



**MACKAY WATERFRONT**

**PRIORITY DEVELOPMENT AREA  
DEVELOPMENT SCHEME**

# **PDA SUBMISSIONS REPORT**

**May 2019**



**Queensland  
Government**

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

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An electronic copy of this report is available on the department's website at [www.edq.qld.gov.au](http://www.edq.qld.gov.au).

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# 1. Introduction

The *Economic Development Act 2012* (the ED Act) establishes the Minister for Economic Development Queensland (MEDQ) as a corporation sole to exercise the functions and powers of the ED Act.

The main purpose of the ED Act is to facilitate economic development and development for community purposes, in the state. The ED Act seeks to achieve this by establishing the MEDQ and providing for a streamlined planning and development framework for particular parts of the State declared as priority development areas (PDA). The Mackay Waterfront PDA was declared on 25 May 2018 under the ED Act. On the date of declaration, the MEDQ delegated functions and powers for plan making and development assessment in the Mackay Waterfront PDA to Mackay Regional Council (Council).

The public notification and submission period for the Mackay Waterfront PDA Proposed Development Scheme (the proposed development scheme) was from 05 November to 19 December 2018.

Following the end of the public notification period, submissions received were considered by Council and the MEDQ and the proposed development scheme was amended 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 considered, provide information on the merits of the submissions, and the extent to which the proposed development scheme has been amended and contains details about the changes to the proposed development scheme.

## 2. Overview of public notification process

### 2.1 Community engagement

Public notification (the submission period) for the Mackay Waterfront PDA Proposed Development Scheme (the proposed development scheme) occurred between 05 November 2018 and 19 December 2018. During the public notification period, Mackay Regional Council undertook the following community engagement initiatives:

- A dedicated webpage on the Connecting Mackay website for the proposed development scheme, where the community had the ability to lodge a submission
- A dedicated webpage for the Mackay Waterfront PDA on the:
  - Mackay Regional Council website
  - Department of State Development, Manufacturing, Infrastructure and Planning website
- Community events and displays:
  - Display stall at the Greater Whitsunday Farmers Markets, every Wednesday between 05 November to 29 November 2018
  - Display stall at the Twilight Markets on 09 November 2018
  - Community day at Iluka Park on 24 November 2018
  - City centre display and drop-in session on 29 November 2018
- Information sessions for the development industry and community interest groups held on 19 and 22 November 2018
- Use of social media networks through the notification period
- Public notice in The Daily Mercury newspaper and government gazette
- Council E-newsletter providing details on the proposed development scheme and public notification

Council, on behalf of the MEDQ, also met with a number of stakeholders during the submission period to explain relevant aspects of the development scheme and advise of the submission process.

Over the public notification period:

- Council's Connecting Mackay proposed development scheme webpage, Council's Mackay Waterfront PDA webpage received more than 500 visits
- The PDA vision video received more than 20,000 views on social media during public notification
- The proposed development scheme document was downloaded 97 times from the Connecting Mackay website (downloads from other websites are not available).

## 2.2 Submission registration and review process

Submissions were received by post, email, hand delivery, and via Council’s Connecting Mackay online submission page. Once a submission was received, they were 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	<p>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.</p> <p>Each submission often covered a number of topics and therefore, allowance was made for the same or similar comments being raised in a number of submissions. This included receipt of multiple submissions with similar views on a particular topic or submissions having different views on the same topic. For this reason, similar comments across submissions were identified and these comments were summarised under common headings based on the sections of the development scheme in the submissions report.</p>
4. Evaluation and responses to issues	<p>Once all comments were summarised, they were assessed and responses were prepared.</p> <p>Relevant changes to the development scheme were identified.</p> <p>In evaluating submissions, allowance was made for the same or similar comments being raised in different submissions. For this reason, assessment of comments and resulting development scheme changes were made in relation to sections of the development scheme rather than on submission by submission basis.</p>
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 and amendments to the proposed development scheme.</p> <p>To facilitate presentation and review of issues, issues were summarised.</p>
6. Council consideration of submissions	<p>Council reviewed and provided feedback on matters raised and suggested responses to those issues.</p> <p>An overview of the submissions received to date were provided to Council on 12 December 2018, including information on accessing the submissions on an internal intranet page. Copies of the submissions were provided to MEDQ at the close of the</p>

	<p>notification period.</p> <p>Council officers presented an overview of the public notification, including key matters raised, and recommendations on development scheme amendments at Council briefings on 23 January 2019 and 13 February 2019.</p> <p>At Council's Ordinary meeting on 13 March 2019, Council considered the submissions received during the public notification submission period and amended the proposed development scheme for submission to the MEDQ.</p>
7. MEDQ approval	<p>The submissions report and amended development scheme was submitted to the MEDQ for review and approval.</p>
8. Publishing and notification of development scheme amendment.	<p>As soon as practicable after the MEDQ approved the development scheme, the MEDQ published:</p> <ul style="list-style-type: none"> <li>• a gazette notice which established the date the development scheme came into effect</li> <li>• the development and submissions report on the department's website (both were also available on the Council's website)</li> <li>• a notice in at least one newspaper circulating in the local area stating the development scheme had been approved and it was available to be inspected on the department's website along with the submissions report.</li> </ul> <p>In addition, the MEDQ notified the Council and those who made a submission and provided a residential/business address or email that the development scheme had been approved and was available to be inspected.</p>

## 3. Overview of submissions

### 3.1 Submission numbers

A total of 21 submissions were received during the submission period, including submissions from private individuals, community or not-for-profit organisations, and commercial and professional organisations.

Submissions were received via four different channels including post, email, hand delivery, and online via the online submission form, which provided an opportunity to submit comments.

### 3.2 Submitter location

The origin of submitters is shown in table 2 where residential addresses were provided. 61 per cent of the submissions were from residents within the Mackay Waterfront PDA with the majority of the remaining submissions from within the Mackay Regional Council local government area.

**Table 2: Breakdown of submission by submitter location**

Location	Number of respondents
Within the PDA	13
Outside of the PDA and within the Mackay Regional Council local government area	7
Outside of the Mackay Regional Council local government area	1
Location not specified	0
<b>Total submissions</b>	<b>21</b>

### 3.3 Submission method

There were four different methods of receiving submissions – online via Council’s Connecting Mackay website, email, post and hand delivery. 57 per cent of the submissions were received via Connecting Mackay and 33 per cent received via email. Only 10 per cent of submissions were received via post or hand delivery. 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	12
Email	7
Post	1
Hand delivery	1
<b>Total submissions</b>	<b>21</b>



### 3.4 Submission type

The majority (95 per cent) of submissions received were from or on behalf of private individuals or companies with 1 submission from an organisation. 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	20
Pro forma	0
Organisation	1
<b>Total submissions</b>	<b>21</b>

### 3.5 Overall areas of support

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

- strategic intent and general purpose of the Mackay Waterfront PDA
- 'Missing link' extension of Binnington Esplanade
- proposed public realm plans for waterfront areas, including suggestions for inclusions.

### 3.6 Overall areas of concern

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

- building height in Precincts 1, 2 and 5
- compulsory acquisition of land
- residential amenity, privacy and neighbourhood character in Precinct 5
- preferred land uses in Precinct 5
- environmental values and ecological processes
- investigation areas in Precincts 4 and 5

## 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
<b>2.3 Strategic framework</b>				
No matters were raised through submissions received.				
<b>2.4 Structural elements plan</b>				
No matters were raised through submissions received.				

## 4.2 PDA-wide criteria

PWC = PDA-wide criteria

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
<b>PDA-wide criteria</b>				
2.5.1 Built form and urban design				
<b>PWC-1</b>	PDA-2018-01	Suggest making the most of views of the islands, the mouth of the river, and the coal terminals by establishing a lookout.	<p>The development scheme includes a provision for development to orientate buildings to take advantage of views, vistas and outlooks to natural features (like the Pioneer River), open spaces (like Queens Park) and heritage places.</p> <p>Publicly accessible facilities like lookouts will be a consideration of the Mackay Waterfront master plan process.</p>	<b>N</b>
<b>PWC-2</b>	PDA-2018-13	<p>Suggest building height along River Street and Binnington Esplanade is increased to 14 storeys. The increase in height:</p> <ul style="list-style-type: none"> <li>• is more economically viable</li> <li>• provides a strong built form edge for the city and waterfront</li> <li>• accommodates additional residents underpinning retail and commercial activity</li> <li>• enlivens the city and open spaces</li> </ul>	<p>The development scheme has applied a range of built form provisions, including building height, across the PDA that seek to:</p> <ul style="list-style-type: none"> <li>• achieve development outcomes that support future waterfront public realm investment as a significant catalyst in attracting private investment and in turn delivering benefits to the regional economy, increasing the resident and workforce population, and contributing to the area's liveability;</li> <li>• maintain a human scale along the riverfront and avoid development being visually dominant when viewed from the river in Precinct 2;</li> <li>• reduce impacts to the heritage value and character that gives Precinct 1 its unique sense of identity and place; and</li> <li>• achieve well-designed buildings and spaces that contribute to establishing liveable places, where the quality, character and experience of the public realm and buildings are important in the attraction of people, jobs and investment to the PDA and Mackay.</li> </ul>	<b>Y</b>

