



TITLE:

**MACKAY CITY PLANNING SCHEME
AMENDMENTS 4 OF 2010**

**MIRANI SHIRE PLAN
AND THE
SARINA SHIRE PLANNING SCHEME**

AMENDMENTS 2 OF 2010:

**AMENDMENTS TO THE PLANNING SCHEMES (INCLUDING AMENDMENT TO
PROVISIONS RELATING TO NON RURAL USES IN THE RURAL AREAS).**

DATE ADOPTED BY COUNCIL:

14 December 2011

DATE AMENDMENT TOOK EFFECT:

19 December 2011

SIGNATURE:

A handwritten signature in blue ink, appearing to read "Peter Franks", is written over a faint, illegible background.

FULL NAME:

Peter Franks

TITLE:

CHIEF EXECUTIVE OFFICER
MACKAY REGIONAL COUNCIL



**MACKAY CITY
PLANNING SCHEME**

AMENDMENTS 4 OF 2010

**MIRANI SHIRE PLAN
SARINA SHIRE PLANNING SCHEME**

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PROVISIONS RELATING TO NON RURAL USES IN THE RURAL AREAS).**

14 December 2011

Amendments 4 of 2010 to the Mackay City Planning Scheme and Amendments 2 of 2010 to the Mirani and Sarina Planning Schemes

Details of the amendments of the Planning Scheme are show in the following attachments:

- Scheme Amendments 4 of 2010 (Mackay City Planning Scheme) – Attachment A: Details of Amendments 4 of 2010
- Scheme Amendments 2 of 2010 (Mirani Shire Plan) – Attachment B: Details of Amendments 2 of 2010
- Scheme Amendments 2 of 2010 (Sarina Shire Planning Scheme) – Attachment C: Details of Amendments 2 of 2010

The following summarises the proposed main amendments covered by Planning Scheme **Amendments 4 of 2010**:

1. Mackay City Planning Scheme

- Minor amendments to the Strategic Framework to amendment references to industrial areas to include transport depots.
- Minor amendments to the Desired Environmental Outcomes to include specific reference to rural activities.
- Minor amendments to the Mackay Frame and Hinterland Locality Codes to include reference to non-rural activities in the rural zones.
- Include a definition for Rural Activity and amend current industrial activity, heavy vehicle parking and transport depot definition.

Amendments 2 of 2010:

1. Mirani Shire Plan

- Inclusion of Transport Depots in the assessment Categories and Applicable Codes Tables.
- Include a definition for Transport Depots and Rural Activity and amend the current industry and Industrial Use Class definition.

2. Sarina Shire Planning Scheme

- Include reference to industrial activities not being located within the rural zone in the strategic framework.
- Remove reference to Transport Depots.
- Replace the existing Transport Depot definition.
- Include a definition for Rural Activity and amend the current industry definition.

**Scheme Amendments 4 of 2010 (Mackay City Planning Scheme) – Attachment A:
Detail of Amendments 4 of 2010**
Amendments to the Mackay City Planning Scheme (non- rural uses in the rural zone)

