

Division 4 Assessment Tables for Each Zone in the Mackay City Centre Locality – Other Development

Table 4-2 Assessment Categories and Relevant Assessment Criteria for Mackay City Centre – Other Development

Notes –

(1) Assessment categories may also be affected by an overlay. See overlay maps to determine whether the land is affected. Also see section 1.11 (3) explaining how the higher assessment category prevails.

(2) Planning scheme policies indicate when the local government may undertake consultation or seek further information from the applicant about an application.

Column 1	Column 2	Column 3
Type of Development	Assessment Category (All Zones)	Relevant Assessment Criteria
RECONFIGURING A LOT		
Reconfiguring a lot	Code Assessable	Reconfiguration of a Lot Code Environment and Infrastructure Code Locality Code Zone Code
OPERATIONAL WORK		
Placing an advertising device on premises	Exempt ¹	
Minor Works	Exempt ²	
Carrying out operational work where associated with Reconfiguring a Lot	Code Assessable	Operational Works (Earthworks) Code Environment and Infrastructure Code Reconfiguration of a Lot Code
Carrying out operational work where associated with a Material Change of Use	Code Assessable	Operational Works (Earthworks) Code Environment and Infrastructure Code
Carrying out operational work not associated with a Material Change of Use or Reconfiguring a Lot or Building Work.	Exempt where: <ul style="list-style-type: none"> ▪ The excavation or filling of land is: <ul style="list-style-type: none"> - to a depth of less than 200mm and less than 20m³ within 2km of an urban area; or - less than 500m³ on land more than 2km outside of an urban area; or ▪ The operational works is not to facilitate a future Material 	Operational Works (Earthworks) Code Environment and Infrastructure Code

Column 1	Column 2	Column 3
Type of Development	Assessment Category (All Zones)	Relevant Assessment Criteria
	Change of Use or Reconfiguration of a Lot; Code Assessable where the criteria for being Exempt does not apply.	

Note 1: Placing an advertising device on premises is controlled by the Control of Advertisements Local and Subordinate Law (Local Law Policy No. 78).

Note 2: Minor works associated with an invert crossing, concrete driveway and stormwater connections are controlled by Council's Road Local Law (Local Law No. 74).

Note 3: Development which is exempt from assessment under the Planning Scheme may be subject to assessment under other legislation or regulations (e.g. Building Code of Australia, Vegetation Management Act or Water Act). Under IPA, exempt development is identified in Schedule 9 and includes Operational Works associated with management practices for the conduct of an agricultural use.

Division 5 General Provisions for the Mackay City Centre Locality Code

4.7 Mackay City Centre Locality Code

- (1) The following provisions comprise the Mackay City Centre Locality Code:
 - (a) compliance with the Mackay City Centre Locality Code (**Section 4.7**);
 - (b) overall outcomes for the Mackay City Centre Locality Code (**Division 6**);
 - (c) specific outcomes and acceptable /probable solutions for Mackay City Centre Locality Code (**Division 7**); and
 - (d) specific outcomes and acceptable /probable solutions for each zone in the Mackay City Centre Locality Code (**Division 8 to Division 19**).

4.8 Compliance with the Mackay City Centre Locality Code

- (1) Development that is consistent with the following complies with the Mackay City Centre Locality Code:
 - (a) the specific outcomes for the locality in **Division 7**; and
 - (b) the specific outcomes for the relevant zone (**Division 8 to Division 19**).

Division 6 Overall Outcomes for the Mackay City Centre Locality

- (1) The overall outcomes are the purpose of the Mackay City Centre Locality code.
- (2) The overall outcomes sought for the **Mackay City Centre Locality** are the following:
 - (a) the Mackay City Centre is the dominant centre in the City and the region for the provision of the full range of business activities including high order² administration, civic functions, commercial, entertainment and leisure, shopping, specialist services and facilities. The City Centre also incorporates a range of compatible higher density residential and tourist accommodation.
 - (b) revitalisation of the City Centre is achieved through the encouragement of new residential and mixed use development in appropriate locations.
 - (c) Sustainability is achieved in new residential and mixed use development through internal north-south orientation of dwelling units and rooming units, interior layout and external openings that maximise the flow of prevailing breezes and minimise the need for mechanical ventilation.
 - (d) key areas are activated to provide focal points for activity.
 - (e) the City Centre is a tourist attraction in its own right through the development of tourist facilities and attractions.
 - (f) the urban environment in the City Centre is attractive to residents and visitors alike, and responds to the tropical, outdoor lifestyle characteristics of the City. Specifically, an attractive character is achieved through:
 - (i) contemporary architectural style which is harmonious with the established character of the City Centre, especially, but not only the interwar period;
 - (ii) buildings and their associated outdoor spaces and landscaping which integrate with the adjoining streetscape (i.e. trees and furnishings), public gardens and open spaces by adopting active building fronts, appropriate building scale, pedestrian shelter and harmonising landscaping;
 - (iii) public spaces and gardens being primarily the domain of pedestrians;
 - (iv) the efficient movement of traffic, including through traffic and destination traffic; and
 - (v) high levels of public safety and amenity in publicly accessible spaces and premises.
 - (g) all residential buildings are designed and constructed with floor levels in accordance with the Flood and Inundation Management Overlay Code.
 - (h) open space areas in the City Centre are protected from the adverse effects of development.
 - (i) accessibility to major community facilities in the City is maintained and enhanced to optimise their value to the community.

² High order facilities and services are those of a high intensity, a large scale or supplied by a few specialised professionals or service providers, often generating high level investment and business activity.

- (j) development is supported by existing infrastructure (including roads, water supply, sewerage disposal and stormwater disposal) or provides infrastructure to a standard and capacity which meets the demands of the development.
- (3) Additional overall outcomes sought for the **City Heart Precinct** are the following:
- (a) the City Heart precinct recognises the central role of the traditional central area of Mackay to the viability of the City Centre as a whole and to the cultural heritage of the City.
 - (b) uses encourage a high level of pedestrian activity.
 - (c) the primary uses in the precinct are based on retail, public administration, professional services, tourism and leisure, preferably at higher density and intensity than in other parts of the City and the City Centre.
 - (d) the precinct accommodates a significant proportion of Mackay's government and institutional uses.
 - (e) urban design is prioritised in new development to ensure the retention and enhancement of the traditional 'main street' character of the precinct.
 - (f) existing historic and character buildings, as identified in the 'Historic and Character Buildings Overlay', are retained for reuse.
 - (g) residential uses for permanent occupation are not consistent with the precinct. Temporary accommodation for visitors in the form of hotels or motels is consistent with this precinct and these are located on levels above the podium in new buildings and above ground floor in existing buildings.
- (4) Additional overall outcomes sought for the **Wharf Precinct** are the following:
- (a) the Wharf Precinct recognises the river as one of the City's key assets.
 - (b) the transitional nature of uses in the precinct provides the catalyst for development which contributes to revitalisation of the City Centre - in particular high density residential uses are encouraged in the precinct to take advantage of unique riverfront and ocean views and to contribute to revitalisation of the precinct.
 - (c) the mix of public and private uses in the precinct contribute to a thriving river front which visitors and locals use as a focus of residential, recreational and entertainment activities complementing the City Heart area in close proximity.
 - (d) uses such as retail fish sales, seafood restaurants and water-based activities such as marinas, marine supplies, cruises and marine charters are encouraged.
 - (e) urban design in the precinct builds on the traditional riverfront character of the location specifically focussing on the creation of a contemporary, open, informal and vernacular architectural style. Buildings on the north side of River Street have a 'visually permeable' character with generous public spaces at ground floor.
 - (f) flooding and levee bank issues are taken into consideration in the design and establishment of new uses, such that the importance of reducing the impacts of flooding are considered while recognising opportunities for new uses, such as a marina, to co-exist with the river's characteristics.

