



# Submissions Response Report

## Torres Shire Planning Scheme

(including proposed interim LGIP amendment)

### Prepared for

Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander  
Partnerships on behalf of Torres Shire Council

Version 003

8 June 2021



## Document History

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# 1 Introduction

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This Submissions Response Report ('the report') has been prepared for the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships ('DSDSATSIP') on behalf of Torres Shire Council ('Council') to document a response to submissions and other feedback received on the new Torres Shire Planning Scheme ('the planning scheme') during the formal public consultation period under the *Planning Act 2016* ('the Planning Act').

Public consultation of the planning scheme was undertaken at the same time as public consultation of an interim LGIP amendment, which relates to the amendment of the existing Local Government Infrastructure Plan ('LGIP') to align with the new planning scheme. To aid in community understanding and avoid confusion, both consultation periods were held concurrently, with the amended LGIP presented as part of the new planning scheme.

The report provides a summary of consultation activities undertaken, an analysis of the feedback received and a series of technical recommendations based on the analysis undertaken, relating to planning scheme amendments, further actions for the planning scheme and other actions beyond the planning scheme.

DSDSATSIP is assisting Council with the preparation of the planning scheme through the provision of funding and project management of the planning scheme project.

## 2 Background

### 2.1 Planning Scheme Preparation

Preparation of the planning scheme and the interim LGIP amendment is regulated by the framework established under the Planning Act, the Minister's Guidelines and Rules ('the MGR') and a notice provided by the Chief Executive under Section 18 of the Planning Act dated 27 October 2017 ('the Section 18 Notice').

**Table 2-1** provides a chronology of relevant events in the preparation of the planning scheme.

Table 2-1 Background of Planning Scheme Preparation

| Date                                 | Event                                                                                                                                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 2017                         | Preparation of the new planning scheme commences                                                                                                         |
| 19 August 2017                       | Workshop held with Council on Thursday Island and site inspections completed on Thursday Island and Horn Island                                          |
| 21 September 2017                    | Council gives notice under Section 18(2) of the Planning Act to the chief executive advising of the preparation of the planning scheme.                  |
| 27 October 2017                      | Section 18 Notice issued to Council by the Director-General (chief executive) of the (then) Department of Infrastructure, Local Government and Planning. |
| July 2018                            | July 2018 planning scheme (first draft) finalised                                                                                                        |
| 28 August 2018                       | Workshop held with Council on Thursday Island to present July 2018 planning scheme first draft                                                           |
| April 2019 to January 2020           | "Soft" State Interest Review process                                                                                                                     |
| 29 January 2020                      | January 2020 planning scheme presented to Council on Thursday Island and endorsed for formal State Interest Review                                       |
| 17 April 2020                        | April 2020 planning scheme sent for formal State Interest Review                                                                                         |
| April 2020 – October 2020            | State Interest Review process                                                                                                                            |
| 16 October 2020                      | Approval of State Planner to proceed to public consultation                                                                                              |
| 20 October 2020                      | October 2020 planning scheme presented to Council on Thursday Island and endorsed to commence public consultation                                        |
| 9 November 2020                      | Public consultation period commenced                                                                                                                     |
| 16 November 2020 to 27 November 2020 | Primary period of in-community consultation – see Chapter 3                                                                                              |
| 9 February 2021                      | Public consultation period concluded                                                                                                                     |
| 16 March 2021                        | Submissions Response Report considered by Council. Decision made to undertake reconsultation period.                                                     |
| 6 April 2021                         | Reconsultation period commenced                                                                                                                          |
| 3 June 2021                          | Reconsultation period concluded                                                                                                                          |

Further detail regarding the events held during the consultation periods is provided in Chapter 3.

### 2.2 Relationship to QCoast2100 project

Council is currently undertaking work as part of the QCoast2100 funded by the Local Government Association of Queensland, with the aim of preparing a Coastal Hazard Adaptation Strategy (CHAS) for Torres Shire. Council used the consultation events held between 16 November 2020 to 27 November 2020 to also seek feedback from the community to inform the preparation of the CHAS. It is intended that the final CHAS will inform Council's land use planning policy, as documented in the planning scheme, however at this stage (without a CHAS prepared) the planning scheme is based on available information. Specific discussion of coastal hazards is provided in Section 5.6.2 of this report.

### 3 Consultation and Feedback

#### 3.1 Consultation Period

The planning scheme and the interim LGIP amendment were subject to a formal public consultation period which commenced on Monday 9 November 2020 and concluded on Tuesday 9 February 2021. The consultation period consisted of a total of 61 business days and 93 calendar days, exceeding the minimum requirement of 40 business days under the Planning Act and the Section 18 Notice for the planning scheme and the minimum requirement of 15 business days under the MGR for the interim LGIP amendment.

#### 3.2 Reconsultation Period

Due to the substantive changes made to the planning scheme following the consultation period, a reconsultation period was completed for the revised planning scheme. This reconsultation period ran between Tuesday 6 April 2021 and Thursday 3 June 2021. The reconsultation period consisting of 41 business days, exceeding the minimum requirement of 40 business days under the Planning Act and the Section 18 Notice for the planning scheme. The interim LGIP amendment, whilst not required to be reconsulted, was also subject to reconsultation for the purposes of consistency and completeness.

#### 3.3 Consultation Events and Activities

A range of events and activities were held within Torres Shire and other locations, primarily consisting of community days and stakeholder meetings, during the public consultation period. These activities were planned and held generally in accordance with the Communications and Engagement Strategy prepared by Cardno for the planning scheme (current version 5, dated 12 November 2020).

Consultation events were attended by representatives of the planning scheme drafting team and representatives from both DSDSATSIP and Council, primarily:

- Maxwell Duncan (Council)
- Gerhard Visser (DSDSATSIP)
- Stephen Whitaker (Reel Planning, as subcontractor to Cardno) – planning scheme author
- Teresa Schmidt (Reel Planning) – representing Council

Copies of the planning scheme, including large format maps, were available at all events. Detailed notes were taken by the project team from all activities and have formed a source of additional feedback beyond formal submissions, as discussed in Chapter 4 of this report. A copy of notes taken is provided as **Appendix D**.

**Table 3-1** provides a summary of the events held. A total of 221 unique attendees were recorded at the events.

Table 3-1 Consultation Events

| #                                                                       | Date                     | Location                              | Time              | Event               | Attend |
|-------------------------------------------------------------------------|--------------------------|---------------------------------------|-------------------|---------------------|--------|
| <b>CONSULTATION (MONDAY 9 NOVEMBER 2020 TO TUESDAY 9 FEBRUARY 2021)</b> |                          |                                       |                   |                     |        |
| 1                                                                       | Monday 16 November 2020  | Grand Hotel, Thursday Island          | 7:30am to 9:00am  | Stakeholder Meeting | 2      |
| 2                                                                       |                          | IBIS, Douglas Street, Thursday Island | 10:00am to 1:30pm | Community Barbeque  | 21     |
| 3                                                                       |                          | TI Motel, Thursday Island             | 2:00pm to 3:15pm  | Stakeholder Meeting | 2      |
| 4                                                                       | Tuesday 17 November 2020 | IBIS, Douglas Street, Thursday Island | 10:00am to 2:00pm | Community Barbeque  | 18     |
| 5                                                                       |                          | TSRA Offices                          | 3:00pm to 4:00pm  | Stakeholder Meeting | 2      |
| 6                                                                       |                          | Gateway Motel, Horn Island            | 8:30am to 9:00am  | Stakeholder Meeting | 1      |
| 7                                                                       |                          | Wongai Hotel, Horn Island             | 9:30am to 10:15am | Stakeholder Meeting | 2      |

| #                                                                    | Date                       | Location                                                                         | Time                               | Event                  | Attend |
|----------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------|------------------------------------|------------------------|--------|
| 8                                                                    | Wednesday 18 November 2020 | Wongai Hotel, Horn Island                                                        | 10:15am to 10:45am                 | Stakeholder Meeting    | 1      |
| 9                                                                    |                            | Island and Cape Store                                                            | 11:00am to 1:00pm                  | Community Booth        | 10     |
| 10                                                                   |                            | Horn Island Airport                                                              | 1:30pm to 2:45pm                   | Community Booth        | 16     |
| 11                                                                   |                            | Horn Island Airport                                                              | 3:15pm to 4:00pm                   | Stakeholder Meeting    | 1      |
| 12                                                                   | Thursday 19 November 2020  | Thursday Island Ferry Terminal                                                   | 9:00am                             | Community Discussion   | 3      |
| 13                                                                   |                            | Horn Island Council Depot                                                        | 10:00am to 10:45am                 | Community Discussion   | 4      |
| 14                                                                   |                            | Island and Cape Store                                                            | 11:00am to 1:00pm                  | Community Booth        | 13     |
| 15                                                                   |                            | Horn Island Airport                                                              | 1:30pm to 2:45pm                   | Community Booth        | 8      |
| 16                                                                   |                            | Horn Island Airport                                                              | 3:00pm to 3:30pm                   | Stakeholder Meeting    | 1      |
| 17                                                                   |                            | Horn Island Airport                                                              | 3:45pm to 4:15pm                   | Stakeholder Meeting    | 1      |
| 18                                                                   | Friday 20 November 2020    | Thursday Island Depot                                                            | 7:00am                             | Community Discussion   | 1      |
| 19                                                                   | Monday 23 November 2020    | Zar Zar (104 The Esplanade), Prince of Wales Island                              | 5:00am depart<br>8:00am to 12:00pm | Community Day          | 8      |
| 20                                                                   |                            | Grand Hotel, Thursday Island                                                     | 1:00pm to 2:00pm                   | Stakeholder Meeting    | 1      |
| 21                                                                   |                            | Grand Hotel, Thursday Island                                                     | 4:00pm to 5:00pm                   | Stakeholder Meeting    | 10     |
| 22                                                                   | Council offices            | Pearling Station, Friday Island                                                  | 11:00am to 1:30pm                  | Community Day          | 4      |
| 23                                                                   | Wednesday 25 November 2020 | Thursday Island Esplanade                                                        | 8:00am                             | Community Discussion   | 2      |
| 24                                                                   |                            | Council offices                                                                  | 9:30am to 10:00am                  | Stakeholder Meeting    | 1      |
| 25                                                                   |                            | IBIS, Rose Hill                                                                  | 10:30am to 1:00pm                  | Community Barbeque     | 14     |
| 26                                                                   |                            | Grand Hotel                                                                      | 2:00pm to 3:00pm                   | Stakeholder Meeting    | 1      |
| 27                                                                   |                            | IBIS, Tamwoy Town                                                                | 4:00pm to 5:30pm                   | Community Barbeque     | 13     |
| 28                                                                   | Friday 27 November 2020    | Boland's Centre, Cairns                                                          | 10:00am to 10:45am                 | Stakeholder Meeting    | 2      |
| 29                                                                   |                            | Boland's Centre, Cairns                                                          | 11:00am to 11:45am                 | Stakeholder Meeting    | 1      |
| 30                                                                   |                            | Level 9, 15 Lake Street, Cairns (DATSIP Conference Room, Cairns Corporate Tower) | 2:00pm to 3:30pm                   | Stakeholder Meeting    | 2      |
| 31                                                                   | Thursday 3 December 2020   | Cairns                                                                           |                                    | Traditional Owners     | 10     |
| 32                                                                   | Friday 11 December 2020    | Council offices                                                                  |                                    | Stakeholder Meeting    | 7      |
| 33                                                                   | Thursday 17 December 2020  | Various locations                                                                |                                    | Council Staff Meetings | 51     |
| <b>RECONSULTATION (TUESDAY 6 APRIL 2021 TO THURSDAY 3 JUNE 2021)</b> |                            |                                                                                  |                                    |                        |        |
| 34                                                                   | Wednesday 21 April 2021    | Injinoo                                                                          | 9:00am to 10:00am                  | Traditional Owners     | 1      |
| 35                                                                   | Thursday 22 April 2021     | Turtle Head Island                                                               | 2:00pm                             | Stakeholder Meeting    | 2      |



### 3.4 Community Awareness

The following actions were completed to increase community awareness of the consultation period and, where relevant, the consultation activities discussed in Section 3.2. These include the actions required under the Planning Act.

- Two public notices appeared in the Cape & Torres News (one for the planning scheme and one for the interim LGIP amendment) on 6 November 2020.
- A copy of the planning scheme, the interim LGIP amendment and the public notices was available on Council's website for the duration of the public consultation period.
- A copy of the planning scheme and the interim LGIP amendment was available at Council's office on Thursday Island for the duration of the public consultation period.
- A letter was sent by email to the adjoining local governments of Cook Shire Council, Torres Strait Island Regional Council and Northern Peninsula Area Regional Council on 17 November 2020.
- Letters were sent to stakeholders via email inviting them to meetings on various dates and providing information about the planning scheme, generally in accordance with the Communications and Engagement Strategy.
- An email was sent to all Council staff to provide information about the planning scheme on 19 November 2020.
- A community poster was prepared advertising the proposed community days (see Section 3.2). This community poster was:
  - Posted on Council's Facebook page on 10 November 2020;
  - Placed on notice boards in public locations in the community;
  - Sent by mail to all residents on Thursday Island; and
  - Displayed at all community days to advertise further days.
- Signage was placed at all community days, including in the immediate vicinity, drawing attention to the event.
- The public consultation period was advertised on Radio 4MW, including an interview.
- Factsheets and submission templates were available at community days.

The following were completed to increase community awareness of the reconsultation period. These include the actions required under the Planning Act.

- Two public notices appeared in the Cape & Torres News (one for the planning scheme and one for the interim LGIP amendment) on 1 April 2021.
- A copy of the revised planning scheme, the revised interim LGIP amendment and the public notices was available on Council's website for the duration of the public reconsultation period.
- A copy of the revised planning scheme and the revised interim LGIP amendment was available at Council's office on Thursday Island for the duration of the public reconsultation period.

A copy of records and photographs of these actions is provided in **Appendix A**.

### 3.5 Submissions Received

During the public consultation period, a total of 32 submissions were received. A copy of these submissions is provided as **Appendix B**.

During the reconsultation period, one (1) submission was received. A copy of this submission is also provided in **Appendix B**.

## 4 Analysis Methodology

### 4.1 Feedback Inputs

The following data sources have been used as a source of inputs to the analysis documented within this report:

- 33 formal submissions (see **Appendix B**);
- Feedback received and documented during the consultation activities discussed in Section 3.3 of this report (see **Appendix D**);
- Further testing and review of the planning scheme during the public consultation period, particularly in response to queries received by the community;
- Further feedback from Council officers during the public consultation period;
- Additional feedback provided by the (then) Planning and Development Services group of Queensland Treasury relating to the planning scheme; and
- Informal feedback received from stakeholders and the community outside the dedicated consultation events.

A detailed analysis of the feedback received has been completed and is documented in a Submissions Response Report. Council is required, by the Section 18 Notice for the proposed planning scheme and Section 5.2 of the Minister's Guidelines and Rules, to consider all properly made submissions. This report considers all submissions and other feedback received as listed above.

### 4.2 Categorisation of Technical Matters

An initial review of all feedback received was undertaken to identify the spectrum of technical matters raised as part of the feedback. Due to the nature of community consultation, a number of matters were raised that were beyond the planning scheme. This feedback has, however, been included in the review and noted as a source of further action (beyond the planning scheme) for Council, where appropriate. From this initial review, categories of feedback were identified, with submissions and other feedback categorised accordingly. Submissions were included in as many categories as appropriate. The selected categories were refined as appropriate during this process. This review is documented in the matrix provided in **Appendix C**.

The use of this categorisation approach allows for the consolidation of all similar feedback in an efficient manner for detailed consideration.

### 4.3 Synthesis of Feedback

Categorisation of the submissions and other feedback allowed for the consolidation of each individual note or feedback item. This allowed for the views of the community to be synthesised for each topic, inclusive of the documentation of potentially differing views. This process is outlined in Chapter 5 for each category through the provision of a summary of the feedback provided.

## 4.4 Technical Analysis

To the extent relevant to each technical matter, an analysis of the feedback raised was completed. This process is documented for each matter in Chapter 5 of this report. From this technical analysis, one or more technical recommendations have been provided. These recommendations are denoted by a coloured box in Chapter 5 and are compiled in Chapter 6 for ease of reference. Two different colours are used to denote different types of recommendations, as explained below. Technical recommendations made following the reconsultation period are denoted through the use of **red text** as shown below.

