

Final Consultation Report for the Proposed Package 3 Amendments

Introduction

This Final Consultation Report provides an outline of the public consultation process for the proposed Package 3 Amendments to the Livingstone Planning Scheme 2018. This report also provides an overview of the submissions received during the public consultation period, an overview of the matters raised, and it identifies how Council decided to deal with those matters.

Background

Council made a decision to make amendments to the Livingstone Planning Scheme at its ordinary meeting on the date of 3 December 2019.

The Package 3 Amendments are comprised of administrative amendments, minor amendments, and a range of major amendments. The purpose of the amendments is to update policy and assist with planning scheme interpretation and implementation.

The general effect of the amendments will be:

- updated assessment benchmarks that apply to Dwelling Houses and Dual Occupancies;
- amended categories of development, categories of assessment, or amended assessment benchmarks for:
 - different building work circumstances;
 - clearing native vegetation;
 - earthwork and building work where affected by storm tide hazard overlays or flood hazard overlays;
 - development where affected by greenbreak overlays;
- amended specific benchmarks for assessment contained in zone codes, local plan codes, and schedules, primarily regarding built form acceptable outcomes for the design and siting of buildings or structures;
- amended specific benchmarks for assessment contained in the Scenic Amenity Overlay Code, Coastal Hazard Overlay Code, and Flood Hazard Overlay Code;
- amended specific benchmarks for assessment contained in the Development Works Code, regarding advertising devices, clearing native vegetation, earthwork and retaining walls;
- amended zones and zone precincts over lots in the following localities: Barmaryee, Byfield, Farnborough, Mount Chalmers, Ogmore, Pacific Heights, Tanby, Taroomball, The Caves, and Yeppoon;
- amended acid sulfate soils overlay maps and scenic amenity overlay maps;
- a new building height limit overlay map;
- amended Schedule 1 Definitions to improve consistency with the *Planning Regulation 2017* and to include new administrative terms.

In accordance with the Minister's Guidelines and Rules 2017, a notice was given to the Minister regarding Council's decision to make the proposed amendments. A State Interest Review commenced and was completed. A notice from the Minister was received on 10 August 2020 stating that Council may proceed to public consultation without conditions.

Consultation

It was forecast that the Package 3 amendments might generate a low to moderate amount of broad community interest given the nature of the proposed changes. The communication methods were considered appropriate and fit-for-purpose with regard given to the following:

- the nature of the proposed amendments;
- the potential amount of community interest;
- statutory requirements;
- Council resources; and
- factors outside the control of Council (e.g., COVID guidelines and restrictions).

Prior to the formal public consultation period, Council's Growth Management team had undertaken:

- internal liaison and consultation with relevant officers from other teams having knowledge and expertise in natural resources management, building, development engineering, planning, and natural hazards;
- consultation with local building certification industry participants with regard to the boundary setback related amendments for buildings and structures; and
- consultation with the State Government with regard to State Planning Policy matters associated with amendments.

The formal public consultation period commenced on 14 September 2020 and concluded on 16 October 2020.

The public consultation process included the following communication:

- Statutory Public Notice published in the following media:
 - Notices - CQ Today Newspaper;
 - Notices - Buy, Search, and Sell.com.au;
 - Livingstone Shire Council Internet Webpage;
- Electronic mail notification to special interest groups identified as having a potential close interest in the specific amendment matters;
- Amendment related information was available for download and review from Council's internet webpage during the consultation period. The amendment information included the following:
 - A summary of the Package 3 Major Amendments;
 - A summary of the Package 3 Zone Map Major Amendments;
 - A summary of the Package 3 Zone Precinct Map Major Amendments;
 - A summary of the Package 3 Overlay Map Major Amendments;
 - The amended planning scheme text (including versions showing tracked changes);
 - The amended planning scheme maps;
 - A Planning Scheme User Guide;
 - Information sheets to assist with understanding and interpreting planning scheme matters;
 - Information on how to make a properly submission;
- A hard copy of the amendment material was made available for inspection at the Yeppoon Town Hall and the Emu Park Library during the consultation period; and
- Staff were available to respond to enquiries via electronic mail or telephone during the consultation period.

Note: Due to potential COVID related impacts, other consultation methods such as public display/information booths located at key community focal points were not undertaken.

Submissions

Council received thirteen (13) submissions during the public consultation period.

Of the submissions:

- Eleven (11) are considered to be properly made submissions; and
- Two (2) are considered to be not-properly made submissions.