No	Planning Scheme Reference	Proposed Amendment
<i>Strategic Framework</i>		
1	<p style="text-align: center;">Strategic Framework Part 1, Division 2, Section 1.4 (2) (e) Industrial Areas</p>	<p><i>In Part 1, Division 2, Section 1.4((2) e) Industrial Areas amend the wording of the third (3rd) paragraph to include transport depots.</i></p> <p>The preferred locations for major industries include the Mackay seaport, Paget and Ooralea. Major rural industries, such as the sugar mills at Racecourse, Pleystowe and Farleigh, and the abattoir at Bakers Creek, are encouraged to develop further.</p> <p>Other low impact less intensive industries are established in appropriate locations, including Glenella, North Mackay, Ooralea and Slade Point. The role of these designated industrial areas is to provide services to the major industries and the residential areas of the City.</p> <p>Industrial activities should be located in designated industrial areas.</p> <p>Other locations in which low impact less intensive industrial activities could be established may be considered include the commercial / service and industrial area in the City Centre Locality and the villages of Walkerston and Bakers Creek. Examples of low impact small-scale industrial activities include service trades, light fabrication and engineering workshops, light vehicle repairs and maintenance, domestic plant and equipment hire, builders' yards, small freight transport depots and storage facilities, and possibly small-scale waterfront activities at North Mackay. The establishment and operation of these industries avoids adverse environmental impacts upon the surrounding ecosystems and the nearby residential areas.</p>
2	<p style="text-align: center;">Strategic Framework Part 1, Division 2, Section 1.4 (2) (k) Rural Areas</p>	<p><i>In Part 1, Division 2, Section 1.4(2)(k) Rural Areas amend the wording of paragraph 1 and 3 as follows:</i></p> <p>“Rural land is developed and used for a wide range of rural economic activities including extractive industries, forestry, grazing, intensive animal husbandry and water supply development. The scheme applies provisions to protect the amenity, habitat and bio-diversity, cultural, and landscape values of rural land, to manage the effects of the activity on the City’s infrastructure, in particular the transport, water supply and sewerage infrastructure, and to require sustainable and effective waste management measures.</p> <p>Intense forms of rural activity requiring significant improvements to the City’s infrastructure, are located within reasonable proximity to the urban area of Mackay and the Port of Mackay, providing the environmental impacts can</p>

		<p>be managed. The subdivision of rural land and the expansion of Rural Residential development within rural areas is not consistent with the scheme's outcomes.</p> <p>The scheme also identifies and protects the amenity, open space and conservation values of rural land. The use and development of rural land is subject to the adoption and implementation of sustainable management practices. The use and development of rural land for uses other than a rural activity is not consistent with the scheme's outcomes."</p>
<i>Desired Environmental Outcomes</i>		
3	<p>Desired Environmental Outcomes Part 3, Division 1, Section 3.1(3)(c)(xi)</p>	<p><i>Amend the wording of Part 3, Division 1, Section 3.1(3)(c)(xi) to include specific reference to rural activities, as follows:</i></p> <p>"(xi) Rural land:</p> <ul style="list-style-type: none"> (A) is protected from incompatible land uses, particularly urban (including but not limited to residential, industrial and commercial) uses; (B) is maintained in agricultural use, where possible, in order to ensure the viability of the sugar industry in the City; and (C) provides opportunities for a wide range of rural economic activities (including agriculture, animal husbandry, aquaculture, extractive industries, forestry, intensive animal husbandry, kennels or a rural industry) and water supply development.
<i>Mackay Frame Locality</i>		
4	<p>Mackay Frame Locality Part 5, Division 3 Assessment Categories and Relevant Assessment Criteria for Making a Material Change of Use – Mackay Frame locality</p>	<p><i>Amended table 5-1 Assessment Categories and Relevant Assessment Criteria for Making a Material Change of Use – Mackay Frame Locality by changing the level of assessment for the following uses in the Rural Zone:</i></p> <ul style="list-style-type: none"> • Caravan Park – Code Assessable Impact Assessable; • Catering Shop – Code Assessable Impact Assessable • Child Care Centre – Code Assessable Impact Assessable • Educational Establishment – Code Assessable Impact Assessable • Health Care Centre – Code Assessable Impact Assessable • Heavy Vehicle Parking – Code Assessable Impact Assessable • Local Community Facility – Code Assessable Impact Assessable • Motel – Code Assessable Impact Assessable • Place of Worship –