### **Technical Recommendation 4.4.1a**

*This is an example of a technical recommendation that appears in Chapter 5. This type of recommendation relates to the planning scheme and is discussed in Section 6.1 of this report.*

### **Technical Recommendation 4.4.1b**

*This is an example of a technical recommendation that appears in Chapter 5. This type of recommendation relates to other matters that are relevant to Council however are beyond those that can be considered as part of the planning scheme and is discussed in Section 6.2 of this report.*

### **Technical Recommendation 4.4.1c**

*This is an example of a technical recommendation that appears in Chapter 5. This type of recommendation relates to the planning scheme and is discussed in Section 6.1 of this report. The use of red text denotes that the recommendation has been added in response to comments received during the reconsultation period.*

### **Technical Recommendation 4.4.1d**

*This is an example of a technical recommendation that appears in Chapter 5. This type of recommendation relates to other matters that are relevant to Council however are beyond those that can be considered as part of the planning scheme and is discussed in Section 6.2 of this report. The use of red text denotes that the recommendation has been added in response to comments received during the reconsultation period.*

## 5 Analysis and Review

### 5.1 Overview

As discussed in Chapter 4, analysis of the submissions and other feedback has been undertaken by grouping feedback into categories to allow for consolidated and efficient review of each relevant technical matter. The matrix provided in **Appendix C** outlines the extent to which each matter was raised in the submissions and other feedback.

The analysis and review has used the tiered arrangement of categories outlined in **Table 5-1**, which is reflected in the structure of this chapter.

The analysis and review provides the following for each technical matter:

- a summary of the relevant aspects of the planning scheme (if any);
- a synthesis of the feedback received;
- an analysis of the feedback having regard to all relevant matters; and
- a recommendation, where required, of planning scheme amendments or other actions.

Table 5-1 Categories of Feedback

| Category                                     | Specific Matters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning – Industrial Land                     | <ul style="list-style-type: none"> <li>▪ Southern Thursday Island</li> <li>▪ Rebel Wharf</li> <li>▪ Rose Hill</li> <li>▪ Horn Island</li> <li>▪ Land near Frog Gully</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                          |
| Zoning – Other Land                          | <ul style="list-style-type: none"> <li>▪ Quarantine</li> <li>▪ Western Thursday Island</li> <li>▪ 4 Wees Street, Horn Island</li> <li>▪ Horn Island near port land</li> <li>▪ Land near Thursday Island wharf</li> <li>▪ Old Post Office and surrounding land</li> <li>▪ Cultural Centre</li> <li>▪ Council Building</li> <li>▪ Hargrave Street</li> <li>▪ Gateway Motel</li> <li>▪ Child Care Centre – Nawie Street</li> <li>▪ Land in Rural Zone on Airport Road</li> <li>▪ IBIS – Tamwoy Town and Rose Hill</li> <li>▪ Places of Worship</li> <li>▪ Prince of Wales Island</li> </ul> |
| Building Design and Development Requirements | <ul style="list-style-type: none"> <li>▪ Building Height</li> <li>▪ Building Design</li> <li>▪ Domestic Outbuildings</li> <li>▪ Car Parking Rates</li> <li>▪ Lot Sizes</li> <li>▪ Other Design Matters</li> </ul>                                                                                                                                                                                                                                                                                                                                                                        |
| Land Use                                     | <ul style="list-style-type: none"> <li>▪ Housing Supply and Need</li> <li>▪ New Land Uses</li> <li>▪ Tourism Development</li> <li>▪ Mainland</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Category                                       | Specific Matters                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Categories of Development and Assessment       | <ul style="list-style-type: none"> <li>▪ Dwelling Houses</li> <li>▪ Tenancy Changes</li> <li>▪ Non-Residential Uses in Residential Zones</li> <li>▪ Low Risk Development in Residential Zones</li> <li>▪ Requirements for Accepted Development</li> <li>▪ Merit Outcomes</li> <li>▪ Temporary Uses</li> <li>▪ Short-Term Accommodation</li> <li>▪ Building Work</li> <li>▪ Rural Residential Zone</li> <li>▪ Other Development</li> </ul> |
| Overlays and Constraints                       | <ul style="list-style-type: none"> <li>▪ Heritage Overlay</li> <li>▪ Coastal Hazard Overlay</li> <li>▪ Bushfire Hazard Overlay</li> <li>▪ Flooding / Drainage</li> <li>▪ Native Title</li> </ul>                                                                                                                                                                                                                                          |
| Public Facilities, Infrastructure and Services | <ul style="list-style-type: none"> <li>▪ Boat Ramps</li> <li>▪ Public Parkland, Streetscape and Landscaping</li> <li>▪ Footpaths</li> <li>▪ Infrastructure / Services</li> <li>▪ Rubbish Service</li> <li>▪ Use of Road Reserves</li> <li>▪ Airport Upgrades</li> </ul>                                                                                                                                                                   |
| Administrative and Other Matters               | <ul style="list-style-type: none"> <li>▪ Planning Scheme Structure</li> <li>▪ Interpretation</li> <li>▪ Consultation Approach</li> <li>▪ Regional Approach</li> <li>▪ Other</li> </ul>                                                                                                                                                                                                                                                    |

## 5.2 Zoning – Industrial Land

The location of land in the Industry Zone within the Shire, to support industrial uses, is a matter that has seen significant submissions, feedback and community interest. It is widely acknowledged that there is a lack of available land for urban development on Thursday Island however there exists an ongoing demand for land suitable for industrial purposes.

The Torres Shire Residential, Industrial and Recreational Land Supply Study was prepared by Reel Planning in December 2017 to inform the provision of land across a variety of use types, including industrial. This study identified a future demand of three (3) hectares existing over a 20-year horizon. It is noted however that a range of constraints including land ownership and the proximity of residential uses may restrict the use of some land. There is also potentially an increased demand from a variety of factors that has not been captured, such as existing uses seeking to relocate.

Areas of land either currently included, or requested to be included, in the Industry Zone under the planning scheme, have been outlined in the following subsections so as to allow their consideration as part of the holistic assessment of industrial land supply in the Shire. Feedback was received on these specific areas of land and this is discussed in the relevant subsection. A range of broader feedback was also received which included:

- Identification of a range of business opportunities that the local community would like to pursue on Thursday Island, but lack the available land to do so, such as engineering works, joinery shop and car wreckers.
- A need to provide land on Thursday Island due to its proximity to the highest concentration of demand for future industrial activities. Discussion of available land on Horn Island indicated that

while this land may be suitable for some uses, particularly those focussed on the airport and servicing the local population, location of some industrial uses on Horn Island would involve significant transport between Thursday Island and Horn Island, which is unfeasible. This was countered with some feedback which suggested that all industrial uses should be moved away from Thursday Island.

- A specific demand for land along the waterfront to support industrial development associated with water based activities. Feedback received identified those locations currently included in the Industry Zone as the most logical and ideal locations, given relevant land constraints.
- Discussion of land ownership and availability of vacant land providing a key limitation to further industrial development, with the majority of land included in the Industry Zone already developed, and the limited number of vacant parcels held by a small number of owners, reducing supply and increasing potential costs. The overarching feedback received in this regard was to ensure that sufficient land was available to provide options for the location of future industrial activities.
- Identification of the existing use of residential properties across Thursday Island for industrial type activities (such as builders' yards), due to a lack of available industrial land. It was noted that these uses would like to locate on more suitable land, however this is not readily available.
- Concern from the community regarding the interface between industrial and residential development, particularly where the Industry Zone is proximate to established residential uses. Concerns including noise, dust, traffic, outlook, safety, aircraft operations and general amenity.
- A need to consider infrastructure that services industrial development and the broader community (such as ports) and ensure that this infrastructure is protected from incompatible development (such as residential uses) to avoid compromising the ongoing efficient operation of these areas. This is relevant to not only industrial uses but the broader community, who are reliant on infrastructure such as ports for supplies.

Based on the general feedback received regarding the Industry Zone, it was identified that whilst there are concerns regarding land use interfaces, there is a need, for the broader benefit of the community, to ensure that sufficient land is provided throughout the Shire, particularly on Thursday Island, to specifically support industrial activities.

## 5.2.1 Southern Thursday Island

### 5.2.1.1 Planning Scheme Summary

Land fronting the water located to the south of Douglas Street, namely 11, 13, 15-23, 25 and 27 Douglas Street, Thursday Island more properly described as Lot 58 on TS59, Lot 50 on TS836123, Lot 114 on SP142714, Lot 106 on SP116895 and Lot 84 on SP116895 is included within the Industry Zone in the planning scheme, as shown in Figure 5-1.

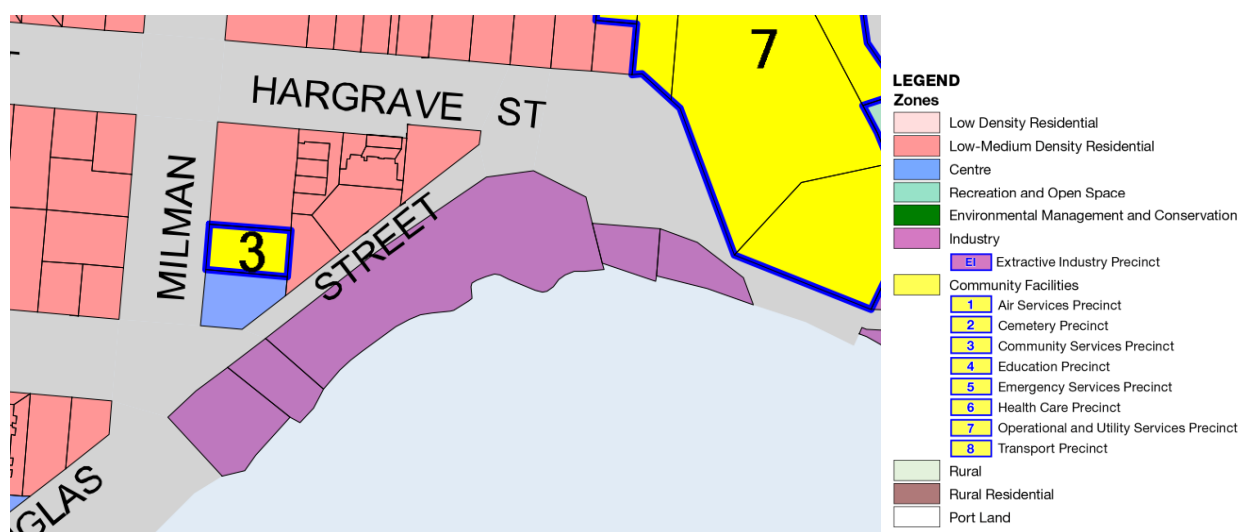


Figure 5-1 Extract of Zoning Map (Southern Thursday Island)

### 5.2.1.2 *Feedback Received*

Beyond the overarching feedback discussed at the start of Section 5.2 relating to the Industry Zone, specific feedback received in relation to this area of land raised concern regarding the proximity of houses to the land and the potential amenity impacts that future industrial activities may have on surrounding land uses, particularly on Douglas Street.

A submission was also received objecting to the inclusion of the land in the Industry Zone, identifying the land instead as being a suitable location for residential development due to its waterfront location and the lack of residential land, which should be reflected in the zoning pattern. The submission identified that the Industry Zone was a significant departure from the zoning of the land in the Business Zone under the current planning scheme.

A further submission was received during the reconsultation period further objecting to the inclusion of this land in the Industry Zone. The grounds raised in this further submission include:

- An intention of the land owner to develop the land for residential and commercial purposes.
- The compatibility of residential and commercial uses to existing land uses in the surrounding area.
- The site was previously used for residential development.
- There is a critical shortfall of residential and commercial floorspace on Thursday Island and there is an overriding need for the land to be developed for those purposes.
- The proposed zoning is a “significant departure” from the current zoning (Business Zone).

### 5.2.1.3 *Analysis and Recommendation*

The overarching direction of the planning scheme is to support waterfront industrial development where possible and appropriate, noting the finite land that is available to support such activities. The land on the southern side of Thursday Island represents one of only two locations where this can be achieved given the various constraints of other waterfront land. The other suitable area at Rose Hill (further discussed in Section 5.2.3) is largely developed with limited vacant land available for further industrial uses. Vacant land exists on the subject land on Douglas Street, which could be developed for a range of purposes that will support the community and local businesses. The inclusion of the land in the Industry Zone is consistent with this intent.

Waterfront land is subject to coastal hazard constraints (erosion and storm-tide inundation) as identified in the Coastal Hazard Overlay of the planning scheme. Residential uses should be discouraged from being located in such natural hazards where this can be avoided. Encouraging new residential development would be inappropriate in this location given the identified hazards. Industrial development, particularly where necessarily located near the water, is more compatible with coastal hazards.

It is acknowledged that there is a lack of available land for residential development and the planning scheme includes a range of measures to address this, including supporting an increased density of development on Thursday Island and providing additional residential land on Horn Island, consistent with the residential land supply study undertaken to inform the preparation of the planning scheme.

It is also acknowledged that the interface between industrial and residential development needs to be appropriately managed and the concerns of the community in this regard are understood and appreciated. It is also important to note that the Standard Outcomes of the Industry Zone include specific requirements relating to noise and air emissions where development is proximate to a sensitive land use.

#### **Technical Recommendation 5.2.1**

*It is recommended that land at 11, 13, 15-23, 25 and 27 Douglas Street, Thursday Island be retained in the Industry Zone.*



## 5.2.2 Rebel Wharf

### 5.2.2.1 Planning Scheme Summary

Land located at 5-9 Douglas Street, 10 Douglas Street and 12-16 Douglas Street more properly described as Lot 61 on SP126540, Lot 2 on RP717846 and Lot 62 on SP126540 is included in the Industry Zone under the planning scheme, as shown in Figure 5-2.

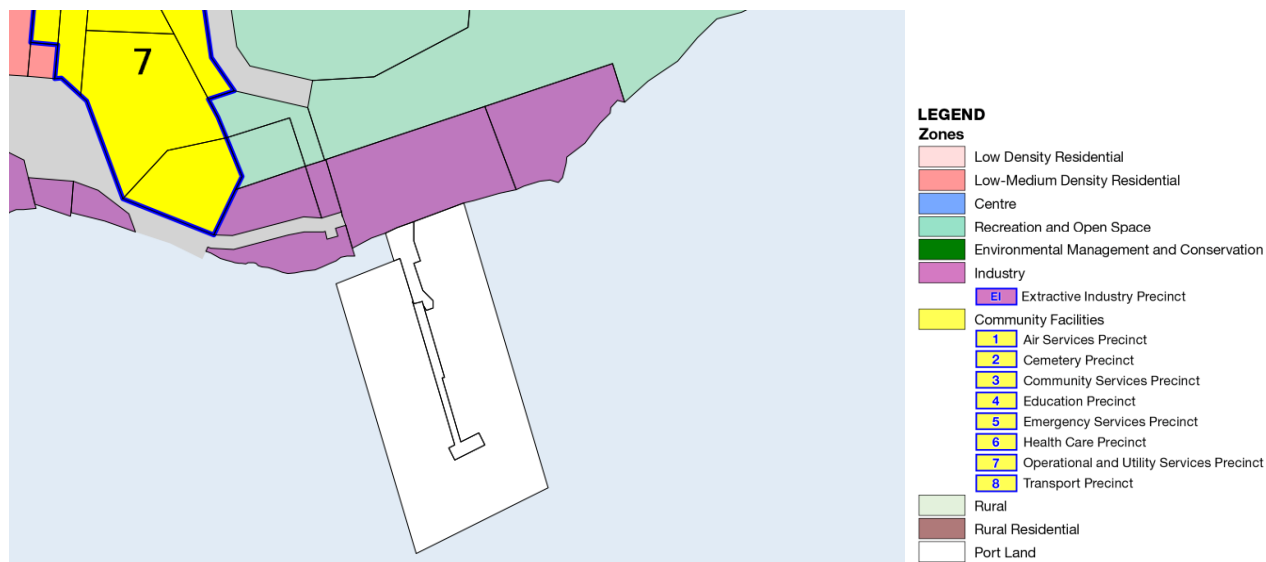


Figure 5-2 Extract of Zoning Map (Rebel Wharf)

### 5.2.2.2 Feedback Received

Beyond the overarching feedback discussed at the start of Section 5.2 relating to the Industry Zone, specific feedback received in relation to this area of land highlighted the importance of the adjoining wharf (referred to as the “Rebel Wharf”), as the only deep water access to Thursday Island that is currently suitable for ongoing use. It is understood that ongoing planning has been undertaken by TSRA to protect and promote the use of this adjoining wharf.

Feedback raised concern over the proximity of residential development to the wharf and potential impacts this could have on the efficient operation of nearby industrial uses, including the wharf. It is noted that this area is identified as Strategic Port Land. It was also identified that the proximity of this land to the coast would make it susceptible to coastal erosion, which is reflected in the Coastal Hazard Overlay of the planning scheme.

### 5.2.2.3 Analysis and Recommendation

The subject land is currently improved with residential uses under the ownership of the Department of Housing. These uses, provided they have lawfully been established, can be maintained and continue, irrespective of the provisions of the planning scheme. The planning scheme seeks to articulate Council's future land use intent for the land. On the basis of the need to protect the limited available industrial land on Thursday Island and the existing wharf infrastructure, given its strategic importance to the community, it is considered appropriate for the planning scheme to promote the future establishment of industrial uses, that are compatible with the existing wharf, on this land. On this basis, the land is to be retained in the Industry Zone.

