Debbie Denison	Individual	Unique Submission	Supports	3.2 - Magnetic Island pro-development
14.	21332749	Gavin Colthart	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
15.	21332789	George Hirst	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
16.	21332791	Gethin Morgan - Magnetic Island Nature Care	Group	Common Issue Submission	Objects and Requests additional changes	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island  3.3 - Magnetic Island World Heritage

		Association Inc.				
17.	21332782	Gregory Bottrill	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
18.	21332808	Hala Zakour	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
19.	21332806	Helen Rosner	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
20.	21332747	HIA	Group	Unique Submission	Objects	1.1 - Bushfire Provisions 1.7 - Building Work in Landslide overlay 1.2 - Dwelling Houses in MIHF Overlay 1.3 - MIHF Overlay Triggering Impact Assessment
21.	21332802	Hugh McColl	Individual	Unique Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island

22.	21332764	Jan Clothier	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
23.	21332751	Jan Harvey	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
24.	21332793	Janeen Mapson	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
25.	21332780	Jenny Mulcahy	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
26.	21332790	Jenny Terrey	Individual	Common Issue Submission	Objects and Requests additional changes	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island  3.3 - Magnetic Island World Heritage
27.	21332781	Jess Caire - Property Council	Group	Unique Submission	Supports and Objects	1.1 - Bushfire Provisions  8.8 - Support for streamlining development assessment

28.	21332756	Joseph Niven	Individual	Common Issue Submission	Objects and Requests additional changes	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island  3.3 - Magnetic Island World Heritage
29.	21332755	Judy Taylor	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
30.	21332775	Kate Rowe	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
31.	21332771	Leanne Lance	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
32.	21332783	Les Sampson - MICDA	Group	Common Issue Submission	Objects and Requests additional changes	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island  3.2 Magnetic Island World Heritage  3.4 - Magnetic Island Local Area Plan  4.1 - Magnetic Island cultural heritage

33.	21332753	Lindsay Trott	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
34.	21332792	Liz Downes	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
35.	21332769	Lucy Chapman	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
36.	21332803	Margaret Gooch	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
37.	21332765	Marjorie and Don Glasson	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
38.	21332754	Mark Carpenter/T halie	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
39.	21332767	Mary Vernon	Individual	Unique Submission	Supports	3.2 - Magnetic Island pro-development	

40.	21332784 21332785	Matthew Byron	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
41.	21332809	Matthew Gromkowski C/- Northpoint	Individual	Unique Submission	Requests additional changes	4.2 - 18 Fifth Avenue
42.	21332801	Meredyth Woodward	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
43.	21332787	Nadja Schneller	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
44.	21332757	Olivia Glasson	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
45.	21332794	Penelope Sheridan	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
46.	21332800	Peter Hansen	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for

						tourism activities in the EMC zone on Magnetic Island	
47.	21332748	Philip Landon	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
48.	21332795	Phillippa Smithers - Townsville hospital	Group	Unique Submission	Supports	5.3 - Support for rezone of 35 Gregory Street	
49.	21332752	Rose Gordon	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
50.	21332786	Rosemary Nixon	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
51.	21332773	Rosemary Richardson	Individual	Common Issue Submission	Objects and Requests additional changes	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island  3.3 - Magnetic Island World Heritage	
52.	21332762	Sara Shaw	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for	

						tourism activities in the EMC zone on Magnetic Island	
53.	21332797	Scott Hambleton/ Interlaken - Fairfield	Group	Unique Submission	Supports and Requests additional changes	7.2 - Building height in District centre zone 7.3 - Support for alternative car parking solutions 7.4 - Reduced parking in District centre	
54.	21332798	Scott Hambleton/ Interlaken - Rasmussen	Group	Unique Submission	Supports and Requests additional changes	7.5 - Rasmussen centre concept plan 7.6 - GFA limit in District centre 5.4 - 1199 Riverway Drive in Rasmussen district centre 4.3 - 1199 Riverway Drive removed from Schedule 7	
55.	21332778	Stephanie Chaffey	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	
56.	21332759	Stephen Hansen	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island	

57.	21332768	Susan Swaddling	Individual	Common Issue Submission	Objects	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island
58.	21332788	Taryn Pace	Individual	Unique Submission	Requests additional changes	6.1 - Admin error regarding character demolition
59.	21332760	Townsville Airport Pty Ltd	Group	Unique Submission	Supports, Objects and Requests additional changes	2.4 - Airport environs overlay code P01 CASA & TAPL references 2.5 - Airport environs overlay code P01 restricting cranes drafting 2.6 - Airport environs overlay code P05 aviation facilities drafting 2.7 - Draft Airport Master Plan 2023 2.1 - ANEF Mapping
60.	21332772	Wendy Tubman	Individual	Common Issue Submission	Objects and Requests additional changes	3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island 3.3 - Magnetic Island World Heritage

61.	21332805	Will Loveday - TCC	Group	Unique Submission	Objects and Requests additional changes	1.1 - Bushfire provisions 6.2 - Editorial corrections 6.3 - LGIP table 8.2 - Dual occupancy provisions regarding accessway requirements 8.3 - Dwelling units in Centre zones 6.4 - Table numbering 2.8 - Accommodation activity and Community activity definitions 1.6 - Major Infrastructure and Hazardous Facilities Mapping 6.5 - Ministerial Designations 6.6 - Development Manual cross-references 8.4 - Breakwater Precinct
62.	21332777	Zanita Davies	Group	Unique Submission	Objects and Requests additional changes	4.1 - Magnetic Island cultural heritage 4.4 - Schedule 7 amendment
63.	21478272	UDIA		Unique Submission	Supports, Objects and	1.1 - Bushfire provisions 1.4 - MIHF overlay code duplicates other

			Group		Requests additional changes	legislation 3.2 Magnetic Island pro-development 8.5 - Road hierarchy mapping 8.6 - Definition of Defined flood level 8.7 - Street trees 8.8 - Support for streamlining development assessment



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# Appendix B

*Submission Issues Responses*



# Submission Issues Responses

*Package 1 Major Amendment*



## 1 - Hazard Overlay Code Issues

### Issue 1.1 - Bushfire provisions

<b>Issue Summary</b>	<p>The scope of works for Package 1 Major Amendment originally did not involve alignment of the Bushfire hazard code to SPP 2017 requirements. A comprehensive hazards review (Package 2 Major Amendment) was planned to commence following the completion of Package 1. Changes proposed to the bushfire provisions were very minimal only involving reducing the level of assessment for Telecommunications facilities and Utilities installations, from impact to code assessable. Following the State Interest Review, the Minister conditioned changes to the amendment package to override the existing bushfire hazard provisions in the planning scheme.</p> <p>The Ministerial Condition requires the amendment package to:</p> <ul style="list-style-type: none"> <li>• Adopt the SPP 2017 Bushfire Prone Area Mapping and associated layers;</li> <li>• Amend the Categories of Assessment for the Bushfire Hazard Overlay to reflect the SPP 2017 bushfire mapping; and</li> <li>• Amend the Bushfire hazard overlay code to reflect the SPP 2017 terminology, including the replacement of reference to QFRS with Queensland Fire and Emergency Services (QFES).</li> </ul> <p>The integration of the Ministerial condition relating to Bushfire hazards presents certain challenges for Council and the community. The State Bushfire hazard mapping has not been locally refined and includes land parcels as Bushfire prone areas (BPA) that have been cleared and developed, including areas containing established housing estates and inner-city Council managed parklands. Additionally, the scheme currently identifies uses that involve vulnerable people as impact assessable when in the high hazard area, however the change to the table of assessment will result in these uses being impact assessable in any bushfire hazard area.</p> <p>Council, the development industry, and the community have concerns that the conditioned changes will unnecessarily impact the delivery of appropriately located development, in particular, dwellings, and will not enhance outcomes regarding bushfire mitigation and the safety of people and property.</p>
<b>Parts of the</b>	<ul style="list-style-type: none"> <li>• Part 5 Table of Assessment</li> </ul>

scheme affected	<ul style="list-style-type: none"> <li>Part 8.2.2 Bushfire hazard overlay code</li> <li>Schedule 2 Mapping</li> </ul>
Submitters - 4	20. HIA - <a href="#">21332747</a> , 27. Jess Caire Property Council - <a href="#">21332781</a> , 61. Townsville City Council - <a href="#">21332805</a> , 63. UDIA - <a href="#">21478272</a>
Submitter points made	<ul style="list-style-type: none"> <li>Changes to the BPA mapping coupled with restrictive code provisions unnecessarily restrict housing supply and may unnecessarily sterilise appropriate land from future urban purposes.</li> <li>AO7 and PO7 prevents new lots in unrefined, inaccurate, broadscale bushfire mapping.</li> <li>SPP mapping has historically been associated with a high level of inaccuracy as it is completed at very broad scale.</li> <li>HIA is aware of numerous scenarios where Council parks, recreation areas or residential backyards with dispersed vegetation have been incorrectly mapped as a high risk bushfire area despite being in an existing urban area with very limited bushfire risk.</li> <li>Overlays should not be utilised as a prohibition on new development and should remain as originally intended under the Queensland planning system, which is a trigger for detailed assessment to determine if the mapped potential hazard exists and if so to what severity.</li> <li>The mapped bushfire hazard area covers most of the Townsville Region, and AO7 will severely hinder the ability of industry to deliver new residential land. Most concerningly, Council seeks to introduce this provision at a time of a well-publicised shortage of land and housing options. The proposed restriction is therefore likely to have dire consequences for the availability and affordability of new housing in the region.</li> <li>Amendments result in a return of multi-layered assessments that add little value.</li> <li>Bushfire amendments will complicate delivery and are counterintuitive to how other amendments have been approached.</li> <li>As currently drafted, the planning scheme does not permit a performance-based assessment as intended by Queensland planning legislation. This is because both the acceptable outcome and performance outcome prescriptively state no additional lots are created in bushfire hazard areas. HIA notes that this approach is dissimilar to most planning schemes across Queensland, which seek to facilitate development in these areas subject to a bushfire management plan and other suitable mitigation measures being implemented.</li> <li>Code should be amended to permit new allotments subject to a site-specific bushfire hazard assessment.</li> <li>Poor integration into planning scheme.</li> <li>Complications in the development assessment processes.</li> <li>Misalignment with strategic growth and development goals.</li> </ul>

	<ul style="list-style-type: none"> <li>• Stakeholder confusion and disruption.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• Council did not intend for this amendment package to include changes regarding bushfire hazard, it is only due to the Ministerial conditions that the amendment will include changes relating to Bushfire hazard.</li> <li>• Council has limited options to change the amendment based on submissions and still comply with the conditions.</li> <li>• The State Planning Policy Mapping of bushfire hazard which is to be incorporated into the scheme has not been locally refined and includes urban areas that have been cleared and developed as well as maintained public spaces such as Anderson Gardens and Queens Park.</li> <li>• The conditioned changes result in large areas of land, including inner city areas, that are currently not identified within the schemes bushfire mapping proposed to be mapped as a bushfire hazard area.</li> <li>• Council commenced the Bushfire Hazard Project in 2020 which included delivery of locally refined bushfire hazard mapping, with staffing challenges the project was not able to be finalised, despite substantial works completed and a mapping product delivered. The mapping product has not yet been verified and concerns have been raised that the locally refined mapping may not comply with the SPP requirements (in particular land use-based risk assessment).</li> <li>• If Council were to proceed with the locally refined mapping, a State interest review of the mapping would not occur until the final proposed amendment was submitted to the State for endorsement. If at this stage there were any discrepancies identified with the mapping, the State would require Council to utilise the State SPP 2017 Bushfire hazard mapping.</li> <li>• Incorporating the mapping without the local refinement process will result in areas that have been previously cleared and approved for subdivision, such as Greater Ascot, to be mapped as containing bushfire hazard. This area is mapped as Medium potential bushfire hazard despite being developed with existing dwellings and containing limited vegetation.</li> <li>• Part 5 of the Townsville City Plan, Table of assessment categorises several uses (uses that are considered to be vulnerable due to potential evacuation complications) in the high bushfire hazard overlay as Impact assessable.</li> <li>• The Ministerial condition regarding bushfire requires all the new bushfire hazard layers (very high, high or medium potential bushfire intensity and potential impact buffer) to trigger the same level of assessment as currently required by the current high hazard layer.</li> <li>• The methodology used to identify High hazard areas in the exiting mapping was based on areas presenting evacuation issues (slope/ isolation). Uses that include vulnerable groups (i.e. Child care centres and Retirement facilities) were made Impact assessable in High hazard areas, with regard to their inability to be quickly evacuated. The conditioned changes will require these uses to be impact assessable in all hazard areas despite evacuation no longer being a primary factor.</li> <li>• A review and comparison of neighbouring LGA planning schemes and associated bushfire hazard provisions reveals that other planning schemes do not categorise applications as Impact assessable for areas identified as Potential Impact Buffers. Many planning schemes do not require an Impact assessment for any level of bushfire hazard mapping and rely on</li> </ul>

	<p>the code to ensure appropriate mitigation.</p> <ul style="list-style-type: none"> <li>Implementation of the conditioned bushfire hazard provisions will result in adverse impacts on development feasibility making Townsville a less attractive place for investment.</li> <li>Amending the scheme as per the conditions could be considered an adverse planning change and Council has not had the opportunity to consider rezoning sites where bushfire legitimately prevents use of the site as per the intention of the zone.</li> <li>A range of uses such as Multiple dwellings, Rooming accommodation, Child care centres and others will now require Impact assessment based on being mapped with any of the bushfire hazard layers. The extent of areas that have any level of bushfire hazard is dramatically different from the extent of area currently mapped by high bushfire hazard.</li> <li>This level of assessment does not strengthen the desired outcome of mitigating bushfire risk beyond what is achieved by requiring the uses be code assessable, and instead dilutes the assessment by allowing consideration of any part of the scheme thought to be relevant.</li> <li>Some of the uses, detailed above, are zoned in the planning scheme to encourage their development as they are appropriately located, however due to the State's mapping, these will now require Impact assessment. For example, some Medium density residential areas will be subject to the 'potential impact buffer area' and therefore, Multiple dwellings and Retirement facilities will become Impact assessable. An additional example of the misalignment with the planning scheme's strategic development goals is along Fulham Road, Pimlico. This area is designated in the Fulham Road Medical Precinct where uses such as Residential Care Facility, Educational Establishment, Multiple Dwelling, Short-term accommodation and Research and technology industry are Code assessable, indicating these uses are encouraged. The changes to the bushfire hazard provisions means that portions of the Fulham Road Medical Precinct are in the 'potential impact buffer area' and will now trigger impact assessment.</li> </ul>
Proposed response	<ul style="list-style-type: none"> <li>It is proposed that the Table of assessment be amended to ensure there are no circumstances where the Bushfire hazard overlay triggers Impact Assessment; all the uses that currently trigger Impact assessment are to be changed to trigger Code assessment.</li> </ul>
Adjustments to the amendment	Revise the Table of assessment for the Bushfire hazard overlay so that uses categorised as assessable development - Impact assessable is changed to assessable development - Code assessment.
Significantly	Council considers that the adjustment is not significantly different from the version of the amendment for which public

different per  
section 21.3  
(d) of MGR

consultation has been undertaken.

Reason:

The adjustment has not:

- Altered Council's policy position regarding its response to bushfire hazard risk;
- Affected or altered a significant proportion of the area or landowners covered by the planning scheme;
- Affected a matter of public interest; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation.

The adjustment has:

- Altered the level of assessment for the Bushfire hazard overlay so that uses categorised as assessable development - impact assessment is changed to assessable development - code assessment.

