



MACKAY CITY PLANNING SCHEME

AMENDMENT 1 OF 2007:

**AMENDMENTS TO THE PLANNING SCHEME
CITY - CENTRE LOCALITY AND AMENDMENTS
TO SUPPORT THE BLUE WATER ACTIVATION
STRATEGY.**

**(FOR ADOPTION - INCLUDING MODIFICATIONS MADE AS
A RESULT OF PUBLIC SUBMISSIONS)**

27 August 2008 (Date of Adoption)

Effective from 5 September 2008

Amendment 1 of 2007

Amendments to Planning Scheme City Centre Locality, Blue Water Activation Strategy and Related Rezonings.

Detail of the amendments of the Planning Scheme Document, Part 4: City Centre Locality is shown in the following attachments:

- Scheme Amendment 1 of 2007 - Attachment A:
Detail of Amendment 1 of 2007
- Scheme Amendment 1 of 2007 - Attachment B:
Amendments to the Specific Outcome and Acceptable Solutions to the Commercial (Major Facilities) Zone
- Scheme Amendment 1 of 2007- Attachment C:
Amendments to Assessment Categories and Criteria for Other Development and related notes (Table 4-2)

The following summarises the individual amendments included in Planning Scheme Amendment 1 of 2007:

1. Blue Water Activation Strategy

These amendments are required to support the implementation of the activities and facilities located along the Bluewater Trail:

- Division 6: Replace Overall Outcomes for the Riverside Precinct
- Division 7: Insert 5 new Specific Outcomes to the City Centre Locality Code
- Division 10: Amend an overall outcome and replace the specific outcomes for the Commercial (Major Facility) Zone
- Division 13: Amend 3 specific outcomes for the Waterfront Zone
- The Bluewater Activation Strategy requires the rezoning of land at the Riverfront West Sector.

2. City Centre Amendments

These amendments are required to provide clarity and detail to provisions of the City Centre Locality (Part 4), including amendments to overall outcomes, specific outcomes and zone provisions:

- A new definition introduced for Ground Floor requires amendments to various provisions in the City Centre Locality. The 'Ground Floor' definition and a definition for 'Natural Ground Level' is also introduced in Schedule 1.
- Division 6 – Overall Outcomes for the City Centre Locality: Four amendments are required to overall outcomes.
- Division 7 – Specific Outcomes for the City Centre Locality: One addition to a specific outcome and one new specific outcome.
- Division 9 – Commercial (Main Street): Rewording of an overall outcome, the deletion of two specific outcomes and acceptable or probable solutions and part of one specific outcome, and amendments to three specific outcomes and acceptable solutions.
- Division 11 Commercial (Services) Zone: Two amendments to acceptable solutions and one new specific outcome.
- Division 12 City Residential Zone: One new specific outcome and associated acceptable solutions.

- Division 14 Mixed Use Zone: An amendment to an overall outcome and one new overall outcome.
- Division 15 Special Activities (City) Zone: Four new specific outcomes and associated acceptable solutions.
- Division 16 Commercial Zone: One new specific outcome.
- Division 17 Higher Density Residential Zone: One amendment to an acceptable solution.

Scheme Amendment 1 of 2007 - Attachment A: Detail of Amendments 1 of 2007

CITY CENTRE LOCALITY AMENDMENTS, BLUEWATER ACTIVATION STRATEGY AND RELATED REZONINGS

No	Planning Scheme Reference	Reason for Amendment	Amendment
1	<p>BLUE WATER ACTIVATION STRATEGY</p>	<p>Council's Bluewater Activation Strategy was presented for public comment and public responses were considered following the extensive public consultation. The strategy focuses on giving impetus to increasing the potential range and intensity of activities and facilities located round the Bluewater Trail. Three sectors on the Bluewater Trail have been identified to provide an early start to the activation envisaged by the Strategy: - The Botanic Gardens Sector; The Riverfront West Sector and the Riverfront East Sector.</p> <p>The overall outcomes, specific outcomes and acceptable solutions also require amendment in the relevant codes to accommodate the Activation Strategy.</p>	<p>Division 6: Overall Outcomes for the City Centre Locality:</p> <ul style="list-style-type: none"> • Replace the existing Overall Outcomes for the Riverside Precinct with the following: <ul style="list-style-type: none"> a) <i>new development in the Riverside Precinct reinforces the role of the Pioneer River as one of the City Centre's key assets.</i> b) <i>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.</i> c) <i>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.</i> d) <i>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.</i> e) <i>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</i>