#### **Technical Recommendation 5.2.2**

*It is recommended that land at 5-9, 10 and 12-16 Douglas Street, Thursday Island be retained in the Industry Zone.*



### 5.2.3 Rose Hill

#### 5.2.3.1 Planning Scheme Summary

Land at 59, 63, 65, 67, 69, 71, 73, 75, 77, 81, 83, 85, 87 and 89 Waiben Esplanade, Thursday Island (Rose Hill) more properly described as Lot 99 on SP147766, Lot 1 on RP735652, Lots 1 and 2 on RP737293, Lots 2, 3 and 4 on RP800640, Lot 120 on TS95, Lot 123 on TS334, Lots 124 and 125 on TS155, Lots 80 and 81 on SP153363 and Lot 81 on AP23125 is located in the Industry Zone under the planning scheme, as shown in Figure 5-3.

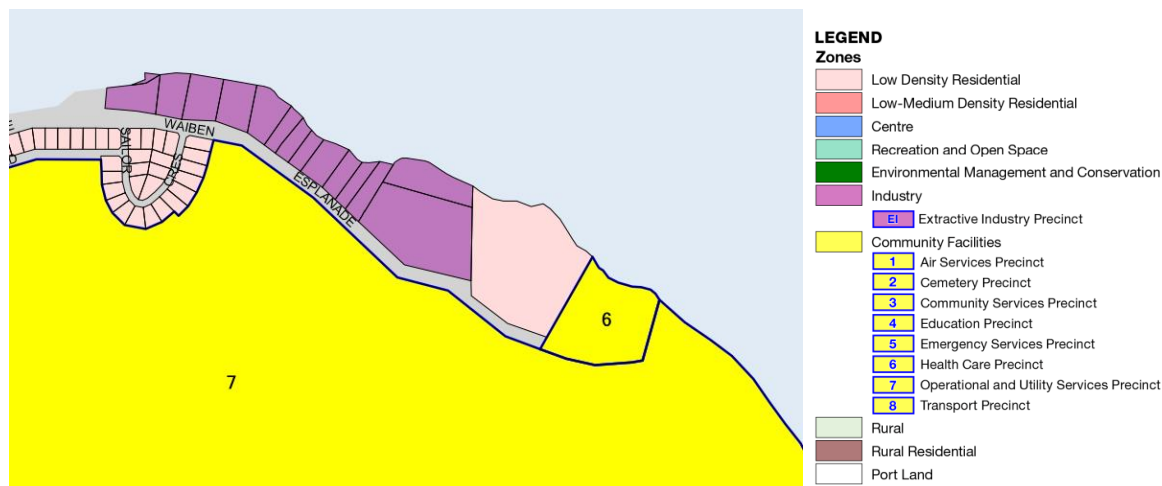


Figure 5-3 Extract of Zoning Map (Rose Hill)

#### 5.2.3.2 Feedback Received

Beyond the overarching feedback discussed at the start of Section 5.2 relating to the Industry Zone, specific feedback received in relation to this area of land raised concern regarding amenity impacts associated with traffic movements and helicopter noise relating to existing land uses. Feedback also identified specifically the strategic importance of the Rose Hill industrial land to a range of businesses.

#### 5.2.3.3 Analysis and Recommendation

Land at Rose Hill is largely developed with existing primarily industrial purposes. The planning scheme is unable to regulate existing land uses and, where specific noise complaints exist, these should be investigated to ensure that these land uses are operating in compliance with any relevant development approvals, including conditions.

It is noted that the land at Rose Hill is of significant importance to the ongoing operation of a range of waterfront industries. These uses contribute to the local economy and should be permitted to continue and expand as required to support the community. The land at Rose Hill represents one of only two identified locations where such uses could be accommodated.

It is also important to note that the Standard Outcomes of the Industry Zone include specific requirements relating to noise and air emissions where development is proximate to a sensitive land use.

#### **Technical Recommendation 5.2.3a**

*It is recommended that land at 59, 63, 65, 67, 69, 71, 73, 75, 77, 81, 83, 85, 87 and 89 Waiben Esplanade, Thursday Island (Rose Hill) be retained in the Industry Zone.*

#### **Technical Recommendation 5.2.3b**

*Undertake compliance investigations of existing land uses on land at 59, 63, 65, 67, 69, 71, 73, 75, 77, 81, 83, 85, 87 and 89 Waiben Esplanade, Thursday Island (Rose Hill) where noise complaints are received.*

## 5.2.4 Horn Island

### 5.2.4.1 Planning Scheme Summary

Land parcels located to the north of Airport Road, Horn Island, more properly described as Lot 191 on TS323, Lots 1, 2 and 3 on AP14382, Lots 126 and 127 on TS103 and Lots 130 and 131 on CP857591, are located in the Industry Zone under the planning scheme, as shown in Figure 5-4.

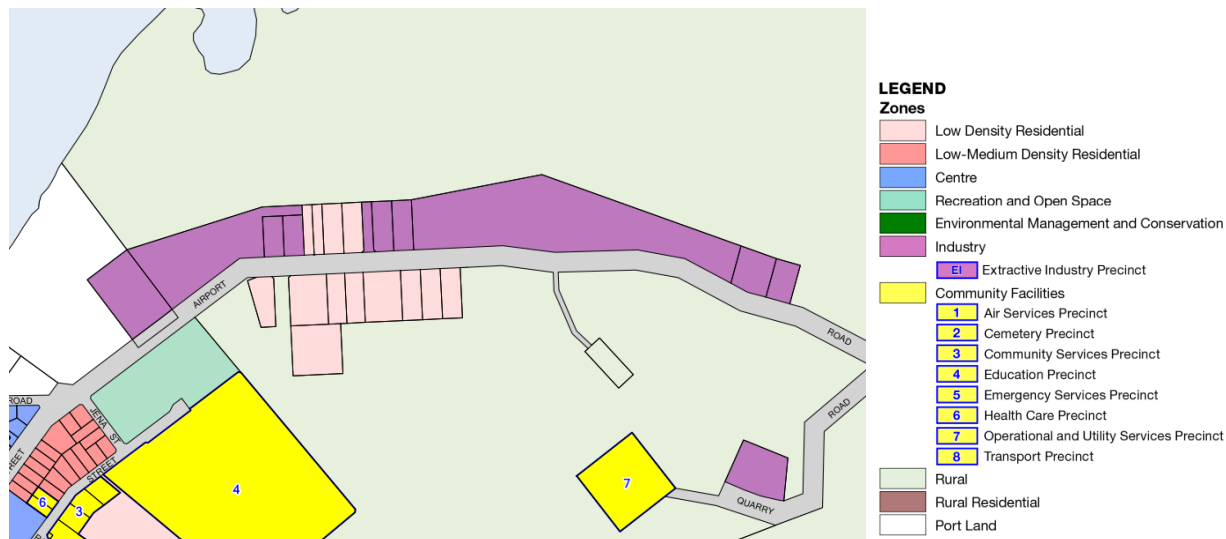


Figure 5-4 Extract of Zoning Map (Airport Road – North)

### 5.2.4.2 Feedback Received

Beyond the overarching feedback discussed at the start of Section 5.2 relating to the Industry Zone, specific feedback received in relation to this area of land raised concern regarding the relationship to existing residential uses on and near this land. Other feedback identified that the provision of dedicated industrial land on Horn Island was vital to the establishment of new businesses, particularly to service Wasaga and the nearby airport.

### 5.2.4.3 Analysis and Recommendation

It is acknowledged that this area currently includes a number of established residential uses. This has been partly reflected through the inclusion of existing Department of Housing land in the Low-Density Residential Zone, as shown in Figure 5-4, where it is understood that these uses will likely continue for a significant period of time. This does not, however, cover all residential uses in the area. The intent of the planning scheme is to gradually transition the use of this land for residential and vacant land to industrial activities. The land has been specifically selected given its general proximity, although degree of separation from, the Wasaga township, its accessibility to the township, port and airport through use of Airport Road (which is of a high standard suitable for industrial traffic) and the constraints of the Indigenous Land Use Agreement. Given such a transition will be a long term process, the current zoning pattern is considered appropriate. It is important to note that the zoning of the planning scheme does not prevent an existing lawful land use from continuing without modification.

It is also important to note that the Standard Outcomes of the Industry Zone include specific requirements relating to noise and air emissions where development is proximate to a sensitive land use.

#### **Technical Recommendation 5.2.4**

*It is recommended that land on Airport Road, Horn Island, more properly described as more properly described as Lot 191 on TS323, Lots 1, 2 and 3 on AP14382, Lots 126 and 127 on TS103 and Lots 130 and 131 on CP857591, be retained in the Industry Zone.*

## 5.2.5 Land near Frog Gully

### 5.2.5.1 Planning Scheme Summary

The name “Frog Gully” was used by a number of community members to refer to an area of land on Thursday Island in the vicinity of the existing Council depot. Land in this area is currently included in the Community Facilities Zone and the Recreation and Open Space Zone under the planning scheme, as shown in Figure 5-5.

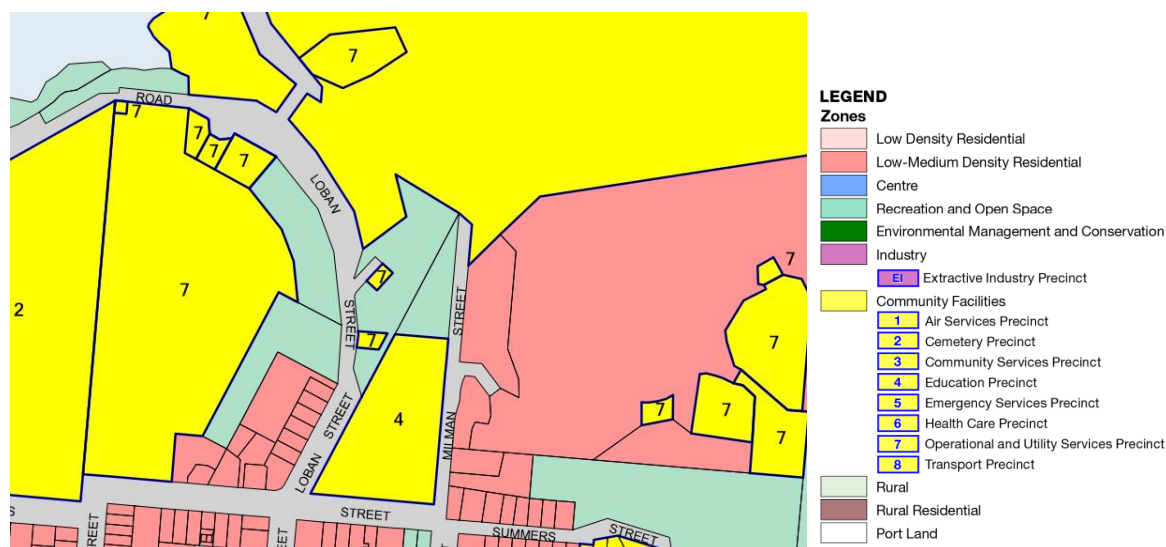


Figure 5-5 Extract of Zoning Map (Land near Frog Gully)

### 5.2.5.2 Feedback Received

Beyond the overarching feedback discussed at the start of Section 5.2 relating to the Industry Zone, specific feedback received in relation to this area of land identified it as a potential opportunity to accommodate future industrial uses on Thursday Island, away from established residential uses.

### 5.2.5.3 Analysis and Recommendation

This area of land is acknowledged as having the potential to support a range of future land uses, subject to detailed investigations of the land and subsequent structure planning. It is understood that the land is subject to a number of constraints including proximity to the dam and native title. It is acknowledged that the planning scheme should note the future development potential of this land, however given the need to undertake detailed investigations prior to understanding the opportunities it provides, it would be inappropriate to rezone this land. Instead, it is considered appropriate to include the land within an investigation area, that flags the future development of this area, to avoid future land use conflicts and promote detailed, site specific investigations.

#### Technical Recommendation 5.2.5

*It is recommended that an Investigation Area be identified in the Strategic Outcomes of the planning scheme for the area near Frog Gully, generally incorporating the western part of Lot 152 on CP882790. This Investigation Area is to identify potential future use of this land for industrial purposes, subject to detailed site investigations and master planning. A new map is to be produced to identify this Investigation Area.*

## 5.3 Zoning – Other Land

### 5.3.1 Quarantine

#### 5.3.1.1 Planning Scheme Summary

Land at Quarantine, specifically Lot 78 on TS48 and Lot 1 on SP109478, is included in the Recreation and Open Space Zone under the planning scheme, as shown in Figure 5-6.

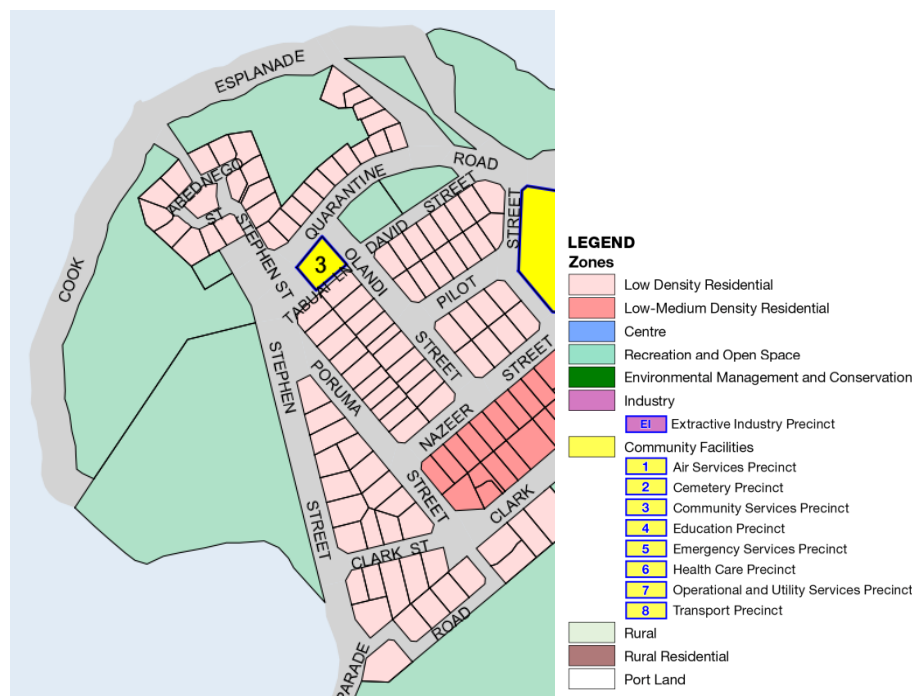


Figure 5-6 Extract of Zoning Map (Quarantine)

#### 5.3.1.2 Feedback Received

A number of submissions and other feedback have raised the zoning of this land. The community have identified that this land could support the provision of additional housing for the community, with development supporting home ownership and addressing overcrowding. It is suggested in some submissions that this could be reflected through the inclusion of the land in the Low Density Residential Zone. Feedback also requested that the existing church be reflected in the zoning of the land (further discussion is also provided in Section 5.3.14).

#### 5.3.1.3 Analysis and Recommendation

The potential for the subject land to support future residential development, as raised by the submissions, is acknowledged. It is noted, however, that the land is subject to a number of constraints including existing communications infrastructure, coastal hazards, land tenure/ownership, native title and historic land uses. Prior to the identification of this land as being suitable for residential purposes, it will be necessary for these constraints to be fully investigated to understand the development potential of the land. On this basis, it is considered inappropriate to amend the zoning of the land in the planning scheme, noting the uncertainty regarding the development potential of the land. Instead, it is considered more appropriate to identify the potential for residential development in this location as part of an Investigation Area in the Strategic Outcomes of the planning scheme.

#### **Technical Recommendation 5.3.1**

*It is recommended that an Investigation Area be identified in the Strategic Outcomes of the planning scheme for land at Quarantine more properly described as Lot 78 on TS48 and Lot 1 on SP109478. This Investigation Area is to identify potential future use of this land for residential purposes, subject to detailed site investigations and master planning. A new map is to be produced to identify this Investigation Area.*

### 5.3.2 Western Thursday Island

#### 5.3.2.1 Planning Scheme Summary

Land at the western end of Thursday Island is largely included in the Low-Medium Density Residential Zone, as shown in Figure 5-7.