Despite changing the level of assessment from impact to code, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals. Reason for this being:

- There is no impact on land use outcomes or changes to assessment requirements from the proposed change in level of assessment, noting that there are no further provisions in other parts of the planning scheme which are otherwise already contained within the overlay code.
- The mapping methodology for the SPP Bushfire Prone Area mapping does not differentiate hazard levels based on areas presenting evacuation issues, thus it is no longer appropriate for the scheme to trigger uses as impact assessable for evacuation reasons.
- Code assessment facilitates a bounded assessment against the assessment benchmarks specific to addressing bushfire hazard risk. Comparatively, Impact assessment facilitates a wider assessment against the planning scheme that may dilute the intent of the assessment. The intent of the assessment is essentially to ensure that development does not increase the extent or the severity of bushfire hazard, or increase the risk to life, property, community, and the environment.
- Public notification required as part of an Impact assessable application generally applies to development proposals that may impact on the amenity of adjoining land uses, as it can provide valuable local contextual information on discriminating between different approaches to meeting the assessment benchmarks. On the contrary, the assessment of a proposed

	<p>development against the Bushfire hazard overlay code is technical rather than subjective in nature, and accordingly, public notification does not add value to the assessment.</p> <ul style="list-style-type: none"> <li>Code assessment still provides Council with the opportunity to assess aspects of development applications using the State Planning Policy if the planning scheme has not integrated certain state interests.</li> </ul>
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## Issue 1.2 - Dwelling houses in the MIHF overlay

Issue Summary	<p>The MIHF (Major infrastructure and hazardous facilities) overlay code categorises Dwelling houses as assessable development even in the Low density residential zone where Schedule 6 of the Planning Regulation 2017 prohibits Local governments from categorising the development as assessable.</p>
Parts of the scheme affected	<ul style="list-style-type: none"> <li>Part 5 Table of Assessment</li> <li>Part 8 Overlays</li> </ul>
Submitters - 1	<p>20. HIA - <a href="#">21332747</a></p>
Submitter points made	<ul style="list-style-type: none"> <li>Unlawful application for a Dwelling house in Residential zones. In some scenarios, this overlay applies to any material change of use. HIA notes the Planning Regulation 2017 was amended in 2022 to specify which overlays are relevant to the assessment of Dwelling houses in residential zones. Notably, the definition of 'relevant overlay' does not capture the intent of the Major infrastructure and hazardous facilities overlay.</li> <li>It is emphasised that in relation to dwelling houses, existing legislation such as the <i>Electrical Safety Act 2002</i> regulates many of the concerns Council is aiming to address. It is not appropriate to duplicate these requirements within the planning scheme.</li> <li>Recommendation: Exclude Dwelling houses in residential zones from the Major Infrastructure and Hazard Facilities Overlay to ensure compliance with Schedule 6 of the Planning Regulation 2017. Further to the above, HIA is of the opinion that other types of development should be reduced from Impact Assessment to Code Assessment to enable the timely</li> </ul>

	assessment of new development.
Consideration	<ul style="list-style-type: none"> <li>The new MIHF overlay code was drafted to comply with SPP requirements regarding the protection of vulnerable uses (including Dwelling houses) from MIHF as well as to ensure development is compatible with the operation of existing and planned MIHF. The drafting and state interest review occurred prior to a change in the <i>Planning Regulation - Planning (Rooming Accommodation) Amendment Regulation 2022</i>.           <ul style="list-style-type: none"> <li>The <i>Planning Regulation 2017</i> (Part 2, 2 (7)) identifies Relevant overlays, in which Dwelling houses can be made assessable development, safety hazards are identified but specifically only arising from historic mining activities.</li> <li>As the definition of relevant overlay does not include the Major Infrastructure and hazardous facilities overlay, this is problematic in some areas, for example South Townsville which is adjacent to the Port.</li> <li>This is likely an oversight in the drafting of the Regulation amendment as it is not possible to meet the SPP requirements (particularly for the Emissions and hazardous activities SPP) and the Planning regulation requirements. The intent of the overlay is undermined by the changes to the Regulation.</li> <li>Council have advise the State of the inconsistence between the two directives and anticipate further amendments will be made to the Planning Regulation so that delivery of housing does not come at the cost of public safety or the operation of major infrastructure.</li> </ul> </li> </ul>
Proposed response	Council plans to continue with the inclusion of Dwelling houses as a trigger in the MIHF Overlay despite any conflict with the Planning Regulation to ensure the intent of the overlay is maintained and alignment with the SPP achieved.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 1.3 - MIHF overlay triggering impact assessment

Issue Summary	The MIHF overlay unnecessarily triggers Impact assessment where all of the applicable provisions are within the code and public involvement and third-party appeal rights are not reasonable considerations.
Parts of the scheme affected	<ul style="list-style-type: none"> <li>Part 5 Table of Assessment</li> </ul>
Submitters - 1	20. HIA - <a href="#">21332747</a>
Submitter points made	<ul style="list-style-type: none"> <li>Unnecessary use of impact assessment - The MIHF overlay requires Impact Assessment in certain scenarios. HIA questions what benefit can be achieved by dictating impact assessment in lieu of Code assessment. There does not appear any benefit in requiring public consultation and allowing submitter appeals for development in proximity to major infrastructure or hazardous facilities. This overlay should simply be a technical review of potential amenity and safety impacts.</li> <li>Recommendation: development should be reduced from impact assessment to code assessment to enable the timely assessment of new development.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Public notification required as part of an Impact assessable application generally applies to development proposals that may impact on the amenity of adjoining land uses, or be subject to reverse amenity impacts, as it can provide valuable local contextual information on discriminating between different approaches to meeting the assessment benchmarks.</li> <li>Given the complexity, potential direct amenity impacts, and potential reverse amenity impacts associated with MIHF Council considers the provision of Impact assessment for certain uses within the MIHF overlay to be critical.</li> </ul>
Proposed response	Council proposes to continue with the amendment as proposed, with no changes to the Table of assessment for the MIHF code.
Adjustments	None

to the amendment	
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 1.4 - MIHF overlay duplicates other legislation

Issue Summary	The new MIHF overlay duplicates other requirements and unnecessarily adds further assessment benchmarks which are not consistent with prevailing legislation regarding Major electricity infrastructure and substations.
Parts of the scheme affected	Part 8 Overlays - Major infrastructure and hazardous facilities
Submitters - 1	63. UDIA - <a href="#">21478272</a>
Submitter points made	<ul style="list-style-type: none"> <li>The Institute is concerned the new Major infrastructure and hazardous facilities overlay code duplicates other requirements.</li> <li>For example, it defines several assessment benchmarks with respect to major electricity infrastructure substations which adds another layer of assessment to the required electricity authority approvals.</li> <li>All projects will need to satisfy the electricity distribution entities standards and the proposed code is likely to cause confusion as there is some variance of what this overlay requires to what distribution entities, mainly Power Link and Ergon, currently require.</li> <li>The Institute is also concerned that as these infrastructure agencies evolve their requirements, the variation between the scheme and the providers requirements will grow.</li> <li>The overlay calls for setbacks from transmission line easements and substations (as below).</li> </ul> <p>Table 8.2.8.3</p>

Performance outcomes	Acceptable outcomes
<u>Major electricity infrastructure and substations</u>	
<p>Townsville City Plan</p> <p><b>PO10</b>  <u>Development of a sensitive land use (other than a Class 10 building or structure) is set back from the major electricity infrastructure to:</u>  <u>(a) avoid safety risks to people and property;</u>  <u>(b) minimise noise and visual impacts to people and property; and</u>  <u>(c) ensure the physical integrity and operation, maintenance and expansion of the infrastructure are not compromised.</u></p>	<p><b>AO10.1</b>  <u>Sensitive land uses (other than Class 10 buildings or structures) are not located within an easement for major electricity infrastructure.</u></p> <p><b>AO10.2</b>  <u>Sensitive land uses (other than Class 10 buildings or structures) maintain a setback of at least:</u>  <u>(a) 10 metres from any distribution substation;</u>  <u>(b) 50 metres from a transmission substation;</u>  <u>(c) 30 metres from a transmission line easement.</u></p>

- In regard to the requirement to set all sensitive land uses (other than class 10 buildings) 10 metres from any distribution substation (66 kVA or over as defined by the scheme), the Institute is concerned that this is greater than Ergon Energy's own requirements: a 3 metre setback from a 315 kVA facility and 4.5 metres for 500 kVA.
- The Institute recommends that the proposed setback be reduced to enable more efficient land use near transmission facilities.
- The Institute also notes the proposed 30 metre setback of habitable buildings from transmission line easements (66 kVA or over as defined by the scheme) conflicts with Council's Reconfiguration of lot code which calls for the below separation distances. .

Table 9.3.4.3(b)-Separation distances to electricity transmission line easement for habitable building or primary open space areas

Column 1 Nominal operating voltage of the transmission line	Column 2 Separation distance – measured from the edge of the easement
Up to 132 kV	20m
275 kV and 330 kV	30m
500kV	40m

- The Institute is also concerned the overlay code could require additional measures to noise reduction requirements required by the Department of Transport and Main Roads where they are a referral agency.
- The Institute recommends the infrastructure related setbacks and requirements be deleted from the code if covered by other infrastructure agencies to reduce duplication. Otherwise, the requirements should be provided in the policy as advice only, kept up to date, and suggested readers check for necessary requirements with the relevant infrastructure agency.

Consideration

- Provisions in the code relating to electrical infrastructure have been created to appropriately incorporate SPP State interest 14 Energy and Water supply requirements.
- The SPP requires that:
 

*'Existing and approved future major electricity infrastructure locations and corridors (including easements and electricity substations), are protected from development that would compromise the corridor integrity and the efficient delivery and functioning of the infrastructure. Major electricity infrastructure and electricity substations are protected from encroachment by sensitive land uses where practicable'.*
- SPP Guidance material Page 196 notes:
 

*"Schedules 4 and 5 of the Electrical Safety Regulation 2013 specify required clearances from overhead powerlines. These clearances apply in addition to any setbacks contained in the planning scheme".*
- Page 201 of the SPP Guidance material section 14.1.3.1 Approach 12 (Where land is near existing infrastructure or where integrating new infrastructure) outlines that:
 

*4. Reconfiguring a lot adjoining a substation enables development to be separated 10 metres from a distribution*

	<p><i>substation and 50 metres from a transmission substation.</i></p> <p><i>6. Development is not located within an easement for major electricity infrastructure and applying minimum setbacks.</i></p> <p><i>7. Development for a sensitive land use is not located within 30 metres from a transmission line easement.</i></p> <ul style="list-style-type: none"> <li>• The overlay provisions including prescribed setbacks have been determined in collaboration with State agencies. Agencies responsible for managing State interests regarding hazardous facilities and major infrastructure have had the opportunity via the early State interest review and State interest review to flag concerns about the setbacks. It is Council's position that these setbacks are necessary to comply with the State interest 14 Energy and Water supply requirements.</li> <li>• Where conflicts exist between the proposed new overlay code and existing table 9.4.3.4 (b) of the Reconfiguring a lot code, the SPP requirements will prevail. In this instance, the proposed new overlay code contains the most up to date requirements of the State interest Energy and water supply requirements.</li> <li>• Prescribed setbacks to electricity transmission line easements have been nominated within the proposed Major infrastructure and hazardous facilities overlay code to align with the SPP guidance material and are considered to override the current setback distances outlined in Table 9.3.4.3 (b) of the Reconfiguring a lot code.</li> <li>• In the drafting of the proposed amendment PO19 (relating to Reconfiguration with 100m of any high pressure gas pipeline) and PO20 (transmission line requirements) of the Reconfiguring a lot code were removed (as they were now part of the MIHF overlay code). Due to an error in document management the track change which should have highlighted the removal of these codes is not visible. This change should have also included the removal of table 9.3.4.3(b) as it is only referred to in the deleted AO20.2</li> </ul>
Proposed response	<ul style="list-style-type: none"> <li>• Adjust the amendment so that the removed PO19 and PO20 of the Reconfiguring a lot code show as track changes.</li> <li>• Remove table 9.3.4.3(b).</li> <li>• The subsequent table, Table 9.3.4.3(c) has been relabelled to Table 9.3.4.3(b) and references within the code to this table have also been amended</li> </ul>

Adjustments  
to the  
amendment

Reconfiguring a lot code:

**PO20**

~~Lots are designed and oriented to:~~

1. ~~minimise the visual exposure of electricity transmission lines;~~
2. ~~facilitate a substantive vegetated buffer adjoining electricity transmission line easements; and~~
3. ~~ensure habitable buildings and recreation areas are well separated from electricity transmission line easements.~~

**AO20.1**

~~Where on land that includes or adjoins a high voltage electricity easement (above 33kV), lot design and layout incorporates:~~

- a) ~~a vegetated buffer within a distance of 20m from the boundary of the electricity transmission line easement; and~~
- b) ~~the orientation of the primary lot frontage away from transmission line easement.~~

**AO20.2**

~~Lots are designed and oriented to ensure that a habitable building or primary open space areas on each lot can comply with the separation distance set out in Table 9.3.4.3(b).~~

**Table 9.3.4.3(b) Separation distances to electricity transmission line easement for habitable building or primary open space areas**

**Column 1**

**Nominal operating voltage of the transmission line**

**Up to 132 kV**

**275 kV and 330 kV**

**500kV**

**Column 2**

**Separation distance – measured from the edge of the easement**

**20m**

**30m**

**40m**

Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position regarding its response to major electricity infrastructure, with the change only removing the existing inconsistency between the provisions within the Reconfiguring a lot code and the State Planning Policy;</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>• Affected a matter of public interest;</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals. Reason for this being that the change removes inconsistency with the State Planning Policy and potential duplication of having two separate codes deal with the same matter.</p>
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## Issue 1.5 - Defence explosive ordnance facilities

Issue Summary	Defence explosive ordnance facilities and associated safeguarding arcs should be included in hazardous map overlays
Parts of the scheme affected	<ul style="list-style-type: none"> <li>• Part 5 Table of assessment</li> <li>• Part 8 Overlays (MIHF Overlay)</li> <li>• Schedule 2 Mapping</li> </ul>

Submitters - 1	9. Ben McLean on behalf of the Department of Defence - <a href="#">21332796</a>
Submitter points made	Defence explosive ordnance facilities and associated safeguarding arcs should be included in hazardous map overlays.
Consideration	<ul style="list-style-type: none"> <li>• Explosive facilities and safeguard arcs were included in the mapping and the code based on the mapping provided by the Department of Defence.</li> <li>• Following discussions with Defence, the areas mapped on draft OM-08.2 (renumbered as OM10.2) as Inhabited buildings and large public buildings, as well as Large public buildings, can be relabelled as an Explosive reserve buffer.</li> <li>• Once the defence EO's are relabelled the tables of assessment as they are currently drafted are sufficient to trigger assessment against the new Major infrastructure and hazardous facilities overlay code.</li> <li>• Defence have also confirmed the provisions within the new code are sufficient to ensure development within the buffer areas are appropriate for the hazard.</li> </ul>
Proposed response	<ul style="list-style-type: none"> <li>• To amend the mapping to correctly identify the defence explosive reserve.</li> </ul>
Adjustments to the amendment	<ul style="list-style-type: none"> <li>• Revise map OM-08.2 (renumbered as (OM10.2) to correctly label defence explosive reserve buffer and remove reference to Inhabited buildings and large public buildings, as well as Large public buildings.</li> </ul>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position regarding the mapping of Defence explosive ordnance facilities and associated safeguarding arcs on the Hazardous map overlays, as the change is to correct an error in the map legend to make it easier to identify the location of defence explosive reserves;</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>• Affected a matter of public interest;</li> </ul>

- Altered the level of assessment; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals. Reason for this being that the change rectifies an error in the map legend of OM-08.2 to remove reference to inhabited buildings and large public buildings to Explosive reserve buffer in accordance with confirmation from the Department of Defence.