		<ul style="list-style-type: none"> <li>• provides greater flexibility to achieve building efficiencies.</li> </ul> <p>The proposed reduction of building heights from the maximum building heights set by the Mackay Region Planning Scheme 2017 is not supported.</p>	<p>Built form provisions, including building height, across the PDA allow for a range of development forms, including multi-level residential development. The development scheme puts greater emphasis on the importance of delivering articulated and engaging buildings, that provide visual interest and contribute to the vibrancy, identity and character within the street, place and precinct.</p> <p>The request to increase building height is partly supported. It is considered appropriate to amend the building height for sites south of River Street in Precinct 2 from 'up to 8 storeys' to 'up to 10 storeys' (see amendments 4, 6, and 7 in section 5).</p> <p>Building height for sites north of River Street in Precinct 2 will remain unchanged to uphold the policy intent for delivering a human-scaled riverfront and avoid development being visually dominant when viewed from the river in Precinct 2. This is considered an integral part of delivering development for community purposes, in accordance with the ED Act.</p> <p>The feasibility of developing land must be balanced with other planning and urban design considerations. The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes.</p> <p>Building height in Precinct 1 will remain unchanged to promote a suitable built form that supports the heritage value and character of the precinct.</p> <p>Building height in Precinct 5 (along Binnington Esplanade) will remain unchanged. On balance, increasing the height to 14 storeys along Binnington Esplanade conflicts with community expectations for development in this location.</p> <p>The development scheme takes a performance-based approach, not a</p>	
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			prescriptive approach, and encourages pre-application meetings to provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including variances, can be identified early in the process.	
<b>PWC-3</b>	PDA-2018-16	<p>Concern that the development scheme provisions:</p> <ul style="list-style-type: none"> <li>discourage certain forms of development (e.g. multi-level residential development) which would otherwise invigorate and activate the PDA;</li> <li>significantly add to development approval and construction costs;</li> <li>decrease investor confidence; and</li> <li>prevent land from redeveloping due to lack of confidence and diminished project feasibility.</li> </ul>	<p>The Mackay Waterfront PDA was declared to establish the necessary policy framework to support the intended development, economic and community outcomes for the area. The development scheme includes a range of enabling objectives and provisions that seek to:</p> <ul style="list-style-type: none"> <li>revitalise land and infrastructure creating social, liveability and economic benefits for the whole community;</li> <li>facilitate catalytic opportunities, activities and attractions along the waterfronts and across the urban area;</li> <li>accommodate a diverse mix uses and activities promoting a diverse urban environment to increase the appeal of inner city living, diversify the economy, and boost investment confidence;</li> <li>promote diversity of built form through the delivery of high quality building and urban design outcomes; and</li> <li>promote diversity in housing and commercial tenancy choice.</li> </ul> <p>The development scheme has applied a range of built form provisions, including building height, across the PDA that seek to:</p> <ul style="list-style-type: none"> <li>achieve development outcomes that support future waterfront public realm investment as a significant catalyst in attracting private investment and in turn delivering benefits to the regional economy, increasing the resident and workforce population, and contributing to the area's liveability;</li> <li>maintain a human scale along the riverfront and avoid development being visually dominant when viewed from the river in Precinct 2;</li> <li>reduce impacts to the heritage value and character that gives Precinct 1 its unique sense of identity and place; and</li> <li>achieve well-designed buildings and spaces that contribute to establishing liveable places, where the quality, character and experience of the public realm and buildings are important in the</li> </ul>	<b>N</b>

			<p>attraction of people, jobs and investment to the PDA and Mackay.</p> <p>Built form provisions, including building height, across the PDA allow for a range of development forms, including multi-level residential development, with a focus on the delivery of articulated and engaging buildings, which provide visual interest and contribute to the vibrancy, identity and character within the street, place and precinct.</p> <p>The development scheme takes a performance-based approach, not a prescriptive approach, and encourages pre-application meetings to provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including variances, can be identified early in the process.</p>	
<b>PWC-4</b>	PDA-2018-19	Concern that the development scheme is more prescriptive and restrictive in relation to proposed building heights when compared to building height in the Mackay Region Planning Scheme 2017.	<p>Built form provisions, including building height, across the PDA allow for a range of development forms, including multi-level residential development, with a focus on the delivery of articulated and engaging buildings, which provide visual interest and contribute to the vibrancy, identity and character within the street, place and precinct.</p> <p>On balance, the built form requirements proposed by the development scheme simplify built form requirements under the planning scheme and are less restrictive than other comparable centres in Queensland.</p> <p>The development scheme has applied a range of built form provisions, including building height, across the PDA that seek to:</p> <ul style="list-style-type: none"> <li>• achieve development outcomes that support future waterfront public realm investment as a significant catalyst in attracting private investment and in turn delivering benefits to the regional economy, increasing the resident and workforce population, and contributing to the area's liveability;</li> <li>• maintain a human scale along the riverfront and avoid development being visually dominant when viewed from the river in Precinct 2;</li> <li>• reduce impacts to the heritage value and character that gives</li> </ul>	<b>Y</b>

			<p>Precinct 1 its unique sense of identity and place; and</p> <ul style="list-style-type: none"> <li>• achieve well-designed buildings and spaces that contribute to establishing liveable places, where the quality, character and experience of the public realm and buildings are important in the attraction of people, jobs and investment to the PDA and Mackay.</li> </ul> <p>The request to increase building height is partly supported. It is considered appropriate to amend the building height for sites south of River Street in Precinct 2 from 'up to 8 storeys' to 'up to 10 storeys' (see amendments 4, 6, and 7 in section 5).</p> <p>Building height for sites north of River Street in Precinct 2 will remain unchanged to uphold the policy intent for delivering a human-scaled riverfront and avoid development being visually dominant when viewed from the river in Precinct 2. This is considered an integral part of delivering development for community purposes, in accordance with the ED Act.</p> <p>The feasibility of developing land must be balanced with other planning and urban design considerations. The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes.</p> <p>Building height in Precinct 1 will remain unchanged to promote a suitable built form that supports the heritage value and character of the precinct.</p> <p>The development scheme takes a performance-based approach, not a prescriptive approach, and encourages pre-application meetings to provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including variances, can be identified early in the process.</p>	
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<b>PWC-5</b>	PDA-2018-15	Concern relating to commercial, multiple dwelling and accommodation activities impacting on residential privacy.	<p>The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes. Precinct 5 accommodates a diverse mix of uses that support future waterfront public realm investment as a significant catalyst in attracting private investment. In turn, public and private investment will deliver benefits to the regional economy, increase the resident and workforce population, and contribute to the area's liveability.</p> <p>The development scheme includes a range of provisions to address appropriate building separation from property boundaries and adjoining buildings, privacy and other amenity impacts. These provisions require development to promote privacy and maintain a high level of amenity for adjoining residential uses.</p> <p>To ensure the amenity and privacy impacts to building occupants and adjoining residential uses are minimised, provision 8b in section 2.5.1 has been amended (see amendment 3 in section 5).</p> <p>Further, the development intent for sub-precinct 5A specifies the spatial extent of higher and lower density development. The development intent for sub-precinct has been amended to provide further guidance and clarity on the intended location of non-residential uses and primary frontages (see amendments 12, 14 and 15 in section 5).</p>	<b>Y</b>
<b>PWC-6</b>	PDA-2018-18	Concern that the development scheme does not require a transitioning of building heights to low density residential land outside of the PDA.	The development scheme includes a provision for the transition in building height and development intensity to adjoining lower density development outside of the PDA.	<b>N</b>
<b>PWC-7</b>	PDA-2018-17	Concern that the proposed building height in the development scheme: <ul style="list-style-type: none"> <li>• conflicts with existing</li> </ul>	Existing lawful development approvals that have not lapsed are tied to the land and can be acted upon despite changes to either planning provisions or legislation.	<b>Y</b>



