

Integrated Planning Act 1997

Planning Scheme for the City of Mackay

Adoption

The Local Government for Mackay City adopted this planning scheme on 15th March 2006.

Commencement

This planning scheme took effect on 24th March 2006.

State Planning Policies

The Minister for Local Government and Planning has identified the following State Planning Policies as having been appropriately reflected in the planning scheme:

1. Development and Conservation of Good Quality Agricultural Land – SPP 1/92
2. Development in the Vicinity of Certain Airport and Aviation Facilities – SPP 1/02
3. Planning and Managing Development Involving Acid Sulfate Soils – SPP 2/02
4. Mitigating the Adverse Impacts of Flood, Bushfire & Landslide – SPP 1/03

State-controlled Roads

The Minister for Local Government and Planning has given notice that Integrated Planning Act section 6.1.54 applies to the planning scheme. Accordingly, item 9 in Integrated Planning Regulation, Schedule 2 applies for a referral for development that is not contiguous to a State-controlled road.

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PART 1 INTRODUCTION

Division 1 Relationship to Integrated Planning Act

1.1 Purpose of the Planning Scheme

- (1) In accordance with the *Integrated Planning Act 1997* (IPA), the Local Government for the City of Mackay has prepared this planning scheme as a framework for managing development in a way that advances the purposes of the IPA¹ by:
- (a) identifying assessable and self-assessable development; and
 - (b) identifying outcomes sought to be achieved in the local government area as the context for assessing development.

1.2 Planning Scheme Functions as Part of IDAS

The planning scheme functions as part of IDAS² and must be read together with the IPA and the Integrated Planning Regulation.

¹ Under IPA, Section 1.2.1, the purpose of the IPA is to seek to achieve ecological sustainability by (a) coordinating and integrating planning at the local, regional and State levels; and (b) managing the process by which development occurs; and (c) managing the effects of development on the environment (including managing the use of premises).

² IDAS – Integrated Development Assessment System – is the system detailed in Chapter 3 of the IPA for integrating State and Local government assessment processes for development.

Division 2 Strategic Framework

1.3 Preliminary

- (1) This division reflects the desired environmental outcomes and summarises the approach taken by the planning scheme to achieve the desired environmental outcomes.
- (2) This division does not have a role in development assessment under the planning scheme.
- (3) This division provides the context for understanding how policy contained in the planning scheme was determined.

1.4 Strategic Framework

- (1) **Section 1.4** details the key strategic elements of the planning scheme and describes the strategy and outcomes for each element. The Whitsunday Hinterland and Mackay (WHAM) planning framework has been incorporated into the planning scheme to the extent the framework influences the approach to developing land in the City.
- (2) The various spatial and functional relationships between elements of the City are as follows:

(a) Open Space and Conservation Areas

Ecosystems of high open space and conservation values or conservation and biodiversity significance require protection from adverse effects of development. The planning scheme achieves this by limiting development in those locations to low impact activities, facilities or works; ensuring effective design and siting of development; provision of buffers within a site, and limitation of clearing, earthworks or any other works adjacent to waterways.

A City-wide network of open space using linked systems has been established, including the coast, viable communities of remnant vegetation, riverine areas and the natural drainage system. The linkages provide for habitat and corridor functions, as well as recreation linkages to urban areas. Linkages to places of cultural heritage value are established where possible and integrated into the overall network as part of the development process.

Open space and conservation areas are intended for the protection and conservation of biodiversity as well as for community and public purposes.

(b) Major Infrastructure

The City's infrastructure and its continued operational efficiency is protected.

Strategic port land incorporates suitable buffers (as required by the Seaport Land Use Plan³), as does areas surrounding strategic port land.. For non-port activities on port land, such as residential, recreation, entertainment, leisure and shopping, development is governed by the Planning Scheme where the land is the subject of a freeholding lease or similar form of title. In those circumstances, development effectively manages any potential environmental impacts or constraints in regard to port operations.

