



TITLE:

**MACKAY CITY PLANNING
SCHEME**

AMENDMENTS 3 OF 2007:

**AMENDMENTS TO THE PLANNING SCHEME
SCHEDULES (PART 12) – ADMINISTRATIVE & USE
DEFINITIONS AND HERITAGE ISSUES (PARTS 8 AND 12).**

DATE ADOPTED BY COUNCIL:

17 December 2008

DATE AMENDMENT TOOK EFFECT:

24 April 2009

SIGNATURE:

FULL NAME:

Dan McKinlay

TITLE:

ACTING CHIEF EXECUTIVE OFFICER
MACKAY REGIONAL COUNCIL



MACKAY CITY PLANNING SCHEME

AMENDMENTS 3 OF 2007:

**AMENDMENTS TO PLANNING SCHEME
SCHEDULES (PART 12)**

**(INCLUDING MODIFICATIONS MADE AS A RESULT OF
PUBLIC SUBMISSIONS AND AS A RESULT OF
CONDITIONS FROM THE SECOND STATE INTEREST
REVIEW)**

17 DECEMBER 2008 (DATE OF ADOPTION)

Effective from 24 April 2009

Amendments 3 of 2007

Amendments to Planning Scheme Schedules (Part 12).

Detail of the amendments of the Planning Scheme Schedules is shown in the following Attachment:

- Scheme Amendments 3 - Attachment A:
Detail of Amendments 3 of 2007

Most requirements within the Planning Scheme Schedules, including most car parking requirements, and administrative and use definitions were taken over from the Superseded Transitional Scheme and require amendment to align with current requirements and practices. In addition, there are other amendments made, that are required to support other proposed amendments to the Planning Scheme (refer to Amendments 1 and 2 of 2007).

The following summarises the individual amendments covered by Planning Scheme **Amendments 3 of 2007**:

1 Schedule 1: Dictionary

1.1 Administrative Definitions:

Four administrative definitions require amendments to provide more clarity and certainty in relation to the provision of on-site car parking spaces, particularly in relation to contemporary accommodation, which provides for single rooms to apartments and multiple access units.

A new definition for Infill Development is included for residential development in anticipation of further amendments to be made to the Reconfiguration of Lot Code. A new definition for Key Resource Areas are also included.

Four further amendments to administrative definitions are made:

- to provide easier reference to the definition to Habitable Rooms in the Planning Scheme;
- to allow additional flexibility to minor amendments to Industry uses; and
- to introduce the definition of Ground Floor;
- to introduce the definition of Natural Ground Level.

1.2 Use Definitions:

Amendments to the following Use Definitions are made:

- Amendments to the Dwelling Houses and Shed definitions will make provision for the separation of the Dwelling House and Sheds Code in a separate Planning Scheme amendment (refer to proposed Planning Scheme Amendments 2 of 2007).
- Amendments to the Motels and Heavy Vehicle Parking definitions to provide clarity.
- Amendments to the Machinery and Vehicle Sales Showroom and Outdoor Sales Premises definitions are made to provide clarity on the difference between these uses.
- An amendment to the definition for Accommodation Units is made to separate the definition from Multiple Access units.

2 Schedule 2: Vehicle Parking

Amendments were proposed as part of the Amendment package 3 of 2007 on the following:

- 2.1 Amendments to Vehicle Parking Provisions
- 2.2 Amendments to Car Parking Requirements; and
- 2.3 Service Vehicle Manoeuvring

These proposed amendments were held in abeyance and will be considered separately.

3 Schedule 4 (Character Heritage Protection List)

Amendments are required to update the heritage status of premises in accordance with the latest list of heritage places on the Queensland Heritage Register.

An amendment is also made to provide a reference to the Queensland Heritage Act, including amendments making local heritage places assessable development in terms of this Act.