- (g) River Street is a vibrant pedestrian oriented street with a visitor focus encouraging waterfront dining and pedestrian experiences. It is an active public realm forming the backbone of a public space network in the precinct and the City Centre, and is enlivened by a range of destinations and people places.
 - (h) 'Finger Wharves' or similar structures are created at the river end of Brisbane, Carlyle and Tennyson Streets, providing opportunities for vistas from surrounding streets and precincts and for access to public riverfront spaces. Commercial uses such as restaurants are consistent with this outcome. At the river end of Lawson and Burns Streets, residential uses may also be incorporated, provided that they preserve vistas at ground floor and facilitate redevelopment of the eastern Wharf Precinct.
- (5) Additional overall outcomes sought for the **City South Precinct** are the following:
- (a) the City South Precinct accommodates significant residential uses in the form of Higher Density Residential and Mixed Use development.
 - (b) commercial uses are encouraged in the precinct as part of mixed use developments.
 - (c) the precinct is preferred location for education facilities in the City Centre.
 - (d) the precinct accommodates a significant proportion of Mackay's government and institutional uses.
 - (e) the precinct accommodates both vehicular and pedestrian access.
 - (f) new development reflects the gradation of intensity of activities from high intensity at the City Heart precinct to lower intensity activities in the neighbouring Mackay Frame locality.
 - (g) heritage assets, including character buildings and buildings with retained character elements, are maintained and enhanced.
 - (h) the Showground site, when vacated, represents a major opportunity to encourage revitalisation of the City Centre through mixed use developments, including residential.
- (6) Additional overall outcomes sought for the **Eastside Precinct** are the following:
- (a) the primary focus of the Eastside Precinct is business support services.
 - (b) uses which required larger sites, such as wholesale outlets, equipment hire, and retailers of bulky goods, are encouraged in the precinct.
 - (c) residential uses are not consistent with the precinct except on the eastern side of Chain Street and on the frontage to East Gordon Street between Endeavour Street and Chain Street.
 - (d) the south side of Victoria Street east of Lawson Street, and the west side of Chain Street are an interface between commercial / service and residential activities. Urban design of new development is sensitive to the amenity issues resulting from the interface and seeks to reduce impacts on residential amenity resulting from non-residential uses.

- (7) Additional overall outcomes sought for the **West End Precinct** are the following:
- (a) the West End precinct accommodates a diverse and complex range of activities.
 - (b) uses which capitalise on the institutional and cultural character of the area are encouraged, particularly in the south of the precinct.
 - (c) retail uses are focussed on Victoria Street and the major shopping complex (Caneland Central) at the western end of the precinct.
 - (d) car sales uses and related services are encouraged to orientate towards Gordon Street.
 - (e) residential uses are confined to levels above the podium in new buildings and above ground floor in existing buildings.
- (8) Additional overall outcomes sought for the **Riverside Precinct** are the following:
- (a) new development in the Riverside Precinct reinforces the role of the Pioneer River as one of the City Centre's key assets.
 - (b) open space in the Riverside Precinct is part of a ring of connected open space around the perimeter of the City Centre, which is to be developed as a distinctive feature of Mackay and provide ongoing leisure activity for both residents and visitors.
 - (c) a variety of uses is encouraged to contribute to City Centre Revitalisation, especially multi-storey residential, a major regional recreational facility (Bluewater Lagoon), retail and related activities which address the recreational facility, and as well institutional uses such as a senior school campus and landmark church.
 - (d) multi-storey residential development takes advantage of the unique riverfront and sea views. In the majority of the precinct, this takes the form of tall slim residential towers set in park-like grounds, which provide a more open feel than multi-storey development in other parts of the City Centre.
 - (e) River Street is redeveloped as a vibrant pedestrian-compatible street complementary to the riverfront public pedestrian promenade while continuing to support the distribution of traffic around the City Centre. Over time connections to the riverfront from River Street are strengthened visually and through enhanced north-south access.

Division 7 Specific Outcomes and Probable and Acceptable Solutions for the Mackay City Centre Locality

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Commercial and retail activities in the City Centre maximise and support its central and high order role in the network of centres and contribute to its revitalisation as a vibrant and functioning centre for City life. ³	S1	No solution specified.
P2	New development in proximity to the river respects its unique role in providing a public realm for residential, recreational, and entertainment activities.	S2	No solution specified.
P3	<p>Tourist development sites exhibit a number of the following characteristics:</p> <ul style="list-style-type: none"> (i) proximity to infrastructure and services adequate to meet the day-to-day needs of the tourist population likely to be generated by development on the site; and (ii) proximity to a natural attraction without the potential for adverse effects upon the attributes or values which give rise to the attractiveness of the site; or (iii) an area of land sufficient to contain fully the extent of the proposed development and the potential impacts likely to flow from it; or (iv) land suitable in its physical characteristics to accommodate the form, scale and intensity of development proposed without imposing unnecessary or unacceptable impacts upon the surrounding area. 	S3	No solution specified.
P4	Built form and uses are consistent with overall outcomes for the City Centre locality, the relevant precinct and the applicable zoning.	S4	No solution specified.
P5	<p>New development respects the identified character of the locality and its precincts by achieving:</p> <ul style="list-style-type: none"> (i) visual links between the City and the river, particularly within the Riverside and Wharf precincts; (ii) a form sympathetic to the traditional 	S5	No solution specified.

³ See Part 3 DEOs and Part 9 Division 22 Retail and Commercial Code for details on the role and function of centres .

Specific Outcomes		Acceptable / Probable Solutions	
	<p>harbour character of timber wharves and docks and associated commercial buildings in the Wharf precinct;</p> <p>(iii) continuity of the existing streetscape comprising masonry buildings, with decorative parapets in the Commercial Centre and Commercial Main Street zones; and</p> <p>(iv) contemporary architectural design which is sympathetic and complementary to the identified character but which does not rely solely upon replication of building elements; and</p> <p>(v) building design respects the scale of nearby buildings when viewed from street level.</p>		
P6	Existing identified character buildings and buildings with character elements are retained, enhanced and re-used for compatible purposes.	S6	No solution specified.
P7	Residential development is primarily high density and is concentrated in the Wharf and Riverside Precincts to take advantage of and support facilities provided by the City Centre. Urban design features emphasise the climate and the vernacular character of the City Centre and relevant precincts.	S7	No solution specified.
P8	A high standard of residential amenity is provided in new development.	S8	<p>A high standard of residential amenity is provided by ensuring:-</p> <p>(i) Direct overlooking of main internal living areas of dwelling units and room units is minimised through appropriate building layout, location and design of windows and balconies, screening devices and landscaping.⁴</p> <p>(ii) Front fences and walls enable surveillance, highlight entrances and are compatible with the streetscape.</p> <p>(iii) Residential premises meet the needs of disabled persons by incorporating appropriate design measures.</p> <p>(iv) Landscaping is consistent with the scale and location of the development.</p> <p>(v) Garbage storage is sited away from public view.</p> <p>(vi) Separate storage space is provided for each dwelling unit.</p>