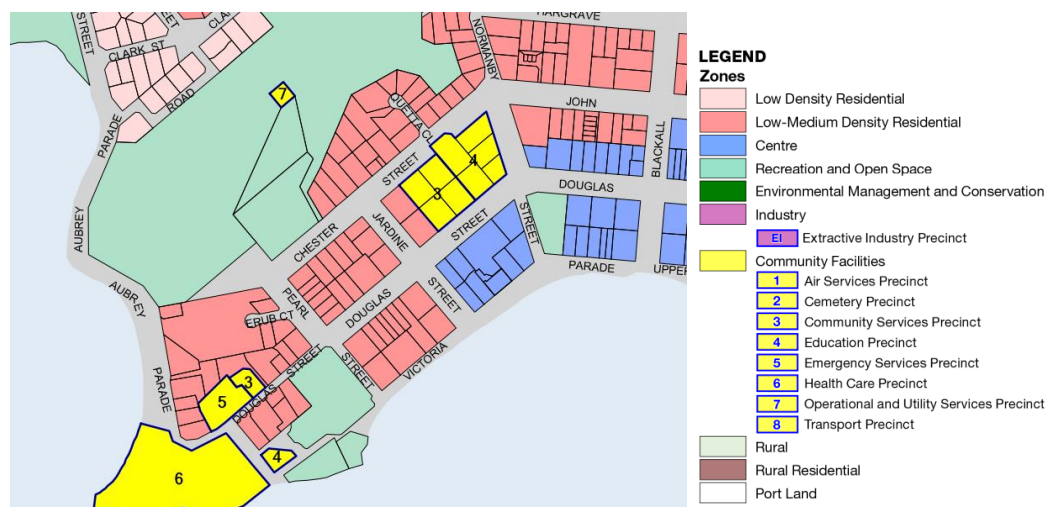


Figure 5-7 Extract of Zoning Map (Western Thursday Island)

#### 5.3.2.2 Feedback Received

Feedback received during the public consultation period questioned the appropriateness of the Low-Medium Density Residential Zone, particularly in the vicinity of Chester Street. It was identified that a lower density of development should be supported while other feedback requested reflection of the existing use of land for builder's yards.

#### 5.3.2.3 Analysis and Recommendation

The inclusion of this land in the Low-Medium Density Residential Zone is consistent with the intention of the planning scheme to encourage the densification of development on Thursday Island to support an increase in housing supply and diversity. It is not considered that this area is significant difference to other similarly zoned areas to warrant a lower density. The current use of residential land as builder's yard is considered an undesirable land use planning outcome and it is understood that this has occurred due to a lack of available industrial land on Thursday Island. This is addressed specifically in Section 5.2 of this report.

#### **Technical Recommendation 5.3.2**

*It is recommended that the zoning of land in western Thursday Island be retained without alteration.*

### 5.3.3 4 Wees Street, Horn Island

#### 5.3.3.1 Planning Scheme Summary

Land at 4 Wees Street, Horn Island, more properly described as Lot 152 on SP110299, is included in the Centre Zone under the planning scheme.

#### 5.3.3.2 Feedback Received

A submission was received requesting that the land be included in the Low-Medium Density Residential Zone to facilitate the current intent to develop the land for residential purposes including houses and duplexes. The submission identified that the historic zoning of the land was not a sound basis for the inclusion of the land in the Centre Zone and that the zoning was inconsistent with the adopted Wasaga Master Plan Strategy. The submission identifies the land as being largely unconstrained and suitable for residential development.



### 5.3.3.3 Analysis and Recommendation

The inclusion of the land within the Centre Zone reflects the current planning scheme, which includes the land in the Business Zone (which is equivalent to the Centre Zone) and the direction provided by the Wasaga Master Plan prepared by DSDSATSIP. A detailed review of the draft zoning pattern of the planning scheme was undertaken by the authors of Wasaga Master Plan to ensure consistency, with amendments made to the planning scheme subsequent to this review. Advice received at the time of preparation of the planning scheme was that the inclusion of the subject land in the Centre Zone was consistent with the Wasaga Master Plan.

Irrespective of planning to date for the land, the submission and its grounds are acknowledged. The land is located on the periphery of the Wasaga township and therefore is potentially unsuitable for land uses commonly found in the Centre Zone, which would generally be located so that they are accessible to the immediate community. The location of the land within the established bounds of the township means it is more suited to a higher density of development achieved through infill housing. The provision of residential land uses in this location would be proximate to a range of local services in Wasaga.

#### Technical Recommendation 5.3.3

*It is recommended that the zoning of land at 4 Wees Street, Horn Island, more properly described as Lot 152 on SP110299, be changed from the Centre Zone to the Low-Medium Density Residential Zone.*

## 5.3.4 Horn Island near Port Land

### 5.3.4.1 Planning Scheme Summary

Land within the vicinity of Strategic Port Land on Horn Island is included in a combination of the Centre Zone and the Low-Medium Density Residential Zone, as shown in Figure 5-8.

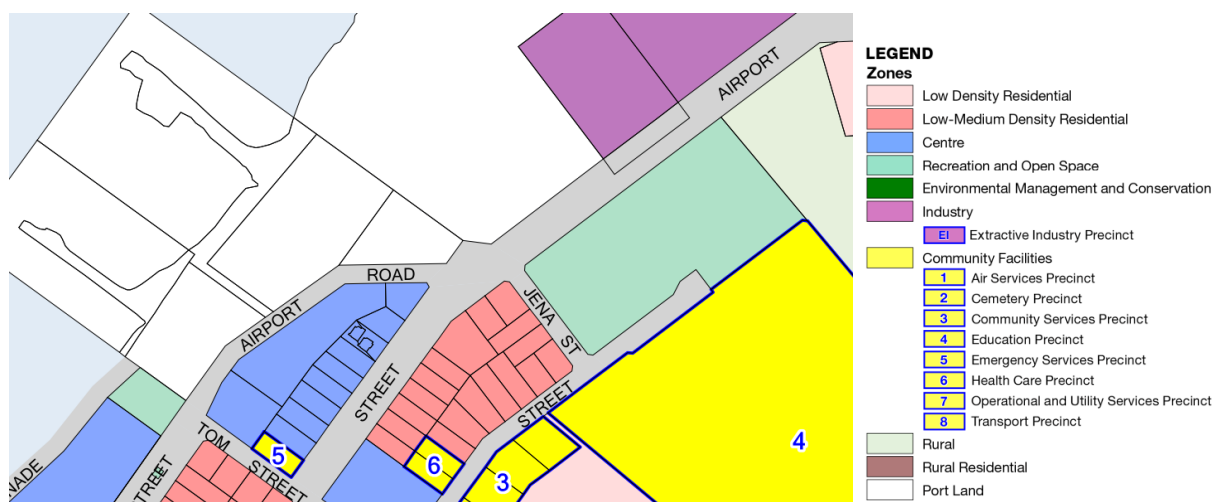


Figure 5-8 Extract of Zoning Map (Horn Island near Port Land)

### 5.3.4.2 Feedback Received

Concern was raised in a submission relating to potential land use conflicts arising between residential uses and the nearby Strategic Port Land. The submission however acknowledged that the zoning reflects the zoning pattern of the existing planning scheme and the need to provide housing on well located land.

### 5.3.4.3 Analysis and Recommendation

Whilst the concerns of the submission are acknowledged, it is considered unnecessary to amend the zoning pattern to further separate residential uses from the Strategic Port Land. The road reserve is considered to provide sufficient separation and the provision of residential uses on the subject land is not considered likely to constrain the current and future operations of the port on this basis. It is noted that the Strategic Port Land is not regulated by the planning scheme.

**Technical Recommendation 5.3.4**

*It is recommended that the zoning of land in the vicinity of strategic port land on Horn Island be retained without alteration.*

**5.3.5 Land near Thursday Island Wharf****5.3.5.1 Planning Scheme Summary**

Land near the Thursday Island Wharf is largely included in the Centre Zone, as shown in Figure 5-9.

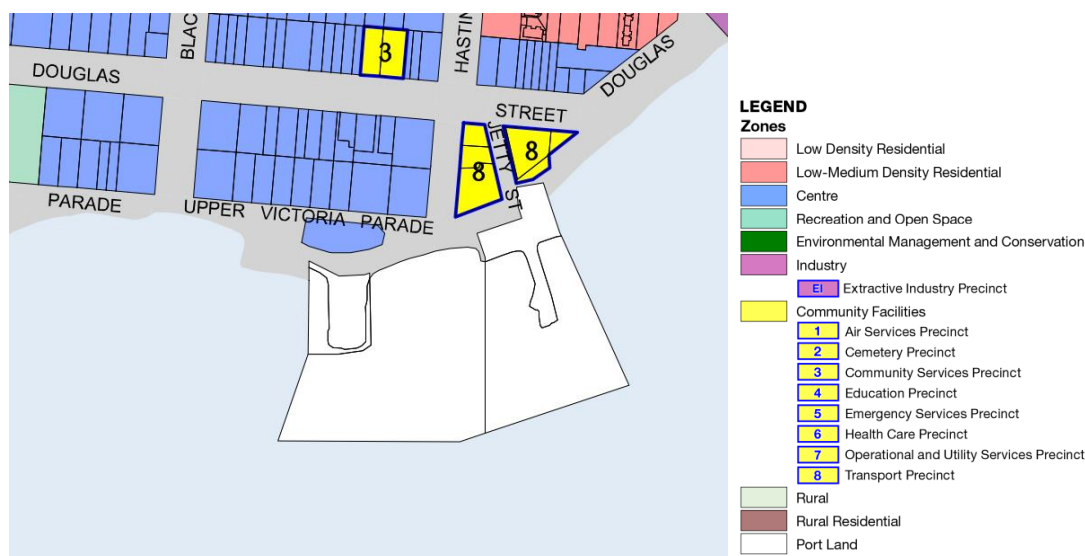


Figure 5-9 Extract of Zoning Map (Land near Thursday Island Wharf)

**5.3.5.2 Feedback Received**

A submission has been received supporting the current zoning pattern as it relates to the subject land.

**5.3.5.3 Analysis and Recommendation**

Changes to the proposed zoning of the land are not proposed as part of the response to any other feedback and, on the basis of the support provided by the submission, it is considered appropriate to retain the land in the Centre Zone.

**Technical Recommendation 5.3.5**

*It is recommended that land to the immediate north of strategic port land on Thursday Island, generally comprising land fronting Upper Victoria Parade, be retained in the Centre Zone under the planning scheme.*

### 5.3.6 Old Post Office and surrounding land

#### 5.3.6.1 Planning Scheme Summary

Land near the old Post Office on Thursday Island is included in the Transport Precinct of the Community Facilities Zone, as shown in Figure 5-10.

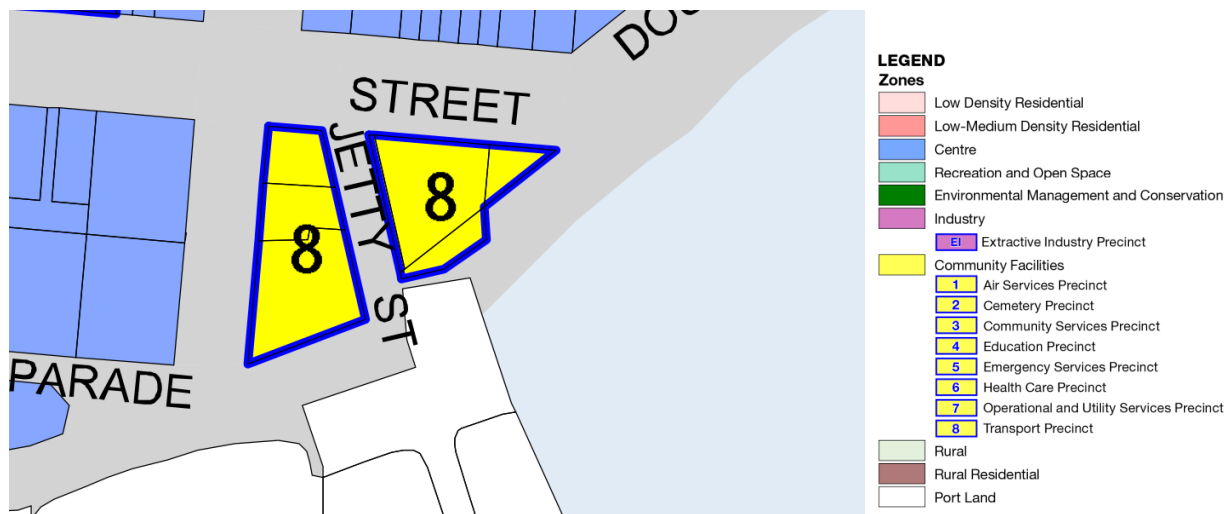


Figure 5-10 Extract of Zoning Map (Old Post Office)

#### 5.3.6.2 Feedback Received

Feedback received indicated that the subject land includes a variety of uses that are not wholly associated with the wharf. These include commercial and residential uses.

#### 5.3.6.3 Analysis and Recommendation

The inclusion of the land in the Transport Precinct of the Community Facilities Zone reflects its proximity to the existing wharf infrastructure. It is acknowledged, on the basis of the feedback received and further site inspections, that this zoning may not be appropriate for all the land within this area. It is considered appropriate for land currently improved with Australian Federal Police and Marine Safety Queensland uses to be retained in the current zone, given the existing uses and the likelihood for these to continue. Whilst such uses are often outside those regulated by the planning framework, it is an appropriate land use planning approach to reflect their ongoing operation.

It is appropriate for the balance of the land to be removed from the current zone and placed into the Centre Zone, which is generally consistent with the existing and future use of the land and surrounding land. It is important to note that existing lawful land uses may continue to operate irrespective of the zoning in the planning scheme.

#### **Technical Recommendation 5.3.6**

*It is recommended that the zoning of land 29, 29-33 and 35 Douglas Street, Thursday Island, more properly described as Lots 102 and 103 on RP725761 and Lots 104, 105 and 108 on RP729826, be changed from the Transport Precinct of the Community Facilities Zone to the Centre Zone.*



### 5.3.7 Cultural Centre

#### 5.3.7.1 Planning Scheme Summary

Land at 22 Victoria Parade, Thursday Island, more properly described as Lot 701 on T2071, is included in the Centre Zone in the planning scheme.

#### 5.3.7.2 Feedback Received

The land currently accommodates the Gab Titui Cultural Centre. Feedback received during the consultation period has questioned whether the Centre Zone is the most appropriate for this use.

#### 5.3.7.3 Analysis and Recommendation

It is acknowledged that the cultural centre is currently located on this site and that this use would more likely be consistent with the purpose of the Community Facilities Zone. It is noted however that this use could relocate or be changed in the future. Such an example is the combined use of the existing building by multiple uses, including the cultural centre. Where such a use was to relocate, the inclusion of the land in the Community Facilities Zone could limit the uses that could use the existing building without development approval, which could constrain development noting the important location of the land. The existing cultural centre may continue to operate as it currently does, with the planning scheme unable to alter the existing operation (provided it is lawful). The inclusion of the land in the Centre Zone is considered to improve the flexibility of the future use of the land, should the existing use cease or be altered in some way.

#### **Technical Recommendation 5.3.7**

*It is recommended that land at 22 Victoria Parade, Thursday Island, more properly described as Lot 701 on T2071, be retained in the Centre Zone in the planning scheme.*

### 5.3.8 Council Building

#### 5.3.8.1 Planning Scheme Summary

The Council building, located at 68 Douglas Street and more properly described as Lot 14 on TS20729, is located in the Community Services Precinct of the Community Facilities Zone under the Planning Scheme.

#### 5.3.8.2 Feedback Received

Feedback received during the consultation period has questioned whether the zone and precinct is the most appropriate for the Council building.

#### 5.3.8.3 Analysis and Recommendation

It is understood that the Council building is not intended to be relocated and as such the ongoing use of the land will be for Council administrative purposes. The inclusion of the land in the Community Services Precinct of the Community Facilities Zone reflects this land use intent. In the event that the Council building was to be relocated in the future, the zoning of the land under the planning scheme could be amended to reflect this.

#### **Technical Recommendation 5.3.8**

*It is recommended that land at 68 Douglas Street, Thursday Island, more properly described as Lot 14 on TS20729, is retained in the Community Services Precinct of the Community Facilities Zone under the planning scheme.*

### 5.3.9 Hargrave Street

#### 5.3.9.1 Planning Scheme Summary

Land located in Hargrave Street, Thursday Island, more properly described as Lot 7 on SP316374, is currently located in the Community Services Precinct of the Community Facilities Zone.

#### 5.3.9.2 Feedback Received

Feedback received has questioned whether the zoning of this land is appropriate.

#### 5.3.9.3 Analysis and Recommendation

It is understood that the subject land is used for a range of community purposes. This is consistent with the inclusion of the land in the Community Services Precinct of the Community Facilities Zone.

#### **Technical Recommendation 5.3.9**

*It is recommended that the land at Hargrave Street, Thursday Island, more properly described as Lot 7 on SP316374, be retained in the Community Services Precinct of the Community Facilities Zone.*

### 5.3.10 Gateway Motel

#### 5.3.10.1 Planning Scheme Summary

Land at 24 Outie Street, Horn Island, more properly described as Lot 1 on TS800638 and improved with the Gateway Motel is located within the Centre Zone under the planning scheme.

