

Our ref: MC21/1407 MA-00052



19 July 2021

Department of  
**State Development, Infrastructure,  
Local Government and Planning**

Neil McGaffin  
Director Development Services  
Whitsunday Regional Council  
PO Box 104  
PROSERPINE QLD 4800

Dear Mr McGaffin

**Notice of advice to appropriately address state interests during the state interest review under the Minister's Guidelines and Rules (MGR)**

Thank you for your letter of 29 March 2021 advising of council's decision to make a major amendment (proposed amendment) to the Whitsunday Planning Scheme 2017 (the planning scheme) and the proposed Administrative Local Government Infrastructure Plan (LGIP) Amendment.

I note that on 29 March 2021, the state interest review commenced for the proposed amendment and paused the review on 22 April 2021.

During the pause I have determined that the proposed amendment does not appropriately address the relevant state interests and further justification / rationale is required.

In accordance with chapter 2, part 4, section 17.3 of the MGR I am taking this opportunity to advise you to consider changing the proposed amendment during the state interest review to appropriately address and integrate the following;

1. Extent of the Proposed Amendment
  - (a) Provide a complete list of land parcels that are subject to zoning changes as part of the proposed amendment.
  - (b) Provide written justification for zoning changes for each land parcel to allow for state interest consideration. A proposed zoning change is ordinarily accompanied by detailed documentation that outlines how the proposed zone fits into the overall planning framework, addresses state interests, meets the strategic intent of the scheme and the proposed zone, can be adequately serviced by infrastructure and has a site study/proposed master plan or structure plan attached.
  - (c) Provide details of any consultation undertaken with the Department of Resources in respect to any proposed zoning changes.
2. Legislation

Mackay Isaac Whitsunday Regional Office  
Level 4, 44 Nelson Street, Mackay  
PO Box 257, Mackay QLD 4740

(a) Change the proposed amendment to ensure consistency with the regulated requirements prescribed in the Planning Regulation. To assist with this assessment please refer to **Table 1**.

(b) Change the proposed amendment to alignment with Section 8(5) of the Planning Act. To assist with this assessment please refer to **Table 2**.

3. Regional Plan

Provide an assessment of the proposed amendment against the Mackay, Isaac and Whitsunday Regional Plan to ensure alignment.

4. State Interests

Change the proposed amendment by taking the actions listed for each State Interest in Table **3** and **Table 4** and summarised below.

<b>State interest</b>	<b>Recommended action</b> , change in accordance with –
Housing supply and diversity	Table 3 Item No 1 – 4
Agriculture	Table 3 Item No 5 Table 4 Item No 1
Mining and extractive resources	Table 4 Item No 2 – 8
Tourism	Table 3 Item No 6
Biodiversity	Table 3 Item No 7 – 18 Table 4 Item No 9 – 15
Coastal environment	Table 3 Item No 19 – 24 Critical Matters to be addressed: <ul style="list-style-type: none"> <li>- Coastal Management District mapping needs to be included within the coastal overlay maps. Coastal management district mapping is a category 1 map within the SPP. This means that the layer must be appropriately integrated into the scheme in a way that achieves the policy requirements of the coastal environment and coastal hazard state interests.</li> <li>- Amending the Coastal Hazard Overlay Code to include requirements for development within a coastal management district, prescribed tidal works and reclamation of land under tidal water.</li> </ul>
Cultural heritage	Table 3 Item No 25 – 29 Table 4 Item No 16 – 17
Water quality	Table 3 Item No 30 – 32
Natural hazards, risks and resilience	Table 3 Item No 33 – 49 Critical Matters to be addressed: <ul style="list-style-type: none"> <li>- A fit-for-purpose risk assessment is to be undertaken to identify and achieve an acceptable or tolerable level of risk for personal safety and property in natural hazards areas for: <ul style="list-style-type: none"> <li>a) Bushfire Prone Areas</li> <li>b) Flood Hazard Areas</li> <li>c) Landslide Hazard Areas</li> <li>d) Storm tide inundation and Erosion Prone Areas</li> </ul> </li> </ul>

State interest	Recommended action, change in accordance with –
	<ul style="list-style-type: none"> <li>- The Erosion Prone Areas mapping is not accepted. Issues with the methodology must be resolved to produce an amended version for approval.</li> <li>- Amend the Bushfire Overlay Maps, references in the Tables of Assessment, and Bushfire Overlay Code to include the 100m wide 'potential impact buffer'.</li> <li>- Update Table 1.6.1 to reflect the building assessment provision contained in the Planning Scheme.</li> <li>- Alignment of all hazard overlay codes to ensure that they do not include provisions for building work, to the extent the building work is regulated under the building assessment provisions, unless allowed under the Building Act.</li> </ul>
Transport infrastructure	Table 3 Item No 50 – 52 Table 4 Item No 18

5. The Community Engagement Plan submitted as part of the State interest review should be amended to:
  - (a) Reflect the changing timeframes; and
  - (b) Acknowledge the requirements for consultation should the proposed amendment be significantly different to the version released for public consultation and additional consultation be required.
  
6. The proposed Administrative LGIP Amendment requires no action from the State, however, it is noted that you are changing the desired standards of service for the stormwater network. In order for the change to be considered an Administrative LGIP Amendment you need to be satisfied that the change meets one of the items identified in chapter 5, part 1.1 (a) to (g) of the MGR.
  
7. Compliance with Ministerial Conditions and Requests  
Provide an assessment on how the three (3) Ministerial conditions and Ministerial requests have been integrated into the planning scheme as requested in the letter dated 19 June 2017 from the Minister. To assist with this assessment please refer to **Table 5**.

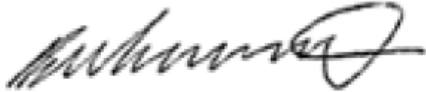
In accordance with chapter 2, part 5, section 23.1 of the MGR, I hereby give notice that the timeframe for the current action has been further paused from the day after this notice is given.

The state interest review timeframe will be paused for 100 business days to provide time for you to respond to this notice.

During this period, I encourage you to continue to engage with officers from the Planning Group to resolve any outstanding matters. I would also like to remind you that if no response is received during this period, the process will resume at chapter 2, part 4, section 17.5 of the MGR on the 8 December 2021.

I have asked for Ms Catherine Hobbs, Principal Planning Officer, Planning Group, in the Department of State Development, Infrastructure, Local Government and Planning to assist you with any further queries. You may wish to contact Ms Catherine Hobbs on telephone number (07) 4758 3412 or by email at catherine.hobbs@dsdilgp.qld.gov.au.

Yours sincerely



**BRETT NANCARROW**  
**A/REGIONAL DIRECTOR**

ENC **Table 1:** Regulated requirements prescribed in the Planning Regulation  
**Table 2:** Section 8(5) of the Planning Act  
**Table 3:** State Interest Actions  
**Table 4:** State Interest Advice  
**Table 5:** Compliance with Ministerial Conditions and Requests