³ The development of the Port of Mackay is governed by the Seaport Land Use Plan which was prepared under the Transport Infrastructure Act and over-rides the Planning Scheme for the City of Mackay.

Similarly, in regards to the Airport Land Use Plan⁴, buffers within the airport and surrounding area protect airport activities. Also, activities within the flight paths to Mackay Airport require impact mitigation and risk minimisation, and the main access routes to the airport are protected by the management of noise sensitive activities or major traffic generating activities.

A road transport network meets the needs of the City for the foreseeable future. Future use of land in the City is required to be compatible with the role and function of the transport network. New urban growth, particularly in residential areas, and new development in rural locations (particularly rural residential and village uses) will incorporate transport infrastructure that responds to transport needs.

The route of the potential Port Access corridor linking the industrial areas of the City with the Mackay seaport is protected and the operational efficiency of the major road transport routes serving the Mackay seaport, the airport, the railway and the Paget industrial area is maintained.

Rail infrastructure corridors in the City are protected from the constraining effects of sensitive land uses by buffers, acoustic screens or other forms of physical separation. Where development occurs in close proximity to a rail corridor, appropriate mitigation measures in the design and siting of buildings and recreation space are provided.

Similarly, the network of cane tramways throughout the City is protected from the effects of incompatible development.

(c) Major Community Facilities

Community facilities including the hospital, the Botanic Gardens and the university sites are protected from the effects of encroaching, incompatible activities such as high impact industries. Further development and multi use of the major recreational facilities is encouraged as a means of enhancing community life.

Access to major community facilities is maintained and enhanced to optimise their value to the community. Connection with the transport infrastructure network is convenient and safe, and is not prejudiced by the siting of inappropriate activities nearby.

(d) Commercial Centres

A network of centres based on roles and functions and meeting the needs of the City and the region has been established. The City provides a wide range of facilities and services from its centres to meet the needs of the population of the City, and the Whitsunday and hinterland areas. However, a sustainable balance is required between the development of the City's centres and the needs of the growing City and regional populations by managing the character, rate, scale and intensity of development in each centre.

The network of centres⁵ in the City includes the following elements:

- (i) **Mackay City Centre – Regional Centre** as the principal centre for all multi-purpose centre activities in the City and the region;

⁴ The development of the Mackay Airport is governed by the Mackay Airport Land Use Plan which was prepared under the Transport Infrastructure Act and over-rides the Planning Scheme for the City of Mackay.

⁵ Note: The designated centres in the network are shown in an indicative manner on Information Map – Network of Centres, whereas the Zone maps provide more definitive centre boundaries. Existing centres not shown on this map are not intended to expand.

- (ii) **Mt Pleasant Sub-Regional Centre**, including Greenfields, Sams Road and Heaths Road, as the second major focus for shopping, commercial and entertainment in the City, functioning as a supporting role to the City Centre;
- (iii) **Rural View Major Neighbourhood Centre**, functioning as the third major focus for shopping, community and commercial needs in the City.
- (iv) **neighbourhood centres**, including Andergrove and Walkerston, providing for weekly or high-frequency shopping, community and commercial needs;
- (v) **mixed use centre** at North Mackay; and
- (vi) **local centres**, including the small convenience centres at Bucasia, Blacks Beach, North Mackay, Mt Pleasant, Slade Point and West Mackay.

To establish and maintain a viable and sustainable network of centres in the City, additional centre activities are situated within or immediately adjacent to a designated centre and be appropriate in their scale, intensity and character to the intended role and function of the designated centre.

The City's centres develop as concentrations of multi-purpose activities servicing the diverse needs of residents located within the trade catchment of each centre. A wide range of activities is allowed for in the centres, provided such activities are appropriate to the intended role and function of each centre.

In addition, the re-use and rejuvenation of the existing shopping and commercial areas not designated as centres in the network is encouraged, and centres and other commercial areas are attractive, safe, sustainable and able to be economically and efficiently supported by appropriate development infrastructure.