## Issue 1.6 - Major infrastructure and hazardous facilities mapping

Issue Summary	Methodology used to map the Major infrastructure and hazardous facilities may not be the current preferred mapping methodology.
Parts of the scheme affected	Schedule 2 Mapping
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	Major infrastructure and hazardous facilities have been mapped using a method of entire site plus buffer, however new State guidance is being considered to map facility location plus buffer.
Consideration	<a href="#">State correspondence</a> confirming the methodology has not changed from the methodology used in the draft mapping.
Proposed response	No change to the amendment required.
Adjustments to the amendment	None

Significantly different per section 21.3 (d) of MGR

N/A

## Issue 1.7 - Building Work in Landslide overlay

Issue Summary	The Table of Assessment is proposed to be amended to trigger Building work in the Landslide hazard overlay area for code assessment, questions have been raised as to if this is an unlawful duplication of building assessment provisions.
Parts of the scheme affected	Part 5 - Table of assessment
Submitters - 1	20. HIA - <a href="#">21332747</a>
Submitter points made	<ul style="list-style-type: none"> <li>• Package 1 Major Amendment seeks to introduce a new trigger for building work in the landslide overlay when located in the high and potential debris flow hazard area or slope greater than twenty-three per cent (23%) area.</li> <li>• HIA notes that this does not align with the Queensland Government's guidance for integrating building work in planning schemes.</li> <li>• Council's rationale for this amendment is to ensure building work is appropriately constructed within the potential landslide hazard area.</li> <li>• It is emphasised that the National Construction Code (NCC) addresses any risks associated with landslide and or subsidence through the building assessment provisions.</li> <li>• This mandatory assessment applies to all building and structures based on site specific reporting.</li> <li>• Recommendation: Remove the Code Assessment trigger for building work in the landslide overlay (Figure 2 below) as it contravenes Section 8 (5) of the Planning Act 2016 by unlawfully duplicating a building assessment provision (NCC).</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• Historically it has been TCCs position that an increase in scale (like a secondary dwelling or major renovation) is not an MCU because it still fits the Dwelling house definition.</li> </ul>

	<ul style="list-style-type: none"> <li>Triggering Building work for code assessment was seen as a method for the landslide code to be considered when extending a Dwelling or constructing a secondary dwelling as they would not be considered an MCU.</li> <li>Section 8 (5) of the Planning Act 2016 - <i>A local planning instrument must not include a provision about building work, to the extent the building work is regulated under the building assessment provisions, unless allowed under the Building Act.</i></li> <li>If the scheme provides alternative building provisions, amendments will need to be made to Part 1 to notify readers of the alternative building provisions, this was not part of the original proposal.</li> <li>Council could consider construction of a secondary dwelling or extension to existing dwellings as a MCU due to the increase in scale and intensity, this change in position would not involve any changes to the planning scheme.</li> </ul>												
Proposed response	<ul style="list-style-type: none"> <li>Remove the amendment from Package 1 by removing the building work assessment trigger in the Table of assessment for development within the Landslide hazard overlay.</li> <li>Reassess the issue as part of the planned Landslide hazard overlay review.</li> </ul>												
Adjustments to the amendment	<p>Revise table 5.9.1 Landslide hazard overlay (high and potential debris flow hazard areas or slope angle greater than 23 degrees) to remove Building work as an assessment trigger and revert to the current planning scheme as follows.</p> <table border="1"> <tr> <td></td> <td></td> <td>and assessment for the reconfiguration of a lot.</td> <td></td> </tr> <tr> <td><b>Building work if involving extension (including minor building work, construction of a secondary dwelling and class 10a building (as defined by the Building Code of Australia)) to a class 1a structure.</b></td> <td><b>Assessable development—code assessment</b></td> <td><b>Landslide hazard overlay code</b></td> <td></td> </tr> <tr> <td>Operational work</td> <td>No change to the category of development and assessment</td> <td><b>Landslide hazard overlay code</b> where the development is assessable under the Table of</td> <td></td> </tr> </table>			and assessment for the reconfiguration of a lot.		<b>Building work if involving extension (including minor building work, construction of a secondary dwelling and class 10a building (as defined by the Building Code of Australia)) to a class 1a structure.</b>	<b>Assessable development—code assessment</b>	<b>Landslide hazard overlay code</b>		Operational work	No change to the category of development and assessment	<b>Landslide hazard overlay code</b> where the development is assessable under the Table of	
		and assessment for the reconfiguration of a lot.											
<b>Building work if involving extension (including minor building work, construction of a secondary dwelling and class 10a building (as defined by the Building Code of Australia)) to a class 1a structure.</b>	<b>Assessable development—code assessment</b>	<b>Landslide hazard overlay code</b>											
Operational work	No change to the category of development and assessment	<b>Landslide hazard overlay code</b> where the development is assessable under the Table of											

<p>Significantly different per section 21.3 (d) of MGR</p>	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"><li>• Altered Council's policy position regarding the assessment of Landslide hazard risk as the change involves not proceeding with this amendment and reverting to the current version of the planning scheme so that Building work does not trigger assessment against the Landslide hazard overlay code;</li><li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li><li>• Affected a matter of public interest.</li></ul> <p>The adjustment has:</p> <ul style="list-style-type: none"><li>• Altered the level of assessment, as the change involves reverting to the current version of the scheme whereby Building work does not trigger assessment in the Landslide hazard overlay Table of assessment; and</li><li>• Altered the proposed amendment so that it is quite different to the version released for public consultation, as it is proposed to revert back to the current version of the planning scheme which does not trigger Building work in the Landslide hazard overlay Table of assessment for code assessment.</li></ul> <p>Despite the change resulting in a different assessment outcome, it does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals from the current situation as it involves reverting to the current version of the planning scheme.</p>

## 2 - Airport Environs Overlay and Airport Issues

### Issue 2.1 - ANEF mapping

Issue Summary	New updated ANEF mapping has been endorsed however the amended scheme retains outdated ANEF mapping even though the provisions within the Airport environs overlay code relating to the ANEF contours have been updated.
Parts of the scheme affected	Schedule 2 Mapping
Submitters - 2	9. Ben McLean on behalf of the Department of Defence - <a href="#">21332796</a> , 59. Townsville Airport Pty Ltd - <a href="#">21332760</a>
Submitter points made	<ul style="list-style-type: none"> <li>The Australian Noise Exposure Forecast (ANFE) referenced in the document is not current and should reference the current 'RAAF Base Townsville and Townsville Airport (military and civil) 2043 ANEF endorsed on 24 July 2023</li> <li>The mapping data can be made available immediately and it is therefore sought that the 2043 Joint ANEF is adopted into the City Plan as part of this amendment package.</li> <li>Delaying its adoption to an unspecified future amendment package creates unnecessary risk to the community and Townsville Airport that the previous 2036 Joint ANEF will be incorrectly relied upon.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The new ANEF mapping was not included in the proposed amendment due to the timing of the Official (State) endorsement and release of the new mapping.</li> <li>Council notes that the SPP IMS was updated on 10 July which signifies official endorsement and adoption of the 2043 ANEF Mapping.</li> <li>The Minister's Guidelines and Rules (MGR) Schedule 1 describes a Minor amendment and includes item <i>h</i> - <i>where a change reflects a change to SPP mapping</i>.</li> <li>A minor amendment is not required to involve public consultation.</li> </ul>
Proposed response	Update Schedule 2 Mapping with the newly endorsed 2043 ANEF mapping.

Adjustments to the amendment	Update Schedule 2 Mapping OM-01.4 to include 2043 ANEF Mapping.
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p>Reason:</p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change relates to using the latest State mapping;</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>• Affected a matter of public interest;</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals considering that under the MGR it could be completed as a Minor Change which requires no public consultation to occur or Ministerial approval.</p>

## Issue 2.2 - RAAF mapping

Issue Summary	The RAAF Townsville is not accurately and consistently mapped within the scheme
Parts of the scheme affected	<ul style="list-style-type: none"> <li>• Part 4 Local Government Infrastructure Plan</li> <li>• Schedule 2 Mapping</li> </ul>

Submitters - 1	9. Ben McLean on behalf of the Department of Defence - <a href="#">21332796</a>
Submitter points made	<ul style="list-style-type: none"> <li>The representations of Defence properties on the maps need to be consistent throughout the plan and accurate.</li> <li>The Map of RAAF Townsville in Figure 4.2.2.1 and OM01.1 is not the accurate property boundary for RAAF Base Townsville, while Figure 6.112 is correct</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The function of OM-01.1 is to map operational airspace, the data for this map comes from the SPP IMS and includes mapped areas which sit over the top of the airport facility and RAAF base, effectively obscuring the underlying footprint of the airport/ base.</li> <li>To make the footprint of the airport/base clearer a dotted line boundary of the facility can be included on the map</li> <li>Due to internal processes, Figure 4.2.2.1 map will need to be changed as part of the upcoming LGIP amendment.</li> </ul>
Proposed response	<ul style="list-style-type: none"> <li>Revise amendment to update OM01.1 mapping.</li> <li>Figure 4.2.2.1 to be amended as part of the upcoming LGIP amendment.</li> </ul>
Adjustments to the amendment	Revise amendment to OM01.1 mapping to include a dotted line boundary of the facility
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>Altered Council's policy position as the change relates to the correction of an error in the mapping which is for information purposes;</li> <li>Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>Affected a matter of public interest;</li> </ul>

- Altered the level of assessment; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals considering that under the MGR it could be completed as a Minor Change which requires no public consultation to occur or Ministerial approval.

## Issue 2.3 - Outdated DACR reference

Issue Summary	Outdated acronym, DACR retained in the scheme in one instance, other references to the acronym have been proposed for amendment
Parts of the scheme affected	Part 8 Overlays - Airport environs overlay code
Submitters - 1	9. Ben McLean on behalf of the Department of Defence - <a href="#">21332796</a>
Submitter points made	<ul style="list-style-type: none"> <li>Reference to DACR (old acronym) in Table 8.2.1.3 should be replaced with a reference to the Defence Aviation Area (DAA) regulations - “Editor’s note - The Defence Regulation 2016 (DARC) is a Commonwealth regulation under Defence Act 1903’</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Outdated references including this one have been removed from the scheme, this instance was likely an oversight</li> </ul>
Proposed response	Change amendment to revise the retained reference to DACR to DAA.
Adjustments to the amendment	Table 8.2.1.3 to be amended removing DARC reference and replacing with DAA.
Significantly different	Council considers that the adjustment is not significantly different from the version of the amendment for which public

per section 21.3 (d) of  
 MGR

consultation has been undertaken.

Reason:

The adjustment has not:

- Altered Council's policy position as the change relates to removing the outdated acronym DARC;
- Affected or altered a significant proportion of the area or landowners covered by the planning scheme;
- Affected a matter of public interest;
- Altered the level of assessment; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals considering it removes an outdated acronym which is a minor amendment.

## Issue 2.4 - Airport environs overlay code PO1 CASA & TAPL references

Issue Summary	Request that the PO refers applicants to CASA and TAPL
Parts of the scheme affected	Part 8 Overlays - Airport environs overlay, Table 8.2.1.3 PO1
Submitters - 1	59. Townsville Airport Pty Ltd - <a href="#">21332760</a>
Submitter points made	<ul style="list-style-type: none"> <li>• Updated notes to PO1 and associated Acceptable Outcomes do not reference the civil aviation role in operational airspace regulation, e.g. the Civil Aviation Safety Authority (CASA) and Townsville Airport Pty Ltd (TAPL).</li> <li>• For instance, there is an established process for referring controlled activities to TAPL for assessment with CASA and other authorities. This is outlined in the Airspace Protection document - PO should be updated to</li> </ul>

	refer to the civil function of TAPL in airspace management.
Consideration	<ul style="list-style-type: none"> <li>The current planning scheme does not reference CASA or TAPL in relation to PO1 but does identify the Department of defence as having specific requirements.</li> <li>The amendment includes revision of the Editors note which further expand on Defence requirements but do not mention CASA or TAPL</li> <li>The purpose of the amendments are to align with SPP requirements and have been based on the <a href="#">Strategic airports and aviation facilities state interest - example planning scheme assessment benchmarks</a>.</li> <li>The example benchmarks include the following note in relation to PO1 regarding operational airspace:           <p><i>Note - If a proposed development will intrude into the operational airspace of a strategic airport or involve high velocity gaseous plumes or the emission of airborne particulates that may impair visibility in operational airspace, it must be referred to the airport operator or Department of Defence (if relevant) for assessment.</i></p> </li> </ul> <ul style="list-style-type: none"> <li>The above note could be edited to be relevant to Townsville as below:           <p><i>Note - If a proposed development will intrude into the operational airspace <del>of a strategic airport</del> or involve high velocity gaseous plumes or the emission of airborne particulates that may impair visibility in operational airspace, it must be referred to the <a href="#">Townsville Airport Pty Ltd (TAPL)</a>, <a href="#">airport operator</a> and/or Department of Defence (if relevant) for assessment.</i></p> </li> </ul> <ul style="list-style-type: none"> <li>The revised note above is recommended to replace the existing revised editor's note that was put forward in the drafting of the amendment.</li> <li>The above note is also recommended for PO2 which is also regarding operational airspace.</li> <li>A note carries the force of law, and comparatively editors notes are extrinsic material provided to assist in interpreting, as per the <i>Acts Interpretation Act 1954</i>, and accordingly the content should be added a note.</li> </ul>
Proposed response	Replace editor's note in PO1 with note as per example benchmarks, also add the note to PO2.

Adjustments to the amendment	<p>Replace editors note in PO1 with the following:</p> <p><i>Note - If a proposed development will intrude into the operational airspace or involve high velocity gaseous plumes or the emission of airborne particulates that may impair visibility in operational airspace, it must be referred to the Townsville Airport Pty Ltd (TAPL) and/or Department of Defence (if relevant) for assessment.</i></p> <p>Add the above note to PO2 as well.</p>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change relates to revising the note to direct readers to be aware of third-party referrals, which they are already required to engage with;</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>• Affected a matter of public interest;</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the amended note provides better clarity, directing readers to be aware of third-party referrals, which they are already required to engage with.</p>

## Issue 2.5 - Airport environs overlay code PO1 restricting cranes drafting

Issue Summary	Request additional process for considering temporary intrusions to be included in the code
Parts of the scheme affected	Part 8 Overlays - Airport environs overlay PO1
Submitters - 1	59. Townsville Airport Pty Ltd - <a href="#">21332760</a>
Submitter points made	PO1 - Addition of an Acceptable Outcome restricting cranes AO1.2 and other construction equipment from intruding into operational airspace is supported; however our view is that the proposed notes do not accurately specify the process for considering temporary intrusions (for instance, of cranes) into operational airspace.
Consideration	<ul style="list-style-type: none"> <li>The editors note states a construction management plan can demonstrate compliance with the acceptable outcome.</li> <li>The editors note proposed is consistent with the <a href="#">Strategic airports and aviation facilities state interest - Example planning scheme assessment benchmarks</a>.</li> <li>Consideration of the appropriateness of any temporary intrusion will be part of the assessment process.</li> </ul>
Proposed response	No change is proposed.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 2.6 - Airport environs overlay code PO5 aviation facilities drafting

Issue Summary	PO5 and associated AOs relating to protection of aviation facilities has been redrafted however the referenced mapping and the code requirements do not clearly align and it is unclear what the redrafted code is requiring applicants to achieve.
Parts of the scheme affected	Part 8 Overlays - Airport environs overlay PO5, AO5.1 and AO5.2
Submitters - 1	59. Townsville Airport Pty Ltd - <a href="#">21332760</a>
Submitter points made	<ul style="list-style-type: none"> <li>This amendment appears to attempt to devolve the technical detail for regulating development around airport aviation facilities directly to Guideline G of the NASF. However, in our view it is not entirely clear in the redrafted PO5 and associated Acceptable Outcomes the criteria and process under which these matters are assessed.</li> <li>For instance, the PO and AOs refer to building restricted areas in Overlay Map OM-01.3. However, Map OM-01.3 or the Overlay Code itself does not actually contain any reference or explanation as to what constitutes a building restricted area.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The Airport environs overlay code of the Townsville City Plan has been amended as part of Package 1 Major Amendment to align with the outcomes sought within the State governments Strategic airports and aviation facilities State interest.</li> <li>The assessment benchmarks referred to by the submitter are recommended for inclusion within the planning scheme by the States guideline material titled '<a href="#">Strategic airports and aviation facilities state interest - Example planning scheme assessment benchmarks</a> (May 2021 - VS 1.0)'.</li> <li>Despite PO5, AO5.1 and AO5.2's correlation to the State's guidance material, Council acknowledges the concern raised by the submitter regarding the ability to measure compliance. PO5 of the newly drafted Airport environs overlay code - Protection of aviation facilities references OM01.3, this map has been updated as per the SPP IMS. Within the overlay map the following aviation facilities are identified <ul style="list-style-type: none"> <li>Building Restriction Area - Zone A</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Building Restriction Area - Zone A/B</li> <li>○ Building Restriction Area - Area of Interest</li> </ul> <p>The table of assessment has not been amended and continues to refer to aviation facilities' buffers areas shown on overlay Map OM-01.3.</p> <p>Currently Map OM-01.3 identifies the following aviation facilities</p> <ul style="list-style-type: none"> <li>• DME 1500m Buffer Area</li> <li>• Glidepath 1500m Buffer Area</li> <li>• Localiser 1500m Buffer Area</li> <li>• Marker middle 25m Buffer Area</li> <li>• NDB 500m Buffer Area</li> <li>• VOR 1000m Buffer Area</li> <li>• Various navigation points are also mapped</li> </ul> <ul style="list-style-type: none"> <li>• The Tables of assessment for the Airport environs overlay will need to be amended to align with changes to Overlay map OM01.3 of aviation facilities' buffers to reflect the new terminology (Building restricted areas) so that the revised mapping still triggers the Airport environs overlay code.</li> <li>• It is acknowledged it will be the responsibility of the applicant to confirm compliance with the new PO5.1 and PO5.2 which may be difficult without referral response from Airservices Australia or Department of Defence.</li> <li>• A Note is recommended referring applicants to the relevant organisations for assistance.</li> </ul>
Proposed response	Make minor adjustments to the Airport environs overlay code.
Adjustments to the amendment	The Tables of assessment for the Airport environs overlay will need to be amended to align with changes to Overlay map OM01.3 of aviation facilities' buffers to reflect the new terminology (Building restricted areas).