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			<p><i>River Street are strengthened visually and through enhanced north-south access.</i></p> <p>Division 7: City Centre Locality Code:</p> <ul style="list-style-type: none"> • Add new Specific Outcome in the City Centre Locality Code as P4 and renumber following specific outcomes: <i>“P4 Built form and uses are consistent with overall outcomes for the City Centre locality, the relevant precinct and the applicable zoning.”</i> <i>“S4 No solution specified”.</i> <p>Amendments - River Street West – Commercial (Major Facility) Zone (Division 10):</p> <ul style="list-style-type: none"> • Amend Overall Outcome (2) (d) (ii) by rewording as follows: <i>“(ii) contribute to the activation of Mangrove Road, River Street, the Bluewater Lagoon, Caneland Park and riverfront pedestrian promenade; and”</i> • Delete all existing Specific Outcomes (table) and insert a new table as indicated in Attachment B. <p>Amendments – River Street East - Waterfront Zone (Division 13): Amend the Specific Outcomes (P1, P10 and P11) as follows: P1: Delete the second sentence. Rephrase acceptable solutions S1.1 to S1.4 to the following: S1.1 <i>Maximum building heights north of River Street, east of Burns Street are 12m measured from promenade level (RL 6.4 AHD).</i> S1.2 <i>Maximum building heights of all other sites in this zone are 20m measured from promenade level (RL 6.4 AHD).</i> S1.3 <i>Maximum site coverage at east level does not</i></p>

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			<p><i>exceed that would be allowed in the Mixed Use zone.</i></p> <p>S1.4 <i>New development incorporates a 5.4m high (from ground floor) shade pergola over public access areas.</i></p> <p>P10: <i>Reword P10 to the following:</i></p> <p><i>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.</i></p> <p><i>Replace S10 with :</i></p> <p><i>S10 No solution specified</i></p> <p>P11: <i>Delete P11 and S11 and replace with the following:</i></p> <p>P11 <i>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 in a manner consistent with overall outcomes for the zone.</i></p> <p>S11 <i>No solution specified</i></p> <p>Insert a footnote after <i>artistic infrastructure</i> in P11 as follows: Artistic Infrastructure as referred to in the Mackay City Centre Artistic Themes and Graphic Templates Design Manual.</p>
	Rezoning	The Bluewater Activation Strategy requires the expansion of the existing Commercial (Major Facility) Zone at the Riverfront West Sector – City Centre Locality.	Expand portions of River Street, Lot 507 on CI3647, Lot 10 on CP887206 and Lot 8 on CP881164 at the Riverfront West Sector from Open Space to Commercial (Major Facility Zone) with a 25.5m road reserve extending the full length of Canelands Shopping Centre to adjoin Lot 6 on CP881164. Refer to amended Planning Scheme Zone Map (Attachment D)