		<p>development approvals</p> <ul style="list-style-type: none"> <li>• disables rather than enables development</li> <li>• puts Mackay at a significant competitive disadvantage to other Queensland cities</li> <li>• conflicts with the planning scheme.</li> </ul> <p>Recommend that building height reflect existing building height limits in the planning scheme of 49m AHD (12+ storeys).</p>	<p>The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes.</p> <p>The PDA enables development by:</p> <ul style="list-style-type: none"> <li>• including simplified and flexible performance-based criteria that allow for a range of land use and design outcomes;</li> <li>• streamlining the development assessment process, including pre-application discussions;</li> <li>• shortened timeframes to stimulate economic and community outcomes;</li> <li>• not requiring public notification for a range of preferred land uses that support the PDA objectives; and</li> <li>• supporting and promoting community and social activities and interactions.</li> </ul> <p>The development scheme takes a performance-based approach, not a prescriptive approach, and encourages pre-application meetings to provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including variances, can be identified early in the process.</p> <p>The development scheme has applied a range of built form provisions, including building height, across the PDA that seek to:</p> <ul style="list-style-type: none"> <li>• achieve development outcomes that support future waterfront public realm investment as a significant catalyst in attracting private investment and in turn delivering benefits to the regional economy, increasing the resident and workforce population, and contributing to the area’s liveability;</li> <li>• maintain a human scale along the riverfront and avoid development being visually dominant when viewed from the river in Precinct 2;</li> <li>• reduce impacts to the heritage value and character that gives Precinct 1 its unique sense of identity and place; and</li> </ul>	
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			<ul style="list-style-type: none"> <li>• achieve well-designed buildings and spaces that contribute to establishing liveable places, where the quality, character and experience of the public realm and buildings are important in the attraction of people, jobs and investment to the PDA and Mackay.</li> </ul> <p>The development scheme has a relationship with the planning scheme. The planning scheme, where identified in a footnote, may be used as guidance material when assessing PDA development applications and applying the development scheme requirements.</p> <p>Built form provisions, including building height, across the PDA allow for a range of development forms, including multi-level residential development, with a focus on the delivery of articulated and engaging buildings, which provide visual interest and contribute to the vibrancy, identity and character within the street, place and precinct.</p> <p>The Mackay City Centre has an extensive footprint, including areas inside and outside of the PDA, and is 2.5km in length. The planning scheme and development scheme together facilitate a range of built form outcomes across a significant amount of land within the City Centre. The area of the City Centre made available to establish high rise buildings (buildings that are 8 or more storeys) is approximately 86ha. This puts Mackay at a significant competitive advantage to other comparable Queensland centres. Further, building height in the City Centre is restricted by the obstacle limitation surface of the Mackay Airport (49m AHD).</p> <p>The request to increase building height is partly supported. It is considered appropriate to amend the building height for sites south of River Street in Precinct 2 from 'up to 8 storeys' to 'up to 10 storeys' (see amendments 4, 6, and 7 in section 5).</p> <p>Building height for sites north of River Street in Precinct 2 will remain unchanged to uphold the policy intent of delivering a human-scaled riverfront and avoid development being visually dominant when viewed</p>	
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			<p>from the river in Precinct 2. This is considered an integral part of delivering development for community purposes, in accordance with the ED Act.</p> <p>The feasibility of developing land must be balanced with other planning and urban design considerations. The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes.</p> <p>Building height in Precinct 1 will remain unchanged to promote a suitable built form that supports the heritage value and character of the precinct.</p>	
<b>PWC-8</b>	PDA-2018-16	<p>Concern that provision 6 is problematic to establish grounds/justification for development applications proposing a variation to the built form requirements. Recommend that provision 6 be deleted.</p>	<p>The intent of the development scheme is to promote diversity in built form. It is considered that the statement ‘rather than visually dominate’ in provision 6b (section 2.5.1) may limit this intent.</p> <p>Provision 6b in section 2.5.1 has been amended (see amendment 2 in section 5) to:</p> <ul style="list-style-type: none"> <li>• remove the words ‘rather than visually dominate’; and</li> <li>• further, remove the words ‘contribute to adjacent development or the waterfront’ as this is addressed in another provision.</li> </ul> <p>The requirement to demonstrate ‘overwhelming community need’ in providing sufficient grounds to justify the approval of a development application despite the non-compliance with development requirements is an established policy across all PDAs in Queensland and will remain unchanged. Where a development is inconsistent with PDA development requirements, it may be consistent with the Land use plan if it is aligned with the strategic intent and there are sufficient grounds to justify the approval of the development despite any inconsistency with the relevant PDA development requirements. ‘Grounds’ means matters of public interest, which include the matters specified as the main purposes of the Act as well as superior or design outcomes and overwhelming community need.</p>	<b>Y</b>

<b>PDA-wide criteria</b>				
2.5.2 Diverse urban environment				
No matters were raised through submissions received.				
<b>PDA-wide criteria</b>				
2.5.3 Movement, access and transport network				
No matters were raised through submissions received.				
<b>PDA-wide criteria</b>				
2.5.4 Public realm				
No matters were raised through submissions received.				
<b>PDA-wide criteria</b>				
2.5.5 Community safety and development constraints				
<b>PWC-9</b>	PDA-2018-01 and PDA-2018-14	<p>Ensure long-term sustainability of natural areas and environmental values, including:</p> <ul style="list-style-type: none"> <li>• protect and create habitat</li> <li>• maintain and limit impacts to sand dunes and coastal features providing protection from storm surge</li> <li>• help species disperse</li> <li>• minimise human impacts and encourage positive interactions</li> <li>• promote ecological processes.</li> </ul>	<p>Areas of important environmental value, such as the Sandfly Creek environmental reserve, are not included within the PDA boundary.</p> <p>The development scheme acknowledges the:</p> <ul style="list-style-type: none"> <li>• importance of environmental areas within and outside of the PDA. It is the intent of the development scheme to protect environmental values and ecological processes, and to avoid, minimise or manage adverse impacts through development requirements; and</li> <li>• importance and protective function of the natural coastal features, like coastal sand dunes and associated vegetation. The development scheme includes a provision to require development to not interfere with these coastal processes.</li> </ul> <p>In addition, there are management plans in place for the Sandfly Creek environmental reserve and adjacent beaches (Town Beach and Far Beach). Council undertook an environmental study over an extended area beyond the PDA footprint to understand the environmental values and process of the area, which has further informed the preparation of the development scheme.</p>	<b>N</b>
<b>PDA-wide criteria</b>				
2.5.6 Infrastructure				
No matters were raised through submissions received.				

<b>PDA-wide criteria</b> 2.5.7 Heritage
No matters were raised through submissions received.

## 4.3 Precinct provisions

PGC = Precinct general comment

MC = Mackay city centre precinct

RS = Riverside precinct

BS = Beachside precinct

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
<b>General comments</b>				
Precincts				
<b>PGC-1</b>	PDA-2018-13	Concern regarding 'Key Development Sites' being investigated.	<p>The development scheme does not identify 'Key Development Sites'. There are a range of privately and publicly owned freehold sites located within the 'development area' identified on Map 2: PDA structural elements plan, which have potential to accommodate the types of development being sought by the development scheme to support public realm investment.</p> <p>The development scheme includes 2 investigation areas. The intent of the investigation areas is to undertake further investigation of opportunities and potential uses that complement the surrounding area. Any development in the investigation areas will be subject to further community consultation.</p>	<b>N</b>
<b>PGC-2</b>	PDA-2018-13 and PDA-2018-20	<p>Concern relating to the impacts of commercially developing the PDA 'Investigation Areas' on public open space and existing land holdings in urban areas.</p> <p>Seeking assurance for the</p>	<p>The development scheme includes a range of enabling objectives and provisions that seek to:</p> <ul style="list-style-type: none"> <li>• revitalise land and infrastructure creating social, liveability and economic benefits for the whole community;</li> <li>• facilitate catalytic opportunities, activities and attractions along the waterfronts and across the urban area; and</li> <li>• maintain public access along foreshore areas (including the riverfront and esplanade).</li> </ul>	<b>Y</b>

		<p>protection of public spaces, and the retention and enhancement of those spaces for future generations.</p> <p>Suggest specific wording in the development scheme clarifying commercial development will not occur within investigation areas.</p>	<p>Public reserve lands are located within either ‘public realm area’ or ‘investigation area’ identified on Map 2: PDA structural elements plan. Publicly owned parks, riverfronts and esplanades are either within reserve lands or road reserve and are identified within the ‘public realm area’. The intent of the ‘public realm area’ is for park, recreation and tourism activities, which may facilitate an ancillary commercial activity such as a kiosk.</p> <p>Sub-precincts 4C and 5C are identified as ‘investigation areas’. The intent of the ‘investigation areas’ is to undertake further investigation, including community consultation, of opportunities and potential uses that complement the surrounding area. The development scheme includes provisions to ensure opportunities and potential uses activate, enhance and integrate with the adjoining open spaces.</p> <p>The suggested amendment is partly supported, and the development scheme has been amended as follows:</p> <ul style="list-style-type: none"> <li>• the development intent for sub-precincts 4C and 5C have been amended to ensure opportunities and potential uses complement the precinct (see amendments 9 and 15 in section 5); and</li> <li>• the spatial extent of sub-precinct 4C has been reduced to align with the Queens Park master plan (see amendment 10 in section 5).</li> </ul> <p>The development scheme requires development, other than ‘community use’ and ‘park’, to be subject to further community consultation in sub-precincts 4A, 4C, 5B and 5C.</p>	
<b>PGC-3</b>	PDA-2018-20	Request assurance that Council and State-owned land will not be commercially developed.	<p>Publicly owned freehold titles located in the ‘development area’, identified on Map 2: PDA structural elements plan, are available for development and are subject to the development scheme requirements applicable to all sites located within the ‘development area’.</p> <p>Public reserve lands are either within the ‘public realm area’ or</p>	<b>N</b>