⁴ Refer to Queensland Residential Design Guidelines – Element C3 - Privacy

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P9	Sustainability principles are incorporated into new residential and mixed use development through north-south orientation of residential accommodation, shielding from summer solar insulation, and layout that maximises natural ventilation.	S9	Sustainability principles are incorporated in new residential and mixed use development as follows: <ul style="list-style-type: none"> (i) Dwelling units and rooming units are oriented north-south⁵, and capture the prevailing breezes. (ii) Windows primarily face north and east, and are suitably shielded to exclude summer heat while permitting entry of winter sun⁶. (iii) Windows to the west are minimised. (iv) Air-conditioning units are positioned away from the street and away from outdoor living areas such as balconies and verandahs. Where feasible collective air-conditioning facilities are provided.
P10	Short stay residential premises meet the mobility requirements of all users.	S10	No solution specified.
P11	Adequate parking is provided in all new developments by application of Schedule 2.	S11	No solution specified.
P12	Open space areas are protected from potential impacts of development through: <ul style="list-style-type: none"> (i) limiting development within open space areas to low impact activities, facilities and works that maintain the values of the area; (ii) locating development on adjoining land in parts of the site less likely to have adverse effects; (iii) providing buffers to open space areas of sufficient width to mitigate any adverse effects; and (iv) adopting impact mitigation and management measures for development likely to cause adverse effects. 	S12	No solution specified.
P13	Appropriate sight distances are provided and pedestrian movement facilitated at intersections.	S13	Building truncations are provided as road reserve at all intersections, which is triangular in shape and extends 4m on each boundary line, and the provision of unrestricted public access across the area of land which is subject to the truncation.
P14	New development provides infrastructure to a standard and capacity that meets the demands of the development.	S14	No solution specified.

⁵ Refer to Queensland Residential Design Guidelines – Element C2 – Design for Climate – In Hot-Humid Climate

⁶ Refer to Queensland Residential Design Guidelines – Element C2 – Design for Climate – In Hot-Humid Climate

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P15	New development provides high levels of public safety and amenity in publicly accessible spaces and premises.	S15	New development complies with the requirements of CPTED.
P16	New development complements the streetscape by adopting appropriate frontages and landscaping.	S16	Frontages and landscaping is consistent with the scale and location of the development.
P17	New development is consistent with the intended character of the precinct in which it is located.	S17	New development addresses relevant precinct outcomes set out in Division 6 of the Locality Code.

Division 8 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Commercial Centre Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Commercial Centre Zone** are the following:
 - (a) a diverse mix of high order retail, commercial, administrative, entertainment, institutional and professional services and educational uses are located in the zone as the key focus for economic, community and cultural activity in the City⁷.
 - (b) retail activities are integrated with high order commercial activities, short-term accommodation, entertainment and leisure facilities (such as cafes and restaurants) to reinforce the primary role of the City Centre in the City and the region.
 - (c) residential activities are principally short-stay or visitor accommodation located above ground floor.
 - (d) buildings have a character which reflects and responds to the tropical climate and the protection and sensitive reuse of heritage buildings. Showrooms or large format premises are inconsistent with this character.
 - (e) uses at street level are characterised by a high level of activity to the street frontage to promote a vibrant street life, particularly a strong focus on food and café uses and night-time entertainment uses.
 - (f) vehicle crossings do not occur across footpaths in the primary retail streets (Sydney, Victoria and Wood Streets).
 - (g) the street environment is enhanced with pedestrian shelter, street furniture and landscaping.
- (3) Specific outcomes and probable and acceptable solutions for the Commercial Centre Zone are as follows.

⁷ High order facilities and services are those of a high intensity, a large scale or supplied by a few specialised professionals or service providers, often generating high level investments and business activity.

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	New uses in the Commercial Centre zone support its central role in the network of centres and are limited to higher order retail, commercial, administrative, entertainment, and professional services uses.	S1	No solution specified.
P2	Built form and intensity of land use contributes to the City Centre's role as the key focus of economic, community and cultural activity for the City.	S2	No solution specified.
P3	Built form and intensity of land use ensures a human scale to the street.	S3	<p>Built form and intensity of land use contributes to a human scale to the street by:-</p> <ul style="list-style-type: none"> (i) For all new buildings: <ul style="list-style-type: none"> a) limiting the podium to no more than 12m in height. b) limiting the maximum building height to 30m. c) limiting the total site cover of any of the floors above the building podium to less than 40%. (ii) Requiring new buildings to be setback as follows: <ul style="list-style-type: none"> (a) for the podium, 0 metres to each street frontage and to each side boundary; and (b) above the podium <ul style="list-style-type: none"> - at least 4 metres to each street frontage for heights up to 22m measured from natural ground level. - at least 6 metres to each street frontage for heights above 22m (measured from natural ground level). - at least 3 metres to side (where not a street frontage) and rear boundaries.
P4	Safe movement of pedestrians along streets is provided.	S4	On site carparking and service areas are accessed from laneways or from streets other than Victoria Street, Sydney Street or Wood Street for all new development.
P5	Sheltered movement of pedestrians along streets is provided.	S5	<p>Buildings incorporate a continuous awning or pedestrian shelter for the full frontage of the site to the street, and such awnings are:</p> <ul style="list-style-type: none"> (i) at least 3.0m wide; and (ii) of a cantilevered construction and including, if necessary, non-load bearing posts at the kerb line.

Specific Outcomes		Acceptable / Probable Solutions	
P6	New buildings adopt a contemporary architectural response to the tropical climate and urban environment.	S6	No solution specified.
P7	Mixed use developments provide adequate private open space in appropriate locations to meet the needs of residents.	S7	No solution specified.
P8	The building form contributes to City Centre Character.	S8	<p>The building form and character provides a defined, attractive and active street environment in which buildings:</p> <ul style="list-style-type: none"> (i) occupy the whole frontage of the site, with vehicular and service access provided from the rear of the site or from loading bays in the street; (ii) incorporate retail, entertainment and restaurant uses at ground floor to present an active frontage to the street; (iii) provide open 'shop fronts' (display windows and doors at street level) built to the property boundary; and (iv) on corner sites, are built up to the boundary on all street frontages, (excluding corner truncations that are necessary to maintain vehicular and pedestrian sight lines).
P9	The heritage character of the City Centre is retained by incorporating existing buildings into new development.	S9	No solution specified.

Division 9 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Commercial (Main Street) Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Commercial (Main Street) Zone** are the following:
 - (a) a diverse range of retail activities are accommodated, comprising mostly comparison, niche (or boutique) and specialist retailing uses which address the needs of visitors and residents along this main link from the Commercial (Major Facility) Zone and the Commercial Centre Zone.
 - (b) residential uses are located in levels above the podium in new buildings and above ground floor in existing buildings.
 - (c) buildings have a character which reflects and responds to the tropical climate and the protection and sensitive reuse of heritage buildings. Showrooms or large format premises are inconsistent with this character.
 - (d) uses at street level are characterised by a high level of activity to the street frontage to promote a vibrant street life.
 - (e) the street environment is enhanced with pedestrian shelter, street furniture and landscaping.
 - (f) no new vehicle access is provided from Victoria Street.
- (3) Specific outcomes and probable and acceptable solutions for the Commercial (Main Street) Zone are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	<p>The building form and character provides a defined, attractive and active “main street” environment in which buildings:</p> <ul style="list-style-type: none"> (i) occupy the whole frontage of the site, other than for retail forecourts and outdoor dining plazas; (ii) provide vehicular and service access provided from the rear of the site, if a secondary road frontage exists, or from loading bays in the street; (iii) incorporate retail, entertainment and restaurant uses at ground floor to present an active frontage to the street; (iv) provide open ‘shop fronts’ (display windows and doors at street level) built to the property boundary; and (v) provide adequate separation between residential uses and both pedestrian and vehicle activity in the street. 	S1	No solution specified.
P2	New uses enhance the main pedestrian link between Caneland Central Shopping Centre and the City Heart.	S2	No solution specified.
P3	Built form and intensity of land use contribute to Victoria Street’s role as the key pedestrian link between Caneland Central shopping centre and the City Heart and creates a pleasant shady “boulevard” environment.	S3.1	Buildings have zero set back to a vertical height of at least 6 m above existing footpath level, other than for retail forecourts and outdoor dining plazas.
		S3.2	Non-residential uses are located at ground floor, and may extend to first floor or second floor.
		S3.3	Residential uses are located above ground floor.
		S3.4	At any level above 12m, buildings and structures are set back at least 4m to any street frontage and at least 3m to any other boundary.
		S 3.5	At any level above 12m, site coverage does not exceed 50 per cent.
		S3.6	Maximum height of buildings is 22m, other than where the provisions of the public parking bonus are applied in accordance with Schedule 2.
P4	Sheltered and safe movement of pedestrians is provided.	S4.1	Buildings incorporate a continuous awning or pedestrian shelter over the footpath.
		S4.2	Awnings are: <ul style="list-style-type: none"> (i) at least 3.0m wide, except where existing and proposed street trees and public structures requires a variation in this width; and (ii) of a cantilevered construction.
		S4.3	Vehicle access to buildings is provided via a laneway