In the City Centre Locality, built heritage is protected in accordance with the Character/Heritage Protection Overlay.

To achieve their intended roles and functions, the designated centres are situated at key locations within the City's transport infrastructure. Development of centre activities occurs on sites with safe and convenient access to appropriate transport infrastructure that meets the needs of the proposed activities.

(e) Industrial Areas

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.

Other 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.

Other locations in which less intensive industrial activities could be established include the commercial / service and industrial area in the City Centre Locality and the villages of Walkerston and Bakers Creek. Examples of 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 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.

Industrial areas also allow for small-scale, convenience retailing to meet the daily needs of the workforce in the industrial area.

All industrial areas are accessible from arterial roads or sub-arterial roads in the road transport network.

To support the rural economic base of the City, a diverse range of rural industries is encouraged in appropriate locations.

Extractive industries are important to the City's economic growth and are encouraged in locations which can be adequately buffered from other, incompatible activities. Potential impacts of hard rock extractive industries, such as drilling, blasting and crushing are mitigated to retain the amenity of nearby properties. Potential impacts of extractive industries on the landscape character, cultural heritage, drainage systems and habitat and bio-diversity values of the City generally are avoided, or at least, mitigated in order to protect and maintain such values.

Haulage routes connecting extractive industries with the arterial and sub-arterial road network are required to avoid existing residential and village areas as well as sensitive environments and be buffered from other incompatible land uses. The impact of quarry-related traffic flows on the City's transport infrastructure in terms of traffic flows, road capacity and road life is required to be sustained by that infrastructure.

(f) Urban Areas

A high level of service and amenity for residents is encouraged through a range of activities in the urban areas including:

- (i) residential, high density residential, and other forms of housing and accommodation such as caravan parks, relocatable home parks and the like;
- (ii) local centres which serve the high frequency convenience shopping needs of the immediate locality;
- (iii) small scale businesses and service trades, particularly those which operate from home, or from local centres;
- (iv) community facilities such as schools, local open space, religious activities, sporting and small scale recreational facilities; and
- (v) tourist facilities and accommodation situated within the urban fabric of the City.

Urban development is ecologically sustainable through the use of land which is not constrained by noise, slope, or natural hazard risk. Attributes of ecologically sustainable development are sound catchment planning and water cycle management practices, efficient solar orientation, and proximity to a centre, employment, major community facilities, and efficient public transport.

The preferred sequence for urban residential development is reflected in the scheme and comprises:

- (i) 'in sequence' areas, representing the forecast urban residential land requirements for the City for the eight (8) year period from 2005 to 2013, is included in the Urban Residential zone, the Urban Expansion zone or the Higher Density Residential zone in the applicable Locality; and
- (ii) 'out of sequence' areas, are any area that is included in a non-urban zone.

Standards ensure that the interface between urban areas and other areas is managed to avoid land use conflicts. An effective buffer is provided between urban areas and agricultural land, industrial land and major infrastructure including transport corridors. Further, high levels of accessibility and mobility are intended for urban areas. New urban residential estates are connected with and extend the existing hierarchy of roads. The streets within new urban residential estates are planned and

designed to reflect and extend the hierarchy of roads. New urban residential estates provide a network of paths, including walking, cycling and multiple use paths linking the City's path system.

(g) Urban Expansion Areas

The expansion of the urban fabric of the City is orderly and sequential. The 'Urban Expansion' zone identifies a land bank. Land included in the Urban Expansion zone generally is physically suitable for urban development. Some areas of land in the Urban Expansion zone will need to be set aside for conservation, open space purposes, infrastructure and other purposes.

The preferred locations for urban expansion are identified at Bucasia, Glenella, Rural View, and limited areas at Ooralea and Walkerston.