			'investigation area' identified on Map 2: PDA structural elements plan. The intent of the 'public realm area' is for park, recreation and tourism activities, which may facilitate an ancillary commercial activity such as a kiosk. Development, other than 'community use' and 'park', will be subject to further investigation and community consultation in sub-precincts 4A, 4C, 5B and 5C.																	
<b>Precinct provisions</b>																				
2.6.1 Precinct 1 – Mackay city centre																				
<b>MC-1</b>	PDA-2018-19	Concern that building setbacks in Precinct 1 are restrictive and should be decreased.	On balance, the built form requirements, including setbacks, proposed by the development scheme simplify building requirements under the planning scheme and are less restrictive than other comparable centres in Queensland. For example:	<b>Y</b>																
			<table border="1"> <thead> <tr> <th>City centre</th> <th>Street setback for tower elements</th> <th>Side boundary setback for tower elements</th> <th>Rear boundary setback for tower elements</th> </tr> </thead> <tbody> <tr> <td>Mackay PDA – Precinct 1 (as notified)</td> <td> <ul style="list-style-type: none"> <li>• 5m – outermost projection</li> <li>• 8m – wall</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• 3m – outermost projection</li> <li>• 6m – wall</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• 3m – outermost projection</li> <li>• 6m – wall</li> </ul> </td> </tr> <tr> <td>Cairns City Centre</td> <td> <ul style="list-style-type: none"> <li>• 15m – Cairns Esplanade and Spence St</li> <li>• 10m – all other streets</li> </ul> </td> <td>4m</td> <td>10m</td> </tr> <tr> <td>Townsville City Centre</td> <td> <ul style="list-style-type: none"> <li>• 20m – Flinders Street</li> <li>• 0 to 4m – all other streets in Flinders</li> </ul> </td> <td>5m</td> <td>10m</td> </tr> </tbody> </table>	City centre	Street setback for tower elements	Side boundary setback for tower elements	Rear boundary setback for tower elements	Mackay PDA – Precinct 1 (as notified)	<ul style="list-style-type: none"> <li>• 5m – outermost projection</li> <li>• 8m – wall</li> </ul>	<ul style="list-style-type: none"> <li>• 3m – outermost projection</li> <li>• 6m – wall</li> </ul>	<ul style="list-style-type: none"> <li>• 3m – outermost projection</li> <li>• 6m – wall</li> </ul>	Cairns City Centre	<ul style="list-style-type: none"> <li>• 15m – Cairns Esplanade and Spence St</li> <li>• 10m – all other streets</li> </ul>	4m	10m	Townsville City Centre	<ul style="list-style-type: none"> <li>• 20m – Flinders Street</li> <li>• 0 to 4m – all other streets in Flinders</li> </ul>	5m	10m	
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			<ul style="list-style-type: none"> <li>Street precinct</li> <li>• 0m – civic administration precinct</li> </ul>			
			<ul style="list-style-type: none"> <li>Toowoomba City Centre</li> <li>• 10m – outermost projection</li> <li>• 15m – wall</li> </ul>	9m – habitable rooms to boundary	9m – habitable rooms to boundary	
<p>Built form provisions across the PDA allow for a range of development forms, including multi-level residential development, with a focus on the delivery of articulated and engaging buildings, which provide visual interest and contribute to the vibrancy, identity and character within the street, place and precinct.</p> <p>The suggested amendment is partly supported. The side and rear boundary setbacks for tower elements in Precinct 1 have been amended to 3 metres (see amendment 1 in section 5). This requirement will be less restrictive than the local plan code in the planning scheme.</p> <p>All other setbacks remain unchanged to promote a suitable built form that supports the heritage value and character of the precinct, whilst ensuring a consistent approach to streetscape rhythm is maintained.</p>						
<b>Precinct provisions</b> <b>2.6.2 Precinct 2 – Riverside</b>						
<b>RS-1</b>	PDA-2018-10	Inconsistency between identified height on Map 3 (showing areas of 9 and 10 storeys) and building height specified in the wording in Table 6 (only 8 storeys) for sites south of River Street and this could read as being	There was an inconsistency between the mapped elements represented in Map 3 and the wording in Table 6. However, the building height for areas south of River Street in Precinct 2 has been amended to be ‘up to 10 storeys’ and wording in Table 6 has been amended to reflect the amended building height. This building height amendment for sites south of River Street in Precinct 2 is also reflected on Map 3 – PDA building heights plan (see amendments 4 and 7 in section 5).			<b>Y</b>

		inconsistent with Map 3.  Suggest amending Table 6 to read consistent with Map 3.		
<b>RS-2</b>	PDA-2018-16	Request sites south of River Street have a building height of 'up to 12 storeys'.	<p>The development scheme has applied a range of built form provisions, including building height, across the PDA that seek to achieve:</p> <ul style="list-style-type: none"> <li>• development outcomes that support future waterfront public realm investment as a significant catalyst in attracting private investment and in turn delivering benefits to the regional economy, increasing the resident and workforce population, and contributing to the area's liveability; and</li> <li>• well-designed buildings and spaces that contribute to establishing liveable places, where the quality, character and experience of the public realm and buildings are important in the attraction of people, jobs and investment to the PDA and Mackay.</li> </ul> <p>The request to increase building height above 'up to 8 storeys' in Precinct 2 is partly supported. It is considered appropriate to amend the building height for sites south of River Street in Precinct 2 from 'up to 8 storeys' to 'up to 10 storeys' (see amendments 4, 6 and 7 in section 5).</p> <p>The development scheme takes a performance-based approach, not a prescriptive approach, and encourages pre-application meetings to provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including variances, can be identified early in the process.</p>	<b>Y</b>
<b>RS-3</b>	PDA-2018-17	Concern for the proposed building height of 'up to 3 storeys' for sites north of River Street, which is contrary to the purpose of the ED Act.	<p>The intent, objectives and provisions of the development scheme are consistent with the main purpose of the ED Act, which "is to facilitate economic development, and development for community purposes, in the State". The Mackay Waterfront PDA contributes to achieving these two purposes by:</p> <ul style="list-style-type: none"> <li>• revitalising land and infrastructure creating social, liveability and</li> </ul>	<b>N</b>

		<p>Request sites north of River Street have a building height of 'up to 14 storeys'.</p>	<ul style="list-style-type: none"> <li>• economic benefits for the whole community;</li> <li>• facilitating catalytic opportunities, activities and attractions along the waterfronts and across the urban area;</li> <li>• accommodating a diverse mix uses and activities promoting a diverse urban environment to increase the appeal of inner city living, diversify the economy, and boost investment confidence;</li> <li>• promoting diversity of built form through the delivery of high quality building and urban design outcomes; and</li> <li>• promoting diversity in housing and commercial tenancy choice</li> <li>• adopting a public realm and human scale approach to improve liveability and community connections.</li> </ul> <p>The development scheme aims to balance a number of objectives in terms of built form, urban design, and economic and community outcomes. The development scheme has applied 'up to 3 storeys' to sites north of River Street to:</p> <ul style="list-style-type: none"> <li>• maintain a human scale along the riverfront and avoid development being visually dominant when viewed from the river in Precinct 2; and</li> <li>• reduce impacts to the heritage value and character of Paxtons Warehouse.</li> </ul> <p>On this basis, building height for sites north of River Street in Precinct 2 will remain unchanged. This is considered an integral part of delivering development for community purposes, in accordance with the ED Act.</p> <p>The feasibility of developing land must be balanced with other planning and urban design considerations. The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes.</p> <p>The development scheme takes a performance-based approach, not a prescriptive approach, and encourages pre-application meetings to</p>	
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			provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including inconsistencies, can be identified early in the process.	
<b>Precinct provisions</b>				
2.6.3 Precinct 3 – Enterprise				
No matters were raised through submissions received.				
<b>Precinct provisions</b>				
2.6.4 Precinct 4 – Queens Park				
No matters were raised through submissions received.				
<b>Precinct provisions</b>				
2.6.5 Precinct 5 – Beachside				
<b>BS-1</b>	PDA-2018-01 and PDA-2018-18	Support for the retention of Iluka Park, Quota Park and foreshore areas for community and recreation purposes, and in their natural state.	<p>Support is noted for the retention of parkland and foreshore areas. The purpose of the development scheme is to regulate development and not public works. A master plan for the Mackay Waterfront PDA is being prepared, which will explore and identify future public works and public realm investment across the PDA. The community will be given an opportunity to provide feedback on the Mackay Waterfront master plan.</p> <p>The development scheme includes an ‘investigation area’ within Iluka Park. The intent of the investigation areas is to undertake further investigation of opportunities and potential uses that complement the surrounding area. Any development in the investigation areas will be subject to further community consultation.</p> <p>The development scheme acknowledges the importance and protective function of the natural coastal features, like coastal sand dunes and associated vegetation. The development scheme includes a provision to require development to not interfere with these coastal processes. The development scheme seeks to maintain public access along foreshore areas, the river and the beach.</p> <p>Quota Park is not within the PDA boundary.</p>	<b>N</b>