Specific Outcomes		Acceptable / Probable Solutions	
			of adequate dimensions, or from a street other than Victoria Street, where one exists.
P5	Mixed use developments provide adequate private open space in appropriate locations to meet the needs of residents.	P5	No solution specified.
P6	The heritage character of the City Centre is retained by incorporating existing buildings into new development.	S6	No solution specified.

Division 10 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Commercial (Major Facility) Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Commercial (Major Facility) zone** are the following:
 - (a) the Caneland Central site includes a concentration of high order retail facilities for the City, including supermarkets, discount department stores, variety stores and specialty shopping.⁸
 - (b) commercial activities, such as professional services, financial services, insurance and agency services, and leisure facilities such as take-away food, food courts and cafes, and small amusement centres are located in the zone to support the high order retail function.
 - (c) redevelopment of the existing shopping facilities is encouraged to ensure the primary retailing function of the zone is maintained; and
 - (i) creates active street frontages and avoid buildings located within a 'sea' of car parking;
 - (ii) improves accessibility, convenience, pedestrian safety and amenity; and
 - (iii) improves on-site landscaping and streetscape quality;
 - (d) a range of uses, that includes limited residential development, can be accommodated within this zone, provided that these uses:
 - (i) are complementary to and do not detract from the primary use of high-order regional mall-oriented retail activity;
 - (ii) contribute to the activation of Mangrove Road, River Street, the Bluewater Lagoon, Caneland Park and riverfront pedestrian promenade; and
 - (iii) do not detract from the intended administrative and institutional predominance of the City Heart precinct.
 - (e) the street environment is enhanced by pedestrian shelter, provided either by shade trees or structures, and quality paving and landscaping and pedestrian accessibility along pedestrian routes;
 - (f) car parking areas include landscaping to provide visual relief from the street, shade and screening of glare and reflected heat; and
 - (g) intensive commercial, industrial, intensive entertainment facilities, nightclubs, are inconsistent with the overall outcomes for the zone.
- (3) Specific outcomes and probable and acceptable solutions for the Commercial (Major Facility) Zone are as follows.

⁸ High order facilities and services are those of a high intensity, a large scale or supplied by a few specialised professionals or service providers, often generating high level investments and business activity.

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Built form and intensity of land use contributes to the role of the zone as having the most intense concentration of major shopping facilities for the City.	S1	<p>Built form, intensity of land use and land uses contribute to the role of the zone through the following site development parameters:</p> <ul style="list-style-type: none"> i) site coverage at ground floor and first floor is limited to 90% ii) site coverage at any level above 12m is limited to 30% iii) Maximum building height is 22m, other than as follows: <ul style="list-style-type: none"> (a) for any part of a building that is used for short-term or permanent residential purposes, maximum height is 30m; (b) for any part of a building or structure that is within a 30m radius of the intersection point of Mangrove Road and River Street property boundaries, the maximum building height is 10m, inclusive of any signage or ancillary structure; and (c) for any part of a building that is within 20m of the western boundary of the site, maximum height is 15m, or 2 storeys, whichever is the lowest, inclusive of any roof structures, signage or ancillary structure. iv) Residential uses (including both short-term and permanent accommodation) are limited to 10,000m² GFA on Lot 10 on CP 891650 (the existing site at October 2006) and 10,000m² GFA north of that site within the Commercial (Major Facility) Zone; and v) commercial uses in new development (other than retail uses, indoor entertainment or civic/ community uses) are limited to 10,000m² GFA.
P2	Non-retail uses are consistent with the overall zone outcomes.	S2	No solution specified.
P3	Built form contributes a human scale to the street through stepped setbacks above natural ground level.	S3	<p>For all new development, buildings are set back from the street frontage as follows:</p> <ul style="list-style-type: none"> (a) at ground floor and first floor - zero set back; (b) at any level above 12m - at least 4m set back; (c) at any level above 22m - at least 6m set back.
P4	Car parking spaces are shaded from direct sunlight by way of shade trees or with shade structures.	S4	At least 70 per cent of car parking spaces are shaded.
P5	Sustainability is encouraged through adequate design responses to the tropical climate, including measures to reduce reflected heat and glare, and protection from inclement weather.	S5	No solution specified.
P6	New development integrates public transport facilities, community amenities and car parking with public spaces and active spaces.	S6	No solution specified.

Specific Outcomes	Acceptable / Probable Solutions
<p>P7 New development incorporates contemporary architecture to enhance the role and function of the City Centre and to respond to site conditions and context for visual interest.</p>	<p>S7 No solution specified.</p>
<p>P8 New development facilitates activation of the River Street and Mangrove Road frontages through appropriate building form and character that provides a defined, attractive and active street environment.</p>	<p>S8.1 New development occupies the whole frontage of the site.</p> <p>S8.2 Vehicular and service access provided from service lanes and loading bays within the interior of the site.</p> <p>S8.3 Uses at ground floor include retail, indoor entertainment, dining and carparking to present an active frontage to the street.</p> <p>S8.4 New development incorporates open 'shop fronts' (display windows, doors and openings at street level) built to the property boundary.</p> <p>S8.5 Protection from the weather for pedestrians is provided through awnings with a minimum width of 3m over footpaths and access ways.</p>
<p>P9 Residential uses facilitate activation of the River Street and Mangrove Road frontages, and enhance passive surveillance of the swimming lagoon, Caneland Park and the Pioneer Promenade.</p>	<p>S9.1 Residential accommodation (both short-term and permanent) is located within 80m of the River Street and Mangrove Street property boundaries, and is oriented towards those frontages.</p> <p>S9.2 Residential accommodation is located at any storey that is above ground floor.</p>
<p>P10 New development north of Lot 10 on CP 891650 (the existing property as at October 2006) contributes to the activation of the Bluewater Lagoon, Caneland Park and the Pioneer Promenade.</p>	<p>S10 No solution specified.</p>
<p>P11 Active pedestrian connectivity is provided between the existing retail/commercial complex through any development north of the existing complex to the new northern street frontage.</p>	<p>S11 No solution specified.</p>

Division 11 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Commercial (Services) Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Commercial (Services) zone** are the following:
 - (a) a mix of storage, light and service industrial activities are located in the zone to be compatible with the amenity in adjacent zones such as the Mixed Use Zone, the Commercial Main Street Zone, the Commercial Zone and the Higher Density Residential zone.
 - (b) consistent with (a) above, a range of light and service industrial activities including car repair workshops, landscape supplies, transport depots and warehouses, are located in the zone.
 - (c) development in the Service Precinct is designed to mitigate any potential impacts on nearby residential amenity (on existing and future residential sites) resulting from the interface with adjacent Higher Residential zoned land.
 - (d) residential or commercial uses are consistent with the overall outcomes of the zone only to the extent that they are compatible in close proximity to a range of service industry and light industry.
- (3) Specific outcomes and probable and acceptable solutions for the Commercial (Services) Zone are as follows.