	<p>Add the following note - Note - Written support from the relevant organisation may assist in demonstrating achievement of this measure.</p>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change results in the same outcome, being referral to the relevant aviation entity for assessment of development within the Building Restricted Area to ensure protection of aviation facilities;</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>• Affected a matter of public interest;</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation. Council notes that although the wording of P05, A05.1 and A05.2 has changed, the outcome sought, being to protect aviation facilities from adverse impacts through referral and assessment by the relevant aviation entity, remains unchanged.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals considering that, despite re-wording for clarity, the outcomes sought by the assessment benchmark remains the same.</p>

## Issue 2.7 - Draft Townsville Airport Master Plan 2023

Issue Summary	The Amendment includes a new reference to the Townsville Airport Master Plan 2016 which expected to be superseded in early 2024 by the Townsville Airport Master Plan 2023, which is currently in draft form. Following endorsement the
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	scheme should be amended to reference the endorsed 2023 Masterplan.
Parts of the scheme affected	Part 10 Other plans
Submitters - 1	59. Townsville Airport Pty Ltd - <a href="#">21332760</a>
Submitter points made	<ul style="list-style-type: none"> <li>Part 10 Other Plans - City Plan will be updated to explicitly refer to the Townsville Airport Master Plan 2016.</li> <li>We note that the Draft Townsville Airport Master Plan 2023 is currently with the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts for assessment and is anticipated to be endorsed in early 2024.</li> <li>We would seek that Part 10 of the City Plan be amended to reference the 2023 Master Plan once it is endorsed by the Federal Minister for Infrastructure, Transport, Regional Development and Local Government.</li> </ul>
Consideration	The planning scheme cannot refer to the new Masterplan until the plans are endorsed and adopted. At the time of finalisation of the amendment package ready for submission for the Ministerial consideration, TCC was not aware of the Townsville Airport Master Plan 2023 being formally adopted.
Proposed response	No change required.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 2.8 - Accommodation activity and community activity definitions

Issue Summary	Amendments to the Airport environs overlay code introduces new terms (Accommodation activity and Community activity) which could be confused and should be defined.
Parts of the scheme affected	<ul style="list-style-type: none"> <li>• Schedule 1 Definitions</li> <li>• Part 8.2 Airport environs overlay code</li> </ul>
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>• Airport environs overlay ANEF provisions use terms such as Accommodation activity and Community activity which are undefined and therefore could be misinterpreted.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• Accommodation activity and Community activity are defined in the Planning Regulation 2017</li> <li>• The definition includes a list of defined uses which are included under Accommodation activity and Community activity.</li> <li>• To address concern raised, the Airport environs overlay code can be revised to list out the Defined uses rather than identifying accommodation or community activities.</li> </ul>
Proposed response	Amend the Airport environs overlay code, A06.1, A06.2, and A07.1 to list out Accommodation activities or Community activities as per the Planning Regulation 2017 definition.
Adjustments to the amendment	<p>A06.1, A06.2, and A07.1 are to be adjusted to list out Accommodation activities and Community activities as follows:</p> <p><u>Accommodation activities:</u></p> <p>Care taker's accommodation    Community residence    Dual occupancy</p>

	<p>Dwelling house          Dwelling unit          Home based business          Multiple dwelling          Relocatable home park          Residential care facility          Retirement facility          Rural workers' accommodation          Tourist park          Workforce accommodation</p> <p><u>Community activities:</u></p> <ul style="list-style-type: none"> <li>(i) Child care centre</li> <li>(ii) Community care centre</li> <li>(iii) Community residence</li> <li>(iv) Community use</li> <li>(v) Detention facility</li> <li>(vi) Educational establishment</li> <li>(vii) Place of worship</li> <li>(viii) Residential care facility</li> <li>(ix) Place of worship</li> <li>(x) Tourist accommodation, or accommodation for employees, that is ancillary to a use stated in paragraphs (i) to (x)</li> <li>(xi) Commercial use that is ancillary to a use stated in paragraphs (i) to (x)</li> </ul>
<p>Significantly different per section 21.3 (d) of MGR</p>	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p>

The adjustment has not:

- Altered Council's policy position as the change involves listing Accommodation and Community activities in accordance with the Planning Regulation 2017 definitions;
- Affected or altered a significant proportion of the area or landowners covered by the planning scheme;
- Affected a matter of public interest;
- Altered the level of assessment; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as it relates to improved clarity and ease of use, with the outcome sought remaining unchanged.

## 3 - Magnetic Island Issues

### Issue 3.1 - Reduction in level of assessment for tourism activities in the EMC zone on Magnetic Island

Issue Summary	The level of assessment for Nature based tourism and Environment facilities within the Environmental management and conservation zone is proposed to be reduced from Impact assessable to Code assessable. Concerns have been raised with this reduction, particularly for development on Magnetic Island.
Parts of the scheme affected	<ul style="list-style-type: none"> <li>Table of Assessment</li> <li>Environmental Management and conservation zone code</li> </ul>
Submitters - 46	1- Alicia Payne - <a href="#">21332804</a> , 2- Anne and John Stowar - <a href="#">21332763</a> , 4- Annie Niven - <a href="#">21332774</a> , 5- Annie Taylor - <a href="#">21332761</a> , 6- Audrey Ledbrook - <a href="#">21332770</a> , 8- Beat Lehmann - <a href="#">21332758</a> , 11- Blake Carney - <a href="#">21332776</a> , 12- Daniela Ceccarelli - <a href="#">21332750</a> , 14- Gavin Colthart - <a href="#">21332749</a> , 15- George Hirst - <a href="#">21332789</a> , 16- Gethin Morgan MINCA - <a href="#">21332791</a> , 17- Gregory Bottrill - <a href="#">21332782</a> , 18- Hala Zakour - <a href="#">21332808</a> , 19- Helen Rosner - <a href="#">21332806</a> , 21- Hugh McColl - <a href="#">21332802</a> , 22- Jan Clothier - <a href="#">21332764</a> , 23- Jan Harvey - <a href="#">21332751</a> , 24- Janeen Mapson - <a href="#">21332793</a> , 25- Jenny Mulcahy - <a href="#">21332780</a> , 26- Jenny Terrey - <a href="#">21332790</a> , 28- Joseph Niven - <a href="#">21332756</a> , 29- Judy Taylor - <a href="#">21332755</a> , 30- Kate Rowe - <a href="#">21332775</a> , 31- Leanne Lance - <a href="#">21332771</a> , 32- Les Sampson - MICDA - <a href="#">21332783</a> , <a href="#">21332807</a> , and <a href="#">21396109</a> , 33- Lindsay Trott - <a href="#">21332753</a> , 34- Liz Downes - <a href="#">21332792</a> , 35- Lucy Chapman - <a href="#">21332769</a> , 36- Margaret Gooch - <a href="#">21332803</a> , 37- Marjorie and Don Glasson - <a href="#">21332765</a> , 38- Mark Carpenter/Thalie - <a href="#">21332754</a> , 40- Matthew Byron - <a href="#">21332784</a> and <a href="#">21332785</a> , 42- Meredith Woodward - <a href="#">21332801</a> and <a href="#">21403363</a> , 43- Nadja Schneller - <a href="#">21332787</a> , 44- Olivia Glasson - <a href="#">21332757</a> , 45- Penelope Sheridan - <a href="#">21332794</a> , 46- Peter Hansen - <a href="#">21332800</a> , 47- Philip Landon - <a href="#">21332748</a> , 49- Rose Gordon - <a href="#">21332752</a> , 50- Rosemary Nixon - <a href="#">21332786</a> , 51- Rosemary Richardson - <a href="#">21332773</a> , 52- Sara Shaw - <a href="#">21332762</a> , 55- Stephanie Chaffey - <a href="#">21332778</a> , 56- Stephen Hansen - <a href="#">21332759</a> , 57- Susan Swaddling - <a href="#">21332768</a> , 60- Wendy Tubman - <a href="#">21332772</a>
Submitter points made	<ul style="list-style-type: none"> <li>Potential for adverse impacts on natural environment.</li> <li>Against native vegetation clearing.</li> <li>Belief that a 'Proper assessment' cannot be undertaken unless the development is Impact assessable.</li> <li>Increased tourism activity on the island is not supported by the submitters.</li> </ul>

	<ul style="list-style-type: none"> <li>• No restrictions in place to protect old established trees.</li> <li>• Tourism plan does not support development in the ‘green zones’.</li> <li>• The uses are not well defined and low impact is not defined (multiple submissions incorrectly suggest the uses are not defined and could be used to approve any sort of development).</li> <li>• Multiple submissions incorrectly suggested that the ‘green zones’ would be rezoned.</li> <li>• The natural environment is what attracts visitors to the island and need to be protected.</li> <li>• Changes are significant and should be more carefully considered, an Environmental Impact Assessment is required.</li> <li>• Lowlands are the most biodiverse area of the island. This is where most development has occurred and is likely to occur due to the proposed changes. Additional development in the lowlands could negatively impact biodiversity on the island.</li> <li>• Inadequate communication from Council regarding the matter.</li> <li>• The time provided for feedback was insufficient to properly respond to the proposed amendments.</li> <li>• Council should undertake a more rigorous community consultation/engagement relating to the proposed changes.</li> <li>• Changes to Environmental management and conservation code and triggers should not apply to Magnetic Island.</li> <li>• Scheme should make it clear that the EPBC Act applies to Magnetic Island, not just the reef.</li> <li>• No acceptable development outcomes or editor’s notes are included for PO1 or PO2. This type of guidance is essential to ensure the fragile environment of Magnetic Island is protected.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• The primary purpose of the Environmental management and conservation zone is to provide protection to land with high conservation areas.</li> <li>• The intent of the zone is the same if it is located on Magnetic Island or anywhere else within the Local Government Area</li> <li>• The proposed changes may allow unintended consequences for development to occur which is inconsistent with the intent of the zone</li> <li>• Strengthening the code requirements including additional AOs should be considered to ensure the bound assessment of a code assessable application is sufficient to achieve the intent of the zone.</li> <li>• Additional amendments to the code provisions could make the proposed amendment ‘significantly different’ from the package endorsed by the Minister and would trigger a second round of Public consultation.</li> <li>• Council could consider as part of a future amendment</li> </ul>

Proposed response	<ul style="list-style-type: none"> <li>Remove the change in the level of assessment for Nature based tourism and Environment facility in the Environmental Management and Conservation Zone from the amendment package.</li> <li>Schedule a review of the issue as part of a future amendment where detailed assessment of the code provisions can occur to ensure the change in the level of assessment will not permit inappropriate development.</li> <li>Ultimately the uses are compatible with the zone, however Council considers that more work is needed to ensure the code is robust enough to assess the impact of these facilities and ensure appropriate outcomes.</li> </ul>
Adjustments to the amendment	<p>Revert to current levels of assessment within the planning scheme, removing this proposed amendment.</p> <p>Revert changes to the Environmental management and conservation zone code purpose statement 3(b) and PO1 and PO2 which allowed for the establishment of accommodation activities, nature based tourism and environmental facilities</p>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>Altered Council's policy position as the change involves reverting back to the levels of assessment within the current planning scheme;</li> <li>Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>Affected a matter of public interest.</li> </ul> <p>The adjustment has:</p> <ul style="list-style-type: none"> <li>Altered the level of assessment, as the change involves reverting to the current version of the planning scheme whereby Nature based tourism and Environment facilities within the Environmental management and conservation zone is Impact assessable development; and</li> <li>Altered the proposed amendment so that it is quite different to the version which was released for public consultation, for the abovementioned reason.</li> </ul> <p>Despite the above, the change does not impact on the intent, extent and effect on both the land use outcomes as well</p>

as assessment requirement on individuals as the change involves reverting to the current version of the planning scheme, which makes the subject uses Impact assessable within the Environmental management and conservation zone.

## Issue 3.2 - Magnetic Island pro-development

Issue Summary	Support for reduction in the level of assessment on Magnetic Island
Parts of the scheme affected	N/A
Submitters - 3	13. Debbie Denison - <a href="#">21332766</a> , 39. Mary Vernon - <a href="#">21332767</a> , 63. UDIA - <a href="#">21478272</a>
Submitter points made	<ul style="list-style-type: none"> <li>The changes are long overdue especially concerning Magnetic Island</li> <li>The island is already 78% National Park. The current green zones on the island are stopping reasonable development of the island.</li> <li>As for the island's so called "Heritage Values' they are nothing more than to impose further restrictions on the use of free hold land owners and restrict land owners rights.</li> <li>The continual objections to any proposed land sale or low key development on the island from MINCA/MIDCA who claim they have the majority of support of island residents - when they don't.</li> <li>The cost to owners/developers is ridiculous. The sooner the changes come in the better.</li> <li>This is a good idea - we need development and housing and anything that reduces the bureaucratic process and helps facilitate approvals is an excellent plan.</li> <li>The Institute supports proposed levels of assessment for Nature Based Tourism - from Impact Assessable to Code Assessable within the Environmental Management and Conservation Zone</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The proposed amendment does not include changes to the current 'green zones' other than changing the level of assessment required for 2 uses (Environment facility and Nature based tourism).</li> </ul>
Proposed response	Comments to be taken into consideration, particularly regarding Councils response to Issue 3.1.

Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A
<b>Issue 3.3 - Magnetic Island World Heritage</b>	
Issue Summary	Submitters consider the scheme does not appropriately protect the 'Outstanding Universal Values' of the world heritage Magnetic Island
Parts of the scheme affected	All
Submitters - 6	16. Gethin Morgan - Magnetic Island Nature Care Association Inc. - <a href="#">21332791</a> , 26- Jenny Terrey - <a href="#">21332790</a> , 28- Joseph Niven - <a href="#">21332756</a> , 32. Les Sampson - MICDA - <a href="#">21332783</a> , 51- Rosemary Richardson - <a href="#">21332773</a> , 60- Wendy Tubman - <a href="#">21332772</a>
Submitter points made	<ul style="list-style-type: none"> <li>Outstanding Universal Values in the scheme seem to have a primary focus only on marine values</li> <li>The island's natural values are why it was given World Heritage status in 1981. These should be incorporated into the City Plan.</li> <li>EPBC Act Policy Statement 5.1, Magnetic Island, Queensland is not referenced or considered.</li> <li>TCC needs to identify and protect Magnetic Island's remaining Outstanding Universal Values.</li> <li>An Island Local Area Plan would be an opportunity for council to include/acknowledge the World Heritage Values of Magnetic Island.</li> <li>It needs to be clear that the EPBC act applies to Magnetic Island and its World Heritage Values.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Council cannot duplicate existing legislation by including EPBC Act requirements within the scheme.</li> <li>It is not the function of the planning scheme to direct readers to comply with legislation outside of planning legislation.</li> <li>The submitters concern regarding the EPBC act and Outstanding Universal Value of Magnetic Island fall outside</li> </ul>

	<p>of the scope of the amendment package.</p> <ul style="list-style-type: none"> <li>The Townsville City Plan does not have any Local area plans and currently there are no plans to amend the scheme to include Local area plans.</li> </ul>
Proposed response	Council acknowledges the points raised by the submitters and advises that it will investigate the matter as part of a future amendment whereby a holistic assessment can be completed.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 3.4 - Magnetic Island Local Area Plan

Issue Summary	Community groups on the Island have requested that Council integrate a Local Area Plan for the Island to address a range of issues.
Parts of the scheme affected	Part 7 Local Plans (the scheme currently does not have anything in this part of the scheme)
Submitters - 1	32. Les Sampson - MICDA - <a href="#">21332783</a> ,
Submitter points made	<ul style="list-style-type: none"> <li>Due to the unique values of Magnetic Island, a Local Area Plan should be created to manage development on the Island</li> <li>Magnetic Island is unlike other suburban precincts of the Townsville local government area.</li> <li>We advocate that instead of managing through nominated island precincts, the Townsville City Council develop a Local Area Plan (LAP) for Magnetic Island.</li> <li>Such a planning instrument could address key drivers for Magnetic Island, namely an economic perspective, and a unique environmental setting with a need for proactive management of ecological processes.</li> </ul>