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2	<p>CITY CENTRE AMENDMENTS</p> <p>Part 4 – City Centre Locality – Definition of “Ground Floor”</p>	<ul style="list-style-type: none"> The term “Ground Level” has been used throughout the City Centre Locality, but it is considered to be too imprecise to give clear guidance. It is therefore intended to replace "ground level" 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. <p>Note: Part 12, Schedule 1, Table 12.1, will be amended to include a new definition for “Ground Floor” as part of the amendments of Schedule 12. The new definition of Ground Floor is 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></p> <p>Note: The Ground Floor definition refers to Natural Ground Level. Part 12, Schedule 1, Table 12.1, will be amended to include a new definition for “Natural Ground Level” as part of the amendments of Schedule 12, 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></p>	<ul style="list-style-type: none"> This requires changes to be made to various parts of the City Centre Locality, including: <ul style="list-style-type: none"> Division 6 – overall outcomes 4(e), 4(h) and 7 (e) Division 8 - overall outcomes - (2) (c] and acceptable solution P8(ii) Division 9 - overall outcomes (2) (b) Division 12 - overall outcomes 3(ii), 3(v), 3(vi) and 4 (iv) and acceptable solutions S1.1, S1.2(iii), S5.3 and S6(ii) Division 14 - specific outcomes S1.1, S1.3 change in both (i) and (ii), S3 and P6. Division 15 overall outcome (2) (d) (iii)
	<p>Part 4 – Division 4, Table 4-2 Assessment Categories and Criteria for Other Development</p>	<ul style="list-style-type: none"> Amendments to relevant assessment criteria to reference applicable local laws and detail on types of development and related assessment categories and criteria. 	<ul style="list-style-type: none"> Replace Table 4-2 Assessment Categories and Criteria for Other Development and related notes with new Table and notes as shown at Attachment C.

No	Planning Scheme Reference	Reason for Amendment	Amendment
	Part 4 – City Centre Locality – Div 6 – Overall Outcomes for City Centre Locality	<ul style="list-style-type: none"> • Overall Outcome (2) (c) is superfluous as it is covered by outcomes (a) & (b). • Sustainability issues in relation to climate control should be an overall outcome that is sought in new residential and mixed use development. A new outcome is recommended. • Overall Outcome (2) (e) should not apply to the whole of the City Centre and is too restrictive as it relates to boutique and speciality shopping. • Overall Outcome (2) (g) (i) should have wider application and be slightly less specific. Recommend modification. • Reword Overall Outcome (8) (e) to provide consistency. 	<ul style="list-style-type: none"> • Delete (2) (c): “higher density housing, for both visitors, short-term residents and permanent residents is located in the City Centre to promote life and vitality”. • Insert a new outcome (2) (c) as follows: <i>“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.”</i> • Delete (2) (e): “retail activity is focussed towards ‘boutique’ and speciality shopping” and renumber subsequent outcomes. • Amend outcome (2) (g) (i) to read: <i>“contemporary architectural style which is harmonious with the established character of the City Centre, especially, but not only the interwar period”.</i> • Amend Overall outcome (8) (e) to read: <i>“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”.</i>
	Part 4 – City Centre Locality – Div 7 – Specific Outcomes for City Centre Locality	<ul style="list-style-type: none"> • Expand Specific Outcome P8 to reinforce climate sustainability principles. 	<p>Insert after “Sustainability principles are incorporated into new residential and mixed use development” the following <i>“through internal north-south orientation of residential accommodation, shielding from summer solar insolation, and layout that maximises natural ventilation”</i></p>

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		<ul style="list-style-type: none"> • Insert a new Specific Outcome P12 to reflect the intent of provisions in the transitional planning scheme which were inadvertently left out of the new planning scheme. The amendment relates to existing practice in the assessment of development applications, which has been to require building truncations and the transfer of the corner truncation to public ownership, • Amendment of Specific Outcome P13 to correct a typing error (delete word 'sight' and replace with 'sight'). • Amend Acceptable/Probable Solution S13 referring to truncations from "free" to "unrestricted" and insert reference to the provision of the truncation required as road reserve. • Add a new Acceptable/Probable Solution to S15. 	<ul style="list-style-type: none"> • Insert a new Specific Outcome P12 and S12 as follows: P12: <i>"Appropriate site distances are provided and pedestrian movement is facilitated at intersections."</i> S12 <i>Building truncations are provided at all intersections, which is triangular in shape and extends 4m on each boundary line, to be transferred to Council,, and the provision of free public access across the area of land which is affected by the truncation. "</i> • Amend the wording of Specific Outcome P13 as follows: <i>"Appropriate sight distances are provided and pedestrian movement facilitated at intersections"</i>. • Amend the wording of Acceptable/Probable Solution S13 to read: <i>"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"</i>. • Insert a new Acceptable/Probable Solution for S15: <i>"New development complies with the requirements of CPTED"</i>.