Development of land included in the Urban Expansion zone during the life of the Planning Scheme will occur as 'out of sequence' development, requiring cost sharing arrangements between the Council and the proponent, and compliance with strict environmental and servicing conditions. An application for urban development of land in this zone will require impact assessment to provide certainty to residents in the area in relation to the type of development that is proposed

(h) Villages

The roles and functions of the villages are protected.

The designated villages of Bakers Creek, Bloomsbury, Calen, Mt Ossa, Eton, Farleigh, The Leap / Hampden, Kuttabal and McEwens Beach continue to provide community facilities and small-scale convenience services to small but usually disperse populations in rural and coastal settings throughout the City. A diverse range of activities are encouraged in these villages, providing they are small scale and low intensity; they service primarily the daily or high frequency needs of the resident population; and retain and enhance the amenity and character of the village setting.

Activities primarily servicing the needs of highway travellers are situated within the village area and complement the scale, intensity, character and amenity of the village.

The designated villages of Midge Point, Seaforth, Holiday Bay and Ball Bay also provide small scale holiday and tourist facilities and services. Non-rural activities in rural localities occur predominantly in or immediately adjacent to a village, on the basis the impacts of such activities are minimised, managed and acceptable in the context and character of the village setting.

The major industries at Bakers Creek and Farleigh will continue to be protected from future development by buffer zones and other measures incorporated in new development.

The preferred form of village development involves consolidation within the existing village areas to make more efficient use of the infrastructure and to achieve a more cohesive village identity.

The character and amenity of the villages is maintained. New activities within or immediately adjacent to a village are sympathetic and complementary to the distinctive character and amenity of its location, its setting in a rural or coastal landscape, the scale and intensity of the settlement pattern, and the range and nature of facilities and services provided. The village and surrounding rural or coastal area interface aims to minimise the impact on agricultural practices, coastal and rural ecologies, and on the landscape setting and natural features such as riparian corridors, beach systems, estuaries, and escarpments and sloping land.

Development in the villages provides an appropriate range of infrastructure, in accordance with the needs of the community, such as a water supply and sewerage or an acceptable means of waste disposal, sealed roads, electricity and telecommunications. Land for local open space and recreation is also provided.

(i) Rural Residential Areas

The preferred locations for rural residential land include areas at Farleigh, Habana, and limited areas at Nindaroo and Walkerston. Where there is a direct interface between rural residential development and good quality agricultural land, such development is planned and designed so that the economic use of agricultural land is not constrained.

The need for rural residential land additional to the allocated areas will only occur through a comprehensive planning scheme review. This will be conducted from time to time and will include an assessment of trends, forecasts, and take-up rates of rural residential development.

(j) Rural Agriculture

Rural agricultural land for sustainable economic purposes has been identified and protected from incompatible land uses.

The preferred use of rural agricultural land is agricultural and ancillary rural activities. Other activities may be established on rural agricultural land only in accordance with the principles and requirements of *State Planning Policy 1/92*, taking into account the overriding need to maintain sufficient areas of agricultural land to ensure the viability of the sugar industry and the mills in the City.

Rural agricultural land and existing infrastructure supporting agricultural activities is protected from the adverse effects of encroaching or adjacent incompatible land uses. This is achieved by the provision of buffers or screens within farms and within nearby development sites, by encouraging non-agricultural activities to be established in locations removed from rural agricultural land, and the effective management of non-agricultural activities to contain and minimise impacts on rural agricultural land. The subdivision of rural agricultural land and the expansion of Rural Residential development within rural areas is not consistent with the scheme's outcomes.

The establishment of other rural industries which are ancillary to and support the use of rural agricultural land is encouraged in locations which do not result in the unnecessary loss or impose unnecessary constraints upon the use of good quality agricultural land.

Sustainable agricultural practices developed through adoption of the recommendations of the Great Barrier Reef Water Quality Action Plan. This refers to sustainable catchment management principles relating to the control of soil erosion, stream bank stability, the protection of riparian vegetation and the movement of chemical residues and nutrients from farms to the aquatic environment.