<b>BS-2</b>	PDA-2018-03 and PDA-2018-21	Concern that residents will be required to move through compulsory acquisition of land for the development of high rise buildings.	<p>The development of privately owned land for private development will only occur if the landowner chooses to do so or sells the land to another person to carry out development. There is no obligation for landowners to develop or sell their land for private development.</p> <p>It is the intent of the Mackay Waterfront PDA to see development occur within the Beachside precinct over time and in response to future public realm investment along Binnington Esplanade. A developer will be required to lodge a development application demonstrating that the proposed development fits entirely within their property and accords with the building requirements of the development scheme (i.e. setbacks to adjoining land, site cover, building height, building length, privacy, etc.). A developer may purchase additional land, but this must be by agreement with the landowner. Changes to privately owned properties in the identified 'development area' for Precinct 5 will only occur as land is sold or a landowner chooses to develop their land. Until then, there is likely to be limited changes within the Beachside precinct with development likely to occur incrementally over a number of years – similar to the pace of development in other waterfront locations like the Townsville Strand over 20 years.</p>	<b>N</b>
<b>BS-3</b>	PDA-2018-11	<p>Appropriately plan for roadways to cater for increased population.</p> <p>Support for the residential amenity of East Mackay.</p>	<p>Road access, public parking and improved pedestrian networks will be addressed through the Mackay Waterfront PDA master plan and concept designs.</p> <p>The development scheme includes a range of provisions that specify the development intent, identity and character of the Beachside precinct, which seek to maintain and enhance the unique beachside/coastal character and identity of Binnington Esplanade as reflected throughout the public realm and in private development.</p>	<b>N</b>
<b>BS-4</b>	PDA-2018-15	Concern relating to the potential impacts of overshadowing and privacy from a building height of 'up to 5 storeys' in Precinct 5	The development scheme aims to balance a number of objectives in terms of built form, urban design, and economic and community outcomes. The development scheme has applied a range of built form provisions, including building height, across the PDA that will act as a catalyst to attract private investment adjacent to waterfront public	<b>Y</b>

		(sub-precinct 5A) on residential uses.	<p>realm and in turn deliver benefits to the regional economy, increasing the resident and workforce population, and contribute to the area's liveability.</p> <p>The development scheme includes a range of provisions 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"> <li>• allow for light penetration, air circulation and access to breezes;</li> <li>• promote privacy, minimises overshadowing, and maintains a high level of amenity for adjoining residential uses; and</li> <li>• site coverage (as a percentage) to reduce the impacts of building scale and bulk with height.</li> </ul> <p>To ensure the amenity and privacy impacts to building occupants and adjoining residential uses are minimised, provision 8b in section 2.5.1 has been amended (see amendment 3 in section 5).</p> <p>Building height in Precinct 5 (sub-precinct 5A) will remain unchanged.</p>	
<b>BS-5</b>	PDA-2018-18	<p>Concern relating to the impacts of higher density living, traffic, noise and pollution on the:</p> <ul style="list-style-type: none"> <li>• character, amenity and lifestyle of East Mackay;</li> <li>• reduction of cooling breezes;</li> <li>• risks to pedestrians (from more traffic); and</li> <li>• coastal wildlife and bird population at Sandfly Creek.</li> </ul>	<p>The Mackay Waterfront PDA was declared to establish the necessary policy framework to support the intended development, economic and community outcomes for the area. The development scheme includes a range of enabling objectives and provisions that seek to:</p> <ul style="list-style-type: none"> <li>• revitalise land and infrastructure creating social, liveability and economic benefits for the whole community; and</li> <li>• facilitate catalytic opportunities, activities and attractions along the waterfronts and across the urban area.</li> </ul> <p>The intent of Precinct 5 is to accommodate a diverse mix of uses and an improved waterfront public area to attract private investment. In turn, public and private investment will deliver benefits to the regional economy, increase the resident and workforce population, and contribute to the area's liveability.</p> <p>The development scheme includes a range of provisions to address</p>	<b>N</b>

			<p>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"> <li>• allow for light penetration, air circulation and access to breezes;</li> <li>• promote privacy, minimises overshadowing, and maintains a high level of amenity and privacy for building occupants and adjoining residential uses; and</li> <li>• site coverage (as a percentage) to reduce the impacts of building scale and bulk with height.</li> </ul> <p>The development scheme includes a range of provisions that specify the development intent, sense of place, identity and character of the Beachside precinct, which seek to maintain and enhance the unique beachside/coastal character and identity of Binnington Esplanade as reflected throughout the public realm and in private development.</p> <p>Development is likely to occur incrementally over a number of years in response to future public realm investment – similar to the pace of development in other waterfront locations like the Townsville Strand over 20 years.</p> <p>Areas of important environmental value, such as the Sandfly Creek environmental reserve, are not included within the PDA boundary. The development scheme acknowledges the importance of environmental areas within and outside of the PDA. It is the intent of the development scheme to protect environmental values and ecological processes, and to avoid, minimise or manage adverse impacts through development requirements.</p>	
<b>BS-6</b>	PDA-2018-18	Support for the proposed 'missing link' connecting Binnington Esplanade from Evan Street southwards. Suggest an additional entry to the large development site south of Evan Street be	<p>Support is noted for the 'missing link' Binnington Esplanade connection between Evan Street and Kippen Street. A master plan for the Mackay Waterfront PDA is being prepared, which will explore public realm investment options across the PDA.</p> <p>In the absence of an alignment and design for the 'missing link' road, it is premature to consider the suggested secondary vehicular access</p>	<b>N</b>

		provided from the 'missing link', to reduce traffic potential impacts from the single entry approved on Evan Street.	point to the large development site (south of Evan Street). However, this matter may be further explored/investigated by the developer of this site in the future.	
<b>BS-7</b>	PDA-2018-18	Support for the proposed footpath on the southern side of Evan Street for pedestrian/cyclists. Suggest amending the reference to 'Potential future link' shown on Map 9 to be clearer.	Support is noted for the potential pedestrian/cycle link on Evan Street.  Map 9: Framework plan 5 – Beachside in the development scheme has been amended to replace 'Potential future link' on Evan Street with 'Potential future pedestrian/cycle link' to improve the legibility of this mapped element in the map legend (see amendment 17 in section 5).	<b>Y</b>
<b>BS-8</b>	PDA-2018-18	Concern relating to the potential impact of the preferred non-residential land uses in sub-precinct 5A on residential amenity, neighbourhood character and lifestyle in East Mackay, and that development controls will not reduce potential impacts.  Suggest that non-residential land uses are restricted to sites directly fronting Binnington Esplanade. Alternatively, suggest managing impacts by splitting sub-precinct 5A into 2 new sub-precincts to separate higher density areas and lower density areas.	The development scheme aims to balance a number of objectives to achieve an outcome that promotes both economic development and development for community purposes.  The intent of Precinct 5 is to accommodate a diverse mix of uses that support future waterfront public realm investment to attract private investment. In turn, public and private investment will deliver benefits to the regional economy, increase the resident and workforce population, and contribute to the area's liveability.  Further, the development intent for Sub-precinct 5A specifies the spatial extent of higher and lower density development. The spatial extent of preferred non-residential uses has been further defined on Table 16. Therefore, no additional sub-precincts will be created.  The following amendments to section 2.6.5 have been made to provide further guidance and clarity on the location of non-residential uses within the sub-precinct: <ul style="list-style-type: none"> <li>• inclusion of commercial activities in the list of 'higher density' activities along the western frontage of Binnington Esplanade (see amendment 12 in section 5);</li> <li>• provide further clarity on the extent of the primary frontage on East Gordon Street (see amendment 15 in section 5); and</li> </ul>	<b>Y</b>