The two not-properly made submissions were accepted and considered as part of the review of matters raised.

There was a total of twenty-one (21) signatories on the submissions.

A summary of the key matters raised in the accepted submissions received during the statutory consultation period is contained in Table 1 – Summary of accepted submissions.

Dealing with the matters raised in the submissions

At the Ordinary Council meeting on 17 November 2020, a Preliminary Consultation Report was provided to Council's elected representatives for viewing and consideration. The Preliminary Consultation Report contained the same information stated in Table 1, Table 2, Table 3, and Table 4 of this report.

At that meeting, Council resolved to:

- 1) *Make additional changes to the Livingstone Planning Scheme 2018, without the need for additional public consultation, in accordance with the recommended changes identified in Attachment 1 – Preliminary Consultation Report for the Proposed Package 3 Amendments, as per the following tables:*
 - a. *Table 2 – Recommended changes to address issues raised in submissions; and*
 - b. *Table 3 – Recommended changes to address a drafting error; and*
 - c. *Table 4 – Recommended changes that are consistent with a categorisation as an administrative or minor amendment; and*
- 2) *Prepare and publish on Council's internet website a Final Consultation Report about how Council has dealt with the submissions received, in accordance with the Minister's Guidelines and Rules 2017; and*
- 3) *Give the Minister a notice requesting that Council may adopt the Livingstone Planning Scheme 2018 - Package 3 Amendments (including the additional changes from resolution 1).*

In summary, after considering the matters raised in the submissions, Council decided to make one additional amendment. The amendment involved an update to Figure 6.7.3.4.1.1 – Farnborough Road Height Limits by removing 1 Ocean Circle lot from this figure. The submission that this amendment relates to is submission number 13 outlined in Table 1. This amendment is outlined in Table 2 – Recommended changes to address issues raised in submissions. Council considers that this additional amendment does not result in a planning scheme that is significantly different to the version that was available for viewing during the public consultation period. Other submission

matters have not resulted in further proposed amendments to the planning scheme as part of the Package 3 amendments to the planning scheme.

Changing the proposed amendments

The Minister's Guidelines and Rules 2017 states that a local government may make changes to a proposed amendment if:

- a. it addresses issues raised in submissions; or
- b. it amends a drafting error; or
- c. it addresses new or changed planning circumstances or information.

Also noteworthy is that local government also has the ability to make administrative and minor amendments in accordance with the Minister's Guidelines and Rules 2017 and these types of amendments do not require a public consultation phase.

At the Ordinary Council meeting on 17 November 2020, Council resolved to make additional changes to the Livingstone Planning Scheme 2018 (as per the recommended changes outlined in Table 2, Table 3, and Table 4 of both the Preliminary Consultation Report and this Final Consultation Report), without the need for additional public consultation. Council's opinion is that the additional amendments outlined in Table 2, Table 3, and Table 4 do not result in a planning scheme that is significantly different to the version that was available for viewing during the public consultation period. Some of the changes are also consistent with an administrative amendment and they could be made at any time subject to a Council resolution and satisfaction of other requirements outlined in the Minister's Guidelines and Rules 2017.

Completion of Consultation and Amendment Process

All properly made submission contacts will be notified and provided with information on where this Final Consultation Report is available to view and download from Council's internet website.

Further progress with regard to the amendments will be dependent on whether the Minister, following review, considers that Livingstone Shire Council may adopt the proposed amendments.

Table 1 – Summary of accepted submissions

Submission No.	Submitter Signatories	Submission Matters	Growth Management Comments	Recommendation
Submission Category – Zone Allocations and Zone Codes				
#2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13	20	Support the proposed allocation of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone instead of the Medium Density Residential Zone.	<p>Council is the owner of the lot. Council's Infrastructure Projects section advised that a zone change to the Low Density Residential Zone would be consistent with current project objectives for the site given the lay of the land and retaining wall work needed for the location. The low-density residential zone will provide an opportunity for less intense development, which is suitable for the site given its characteristics.</p> <p>The overwhelming support for the zone change by residents in the immediate neighbourhood is noted. No objections to the zone change were submitted.</p>	Council progresses making the amendment involving the allocation of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone.
#13	1	Should the zone change of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone instead of the Medium Density Residential Zone progress as proposed, then Figure 6.7.3.4.1.1 – Farnborough Road Height Limits should also be updated by removing 1 Ocean Circle lot from this figure.	The built form outcomes for the Low Density Residential Zone are included in the Low Density Residential Zone Code of the planning scheme. The height limit for buildings and structures located in the Low Density Residential Zone is 8.5 metres above ground level where the ground has a slope less than fifteen (15) percent, or 10 metres above ground level where the ground has a slope equal or greater than fifteen (15) percent. It is clear from the Council resolution to make the	Council progresses making the amendment involving the allocation of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone and as a consequence of this, Council also updates Figure 6.7.3.4.1.1 – Farnborough Road Height Limits by removing Lot 1 on RP602464 (1 Ocean