(k) Rural Areas

Rural land is developed and used for a wide range of 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.

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 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.

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.

(l) Tourist Areas

Preferred tourist development sites have proximity to infrastructure and services, and have suitable physical characteristics to accommodate the form, scale and intensity of development proposed without imposing unnecessary or unacceptable impacts upon the surrounding area.

The planning scheme identifies areas for tourist facilities both in urban locations and in proximity to features of high natural attraction where infrastructure and community facilities and services can be provided conveniently and efficiently. The tourist areas are identified on the Tourist Areas Information Map and described below. The tourist areas include mainland locations such as Laguna Quays, Midge Point, Seaforth, Haliday Bay, Ball Bay and Cape Hillsborough, Shoal Point, Dolphin Heads and Eimeo, Blacks Beach and South Mackay; and island locations such as Brampton, Keswick and Lindeman Islands.

The planning scheme is particularly focussed on the effective management of the development of tourist facilities in sensitive locations. Tourist development in the highly sensitive coastal and island locations in the City is subservient to the landscape and the cultural, ecological and recreation values of the area; maintains the stability of the coast and the quality of receiving waters; avoids excessive development intensities or removal of coastal vegetation; and is sustainable and self-sufficient in terms of infrastructure requirements and emergency access.

(m) Built Heritage Conservation

The importance of the existence of many good examples of “Art Deco” designed buildings, particularly in the City Centre Locality, and older buildings designed in the Queensland vernacular has been recognised.

In the City Centre Locality, built heritage is protected in accordance with the Character/Heritage Protection Overlay.

Division 3 Planning Scheme Structural Elements

1.5 Local Government Area Divided into Four Localities

- (1) The planning scheme is divided into four geographic areas, each termed a 'Locality'. Each Locality has a particular character or characteristics that require particular development outcomes. The four localities cover the entire local government area and are identified on the Locality Key Map. They include the:
 - (a) Mackay City Centre Locality;
 - (b) Mackay Frame Locality;
 - (c) Mackay Hinterland Locality; and
 - (d) Off-Shore Islands Locality.

1.6 Localities Divided into Zones

- (1) The planning scheme divides each Locality into zones as follows:
 - (a) the **Mackay City Centre Locality (Part 4)** is divided into the:
 - (i) Commercial Centre zone;
 - (ii) Commercial (Main Street) zone;
 - (iii) Commercial (Major Facility) zone;
 - (iv) Commercial (Services) zone;
 - (v) City Residential zone;
 - (vi) Waterfront zone;
 - (vii) Mixed Use zone;
 - (viii) Special Activities (City) zone;
 - (ix) Commercial zone;
 - (x) Higher Density Residential zone;
 - (xi) Open Space zone; and
 - (xii) Public Purposes zone.
 - (b) the **Mackay Frame Locality (Part 5)** is divided into the:
 - (i) Commercial zone;
 - (ii) Higher Density Residential zone;

- (iii) Urban Residential zone;
- (iv) Rural Residential zone;
- (v) Urban Expansion zone;
- (vi) Rural zone;
- (vii) Village zone;
- (viii) Special Activities (Tourism) zone;
- (ix) Industry (High Impact) zone;
- (x) Industry (Low Impact) zone;
- (xi) Sport and Recreation zone;
- (xii) Public Purposes zone; and
- (xiii) Open Space zone.

(c) the **Mackay Hinterland Locality (Part 6)** is divided into the:

- (i) Commercial zone;
- (ii) Higher Density Residential zone;
- (iii) Urban Residential zone;
- (iv) Rural Residential zone;
- (v) Urban Expansion zone;
- (vi) Rural zone;
- (vii) Village zone;
- (viii) Special Activities (Tourism) zone;
- (ix) Industry (High Impact) zone;
- (x) Industry (Low Impact) zone;
- (xi) Sport and Recreation zone;
- (xii) Public Purposes zone; and
- (xiii) Open Space zone.