No	Planning Scheme Reference	Reason for Amendment	Amendment
	Part 4 – City Centre Locality - Div 9 – Commercial (Main Street) Overall Outcome	<ul style="list-style-type: none"> The minimisation of vehicular crossing over the footpath in Victoria Street as an outcome lacks clarity and these amendments are intended to address this. 	<ul style="list-style-type: none"> Overall Outcome (2) (f) – reword as follows: <i>“no new vehicle access is provided from Victoria Street”.</i>
	Part 4 – City Centre Locality – Div 9 Commercial (Main Street) Zone	<ul style="list-style-type: none"> These amendments are required to provide a stronger incentive for appropriate redevelopment along Victoria Street west of the City Heart. The amendment provides more consistency gradation between zonings. In the current scheme, a higher level of development is possible in the “Mixed Use” zone than in the “Main Street” zone, even though the “Mixed use” zone was intended to be transitional in character between more intensive city centre commercial development and less intensive “higher density” city fringe residential development. 	<ul style="list-style-type: none"> Delete last part of P1 <i>“and are limited to higher order retail, leisure and professional services uses.”</i> Delete existing P2 (“Vehicle crossings over the footpath do not occur”.) Amend P7 and insert new P7 renumbered as P1 as follows (changes in bold): <i>P7 The building form and character provides a defined, attractive and active “main street” environment in which buildings:</i> <ul style="list-style-type: none"> <i>(i) occupy the whole frontage of the site, other than for retail forecourts and outdoor dining plazas;</i> <i>(ii) provide vehicular and service access from the rear of the site or from loading bays in the street;</i> <i>(ii) incorporate retail, entertainment and restaurant uses at ground floor to present an active frontage to the street;</i> <i>(iii) provide open ‘shop fronts’ (display windows and doors at street level) built to the property boundary; and</i> <i>(iv) provide adequate separation between residential uses and both pedestrian and vehicle activity in the street.</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
		<p>Include additional wording for P1(ii) to provide clarity.</p> <p>Reword Acceptable/Probable Solution S3.3 as it is too complex.</p> <p>Delete Acceptable/Probable Solution as it contradicts with Acceptable/Probable Solution S3.1.</p>	<ul style="list-style-type: none"> • Change P1 to P2 and so on • Delete last part of P2: “where pedestrians can shop, meet and dine, while also retaining a human scale to the street”. • Amend P1(ii) to insert additional wording: <i>“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”.</i> • Amend Acceptable/Probable Solution S3.3 to read: <i>“Residential uses are located above ground floor”.</i> • Delete Acceptable/Probable Solution S3.4

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			<ul style="list-style-type: none"> Delete existing and insert new Acceptable/Probable Solutions for the newly renumbered P2 as follows: <p><i>“S2.1 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.</i></p> <p><i>S2.2 Non-residential uses are located at ground floor level, and may extend to first floor level or second floor level.</i></p> <p><i>S2.3 Residential uses are located at least 4m above ground level.</i></p> <p><i>S2.4 Residential uses, other than bona fide accommodation for travellers, are set back at least at least 4m to any street frontage and at least 3m to any other boundary.</i></p> <p><i>S2.5 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.</i></p> <p><i>S2.6 At any level above 12m, site coverage does not exceed 50 per cent.</i></p> <p><i>S2.7 Maximum height of buildings is 22m, other than where the provisions of the public parking bonus are applied in accordance with Schedule 2”.</i></p>