			<ul style="list-style-type: none"> <li>new provision 3 – focus commercial activities on primary frontages (see amendment 14 in section 5)</li> </ul> <p>To mitigate amenity impacts on adjoining residential uses, the development scheme includes a range of provisions 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"> <li>allow for light penetration, air circulation and access to breezes;</li> <li>promote privacy, minimises overshadowing, and maintains a high level of amenity and privacy for adjoining residential uses; and</li> <li>adhere to the site cover provision (as a percentage) to reduce the impacts of building scale and bulk with height.</li> </ul> <p>To ensure the amenity and privacy impacts to building occupants and adjoining residential uses are minimised, provision 8b in section 2.5.1 has been amended (see amendment 3 in section 5).</p> <p>Further, development is required to adhere to noise control requirements under the <i>Environmental Protection Act</i> and the General development requirements code (under the Mackay Region Planning Scheme) as referenced in the development scheme for guidance.</p>	
<b>BS-9</b>	PDA-2018-15 and PDA-2018-18	<p>Concern that preferred land uses will not require public notification during development assessment.</p> <p>Request for increased engagement and oversight of development applications to ensure development does not impact on character and residential amenity in sub-precinct 5A.</p>	<p>PDA development applications do not require public notification where the proposed use/s are listed as a preferred land use in the corresponding precinct. Preferred land uses have been nominated based on their potential as a catalyst for attracting private investment and in turn delivering benefits to the regional economy.</p> <p>The request for increased engagement is partly supported. Table 16 in the development scheme has been amended to identify the spatial extent of non-residential preferred land uses without creating additional sub-precincts. The amendment identifies preferred non-residential uses where located in the ‘up to 5 storeys’ and ‘up to 8 storeys’ areas as identified on Map 3: PDA building heights plan (i.e. areas in proximity to Binnington Esplanade). Development</p>	<b>Y</b>

			<p>applications for non-residential uses in all other areas will be subject to public notification (see amendment 13 in section 5).</p> <p>On balance, each development application will be assessed on its merits. Section 2.2.7 of the development scheme, details the instances where a PDA development application may require public notification. Importantly, public notification may be required in other circumstances if for a use or of a size or scale which, in the opinion of Council (as delegate of the MEDQ) warrants public notification.</p> <p>Building Applications are not subject to public notification and are governed by separate legislative requirements including the <i>Queensland Development Code</i> and <i>Building Act 1975</i>.</p> <p>The development scheme includes a range of provisions to address precinct identity and character, appropriate building separation from property boundaries and adjoining buildings, privacy and other residential amenity impacts. These provisions require development to:</p> <ul style="list-style-type: none"> <li>• allow for light penetration, air circulation and access to breezes;</li> <li>• promote privacy, minimises overshadowing, and maintains a high level of amenity and privacy for building occupants and adjoining residential uses; and</li> <li>• site coverage (as a percentage) to reduce the impacts of building scale and bulk with height.</li> </ul>	
<b>BS-10</b>	PDA-2018-18	Concern that proposed height and scale of development will reduce views and access to coastal breezes.	<p>The development scheme includes a range of provisions to address appropriate building separation from property boundaries and adjoining buildings, privacy and other amenity impacts. These provisions require development to allow air circulation and access to breezes.</p> <p>The development scheme puts emphasis on protecting the view corridors from east-west streets to the ocean as part of the character, identity and wayfinding aspects of the precinct. Views as experienced from the rear of properties may not be accessible as the precinct develops overtime and this is beyond the scope of the development</p>	<b>N</b>

			scheme to regulate.	
<b>BS-11</b>	PDA-2018-18	Suggest further clarity is provided on the description of sub-precinct 5C “Beachside investigation area” and the land uses being considered.	<p>The development scheme includes an investigation area on the northern edge of Iluka Park, which is identified as sub-precinct 5C in the development scheme. The intent of the investigation area is to undertake further investigation of opportunities and potential uses that complement the surrounding area. Any development in the investigation areas will be subject to further community consultation.</p> <p>The development intent statement for sub-precinct 5C has been amended to provide further clarity in relation to ‘open spaces’ and the relationship of potential opportunities and uses with the precinct and the PDA (see amendment 16 in section 5).</p>	<b>Y</b>
<b>BS-12</b>	PDA-2018-18 and PDA-2018-21	Concern that no consultation about including the East Mackay in the PDA has occurred. The ‘development area’ in sub-precinct 5A takes a very wide area and it is not clear as to the need for the PDA to extend over sites not fronting Binnington Esplanade.	<p>Council undertook extensive public consultation in 2017, including consulting with the residents of East Mackay, to gauge community support for the declaration of a PDA, including the proposed boundary of the PDA. The residents of East Mackay were sent a letter during the 2017 consultation period providing details of consultation events, Council contact information, and how feedback on the potential PDA could be submitted to Council.</p> <p>Council received overwhelming support from the community for a PDA in the areas included in the declared boundary.</p> <p>The development scheme promotes a diverse urban environment, where development in the PDA provides for a mix of housing options, designs and levels of affordability that caters to households and life-cycle changes. The extent of sub-precinct 5A allows the PDA to achieve this intent in proximity to employment, services and public realm areas.</p>	<b>N</b>
<b>BS-13</b>	PDA-2018-20	Suggest renaming the ‘missing link’ mapping reference from ‘potential road’ to ‘future road’.	Reference to the ‘missing link’ on Map 9: Precinct framework plan 5 – Riverside will be amended from ‘potential road’ to ‘future potential road’ (see amendment 18 in section 5).	<b>Y</b>

## 4.4 Infrastructure, implementation and funding

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

## 4.5 Other matters

*GC = General comments*

*OM = Other matters*

Matter #	Related submission #	Summary of issue/comment	Response	Amendment Y/N
<b>5 Schedules</b>				
No matters were raised through submissions received.				
<b>General comments on development scheme</b>				
<b>GC-1</b>	PDA-2018-04	Support the PDA development scheme.	Support is noted.	<b>N</b>
<b>GC-2</b>	PDA-2018-16 and PDA-2018-17	Remove requirement to demonstrate 'overwhelming community need' when justifying inconsistencies with	In recent years, Council has assessed and approved development that exhibited significantly greater (more than 20% increase) building heights on a 'case by case' basis and based on the merits of the application. Examples of this include:	<b>N</b>

the requirements of the development scheme. This conflicts with established planning practice elsewhere in Queensland PDAs where there is limited scope to vary development controls (i.e. 10-20%).

Location	Prescribed MCPS Building Height	Approved Building Height	% of change
Gordon Street	7 storeys (22m)	12 storeys	71% increase
Kirribilli Avenue	3 storeys	9 storeys	200% increase
Mackay Marina	8 storeys	12 storeys	50% increase
Alfred Street	7 storeys (22m)	14 storeys	100% increase
Victoria Street	7 storeys (22m)	14 storeys (originally approved for 10 storeys)	100% increase
River Street	6 storeys	14 storeys (originally approved for 8 storeys)	133% increase

The development scheme takes a performance-based approach, not a prescriptive approach, and encourages pre-application meetings to provide clarity of direction in relation to conceptual and detailed design proposals. The pre-application process allows developers and the development assessment team to work together under a streamlined assessment process. Any issues, including variances, can be identified early in the process.

Superior design outcomes are standard planning practice across all PDAs. The requirement to demonstrate 'overwhelming community need' in providing sufficient grounds to justify the approval of a development application despite the non-compliance with development requirements is an established policy across all PDAs in Queensland and will remain unchanged. Where a development is

			inconsistent with PDA development requirements, it may be consistent with the Land use plan if it is aligned with the strategic intent and there are sufficient grounds to justify the approval of the development despite any inconsistency with the relevant PDA development requirements. 'Grounds means matters of public interest, which include the matters specified as the main purposes of the ED Act as well as superior or design outcomes and overwhelming community need.	
<b>GC-3</b>	PDA-2018-19	<p>Concern that the development scheme conflicts with the 'main purpose' of the ED Act, and will discourage investment and economic development.</p> <p>Suggest the development scheme adopts a commercial and economic perspective rather than a restrictive and prohibited planning approach.</p>	<p>The intent, objectives and provisions of the development scheme are consistent with the main purpose of the ED Act.</p> <p>On balance, the built form requirements proposed by the development scheme simplify building requirements under the planning scheme and are less restrictive than other comparable centres in Queensland.</p> <p>The Mackay Waterfront PDA was declared to establish the necessary policy framework to support the intended development, economic and community outcomes for the area. Examples of economic or community benefit include:</p> <ul style="list-style-type: none"> <li>• job generation (through the construction phase and subsequent occupation by employers in the completed development);</li> <li>• increased investor confidence (e.g. by attracting development and new business);</li> <li>• government facilitation (e.g. by providing catalyst infrastructure to enable broader local investment or facilitating strategic decisions to dispose of or activate land assets);</li> <li>• delivery of development with community benefit (e.g. by providing housing, community infrastructure or key services);</li> <li>• facilitation of a major event (e.g. by providing land and infrastructure); or</li> <li>• promote new and exciting buildings and public areas through the delivery of high quality building and urban design outcomes.</li> </ul>	<b>N</b>
<b>Other matters relating to Mackay Waterfront PDA</b>				
<b>OM-1</b>	PDA-2018-01	Suggest including paddleboard hire on Binnington Esplanade.	Comment is noted. A master plan for the Mackay Waterfront is being prepared and the suggestions raised will be considered through this	<b>N</b>