		Code Assessable Impact Assessable
5	Mackay Frame Locality Part 5, Division 6 Overall Outcomes for the Mackay Frame Locality	<i>Amend Division 7 Specific Outcomes and Probable and Acceptable Solutions for the Mackay Frame Locality</i> P4 Industrial activities are located within the zoned industrial areas of the City. S4 No solution specified.
6	Mackay Frame Locality Part 5, Division 7 Specific Outcomes and Probable and Acceptable Solutions for the Mackay Frame Locality	<i>Amend the numbering for the following Specific Outcomes P4 – P15 and Acceptable/Probable Solutions S4 – S15 starting at P5/S5 to allow for the inclusion of the new P4 and S4 as above.</i>
7	Mackay Frame Locality Part 5, Division 12 Overall & Specific Outcomes and Probable & Acceptable Solutions for the Rural Zone in the Mackay Frame Locality	<i>Amend Division 12 Specific Outcomes and Probable and Acceptable Solutions for the Rural Zone in the Mackay Frame Locality to insert a new Specific Outcome and Acceptable/Probable Solution under P4 and S4.</i> P5 Non-rural activities are not located within the Rural Area unless the use specifically requires that particular rural location for synergies or co-location. S5 No solution specified.
Mackay Hinterland Locality		
8	Mackay Hinterland Locality Part 6, Division 3 Assessment Categories and Relevant Assessment Criteria for Making a Material Change of Use – Mackay Hinterland Locality	<i>Amended table 6-1 Assessment Categories and Relevant Assessment Criteria for Making a Material Change of Use – Mackay Hinterland Locality by changing the level of assessment for the following uses in the Rural Zone:</i> <ul style="list-style-type: none"> • Caravan Park – Code Assessable Impact Assessable; • Catering Shop – Code Assessable Impact Assessable • Child Care Centre – Code Assessable Impact Assessable • Health Care Centre – Code Assessable Impact Assessable • Heavy Vehicle Parking – Code Assessable Impact Assessable • Local Community Facility – Code Assessable Impact Assessable • Motel – Code Assessable Impact Assessable • Place of Worship – Code Assessable Impact Assessable
9	Mackay Hinterland Locality Part 6, Division 6 Overall Outcomes for the Mackay Hinterland Locality	<i>Amend Part 6, Division 6 Overall Outcomes for the Mackay Hinterland Locality Code (2)(h) and (2)(i) as follows:</i> (h) rural areas, particularly areas of good quality agricultural land identified in the Reliance Creek precinct, the O'Connell River & Northern Streams precinct and the Pioneer River & Southern Streams precinct, are protected from the constraining effects of encroaching incompatible (such as urban development (including but not limited to residential, industrial and commercial), or rural residential development) development (including but not limited to residential, industrial and commercial), or sensitive

		land uses. (i) “non-rural activities in rural areas are limited to activities which specifically require the particular rural location and do not adversely affect the operation of rural uses, or the rural landscape and character of the area. ”
10	Mackay Hinterland Locality Part 6, Division 7 Specific Outcomes and Probable and Acceptable Solutions for the Mackay Hinterland Locality	<i>Amend Part 6, Division 7 Specific Outcomes and Probable and Acceptable Solutions for the Mackay Hinterland Locality</i> P4 Industrial activities are located within the zoned industrial areas of the City. S4 No solution specified. <i>Amend the numbering for the following Specific Outcomes P4 – P9 and Acceptable/Probable Solutions S4 – S9 starting at P5/S5 to allow for the inclusion of the new P4 and S4 as above.</i>
Schedule 1 – Dictionary		
11	Schedule 1 – Dictionary Schedule 1, Section 12.3 Administrative Definitions	<i>Amend the definition of Industrial Activity as follows:</i> “Industrial Activity” means any of the following activities: (a). the making of any article or part of any article; (b). the altering, repairing, servicing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, of any article; (c). the recycling of any material or article involving receiving and processing of such material or article including any stripping, sorting, packing, breaking up or demolition, storage and the ancillary sale or distribution; (d). the on-site treatment or disposal of waste material other than sewerage; (e). the storage, whether for sale or not, of any solid, liquid or gaseous fuel or other dangerous goods referred in the Australian Code for the Transport of Dangerous Goods; or (f). any process of scientific or technological research; or (g). Car Repair Workshop, Heavy Vehicle Parking or Transport Depot.
12	Schedule 1 – Dictionary Schedule 1, Section 12.3 Administrative Definitions	<i>Section 12.3 Administrative Definitions Table 12-1 Administrative Definitions insert Rural Activity between Rooming Unit and Rural Area.</i> <i>Section 12.3 Administrative Definitions (2) insert a new administrative definition of Rural Activity.</i> “ Rural activity ” means the use of land for agriculture, animal husbandry, aquaculture, extractive industries, forestry, intensive animal husbandry, kennels or a rural industry.
13	Schedule 1 – Dictionary Schedule 1 Section 12.2 Use Definitions	<i>Amend section heading to 12.4 Use Definitions</i>
14	Schedule 1 – Dictionary Schedule 1 Section 12.4 – Use Definitions	<i>Amend Heavy Vehicle Parking definition as follows:</i> “Heavy Vehicle Parking” means premises used for the parking of the smallest vehicle classification of either a one or more medium rigid vehicle (MRV), (as described in AS2890-2); and/or a Heavy Vehicle (Class 3 vehicle and