			<p>amendments and the advertised amendment material that the intention is for 1 Ocean Circle to now be allocated to the Low Density Residential Zone and therefore have the provisions of the Low Density Residential Zone Code apply to it.</p> <p>Figure 6.7.3.4.1.1 – Farnborough Road Height Limits only applies to land allocated to the Medium Density Residential Zone via the Medium Density Residential Zone Code. The height limits expressed in Figure 6.7.3.4.1.1 will no longer be relevant to 1 Ocean Circle if the lot is allocated to the Low Density Residential Zone as proposed as part of this amendment package.</p> <p>Figure 6.7.3.4.1.1 – Farnborough Road Height Limits should be amended to reflect the proposed zone change of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone instead of the Medium Density Residential Zone. This means removing the lot from this height limits map.</p>	Circle) from that height limits map.
Submission Category – Biodiversity				
#1	1	Lighting on headlands is a concern. There is a Turtle Friendly Code, which is not utilised.	The current planning scheme and the proposed amendments do not focus on matters relating to Turtle Nesting and lighting impacts on these areas.	Council progresses making the Package 3 Amendments as proposed despite the

			<p>Although not current QLD Government Policy, the QLD Department of Environment and Science (DES) has draft work relating to managing impacts on Sea Turtle Nesting Areas. Information provided from the DES following the State Interest Review indicates that the Livingstone Shire Council area includes the Peak Island and Wild Duck Islands: 'mainstays' turtle nesting areas for the eastern Queensland flatback turtle. These islands have been identified as 'very significant' nesting areas and light pollution from urban areas is identified as a high risk and threat to these areas. The DES suggests that Livingstone Shire Council consider a policy to avoid an increase in new artificial light and adopt the Model Code for Sea Turtle Sensitive Areas in conjunction with limiting building heights where located near the foreshore.</p> <p>Despite this matter not being part of these amendments, the matter is noteworthy and further investigation is worthwhile. This matter should be investigated further prior to implementing regulatory measures in the planning scheme. The suggested policy options from the DES result in a significant change in policy and will have potential impacts on many</p>	<p>matters raised in the submission.</p>
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			community stakeholders. A significant change in policy requires further community consultation with numerous stakeholders in the community and consideration of all planning implications. This should be done under a process separate from this Package of Amendments.	
#1	1	Wildlife corridors need to be protected. Urban wildlife corridors also need to be connected to wildlife habitat areas.	<p>The submitter matter is noted. The advertised amendments affect wildlife areas only to the extent that clearing is able to be undertaken in accordance with a limited range of circumstances defined as 'exempt clearing' in the State Government Planning Regulation 2017.</p> <p>The advertised amendments do not result in any changes to the existing biodiversity overlays (which include indicative biodiversity corridors) identified in the planning scheme. The advertised amendments do not result in any changes to the Biodiversity Overlay Code, which contains assessment criteria to regulate impacts from specific development on biodiversity corridors, and environmentally significant wildlife and habitat areas.</p> <p>In the circumstance where there are no biodiversity overlays affecting a site (other than biodiversity corridors or waterways), clearing of native</p>	Council progresses making the Package 3 Amendments as proposed despite the matters raised in the submission.

