



PRIORITY DEVELOPMENT AREA
DEVELOPMENT SCHEME

PDA Development Scheme amendment **SUBMISSIONS REPORT**

December 2023



The Department of State Development, Infrastructure, Local Government and Planning is responsible for driving the economic development program for Queensland by creating a diverse and thriving economy, and generating new jobs.

Copyright

This publication is protected by the *Copyright Act 1968*.

Licence

© The State of Queensland December 2023.



This work, except as identified below, is licensed by the Department of State Development, Infrastructure, Local Government and Planning (the Department) under a Creative Commons Attribution (CC BY) 4.0 Australia licence. To view a copy of this licence, visit: <http://creativecommons.org.au/>.

The Queensland Government supports and encourages the dissemination and exchange of information however, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.



The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the Queensland Department of Infrastructure, Local Government, and Planning on 13 QGOV (13 74 68).

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland and Mackay Regional Council accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on EDQ's website at www.edq.qld.gov.au or Mackay Regional Council's website at www.mackay.qld.gov.au.

Contents

Contents.....	3
1. Introduction	4
2. Overview of public notification process	5
2.1 Community engagement	5
2.2 Submission registration and review process	5
3. Overview of submissions	7
3.1 Submission numbers.....	7
3.2 Submitter location	7
3.3 Submission method.....	7
3.4 Submission type.....	7
3.5 Overall areas of support.....	8
3.6 Overall areas of concern	8
4. Summary of merits of submissions relating to development scheme content	9
4.1 Strategic framework and structural elements	9
4.2 PDA-wide criteria	10
4.3 Precinct provisions.....	11
4.4 Infrastructure, implementation and funding	13
4.5 Other matters.....	13
5. Changes made during Ministerial approval process.....	14
6. List of all amendments to the development scheme.....	15

1. Introduction

The Mackay Waterfront Priority Development Area (PDA) was declared on 25 May 2018. The Mackay Waterfront PDA Development Scheme (the Development Scheme) came into effect on 24 May 2019. This is the first amendment to the Development Scheme.

In accordance with the *Economic Development Act 2012* (ED Act), the MEDQ made an Instrument of Delegation and Direction (IoDD) in favour of Mackay Regional Council (MRC). The IoDD delegates MEDQ functions and powers to MRC with respect to the Mackay Waterfront PDA, including preparing amendments to the Development Scheme. In consultation with Economic Development Queensland (EDQ), MRC prepared the Mackay Waterfront PDA Development Scheme Amendment (the Development Scheme amendment) to:

- improve the 'line of sight' between the strategic framework and the PDA development requirements,
- improve the use of strategic framework in development assessment,
- improve the legibility and workability of development requirements, specifically:
 - built form, amenity, sustainability or precinct specific requirements,
 - inclusion of 'notes' to assist with interpretation of requirements,
 - align with the Mackay Region Planning Scheme 2017 requirements for consistency,
 - include a new sub-precinct in Precinct 5 to further delineate between the 'up to 3 storey' area and the 'up to 5 storey and 8 storey' area,
 - minor mapping changes to precinct framework plans to update existing elements,
- facilitate new opportunities to ensure the Mackay Waterfront PDA remains competitive and attractive to development, which align with recent amendments to the Mackay Region Planning Scheme 2017,
- ensure PDA accepted development categories are workable and align with other regulatory instruments,
- update the implementation strategy, and
- remove repetition or redundant content.

MRC publicly notified the Development Scheme amendment between 04 September and 04 October 2023 (the notification period). Following completion of the notification period, all submissions received were reviewed by MRC and the MEDQ. Minor or administrative changes are proposed to the Development Scheme amendment as considered appropriate in response to issues raised.

This submissions report was prepared in accordance with section 63(1)(b) of the ED Act to summarise the submissions that have been reviewed, provide information on the merits of the submissions, and the extent to which the Development Scheme amendment has been changed.

MRC does not propose to re-notify the revised Development Scheme amendment because the proposed changes do not 'significantly change' the Development Scheme.