		higher) as described in the Austroad Vehicle Classification System for a period longer than is necessary for loading and unloading or for an occasional service. The term does not include the parking of farm machinery or vehicles associated with a rural activity in rural areas.
15	<p style="text-align: center;">Schedule 1 – Dictionary Schedule 1 Section 12.4 – Use Definitions</p>	<p><i>Amend Transport Depot definition as follows:</i></p> <p>“Transport Depot” means any premises used for the storage of more than one bus, taxi, or other small rigid truck vehicle (SRV) (as described in AS2890-2), medium rigid vehicle (MRV) (as described in AS2890-2) or Heavy Vehicle (Class 3 vehicle and higher) as described in the Austroad Vehicle Classification System heavy rigid truck or articulated vehicle, including any freight in or on such vehicles. The term includes the servicing of such vehicles on the premises, and any administration of such business.</p>

**Scheme Amendments 2 of 2010 (Mirani Shire Plan) – Attachment B:
Detail of Amendments 2 of 2010**
Amendments to the Mirani Shire Plan (non-rural lots in the rural area)

No	Planning Scheme Reference	Proposed Amendment																													
<i>Part 3 – Assessment Categories for Development</i>																															
1	<p align="center">Assessment Categories Part 3, Table 3-1 Assessment Categories & Applicable Codes for a Material Change of Use for a Defined Use</p>	<p><i>Amend Table 3-1 Assessment Categories & Applicable Codes for a Material Change of Use for a Defined Use to include:</i></p> <ul style="list-style-type: none"> Transport Depot <p><i>As a new use in under Industrial Uses between Rural Industry and Warehouse.</i></p> <p><i>Amend Table 3-1 to include the following levels of assessment for Transport Depot in each zone column:</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Defined Uses</th> <th colspan="9">Zones</th> </tr> <tr> <th>Rural</th> <th>Rural Residential</th> <th>Residential</th> <th>Tourism</th> <th>Commercial</th> <th>Industrial</th> <th>Urban Expansion</th> <th>Community Purposes</th> <th>Open Space and Recreation</th> </tr> </thead> <tbody> <tr> <td>Transport Depot</td> <td>I</td> <td>I</td> <td>I</td> <td>I</td> <td>I</td> <td>C</td> <td>I</td> <td>I</td> <td>I</td> </tr> </tbody> </table> <p><i>Amend Table 3-1 in the Applicable Codes Column to include an A (for applicability) for the Locality Code for the new use – Transport Depot and for the Use Class Code for Transport Depot, as follows:</i></p>	Defined Uses	Zones									Rural	Rural Residential	Residential	Tourism	Commercial	Industrial	Urban Expansion	Community Purposes	Open Space and Recreation	Transport Depot	I	I	I	I	I	C	I	I	I
Defined Uses	Zones																														
	Rural	Rural Residential	Residential	Tourism	Commercial	Industrial	Urban Expansion	Community Purposes	Open Space and Recreation																						
Transport Depot	I	I	I	I	I	C	I	I	I																						