Consideration	<ul style="list-style-type: none"> <li>The Townsville City Plan does not include any LAP.</li> <li>Development of a LAP would involve a substantial body of work.</li> <li>Development of a LAP is outside of the scope of this amendment package.</li> <li>Consideration of a LAP could be considered as part of a future amendment package.</li> </ul>
Proposed response	<ul style="list-style-type: none"> <li>The City Plan does not include Local Area Plans and utilises 'Precincts' to manage and regulate development for specific areas. Council's view is that the current precinct planning is an effective approach in applying specific development controls for areas that require targeted development controls. The approach to adopt precinct planning was based on local area investigations and extensive community consultation, which informed the preparation of the City Plan.</li> <li>The scope of this amendment package does not consider Local Area Plans. As part of Council's future amendment program, the option for a Local Area Plan may be considered.</li> </ul>
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 3.5 - Increased tourism puts pressure on Island roads and parking

Issue Summary	An increase in tourism on Magnetic Island will increase vehicular movements and parking requirements on an already stressed road system
Parts of the scheme affected	N/A
Submitters - 1	2. Anne and John Stowar - <a href="#">21332763</a>

Submitter points made	<ul style="list-style-type: none"> <li>The road and parking system on Magnetic Island is already stressed.</li> <li>An increase in tourism will increase the pressure on the road system.</li> <li>This needs to be addressed and the solution to the problem the first priority with planning</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The proposed amendment does not propose to increase tourism on Magnetic Island. Some of the changes may support more streamlined development on Magnetic Island.</li> <li>Council manages local road and on-street car parking upgrades based on traffic modelling and its capital works program.</li> <li>It is not within the scope of work to make changes relating public realm traffic related matters.</li> </ul>
Proposed response	No change is proposed.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## 4 - Cultural Heritage Issues

### Issue 4.1 - Magnetic Island cultural heritage

Issue Summary	More Magnetic Island properties should be on Schedule 7 Places of cultural heritage. Places with the potential to be included should be reinvestigated.
Parts of the scheme affected	Schedule 7
Submitters - 2	32. Les Sampson - MICDA - <a href="#">21332783</a> , 62. Zanita Davies - Magnetic Museum - <a href="#">21332777</a>
Submitter points made	<ul style="list-style-type: none"> <li>• A 2002 heritage study on Magnetic Island contained 98 listed properties, only 7 of which were listed in Schedule 7</li> <li>• The original list should be reinvestigated and assessed as to if they meet the criteria to be included in Schedule 7</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• A robust investigation into the suitability of potential heritage places to be included on the register was completed in 2019 in the <a href="#">Review of Schedule 7 - Places of Cultural Heritage Value</a>.</li> <li>• There is an application process for members of the public to nominate sites for investigation for inclusion in the register, this process is detailed in schedule 6.3.10 of the scheme.</li> <li>• If any specific properties were accepted for addition to the register an amendment would need to be publicly notified with opportunity for the community to make comment for consideration.</li> <li>• Advise the submitter of process for nominating properties for consideration.</li> </ul>
Proposed response	Advice to be provided to submitter regarding process for cultural heritage nomination.
Adjustments to the amendment	None

Significantly different  
per section 21.3 (d) of  
MGR

N/A

## Issue 4.2 - Remove 18 Fifth Ave from Schedule 7

Issue Summary	Request for the reconsideration and subsequent removal of 18 Fifth Avenue South, Townsville from Schedule 7 Places of cultural heritage
Parts of the scheme affected	Schedule 7
Submitters - 1	41. Matthew Gromkowski C/- Northpoint - <a href="#">21332809</a>
Submitter points made	<ul style="list-style-type: none"> <li>Pursuant to Schedule 7 of the City Plan 2014 the property is identified as a local heritage place (reference 76810).</li> <li>As outlined in the heritage citation, specific research of the dwelling has not been undertaken.</li> <li>The significance of the building is primarily related to the transverse triple gabled roof form and is similar in architectural style to a heritage building located in Charters Towers.</li> <li>The remainder of the cottage is unremarkable and comparable to existing cottages in the immediate surrounding area.</li> <li>It is requested that the subject property be removed from Schedule 7 of the planning scheme and that identification of the building as a local heritage place be accordingly removed.</li> <li>Request is based on the grounds that the property is not considered to maintain substantial heritage significance, and its inclusion on the heritage register is not warranted.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The subject property was added to Schedule 7 in 2014.</li> <li>A robust investigation into the suitability of all existing heritage places included on the register was completed in 2019 in the <a href="#">Review of Schedule 7 - Places of Cultural Heritage Value</a>.</li> <li>The subject property was not identified as no longer meeting the criteria as detailed in Schedule 7 which indicates the property still holds cultural heritage values.</li> </ul>

	<ul style="list-style-type: none"> <li>The submission has been reviewed by relevant Council officers and it is not considered to provide sufficient justification to warrant removal from Schedule 7</li> <li>There is an application process for members of the public to nominate sites for investigation for removal from the register, this process is detailed in schedule 6.3.10 of the scheme.</li> <li>Submitter will need to lodge an application to remove a Place of cultural heritage.</li> <li>If accepted for removal from the register the amendment would need to be publicly notified with opportunity for the community to make comment for consideration.</li> <li>Submitter to be advised of the process.</li> </ul>
Proposed response	Advice to be provided to submitter regarding process for cultural heritage removal.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 4.3 - Remove 1199 Riverway Drive from Schedule 7

Issue Summary	1199 Riverway Drive is included in Schedule 7 Places of Cultural heritage value and has not been recommended for removal despite recent evidence provided in a Development application that the site retains minimal heritage value.
Parts of the scheme affected	Schedule 7 Places of cultural heritage value
Submitters - 1	54. Scott Hambleton/ Interlaken - Rasmussen - <a href="#">21332789</a>
Submitter points made	<ul style="list-style-type: none"> <li>1199 Riverway Drive should also be removed from Schedule 7 Places of Cultural Heritage Value given the findings of the desktop cultural heritage risk assessment.</li> <li>1199 Riverway Drive (Lot 20 RP853743) is included as a place of cultural heritage value in Table SC7.1.1 of Schedule 7 Places of cultural heritage value, as it is listed as the former site of the Kennedy Hotel.</li> </ul>

	<ul style="list-style-type: none"> <li>However, as part of MCU21/0093, Council required an archaeological assessment be undertaken to demonstrate compliance with the Cultural heritage overlay code given that the site is included in Schedule 7.</li> <li>A desktop cultural heritage risk assessment of the site was prepared by Advance Archaeology to ascertain the historical location of the Kennedy Hotel.</li> <li>It was found that significant modifications to the land due to agricultural uses has caused the residual cultural heritage to be low, and that the Hotel may have been located in an alternate location.</li> <li>Notably, while the planning scheme amendment has removed several other sites from Schedule 7, 1199 Riverway Drive remains in Schedule 7 under Table SC7.1.1 in the amendment. This is despite it being demonstrated that the potential for residual cultural heritage on the site is low and Advance Archaeology suggesting that Council review its local heritage listing.</li> <li>Therefore, the site should be removed from Table SC7.1.1 of Schedule 7.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>A robust investigation into the suitability of all existing heritage places included on the register was completed in 2019 in the <a href="#">Review of Schedule 7 - Places of Cultural Heritage Value</a>.</li> <li>The subject property was not identified as no longer meeting the criteria as detailed in Schedule 7 which indicates the property still holds cultural heritage values.</li> <li>New information provided as part of the above mentioned application can be considered by Council as part of an application to have the site removed from Schedule 7.</li> <li>This is an applicant lead process and requires the applicant to apply for the sites removal from the register.</li> <li>There is an application process for members of the public to nominate sites for investigation for removal from the register, this process is detailed in schedule 6.3.10 of the scheme.</li> <li>Submitter will need to lodge an application to remove a Place of cultural heritage.</li> <li>If accepted for removal from the register the amendment would need to be publicly notified with opportunity for the community to make comment for consideration.</li> <li>Submitter to be advised of the process.</li> </ul>
Proposed response	Advice to be provided to submitter regarding process for cultural heritage removal.
Adjustments to the amendment	None

Significantly different  
per section 21.3 (d) of  
MGR

N/A

## Issue 4.4 - Schedule 7 amendment

Issue Summary	The planning scheme policy regarding cultural heritage details the process for the public to follow for entering and removing a heritage place from Schedule 7. The submitter infers from this that the onus for identifying heritage properties is on the public and the Council only monitors compliance and arbitrates inclusion or removal from the list.
Parts of the scheme affected	Schedule 6.3 Cultural heritage planning scheme policy
Submitters - 1	62. Zanita Davies - <a href="#">21332777</a>
Submitter points made	<ul style="list-style-type: none"> <li>SC6.3.10 (1) specifies the four-stage process of entering and removing a heritage place from Schedule 7. 'Identification' is noted as the first step.</li> <li>SC6.3.2: 'This planning scheme policy contains information to help individuals and groups identify, conserve and protect heritage places in Townsville. This policy provides applicants with guidance in meeting the requirements of the Cultural heritage overlay code. The policy also details how to nominate to add a place to Schedule 7 Places of cultural heritage value and how to nominate to remove a place from Schedule 7 Places of cultural heritage value.'</li> <li>As stated at SC6.3.2 the onus currently lies with the public for identifying compliant heritage properties and nominating them.</li> <li>The Heritage Unit of Townsville City Council should surely be actively seeking, then assessing, significant and even endangered cultural heritage properties rather than only monitoring compliance and arbitrating inclusion and removal of listed properties.</li> <li>Recommendation - Cultural heritage PSP include a directive for regular reporting to be carried out by Townsville City Council Heritage Officers to identify, assess and protect properties meeting the heritage criteria for inclusion in Schedule 7.</li> </ul>

Consideration	<ul style="list-style-type: none"> <li>The proposed amendments relating to Schedule 7 are a direct result of heritage officers holistic review of the schedule, the <a href="#">Review of Schedule 7 - Places of Cultural Heritage Value</a>.</li> </ul>
Proposed response	Inform the submitter that the planning scheme policy does not direct internal operating procedures and Council does periodically review the register.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## 5 - Rezoning Issues

### Issue 5.1 - Rezone 194 Flinders Street

Issue Summary	<p>An underwater portion of the subject site within Ross Creek is currently unzoned. The amendment proposes to zone the unzoned land as Open space zone, consistent with the adjoining part of the lot. The land owner was not aware the portion of the site underwater is currently zoned as an Open space zone and believed it to be within the Principle centre zone and wants the entire site to be zoned Principle centre.</p> 
Parts of the scheme affected	Schedule 2 Mapping
Submitters - 1	7. Barry Taylor - Doc Set ID <a href="#">21332799</a>
Submitter points made	<ul style="list-style-type: none"> <li>As the registered Lessee of Lot 801 on SP321618 Fortune objects to the proposal to rezone part of the Lot and makes the following submissions in respect of Lot 801 on SP321618.</li> </ul>

	<ul style="list-style-type: none"> <li>• Zoning of any part of Lot 801 on SP321616 that is either unzoned or zoned greenspace be reinstated to Principal Centre (CBD) zone.</li> <li>• Fortune has a lease over the site until 2034 specifically granted for Commercial/Business purposes;</li> <li>• adjoining land, Lot 788 on CP EP2360, being the only way to access Lot 801, is located within the Principal Centres Zone of the Townsville Planning Scheme and the lots are bound by covenant requiring them to be transferred collectively;</li> <li>• prior to adoption of Townsville City Plan 2014 Lot 801 was treated the same and as part of Lot 788 on CP EP2360;</li> <li>• Land is subject to the Townsville City Waterfront Priority Development Area Development Scheme</li> <li>• Fortune puts Council on notice that Fortune considers change an adverse planning change; and reserves the right to seek compensation in accordance with Chapter 2, Part 4, Division 2 of the <i>Planning Act 2016</i> and / or Chapter 9 Part 3 of the <i>Sustainable Planning Act 2009</i>.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• Development of the subject sites would be assessed against the Waterfront PDA and the scheme's zoning would only be influential if the PDA were revoked.</li> <li>• Changes to the zoning of the subject sites occurred under the previous scheme, any chance to pursue adverse planning changes from this time has lapsed.</li> <li>• A land owner has 2 years to claim an adverse change.</li> <li>• No change to the zoning of these properties has occurred in the last two years.</li> <li>• The purpose of zoning the unzoned portion of the lot to Open space was purely a tidy-up process with no pressing need for the lot to be zoned.</li> <li>• The planning scheme identifies that the zone designation that applies for roads, closed roads, waterways and reclaimed land is typically that of the adjoining land.</li> <li>• Adjoining land in this circumstance is within the Open space zone and therefore the zoning (to Open space) proposed in the amendment package makes no difference to the land. The change does not reduce the value of an interest in the premises.</li> </ul>
Proposed response	To abandon the rezone and remove from the amendment package.
Adjustments to the	Remove the proposed zoning of the unzoned portion of Lot 801 on SP321618 from amendment package.

amendment	
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change involves reverting to the subject lot being retained as unzoned land, taking on the adjoining land zoning when and if necessary (noting that the land is subject to the Waterfront PDA); or</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>• Affected a matter of public interest; or</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the change involves reverting to the current version of the planning scheme, which makes the subject portion of land unzoned.</p>

## Issue 5.2 - Mount Stuart Training Area zoning

Issue Summary	Defence do not consider the Open space zone of the Mount Stuart Training Area to be appropriate and propose the site is zoned as Special Purpose Defence
Parts of the scheme affected	Schedule 2 Mapping
Submitters - 1	9. Ben McLean on behalf of the Department of Defence - <a href="#">21332796</a>

Submitter points made	<ul style="list-style-type: none"> <li>Mount Stuart Training Area (MSTA) accommodates fixed and field live firing ranges and areas, close training areas and Explosive Ordnance storage facilities.</li> <li>Defence does not accept that the primary training purpose of this facility is appropriately reflected by the Open space zone purposed by the Townsville City Council.</li> <li>Defence is concerned that the proposed Open space zoning may lead to the misapprehension that the military training activities that occur at the MSTA are no longer appropriate as they do not accord with the typical recreational uses or level of amenity normally associated with open space.</li> <li>Mount Stuart Training Areas needs to be appropriately zoned Defence special purpose.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The subject site is not proposed to be rezoned as part of this amendment.</li> <li>The scope of this amendment did not include reconsideration of zones</li> </ul>
Proposed response	<ul style="list-style-type: none"> <li>The rezoning of the subject site as proposed would require a detailed assessment, considered drafting, and a fit-for-purpose risk assessment.</li> <li>As the rezone was not part of this amendment, it is not appropriate to undertake rezoning amendments at this stage in the process.</li> <li>Council is preparing an amendment agenda to fulfil the statutory 10-year review obligations and this matter is to be considered as part of this process.</li> </ul>
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 5.3 - Support for rezone 35 Gregory Street

Issue Summary	35 Gregeory Street was considered for rezoning from Medium Density residential to Community facilities based on the current use of the land and the established built form. The land owner has provided correspondence that they do not
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	object to the rezone but also that they do not plan to be utilising this site long term.
Parts of the scheme affected	Schedule 2 Mapping
Submitters - 1	48. Phillipa Smithers - Townsville hospital - <a href="#">21332795</a>
Submitter points made	<ul style="list-style-type: none"> <li>35 Gregory Street proposed to be rezoned to Community facilities to align with the current use as a Health care service.</li> <li>The hospital noted that they have plans for divestment from the site.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Council is not proposing to rezone 35 Gregory Street as part of this amendment package .</li> <li>Condition 4a of the Ministers endorsement involves a zoning review for 4 state-owned lots including this site.</li> <li>Council notes that the site is strategically contained within the North Ward Medium Density Precinct, which is a key infill area, and if the Heath campus moves in the future the zoning will be unnecessarily changed to a potentially less suitable zone. Council has detailed this Concern to the State department on several occasions.</li> </ul>
Proposed response	Reassess appropriateness of zone in accordance with Ministers condition.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 5.4 - 1199 Riverway Drive in Rasmussen district centre

Issue Summary	1199 Riverway Drive is zoned Medium density residential but should be rezoned in the District centre zone (Rasmussen)
Parts of the scheme affected	Schedule 2 Mapping