			process.	
<b>OM-2</b>	PDA-2018-01	Concern relating to traffic speed on Binnington Esplanade, with the issue worsening when the two Binnington Esplanades are connected.  Suggest finishing the beachside footpath and providing speed control measures to manage traffic.	The development scheme includes an action in the Implementation strategy that seeks to prioritise pedestrian movement and convenience through range of measures including slow speed environments along the waterfronts.  These issues will be addressed through the Mackay Waterfront PDA master plan and further design for the Beachside precinct.	<b>N</b>
<b>OM-3</b>	PDA-2018-02	Support for the PDA, which will bring more jobs and increased growth to Mackay. Suggest the footpaths in town be upgraded as well as in Nelson Street.	Support is noted. A master plan for the Mackay Waterfront is being prepared and the suggestions raised will be considered through this process.  Nelson Street is not located within the PDA boundary.	<b>N</b>
<b>OM-4</b>	PDA-2018-04	Suggest providing a range of attractions, recreation activities, open spaces and publicly accessible facilities across the PDA. New commercial uses on the river should not take away business from the city centre.	A master plan for the Mackay Waterfront is being prepared and the suggestions raised will be considered through this process.  The development scheme includes an action in the Implementation strategy that looks to support enhanced tourism opportunities through developing programs and investigating tourism trends, initiatives and strategies.  There will be a number of factors, like market demand/take up or public realm investment, that influence the delivery of uses like restaurants and other commercial activities in certain areas within the PDA.	<b>N</b>
<b>OM-5</b>	PDA-2018-05 and PDA-2018-07	Resident living in or nearby the proposed development area.	Comment is noted.	<b>N</b>
<b>OM-6</b>	PDA-2018-06	Suggest providing a range of recreational activities and facilities (e.g. dog friendly area,	Comment is noted. A master plan for the Mackay Waterfront is being prepared and the suggestions raised will be considered through this process.	<b>N</b>

		beach access, bike path), and reduce the road width on Binnington Esplanade.		
<b>OM-7</b>	PDA-2018-08	Support for the proposed upgrades along Binnington Esplanade. Suggest better maintenance of the area (e.g. grass areas, gardens and the Beach). Suggest the inclusion of a viewing platform/s like a pier.	Support is noted. A master plan for the Mackay Waterfront is being prepared and the suggestions raised will be considered through this process. The ongoing maintenance of the precinct is outside the scope of the development scheme and will be a future consideration once areas are redeveloped.	<b>N</b>
<b>OM-8</b>	PDA-2018-09	Agree with the proposed PDA and proposals for the Beachside precinct (e.g. new decks, walkways, waterplay). Suggest the 'missing link' be completed to provide an opportunity to better utilise the area.	Support is noted. A master plan for the Mackay Waterfront is being prepared and the suggestions raised (like new decks, walkways and the missing link) will be considered through this process.	<b>N</b>
<b>OM-9</b>	PDA-2018-12	Request for additional basketball court to be located in the area.	Comment is noted. The improvement of public areas will be reviewed as part of the Mackay Waterfront master plan process currently underway. Further community consultation will occur on the Mackay Waterfront master plan.	<b>N</b>
<b>OM-10</b>	PDA-2018-13 and PDA-2018-20	Concern that the project does not have adequate local development industry representation or market advice on the Mackay PDA Advisory Committee.  Suggest increased consultation and feedback on the master plan.	Council undertook a rigorous process to select committee members of the Mackay PDA Advisory Committee based on their expertise in either planning, economic development, tourism, urban design or engineering and their ability to demonstrate independent and impartial representation on the committee.  Council will continue to engage with stakeholders throughout the life of the project. There will be future opportunities available for community and stakeholder consultation during the master plan process.	<b>N</b>
<b>OM-11</b>	PDA-2018-20	Suggest that stakeholders of key sites within the PDA have	Council will continue to engage with stakeholders throughout the life of the project. The Mackay Waterfront PDA Master Plan will be publicly	<b>N</b>



		direct interaction and input with the PDA master plan team, including lead consultants and Council Waterfront Managers.	notified in 2019 and there will be ample opportunity to provide feedback.	
<b>OM-12</b>	PDA-2018-20	Request for an industry stakeholder group to be formed to provide market input to the PDA.	Council will continue to engage with stakeholders throughout the life of the project. There will be future opportunities available for community and stakeholder consultation during the master plan process.	<b>N</b>
<b>OM-13</b>	PDA-2018-21	Concern that if high rises were built alongside property, the value of land and rates in Precinct 5 would increase.	The allocation of rates is based on a number of factors including: <ul style="list-style-type: none"> <li>• Land value – determined by the State Government;</li> <li>• Costs associated with: <ul style="list-style-type: none"> <li>○ roads, bridges, drainage, and parks and gardens;</li> <li>○ libraries and community activities; and</li> <li>○ pest eradication; and</li> </ul> </li> <li>• Applicable levies (waste, environment, rural fire services).</li> </ul>	<b>N</b>

## 5. 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	MC-1	2.5.1 Built form and urban design	<p>To align with other amendments in the development scheme and provide further clarity on the policy intent relating to the types of 'residential uses', amend provision 4 to read:</p> <p><i>4. creating usable communal and private open spaces within residential and accommodation developments that allow for equitable access, and are safe, adaptable and functional to meet the requirements of occupants / users.</i></p> <p>Further, to provide guidance for accommodation developments amend footnote 14 to read:</p> <p><i>For guidance on communal and private open spaces, refer to the Mackay Region Planning Scheme 2017 Multiple dwelling activities code for residential developments and Short-term accommodation code for accommodation developments.</i></p>
2	PWC-8	2.5.1 Built form and urban design	<p>To reaffirm the policy intent of promoting diverse and varied building forms in the PDA, amend provision 6b to read:</p> <p><i>b. makes efficient use of land, ensures building form is varied and delivers appropriate massing forms</i></p>

3	PWC-5, BS-4 and BS-8	2.5.1 Built form and urban design	To reaffirm the policy intent for maintaining a high level of amenity and privacy for building occupants and adjoining residential uses, amend provision 8b to read:  <i>b. minimises overshadowing, overlooking and maintains a high level of amenity and privacy for building occupants and adjoining residential uses</i>
4	PWC-2, PWC-4, PWC-7, RS-2 and RS-3	2.5.1 Built form and urban design	To align with other amendments proposed in the development scheme relating to building height, amend Map 3: PDA building heights plan to reflect 'up to 10 storeys' for sites south of River Street in Precinct 2.
5	MC-1	2.6.1 Precinct 1 – Mackay city centre	To improve flexibility and reaffirm the policy intent of promoting diverse and varied building forms in the PDA, amend the minimum setback to side and rear boundaries for 3 or more storeys in Table 3 to read:  • 3 metres
6	PWC-2, PWC-4, PWC-7, and RS-2	2.6.2 Precinct 2 – Riverside	To align with other amendments proposed in the development scheme as there is no longer a requirement for a building transition from Precinct 1 to Precinct 2, amend provisions 3 and 4 into a single provision to read:  <i>3. maintain a human scale along River Street and the riverfront and avoid being visually dominant when viewed from the river.</i>
7	PWC-2, PWC-4, PWC-7, RS-1 and RS-2	2.6.2 Precinct 2 – Riverside	To reaffirm the policy intent of promoting diverse and varied building forms in the PDA, amend building height in Table 6 to read:  • South of River Street – up to 10 storeys (inclusive of podium)
8	Not applicable	2.6.3 Precinct 3 – Enterprise	To align with the development intent of Precinct 3, add 'indoor sport and recreation' to the list of preferred land uses.