Specific Outcomes	Acceptable / Probable Solutions
Assessable Development	
<p>P1 Development on land in the Service Precinct identified on Information Map – Land Subject to Interface, is designed to mitigate any potential impacts on nearby residential amenity (on existing and future residential sites).</p>	<p>S1 For sites fronting land in another zone across a street or rear boundary (e.g. Industrial Street / East Gordon Street) identified on Information Map – Land Subject to Interface:</p> <ul style="list-style-type: none"> (i) buildings are set back from the street frontage or frontage to public open space at least 6m; (ii) at least 3m of the setback to the street frontage or frontage to public open space is used for landscaping with screening trees and shrubs; (iii) buildings do not include reflective materials or finishes in their facades or roofs; and (iv) advertising devices are not illuminated and security lighting is not directed so that light spills into adjacent residential uses.
<p>P2 Building facades are articulated and incorporate openings, awning and other design treatments to reduce building bulk and create a pleasant streetscape environment.</p>	<p>S2 (1) On sites located east of Brisbane Street, buildings:</p> <ul style="list-style-type: none"> (i) do not exceed two storeys when located within 8m of the street frontage; (ii) do not exceed three storeys when located 8m or more from the street frontage; and (iii) have a maximum building height of 12m. <p>(2) For buildings on sites located west of Gregory Street:</p> <ul style="list-style-type: none"> (i) the podium does not exceed more than 12m in height; (ii) the maximum building height does not exceed 22 m. (iii) site cover of any of the floors above the height of 12m does not exceed 40%; (iv) the podium has a zero setback to the street frontage; and (v) the setback above the height of 12m is not less than 4 metres to the street frontage and not less than 3 metres to the side and rear boundaries. <p>(3) Pedestrian safety and shelter is accommodated by:</p> <ul style="list-style-type: none"> (i) providing pedestrian shelter, in the form of awnings or free-standing shade structures at least 3.0m wide, is provided to each street frontage; and (ii) minimising vehicle access points to buildings across the footpath.
<p>P3 New residential or commercial development occurs only where the proposed use is compatible with existing service industry or low impact industrial uses adjoining, or in close proximity to</p>	<p>S3 No solution specified.</p>

Specific Outcomes	Acceptable / Probable Solutions
the proposed use.	

Division 12 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the City Residential Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **City Residential zone** are the following:
 - (i) predominantly high density residential uses are located in the zone;
 - (ii) commercial activities are restricted to an intensity consistent with the overall character of the particular area (either west of Macalister Street or east of Macalister Street);
 - (iii) redevelopment of under-utilised sites for high density residential is encouraged;
 - (iv) a range of residential uses are located in the zone;
 - (v) buildings are of a contemporary design reflecting and responding to the tropical climate and include appropriate measures to optimise climatic sustainability;
 - (vi) high order shopping is not consistent with the overall outcomes of the City Residential zone.
- (3) Buildings located west of Macalister Street, that are residential buildings, or the residential component of mixed use developments:
 - i) are set back from the street frontages in landscaped grounds, to give an open park-like appearance when viewed from the street;
 - ii) provide private open space at ground floor and within the building envelope;
 - iii) incorporate landscaping to communal areas, areas fronting the street and other parts of the public domain and provide site landscaping and street planting to reinforce the 'lifestyle' character of this City Centre location;
 - iv) achieve high levels of privacy for each dwelling unit and for dwelling units on adjoining sites through design and siting measures; respond, in their design, specifically to the potential impacts of proximate commercial activities and higher road traffic environments than occurs in a residential zone;
 - v) have no habitable rooms below ground floor;
 - vi) confine commercial uses to ground floor, with separate entry points and car parking areas; and
 - vii) are of a contemporary design reflecting and responding to the tropical climate.
- (4) Buildings located east of Macalister Street that are residential buildings, or the residential component of mixed use developments:
 - i) provide private open space within the building envelope;
 - ii) incorporate an appropriate transition between the public domain and the building frontage;
 - iii) achieve appropriate levels of privacy for each dwelling unit or rooming unit and for dwelling units or rooming units on adjoining sites through design and siting measures; respond in their design, specifically to the potential impacts of proximate commercial activities;

- iv) have no habitable rooms at or below ground floor;
 - v) confine commercial uses to levels below the podium, with separate entry points from residential uses; and
 - vi) provide site landscaping and street planting to reinforce the 'lifestyle' character of this City Centre location.
- (5) Specific outcomes and probable and acceptable solutions for the City Residential Zone are as follows.

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
Area to the West of Macalister Street			
P1	Built form and intensity of land use contributes to the role of the land included within the City Residential Zone as a predominantly high density residential area.	S1.1	The commercial component does not exceed 8% of GFA, is located at ground floor and is contained within the footprint of the building:
		S1.2	(i) where the site area is less than 1500m ² , the maximum building height is 22m;
			(ii) where the site area is greater than 1500m ² , the maximum building height is 30m;
			(iii) the maximum Site Coverage in relation to building height are in accordance with the following scale:
		Site Area	Maximum Site Cover: At each level at or above ground floor*
			Maximum Building Height
		<1500m ²	50%
			40%
		1500m ² – 2000m ²	50%
			40%
			33%
		>2000m ²	50%
			40%
			35%
		* Example: A 30m high building on a site greater than 2000m ² has a maximum site coverage of 35% at ground floor.	
P2	A high level of amenity for residents is provided by development.	S2	(i) Minimum setback is 6m from all street frontages. Buildings are set back at least 3m from side and rear boundaries, and 6m from any frontage to riverside parkland, promenade, boardwalk or walkway;
			(ii) For all residential buildings, private landscape and recreation space exceeds 30% of the site area.
P3	Buildings provide articulation in building facades and roof lines to reduce building bulk and to enhance the 'lifestyle' character of the zone.	S3	No solution specified.
P4	Separate entry points and car parking areas are provided to commercial and residential uses occupying the same site.	S4	No solution specified.

Specific Outcomes	Acceptable / Probable Solutions
<p>P5 New development reinforces the character of the Riverside Precinct and presents an open park-like appearance through building set-backs and incorporation of landscaping to communal areas and street frontages.</p>	<p>S5.1 A park-like landscaped area to a width of at least 3m is provided along each street frontage.</p> <p>S5.2 For at least one-third (33 per cent) of each street frontage, the landscaped area shall be deep-planted with advanced trees of a suitable species.</p> <p>S5.3 Suitable landscaping is provided in other communal areas at natural ground level and at above-ground level.</p>

Area situated between Macalister Street and Burns Street			
<p>P6 Built form and intensity of land use contributes to the role of the land included within the City Residential Zone as a predominantly high density residential area.</p>	<p>S6.1 The commercial component does not exceed 15% of GFA,</p> <p>S6.2 (i) where the site area is less than 1000m², the maximum building height is 22m;</p> <p>(ii) where the site area is greater than 1000m², the maximum building height is 30m;</p> <p>(iii) the maximum Site Coverage in relation to height are in accordance with the following scale:</p> <p>(iv) Where the site area is greater than 1500m², the maximum building height of all buildings is 30m, other than where the provisions of the City Centre Public Parking Bonus Scheme apply (Refer to Schedule 2):</p> <p>S6.3 Maximum site coverage of the podium (up to a height of 12m in 100%)</p>		
	Site Area	Maximum Site Cover: At each level at or above ground floor	Maximum Building Height
	<1000m ²	40%	22m
	1000m ² – 1500m ²	40%	22m
		30%	30m
	>1500m ²	40%	22m
		33%	30m
		See bonus provisions	Above 30m