Scheme Amendments 3 of 2007 - Attachment A:
Detail of Amendments 3 of 2007
 PLANNING SCHEME SCHEDULES (PART 12)

No	Planning Scheme Reference	Reason for Amendment	Amendment
1	DEFINITIONS Administrative and Use Definitions		
1.1	ADMINISTRATIVE DEFINITIONS Part 12, Table 12.1	<ul style="list-style-type: none"> • These amendments provide clarity to the provision of on-site car parking spaces, particularly in relation to contemporary motels that provide a range of accommodation ranging from single rooms to apartments. 	<ul style="list-style-type: none"> • Insert “Car Parking Space” after “Business Areas” to read as follows:- <i>“means a parking space designed for the exclusive occupation of one car”</i> • Insert “Multiple Access Unit” after “Mixed Use” to read as follows:- <i>“means a serviced apartment (as defined herein) which is capable of being divided and separately occupied by two or more separate travellers or groups of people, whether or not each of the divided units is self-contained. For the purposes of calculating car parking requirements, each unit are calculated as a separate dwelling or rooming unit or serviced apartment.”</i> • Insert “Serviced Apartment” after “Secondary Frontage” to read as follows:- <i>“means a part of a building (such as a motel or a tourist facility) comprising a self-contained unit or capable of being divided into a self contained unit, intended for temporary occupation by a traveller or by a single group of not more than six travellers.”</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
		<ul style="list-style-type: none"> The definition for “Habitable Room” previously referred to the Australian Building Code, but is now reproduced in full in the Scheme for ease of use. 	<ul style="list-style-type: none"> Insert “Tandem Parking Space” after “sub-arterial main street” to read as follows:- <i>“means a parking space designed for occupation of two cars parked one behind the other (or one on top of the other by means of some mechanical device). Tandem parking spaces may only be considered for the purposes of permanent residential accommodation (eg dwelling houses, dual occupancies, multiple dwelling units) where allocated to a single unit and will not be considered for any other use or for visitor car parking”.</i> After “Habitable Room” delete current wording and insert the following:- <i>“means a room used for normal domestic activities, and includes a bedroom, living room, lounge room, music room, television/media room, kitchen, dining room, sewing room, study, playroom, family room and sunroom. The term does not include a bathroom, laundry, water closet, pantry, corridor, hallway, lobby, photographic darkroom, clothes-drying room and other spaces of a specialised nature occupied neither frequently nor for extended periods.”</i>
		<ul style="list-style-type: none"> The amendment differentiates the treatment of minor extensions of industrial buildings to commercial or residential uses as larger floor areas are involved in industry uses. 	<ul style="list-style-type: none"> Delete existing definition and insert the following:- “Minor Works are works for which a development application for planning approval is not required and which comply with the following criteria: <ul style="list-style-type: none"> for any industrial use: building work which will increase the gross floor area of any existing building by no more than 75m²* or 10%, whichever is the lesser, where the Total Use Area, as defined in the Transport Network Contribution Policy, is not increased from a previous MCU development approval; or for any other use: building work which will not increase the gross floor area of an existing building by no more than 25m² or 10% whichever is the lesser. <p>THAT a notation is added to (i) above as follows: “Note: 75m² refers to the total increase in floor area at any time (including more than one extension) since a previous MCU development permit.</p>