Submitters - 1	54. Scott Hambleton/ Interlaken - Rasmussen - <a href="#">21332789</a>
Submitter points made	<ul style="list-style-type: none"> <li>• 1199 Riverway Drive should be included in the Rasmussen district centre.</li> <li>• Currently 1199 Riverway Drive is zoned Medium Density Residential, however the site is benefitted by an approval for a Service station and Food and drink outlet (MCU21/0093).</li> <li>• At the time of writing, this application is under appeal. In the delegate report for MCU21/0093, the Council officer recognised that 'the subject site does immediately adjoin Rasmussen District Centre and is considered to be a logical extension of the centre' and that there is 'no evidence of a significant market demand for a medium density residential product in the Rasmussen area.' On this basis, the site should be included in the District Centre Zone given that Council has recognised the development is a logical extension of the district centre and the lack of demand for medium density residential housing products.</li> <li>• Inclusion of the site into the district centre will not preclude development of Multiple dwellings, for example, as they remain Code assessable in the district centre, but it will ensure the potential of the large site for a range of uses is fully realised, which there is clearly demand for.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• This amendment package included only limited rezoning proposals mainly regarding unzoned Council land.</li> <li>• To rezone a site, investigations into the appropriateness of an alternative zone would need to be undertaken along with a fit-for purpose risk assessment.</li> <li>• It is not appropriate to consider rezoning of new sites as part of this amendment package at this stage.</li> <li>• Future planned amendment packages will include a Centres hierarchy review and investigations into the potential rezoning of land.</li> </ul>
Proposed response	Council notes the request and will complete a Centres hierarchy review as part of the 10-year statutory planning scheme review process.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## 6 - Editorial Issues

### Issue 6.1 - Admin error regarding character demolition

Issue Summary	The Table of assessment, Table 5.7.1 for Building work in a Character residential zone includes by error the Reconfiguring a lot code as an assessable benchmark within the Impact assessment category.
Parts of the scheme affected	Part 5 Table of Assessment
Submitters - 1	58. Taryn Pace - <a href="#">21332788</a>
Submitter points made	<ul style="list-style-type: none"> <li>Administrative error in Table 5.7.1 - Building work of the Townsville City Plan, specifically, the Assessment benchmarks for assessable development and requirements for accepted development for demolition of a contributing character building notes the Reconfiguring a Lot Code as an assessment benchmark.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The standard structure in the Table of assessment is for Impact assessable applications to identify only 'The planning scheme' as the assessable benchmark.</li> <li>The identification of the Reconfiguring a lot code as an applicable assessment benchmark is considered an error</li> <li>In accordance with the Ministers guidelines and rules correcting an error of this nature is an Administrative change and does not require Public consultation or State interest review</li> </ul>
Proposed response	Amend Table 5.7.1 to remove the Reconfiguring a lot code as an assessment benchmark.
Adjustments to the amendment	Amend Table 5.7.1 to remove the Reconfiguring a lot code.
Significantly different per section 21.3 (d) of MGR	Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.

	<p>Reason:</p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change is to correct an administrative error only; or</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>• Affected a matter of public interest; or</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the change involves removing an unnecessary assessment benchmark.</p>
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## Issue 6.2 - Editorial corrections

Issue Summary	Several minor editorial errors have been identified by the City Planning team for correction.
Parts of the scheme affected	<ul style="list-style-type: none"> <li>• Part 2.5</li> <li>• Table 5.5.4</li> <li>• Part 9.2.1</li> </ul>
Submitters - 1	<p>61. City Planning - <a href="#">21332805</a></p> <ul style="list-style-type: none"> <li>• Part 2.5 Regulated requirements - 'the following' should be deleted as it is now shown as a statement, and not a list.</li> <li>• Table 5.5.4 Material Change of Use Table of assessment for High density residential - Bar and Food and drink outlet Assessment benchmarks for High density residential zone code, Self-assessable works requirements code, reference is made to self assessable works requirements code. This is not consistent with usual wording. Should just be High density residential code and Works code.</li> <li>• Part 9.2.1 Landscape code AO25.1 - the word aborist to arborist, to correct the spelling mistake.</li> </ul>

Consideration	Minor editorial corrections to be amended as part of this amendment, no public consultation or state interest review necessary.
Proposed response	Make amendments to the draft proposed amendment as identified above.
Adjustments to the amendment	Make amendments to the draft proposed amendment as identified above.
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change is to correct minor and administrative error's only; or</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>• Affected a matter of public interest; or</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the changes are minor/administrative in nature.</p>

## Issue 6.3 - LGIP table

Issue Summary	The LGIP table should align with all the defined uses within the scheme.
Parts of the scheme	<ul style="list-style-type: none"> <li>• Part 4 LGIP</li> </ul>

affected	
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>• LGIP Table 4.2.1 Defined uses in Column 3 should align with all uses in the scheme. Non-resident workforce accommodation use has been removed from scheme as part of this amendment and so should not be in table.</li> <li>• New uses added to scheme, Battery storage facility, Outstation, Party house and Workforce accommodation should be added.</li> <li>• Outstation is already in the table despite it only just now being included in the scheme.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• LGIP Table 4.2.1 to be amended.</li> <li>• Non-resident workforce accommodation deleted from table.</li> <li>• Battery storage facility to be included in the LGIP development type - Industry.</li> <li>• Outstation to remain in the Services LGIP development type.</li> <li>• Party house and Workforce accommodation to be added to the Services LGIP development type.</li> </ul>
Proposed response	Amend the LGIP table as per consideration section above.
Adjustments to the amendment	Amend the LGIP table as per consideration section above.
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the change is to correct minor consistency changes only; or</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>• Affected a matter of public interest; or</li> <li>• Altered the level of assessment; or</li> </ul>

	<ul style="list-style-type: none"> <li>Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul> <p>Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the changes are minor or administrative in nature.</p>
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## Issue 6.4 - Table numbering

Issue Summary	The numbering of tables within the Table's of assessment is not consistent, with some sections having the same table number for multiple tables. The Tables for MCUs have a new number for each zone, 5.5.1 Low density residential, 5.5.2 Medium density residential etc however for reconfiguring a lot all zones are included in Table 5.6.1. The order in which the zones are listed is also inconsistent. The overlays table also has all the overlay tables identified within table 5.9.1 despite there being a new table for each overlay.
Parts of the scheme affected	Part 5 Table of assessment
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>In the Reconfiguring a lot Table of assessment each zone has the same table number 5.6.1. instead of having an identifiable number for each table ie 5.6.1-Emerging community 5.6.1, 5.6.2 Character residential</li> <li>Also suggest that each zone should appear in the same order as with MCU table of assessment and Part 6 Zones</li> <li>The tables of assessment for Overlays and Operational works is the same with all the tables being identified by the one table number</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Renumbering and restructuring the Tables of assessment may cause confusion and is not within the scope of the Package 1 amendment objectives</li> <li>Functionality reviews will form part of future amendment packages and renumbering and restructuring could be considered at this stage</li> </ul>
Proposed response	No change - schedule review of the issue in future amendment package.

Adjustments to the amendment	None			
Significantly different per section 21.3 (d) of MGR	N/A			
<b>Issue 6.5 - Ministerial Designations</b>				
Issue Summary	Additional Ministerial designations have been approved since the amendment was drafted, these need to be recognised within the planning scheme and can be added now before the amendment has been adopted			
Parts of the scheme affected	Schedule 5			
Submitters - 1	61. City Planning - <a href="#">21332805</a>			
Submitter points made	Add in any Ministerial designations that have come in since amendment sent to State, ie the Silver Linings foundation school			
Consideration	Administrative amendment - Update as per table below			
Proposed response	Update Schedule 5 to include new Ministerial designations as listed on the <a href="#">Planning State Development website</a>			
Revised Amendment	Date of designation or repeal	Real property description	Street address	Type of community infrastructure
	3/11/23	Part of Lot 2 on RP740697	14 Golf Links Drive Kirwan 4817	Emergency services facilities
	5/5/23	34 on SP287071	80 Webb Drive Mount Saint	Emergency services

		John 4818	facilities
31/3/23	142 on SP216649	16 Jurekey Street Cluden 4811	Educational facilities
16/12/22	Lot 44 on EP835462	South Vickers Road, Condon, QLD, 4815	Educational facilities
2/12/22	Lot 423 on SP268344	59-77 Fulham Road, Gulliver, QLD, 4812	Educational facilities
28/10/22	Lot 590 on EP1744	21 Burnda Street, Kirwan, QLD 4817	Educational facilities
26 August 22	Lot 8552 on SP303456	8 Galax Entrance, Burdell, QLD, 4818	Queensland Ambulance Service (QAS)
Adjustments to the amendment	As per table above		
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p>Reason:</p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position as the changes are minor in nature, aimed to improve ease of use of the section; or</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>• Affected a matter of public interest; or</li> <li>• Altered the level of assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public</li> </ul>		

consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the changes are minor and administrative in nature aimed at improving use of the section.

## Issue 6.6 - Development Manual cross-references

Issue Summary	This draft amendment package was sent to the State for State Interest Review in April 2022. In January 2023 an amendment to the Development Manual was adopted which involved completely restructuring the development manual, section 6.4. This has resulted in references within the rest of the planning scheme which refer to specific sections of the Development Manual now being incorrect. It also means that the changes that were made to the development manual as part of this amendment package also now have the wrong references.
Parts of the scheme affected	Schedule 6.4 Development Manual
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>Cross references to specific parts of the Development Manual may now be different due to the updated Development Manual which commenced in January 2023.</li> <li>For example, Part 9.1.3 RaL code PO28 refers to parts of the Development Code which have been renumbered.</li> <li>Check line of sight issues regarding numbering references in the Development manual caused by changes to the numbering in the scheme particularly regarding number changes from new overlay code.</li> <li>Changes made to 6.4.3 are no longer in appropriate spots due to the restructure.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>A complete review of the planning scheme is required checking all references to the Development Manual reference the correct part of the manual.</li> <li>Look at what's been added in and how/ where it fits with new manual.</li> </ul>

	<ul style="list-style-type: none"> <li>The Development Manual is referenced in various Parts of the Planning Scheme. As part of the Development Manual review 2022 the Planning Scheme Parts 8 &amp; 9 were updated to reference the newly adopted schedules of the Development Manual. The Amendment package have references to parts of the scheme as well as the Dev Manual that do not exist anymore.</li> <li>Also, this submission specifically references a certain section of the planning scheme that does not exist anymore, i.e., Part 9.1.3 RAL Code P028. It is now Part 9.3.4 Reconfiguring a lot code.</li> </ul>
Proposed response	Check all references in the proposed amendment to make sure they refer to the correct part of the development manual. These changes will not be shown as track changes because the reference updating has already been approved as part of amendment 2022/02
Adjustments to the amendment	<ul style="list-style-type: none"> <li>References to specific sections of the development manual (included within Part 8 and 9) have been amended to refer to the current development manual references</li> <li>Proposed amendments to the development manual in Schedule 6.4.3 have been revised to reference the new sections of the development manual</li> </ul>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p>Reason:</p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>Altered Council's policy position as the changes are minor and administrative in nature, aimed to fix numbering for line of sight purposes; or</li> <li>Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>Affected a matter of public interest; or</li> <li>Altered the level of assessment; or</li> <li>Altered the proposed amendment so that it is quite different to the version which was released for public</li> </ul>

consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals as the changes are minor and administrative in nature.

## Issue 6.7 - Car parking rate for dual occupancies

Issue Summary	The parking rate for a Dual Occupancy specifically (and exclusively) references only 'dwelling units' stating that the required minimum provision is 2 per unit. This is then contradicted by the rate for a Dwelling Unit (which requires only 1 per unit).
Parts of the scheme affected	Schedule 6.10 Parking rates
Submitters - 0	Issue identified by TCC staff
Submitter points made	<ul style="list-style-type: none"> <li>The parking rate for a Dual Occupancy specifically (and exclusively) references only 'dwelling units' stating that the required minimum provision is 2 per unit. This is then contradicted by the rate for a Dwelling Unit (which requires only 1 per unit).</li> <li>As per the definition in the Planning Regulation 2017 it's to be noted that a dwelling is more correctly defined as a Dwelling unit where it's associated with (i.e., above, below or otherwise closely adjacent to) a non-residential use on the premises, whereas the definition of Dual occupancy refers only to two 'dwellings'.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Dual occupancies consist of 2 dwellings and not dwelling units therefore the parking rate is incorrect</li> <li>Rectifying this error is of an administrative nature and so can be amended as a drafting error</li> </ul>
Proposed response	Amend the parking rates for Dual occupancies to prescribe a rate per dwelling not per dwelling unit.
Adjustments to the amendment	Amend Schedule 6.10 Parking rates - Dual occupancy removing reference to units, as per below; 'Two (2) spaces per dwelling unit, which may be provided in tandem, of which one (1) space is to be covered per dwelling unit.'
Significantly different per section 21.3 (d) of MGR	Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.

Reason:

The adjustment has not:

- Altered Council's policy position regarding the parking rate for Dual occupancy as it relates to the correction of an administration error only;
- Affected or altered a significant proportion of the area or landowners covered by the planning scheme;
- Affected a matter of public interest;
- Altered the level of assessment; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation.

Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals. Reason for this being that the adjustment is to correct an administrative error.

## 7 - Requests for Scheme Changes

### Issue 7.1 - Recognition of Riverstone

Issue Summary	Riverstone is an approved residential estate but is not recognised with in the City Plan to the extent that the submitter considers to be appropriate.
Parts of the scheme affected	<ul style="list-style-type: none"> <li>• Schedule 3.3.4 - PAI Map 014 &amp; Map 18</li> <li>• Table 4.2.2.5</li> <li>• Part 5 Table of Assessment</li> <li>• Part 6 6.7.1</li> <li>• Schedule 2 mapping - Zoning maps</li> </ul>
Submitters - 1	3- Anne Zareh on behalf of Elements Rasmussen Pty Limited - <a href="#">21341082</a>

Submitter points made	<ul style="list-style-type: none"> <li>• Riverstone is an approved residential estate, providing infill development at Rasmussen between the Bohle River to the west, and residential development to the north, south and east.</li> <li>• The current Priority Infrastructure Map (PIA Map 014) does not recognise Riverstone.</li> <li>• Riverstone, and in particular Lot 61 on SP120855 should be included in the LGIP</li> <li>• Table 4.2.2.5 includes an incorrect reference to the start date for Riverstone (former Wingate).</li> <li>• The Urban Growth Model underpinning the current LGIP does not accurately reflect the timing and delivery of the Riverstone estate.</li> </ul> <p>Requests -</p> <p>Update Table 4.2.2.2.5- Delayed start date for growth associated with preliminary approvals as follows:-</p> <ol style="list-style-type: none"> <li>1. Change development name from Wingate to Riverstone; and</li> <li>2. Change the Start Date to 2024.</li> </ol> <ul style="list-style-type: none"> <li>• Update PIA Map 014 to include Riverstone into the Emerging Community Zone.</li> <li>• Update Zoning Map ZM-039 to include Riverstone into the Emerging Community zone.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• Package 1 Major Amendment is part of Townsville City Council's ongoing amendment program to the Townsville City Plan. Council acknowledges the issues raised by the submitter, however as it is not associated with changes made to the planning scheme as part of Package 1 Major Amendment, it will be logged for investigation as part of the next amendment process.</li> </ul>
Proposed response	To be included within Council's amendment log for investigation as part of the next amendment process.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 7.2 - Building height in District centre zone

Issue Summary	Increase the nominated building height from 3 stories to 5 stories in the District Centre Zone to support improved development opportunities within significant centres
Parts of the scheme affected	Part 6 Zones - District centre zone code
Submitters - 1	53. Scott Hambleton/ Interlaken - Fairfield - <a href="#">21332797</a>
Submitter points made	<ul style="list-style-type: none"> <li>Currently, A09.1 of the district centre zone code requires that 'Building height does not exceed 3 storeys', with PO9 stating 'Buildings are low-rise and are designed to break down the facade into finer scaled components, avoiding large expanses of blank walls'.</li> <li>A09.1 (renumbered to A010.1) and corresponding PO10 should provide that 'Building height does not exceed 5 storeys' and low-mid rise development in the PO</li> <li>This proposed change would;           <ul style="list-style-type: none"> <li>provide better visual identification of the district centres to ensure they appropriately respond to the criteria of becoming a 'major focal point' for their catchments;</li> <li>provide greater certainty and alignment with the aspirations of the zone to achieve medium density residential development (noting 3 storey development is more akin to low density residential than medium density residential); and</li> <li>not compromise the requirement for sensitive transitions in scale (noting renumbered PO9 maintains this requirement also).</li> </ul> </li> <li>In addition, the proposed change would facilitate improved development opportunities within district centres</li> <li>If Council is concerned by a change to all district centre height limits, A010.1 could be specific to the Idalia district centre. This would be justified given the existing built form and landscape within and proximate to the Idalia district centre which includes buildings and structures of reasonable height</li> <li>The project's relationship with surrounding residential development will also ensure that increased building heights can be managed effectively due to the separation created by the adjoining waterway and Lakeside Drive</li> </ul>