Specific Outcomes	Acceptable / Probable Solutions
<p>P7 A high level of amenity for residents is provided by development.</p>	<p>S7.1 Setbacks:</p> <p>i) For buildings between Macalister and Sydney Streets:</p> <ul style="list-style-type: none"> - for the podium, zero setback to each street frontage to a maximum building height of 12m. - above 12m building height, a minimum setback of 4m to each street frontage and 3m to other site boundaries. - above 22m building height, a 6m setback to each street frontage and 3m to other site boundaries. - Pedestrian weather protection for the full length of the frontage to a width of at least 3.0m over the footpath. <p>ii) For buildings east of Sydney Street:</p> <ul style="list-style-type: none"> - a minimum setback of 3.0m to each street frontage at ground floor and to a building height of not more than 12m above ground floor . This setback is to: <ul style="list-style-type: none"> o Be level with the footpath to allow level transition between the setback area; o Provide equitable access to the public at all times; and o Be illuminated - above 12m building height, a minimum setback of 4.0m to each street frontage and 3.0m to other site boundaries; - above 22m building height, a 6.0m setback to each street frontage and 3.0m to other site boundaries; - pedestrian weather protection for the full length of the frontage to a width of at least 3.0m over the footpath <p>S7.2 For all residential buildings, private landscape and recreation space exceeds 30% of the site area.</p>
<p>P8 Buildings provide articulation in building facades and roof lines to reduce building bulk and to enhance the 'lifestyle' character of the zone.</p>	<p>S8 No solution specified.</p>
<p>P9 Separate entry points and car parking areas are provided to commercial and residential uses occupying the same site.</p>	<p>S9 No solution specified.</p>

Division 13 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Waterfront Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Waterfront zone** are the following:
 - (a) the Waterfront zone is the key part of the Wharf Precinct that will contain redevelopment opportunities for residential uses and waterfront recreation uses such as cafes, marinas, and restaurants.
 - (b) the zone incorporates aspects of the Wharf Precinct redevelopment as represented in the Waterfront Master plan, including:
 - (i) the River Street promenade – an elevated pedestrian link along River Street which connects directly with ground floor activities of new development; and
 - (ii) Finger Wharves – projecting public spaces at the termination of City streets providing destination points lined with cafes and restaurants, and public artworks.
 - (c) the character of the Pioneer River is primarily residential and recreational in nature, in contrast to its industrial past, with supporting commercial uses (such as cafes and restaurants) which activate the Wharf area. A mixture of other uses is accommodated in the zone based on a maritime industry theme in combination with compatible residential and tourist / recreational uses.
 - (d) maritime industries are small-scale and low impact.
 - (e) shopping facilities more suited to the Commercial Centre or Commercial (Major Shopping) zones are inconsistent with the overall outcomes of the zone.
 - (f) residential uses located in the zone:
 - (i) provide a range of short-term accommodation and permanent residences; and
 - (ii) have appropriate design responses to address maritime industrial impacts from noise and odours.
 - (g) at street level, uses form an active frontage to River Street and to any public access along the Pioneer River frontage.
 - (h) built form character in new buildings:
 - (i) reflects and responds to the tropical climate;
 - (ii) incorporates the existing unique historical built form character of traditional waterfront buildings (such as timber and tin, exposed timber posts and beams, cantilevered over water, lightweight construction techniques); and
 - (i) The levee wall is integrated within the redevelopment of the zone (in development sites or in the River Street promenade) to provide flood mitigation to the CBD and minimise physical disruptions to River Street.
- (3) Specific outcomes and probable and acceptable solutions for the Waterfront Zone are as follows.

Specific Outcomes		Acceptable / Probable Solutions
Assessable Development		
P1	Built form and intensity are consistent with and sympathetic to the riverfront wharf setting and support the revitalisation of the City Centre.	<p>S1.1 Maximum building heights north of River Street east of Burns Street are 12m measured from promenade level (RL 6.4 AHD).</p> <p>S1.2 Maximum building heights of all other sites in this zone are 20m measured from promenade level (RL 6.4 AHD).</p> <p>S1.3 Maximum site coverage at each level does not exceed that would be allowed in the Mixed Use zone.</p> <p>S1.4 New development incorporates a 5.4 metre high (from ground floor) shade pergola over public access areas.</p>
P2	New and renovated buildings achieve a high standard of urban design to enhance the streetscape by providing: <ul style="list-style-type: none"> (i) contemporary architecture to reflect and complement the maritime theme of the river front; and (ii) design responses to the climate and the river setting, such as pitched roofs and generous eaves, open facades and open 'shopfronts' to the street, window hoods, recessed windows, shaded verandahs and decks. 	S2 No solution specified.
P3	New and renovated buildings provide interest to the street and the River through articulation and variation of materials and detailing.	<p>S3 (i) Residential buildings include balconies to all units.</p> <p>(ii) Building facades integrate preferred materials, comprising concrete, timber and tin.</p> <p>(iii) Building facades are articulated using scale, proportion and materials to create the impression of collection of smaller buildings rather than of one structure.</p> <p>(iv) Building facades are not continuous for more than 60m.</p>
P4	Buildings on sites north of River Street and west of Burns Street buildings are set back to allow for pedestrian movement and access and a transition between public and private areas.	<p>S4.1 Buildings have a:</p> <ul style="list-style-type: none"> - Minimum set back 3.0m from the frontage for a height of 5.0m above the level of the promenade (RL 6.4) - Zero set back at heights more than 5.0m above the level of the promenade(RL6.4) <p>S4.2 There is a level transition between promenade level (RL6.4) and ground floor at entries/doors to permit equitable access.</p> <p>S4.3 Setback space includes Council approved signage, tables, chairs and stock display.</p> <p>S4.4 Lighting of public spaces is provided in the setback space.</p> <p>S4.5 Setback space includes weather protection</p>

Specific Outcomes		Acceptable / Probable Solutions	
			including a 3m awning designed to provide shade over the promenade or footpath.
P5	New and renovated buildings are designed to minimise heat gain caused by solar penetration.	S5	Heat gain is minimised through: <ul style="list-style-type: none"> (i) frontage treatment using sunshading devices which optimise solar access and exclusion; (ii) large roof overhangs; (iii) external blinds to provide protection from low sun; (iv) shady landscapes; (v) designing room layouts to ensure living spaces face north and service spaces utilise west aspects, and allowing some sun penetration in the mornings in the winter months; (vi) masonry walls not being exposed to sunlight; (vii) low solar absorption of roof surfaces; (viii) ventilation of roof spaces; and (ix) use of resistive insulation.
P6	New and renovated buildings are designed to maximise natural ventilation.	S6	Natural ventilation is maximised through: <ul style="list-style-type: none"> (i) north-south orientation; (ii) location of windows on opposing walls; (iii) limiting plan depth to two rooms; (iv) use of wing walls to direct air flow; (v) use of adjustable (rather than solid) privacy screens; and (vi) minimisation of solid fencing and dense impermeable planting.
P7	Pedestrian access is incorporated into all premises with frontage to the Pioneer River to ensure public access is available to the Pioneer River frontage.	S7	<ul style="list-style-type: none"> (i) Premises incorporate pedestrian access along the river frontage in the form of boardwalks, footpaths and plazas which link functionally and physically (in terms of levels and materials) with access provided on adjoining sites. (ii) Premises incorporate public pedestrian access to the Pioneer River frontage from River Street along side boundaries. The access is to be integrated with access provided on adjoining sites wherever possible.
P8	New land uses contribute to a residential location, with associated entertainment and leisure commercial uses such as cafes and restaurants contributing to the creation of a visitor destination characterised by activity in public spaces. In particular, new cafes and restaurants are located around the edges of the Finger Wharves.	S8	No solution specified.