#### 5.3.10.2 Feedback Received

Feedback has been received that is supportive of the inclusion of the land in the Centre Zone.

#### 5.3.10.3 Analysis and Recommendation

The receipt of feedback from the community supports the proposed zoning of the land.

#### **Technical Recommendation 5.3.10**

*It is recommended that land at 24 Outie Street, Horn Island, more properly described as Lot 1 on TS800638, be retained in the Centre Zone.*

### 5.3.11 Child Care Centre – Horn Island

#### 5.3.11.1 Planning Scheme Summary

Land at Nawie Street, Horn Island, more properly described as Lot 20 on CP851532, is included within the Community Services Precinct of the Community Facilities Zone of the planning scheme.

#### 5.3.11.2 Feedback Received

Concern was raised during public consultation as to whether the existing Child Care Centre on Horn Island had been reflected in the zoning pattern of the planning scheme.

#### 5.3.11.3 Analysis and Recommendation

It is understood that land on Nawie Street (Lot 20 on CP851532) includes the existing Child Care Centre. This has been confirmed through reference to the Wasaga Master Plan and a site inspection. Inclusion of the land in the Community Services Precinct of the Community Facilities Zone is consistent with the current and future intent for this land to accommodate the Child Care Centre.

#### **Technical Recommendation 5.3.11**

*It is recommended that land at Nawie Street, Horn Island, more properly described as Lot 20 on CP851532 be retained in the Community Services Precinct of the Community Facilities Zone under the planning scheme.*

### 5.3.12 Land in Rural Zone on Airport Road

#### 5.3.12.1 Planning Scheme Summary

Land to the south of Airport Road on Horn Island is primarily included in the Rural Zone, as shown in Figure 5-11.

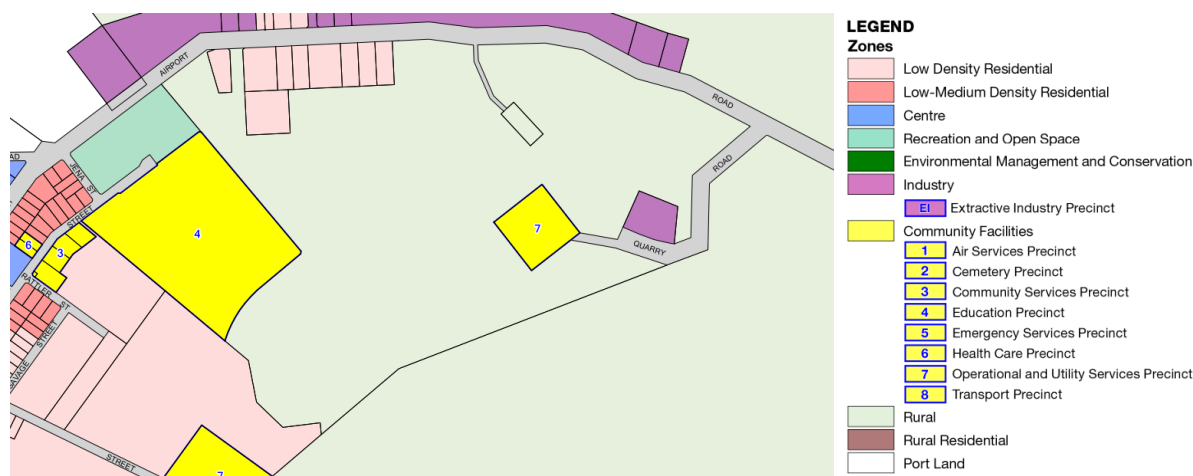


Figure 5-11 Extract of Zoning Map (Airport Road – South)

#### 5.3.12.2 Feedback Received

Feedback received during public consultation identified that land as providing potential for future development for urban purposes, particularly associated with the nearby airport.

#### 5.3.12.3 Analysis and Recommendation

Previous versions of the planning scheme have identified this land within an Emerging Community Zone, which has subsequently been removed in response to State Interest Review comments. As part of these changes, the Strategic Outcomes were amended to reflect the long-term intention for this area to develop for urban purposes and prevent future land use conflicts. Consistent with other responses, it is considered appropriate that the Strategic Outcomes be amended to identify a defined/mapped Investigation Area in this location. It is acknowledged that the future development of this area would need to consider the existing Indigenous Land Use Agreement (ILUA).

#### **Technical Recommendation 5.3.12**

*It is recommended that an Investigation Area be identified in the Strategic Outcomes of the planning scheme for the area of land in the Rural Zone south of Airport Road on Horn Island. This Investigation Area is to identify potential future long-term use of this land for urban purposes, subject to detailed site investigations and master planning. A new map is to be produced to identify this Investigation Area.*

### 5.3.13 IBIS – Tamwoy Town and Rose Hill

#### 5.3.13.1 Planning Scheme Summary

Land improved by the IBIS Supermarkets at Tamwoy Town and Rose Hill, namely Olandi Street, Thursday Island, more properly described as Lot 106 on SP212656, and 60 Waiben Esplanade, Thursday Island, more properly described as Lot 19 on T20736, is currently included in the Low Density Residential Zone under the planning scheme.

#### 5.3.13.2 Feedback Received

Feedback received has questioned whether the inclusion of the land in the Low Density Residential Zone appropriately reflects the ongoing use of these sites for an IBIS Supermarket.

### 5.3.13.3 Analysis and Recommendation

Whilst the primary function of the Low Density Residential Zone is to support residential development, it also has the purpose of supporting a small scale of non-residential development (such as shops) that provide services to the immediate residential community. At the time of drafting the planning scheme, it was understood that the IBIS Supermarkets were of a scale that was consistent with this purpose. Following site inspections of both locations as part of the public consultation of the planning scheme, it was noted that these existing uses may exceed the “small scale” uses intended for the zone, particularly where these were expanded in the future to further support the local communities in Tamwoy Town and Rose Hill. In order to ensure the ongoing and future operation of these uses, noting how vital they are to the community, it is considered more appropriate that these sites be included in the Centre Zone, which supports commercial and retail development such as the IBIS Supermarkets. This approach will also reinforce the provision of local services and the encouragement of a walkable neighbourhood, as discussed in the Strategic Outcomes of the planning scheme.

#### **Technical Recommendation 5.3.13**

*It is recommended that the zoning of land at Olandi Street, Thursday Island (Tamwoy Town), more properly described as Lot 106 on SP212656, and 60 Waiben Esplanade, Thursday Island (Rose Hill), more properly described as Lot 19 on T20736, be changed from the Low Density Residential Zone to the Centre Zone.*

### 5.3.14 Places of Worship

#### 5.3.14.1 Planning Scheme Summary

Land comprising existing Places of Worship is included in a range of zones under the planning scheme, including the Community Facilities Zone, the Low Density Residential Zone, the Low-Medium Density Residential Zone, the Centre Zone and the Recreation and Open Space Zone.

#### 5.3.14.2 Feedback Received

It was suggested that all Places of Worship should be located in a zone that reflects their existing land use, most likely the Community Facilities Zone.

#### 5.3.14.3 Analysis and Recommendation

Whilst it is acknowledged that existing places of worship are located in a variety of zones, the current zoning pattern is considered appropriate as:

- Any lawfully operating Place of Worship may continue to operate on the land on which it is located, irrespective of the zoning of the land under the planning scheme.
- The reflection of unlawful land uses in the planning scheme is inappropriate.
- Significant and/or long established Places of Worship
- The religious environment in the Shire is a dynamic one, with Places of Worship often changing location, ceasing to operating or new places opening. Zoning existing Places of Worship based on current information would likely result in the planning scheme quickly being outdated. Such an approach could constrain the freedom of people to practice their religion by limiting the number of suitable sites when considering the higher order provisions of the planning scheme.
- The planning scheme provides a degree of flexibility in the assessment of development proposals, meaning there is the potential for a Place of Worship to be accommodated in a range of zones. For example, a Material Change of Use for Place of Worship is Assessable Development that is subject to Code Assessment in the Centre Zone, Community Facilities Zone (Community Services Precinct), Low Density Residential Zone and Low-Medium Density Residential Zone.
- Places of Worship in the Shire range in scale and size and this is often reflective of the location of the land and the surrounding land uses. Retention of the existing zoning pattern will ensure this approach continues, which in turn will ensure ongoing compatibility between land uses.

**Technical Recommendation 5.3.14**

*It is recommended that the zoning of land containing existing places of worship throughout the Shire be retained without alteration.*

**5.3.15 Prince of Wales Island****5.3.15.1 Planning Scheme Summary**

Land located on Prince of Wales Island more properly described as Lot 115 on M11041 is included in the Environmental Management and Conservation Zone under the planning scheme.

**5.3.15.2 Feedback Received**

Feedback received during the public consultation period identified that the zoning of this land was potentially an error and that the land should instead be located in the Rural Residential Zone, reflecting the zoning of similar adjoining and nearby lots on Prince of Wales Island.

**5.3.15.3 Analysis and Recommendation**

Review of the zoning maps indicates that the subject land would be more appropriately located in the Rural Residential Zone, reflecting the nature of the land, its location on the island and surrounding land uses.

**Technical Recommendation 5.3.15**

*It is recommended that the zoning of land on Prince of Wales Island more properly described as Lot 115 on M11041 be changed from the Environmental Management and Conservation Zone to the Rural Residential Zone.*

**5.4 Building Design and Development Requirements****5.4.1 Building Height****5.4.1.1 Planning Scheme Summary**

The planning scheme, through the Standard Outcomes for each zone, provides a maximum building height for development. This maximum building height is:

- 3 storeys and 12 metres in the Centre Zone or the Low-Medium Density Residential Zone;
- 3 storeys and 12 metres in the Community Facilities Zone (where adjoining land in the Centre Zone or the Low-Medium Density Residential Zone);
- 12 metres where a structure other than a building in the Industry Zone;
- 1 storey and 5.5 metres where in the Cemetery Precinct of the Community Facilities Zone or the Environmental Management and Conservation Zone;
- 1 storey and 5.5 metres where a domestic outbuilding or secondary dwelling in the Low Density Residential Zone or the Rural Residential Zone; and
- 2 storeys and 8.5 metres otherwise.

It is important to note that this building height is prescribed by a Standard Outcome, which can be varied by development where it can be demonstrated that compliance is achieved with the corresponding Merit Outcomes.

**5.4.1.2 Feedback Received**

Significant community feedback was received in relation to building height during the public consultation period, in part due to the ease of the community to understand the parameter being discussed. The specific area of discussion for the community was the level of support for three storey development. Feedback ranged with strong views in support or objection from some members of the community.

In support of three storey development the community identified that it would provide greater opportunity for an increase in the supply and diversity of housing, noting the lack of available land, particularly on Thursday Island.

In opposition to three storey development the community raised concerns over the blocking of views and breezes, potential overlooking and privacy issues, inconsistency with the established character (particularly on Horn Island), concerns over infrastructure provision, visual amenity, the attraction of tourists and a lack of demand.

In the feedback received there was distinction between residents on Thursday and Horn Islands. Feedback received on Thursday Island was generally supportive of three storey development (although it is acknowledged that some community members still raised concerns) while on Horn Island there was a more even split between those in favour and those against.

#### 5.4.1.3 Analysis and Recommendation

It is important to note that under the current planning scheme limitations on building height are similar to those currently proposed under the new planning scheme. Under the current planning scheme the maximum building heights are 12 metres in the Residential 2 Precinct, Business Zone, Industry Zone and Special Purpose Zone and 8.5 metres in other zones. Whilst the current planning scheme does not prescribe maximum heights in storeys (only in metres), these heights allow for the achievement of a three storey built form where 12 metres is permitted. This is shown across the southern side of Thursday Island, which includes a number of examples of three storey unit development established under the current planning scheme.

The provision of three storey development on Thursday Island can be seen to be largely supported by the community, to be consistent with the emerging character of the island (given the existing examples of three storey development) and necessary to support an increase in development density to overcome a lack of available land. On this basis the maximum height of three storeys should be retained to the extent it applies to Thursday Island. It is not considered that this should extend to the north of Thursday Island (Rose Hill, Tamwoy Town and Quarantine), where building height should continue to be limited to two storeys.

With regard to Horn Island, it is acknowledged that the Wasaga township comprises buildings with a height of 1-2 storeys, with no examples of three storey development. It could be argued that three storey development is inconsistent with the character of the township, something accentuated by the flatter and more dispersed urban form in Wasaga. It is noted that the context of the township is also different to Thursday Island, most notably given the availability of land for future residential development. The broad scale development of three storey buildings on Horn Island therefore may not be appropriate and on this basis it is considered necessary to amend the planning scheme to reduce the maximum height on Horn Island to two storeys. The planning scheme should, however, note that three storey development may be appropriate on Horn Island, subject to specific site planning. This will allow a merits based assessment of any three storey proposal on Horn Island to be completed.

#### **Technical Recommendation 5.4.1**

*It is recommended that the Standard Outcomes of the planning scheme for the Centre Zone, the Community Facilities Zone and the Low-Medium Density Residential Zone be amended to reduce the maximum building height applicable in these zones where on land on Horn Island, at Tamwoy Town and at Rose Hill to two (2) storeys and 8.5 metres. A note is also to be included identifying that Council may consider three (3) storey development in two (2) storey areas on a site-by-site basis.*

### 5.4.2 Building Design

#### 5.4.2.1 Planning Scheme Summary

The planning scheme articulates a range of building and development design requirements through the Standard Outcomes. These requirements commonly relate to a specific zone or specific type of land use.

#### 5.4.2.2 Feedback Received

A detailed review of the design requirements articulated in the Standard Outcomes has been completed with a range of feedback provided, aimed at improving the applicability, relevance and workability of the provisions as they are currently drafted.



#### 5.4.2.3 Analysis and Recommendation

On the basis of the review of the received feedback, a range of amendments to the Standard Outcomes have been recommended. These amendments are intended to more accurately reflect local circumstances.

##### **Technical Recommendation 5.4.2a**

*It is recommended that the planning scheme be amended to only require awnings to be constructed in the Centre Zone for Assessable Development.*

##### **Technical Recommendation 5.4.2b**

*It is recommended that the building design parameters in the Standard Outcomes be amended as follows:*

- *Increase the minimum front setback from three (3) metres to six (6) metres in the Low Density Residential Zone and Low-Medium Density Residential Zone;*
- *Reduce the minimum rear setback from 3-6 metres to three (3) metres in the Centre Zone and Low Density Residential Zone; and*
- *Reduce the maximum site cover in the Low-Medium Density Residential Zone from 70% to 50%.*

### 5.4.3 Domestic Outbuildings

#### 5.4.3.1 Planning Scheme Summary

The planning scheme, through the Standard Outcomes, currently includes a limitation of 72m<sup>2</sup> on the size of a domestic outbuilding (an example being a shed associated with a house).

#### 5.4.3.2 Feedback Received

A range of feedback received identified that the limitations placed on domestic outbuildings were too low, particularly in light of the high need for undercover storage in the Shire. The storage of boats and vehicles was raised as a specific need. It was identified that a lack of on-site storage will often lead to the parking of vehicles on public roads. Feedback from the community indicates there is limited concern over the size of sheds and other outbuildings on residential properties.

#### 5.4.3.3 Analysis and Recommendation

On the basis of the analysis and recommendations documented in Section 5.6.1 of this report, it is proposed to remove the regulation of Dwelling Houses from the planning scheme. Consistent with this recommendation, it is proposed that all limitations on domestic outbuildings be removed.

##### **Technical Recommendation 5.4.3**

*It is recommended that all provisions regulating domestic outbuildings be removed from the planning scheme.*

### 5.4.4 Car Parking Rates

#### 5.4.4.1 Planning Scheme Summary

The planning scheme identifies minimum car parking rates for a range of land uses through the Standard Outcomes for Parking, Access and Transport. These parking rates relate to the provision of car parking within a development site and do not relate to the provision of on-street parking.

#### 5.4.4.2 Feedback Received

Feedback was received from various community members that the car parking rates specified by the planning scheme were too high. The rate for Short-Term Accommodation was specifically referenced in the feedback. Review of the operation of the community during the consultation period indicated that there is a low level of vehicular traffic with on-street parking commonly used. Existing on-street parking was seen to be sufficient to accommodate demand for nearby land uses.

#### 5.4.4.3 Analysis and Recommendation

It is acknowledged that the car parking rate for Short-Term Accommodation does not reflect actual demand in the community and therefore should be lowered. With regard to other parking rates, it is considered appropriate to retain these rates however encourage more site specific assessment as part of the development assessment activities undertaken pursuant to the planning scheme.

#### **Technical Recommendation 5.4.4**

*It is recommended that the minimum car parking rates in the planning scheme (Table 6.3.2b) for Short-Term Accommodation be amended to one (1) car parking space per five (5) dwelling, unit, room or suite.*

### 5.4.5 Lot Sizes

#### 5.4.5.1 Planning Scheme Summary

The planning scheme currently includes a minimum lot size for some zones through the Standard Outcomes for the zone.