2. Overview of public notification process

2.1 Community engagement

Public notification for the Development Scheme amendment occurred between 04 September and 04 October 2023. During the public notification period, MRC undertook the following community engagement initiatives:

- A dedicated webpage on MRC’s website for the Development Scheme amendment, which included the following information and functions:
 - Development Scheme amendment document
 - Factsheets summarising the changes proposed in the Development Scheme amendment
 - Factsheet on how to make a submission
 - Online submissions portal
 - Details on how to make an enquiry or book a meeting

The dedicated amendment webpage received 470 views from 381 users.

- A dedicated webpage on EDQ’s website for the Development Scheme amendment with a link to MRC’s dedicated amendment webpage
- Use of social media networks through the notification period
- Public notice in the Mackay and Whitsunday Life newspaper. The public notice was also published on EDQ’s and MRC’s dedicated webpages
- MRC Planning e-newsletter providing details on the Development Scheme amendment and public notification period.

2.2 Submission registration and review process

Once a submission was received, it was registered, acknowledged and reviewed. Table 1 below provides an overview of the submission registration and review process.

Table 1: Submission registration and review process

Steps	Action/detail
1. Registration of submissions	Submissions were registered and given a submission number. Each submitter was sent a submission acknowledgement letter.
2. Classification of submissions	Submissions were classified by number and section relevant to the Development Scheme.
3. Summarising submission issues	Each submission was read, and the different matters raised were entered into the submissions report under headings based on the sections of the Development Scheme. Where submissions have raised the same issues, the submissions are clustered per commonly raised issue.
4. Evaluation and responses to issues	Once all comments were summarised, they were assessed and responses were prepared. Relevant changes to the Development Scheme were identified.

	In evaluating submissions, allowance was made for the same or similar comments being raised in different submissions. For this reason, assessment of comments were made in relation to sections of the Development Scheme rather than on submission by submission basis.
5. Submissions report	<p>The submissions report was prepared which collates steps 3 and 4 above, providing a summary of the submissions considered, information about the merits of the submissions, recommendations on amendments to the proposed Development Scheme to reflect submissions.</p> <p>To facilitate presentation and review of issues, issues were summarised.</p>
6. Council consideration of submissions	<p>Council has considered the submissions received during the public notification submission period and amended the proposed Development Scheme for submission to the MEDQ.</p> <p>Copies of the submissions were provided to MEDQ at the close of the notification period.</p>
7. MEDQ approval	The submissions report and Development Scheme amendment was submitted to the MEDQ for review and approval. A further change was made to the Development Scheme through this process (refer to section 5 of this report).
8. Publishing and notification of Development Scheme amendment.	<p>As soon as practicable after the MEDQ approved the Development Scheme amendment:</p> <ul style="list-style-type: none"> • the MEDQ published: <ul style="list-style-type: none"> ○ a gazette notice which established the date the Development Scheme amendment came into effect ○ the Development Scheme amendment and this report on EDQ's website ○ a public notice on the department's website stating that the Development Scheme amendment has been approved and was available to be inspected on the department's website along with the submissions report. • the Council published: <ul style="list-style-type: none"> ○ the Development Scheme amendment and this report on Council's website ○ advice stating the Development Scheme amendment has been approved and is available on Council's and EDQ's websites, along with this report. <p>In addition, the Council notified those who made a submission and provided a residential/business address or email, that the Development Scheme amendment had been approved and was available to be inspected.</p>

3. Overview of submissions

3.1 Submission numbers

A total of 3 submissions were received during the submission period from private individuals, and were received via email.

3.2 Submitter location

The origin of submitters is shown in table 2 where residential addresses were provided. All of the submissions were received from residents outside of the Mackay Waterfront PDA and within the Mackay Regional Council local government area.