Specific Outcomes		Acceptable / Probable Solutions	
P9	Maritime industries are low impact and small scale such that sustainable coexistence with residential uses is achieved.	S9	No solution specified.
P10	Publicly accessible over-water public open space is provided as part of new development for the full length of the Wharf Precinct and forms an integral part of the landscape and built form of the precinct.	S10	No solution specified
P11	A high level of public amenity is provided on public land as part of new development, including wharf structures high-quality public open space, pedestrian access ways, and artistic infrastructure ⁹ in a manner consistent with overall outcomes for the zone.	S11	No solution specified.
P12	Landscaping reflects the Wharf Precinct masterplan as contained in Schedule 6 In particular, landscape planting at key locations helps mark Finger Wharf entry points and other uses.	S12	No solution specified.

⁹ Artistic Infrastructure as referred to in the Mackay City Centre Artistic Themes and Graphic Templates Design Manual.

Division 14 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Mixed Use Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Mixed Use zone** are the following:
 - (a) a range of housing at varying densities, combined with small-scale commercial activities, are located in the zone as a transition between commercial-focussed areas and residentially-focussed areas.
 - (b) commercial activities are generally small scale and low impact in nature and do not compete with, the high-order, more intense commercial activities in the Commercial Centre, Commercial and Commercial (Major Facility) zones.
 - (c) residential uses cater for permanent residents, short-stay residents and visitors to the City in a range of housing and accommodation types, at higher than average residential densities.
 - (d) housing designs are sensitive to and designed to mitigate potential impacts of nearby commercial services uses and higher road traffic environments.
 - (e) buildings have a character which reflects and responds to the tropical climate and the protection and sensitive reuse of heritage buildings.
 - (f) all new development is mixed use development comprising a residential component and a commercial component on the same site.
 - (g) A material change of use within an existing dwelling house from residential use to commercial use will be considered where there is no increase in gross floor area and on-site car parking requirements are met.
- (3) Specific outcomes and probable and acceptable solutions for the Mixed Use Zone are as follows.

Specific Outcomes		Acceptable / Probable Solutions
Assessable Development		
P1	Built form and intensity of development contributes to the role of the zone as a mixed use, predominantly residential area, with small scale local retail and commercial services providing a transition between the adjoining zones.	<p>S1.1 Site cover does not exceed:</p> <ul style="list-style-type: none"> - 75% at ground floor - 75% at first floor, if this contains both residential and commercial uses - 50% at any other level, up to a maximum building height of 22m - 33% above 22m, to a maximum building height of 28m (only where a public parking Bonus is available in accordance with Schedule 2) <p>S1.2 Maximum building height is 22m (unless a bonus is available under 12.6 in Schedule 2)</p> <p>S1.3 (i) Commercial component of new development is at ground floor or first floor. (ii) The residential component of new development is above ground floor.</p>
P2	Buildings achieve a high standard of urban design to enhance the streetscape by providing: <ul style="list-style-type: none"> i) a definite edge to the street, with little if any setback at ground floor; and ii) awnings over footpaths for pedestrian shelter. 	<p>S2 (i) Buildings have zero setback (other than for outdoor dining plazas and retail forecourts) to the street frontage at natural ground level;</p> <p>(ii) At any level which includes residential uses, buildings have a setback of at least 6m to each street frontage, and least 3m to other boundaries, and</p> <p>(iii) pedestrian shelter, in the form of awnings or free-standing shade structures at least 3.0m wide, is provided to the street frontage of mixed use buildings.</p>
P3	Dwelling units are constructed above known flood heights.	S3 No habitable rooms are at or below ground floor.
P4	Areas of private open space are provided in suitable locations to meet the needs of residents in the zone.	<p>S4 Private landscape and recreation space:</p> <ul style="list-style-type: none"> (i) comprises a minimum of 30% of the site area; (ii) is provided at natural ground level; and (iii) has a minimum dimension of 4.0m for more than 50% of the area.
P5	Land use is consistent with the character of the zone and to the setting and complementary to the re-vitalisation of the City Centre, in that: <ul style="list-style-type: none"> (i) commercial activities are of a local service nature and function at the local centre level in the network of centres; (ii) the zone provides a transition between the more intense, higher-order commercial activities to the north of Gordon Street and the residential areas to the south of Alfred Street. 	S5 No solution specified.
P6	Mixed use buildings incorporate open shopfronts at ground floor and open facades at first floor to provide a high level of activity to the street.	S6 No solution specified.

Specific Outcomes		Acceptable / Probable Solutions	
P7	Buildings adopt contemporary architecture which responds to the tropical climate, the land use character of the zone, and the streetscape by: <ul style="list-style-type: none"> (i) using a range of modern materials; (ii) articulating building facades and varying roof lines to enhance the character of the street; and (iii) avoiding the use of high performance glass or other highly reflective materials on external walls or roofs. 	S7	No solution specified.
P8	On-site car parking, building services including bin storage and clothes drying areas are screened from adjoining lots and from the street.	S8	No solution specified.
P9	Places of cultural heritage significance are respected and their values conserved in redevelopment and re-use.	S9	No solution specified.

Division 15 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Special Activities (City) Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Special Activities (City) zone** are the following:
 - (a) the zone represents an appropriate 'Gateway' entrance to the City Centre from the north via the Forgan Bridge, which emphasises the Centre's relationship with activities along the Pioneer River and showcases key sites containing the Mackay Convention Centre complex on the eastern side and the Customs House on the western side.
 - (b) the zone accommodates a wide range of activities comprising indoor entertainment, cultural and leisure uses, short stay visitor accommodation, convention facilities and tourist activities.
 - (c) shopping facilities more suited to the Commercial Centre or Commercial (Major Facility) zones are inconsistent with the overall outcomes of the zone.
 - (d) residential uses located in the zone:
 - (i) are primarily intended to meet the demand for a range of short-term accommodation; and
 - (ii) have appropriate design response to mitigate traffic noise;
 - (iii) may include long-stay residential uses provided that these are complementary to rather than the primary use of any site; do not conflict with other preferred uses such as dining, entertainment, tourism and convention activities; and are not located at ground floor or at first floor.
 - (e) development is consistent with the waterfront theme, maintains views of the river and is sited and designed to capture breezes to the south of River Street.
 - (f) dining and entertainment uses are focussed on the range of waterside recreational opportunities the waterfront provides and its role as a key attractor and activity node at the eastern end of the Wharf Precinct.
 - (g) at street level, the uses form an active frontage to River Street and to any public access along the Pioneer River frontage.
 - (h) buildings have a character which reflects and responds to the tropical climate and the protection and sensitive reuse of heritage buildings.
- (3) Specific outcomes and probable and acceptable solutions for the Special Activities (City) Zone are as follows.