#### 5.4.5.2 Feedback Received

The minimum lot size of 300m<sup>2</sup> in the Low-Medium Density Residential Zone was raised as potentially being too small having regard to the nature of development and land use in the Shire. A review of the relevant Standard Outcomes also identified further amendments relating to rear lots.

#### 5.4.5.3 Analysis and Recommendation

Having regard to the existing pattern of development, it is acknowledged that 300m<sup>2</sup> lots would be inconsistent with the character of the Shire. On this basis the minimum lot size will be increased to 450m<sup>2</sup>, with the minimum frontage also increased to 15 metres to reflect this (previously 10 metres). Updates should also be undertaken to the Standard Outcomes to better regulate rear lots with regard to size and frontage requirements.

#### **Technical Recommendation 5.4.5**

*It is recommended that the following amendments be made to the Standard Outcomes of the planning scheme, as they relate to Reconfiguring a Lot:*

- *Increase the minimum lot size in the Low-Medium Density Residential Zone from 300m<sup>2</sup> to 450m<sup>2</sup>;*
- *Increase the minimum frontage in the Low-Medium Density Residential Zone from 10 metres to 15 metres;*
- *Include a note for all Standard Outcomes prescribing a minimum frontage clarifying that this does not apply to a rear lot; and*
- *Include a note for all Standard Outcomes prescribing a minimum lot size clarifying that the access handle of a rear lot is not included in the land area of the lot for the purposes of the Standard Outcome.*

### 5.4.6 Other Design Matters

#### 5.4.6.1 Planning Scheme Summary

The planning scheme articulates a range of design standards through the Standard Outcomes.

#### 5.4.6.2 Feedback Received

A technical review of the Standard Outcomes has been undertaken and a range of feedback items has been provided.



### 5.4.6.3 Analysis and Recommendation

The feedback received has been reviewed in detail and a range of recommendations have been made relating to changes to specific Standard Outcomes in the planning scheme. These amendments are intended to improve the relevance and efficiency of the requirements.

#### **Technical Recommendation 5.4.6a**

*It is recommended that the Standard Outcomes of the planning scheme be amended as follows:*

- *Change the applicability of landscaping requirements in the Low Density Residential Zone and Low-Medium Density Residential Zone to apply to any front boundary, not only the primary frontage.*
- *Amend the private open space requirements for Accommodation Activities to apply to Dual Occupancy as they apply to Multiple Dwelling.*
- *Remove the applicability of SO6 and SO9 for Parking, Access and Transport to Dual Occupancy.*
- *Amend the Works, Services and Infrastructure Standard Outcomes to include a requirement for the provision of a refuse storage area.*
- *Amend the Standard Outcomes for Home-Based Business as follows:*
  - *Reduce the gross floor area limit in SO3 from 100m<sup>2</sup> to 50m<sup>2</sup>;*
  - *Replace SO7 with a requirement for the use not to involve the repair, cleaning or servicing of any motors, vehicles or other machinery;*
  - *Include a new provision preventing the hiring of vehicles, machinery or equipment;*
  - *Include a new provision which prevents the production of waste that requires separate approval or specialised treatment;*
  - *Include a new provision providing a limitation on hours of operation to not exceed 7:00am to 6:00pm; and*
  - *Include a new provision limiting vehicle trips associated with the use to five (5) trips a day.*
- *Remove SO11 for the Centre Zone, which relates to driveway crossovers.*

#### **Technical Recommendation 5.4.6b**

*It is recommended that Council adopt a planting policy consistent with SO1 for Landscaping.*

## 5.5 Land Use

### 5.5.1 Housing Supply and Need

#### 5.5.1.1 Planning Scheme Summary

The planning scheme has sought to provide additional opportunities for an increase in the supply and diversity of housing through:

- the identification of additional residential land on Thursday Island (where possible);
- the encouragement of the densification of the southern side of Thursday Island;
- the encouragement of mixed use development in the Centre Zone; and
- the identification of new residential land on Horn Island.

#### 5.5.1.2 Feedback Received

A range of feedback was received relating to housing, including:

- a need for affordable housing;
- concern over the significant costs of rental properties;

- a need for dedicated and well located accommodation for workers associated with the airport;
- overcrowding in houses;
- a strong desire in the community to achieve home ownership;
- a need for a diverse range of housing including single person accommodation, two bedroom units and three bedroom houses;
- support for increased density to achieve housing supply and diversity (duplexes and units); and
- a desire to support local Indigenous people achieve home ownership.

#### 5.5.1.3 *Analysis and Recommendation*

The planning scheme is one part of the overall picture with regard to housing supply. As discussed in Section 5.5.1.1 a variety of measures have been implemented to address the matters raised, to the extent possible within the bounds of a planning scheme. Council should seek, through a variety of channels, to address issues associated with housing.

#### **Technical Recommendation 5.5.1**

*It is recommended that Council note and acknowledge the significant demand for housing in the community.*

### 5.5.2 **New Land Uses**

#### 5.5.2.1 *Planning Scheme Summary*

The planning scheme seeks to regulate future development and does not actively promote it. A range of feedback was received regarding future land uses, which has been documented in this section for the awareness of Council.

#### 5.5.2.2 *Feedback Received*

Feedback received covered a range of land uses, which are sought by the community within the Shire, including:

- business opportunities for local people;
- new service stations including on Horn Island and at Rose Hill, particularly for boating use;
- quarries for rock materials for sea walls;
- a public cemetery on Horn Island (it is understood that the existing cemetery is for the Kaurareg People);
- health care services at the Airport to improve access for the outer islands;
- tyre fitting and mechanical repairs businesses on Horn Island;
- local aquaculture and fisheries processing plant businesses with access to wharf and airport;
- increased capacity required for parcel deliveries;
- improved access to child care facilities;
- Council operated cinema;
- community police beats;
- land for storage on Thursday Island;
- opportunities for small scale industrial activities on Prince of Wales Island; and
- community gardens (such as the Kai-Kai Gadin Project).

### 5.5.2.3 Analysis and Recommendation

The planning scheme includes a variety of land that could accommodate the above land uses. Council should seek to encourage the development of these opportunities where they support the provision of improved services to the local community.

#### **Technical Recommendation 5.5.2**

*It is recommended that Council note and acknowledge the listing of new land uses identified by the community and investigate, where relevant, the demand for these uses and, if required, the feasibility of their provision.*

### 5.5.3 Tourism Development

#### 5.5.3.1 Planning Scheme Summary

The planning scheme acknowledges the potential future role of tourism in the Shire through Strategic Outcome 14, which states:

- (14) *A level of tourism development is supported within Torres Shire, however this is to be of a small scale and is to maintain the existing character of local places and the amenity enjoyed by local residents. The Shire is to retain its primary role, and resulting character, servicing local and regional residents, with any tourism operations forming a secondary role within the Shire.*

The planning scheme provides a degree of flexibility, generally through a merits based assessment of tourism proposals, whereby such projects can be considered on a case by case basis having regard to local circumstances and surrounding land use. The overarching intent for any tourism development is for a low scale of activity that is subordinate to the permanent residential population.

#### 5.5.3.2 Feedback Received

A range of feedback was received in relation to tourism development including:

- a desire to promote camping / glamping / kite surfing on the outer islands (such as Kodall Island);
- a need for tourism to be sensitively integrated into the existing community;
- a level of separation between tourism uses and the established urban areas;
- support for sightseeing, fishing, diving, camping and local food (turtle, dugong) based tourism;
- tourism based on the World War 2 history of the Shire, particularly on Horn Island;
- opportunities for local employment and businesses;
- support for Indigenous tourism;
- a need to gain accurate data on the tourism offering and visitation;
- great potential for natural tourism, particularly on uninhabited islands;
- the ability to expand existing, low scale tourism offerings, such as the Kazu Pearl Farm on Friday Island;
- a need to properly regulate the scale of tourism development;
- a need to strategically determine tourism opportunities;
- a need to consult with the community prior to establishing tourism ventures; and
- a need for improved facilities at existing tourism locations, such as the tip of Cape York.

#### 5.5.3.3 Analysis and Recommendation

Based on the feedback received, it is considered that the existing policy framework established by the planning scheme reflects the desires of the community with regard to tourism. Separate to the planning scheme, Council should seek to identify a detailed strategy to promote appropriate tourism development in the Shire.

**Technical Recommendation 5.5.3a**

*It is recommended that the planning scheme be retained as currently drafted as it relates to the regulation of tourism development, particularly in Strategic Outcome 14.*

**Technical Recommendation 5.5.3b**

*It is recommended that Council note and acknowledge the community's views with regard to tourism development in the Shire.*

**Technical Recommendation 5.5.3c**

*It is recommended that Council continue to work to identify tourism opportunities and deliver these as part of a strategic, Shire wide approach, in consultation with the local community. This should include specific review of existing tourism operations and opportunities, including those on the mainland (Cape York).*

**5.5.4 Mainland****5.5.4.1 Planning Scheme Summary**

Torres Shire includes a significant area of land at the tip of Cape York. Under the planning scheme this land is included in either the Rural Zone or the Environmental Management and Conservation Zone.

**5.5.4.2 Feedback Received**

Feedback identified a range of development opportunities in mainland locations including camping opportunities, tourism resorts and permanent residential accommodation. Concerns were raised that the planning scheme may not support future development in these locations.

**5.5.4.3 Analysis and Recommendation**

Whilst the land on the mainland is included in the Rural Zone or the Environmental Management and Conservation Zone, the planning scheme has been drafted in a manner that includes sufficient flexibility in the assessment of development proposals, particularly through the drafting of the Strategic Outcomes and the Merit Outcomes. Acknowledging the potential for unique development proposals on the mainland, the planning scheme provides Council to consider such proposals on their merits based on site specific opportunities and constraints.

A range of opportunities exist within the mainland area of the Shire and Council should work to identify a strategic vision for the various areas of land within its control. This vision should be developed in consultation with land owners and relevant stakeholders.

**Technical Recommendation 5.5.4a**

*It is recommended that the planning scheme be retained as currently drafted as it relates to the regulation of development in locations on the mainland.*

**Technical Recommendation 5.5.4b**

*It is recommended that Council develop a strategic vision for the use of land within the Shire located on the mainland, which explores the opportunities presented over this land.*

## 5.6 Categories of Development and Assessment

### 5.6.1 Dwelling Houses

#### 5.6.1.1 Planning Scheme Summary

The planning scheme currently provides for the regulation of Dwelling Houses in residential zones. The policy framework requires compliance with specific Standard Outcomes for a Material Change of Use for a Dwelling House to be categorised as Accepted Development (i.e. not requiring a planning approval).

#### 5.6.1.2 Feedback Received

Feedback from both the community and technical reviews has indicated an overwhelming desire for the regulation of Dwelling Houses to be removed from the planning scheme. The community has identified this as a restriction and delay in the delivery of housing for the community whilst it has been noted that Council will likely experience an increase in development application volumes, noting the likelihood of a Material Change of Use for a Dwelling House being categorised as Assessable Development under the planning scheme.

#### 5.6.1.3 Analysis and Recommendation

Whilst it is acknowledged that Council has sought to regulate Dwelling Houses for a variety of reasons, noting the community desire to see housing delivered, the nature of development in the Shire and the resource constraints of Council, it is considered appropriate for the planning scheme to be amended to support the provision of Dwelling Houses as Accepted Development in the Low Density Residential Zone, the Low-Medium Density Residential Zone, the Rural Zone and the Rural Residential Zone. This would result in the removal of the Residential Dwelling Overlay, which is included in the planning scheme purely to allow Council to categorise a Material Change of Use for a Dwelling House as Assessable Development in residential zones.

Houses will still require building approval despite the drafting of the planning scheme, with the applications for such approvals triggering referral to Council as a concurrence agency in select circumstances. On the basis of the revised framework, and to avoid duplication, it is also recommended that consideration of bushfire, flooding and slope stability matters for Dwelling Houses be completed as part of the building approval process. This will involve consideration of the existing planning scheme requirements as part of the building approval process, rather than a separate planning approval process.

#### **Technical Recommendation 5.6.1a**

*It is recommended that the planning scheme be amended to categorise a Material Change of Use for a Dwelling House as Accepted Development in the Low Density Residential Zone, Low-Medium Density Residential Zone, Rural Zone and Rural Residential Zone (see also Recommendation 5.6.10a).*

#### **Technical Recommendation 5.6.1b**

*It is recommended that the planning scheme be amended to remove the applicability of the Bushfire Hazard Overlay, Flood Hazard Overlay and the Slope Stability Overlay from a Material Change of Use for a Dwelling House.*

#### **Technical Recommendation 5.6.1c**

*It is recommended that the Residential Dwelling Overlay be removed from the planning scheme.*

### 5.6.2 Tenancy Changes

#### 5.6.2.1 Planning Scheme Summary

A tenancy change is the use of an existing building by another use with minimal modifications, which under the planning framework can commonly constitute a Material Change of Use (for example a change in tenant from a shop to a café is a Material Change of Use). This is most common in the Centre Zone, where the

Shire includes a number of commercial buildings. In the Centre Zone, the planning scheme is currently drafted to allow tenancy changes to occur as Accepted Development provided compliance is achieved with a range of Standard Outcomes, including those for the zone, landscaping, parking and infrastructure/services.

#### 5.6.2.2 *Feedback Received*

Technical review of the planning scheme has identified that the current drafting may result in a significant number of tenancy changes triggering a development application to Council. This is likely to arise due to the non-compliance of an existing building/premises with the new standards articulated in the Standard Outcomes. Retrofitting of new standards to an established urban setting is often quite difficult and has the potential to significantly alter the character or streetscape of a local area or render buildings or sites unusable.

Feedback received from the community also highlighted a desire to make it easy for new businesses to establish by removing regulatory burdens on business owners.

#### 5.6.2.3 *Analysis and Recommendation*

Whilst it is understood it is Council's intention to achieve a high quality of development throughout the Shire, it needs to be acknowledged that this may be detrimental in established urban areas, a particular example being the commercial centre along Douglas Street, Thursday Island. Review of the operation of the commercial centre during the public consultation period demonstrated that it is a workable and known space that can continue to operate to the satisfaction of the community.

Noting the significant costs associated with constructing buildings in the Shire and the established character of the commercial areas, it is recommended that the planning scheme support the reuse of existing buildings to the greatest extent possible. This can be achieved through removing any requirement for planning approval associated with tenancy changes for an existing building.

#### **Technical Recommendation 5.6.2**

*It is recommended that the planning scheme be amended to categorise a tenancy change in the Centre Zone where involving a non-residential land use that is consistent with the purpose of the zone as Accepted Development.*

### **5.6.3 Non-Residential Uses in Residential Zones**

#### 5.6.3.1 *Planning Scheme Summary*

The planning scheme includes two primary residential zones, the Low Density Residential Zone and the Low-Medium Density Residential Zone. In both zones, the state mandated purpose statement supports the establishment of small scale non-residential uses that support the immediate residential community.

The planning scheme seeks to support a degree of non-residential development (such as shops) by categorising these uses as Assessable Development that is subject to Code Assessment, with assessment undertaken against the Merit Outcomes. Noting the great diversity of land in the Shire, this approach allows a site specific assessment to be undertaken.

#### 5.6.3.2 *Feedback Received*

Technical review of the planning scheme identified concern relating to the categories of development and assessment specified, particularly the absence of a scale limitation as part of the Code Assessable triggers.

#### 5.6.3.3 *Analysis and Recommendation*

Noting the variety of development occurring throughout the Shire and the range of settings within which residentially zoned land is located, it is difficult to determine appropriate thresholds for non-residential development. It is considered that the current assessment required against the Merit Outcomes will provide Council with a sufficient head of power to examine the appropriateness of the scale and size of any non-residential use.

#### **Technical Recommendation 5.6.3**

*It is recommended that the categorisation tables for the residential zones be retained as currently drafted as they relate to the regulation of non-residential uses.*



## 5.6.4 Low Risk Development in Residential Zones

### 5.6.4.1 Planning Scheme Summary

The planning scheme currently categorises development as follows in both the Low Density Residential Zone and the Low-Medium Density Residential Zone:

- A Material Change of Use for Caretaker's Accommodation is categorised as Assessable Development that is subject to Code Assessment where associated with an existing non-residential use. The use is otherwise categorised as Assessable Development that is subject to Impact Assessment.
- A Material Change of Use for Home-Based Business is categorised as Assessable Development that is subject to Code Assessment in all circumstances.

### 5.6.4.2 Feedback Received

Technical feedback received suggests that the stated categories of development and assessment are too high in light of the purpose of the residential zones.

### 5.6.4.3 Analysis and Recommendation

The technical feedback is acknowledged and it is noted that both Caretaker's Accommodation and Home-Based Business uses are more appropriately located in the residential zones than is reflected in the categories of development and assessment. The planning scheme should therefore be amended to maintain consistency between the purpose statements of the zones and the categorisation tables.