Table 2: Breakdown of submission by submitter location

Location	Number of respondents
Within the PDA	0
Outside of the PDA and within the Mackay Regional Council local government area	2
Outside of the Mackay Regional Council local government area	0
Location not specified	1
Total submissions	3

3.3 Submission method

There were four different methods of receiving submissions – online via MRC’s website, email, post and hand delivery. 100 percent of the submissions were received via email. Table 3 below provides a breakdown by submission method.

Table 3: Breakdown of submissions by submission method

Method of submission	Number of submissions received
Online submission	0
Email	3
Post	0
Hand delivery	0
Total submissions	3

3.4 Submission type

All of submissions received were from private individuals. Table 4 below breaks down the type of submission.

Table 4: Breakdown of submissions by submission type

Type of submission	Number of submissions received
Private individual / company	3
Pro forma	0
Organisation	0
Total submissions	3

3.5 Overall areas of support

Below is a summary of the general areas of support identified throughout the consultation period for the:

- There were no areas of support identified.

3.6 Overall areas of concern

Below is a summary of the general areas of concern identified throughout the consultation period for:

- Dwelling house and dual occupancy as non-preferred uses in sub-precinct 5A Binnington Esplanade
- Proposed amended side and rear boundary setback provisions in Precinct 5 Beachside to simplify the setback requirement

4. Summary of merits of submissions relating to development scheme content

4.1 Strategic framework and structural elements

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
2.3 Strategic framework				
No matters were raised through submissions received.				
2.4 Structural elements plan				
No matters were raised through submissions received.				

4.2 PDA-wide criteria

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
PDA-wide criteria				
2.5.1 Built form and urban design				
No matters were raised through submissions received.				
PDA-wide criteria				
2.5.2 Diverse urban environment				
No matters were raised through submissions received.				
PDA-wide criteria				
2.5.3 Movement, access and transport network				
No matters were raised through submissions received.				
PDA-wide criteria				
2.5.4 Public realm				
No matters were raised through submissions received.				
PDA-wide criteria				
2.5.5 Community safety and development constraints				
No matters were raised through submissions received.				
PDA-wide criteria				
2.5.6 Infrastructure				
No matters were raised through submissions received.				
PDA-wide criteria				
2.5.7 Heritage				
No matters were raised through submissions received.				

4.3 Precinct provisions

BS = Beachside precinct

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
Precinct provisions				
2.6.1 Precinct 1 – Mackay city centre				
No matters were raised through submissions received.				
Precinct provisions				
2.6.2 Precinct 2 – Riverside				
No matters were raised through submissions received.				
Precinct provisions				
2.6.3 Precinct 3 – Enterprise				
No matters were raised through submissions received.				
Precinct provisions				
2.6.4 Precinct 4 – Queens Park				
No matters were raised through submissions received.				
Precinct provisions				
2.6.5 Precinct 5 – Beachside				
BS-1	PDA-2023-2 PDA-2023-3	Do not support the removal of dwelling house and dual occupancy as preferred land uses in sub-precinct 5A. Request the inclusion of these uses as preferred land uses in the sub-precinct to ensure development fits with the adjoining residential neighbourhood.	The PDA Development Scheme reflects a long established development intent for high density development outcomes on sites within sub-precinct 5A Binnington Esplanade. The low density nature of dwelling house and dual occupancy are inconsistent with this intent and undermines the purpose of the PDA, and it is for this reason that they are being excluded as preferred land uses in sub-precinct 5A (Binnington Esplanade). The PDA Development Scheme includes a range of development requirements to manage the change in development intensity from low density neighbourhoods outside of the PDA to areas of higher density	No