(d) the **Off-Shore Islands Locality (Part 7)** is divided into the:

- (i) Special Activities (Tourism) zone; and
- (ii) Open Space zone.

(2) Each of the zones are shown on the relevant Zone Map (refer Section 1.9).

1.7 Some Localities are Divided into Precincts

- (1) The planning scheme divides some localities into precincts in order to provide more detailed development outcomes and assessment criteria applicable specifically to a particular part of the locality and to a particular zone. The following localities are divided into precincts:
 - (a) the **Mackay City Centre Locality** is divided into the:
 - (i) City Heart precinct;
 - (ii) Wharf precinct;
 - (iii) City South precinct;
 - (iv) Eastside precinct;
 - (v) West End precinct; and
 - (vi) Riverside precinct.
 - (b) the **Mackay Frame Locality** is divided into the:
 - (i) Goosepond Creek precinct;
 - (ii) Pioneer River (Urban) precinct; and
 - (iii) McCreedy's Creek precinct.
 - (c) the **Mackay Hinterland Locality** is divided into the:
 - (i) Reliance Creek precinct;
 - (ii) Pioneer River and Southern Streams precinct; and
 - (iii) O'Connell River and Northern Streams precinct.
- (2) The precincts are shown on the Precinct Key Map (refer Section 1.9).

1.8 Overlays

- (1) The planning scheme has nine overlays (**Part 8**) which provide for additional assessment criteria where development is proposed within areas subject to particular issues, features or constraints. The overlays are:
 - (a) Bushfire Management Overlay;
 - (b) Coastal Management and Biodiversity Overlay;
 - (c) Character Heritage Protection Overlay;
 - (d) Development in the Vicinity of Mackay Airport Overlay;
 - (e) Development on Steep Land Overlay;
 - (f) Flood and Inundation Management Overlay;
 - (g) Good Quality Agricultural Land Overlay;

- (h) Landscape Character Overlay; and
 - (i) Acid Sulfate Soils Overlay.
- (2) The extent of each Overlay is shown on the relevant Overlay Map (refer **Section 1.9**).

1.9 Planning Scheme Maps

The planning scheme provides planning scheme maps (listed in **Table 1-1** below) to assist with interpretation and implementation of measures.

Table 1-1 Planning Scheme Maps

Name of Map Group		Purpose of Map
Key Map 1	Map Series	Identifies the map series in which a particular site is situated. All relevant planning scheme maps applying to the site will have the same map series reference and thus provides a single point of reference.
Key Map 2	Locality Key Map	Identifies the boundary and name of the Locality in which a particular site is situated.
Key Map 3	Precinct Key Map	Identifies the boundary and name of the Precinct within a Locality in which a particular site is situated.
Zone Maps	Zone Map	Identifies the zone designation in which a particular site is situated. The zone map series reference for a particular site is derived from Key Map 1.
Overlay Maps	Overlay Map	Identifies the type and extent of an Overlay code that may affect a site. The overlay map series reference for a particular site is derived from Key Map 1.
Information Maps	Information Map	Maps contained in the scheme which provide supporting information regarding particular scheme measures.

1.10 Roads, Watercourses and Reclaimed Land

- (1) If a road, watercourse or reclaimed land in the City of Mackay area is not shown as being covered by a zone on the zone maps, the following applies:
- (a) if the road, watercourse or reclaimed land is adjoined on both sides by land in the same zone – the road, watercourse or reclaimed land has the same zoning as the adjoining land;
 - (b) if the road, watercourse or reclaimed land is adjoined on one side by land in a zone and adjoined on the other side by land in another zone – the road, watercourse or reclaimed land has the same zoning as the adjoining land and the centreline of the road or watercourse is the boundary between the two zones; and
 - (c) if the road, watercourse or reclaimed land is adjoined on one side only by land in a zone – the entire road, watercourse or reclaimed land has the same zoning as the adjoining zoned land.
- (2) To remove any doubt, it is declared that section (1) also applies to a closed road if the road is closed after the commencement of the planning scheme.