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Buildings adopt a contemporary architecture responding to the riverfront location and to the tropical climate with pitched roofs and eaves, openings to views and breezes, and deeply shaded verandahs and seating areas.	S1	No solution specified.
P2	The development of a multi-purpose facility is encouraged, which functions as a key focus for a wide range of indoor entertainment, cultural and leisure activities in the City and the region which is complementary in scale, intensity and architecture to the riverfront setting and the City Centre role and function.	S2	No solution specified.
P3	The development of a hotel and convention centre is encouraged, with direct pedestrian links to and which complements and supports the multi-purpose facility.	S3	No solution specified.
P4	Places of cultural heritage significance are respected and their values conserved in redevelopment and re-use.	S4	No solution specified.
P5	New development provides an active frontage to River Street.	S5	No solution specified.
P6	New development is primarily non-residential in character.	S6	Permanent residential uses: (i) do not conflict with preferred uses e.g. dining, entertainment, short-term accommodation, and tourism; and (ii) where provided, are located above first floor..
P7	New development maintains views of the river and is sited and designed to capture prevailing breezes.	S7	No solution specified.
P8	Dining and entertainment uses interact with a range of waterfront recreational activities and enhance the location as a key attractor and activity node at the gateway to the Wharf Precinct.	S8	No solution specified.
P9	The maximum scale, bulk and intensity of new development is comparable to that which could be achieved in the most intensive proximate zoning.	S9	No solution specified.

Division 16 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Commercial Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Commercial zone** are the following:
 - (a) a range of intensive commercial activities which benefit from and require good street and vehicular access such as commercial premises, outdoor sales and outdoor entertainment premises, showrooms, and machinery and vehicle sales premises are located in the zone.
 - (b) small-scale convenience retailing and small-scale commercial offices are established only where they serve the needs of the workforce in the zone.
 - (c) residential development is inconsistent with the overall outcomes for this zone.
- (3) Specific outcomes and probable and acceptable solutions for the Commercial Zone are as follows.

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Building height and density are limited in order to create an open and expansive boulevard character.	S1	Buildings: <ul style="list-style-type: none"> (i) do not exceed two storeys when located within 8m of the street frontage; (ii) do not exceed three storeys when located 8m or more from the street frontage; and (iii) have a maximum building height of 12m.
P2	Building form, access and on-site landscaping achieve high standards of urban design, amenity and public safety by providing: <ul style="list-style-type: none"> (i) pedestrian shelter at the street frontage; (ii) building facades which add visual interest to the street; and (iii) minimising vehicle access points to buildings. 	S2	(i) Buildings are built up to the street alignment. (ii) Buildings: <ul style="list-style-type: none"> (a) incorporate pedestrian shelter in the form of a cantilever awning at least 3.0m wide over the footpath for the full frontage of the site; (b) incorporate eaves, window hoods or recessed windows; and (c) do not incorporate highly reflective facades. (iii) Only one vehicular access point per site is provided.
P3	Residential development is inconsistent with the overall outcomes for this zone.	S3	No solution specified.

* Note – Lots 18, 19 and 20 on SP129630 and Lots 2 and 3 on RP899337 are subject to an approved Masterplan.

Division 17 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Higher Density Residential Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Higher Density Residential zone** are the following:
 - (a) a range of housing types, including duplexes, multiple dwellings units and accommodation units, are provided in the zone at densities greater than those allowed in the Urban Residential zone;
 - (b) the character and amenity of streets in the zone are maintained and enhanced through the adoption of contemporary architecture and integrated landscaping and street planting.
- (3) Specific outcomes and probable and acceptable solutions for the Higher Density Residential Zone are as follows:

Specific Outcomes		Acceptable / Probable Solutions
Assessable Development		
<p>P1 Built form and intensity of land use contributes to the role of the zone as a higher density residential area by:</p> <ul style="list-style-type: none"> (i) sensitive and creative use of modern building materials; (ii) adopting appropriate design responses to the tropical climate; and (iii) in existing residential areas, retaining existing mature vegetation on the site for the contribution made to the streetscape and landscape character of the area; (iv) incorporating effective design and siting measures to mitigate the impacts of road traffic noise and other impacts from proximate commercial and non-residential activities. 	<p>S1.1 Sites with frontage to Victoria Street or Chain Street:</p> <ul style="list-style-type: none"> (i) Maximum building height – 20m (ii) Maximum site coverage <ul style="list-style-type: none"> - 50% for buildings up to 10m in height - 40% for buildings up to 20m in height (iii) Setbacks to street frontage – 6m (iv) Side boundary setback – 3m <p>S1.2 Sites with frontage to Victoria Street</p> <ul style="list-style-type: none"> (i) Rear boundary setback – 4.5m (ii) Side boundary setback – 3.0m (iii) Within the rear boundary setback a 3.0m wide strip is to be made available to transition ground levels to accommodate the future relocating of the Pioneer River levee which may be incorporated into the rear boundary as a solid wall or provided in another manner. <p>S1.3 Sites in the balance of the zone in the City Centre Locality</p> <ul style="list-style-type: none"> (i) Maximum building height – 12m (to the apex) (ii) Maximum site coverage – 50% (iii) Street frontage setback – 4.5m (iv) Side boundary setback – 3m <p>S1.4 Buildings:</p> <ul style="list-style-type: none"> (i) have open articulated facades and deep shaded verandahs or balconies; (ii) are oriented north-south to reduce their exposure to the summer sun and to increase access to prevailing breezes; (iii) minimise the impact on adjacent residential buildings by screening building services such as air conditioning, avoiding the use of reflective materials and finishes on external walls, windows and roofs, and siting and screening car parking to avoid headlight glare; and (iv) south of Gordon Street are sited to retain mature trees taller than 8.5m to the underside of the canopy; and replace each tree removed with another tree of a species with similar growth characteristics, provided as an advanced planting. 	

Specific Outcomes	Acceptable / Probable Solutions

Division 18 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Open Space Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Open Space zone** are the following:
 - (a) the open space role and function of land in the zone is protected by:
 - (i) ensuring development is low-impact in nature;
 - (ii) limiting encroachment by neighbouring noise sensitive uses; and
 - (iii) mitigating impacts of activities on neighbouring properties.
 - (b) the open space role and function of the zone is enhanced with recreational facilities such as paths, picnic facilities and garden spaces to provide areas of passive recreation, landscape and 'breathing space' for the City.
 - (c) a critical open space linkage is provided between the active uses of the City Centre and the Pioneer River and the urban environment of the Pioneer River (Urban) Precinct.
- (3) Specific outcomes and probable and acceptable solutions for the Open Space Zone are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Built form and intensity contributes to the maintenance of open space pedestrian linkages and recreational activities.	S1	No solution specified.
P2	Development involves readily accessible community and recreation and leisure activities of a generally low impact nature, such as trails, shelters, picnic facilities, interpretation facilities.	S2	No solution specified.
P3	Particular community and recreation facilities are established on the site owing to their dependence on specific locations.	S3	No solution specified.

Division 19 Overall Outcomes, Specific Outcomes and Probable and Acceptable Solutions for the Public Purposes Zone

- (1) The overall outcomes for the zone are the purpose of the code.
- (2) The overall outcomes for the **Public Purposes zone** are the following:
 - (a) a range of community-focussed uses which meet the needs of the City and regional populations for exhibitions, outdoor entertainment, recreation, civic and cultural functions are located in the zone, as well as the Mackay civic and entertainment centre, educational establishments, places of worship and State agency premises.
 - (b) building forms are of a contemporary architectural design which reflects the civic or community function of the building, responds to the tropical climate and contributes to the sense of place, i.e. acts as a 'landmark building', for residents and visitors to the City and region.
- (3) Specific outcomes and probable and acceptable solutions for the Public Purposes Zone are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Built form and intensity contributes to a community focus for entertainment, recreation, civic and cultural functions.	S1	No solution specified.
P2	Buildings adopt contemporary architecture which responds to the tropical climate, the land use character of the zone, and the streetscape by: <ol style="list-style-type: none"> (i) using a range of modern materials; (ii) articulating building facades and varying roof lines to enhance the character of the street; and (iii) excluding the use of high performance glass or other reflective materials on external walls or roofs. 	S2	No solution specified.