9	PGC-2	2.6.4 Precinct 4 – Queens Park	<p>To ensure opportunities and potential uses complement the precinct, amend the development intent for the sub-precinct to read:</p> <p><i>Sub-precinct 4C: Parkside investigation area, located on the eastern edge of the Queens Park, is an investigation area (identified on Map 2: Structural elements plan) for opportunities that activate, enhance, and integrate with Queens Park; and complement the precinct.</i></p> <p>New footnotes have been included to provide reference to related Actions in the Implementation strategy and public notification requirements for land uses not listed in the preferred land uses table, to read:</p> <ul style="list-style-type: none"> <li>• <i>Within the Investigation area, uses other than those listed in Table 16, will be subject to further community consultation.</i></li> <li>• <i>Refer to Actions 7 and 9 in section 4.1 of the Implementation strategy.</i></li> </ul>
10	PGC-2	2.6.4 Precinct 4 – Queens Park	To align with elements identified in the master plan for Queens Park, the spatial extent of sub-precinct 4C has been reduced on Maps 2, 3, 4 and 8.
11	Not applicable	2.6.4 Precinct 4 – Queens Park	To align with the development intent of Precinct 4, add ‘dwelling house’, ‘dual occupancy’ and ‘home based business’ to the list of preferred land uses.
12	PWC-5 and BS-8	2.6.5 Precinct 5 - Beachside	<p>To clarify the land use policy intent in sub-precinct 5A to provide further clarity on the location of commercial uses within the sub-precinct, amend the development intent for sub-precinct 5A to read:</p> <p><i>Sub-precinct 5A: Beachside living will accommodate a diverse mix of uses including high density residential, accommodation, commercial, tourism and recreational activities, as identified in Table 16: Precinct 5 – Preferred land uses, along the western frontage of Binnington Esplanade to activate and take advantage of the waterfront locality. Low-medium density residential land uses are intended in the remainder of the sub-precinct. Development on large vacant sites within the sub-precinct is designed to maximise land use mix, infrastructure, and investment opportunities.</i></p>

13	BS-9	2.6.5 Precinct 5 - Beachside	<p>To provide further clarity on the spatial extent of preferred land uses involving non-residential uses within sub-precinct 5A, amend Table 16 to read:</p> <ul style="list-style-type: none"> <li>• <i>where located in the ‘up to 5 storeys’ and ‘up to 8 storeys’ areas as identified on Map 3: PDA building heights plan:</i> <ul style="list-style-type: none"> <li>○ <i>bar</i></li> <li>○ <i>club</i></li> <li>○ <i>food and drink outlet</i></li> <li>○ <i>function facility</i></li> <li>○ <i>health care services</i></li> <li>○ <i>hotel</i></li> <li>○ <i>market</i></li> <li>○ <i>service industry</i></li> <li>○ <i>shop</i></li> <li>○ <i>tourist attraction</i></li> </ul> </li> </ul>
14	PWC-5 and BS-8	2.6.5 Precinct 5 - Beachside	<p>To provide further guidance on the location of commercial activities in sub-precinct 5A, include a new provision 3 within ‘built form and urban design’ of section 2.6.5 to read:</p> <p>3. <i>focus commercial activities on primary frontages (identified on Map 9: Precinct framework plan 5 – Beachside).</i></p>
15	PWC-5 and BS-8	2.6.5 Precinct 5 - Beachside	<p>To provide further clarity and consistency on the extent of primary frontages and subsequently the location of non-residential uses, amend Map 2: PDA structural elements plan to extend the primary frontage on East Gordon Street to the western extent of the ‘up to 8 storeys’ area identified on Map 3: PDA building heights plan.</p>

16	PGC-2 and BS-11	2.6.5 Precinct 5 - Beachside	<p>To ensure opportunities and potential uses complement the precinct, amend the development intent for the sub-precinct to read:</p> <p><i>Sub-precinct 5C: Beachside investigation area, located at the northern edge of Iluka Park, is an investigation area (identified on Map 2: Structural elements plan) for potential opportunities that activate, enhance, and integrate with Iluka Park and the esplanade's public realm spaces; and complement the precinct.</i></p> <p>New footnotes have been included to provide reference to related Actions in the Implementation strategy and public notification requirements for land uses not listed in the preferred land uses table, to read:</p> <ul style="list-style-type: none"> <li>• <i>Within the Investigation area, uses other than those listed in Table 16, will be subject to further community consultation.</i></li> <li>• <i>Refer to Actions 7 and 9 in section 4.1 of the Implementation strategy.</i></li> </ul>
17	Not applicable	2.6.5 Precinct 5 - Beachside	To align with the development intent of Precinct 5, add 'dwelling house', 'dual occupancy' and 'home based business' to the list of preferred land uses.
18	BS-13	2.6.5 Precinct 5 - Beachside	<p>To improve legibility and consistency, amend Map 9 to reference for the 'missing link' to read:</p> <ul style="list-style-type: none"> <li>• <i>Potential future road</i></li> </ul>
19	BS-7	2.6.5 Precinct 5 - Beachside	<p>To improve legibility of mapping element terminology, amend Map 9 to reference for the Evan Street pedestrian link to read:</p> <ul style="list-style-type: none"> <li>• <i>Potential pedestrian/cycle link on Evan Street</i></li> </ul>
<b>Section 3: Infrastructure Plan</b>			
There were no amendments proposed for Section 3.			

## Section 4: Implementation strategy

20	PGC-2 and BS-11	4.1 Delivering a vibrant, engaging, innovative and diverse public realm	<p>To align with other amendments to the development scheme and provide further clarity on the policy intent for ‘investigation areas’, amend Action 7 to read:</p> <p><i>7. Work with the State Government to investigate tenure, and appropriate future use and potential opportunities on key sites currently owned by the State government and identified as investigation areas on Map 2: PDA structural elements plan.</i></p>
21	Not applicable	4.2 Positioning the Mackay city centre	<p>To ensure Action 2 of section 4.2 of the development scheme remains open to a range of public realm opportunities and concepts identified by the Mackay Waterfront PDA master plan (refer to Action 1 of 4.1), amend Action 2 to read:</p> <p><i>Investigate public realm improvements that will strengthen the character, amenity and investment appeal of the City centre to increase pedestrian activity, support surrounding development, and provide opportunities for placemaking activities.</i></p>
22	PWC-8	4.5 Delivering exemplar design and innovation	<p>To align with other amendments to the development scheme and provide further guidance on building design that guides and supports ‘diverse and varied building forms’, insert new action to read:</p> <p><i>5. Develop a tropical Mackay building design and materials manual to guide and support the development of well-designed and climatically responsive buildings and spaces.</i></p>

Section 5: Schedules			
23	PWC-5	Schedule 2	<p>To align with concerns raised in relation to land uses in Precinct 4 and provide consistency in the application of prohibited uses across the PDA, insert the following land uses:</p> <ul style="list-style-type: none"> <li>• <i>for the whole of Precinct 4:</i> <ul style="list-style-type: none"> <li>○ <i>high impact industry</i></li> </ul> </li> <li>• <i>for the whole of Precinct 5:</i> <ul style="list-style-type: none"> <li>○ <i>high impact industry</i></li> </ul> </li> </ul>
General			
24	Not applicable	Throughout the document	<p>For accuracy, clarity, legibility and consistency, amend minor formatting, numbering, typographical errors, wording, weblinks or referencing including:</p> <ul style="list-style-type: none"> <li>• in general: <ul style="list-style-type: none"> <li>○ missing words from provisions and footnotes</li> <li>○ incorrect links to online documentation</li> <li>○ incorrect terminology</li> <li>○ consistency of terminology including references</li> <li>○ consistency of policy intent</li> <li>○ cross-referencing</li> <li>○ accuracy and alignment of definitions, footnotes and maps</li> <li>○ references to tables, maps and images</li> <li>○ mapping colours; and</li> </ul> </li> <li>• more specifically: <ul style="list-style-type: none"> <li>○ reference to the <i>Heritage Act 1992</i> has been added to section 2.2.9</li> <li>○ a new footnote in section 2.2.8 to reference the relevant state interests</li> <li>○ a new footnote in section 2.5.6 to reference the requirements for the assessment of operational works</li> <li>○ to improve the legibility of Map 3, amended colour palate relating to building heights</li> </ul> </li> </ul>



			<ul style="list-style-type: none"> <li>○ providing clarity on which sub-precinct building height applies to in Precinct 5</li> <li>○ providing consistency to the minimum setback to a street between Precincts 4 and 5</li> <li>○ in Schedule 1, include reference to 'Exemption Certificate' in relation to Minor building work where on a heritage place</li> <li>○ consistent use the defined activity groups (in Schedule 3) where all of the identified preferred land uses in an identified activity group are listed in the 'preferred land use table' for each precinct</li> </ul>
<b>25</b>	Not applicable	Throughout the document	To reflect finalisation and adoption of the scheme amend the terminology through the document from 'proposed development scheme' to now read 'development scheme'.
<b>26</b>	Not applicable	Throughout the document	To reflect the month the development scheme was adopted, amend the date throughout the document from ' <i>March 2019</i> ' to ' <i>May 2019</i> '.
<b>27</b>	Not applicable	Throughout the document	To reflect the document version when the development scheme is approved, amend the version throughout the document from 'version 0.3' to 'version 1.0'.



MACKAY WATERFRONT

## GET IN TOUCH

[mackay.qld.gov.au/mackaywaterfront](http://mackay.qld.gov.au/mackaywaterfront)

### Write to MRC:

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# PDA SUBMISSIONS REPORT

May 2019



Queensland  
Government