#### **Technical Recommendation 5.6.4**

*It is recommended that the categorisation tables for the Low Density Residential Zone and Low-Medium Density Residential Zone be amended to categorise:*

- *a Material Change of Use for Caretaker's Accommodation as Assessable Development that is subject to Code Assessment in all circumstances;*
- *a Material Change of Use for Home-Based Business as Accepted Development where complying with the identified requirements; and*
- *a Material Change of Use for Home-Based Business as Assessable Development that is subject to Code Assessment where not complying with the identified requirements.*

## 5.6.5 Requirements for Accepted Development

### 5.6.5.1 Planning Scheme Summary

In the Centre Zone, the planning scheme categorises both Caretaker's Accommodation and Home-Based Business as Accepted Development, with no requirements.

### 5.6.5.2 Feedback Received

Technical feedback received has identified that the categorisation of these uses as Accepted Development potentially would allow for development to occur without approval that was unintended, noting the inability of the planning scheme to impose any specific requirements. In this regard it is noted that the Home-Based Business land use definition provides a broad ability to accommodate a range of activities, some of which may not be appropriate in the Centre Zone.

### 5.6.5.3 Analysis and Recommendation

The technical feedback is acknowledged and it is considered appropriate to include specific requirements for both Caretaker's Accommodation and Home-Based Business uses in the Centre Zone as suggested. The planning scheme should therefore be amended accordingly.

**Technical Recommendation 5.6.5**

*It is recommended that the categorisation table for the Centre Zone be amended to categorise:*

- *a Material Change of Use for Caretaker's Accommodation in the same manner as a Material Change of Use for Dwelling Unit is categorised;*
- *a Material Change of Use for Home-Based Business as Accepted Development where complying with the identified requirements; and*
- *a Material Change of Use for Home-Based Business as Assessable Development that is subject to Code Assessment where not complying with the identified requirements.*

**5.6.6 Merit Outcomes****5.6.6.1 Planning Scheme Summary**

The planning scheme identifies the Merit Outcomes as the only assessment benchmarks for a range of uses and development types throughout the Categorisation Tables in Part 3.

**5.6.6.2 Feedback Received**

Concern has been raised that the use of only Merit Outcomes may not provide sufficient clarity on what is considered a suitable development outcome. The feedback received considers that this reduces the certainty for the community and development industry as it is not clear what complies and what does not.

**5.6.6.3 Analysis and Recommendation**

As discussed elsewhere in this report, the drafting approach to rely purely on the Merit Outcomes for select uses has been deliberately chosen to support a case by case, site specific assessment approach for uses and development types that may be proposed in varying scales and types throughout the Shire. The assessment approach is reliant on an overarching and holistic planning assessment of the development. The approach is considered appropriate for the nature and variety of development activity occurring in the Shire.

**Technical Recommendation 5.6.6**

*It is recommended that the planning scheme be retained as it is currently drafted regarding the use of Merit Outcomes as assessment benchmarks.*

**5.6.7 Temporary Uses****5.6.7.1 Planning Scheme Summary**

The planning scheme currently regulates temporary uses by identifying thresholds for select uses in Section 1.7.1, which are then referenced in the Categorisation Tables in Part 3. The intention of these provisions is to limit the extent to which temporary uses can occur without the approval of Council.

**5.6.7.2 Feedback Received**

On the basis of feedback received from the community and broader review of the operation of a range of land uses within the community, it is noted that there is significant support for ongoing temporary uses of various types. These uses contribute positively to the community and the planning scheme has the potential to reduce their operation by introducing regulatory burdens. Temporary uses can be seen as a way for local businesses to establish in response to local circumstances, specific events or seasonal demands for goods and services. Regulating such uses has the potential to reduce these business opportunities.

**5.6.7.3 Analysis and Recommendation**

Having regard to the nature of land use in the Shire, it is considered that the planning scheme is not the effective tool for Council to manage temporary uses. It is recommended instead that Council's approach to temporary uses be considered holistically as part of a local law. Inclusion of such a framework in a local law



will also provide greater flexibility to Council in amending the regime from time to time to respond to changed circumstances.

#### **Technical Recommendation 5.6.7a**

*It is recommended that the planning scheme be amended to remove regulation of temporary uses.*

#### **Technical Recommendation 5.6.7b**

*It is recommended that Council prepare a Local Law that regulates temporary uses.*

### **5.6.8 Short-Term Accommodation**

#### *5.6.8.1 Planning Scheme Summary*

The planning scheme currently includes different categories of development and assessment for residential land uses depending on whether they are for permanent residents, short-term visitors or transient (non-resident workers).

#### *5.6.8.2 Feedback Received*

The Shire houses a high number of visitors and non-resident workers to support the provision of day to day services to the local community, an example of this being pilots and engineers for the airport. Through feedback received during consultation and review of the operation of the community, it is evident that permanent and non-permanent residential accommodation are treated interchangeably by the community. This approach is not, however, reflected in the planning scheme, with shorter term accommodation generally subject to a “higher” category of development and/or assessment.

#### *5.6.8.3 Analysis and Recommendation*

The unique role that short-term accommodation and non-resident workforce accommodation play within the Shire is appreciated and it is acknowledged that this should be reflected in the planning scheme. It is clear that the local community see such uses as an important land use which should be supported in appropriate locations. A level of consistency should be achieved between the regulation of permanent and short-term accommodation to reflect the way in which the community considers residential uses. This level of consistency will also potentially allow buildings to be used interchangeably, which may aid in housing supply issues.

#### **Technical Recommendation 5.6.8**

*It is recommended that the categorisation tables for all zones be amended so that the categorisation of a Material Change of Use for Non-Resident Workforce Accommodation or Short-Term Accommodation reflects the categorisation of a Material Change of Use for Dwelling House, Dual Occupancy or Multiple Dwelling (as appropriate to the scale of the Non-Resident Workforce Accommodation or Short-Term Accommodation use).*

### **5.6.9 Building Work**

#### *5.6.9.1 Planning Scheme Summary*

The planning scheme currently regulates Building Work, not associated with a Material Change of Use, using the following general framework:

- Minor building work is Accepted Development;
- Other building work is Accepted Development where complying with the relevant Standard Outcomes; and
- Other building work is otherwise Assessable Development that is subject to Code Assessment.

The overlays of the planning scheme also provide for the further regulation of Building Work.

#### 5.6.9.2 Feedback Received

A detailed review of the framework applying to Building Work has been undertaken. It was identified that the definition of minor building work could be misinterpreted and should therefore be amended to clarify its intended drafting. Concern has also been raised as to the broad applicability of the Slope Stability Overlay to development, including Building Work.

#### 5.6.9.3 Analysis and Recommendation

The feedback received in relation to Building Work matters has been reviewed and specific amendments to provisions of the planning scheme have been recommended.

##### **Technical Recommendation 5.6.9a**

*It is recommended that the definition of "minor building work" be amended to clarify that it applies to building work that does not increase the gross floor area of a building.*

##### **Technical Recommendation 5.6.9b**

*It is recommended that the categorisation tables for the Slope Stability Overlay be amended to relate only to development that is Reconfiguring a Lot and Carrying Out Operational Work.*

### 5.6.10 Rural Residential Zone

#### 5.6.10.1 Planning Scheme Summary

The Rural Residential Zone applies to existing residential land parcels on Prince of Wales Island. The zone was specifically designed to limit future development to extensions of existing land uses and prevent further residential land uses from being established on the island.

#### 5.6.10.2 Feedback Received

On the basis of feedback received from the community, site inspections of Prince of Wales Island and technical review of the relevant provisions, it is considered that the restriction of future land use is potentially too significant, particularly given there are vacant parcels of land that are undeveloped.

#### 5.6.10.3 Analysis and Recommendation

It is acknowledged that Prince of Wales Island provides a permanent place of residence for a small number of people, with vacant parcels of land available for future residential development. Whilst the future development on the island should be limited given its lack of accessibility and availability of services, it is considered inappropriate to prevent the improvement of existing residential parcels with a Dwelling House.

##### **Technical Recommendation 5.6.10a**

*It is recommended that the planning scheme be amended to categorise a Material Change of Use for a Dwelling House as Accepted Development in the Rural Residential Zone (see also Recommendation 5.6.1a).*

##### **Technical Recommendation 5.6.10b**

*It is recommended that local purpose statement of the Rural Residential Zone be amended to reflect the changes made in Technical Recommendation 5.6.10a.*

### 5.6.11 Other Development

#### 5.6.11.1 Planning Scheme Summary

The planning scheme includes a range of assessment triggers as part of the Categorisation Tables in Part 3, which have been subject to detailed review as part of the consultation period.

#### 5.6.11.2 Feedback Received

A range of technical feedback has been received relating to the provisions of the planning scheme that trigger various categories of development and assessment.

#### 5.6.11.3 Analysis and Recommendation

A detailed review of the various feedback items received has been completed and a range of amendments recommended to address identified issues with the current planning scheme.

##### **Technical Recommendation 5.6.11a**

*It is recommended that the mapping for the Slope Stability Overlay be refined to remove outlying/small areas of land covered by the overlay.*

##### **Technical Recommendation 5.6.11b**

*It is recommended that the categorisation table for Reconfiguring a Lot be amended to remove the applicability of the Standard Outcomes for a zone to development involving an easement or a lease.*

##### **Technical Recommendation 5.6.11c**

*It is recommended that the categorisation table for the Potential and Actual Acid Sulfate Soils Overlay be amended to reflect the provisions contained in the State Planning Policy Guidance Material.*

##### **Technical Recommendation 5.6.11d**

*It is recommended that the categorisation tables for the Low Density Residential Zone, Low-Medium Density Residential Zone, Rural Zone and Rural Residential Zone be amended so that the highest category of development and assessment applicable to a Material Change of Use for Community Residence is Assessable Development that is subject to Code Assessment.*

## 5.7 Overlays and Constraints

### 5.7.1 Heritage Overlay

#### 5.7.1.1 Planning Scheme Summary

The planning scheme includes the Heritage Overlay, which identifies sites of heritage significance (covering both Indigenous and non-Indigenous heritage) and land that is identified as a high risk area for containing artefacts of heritage significance (also covering both Indigenous and non-Indigenous heritage). Sites of significance and risk areas are mapped within the planning scheme. The Heritage Overlay is used to regulate development through specific categories of development and assessment and the Standard Outcomes for the Heritage Overlay. The Heritage Overlay is supported by a Planning Scheme Policy that provides guidance on how to document consultation in relation to, and management controls for the protection of, cultural heritage matters.

#### 5.7.1.2 Feedback Received

Feedback received through community consultation has raised concern regarding the over regulation of development through the Heritage Overlay, particularly the identified risk areas. The concerns raised identify that potentially the overlay will trigger almost all development in the risk areas.

Feedback was also received requesting that the planning scheme clarify the relationship between the Heritage Overlay and advertising devices and also identifying a need for Council to prepare factsheets referenced in the Planning Scheme Policy.

It was also identified that further provisions were required in the Standard Outcomes of the Heritage Overlay to ensure that sufficient assessment provisions existed for development on a heritage site.

### 5.7.1.3 Analysis and Recommendation

It is acknowledged that further refinements are required to the Heritage Overlay, with a number of amendments have been recommended to ensure an appropriate balance is achieved between regulating development to ensure the protection of heritage and avoiding constraining everyday development activity in the Shire. It is noted that irrespective of the provisions of the planning scheme, the duty of care provisions under State legislation continue to apply to any activities.

#### **Technical Recommendation 5.7.1a**

*It is recommended that the regulation of development in an Indigenous High Risk Area or a Non-Indigenous High Risk Area of the Heritage Overlay so that development is categorised as follows:*

- *The category of development and assessment is not changed for development that is otherwise categorised as Assessable Development, however the Standard Outcomes are to be prescribed as an assessment benchmark;*
- *The category of development and assessment is not changed for development that is otherwise categorised as Accepted Development outside the urban area, however the Standard Outcomes are to be prescribed as requirements (where relevant based on other applicable provisions); and*
- *The overlay categories are to not apply for development that is otherwise categorised as Accepted Development within the urban area.*

#### **Technical Recommendation 5.7.1b**

*It is recommended that Council prepare the factsheets referenced in Planning Scheme Policy 2 prior to the commencement of the planning scheme.*

#### **Technical Recommendation 5.7.1c**

*It is recommended that the following amendments be made as they relate to advertising devices and the Heritage Overlay:*

- *Amend the note in Section 1.1 of the planning scheme, which relates to advertising devices, to discuss the relationship with the Heritage Overlay.*
- *Amend the categorisation table for Carrying Out Operational Work in the Heritage Overlay to confirm that it applies to advertising devices.*

#### **Technical Recommendation 5.7.1d**

*It is recommended that the Standard Outcomes for the Heritage Overlay be amended to include a new outcome that provides for the assessment of impacts on matters of heritage significance.*

## 5.7.2 Coastal Hazard Overlay

### 5.7.2.1 Planning Scheme Summary

The planning scheme includes a Coastal Hazard Overlay that identifies areas of land that are potentially subject to coastal erosion and storm-tide inundation. The mapping used in the overlay is taken from the State Planning Policy.

### 5.7.2.2 Feedback Received

Feedback received during consultation identified a range of concerns from the community relating to coastal hazards impacts including climate change, storm tides and erosion. The community largely acknowledges a need to adapt to the changing nature of coastal hazards, including potentially focussing development away from the coast. It was also identified that the overlay mapping does not include lot boundaries.

Further State Government comments were also received during the reconsultation period and these relate to technical matters associated with the State Planning Policy.

### 5.7.2.3 Analysis and Recommendation

Council is currently working to develop a Coastal Hazard Adaptation Strategy (CHAS), which will inform how the community will respond to the increasing challenges presented by coastal hazards. The findings of the CHAS, once completed, should be incorporated into the planning scheme, particularly through the amendment of the Coastal Hazard Overlay to include local mapping and relevant land use strategies.

The current mapping should also be updated to ensure accuracy in the identification of land parcels.

Minor amendments should also be made in response to further State Government comments, to ensure technical consistency with the State Planning Policy.

#### **Technical Recommendation 5.7.2a**

*It is recommended that the mapping for the Coastal Hazard Overlay be amended to include a cadastral mapping layer.*

#### **Technical Recommendation 5.7.2b**

*It is recommended that Council continues to progress the QCoast2100 project in order to prepare a Coastal Hazard Adaptation Strategy (CHAS). Once the CHAS is prepared, the planning scheme should be reviewed and, where required, amended to reflect the CHAS.*

#### **Technical Recommendation 5.7.2c**

*It is recommended that minor amendments be made to the planning scheme relating to the Coastal Hazard Overlay to ensure consistency with the State Planning Policy, as directed by State Government comments.*

## 5.7.3 Bushfire Hazard Overlay

### 5.7.3.1 Planning Scheme Summary

The planning scheme includes a Bushfire Hazard Overlay which identifies bushfire hazard areas. Within these areas, the Standard Outcomes for the overlay identify relevant requirements relating to the design and siting of development. The mapping for development areas of the Shire used for the overlay is based on a localised desktop study undertaken as part of the planning scheme project.

### 5.7.3.2 Feedback Received

Feedback received during consultation identified that the bushfire hazard areas were mapped in areas that were known to be subject to bushfires historically.

### 5.7.3.3 Analysis and Recommendation

Feedback received has confirmed the accuracy of the bushfire hazard areas with historic knowledge of fire activity. It should however be noted that these maps are estimations only and may not reflect the behaviour of an actual bushfire.

#### **Technical Recommendation 5.7.3**

*It is recommended that the provisions of the Bushfire Hazard Overlay be retained without alteration.*

## 5.7.4 Flooding / Drainage

### 5.7.4.1 Planning Scheme Summary

The planning scheme includes a Flood Hazard Overlay that identifies areas of potential localised flooding, based on State Government provided mapping layers. The Standard Outcomes of the planning scheme also include controls to manage local drainage issues.

#### 5.7.4.2 Feedback Received

A range of feedback was provided in relation to localised drainage and small scale flood issues, commonly within the township of Wasaga during periods of heavy rainfall.

#### 5.7.4.3 Analysis and Recommendation

The feedback received relates to pre-existing issues which should be further investigated by Council and, where possible, rectification works completed. The planning scheme, as drafted, is considered sufficient to promote the appropriate management of stormwater and the minimisation of flood impacts on the community.

##### **Technical Recommendation 5.7.4a**

*It is recommended that the provisions of the Flood Hazard Overlay be retained without alteration.*

##### **Technical Recommendation 5.7.4b**

*It is recommended that Council notes and acknowledges the community's feedback relating to flooding and drainage matters.*

### 5.7.5 Native Title

#### 5.7.5.1 Planning Scheme Summary

Native title considerations do not form part of the planning scheme and are subject to a separate legislative regime. The feedback contained in this section is provided for the awareness of Council.