	<ul style="list-style-type: none"> <li>• We note also that a proposed increase to building height would be consistent with other parts of Council's planning scheme including provisions in the Major centre zone code (AO38) and Mixed use zone code (AO90), which allows for medium rise development in certain identified locations</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>• Building heights are outside of the scope of the amendment package.</li> <li>• Future amendment package 4 will include centres hierarchy review which would consider the above suggestion.</li> <li>• Will need to consider why the scheme was originally drafted with a 3 storey limit.</li> <li>• Performance based scheme allows for application for more storeys which would be assessed on its merits.</li> </ul>
Proposed response	Consider review of building height limits in all centres as part of a future amendment package 4.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 7.3 - Support for alternative car parking solutions

Issue Summary	Reduced car parking rates where an evidence base approach has proven that actual demand is lower than the prescribed minimum in the City Plan, or if alternate forms of transport can support the demand, is supported
Parts of the scheme affected	Schedule 6.10 Parking rates planning scheme policy
Submitters - 1	53. Scott Hambleton/ Interlaken - Fairfield - <a href="#">21332797</a>
Submitter points made	<ul style="list-style-type: none"> <li>• We are highly supportive of reducing carparking rates where an evidence based approach has proven that actual demand is lower than the prescribed minimum in the City Plan, or if alternate forms of transport can</li> </ul>

	<ul style="list-style-type: none"> <li>support the demand</li> <li>• In particular, under SC6.10.2.1 Planning scheme policy content - parking rates, the inclusion of outcome (5) is highly supported, being: '<i>Alternative solutions to meeting the minimum required car parking spaces can be assessed against PO17 under the Transport impact, access and parking code. Alternative solutions may demonstrate demand being met though alternative transport modes including public and active transport.</i>'</li> <li>• Under the parking rates table for a Food and drink outlet, the amendment of the requirement 'One (1) space per 50m<sup>2</sup> of GFA for food preparation (excluding GFA used for storage)' is supported given that the GFA used for storage does not form part of the parking demand.</li> </ul>
Consideration	Making it easier for the community to provide supported development was a key objective of the Package 1 Major Amendment. Further parking reforms will form part of upcoming planning scheme amendments subsequent to the statutory 10 year planning scheme review process.
Proposed response	None
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 7.4 - Reduced parking in District centre

Issue Summary	Car parking rates for Multiple dwelling development is proposed for amendment including a reduction to 1 space per dwelling and 0.2 spaces per dwelling for visitors in the Major centre zone, Local centre zone (North ward local centre precinct), Medium density residential zone (North ward villages precinct or The Strand precinct). This reduction should be extended to the District centre precinct. The reduction applies to some local centre zones even though the District centre areas have a higher hierarchical status in terms of economic and social activity
Parts of the scheme affected	Schedule 6.10 Parking rates planning scheme policy

Submitters - 1	53. Scott Hambleton/ Interlaken - Fairfield - <a href="#">21332797</a>
Submitter points made	<ul style="list-style-type: none"> <li>Significant changes to the car parking rates for Multiple dwelling development are proposed in the Major Amendment, including a reduction to 1 space per dwelling and 0.2 spaces per dwelling for visitors in the:           <ul style="list-style-type: none"> <li>Major centre zone;</li> <li>Local centre zone (North ward local centre precinct);</li> <li>Medium density residential zone (North ward villages precinct or The Strand precinct).</li> </ul> </li> <li>This reduced carparking rate should be extended to the District Centre Precinct.</li> <li>It is not clear why the Major Amendment has sought to reduce car parking rates within some local centre zoned areas but has not extended the same benefit to District Centre areas which have a higher hierarchical status in terms of economic and social activity in Council's planning scheme.</li> <li>The equivalent car parking rates applying to Major centre zone, Local centre zone (North ward local centre precinct), Medium density residential zone (North ward villages precinct or The Strand precinct), and District Centre precincts is logical and promotes land use efficiency within District Centre precincts and manages travel demand away from private vehicles towards alternative modes of transport</li> <li>The strategic framework proposes a strategic direction for the region in alignment with travel demand management: sustain an enhanced public and active (walking and cycling) transport network over time, providing attractive alternatives to car use.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The proposed amendments relating to a reduction in the parking rates was based on recommendations from the Development Feasibility Assessment Report for Townsville's Priority Infill Areas.</li> <li>This report was commissioned to investigate Key infill areas and identify development constraints.</li> <li>As the report was focused on only specific inner city areas the recommendations were only for these areas</li> <li>As part of Package 4, the growth strategy for parking will be further investigated with a wider focus, not just on inner city areas.</li> <li>Developers outside of the key infill areas can still lodge an application with reduced parking demonstrating performance against the Performance Outcomes.</li> </ul>
Proposed response	Consider extending the parking reduction amendment to District centres as part of a future amendment package.
Adjustments to the	None

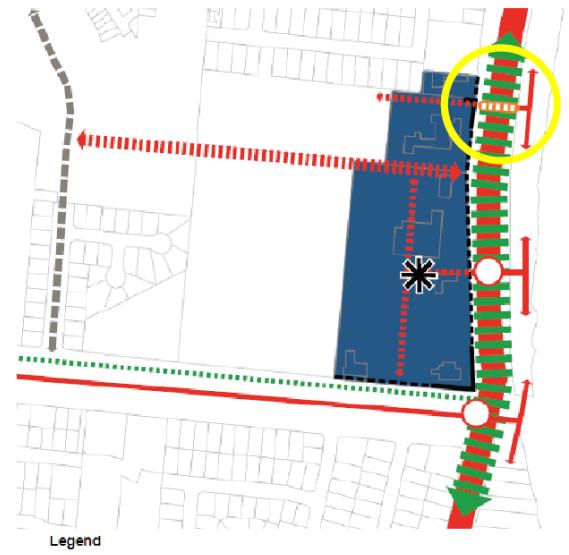
amendment	
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 7.5 - Rasmussen centre concept plan

Issue Summary	Rasmussen district centre concept plan is partly supported, in particular the inclusion of a Town Square however concern is raised regarding the proposed future pedestrian connection to the north which will disperse pedestrians
Parts of the scheme affected	Part 6.3.3 District centre zone
Submitters - 1	54. Scott Hambleton/ Interlaken - <a href="#">21332789</a>
Submitter points made	<ul style="list-style-type: none"> <li>Rasmussen district centre concept plan is partly supported, in particular the inclusion of a Town Square.</li> <li>There is an opportunity to create a sense of place and belonging for local residents within the district centre and Riverway Plaza.</li> <li>Incorporating a Council facility such as a library or community centre would also be welcomed.</li> <li>The east-west active transport connection to the new road linkage is supported and will ensure future residents can easily access the district centre and Riverway Plaza.</li> <li>Improved landscaping and pedestrian focused elements are supported. It is noted however, given the existing nature of the development and the Stage 2 approval, it will be difficult to secure new built form along Riverway Plaza.</li> <li>There is concern regarding the proposed future pedestrian connection to the north and it is recommended it be removed from Figure 6.92.2. The proposed future pedestrian connection to the north is not supported because:           <ul style="list-style-type: none"> <li>There is existing significant infrastructure investment in the southern intersections which supports safe pedestrian movement.</li> <li>The activation of the centre provided by pedestrian movement will be dispersed as pedestrians</li> </ul> </li> </ul>

would no longer arrive at the primary entry point of the centre via the main intersection.

- Agglomeration and density of pedestrians arriving at the central entry point further supports the success of the centre and desired Town Square as a meeting place.



*Pedestrian connection sought to be removed circled in yellow*

Consideration	<ul style="list-style-type: none"> <li>• The plan is only a concept, and it is not mandatory.</li> <li>• All applications will be assessed on their merits.</li> </ul>
Proposed response	Further consideration of the concept plan will form part of a future amendment package subsequent to the statutory 10 year review process.
Adjustments to the	None

amendment	
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 7.6 - GFA limit in District centre

Issue Summary	MCUs for a range of expected uses in the District centre are Code assessable only when under a prescribed GFA limit of 4,200m <sup>2</sup> otherwise Impact assessment is triggered.
Parts of the scheme affected	Part 5 Table of Assessment
Submitters - 1	54. Scott Hambleton/ Interlaken - <a href="#">21332789</a>
Submitter points made	<ul style="list-style-type: none"> <li>• GFA limit for Code assessable development for a Food and drink outlet, Shop, Shopping centre and Office should be removed from the District Centre Zone tables of assessment.</li> <li>• Other provisions in the City Plan will regulate development and the available floor space which can be provided. Competing factors including site cover, setbacks, building height, minimum carparking rates, and overlays combine to intrinsically limit the amount of developable area on a site.</li> <li>• Performance Outcome 5 of the district centre zone code, which states 'The growth of floor space within centres is balanced with anticipated growth within their primary catchment and does not substantively impact on the trading of other centres for an extended period of time or unduly undermine the potential for another centre to expand into its intended role', encourages appropriately timed development with a proven economic need. Development would not be proposed, or built, if there was no demand.</li> <li>• It results in piecemeal development to ensure that applications remain Code assessable. The 4,200m<sup>2</sup> GFA limit does not apply for the whole centre, but rather each development application. In practice, it results in separate development applications being made to form one large centre despite the land being zoned for centre activities. By removing the limit, holistic applications exceeding the limit would be able to be provided while remaining Code assessable, giving Council and the community more certainty on the ultimate</li> </ul>

	<p>development outcome.</p> <ul style="list-style-type: none"> <li>Centre activities on land not included in this District Centre Zone will ordinarily remain Impact Assessable.</li> </ul>
Consideration	Council incorporated GFA thresholds within the Table of assessment to reflect the intent to balance encouraging development within activity centres and contain development above and beyond the centre hierarchy. Staging applications by including GFA thresholds provides Council the opportunity to consider each proposed expansion on its merits.
Proposed response	No change to the Amendment but reconsider issue as part of Package 4 Growth Strategy, following refreshed centres hierarchy data.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## 8 - Miscellaneous Issues

### Issue 8.1 - Bike paths for every street

Issue Summary	Additional amendments should be made to improve cycle infrastructure. Every street should include a segregated bike path in both directions. Either both directions one side of the street or each direction on opposite sides.
Parts of the scheme affected	<ul style="list-style-type: none"> <li>9.3.4 Reconfiguring a lot code</li> <li>Schedule 6.4 Development Manual</li> </ul>
Submitters - 1	10. Benjamin Smith - <a href="#">21332746</a>
Submitter points made	<ul style="list-style-type: none"> <li>The Amendment proposed changes to integrate the Model Code for Neighbourhood Design.</li> <li>This amendment needs to be altered to include cycling infrastructure.</li> <li>Every street should include a segregated bike path in both directions. Either both directions one side of the street or each direction on opposite sides.</li> <li>Townsville is extremely dependent on cars. 95% of households have at least one car (Source: Australian Bureau of Statistics, Census of Population and Housing 2016 and 2021.)</li> <li>Almost 1 in 3 deaths, and 1 in 20 hospitalisations are due to cardiovascular disease in Queensland (Queensland Health).</li> <li>Regular cycling has been demonstrated to improve all cause mortality with cyclists living to 81.5 years, as opposed to 73.5 years in the general population (Sanchis-Gomar F, Olaso-Gonzalez G, Corella D, Gomez-Cabrera MC, Vina J. Int J Sports Med. 2011).</li> <li>Cycling infrastructure is an investment that Townsville cannot afford to overlook.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Amendments to the scheme were made to ensure the scheme reflected the regulated requirements of the Planning Regulations regarding the Model Code for Neighbourhood Design.</li> <li>The model code does not require bike paths on every street.</li> <li>Reconfiguration that involves the creation of a new road requires footpaths are constructed with at least 1 per local road and on both sides for other streets.</li> </ul>

Proposed response	Council to investigate opportunities for further inclusion of active transport provisions (including separate bicycle lanes) within the planning scheme as part of a future amendment package that is subsequent to the 10 year statutory review process.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 8.2 - Dual occupancy provisions regarding accessway requirements

Issue Summary	The Table of Assessment has been proposed to be amended regarding Dual Occupancy provisions where there is a Common Access way. The triggers are unclear and the amendment should be revised for clarity.
Parts of the scheme affected	Part 5 Table 5.5.1
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>Revise Table of assessment regarding Dual occupancy with common access way statement for clarity.</li> <li>Review 'and/ or' statement to make sure the correct situations are triggering</li> </ul>
Consideration	<p>The change has been included within Package 1 Major Amendment to address the state interest Liveable communities, which requires that: <i>all development accessed by common private title is provided with appropriate fire hydrant infrastructure and has unimpeded access for emergency service vehicles to protect people, property and the environment.</i></p> <p>An example of the proposed Table of assessment wording is provided below for reference.</p>

**Table 5.5.1 - Low density residential zone**

<b>Accepted development</b>	
<b>Dual occupancy</b> <b>Editor's note</b> —This category of development and assessment may be altered by the Water resource catchment, Flood hazard, Coastal environment and Landslide hazard overlays. Refer to <a href="#">Table 5.9.1</a> .	<b>If:</b> <ul style="list-style-type: none"> <li>(a) not in the Stables precinct: or</li> <li>(b) not involving a street or common access way within a common private title where part of the development or any building is more than 120m from the nearest fire hydrant.</li> </ul> <p>No assessment benchmarks apply</p>
<b>Accepted development subject to requirements</b>	
	<b>If:</b> <ul style="list-style-type: none"> <li>(a) not in the Stables precinct</li> <li>(b) involving a street or common access way within a common private title where part of the development or any building is more than 120m from the nearest fire hydrant.</li> </ul> <p>Low density residential zone code Works code</p>

The wording of the assessment trigger is unclear in its intent, and Council has concern that this could result in internal and external interpretation issues.