		Applicable Codes ¹									
Defined Uses		Locality Code	Use Code	Use Class Code	Filling and Excavation Code	Vehicle Parking and Movement Code	Infrastructure Code				
Transport Depot		A		A							
<i>Part 4 – Locality Codes</i>											
2	Rural Locality Code Part 4, Section 4.2.3 Overall Outcomes and purpose of the Code.	<p><i>Amend Part 4, Section 4.2.3 (2)(vii) as follows:</i></p> <p>(vii) The rural locality is protected from residential encroachment and the potential land use conflicts associated with such encroachment. Land in the rural area is protected from the constraining effects of encroaching urban (including but not limited to residential, industrial and commercial) and rural residential development.</p> <p>(viii)</p>									
3	Rural Locality Code Part 4, Schedule 4-2 (A)- Intent of zones within rural Locality- Rural	<p><i>Amend Part 4, Schedule 4-2 (A)- Intent of Zones within the Rural Locality as follows:</i></p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Intent of Zone</th> </tr> </thead> <tbody> <tr> <td>Rural</td> <td>To protect primary production uses and associated infrastructure, land suitable for a primary production use, natural resources, natural environmental values and natural landscape values from incompatible uses (particularly residential, commercial and industrial uses) or other development and from fragmentation, alienation or degradation.</td> </tr> </tbody> </table>						Zone	Intent of Zone	Rural	To protect primary production uses and associated infrastructure, land suitable for a primary production use, natural resources, natural environmental values and natural landscape values from incompatible uses (particularly residential, commercial and industrial uses) or other development and from fragmentation, alienation or degradation.
Zone	Intent of Zone										
Rural	To protect primary production uses and associated infrastructure, land suitable for a primary production use, natural resources, natural environmental values and natural landscape values from incompatible uses (particularly residential, commercial and industrial uses) or other development and from fragmentation, alienation or degradation.										
<i>Definitions</i>											
4	Defined Uses Part 8, Section 8.1 Defined Use Classes	<p><i>Amend Part 8, Section 8.1 Defined Use Classes – Industrial Use Class to include transport depot.</i></p> <p>Industrial Use Class The term includes the uses defined in Section 8.2.4 as building or landscape supplies, external storage yard, extractive industry, general industry, junk yard, light industry, motor vehicle workshop, noxious or hazardous industry, repair workshop, rural industry, transport depot and warehouse.</p>									

5	<p style="text-align: center;">Defined Use Classes Part 8, Section 8.2.4 Industrial Use Classes</p>	<p><i>Amended Part 4, Section 8.2.4 to include a new definition of Transport Depot. This definition is to be inserted between rural industry and warehouse as follows:</i></p> <p>Transport Depot – a use of premises for the storage of more than one bus, taxi, small rigid vehicle (SRV) (as described in AS2890-2), medium rigid vehicle (MRV) (as described in AS2890-2) or Heavy Vehicle (Class 3 vehicle and higher) as described in the Austroad Vehicle Classification System, including any freight in or on such vehicles. The term includes the servicing of such vehicles on the premises, and any administration of such business.</p>
6	<p style="text-align: center;">Administrative Terms Part 8, Section 8.3 Administrative Terms</p>	<p><i>Amend the definition of Industry as follows:</i></p> <p>Industry – a use involving any of the following activities or similar activities:</p> <ul style="list-style-type: none"> (h). the making, manufacture, production or fabrication of any article, (i). the testing, altering, modification, processing or adaption of any article,; (j). the repairing, servicing, restoring, ornamenting, finishing, cleaning, washing of any article, (k). any manufacturing process whether or not such process results in the production of a finished article, (l). (e) the sorting, packing or canning of any article, (m). (e) the preserving, treating or freezing of any article, or (n). (f) the storage of any article in significant quantities; or (o). a transport depot, motor vehicle workshop or similar use;-and <p>The term 'article' used in this definition includes any good, material, product, substance, chemical or gas.</p>
7	<p style="text-align: center;">Administrative Terms Part 8, Section 8.3 Administrative Terms</p>	<p><i>Include a new definition of Rural Activity in Part 8 , Section 8.3 –Administrative Terms between Rehabilitation and Separation distance. The new definition of Rural Activity is as follows:</i></p> <p>“Rural activity” means the use of land for agriculture, animal husbandry, aquaculture, forestry plantation intensive animal husbandry or kennels.</p>

**Scheme Amendments 2 of 2010 (Sarina Shire Planning Scheme) – Attachment C:
Detail of Amendments 2 of 2010**
Amendments to the Sarina Shire Planning Scheme (non-rural uses in rural areas)