#### 5.7.5.2 Feedback Received

Significant community awareness exists of the constraints posed to land development by native title matters. The matter was regularly raised as part of consultation activities and can be seen to limit available land for development, particularly the provision of affordable and diverse housing.

#### 5.7.5.3 Analysis and Recommendation

It is recommended that all efforts be made to seek to resolve native title constraints that may constrain the future development of the Shire.

##### **Technical Recommendation 5.7.5**

*It is recommended that Council continue to work to resolve native title matters, to improve the availability of land within the Shire for development that supports the prosperity and sustainability of the community.*

## 5.8 Public Facilities, Infrastructure and Services

### 5.8.1 Boat Ramps

#### 5.8.1.1 Planning Scheme Summary

The planning scheme identifies a range of land within the Recreation and Open Space Zone within waterfront areas that may be suitable for boat ramp facilities. The feedback received generally relates to the provision of public facilities which are beyond the scope of the planning scheme. This feedback has been summarised in this section for the awareness of Council.

#### 5.8.1.2 Feedback Received

The community has identified a need for new, improved and expanded boat ramp and jetty facilities to support both commercial and recreational boating. The existing facility at Rose Hill is understood to lack sufficient capacity to cater for demand, with further car parking needed.

The community has suggested that boat ramps should be opened / reopened at Quarantine, Bach Beach, Bayo Beach and Wasaga. Key facilities required at boat ramps include lighting, parking, fuel access and depth of water.

The community also raised a lack of safe access to Prince of Wales Island.

#### 5.8.1.3 Analysis and Recommendation

It is noted that water access is a key feature in the community and Council should continue to work, where possible, to improve this throughout the community through the provision of new and/or improved facilities.

#### **Technical Recommendation 5.8.1**

*It is recommended that Council note and acknowledge the community's feedback with regard to boat ramps and complete further investigations in relation to various improvements throughout the Shire.*

### 5.8.2 Public Parkland, Streetscape and Landscaping

#### 5.8.2.1 Planning Scheme Summary

The planning scheme does not support the specific provision of public facilities such as parkland, streetscape improvements and landscaping, unless directly associated with a development proposal. The feedback documented in this section is provided for the awareness of Council.

#### 5.8.2.2 Feedback Received

The community has identified a desire for a range of facilities to be provided within the Shire, including:

- A multi-purpose sporting precinct at Stephen Street, Thursday Island;
- Improvements to the Rose Hill foreshore;
- Provision of more shade trees in Douglas Street;
- Greater variety in playground equipment (rather than the same equipment in each park);
- A waterpark/splash park would be best located on Thursday Island;
- A bicycle park / skate park;
- Beautification works along the foreshore;
- Fun parks for children, similar to that on the Cairns Esplanade;
- Barbeque areas along foreshore for family gatherings;
- Improved public access to the beach.

#### 5.8.2.3 Analysis and Recommendation

The feedback provided by the community should be reviewed by Council and further investigated, as required.

#### **Technical Recommendation 5.8.2**

*It is recommended that Council note and acknowledge the community's feedback with regard to public parkland, streetscape and landscaping matters and complete further investigations in relation to various improvements throughout the Shire.*



### 5.8.3 Footpaths

#### 5.8.3.1 Planning Scheme Summary

The planning scheme requires that footpaths be provided in accordance with relevant design standards for new development. Beyond this, Council is responsible for the maintenance and provision of public footpaths throughout the Shire.

#### 5.8.3.2 Feedback Received

Technical feedback received relating to the planning scheme identified that the requirement to provide footpaths may be unclear to the planning scheme reader.

Community feedback identified that an expanded network of footpaths is required to ensure the safe movement of pedestrians. A number of residents raised concern regarding potential collisions between vehicles and pedestrians. Airport Road on Horn Island was noted as a particular area of concern, where it was noted there is a need for a dedicated pedestrian path to separate vehicles and pedestrians, particularly to allow children to walk to school. Such a path should extend, as a minimum, to the top of the ridge, however some feedback referenced a need for a path from Wasaga to the airport itself. Other locations raised by the community included on Douglas Street near Bayo Beach, at Rose Hill and along Douglas Street to the hospital.

#### 5.8.3.3 Analysis and Recommendation

It is recommended that the planning scheme be amended to clearly identify the need to provide footpaths as part of new development. Council should also be aware of the community demand for improved pedestrian footpaths and seek to provide enhanced connectivity where possible, particularly where this removes conflicts between vehicles and pedestrians.

#### **Technical Recommendation 5.8.3a**

*It is recommended that SO14 for Works, Services and Infrastructure be amended to clearly identify that it applies to the provision of roads and footpaths.*

#### **Technical Recommendation 5.8.3b**

*It is recommended that Council note and acknowledge the community's feedback with regard to the provision of further public footpaths and complete further investigations in relation to various improvements throughout the Shire.*

### 5.8.4 Infrastructure / Services

#### 5.8.4.1 Planning Scheme Summary

The planning scheme includes Standard Outcomes for Works, Services and Infrastructure and Parking, Access and Transport that stipulate various infrastructure standards for new development.

#### 5.8.4.2 Feedback Received

A range of technical feedback was provided on the relevant Standard Outcomes from various Council staff and other technical advisors.

Community feedback also identified poor maintenance of existing roads and concerns over demand for infrastructure due to population increases and new development. Specific concerns were raised over the quality of services to Prince of Wales Island, particularly relating to the availability of water.

#### 5.8.4.3 Analysis and Recommendation

A detailed review of all feedback received has been undertaken and a range of amendments have been identified to improve the Standard Outcomes of the planning scheme.

The planning scheme is accompanied by a Local Government Infrastructure Plan (LGIP), which is proposed to be amended to align with the new planning scheme. It may, however, be necessary to undertake a more holistic review of the LGIP to ensure it continues to identify sufficient trunk infrastructure to cater for anticipated demand.

**Technical Recommendation 5.8.4a**

*It is recommended that the Standard Outcomes of the planning scheme be amended as follows:*

- Paragraph (b) of SO1 for Works, Services and Infrastructure is amended to clarify that potable water is to be supplied;
- SO7 for Works, Services and Infrastructure is amended to clarify that mobile telecommunications can be provided to achieve compliance;
- SO11 for Parking, Access and Transport is amended to reduce the threshold for the preparation of a Traffic Impact Assessment from 1,000m<sup>2</sup> to 500m<sup>2</sup>; and
- SO18 for Parking, Access and Transport is amended to allow for the use of grass block paving or grass reinforced mesh.

**Technical Recommendation 5.8.4b**

*It is recommended that Council note and acknowledge the community's feedback with regard to the provision of sufficient infrastructure in the Shire and undertake further investigations, as required, to ensure that appropriate planning and improvements are delivered. This may involve a holistic review of the Local Government Infrastructure Plan.*

**5.8.5 Rubbish Service****5.8.5.1 Planning Scheme Summary**

The planning scheme does not regulate the provision of waste collection services and the following feedback is summarised for the reference and awareness of Council.

**5.8.5.2 Feedback Received**

Residents of Prince of Wales Island raised specific concerns as to the lack of Council waste service to the community.

**5.8.5.3 Analysis and Recommendation**

The matter of waste collection is raised for the awareness of Council and does not specifically relate to the planning scheme.

**Technical Recommendation 5.8.5**

*It is recommended that Council note and acknowledge the community's feedback with regard to rubbish collection and undertake further investigations, as required, to provide an improved service to residents.*

**5.8.6 Use of Road Reserves****5.8.6.1 Planning Scheme Summary**

The planning scheme regulates development in the Shire, including within road reserves. The incidental or infrequent use of road reserves falls outside the planning scheme as it does not constitute development under the planning framework.

**5.8.6.2 Feedback Received**

A range of concerns were raised relating to the use of public road reserves, that are controlled by Council, including use of roads for temporary/construction storage and unloading/loading of deliveries within roads and footpaths. It was also identified that a range of opportunities exist for the use of road reserves, including through coordinated loading zones and the provision of footpath dining.

### 5.8.6.3 Analysis and Recommendation

It is noted that the road reserves within the Shire, particularly in the vicinity of commercial areas, see significant usage by a range of vehicles and people. It is recommended that Council seek to establish local law controls to appropriately manage the use of road reserves, for the benefit of the entire community.

#### **Technical Recommendation 5.8.6**

*It is recommended that Council prepare a Local Law to regulate the use of Council controlled road reserves, including for temporary purposes, storage, outdoor dining and unloading/loading of vehicles.*

## 5.8.7 Airport Upgrades

### 5.8.7.1 Planning Scheme Summary

The Horn Island Airport is included in the Community Facilities Zone, in the dedicated Air Services Precinct. The planning scheme recognises the regional significance of the airport and seeks to protect it from incompatible development and encourage its improvement to the benefit of the local community.

### 5.8.7.2 Feedback Received

A range of feedback was received in relation to Horn Island Airport, specifically:

- A need to expand concrete/surfaced areas;
- Opportunities for the colocation of defence and civil aviation infrastructure;
- A desire for improvements to the terminal entry area, particularly the provision of additional space for passengers, luggage and vehicles;
- Opportunities to undertake aircraft servicing locally, regionally and for aircraft for PNG (it was noted that servicing is currently undertaken in Cairns or Mareeba, which adds significant cost for local operators);
- Maintenance issues at the airport (CASA compliance, safety issues, air conditioning, power problems);
- A need for increased covered and storage areas;
- A need for dedicated seafood storage area; and
- Opportunities for the development of a range of facilities including commercial uses, a conference centre, hotel, restaurant and bar.

### 5.8.7.3 Analysis and Recommendation

It is noted that great potential exists for improvements at the Horn Island Airport that could provide a range of benefits to the community. Any such improvements should be planned and organised as part of a holistic vision for the airport precinct.

#### **Technical Recommendation 5.8.7**

*It is recommended that Council undertakes a detailed master planning exercise for the Horn Island Airport.*

## 5.9 Administrative and Other Matters

### 5.9.1 Planning Scheme Structure

#### 5.9.1.1 Planning Scheme Summary

The planning scheme is structured in a different manner to most other planning schemes in Queensland. In many instances, this has occurred to ensure that the planning scheme is responsive to, and reflective of, the local community and the nature of development activity that occurs in the Shire.

### 5.9.1.2 Feedback Received

Dedicated industry information sessions were held in Cairns for consultant town planners and building certifiers to provide briefings on the planning scheme, particularly the new structure. Feedback received at these sessions indicated that the structure seemed logical and that it appeared better than the current planning scheme.

### 5.9.1.3 Analysis and Recommendation

On the basis of favourable feedback received, the structure of the planning scheme is not considered to require alteration.

#### **Technical Recommendation 5.9.1**

*It is recommended that the planning scheme structure be retained as it is currently drafted.*

## 5.9.2 Interpretation

### 5.9.2.1 Planning Scheme Summary

The planning scheme includes a number of provisions aimed at assisting in the interpretation of the document. Most notably, Section 3.1 provides guidance on the use of the Categorisation Tables.

### 5.9.2.2 Feedback Received

A range of technical feedback was received regarding the interpretation of the planning scheme including requests to simplify the interpretation sections through the removal of technical language.

Further State Government comments were received during the reconsultation period relating to the relationship between the planning scheme and the building assessment provisions.

### 5.9.2.3 Analysis and Recommendation

A detailed review of the interpretation sections of the planning scheme has been completed in response to the technical feedback received. Specific amendments have been recommended that will improve the use of the planning scheme. It is noted that much of Section 3.1 reflects the constructs used in the previously mandated Queensland Planning Provisions.

#### **Technical Recommendation 5.9.2a**

*It is recommended that Section 3.1(9) be amended to restrict the applicability of the provision to Code Assessment.*

#### **Technical Recommendation 5.9.2b**

*It is recommended that factsheets are prepared for the commencement of the planning scheme, which assist in the understanding of the structure and interpretation of the planning scheme.*

#### **Technical Recommendation 5.9.2c**

*It is recommended that the introductory paragraphs of Section 3.6 be removed and the reader directed to Section 3.1 for interpretation matters.*

#### **Technical Recommendation 5.9.2d**

*It is recommended that minor amendments be made to the planning scheme to ensure consistency with the building assessment provisions, as directed by State Government comments.*

### 5.9.3 Consultation Approach

#### 5.9.3.1 Feedback Received

As part of consultation activities feedback was received requesting a community meeting at a large place with significant seating capacity.

#### 5.9.3.2 Analysis and Recommendation

##### **Technical Recommendation 5.9.3**

*It is recommended that Council note and acknowledge the feedback received from the community.*

### 5.9.4 Regional Approach

#### 5.9.4.1 Feedback Received

A range of feedback was received in relation to the Torres Strait region, including:

- a desire to consider the region as a whole;
- the existence of a clear distinction between the inner and outer islands;
- a need to minimise transfers between Thursday Island and Horn Island; and
- the potential for Horn Island to act as a hub for the region, given its airport infrastructure.

#### 5.9.4.2 Analysis and Recommendation

The Strategic Outcomes of the planning scheme are considered to reflect each of these overarching policy directions to the extent relevant to land use planning.

##### **Technical Recommendation 5.9.4**

*It is recommended that Council note and acknowledge the feedback received from the community.*

### 5.9.5 Other

#### 5.9.5.1 Feedback Received

A range of other matters were raised in the feedback received including:

- A request for the preparation of a Master Plan for each community on Thursday Island;
- Concerns in relation to internet speed;
- A lack of parking at the Horn Island port due to ongoing expansion of the Sea Swift operations;
- Dust and noise issues;
- Biosecurity issues associated with old cars, with the need for a wash down bay;
- A need to make the technical ecology report referenced in the planning scheme available to the public; and
- The identification of a small number of typographical errors.

Further State Government comments were also received during reconsultation identifying small areas of misalignment with overlay mapping.

#### 5.9.5.2 Analysis and Recommendation

A review of provided commentary has been undertaken and, insofar as it relates to the planning scheme, amendments and actions have been recommended where considered appropriate.

**Technical Recommendation 5.9.5a**

*It is recommended that the planning scheme be amended to rectify identified typographical errors, formatting issues and other errors.*

**Technical Recommendation 5.9.5b**

*It is recommended that Council review how to make the technical ecology report referenced in the Merit Outcomes for the Ecological Significance theme available to the public.*

**Technical Recommendation 5.9.5c**

*It is recommended that consequential amendments of the planning scheme be undertaken, as required to give full effect to all amendments resulting from other recommendations.*

**Technical Recommendation 5.9.5d**

*It is recommended that Council note and acknowledge the feedback received from the community.*

**Technical Recommendation 5.9.5e**

*It is recommended that planning scheme mapping be reviewed and amended, as required, to resolve any alignment issues with data layers.*

## 6 Conclusion and Recommendations

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This report provides a response to submissions and other feedback received on the new Torres Shire Planning Scheme (incorporating an interim LGIP amendment), which was subject to a formal public consultation period between 9 November 2020 and 9 February 2021 and reconsultation between Tuesday 6 April 2021 and Thursday 3 June 2021. This report has analysed the grounds and facts and circumstances provided in the submissions and other feedback, with a detailed analysis and response provided in Chapter 5.

This Chapter provides a summary of the recommendations made throughout the report for the consideration of Torres Shire Council.

### 6.1 Recommendations relating to the Planning Scheme

The recommendations matrix provided in **Appendix E** includes a summary of the recommendations made in this report with regard to the subjects raised by submissions and other feedback where they relate to the planning scheme, including potential amendments. Other recommendations which are beyond the planning scheme are discussed in Section 6.2.

A workshop was held with Council on 11 and 12 March to discuss the findings of this report and review the technical recommendations. Council's response to the technical recommendations is also documented in **Appendix E**. Recommendations made relating to feedback received during the reconsultation period were considered at the June 2021 Council meeting.

### 6.2 Recommendations relating to Other Matters

In a number of instances feedback was received which relates to matters beyond the planning scheme. This feedback has, however, been reviewed and analysed for the benefit of Council, with recommendations also summarised in the recommendations matrix in **Appendix E**.

A workshop was held with Council on 11 and 12 March to discuss the findings of this report and review the technical recommendations. Council's response to the technical recommendations is also documented in **Appendix E**. Recommendations made relating to feedback received during the reconsultation period were considered at the June 2021 Council meeting.



## Torres Shire Planning Scheme

### APPENDIX

# A

### DOCUMENTATION OF CONSULTATION ACTIONS

## Torres Shire Planning Scheme

### APPENDIX

# B

### SUBMISSIONS (REDACTED)

## Torres Shire Planning Scheme

### APPENDIX

# C

### SUBMISSIONS MATRIX

## Torres Shire Planning Scheme

### APPENDIX

# D

### CONSULTATION NOTES

## Torres Shire Planning Scheme

### APPENDIX

# E

### RECOMMENDATIONS MATRIX