<b>Proposed response</b>	Amend the wording to be more clear and concise by shortening to “not involving a street or common access way within a common private title”. This will mean that slightly more applicants trigger assessment (although this will still be a small number of circumstances where it will apply) however those closer than 120m from the nearest fire hydrant will be compliant with the works code.
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Adjustments to the amendment	<p><b>Table 5.5.1 - Low density residential zone</b>  <b>Table 5.5.2 - Medium density residential zone</b>  <b>Table 5.5.4 - High density residential zone</b>  <b>Table 5.5.6 - Character residential zone</b>  <b>Table 5.5.14 - Sport and recreation zone</b>  <b>Table 5.5.22 - Emerging community zone</b></p> <p>It was also noted that while development <i>involving a street or common access way within a common private title</i> needs to be triggered for assessment against the works code which includes the fire hydrant requirements, the drafting of the table was erroneously also triggering assessment against the zone codes. As no extra requirements specifically for Dual occupancies <i>involving a street or common access way within a common private title</i> are within the zone codes, the assessment benchmark has also been deleted from the above mentioned tables.</p>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>• Altered Council's policy position regarding its response to ensuring that development with common private title is provided with appropriate fire hydrant infrastructure and has unimpeded access for emergency service vehicles to protect people, property and the environment.</li> <li>• Affected or altered a significant proportion of the area or landowners covered by the planning scheme;</li> <li>• Affected a matter of public interest;</li> <li>• Altered the level of assessment for Dual occupancy uses, noting it only amends the wording to provide better clarity regarding what development triggers assessment; or</li> <li>• Altered the proposed amendment so that it is quite different to the version which was released for public consultation.</li> </ul>

	Furthermore, the change does not impact on the intent, extent and effect on both the land use outcomes as well as assessment requirement on individuals. Reason for this being that the adjustment provides clarity regarding existing proposed assessment triggers associated with satisfying the outcomes sought by the state interest Liveable communities.
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## Issue 8.3 - Dwelling units in Centre zones

Issue Summary	Oversight has been identified where in the Centre zones addition of 1 or 3 units to a commercial building would be accepted development or Code assessable but addition of 2 units will trigger impact assessment.
Parts of the scheme affected	Part 5 Table of Assessment
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>Within centre zones where residential uses (multiple dwellings and Dwelling units) are Accepted or Code assessable consider making multiple Dwelling units also Accepted or Code assessable to avoid situations where 1 or 3 or more units are Accepted or Code, but 2 units are Impact assessable.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>Addition of 1 unit to a commercial building is a Dwelling unit which is Accepted development or Code assessable development within the Centre zones.</li> <li>Addition of 2 units is a Dual Occupancy which is Impact assessable in the Centre zones.</li> <li>Addition of 3 units is a Multiple dwelling and is Accepted development or Code assessable in the Centre zones.</li> <li>Assessment level for 2 units is inconsistent with the intent that Centre zones can have 'shop tops'.</li> <li>Objective of the Amendment is to make it easier to build supported developments in appropriate locations by reducing the level of assessment where possible.</li> </ul>
Proposed response	To be investigated as part of future planning scheme amendment process subsequent to the statutory 10 year planning scheme review.
Adjustments to the amendment	None

Significantly different per section 21.3 (d) of MGR	N/A
<b>Issue 8.4 - Breakwater Precinct</b>	
Issue Summary	Amendments to the Breakwater Precinct to align with the Priority Port have been drafted in a way that restricts the entire precinct instead of only the lot intended
Parts of the scheme affected	<ul style="list-style-type: none"> <li>Part 5 Table of assessment</li> <li>Part 6.3.7 Mixed use zone code</li> <li>Schedule 2 Mapping</li> </ul>
Submitters - 1	61. City Planning - <a href="#">21332805</a>
Submitter points made	<ul style="list-style-type: none"> <li>An amendment has been made to identify Community residence, Multiple dwelling, Retirement facility, Rooming accommodation, and Short-term accommodation uses proposed within the Breakwater precinct, as Impact Assessable.</li> <li>This amendment was intended to align the scheme with the <i>Port overlay for the Priority Port of Townsville</i>.</li> <li>The amendment raises the levels of assessment for these uses for the whole precinct, however, the Overlay only applies to one (1) lot within this precinct, the Townsville Entertainment &amp; Convention Centre at 2 Entertainment Drive, Townsville City (Lot 100 on RP840355)</li> <li>TCC are the property owners as Trustee for Breakwater Island Trust.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The amendment includes changes to the Table of assessment for the Mixed use zone so that in the Breakwater precinct, the uses Community, Community residence, Multiple dwelling, Retirement facility, Rooming accommodation, and Short-term accommodation will now be Impact assessable.</li> <li>Currently the uses are either Accepted development subject to requirements or Code assessable (depending on if they are within an existing building or not).</li> <li><a href="#">Port overlay Priority Port of Townsville</a> page 16 identifies and maps the 'Interface precinct', which applies to 2 Entertainment Drive Townsville City.</li> </ul>

	<ul style="list-style-type: none"> <li>Planning Scheme Review - Townsville Priority Ports Masterplan and Overlay - Doc set ID <a href="#">20269237</a></li> <li>The above review states that development within the interface precinct needs to be elevated to Impact assessment but the amendment affects the entire precinct.</li> <li>The affected uses are expected and encouraged uses within the Mixed use zone - Breakwater precinct.</li> </ul>
Proposed response	Revise the amendment so that the changes only relate to development within the Interface precinct and do not restrict development over the remainder of the precinct.
Adjustments to the amendment	<ul style="list-style-type: none"> <li>Amended Schedule 2 Mapping by adding a new sub precinct map which clearly identifies the area mapped as the 'Interface precinct' in the Port overlay for the Priority Port of Townsville (include update to Precinct map index) This sub precinct is to be called the 'Port Interface sub-precinct' and is within the Breakwater precinct of the Mixed use zone.</li> <li>Amend the table of assessment for the Mixed use zone so that Community residence, Multiple dwelling, Retirement facility, Rooming accommodation, and Short-term accommodation are categorised as Impact assessable only when located within the Breakwater interface precinct -</li> <li>Amend Figure 6.146 - Breakwater precinct concept plan so that area C is named 'Port interface sub precinct', and this area aligns with interface precinct mapped in the Port overlay for the Priority Port of Townsville.</li> <li>Amend PO76, PO79, PO80, and PO82 of the Mixed use zone code to refer to the Port Interface sub precinct.</li> </ul>
Significantly different per section 21.3 (d) of MGR	<p>Council considers that the adjustment is not significantly different from the version of the amendment for which public consultation has been undertaken.</p> <p><u>Reason:</u></p> <p>The adjustment has not:</p> <ul style="list-style-type: none"> <li>Altered Council's policy position regarding its aim to align with the Port overlay for the Priority Port of Townsville, which has the head of power over the planning scheme; or</li> <li>Affected or altered a significant proportion of the area or landowners covered by the planning scheme; or</li> <li>Affected a matter of public interest; or</li> </ul>

- Altered the level of assessment; or
- Altered the proposed amendment so that it is quite different to the version which was released for public consultation, given that the adjustment is to correct a mapping error and to make subsequent line of sight changes to the corresponding code.

Furthermore, the change does not impact on the intent, extent, and effect on both the land use outcomes as well as assessment requirement on individuals. Reason for this being that the adjustment provides consistency with the assessment provisions within the relevant planning instrument, being the Townsville Priority Ports Masterplan and Overlay which takes precedence over the Townsville City Plan. The adjustment removes incorrect proposed changes to levels of assessment and corresponding benchmarks relating to all land parcels located within the Mixed-use zone - Breakwater precinct. In alignment with the Townsville Priority Ports Masterplan, the trigger for Impact assessment for Community residence, Multiple dwelling, Retirement facility, Rooming accommodation, and Short-term accommodation is only relevant to Lot 100 on RP840355 (2 Entertainment Drive, Townsville City).

## Issue 8.5 - Road hierarchy mapping

Issue Summary	The submitter raises concerns regarding Schedule 6.4.5 Road Network Infrastructure and the Townsville Road Hierarchy and identifies conflicts between mapping and terminology.
Parts of the scheme affected	Schedule 6.4.5 Road Network Infrastructure
Submitters - 1	63. UDIA - <a href="#">21478272</a>
Submitter points made	<ul style="list-style-type: none"> <li>• The Townsville Road Hierarchy Map conflicts both graphically and in its terminology used in its legends. Specifically, the PDF maps linked in the online ePlanning scheme do not match the online TownsvilleMAPS (Townsville City Plan).</li> <li>• For example, Nathan Street is mapped as a Highway on TownsvilleMAPS whereas the ePlanning scheme PDF maps shows it as an Arterial. The Institute is concerned that this can lead to confusion.</li> </ul>

	<ul style="list-style-type: none"> <li>The Institute recommends the TownsvilleMAPS series be used alone. The scale of these maps is more conducive to readability than the ePlanning scheme PDF maps and will provide a single point source for clarity.</li> <li>The Institute also recommends that the online TownsvilleMAPS show the minor collector street network. Collector roads are often referred to in Building setback requirements such as the Queensland Development Code (QDC) and their inclusion in the TownsvilleMAPS can provide a useful central reference point.</li> <li>Uncertainty created by differing road nomenclature in the PDF maps linked in the online ePlanning scheme and the online TownsvilleMAPS (Townsville City Plan)</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>The scope of work for Package 1 Major Amendment does not include review of the functionality of the Development Manual.</li> <li>The Development Manual is currently under review and specifically includes review of schedule 6.4.5.</li> <li>This submission should be considered as part of the above and has been forwarded as a Development Manual submission</li> </ul>
Proposed response	<p>The submission relates to road hierarchy matters in the development manual and TownsvilleMAPS. The concerns do not directly relate to the planning scheme amendment and can be resolved external to this process.</p> <p>Notwithstanding, the road hierarchy mapping is available in TownsvilleMAPS under supporting figures. Default road mapping that is different to the road hierarchy mapping automatically opens in TownsvilleMAPS. Advice will be provided to UDIA on how to access the road hierarchy mapping in TownsvilleMAPS and discussion facilitated with Council's spatial services team to consider options to better manage the default road mapping.</p>
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 8.6 - Definition of Defined flood level

Issue Summary	The Administrative definition of 'Defined flood level' has been amended and the submitter raises concerns with the ambiguity of the new definition.				
Parts of the scheme affected	Schedule 1 Definitions				
Submitters - 1	63. UDIA - <a href="#">21478272</a>				
Submitter points made	<ul style="list-style-type: none"> <li>The Institute notes that Table SC1.2.2 Administrative definitions has changed the wording of the Defined flood level definition.</li> </ul> <p><b>Table SC1.2.2 Administrative definitions</b></p> <table border="1"> <tr> <td>Defined flood event</td><td>For this planning scheme, this is the 1% annual exceedance probability (AEP) flood and is mapped as the combined extent of the high and medium flood hazard areas identified on overlay map OM-06.1 and OM-06.2.</td></tr> <tr> <td>Defined flood level</td><td> <p><u>Defined flood level means the level to which it is reasonably expected flood waters may rise. The flood level relative to the Australian Height Datum (AHD) of the 1% AEP flood.</u></p> <p><small>Editor's note - This will vary between locations.</small></p> </td></tr> </table> <ul style="list-style-type: none"> <li>The changed wording is considered more ambiguous.</li> <li>The Institute is concerned it lacks certainty or may be open to interpretation.</li> <li>We acknowledge the proposed definition accords with that used in the QDC however it lacks the sub clauses or context of the wording in the QDC.</li> <li>The lack of certainty regarding the defined flood level can be an issue for those proposing works in areas that may be subject to flooding.</li> <li>The Institute recommends further clarity be provided on the proposed wording. We offer the following suggested alternate wording Defined Flood Level - The level to which it is reasonably expected flood waters may rise and is the flood level associated with the defined flood event, relative to Australian Height Datum</li> </ul>	Defined flood event	For this planning scheme, this is the 1% annual exceedance probability (AEP) flood and is mapped as the combined extent of the high and medium flood hazard areas identified on overlay map OM-06.1 and OM-06.2.	Defined flood level	<p><u>Defined flood level means the level to which it is reasonably expected flood waters may rise. The flood level relative to the Australian Height Datum (AHD) of the 1% AEP flood.</u></p> <p><small>Editor's note - This will vary between locations.</small></p>
Defined flood event	For this planning scheme, this is the 1% annual exceedance probability (AEP) flood and is mapped as the combined extent of the high and medium flood hazard areas identified on overlay map OM-06.1 and OM-06.2.				
Defined flood level	<p><u>Defined flood level means the level to which it is reasonably expected flood waters may rise. The flood level relative to the Australian Height Datum (AHD) of the 1% AEP flood.</u></p> <p><small>Editor's note - This will vary between locations.</small></p>				

	(AHD) Editor's note: This level will vary depending on the location, check with Council.
Consideration	<ul style="list-style-type: none"> <li>Definition was changed to match the Planning Regulation definition (which defers to the Building Regulation Section 8(5) for the definition which has been copied into the scheme). A key purpose of the amendment package is seeking greater alignment with all use and administrative definitions with relevant legislation.</li> <li>Council is progressing a planning scheme amendment in relation to flood inundation and will review definitions for defined flood level and defined flood event as part of that process.</li> <li>The new definition may better inform more resilient development until new flood inundation information is formally integrated into the planning scheme.</li> <li>The new definition also provides better correlation between planning and building definitions.</li> <li>The existing process where applicants are provided with the defined flood level by Council will remain.</li> </ul>
Proposed response	Definition to be further investigated as part of upcoming planning scheme amendment related to flood inundation.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 8.7- Street trees

Issue Summary	The submitter is seeking alternative provisions be included in the scheme to achieve Street Tree requirements as prescribed in the Model Code for Neighbourhood Design.
Parts of the scheme affected	Schedule 6.4 Development Manual
Submitters - 1	63. UDIA - <a href="#">21478272</a>
Submitter points made	<ul style="list-style-type: none"> <li>The Institute in general, supports the inclusion of the required Model Code for Neighbourhood Design provisions for clarity in the Planning Scheme.</li> </ul>

	<ul style="list-style-type: none"> <li>The industry has had some difficulty in meeting the requirement for street trees provided at least one per 15 metres on each side of roads.</li> <li>Street tree provision at this rate is made difficult where engineering, stormwater, sewer, water, and telecommunications requirements conflict, particularly where small lots are provided and driveways reduce verge space.</li> <li>The Institute recommends the introduced Model Code provisions acknowledge street tree provision may be achieved by other means such as additional plantings adjacent a street corner lots or by variation to ordinary engineering requirements that still meet reasonable standards.</li> </ul>
Consideration	<ul style="list-style-type: none"> <li>A primary objective of the amendment package is to align with overarching statutory planning instruments including the Planning Regulation.</li> <li>The Planning Regulation includes provisions relating to the Model Code for Neighbourhood Design, and specifically relating to Street trees as follows;</li> </ul> <p><b>6 Street trees</b></p> <p>The reconfiguration provides shade for comfortable walking by—</p> <ul style="list-style-type: none"> <li>(a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or</li> <li>(b) otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.</li> </ul> <ul style="list-style-type: none"> <li>The Planning Regulation requirement is very specific about a tree being at least every 15m on each side of the road, which has been mirrored within the scheme.</li> <li>Any changes made to the amendment providing variations to this requirement will not fully incorporate the Planning Regulation requirements and would therefore not achieve the amendment objective.</li> <li>It is noted that the Planning Regulation has the head of power over the planning scheme and accordingly, in the circumstance that inconsistency arises, the requirements of the former prevail.</li> </ul>

Proposed response	The amendment is required as a result of Schedule 12A of the <i>Planning Regulation 2017</i> which includes mandatory assessment benchmarks for some reconfiguring a lot development. It is noted that not all subdivision development will trigger assessment against these benchmarks.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A

## Issue 8.8 - Support for streamlining development assessment

Issue Summary	Industry supports amendments made to streamline the development assessment process and make it easier for the community to build supported development in appropriate locations
Parts of the scheme affected	Part 6 Zones
Submitters - 1	27. Jess Caire Property Council - <a href="#">21332781</a> , 63. UDIA - <a href="#">21478272</a>
Submitter points made	<ul style="list-style-type: none"> <li>The Institute supports keeping the planning scheme up to date. And supports the following amendments:</li> <li>Archer Street Precinct has been incorporated into the High Density Residential Zone.</li> <li>Permit residential at ground floor in the Principal Centre Zone.</li> <li>A new precinct, called the Ross Creek Precinct, has been included within the Medium Density Residential Zone</li> <li>Levels of assessment for:           <ul style="list-style-type: none"> <li>Nature Based Tourism - from Impact Assessable to Code Assessable within the Environmental Management and Conservation Zone</li> <li>Outdoor Sales - from Code Assessable to Accepted Development subject to requirements in the Low Impact Industry Zone.</li> <li>Low Impact Industry (Brewery) - from Impact Assessable to Code Assessable in the Principal Centre</li> </ul> </li> </ul>

	<p>Zone, in the Palmer Street Precinct where on the ground floor and Low Impact Industry Zone</p> <ul style="list-style-type: none"> <li>• Health Care Centre - from Impact Assessable to Accepted Development subject to requirements in the Bayswater Road Medical Precinct or Fulham Road Medical Precinct, where within an existing building.</li> <li>• Dual Occupancy in Sport and Recreation Zone - Impact Assessable to Code Assessable if in the Balgal Beach Golf Course Precinct.</li> <li>• Dual Occupancy in Emerging Community Zone - Impact Assessable to Accepted Development and Accepted Development subject to requirements.</li> <li>• Assessment benchmarks for:           <ul style="list-style-type: none"> <li>• Low Impact Industry Zone - reduction in landscaping required to arterial or sub arterial roads from 4m to 2m in depth.</li> <li>• Low Impact Industry Zone Code - no longer limits the area used for an office to 250m<sup>2</sup></li> <li>• Medium Impact Industry Zone Code - reduces acceptable building setback from road frontage to 4m from 6m where there are no adjoining neighbours.</li> <li>• Medium Impact Industry Zone Code - reduction in landscaping required to arterial or sub-arterial roads from 4m to 2m in depth.</li> <li>• Medium Impact Industry Zone Code - no longer limits the area used for an office to 250m<sup>2</sup>.</li> </ul> </li> </ul>
Consideration	Council has engaged with industry during the Package 1 amendment process and appreciate the support for the proposed amendments.
Proposed response	No change proposed.
Adjustments to the amendment	None
Significantly different per section 21.3 (d) of MGR	N/A



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