No	Planning Scheme Reference	Reason for Amendment	Amendment
		<ul style="list-style-type: none"> • “Infill Development” for residential purposes was referred to in the draft Liveable Neighbourhoods Code (refer to proposed Amendments 2 of 2007). • The term “Ground Level” has been used throughout the City Centre Locality. The term "Ground Level" is replaced with "Ground Floor" wherever the intention is to refer to the storey which is at natural ground level, or is above and closest to natural ground level. • The definition for “Ground Floor” refers to “Natural Ground Level”. A new definition for “Natural Ground Level” is introduced to provide clarity. 	<ul style="list-style-type: none"> • Insert Infill Development after Industrial Areas to read as follows: <i>“Infill Development means the development of land for residential and associated uses which occurs within a substantially established urban area where the site:</i> <ul style="list-style-type: none"> • <i>does not exceed 5000m²; and</i> • <i>is either vacant, or the density on the site is increased, or the site has previously been used for another urban purpose;</i> • <i>is not located on the fringe of a developed urban area or suburb;</i> • <i>is adjoined on at least 3 sides by serviced lots and/ or constructed roads.</i> <i>Infill Development does not refer to Infill as defined in any State Planning Policy.”</i> • Insert “Ground Floor” after Gross Floor Area to read as follows: <i>”Ground Floor means that storey of a building which is at or above natural ground level and closest to it, provided that the height of the storey would be sufficient to incorporate a habitable room.”</i> • Insert “Natural Ground Level” after Multiple Access Unit to read as follows: <i>“Natural Ground Level means the natural level of a site, or the prevailing level at the commencement of the Scheme if the natural level cannot be established.”</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
		<ul style="list-style-type: none"> The term “Key Resource Areas” is listed in Table 12-1 but there is no definition. The definition is adapted from State Planning Policy 2/07: Protection of Extractive Resources (SPP 2/07) Appendix. 	<ul style="list-style-type: none"> Insert “Key Resource Areas” after Integrated Development to read as follows: <i>“Key Resource Areas means extractive resources of State or regional significance as identified in SPP 2/07, comprising a resource/ processing area, an adjoining separation area and an associated transport route/s (including a transport route’s separation area) to a major road or railway.”</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
1.2	USE DEFINITIONS Part 12, Table 12-2	<ul style="list-style-type: none"> • This amendment makes the definition more compact (also refer to “administrative definitions” and “car parking requirements”). • A reviewed definition provides detail on the treatment of multiple access units. • The definition is refined as a result of the revision of the Heavy Vehicle Parking Code (refer to Amendments 2 of 2007). • Planning Scheme Amendments 2 of 2007 splits Dwelling Houses and Residential Storage Sheds into separate Codes, which requires amendments to the use definitions to this effect. 	<ul style="list-style-type: none"> • Motel – delete “where such accommodation is provided in serviced rooms or suites containing ablution facilities whether or not being self-contained in terms of food preparation and laundry facilities”. Insert in its place the following:- <i>“whether in rooming units or in serviced apartments”.</i> • Accommodation units – insert after last sentence <i>“Accommodation units do not include a multiple access unit”.</i> • Heavy Vehicle Parking - replace existing definition and replace with the following:- <i>“means premises used for the parking of the smallest vehicle classification of either a medium rigid vehicle (MRV), as described in AS2890-2; 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 for an occasional service”.</i> • Dwelling House – delete <i>“...and any ancillary buildings including sheds (separately defined) which do not exceed a total GFA of 60sqm and do not exceed 4.5m in height above natural ground level to the apex of the roof”.</i> • Shed – delete, and replace with • Residential Storage Shed – <i>“means the use of a shed used for storage of domestic goods and equipment where associated with and ancillary to a ‘Dwelling House”</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
		<ul style="list-style-type: none"> This amendment provides clarity to the difference between a <i>Machinery and Vehicle Sales Showroom</i> and <i>Outdoor Sales Premises</i>. 	<ul style="list-style-type: none"> Machinery and Vehicle Sales Showroom - Insert "<i>within a building and ancillary outdoor area limited to 25sqm.</i>" after "accessories". Outdoor Sales Premises - Insert after "(ii) includes an ancillary office" the following "<i>limited to 25 sqm</i>".

NOTE – PROPOSED AMENDMENTS 3 OF 2007, NO 2 – CARPARKING WILL BE CONSIDERED SEPARATELY.

No	Planning Scheme Reference	Reason for Amendment	Amendment
3	<p>CHARACTER – HERITAGE PROTECTION Schedule 4 (Character Heritage Protection List) Table 12.4 and Table 12.5</p>	<ul style="list-style-type: none"> Amendment to update the heritage status of premises with reference to the latest list of heritage places on the Queensland Heritage Register. Amendment as a result of new assessment requirements for local heritage places referred to the March 2008 amendments to the Queensland Heritage Act 1992, Part 8 Overlay Codes, Division 6. 	<ul style="list-style-type: none"> Update Schedule 4 to show recent amendments made to Queensland Heritage Places: <ul style="list-style-type: none"> <i>Mackay Central State School (251 Alfred Street) (new);</i> <i>Holy Trinity Church added (shown as Local Heritage in Scheme);</i> <i>Former Mackay Technical College added (shown as Local Heritage in Scheme);</i> <i>Selwyn House (Cowley's Road) (new);</i> <i>Former Pindi Pindi Brickworks (new).</i> Update "Assessment Tables for Character/Heritage Protection Overlay Code" - note (3) in Table 8-5 and 8-6 to read: <i>"Local Heritage Places are also assessable as a Local Heritage Place under the Queensland Heritage Act 1992 and require assessment against the Code for development on a local heritage place – Schedule 2 Code for IDAS, Queensland Heritage Regulation 2003"</i>.