			<p>inside the PDA.</p> <p>On this basis, no further changes will be made to the proposed amendment.</p>	
BS-2	PDA-2023-2 PDA-2023-3	<p>Do not support a reduction to side and rear boundary setbacks. The proposed change to side and rear boundary setbacks will:</p> <ul style="list-style-type: none"> • allow structures to be built close to existing houses • reduce access to sunlight • impact privacy and neighbourhood character. <p>Request setbacks revert to original.</p>	<p>The proposed changes amend the side and rear boundary setback for a wall of a building to match the setback of a balcony (i.e. 3 metres for a building of up to 3 storeys or 6 metres for a building of 4 or more storeys) as currently required by version 1 of the PDA Development Scheme.</p> <p>The PDA Development Scheme includes a range of development requirements to address appropriate building separation from property boundaries and adjoining buildings, privacy, and other amenity impacts. These provisions require development to:</p> <ul style="list-style-type: none"> • provide a transition in height and development intensity, including setbacks, where adjoining low density urban areas outside of the PDA • allow for light penetration, air circulation and access to breezes • ensure privacy, minimise overshadowing, and maintain amenity for adjoining residential uses. <p>On this basis, the proposed changes to side and rear boundary setback requirements will remain unchanged in the amendment. However, a new footnote will be included with the side and rear boundary setback requirements that refers to the development transition, overshadowing and privacy requirements in section 2.5.1 (Built form and urban design).</p>	Yes

4.4 Infrastructure, implementation and funding

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
3 Infrastructure plan				
No matters were raised through submissions received.				
4 Implementation strategy				
No matters were raised through submissions received.				

4.5 Other matters

OM = Other matters

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
5 Schedules				
No matters were raised through submissions received.				
General comments on development scheme				
No matters were raised through submissions received.				
Other matters relating to Mackay Waterfront PDA				
OM-1	PDA-2023-1	Suggest making an 8 metre wide walkway in front of development along the river.	<p>Suggestion is noted. The Development Scheme contains requirements for development to provide footpaths for the full frontage of the development site in Precinct 2 Riverside.</p> <p>In public realm areas, publicly accessible walkways and facilities will be a consideration of the Mackay Waterfront master plan outcomes as they are progressed and delivered over time.</p>	No

5. Changes made during Ministerial approval process

The following table is a record of changes made after public notification and submissions period and during the Ministerial approval stage of the amendment process. The changes below are minor in nature.

Development scheme section	Proposed change	Rationale
4 Implementation strategy 4.2.5 Planning for a safe, accessible, resilient and sustainable urban environment Action 10	Action 10 has been amended to read: <i>Mackay Regional Council, as part of the actions from the Greater Whitsunday Housing Action Plan 2023, will explore opportunities to facilitate the delivery of social and affordable housing in the PDA to suit a variety of households, needs and lifecycle changes.</i>	The proposed change includes reference to the region's housing action plan where exploring opportunities for delivering social and affordable housing in the PDA.

6. List of all amendments to the development scheme

Amendment #	Link to Matter # in section 4	Section details	Nature of/reason for amendment
Section 2: Land use plan			
1	BS-2	2.6.5 Beachside Precinct	To improve reference between side and rear boundary setbacks in Precinct 5 to other relevant development requirements in section 2.5.1 of the Development Scheme relating to development transition, overshadowing and privacy, include a new footnote with Table 18 to read: <i>Development on sites south of Evan Street has regard to provisions 4 and 5 in section 2.5.1 of this development scheme.</i>
Section 3: Infrastructure Plan			
There were no amendments proposed for Section 3.			
Section 4: Implementation strategy			
2	Not applicable	4.2.5 Planning for a safe, accessible, resilient and sustainable urban environment	The proposed change includes reference to the region's housing action plan where exploring opportunities for delivering social and affordable housing in the PDA. Action 10 has been amended to read: <i>Mackay Regional Council, as part of the actions from the Greater Whitsunday Housing Action Plan 2023, will explore opportunities to facilitate the delivery of social and affordable housing in the PDA to suit a variety of households, needs and lifecycle changes.</i>
Section 5: Schedules			
There were no amendments proposed for Section 5.			



MACKAY WATERFRONT

GET IN TOUCH

mackay.qld.gov.au/mackaywaterfront

Write to MRC:

Mackay Regional Council
PO Box 41
MACKAY QLD 4740
Phone: 1300 MACKAY (1300 622 529)
Email: strategic.planning@mackay.qld.gov.au



PDA Development Scheme amendment SUBMISSIONS REPORT

December 2023



Queensland
Government