1.11 Determining if development is assessable or self-assessable under the planning scheme

- (1) Assessment tables for the localities and overlays identify development that is assessable, self-assessable or exempt under the planning scheme as follows.
 - (a) tables for each Locality as follows:
 - (i) Mackay City Centre Locality **Table 4-1** and **Table 4-2**;
 - (ii) Mackay Frame Locality **Table 5-1** and **Table 5-2**;
 - (iii) Mackay Hinterland Locality **Table 6-1** and **Table 6-2**; and
 - (iv) Off-Shore Islands Locality **Table 7-1** and **Table 7-2**.
 - (b) tables for each Overlay as follows:
 - (i) Bushfire Management Overlay **Table 8-1** and **Table 8-2**;
 - (ii) Coastal Management and Biodiversity Overlay **Tables 8-3** and **Table 8-4**;
 - (iii) Character Heritage Protection Overlay **Table 8-5** and **Table 8-6**;
 - (iv) Development in the Vicinity of Mackay Airport Overlay **Table 8-7** and **Table 8-8**;
 - (v) Development on Steep Land Overlay **Table 8-9** and **Table 8-10**;
 - (vi) Flood and Inundation Management Overlay **Table 8-11** and **Table 8-12**;
 - (vii) Good Quality Agricultural Land Overlay **Table 8-13** and **Table 8-14**;
 - (viii) Landscape Character Overlay **Table 8-15** and **Table 8-16**;
 - (ix) Acid Sulfate Soils Overlay **Table 8-17** and **Table 8-18**.
- (2) The assessment tables also identify assessable development under the planning scheme that requires code assessment or impact assessment.
- (3) If development is identified as having a different assessment category under a zone than under an overlay, or under different overlays, the higher assessment category applies as follows:
 - (a) self-assessable prevails over exempt;
 - (b) code assessable prevails over self-assessable or exempt; and
 - (c) impact assessable prevails over self-assessable, code assessable or exempt.

Zone Assessment Category (or category for another overlay if more than one overlay applies)	Overlay Assessment Category			
	Exempt	Self	Code	Impact
Exempt	Exempt	Self	Code	Impact
Self-assessable	Self	Self	Code	Impact
Code	Code	Code	Code	Impact
Impact	Impact	Impact	Impact	Impact

- (4) Laguna Quays Development. Where land that comprises the Laguna Quays Development (as described in 6.7 of Part 6) is affected by an Overlay Code, the making of a material change of use of premises is, for the purposes of the particular Overlay Code, exempt development..
- (5) Where land is not included in a Zone, all development (including an MCU and 'other development') is Impact Assessable. However, the planning scheme provisions do not apply to development on Strategic Port Land (all development on Strategic Port Land is controlled by the Mackay Port Authority Land Use Plan for the Seaport and Airport).
- (6) For the purposes of this planning scheme the following are exempt from assessment under this planning scheme:
 - (a) roadworks conducted by or on behalf of a government entity;
 - (b) the declaration or opening of a State controlled road and the conduct or construction of "ancillary works and encroachments" as defined in the *Transport Infrastructure Act 1994* or the *Transport Infrastructure (State Controlled Roads) Regulation 1994*;
 - (c) the dedication of land for roads, and
 - (d) water treatment or water supply infrastructure undertaken by or on behalf of Mackay City Council.
- (7) Where associated with the purposes referred to in Section 1.11(6) the following activities are also exempt development:
 - (i) excavating, crushing, screening and taking road building material from land (whether road or not);
 - (ii) parking construction equipment;
 - (iii) site office;
 - (iv) building a dam to store water on land (whether road or not); and
 - (v) removing vegetation.

1.12 Acceptable/Probable Solutions for Assessable Development

An acceptable/probable solution for a specific outcome provides a guide for achieving that outcome in whole or in part, and does not limit the assessment manager's discretion under the IPA⁶ to impose conditions on a development approval.