			<p>vegetation that is not categorised as 'accepted development' requires assessment against the amended Development Works Code to determine whether the clearing can be undertaken without the need for a Development Permit from Council. The Development Works Code retains assessment criteria to assess potential impacts of clearing native vegetation on the identified biodiversity corridors and riparian vegetation (i.e. vegetation adjoining waterways).</p>	
#1	1	<p>Planning Regulation: Schedule 21 – Exempt Clearing Work:</p> <p>a) Part 1, No. 10: Powerline clearing in straight lines contributes to erosion. Grass cover should remain. Can powerlines go underground (it is also better for cyclone or bushfire purposes)?</p> <p>b) Part 1, No. 15: Clearing vegetation after a disaster needs better guidelines and supervision. After the most recent cyclone, various contractors cleared a lot of roadside vegetation whether it was broken or not.</p> <p>c) Part 1, No 16(b): Clearing for cadastral surveys, 10 metres wide of maximum clearing is too wide.</p> <p>d) Part 2, Number 2(g): Urban clearing should not be exempted as new suburbs are looking like deserts (no trees, no soil, hot, dry, and no life).</p>	<p>a) Clearing for Powerlines: The concern is noted. Council and the community should monitor and record examples of poor practice to assess whether this category of 'exempt clearing work' should remain categorised as 'accepted development' in the planning scheme going forward. It is preferable that powerline developers undertake best practice when undertaking clearing including the implementation of erosion and sediment control measures to minimise erosion. If they do this, then the Livingstone Shire community could be satisfied that there is no significant need for additional local regulatory measures. It would be beneficial for energy supply providers to manage these projects in accordance with reasonable community expectations.</p>	<p>Council progresses making the Package 3 Amendments as proposed despite the matters raised in the submission.</p>

		<p>e) Part 4, 1(a): Residential clearing should not be made exempt.</p> <p>f) Part 4, 2(a) & (e): Residential clearing, & urban clearing should not be made exempt.</p>	<p>b) Clearing after a disaster: The concern regarding unnecessary clearing after a disaster is noted. It is important that legitimate clearing can be undertaken promptly following disasters so that the community can recover from impacts in a timely manner. Under the Planning Regulation 2017, this circumstance only applies where a disaster situation has been declared and the clearing is necessary to prevent or minimise:</p> <ul style="list-style-type: none"> • loss of human life, or illness or injury to human life; or • property loss or damage; or • damage to the environment. <p>If the above circumstances do not apply, then the clearing may still require State or local government permission (depending on the situation).</p> <p>Council may be able better inform landowners and the industry of what is acceptable and best practice via its various outlets for disseminating important public information.</p> <p>c) Clearing for cadastral surveys: The concern is noted. Council and the community should monitor and record examples of poor practice to assess whether this category of 'exempt clearing work' should remain</p>	
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			<p>categorised as 'accepted development' in the planning scheme going forward. It will be in the best interest for cadastral surveyors and developers to manage these projects in accordance with reasonable community expectations.</p> <p>d) Residential Clearing & Urban Clearing:</p> <ul style="list-style-type: none"> The concerns are noted. The amended planning scheme does not propose to categorise urban clearing and residential clearing under the Planning Regulation 2017 as accepted development if the site is affected by a biodiversity overlay. 	
Submission Category – Built Form				
#1	1	Building heights in Yeppoon. Several buildings stick up on the coastline, which spoils the once attractive coastal skyline.	<p>The submitter matter is noted. The proposed amendments do not involve any increase in the identified acceptable outcomes for maximum building heights that apply to development in specific areas.</p> <p>The amendments do involve a removal of references to 'storeys' for development in some zones, however, the maximum height remains the same as expressed in metres above ground level.</p>	Council progresses making the Package 3 Amendments as proposed despite the matters raised in the submission.

			The amendments do include a new height limits overlay. This overlay will assist the community with checking the circumstances where impact assessment and public notification may be required due to the height of buildings or structures at specific locations.	
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Table 2 – Recommended changes to address issues raised in submissions:

Submission	Recommended Change	Is the amendment significantly different to the version publicly notified	Justification
Should the zone change of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone instead of the Medium Density Residential Zone progress as proposed, then Figure 6.7.3.4.1.1 – Farnborough Road Height Limits should also be updated by removing 1 Ocean Circle lot from this figure.	Council changes/updates Figure 6.7.3.4.1.1 – Farnborough Road Height Limits by removing Lot 1 on RP602464 (1 Ocean Circle) from this height limits map.	No	<p>Despite this additional amendment being made because of an issue raised in a submission, the amendment does not result in the amendment being significantly different to the version made available for viewing during the public consultation period. As per the Minister’s Guidelines and Rules 2017 (Schedule 2 – Determining if a proposed local planning instrument is significantly different), this amendment is consistent with a change that can be made without further public consultation.</p> <p>This additional amendment is not significant for all of the following reasons:</p> <p>a) the change to Figure 6.7.3.4.1 – Farnborough Road Height Limits does not materially affect any other lots currently identified in this figure;</p>