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		<ul style="list-style-type: none"> The changes to awnings are to provide more flexibility while still maintaining pedestrian protection. Specific Outcome P5 is superfluous as duplicates overall outcome in this zone. 	<ul style="list-style-type: none"> Delete existing S4.1 and S4.2 and insert new S4.1, S4.2 and S4.3 as follows: <i>S4.1 Buildings incorporate a continuous awning or pedestrian shelter over the footpath.</i> <i>S4.2 Awnings are:</i> <ul style="list-style-type: none"> (i) <i>at least 3.0m wide, except where existing and proposed street trees and public structures requires a variation in this width; and</i> (ii) <i>of a cantilevered construction.</i> <i>S4.3 Vehicle access to buildings is provided via a laneway of adequate dimensions, or from a street other than Victoria Street.</i> Delete Specific Outcome and Acceptable Solution P5 & S5.
		<ul style="list-style-type: none"> Include additional words for S4.3 to provide clarity. 	<ul style="list-style-type: none"> <i>Amend S4.3 to read: "Vehicle access to buildings is provided via a laneway of adequate dimensions, or from a street other than Victoria Street, where one exists".</i>
	Part 4 – City Centre Locality, Div 10 Commercial (Major Facility) Zone	<ul style="list-style-type: none"> Change height restrictions in Commercial (Major Facility) zone from 12m to 15m to allow for design flexibility. 	<ul style="list-style-type: none"> Amend Acceptable/Probable Solutions S1(iii)(c) by rewording as follows: <i>"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".</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
		<ul style="list-style-type: none"> Change Acceptable/Probable Solution S1(iii) to be consistent with other Codes. 	<ul style="list-style-type: none"> Amend Acceptable/Probable Solution S1(iii) to read: <i>“Maximum building height is 22m, other than as follows:”</i>
		<ul style="list-style-type: none"> Change Acceptable/Probable Solution S1(iii)(b) to delete reference to ‘roof structures’ as this is already part of the definition for building height. 	<ul style="list-style-type: none"> Amend Acceptable/Probable Solution S1(iii)(b) to read: <i>“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”</i>
		<ul style="list-style-type: none"> Delete reference to ‘a strong sense of place’ in P7, as the term is too vague. 	<ul style="list-style-type: none"> Amend Specific Outcome P7 to read: <i>“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”.</i>
		<ul style="list-style-type: none"> Insert additional wording for Acceptable/Probable Solution S8.3 to provide clarification. 	<ul style="list-style-type: none"> Amend Acceptable/Probable Solution S8.3 as follows: <i>“Uses at ground floor level include retail, indoor entertainment, dining and carparking to present an active frontage to the street”.</i>
	Part 4– City Centre Locality, Div 11 Commercial (Services) Zone	<ul style="list-style-type: none"> This amendment is required to require setbacks in the case where properties are situated adjacent to public open space. 	<ul style="list-style-type: none"> Insert in S1 (i) and S1(ii) after “frontage” <i>“the following: “or frontage to public open space”.</i> In S1(i) delete “road” and insert “street”

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		<ul style="list-style-type: none"> A new specific outcome is required to convert an existing overall outcome to be taken into account in code assessment. 	<ul style="list-style-type: none"> Insert the following new specific outcome P3 and S3 as follows: P3 <i>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 the proposed use.</i> S3 <i>No solution specified</i>
	<p>Part 4– City Centre Locality, Div 12 City Residential Zone</p> <p>New Specific Outcomes</p>	<ul style="list-style-type: none"> This amendment is required to provide detail of landscaping required in accordance with an existing overall outcome. 	<ul style="list-style-type: none"> Division 12 City Residential (West of Macalister Street) Zone-Specific Outcomes – Insert the following new specific outcome: <p>P5 <i>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.</i></p> <p>S5.1 <i>A park-like landscaped area to a width of at least 3m is provided along each street frontage.</i></p> <p>S5.2 <i>For at least one-third (33 per cent) of each street frontage, the landscaped area shall be deep-planted with of a suitable species.</i></p> <p>S5.3 <i>Suitable landscaping is provided in other communal areas at ground level and at above-ground level.</i></p> <p>Renumber subsequent Specific Outcomes.</p>