⁶ IPA, Chapter 3 (Integrated Development Assessment System (IDAS)), Part 5 (Decision Stage), Division 6 (Conditions)

1.13 Types and Names of Codes

- (1) There are codes for:
 - (a) each Locality and each Overlay;
 - (b) general matters applicable to all Localities; and
 - (c) development for a stated purpose or development of a stated type.
- (2) The codes are the following:
 - (a) code for each Locality as follows:
 - (i) Mackay City Centre Locality Code (**Part 4**);
 - (ii) Mackay Frame Locality Code (**Part 5**);
 - (iii) Mackay Hinterland Locality Code (**Part 6**); and
 - (iv) Off-Shore Islands Locality Code (**Part 7**);
 - (b) code for each Overlay as follows (**Part 8**):
 - (i) Bushfire Management Overlay Code (**Division 2**);
 - (ii) Coastal Management and Biodiversity Overlay Code (**Division 4**);
 - (iii) Cultural Heritage Protection Overlay Code (**Division 6**);
 - (iv) Development in the Vicinity of Mackay Airport Overlay Code (**Division 8**);
 - (v) Development on Steep Land Overlay Code (**Division 10**);
 - (vi) Flood & Inundation Management Overlay Code (**Division 12**);
 - (vii) Good Quality Agricultural Land Overlay Code (**Division 14**);
 - (viii) Landscape Character Overlay Code (**Division 16**); and
 - (ix) Acid Sulfate Soils Overlay Code (**Division 18**).
 - (c) codes for development for stated purpose or of a stated type and for general matters as follows (**Part 9**):
 - (i) Animal Husbandry Code (**Division 1**);
 - (ii) Aquaculture Code (**Division 2**);
 - (iii) Bed and Breakfast Code (**Division 3**);
 - (iv) Caravan Park Code (**Division 4**);
 - (v) Child Care Centre Code (**Division 5**);
 - (vi) Dependent Persons' Accommodation Code (**Division 6**);

- (vii) Dwelling House and Sheds Code (**Division 7**);
- (viii) Environment and Infrastructure Code (**Division 8**);
- (ix) Extractive Industry Code (**Division 9**);
- (x) Heavy Vehicle Parking Code (**Division 10**);
- (xi) Home Based Business and Home Occupation Code (**Division 11**);
- (xii) Industrial Code (**Division 12**);
- (xiii) Local Community Facilities Code (**Division 13**);
- (xiv) Motel Code (**Division 14**);
- (xv) Multiple Dwelling Units, Accommodation Units and Dual Occupancy Code (**Division 15**);
- (xvi) Operational Works (Earthworks) Code (**Division 16**);
- (xvii) Place of Worship Code (**Division 17**);
- (xviii) Reconfiguration of a Lot Code (**Division 18**);
- (xix) Recreation Facilities Code (**Division 19**);
- (xx) Retail and Commercial Code (**Division 20**);
- (xxi) Rural Industries Code (**Division 21**);
- (xxii) Service Station Code (**Division 22**);
- (xxiii) Telecommunications Facilities Code (**Division 23**); and
- (xxiv) Tourist Accommodation Resorts Code (**Division 24**).

1.14 Codes Applicable to on-going Use

A code that is applicable to a material change of use is also applicable to the on-going use that results from that change⁷.

1.15 Planning Scheme Seeks to Achieve Outcomes

- (1) The planning scheme seeks to achieve outcomes that are identified according to the following levels:
 - (a) desired environmental outcomes;
 - (b) overall outcomes for and purpose of a code;
 - (c) specific outcomes for a code;
 - (d) probable solutions for a specific outcome, or acceptable solutions for complying with a self-assessable development.

⁷ IPA, Section 2.1.23(3) (Local planning instruments have force of law) relates with respect to regulating the use of premises and also IPA, Section 4.3.4 (Compliance with identified code for use of premises) with respect to an offence under the Act.