			<ul style="list-style-type: none">b) the change does not affect a significant proportion of the planning scheme area or a significant number of landowners in the planning scheme area;c) the change does not involve any change to natural hazard mapping;d) Lot 1 on RP602464 is not of significant broad public interest;e) of the community in proximity to the site who did express an interest in the site, all submissions were supportive of the zone change to the low density residential zone (a zone which provides for less intense development and lower building height limits);f) the change does not result in a change in policy intent for how Lot 1 on RP602464 is proposed to be regulated under the planning scheme going forward, nor how other lots in the area are to be regulated by the planning scheme. This is evident from the Council resolution and the attachment to the resolution, which clearly propose that Lot 1 on RP602464 be allocated to the low density residential zone instead of the medium density residential zone, and via the amendment material that had been advertised during the public consultation period (zone map and low density residential zone code, supporting information); and
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			g) the change does not affect the planning scheme in the context of how it appropriately integrates State Government interests.
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Table 3 – Recommended changes to address a drafting error:

Planning Scheme Reference	Recommended Change	Is the amendment significantly different to the version publicly notified	Justification
Part 6 Zones. 6.2.3 District Centre Zone. Table 6.2.3.4.1. AO3.7.	<p>Acceptable Outcome AO3.7 has a minor drafting error in it due to the word 'one', which makes the statement not make sense.</p> <p>As currently worded, AO3.7 states: 'Where buildings are setback from a road frontage lot boundary, a landscape planting bed having a minimum depth of <u>one</u> two (2) metres from the lot boundary'</p> <p>The AO should be amended to remove the word 'one' so that it makes sense in the context</p>	No	<p>The change corrects a clear drafting error that will not materially affect the remainder of the planning scheme. The change will improve interpretation and administration of the planning scheme. The change does not result in the amendment being significantly different to the version made available for viewing during the public consultation period.</p> <p>In addition, this amendment is consistent with the Minister's Guidelines and Rules 2017 description of an administrative amendment and the change could be made by Council Resolution at any time without the need for public consultation. Because of this, it is judicious that this change be made now.</p>

	<p>intended. It should be changed to the following:</p> <p>‘Where buildings are setback from a road frontage lot boundary, a landscape planting bed having a minimum depth of one two (2) metres from the lot boundary....’</p>		
<p>Part 8 Overlay Codes.</p> <p>8.2.3 Biodiversity overlay code.</p> <p>Table 8.2.3.4.1 – Outcomes for assessable development.</p> <p>PO2.</p>	<p>Performance Outcome PO2 has a formatting error in the list of alphabet prefixes. PO2 currently lists (a), (b), (c), and (d), but it should list (a) though to (e). Prefix (c) in the list currently has two separate outcomes joined together but these should be separate outcomes in the list.</p> <p>Prefix (c) is currently as follows:</p> <p><i>‘maximise linkages between vegetation located on adjacent properties within the biodiversity network; allow the dispersal or movement through biodiversity corridors;’</i></p>	No	<p>The change corrects a clear formatting error that will not materially affect the remainder of the planning scheme. The change will improve interpretation and administration of the planning scheme. The change does not result in the amendment being significantly different to the version made available for viewing during the public consultation period.</p> <p>In addition, this amendment is consistent with the Minister’s Guidelines and Rules 2017 description of an administrative amendment and the change could be made by Council Resolution at any time without the need for public consultation. Because of this, it is judicious that this change be made now.</p>

	The words 'allow the dispersal or movement through biodiversity corridors' which follow the semicolon are to become prefix (d), and current prefix (d) is to become prefix (e).		
Part 8 Overlay Codes. 8.2.4 Bushfire hazard overlay code. Table 8.2.4.4.1 – Outcomes for assessable development. AO1.3(b)(iii).	AO1.3(b)(iii) currently states the following: 'three canopy is located greater than two (2) metres from any part of the roofline of a building' The word 'three' should be changed to the word 'tree'.	No	In the context of the entire Acceptable Outcome AO1.3, it is clear that the word 'three' is meant to be 'tree'. The words 'tree canopy' are used in the AO1.3(b)(ii) which immediately precedes AO1.3(b)(iii). The change corrects a clear spelling error that will not materially affect the remainder of the planning scheme. The change will improve interpretation and administration of the planning scheme. The change does not result in the amendment being significantly different to the version made available for viewing during the public consultation period. In addition, this amendment is consistent with the Minister's Guidelines and Rules 2017 description of an administrative amendment and the change could be made by Council Resolution at any time without the need for public consultation. Because of this, it is judicious that this change be made now.
Part 5 Tables of Assessment	There is an error in the Categories of Development and Assessment column relating to operational work if	No	The change corrects a clear duplication error. The change will improve interpretation and administration of the planning scheme. The change does not result in the amendment being significantly different to the