No	Planning Scheme Reference	Proposed Amendment						
<i>Part 1 – Introduction</i>								
1	Strategic Framework Part 1, Division 2, Section 1.7 Strategies for Rural Area	<i>In Part 1, Division 2, Section 1.7 insert a new strategy (5) as follows:</i> “(5) Industrial activities are not located within the rural area, other than rural industrial activities which specifically require a particular location for synergies or co-location.”						
<i>Part 4 – Zones</i>								
2	Assessment Tables Rural Zone Part 4, Division 3, Table 3 Assessment Categories and Relevant Assessment Criteria for the Rural Zone – Making a Material Change of Use	<i>Amend Part 4, Division 3, Table 3 Assessment Categories and Relevant Assessment Criteria for the Rural Zone – Making a Material Change of Use by deleting Transport Depot:</i> <table border="1"> <thead> <tr> <th>Column 1 Defined Use</th> <th>Column 2 Assessment Category</th> <th>Column 3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment</th> </tr> </thead> <tbody> <tr> <td>Transport Depot</td> <td>Impact Assessable</td> <td>Rural Zone Code Signage Code</td> </tr> </tbody> </table>	Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment	Transport Depot	Impact Assessable	Rural Zone Code Signage Code
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment						
Transport Depot	Impact Assessable	Rural Zone Code Signage Code						
3	Assessment Criteria for the Rural Zone Part 4, Division 4, Section 4.17 Consistent Uses	<i>Amended Part 4, Division 4, Section 4.17 Consistent Uses (1) Specific Outcome by deleting transport depot:</i> (v) — Transport Depot <i>Amend the numbering for the consistent uses to allow for the deletion of (v), as above.</i>						
<i>Schedule 1 – Dictionary</i>								
4	Schedule 1 – Dictionary Part 1- Defined Uses	<i>Schedule 1, Part 1 – Defined Uses delete the existing Transport Depot definition and insert a new definition as follows:</i> Transport Depot: means the use of premises for the overnight storage of more than one truck, bus or road transport vehicle with a gross vehicle mass of greater than 4 tonnes. The term includes the servicing of these vehicles. Transport Depot: means any premises used for the storage of more than one bus, taxi, small rigid vehicle (SRV)(as described in AS2890-2), medium rigid vehicle (MRV)(as described in AS2890-2) or Heavy Vehicle (Class 3 vehicle and higher) as described in the Austroad Vehicle Classification System, including any						

		freight in or on such vehicles. The term includes the servicing of such vehicles on the premises, and any administration of such business.
5	Schedule 1 –Dictionary Schedule 1, Part 2 – Explanatory Terms	<p><i>Amend the definition of Industry as follows:</i></p> <p>“Industrial” means any of the following operations:</p> <ul style="list-style-type: none"> (a). any manufacturing process whether or not such process results in the production of a finished article; (b). the breaking up or dismantling of any goods or any goods or any articles for trade, sale or gain, as ancillary to any business; or (c). repairing and servicing of articles including vehicles, machinery, buildings or other structures, laundering of articles but not including on-site work on buildings or other structures of land; or (d). any operation connected with the installation of equipment and services and the extermination of pests but no including on-site works on buildings or other structures or land; or (e). treating waste material; or (f). the storage or sale of any solid, liquid, or gaseous fuel where such storage is not for a purpose separately defined herein; or (g). any process of testing and analysis; and or (h). transport depot, motor vehicle workshop or similar use; and <p>when conducted on the same land as any of the above operations:</p> <ul style="list-style-type: none"> (a) the storage of goods used in connection with or resulting from any of the above operations; (b) the provision of amenities for persons engaged in such operations; or (c) the sale of goods resulting from such operations; or (d) any work of administration or accounting in connection with such operations.
6	Schedule 1 –Dictionary Schedule 1, Part 2 – Explanatory Terms	<p><i>Include a new definition of Rural Activity in Schedule 1, Part 2 – Explanatory Terms between Road Banner Sign and Schedules. The new definition of Rural Activity is as follows:</i></p> <p>“Rural activity” means the use of land for agricultural, animal husbandry, aquaculture (minor and significant impact), extractive industry, intensive animal husbandry and kennels and catteries.</p>