<p>5.9 Categories of development and assessment – Overlays</p> <p>Table 5.9.10 Scenic amenity overlay</p> <p>If located within the coastal greenbreak overlay</p>	<p>located within the coastal greenbreak overlay.</p> <p>The error involves the duplication of the same category of development and category assessment.</p> <p>Operational Work for the purpose of clearing native vegetation (other than for landscape gardening purposes), is categorised as both 'Accepted with Requirements' and 'Code Assessment'. It should only be categorised as 'Accepted with Requirements'.</p> <p>The categorisation of operational work for the purpose of clearing native vegetation (other than for landscape gardening purposes) as code assessable is to be deleted so that there is only one category of assessment for this development circumstance.</p>		<p>version made available for viewing during the public consultation period.</p> <p>The Council intent to lower the category of assessment for operational work for clearing (if located within the coastal greenbreak overlay) is expressed in Item 3.19 of Attachment 1 to the resolution made by Council. Attachment 1 and the Council Meeting Minutes were available to view during the public consultation period and they have been available to view on Council's website since the meeting minutes were uploaded on the website in December 2019.</p> <p>The tracked change version of Part 5 Tables of Assessment (as advertised during the public consultation period) clearly highlights in yellow and tracked changes that operational work for the purpose of clearing native vegetation (other than for landscape gardening purposes) was newly added within the category of 'Accepted with Requirements'. Unfortunately, the previous category of development and assessment, by accident, was not deleted.</p> <p>This recommended additional amendment (that is, the non-categorisation of clearing native vegetation as code assessment if within the coastal greenbreak overlay area) is not significant for all of the following reasons:</p> <p>a) the change will not materially affect the remainder of the planning scheme;</p>
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			<ul style="list-style-type: none">b) the change does not affect a significant proportion of the planning scheme area or a significant number of landowners in the planning scheme area;c) of the minor number of land owners that the coastal greenbreak overlay applies to, the change does not adversely affect them because the change will improve interpretation of the tables of assessment and the category of assessment that applies is a lower category;d) the change does not involve any change to natural hazard mapping;e) the change does not result in a change in policy intent that has been expressed by a resolution of Council and as advertised accordingly. This is evident from the Council resolution and Item 3.19 of Attachment 1 to the resolution (Ordinary Meeting Minutes 3 December 2019), and via the amendment material that had been advertised during the public consultation period (Part 5 Tables of Assessment; andf) the change does not affect the planning scheme in the context of how it appropriately integrates State Government interests.
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Table 4 – Recommended changes that are consistent with a categorisation as an administrative or minor amendment:

Planning Scheme Reference	Recommended Change	Is the amendment significantly different to the version publicly notified	Justification
<p>Schedule 1. Definitions; Table SC1.1.1.1 – Use definitions & Schedule 1. Definitions; Table SC1.1.1.2 – Use definitions; & Table SC1.2.2 — Administrative definitions</p>	<p>The definition of Community Residence in the publicly notified version of the planning scheme is missing Prefix (i)(A) from the definition in the Planning Regulation 2017.</p> <p>It is recommended that the definition be amended to ensure consistency with the Planning Regulation 2017.</p> <p>The definition will be as follows (with the change underlined):</p> <p>The use of premises for residential accommodation for:</p> <p>(a) no more than:</p> <p>(i) <u>six (6) children, if the accommodation is provided as part of a program or service under the Youth Justice Act 1992; or</u></p>	<p>No</p>	<p>The change does not result in the amendment being significantly different to the version made available for viewing during the public consultation period.</p> <p>Furthermore, this amendment is consistent with the Minister’s Guidelines and Rules 2017 description of an administrative amendment. The amended definition ensures alignment with regulated requirements under the Planning Act 2016.</p> <p>Regulated requirements under the Planning Regulation 2017 include the Use Terms such as Community Residence. The planning scheme uses this term already and therefore it can be updated to reflect the most up to date definition in the Planning Regulation 2017.</p> <p>An administrative amendment can be made by Council Resolution at any time without the need for public consultation. Because of this, it is judicious that this change be made now.</p>

	<p>(ii) six (6) persons who require assistance or support with daily living needs; and</p> <p>(b) no more than one (1) support worker.</p> <p>The use of premises may include a building or structure that is reasonably associated with the residential accommodation of the community residence.</p>		
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