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		<ul style="list-style-type: none"> The wording of S5.2 is too ambiguous and should be amended. 	<ul style="list-style-type: none"> Amend Acceptable/Probable Solution S5.2 as follows: <i>“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”.</i>
	Part 4 – City Centre Locality – Div 14 Mixed Use Zone	<ul style="list-style-type: none"> Anomaly - Based on a submission as part of the previous Planning Scheme public display, Council resolved to amend this overall outcome. The amendment was not made prior to gazettal of the Planning Scheme. It was not intended to exclude the conversion of existing dwellings to small-scale commercial premises in the Mixed Use Zone, provided that there is no extension of the existing building and other requirements such as provision of on-site car parking spaces can be met. To make this clear it is recommended that a new overall outcome consistent with the probable solutions for the zone (in particular, S1), be inserted. 	<ul style="list-style-type: none"> Delete <i>“in the same building”</i> of Overall Outcome 2 (f) and replace with <i>“on the same site”</i>. Insert a new Overall Outcome in the Mixed Use zone as follows: <i>“(2) (g) A material change of use within an existing dwelling house from residential use to commercial use occurs where there is no increase in gross floor area and on-site car parking requirements are met.”</i>
		<ul style="list-style-type: none"> Suggest the word ‘occurs’ is replaced with ‘will be considered’. 	<ul style="list-style-type: none"> Amend Overall Outcome (2) (g) by rewording as follows: <i>“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”.</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
	<p>Part 4– City Centre Locality, Div 15 Special Activities (City) Zone</p> <p>New Specific Outcomes</p>	<ul style="list-style-type: none"> New specific outcomes are required to convert an existing overall outcome to be taken into account in code assessment. 	<ul style="list-style-type: none"> Insert the following new specific outcomes: <ul style="list-style-type: none"> P5 <i>New development provides an active frontage to River Street.</i> S5 <i>No solution specified.</i> P6 <i>New development is primarily non-residential in character.</i> S6 <i>Permanent residential uses</i> <ul style="list-style-type: none"> (i) <i>do not conflict with preferred uses e.g. dining, entertainment, short-term accommodation; tourism; and</i> (ii) <i>are located above first floor level.</i> P7 <i>New development maintains views of the river and is sited and designed to capture prevailing breezes.</i> S7 <i>No solution specified.</i> P8 <i>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.</i> S8 <i>No solution specified.</i> P9 <i>The maximum scale, bulk and intensity of new development is comparable to that which could be achieved in the most intensive proximate zoning.</i> S9 <i>No solution specified”.</i>
		<ul style="list-style-type: none"> Acceptable/Probable Solution S6(ii) refers to ‘permanent residential uses being located above first floor level’, which is complicated and should be removed. 	<ul style="list-style-type: none"> Amend the wording of S6(ii) as follows: <ul style="list-style-type: none"> <i>“Permanent residential uses, where provided, are located above first floor”.</i>

No	Planning Scheme Reference	Reason for Amendment	Amendment
	Part 4– City Centre Locality, Div 16 Commercial Zone New Specific Outcome	<ul style="list-style-type: none"> A new specific outcome is required to convert an existing overall outcome to be taken into account in code assessment. 	<ul style="list-style-type: none"> Insert the following new specific outcome: <i>“P3 Residential development is inconsistent with the overall outcomes for this zone.</i> S3 No solution specified.
	Part 4 – City Centre Locality, Div 17 Higher Density Residential Zone	<ul style="list-style-type: none"> This amendment provides more flexibility in higher density residential design. The design is still controlled by streetscape and amenity issues. The wording of S1.3(i) requires amendment from 10m to 12m for consistency with the Higher Density Residential Code. 	<ul style="list-style-type: none"> S1.3(i) Amend the maximum building height for from 10m to 12m to allow up to 3 storey development and additional area to accommodate pitched roofs. Amend S1.3(i) as follows: <i>“Maximum building height –of 12m (to the apex)”.</i>

Scheme Amendment 1 of 2007 - Attachment B: Amendments to the Specific Outcome and Acceptable Solutions to the Commercial (Major Facility) Zone (Div 10)

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.	<p>S1 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 ground.	<p>S3 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
P7	New development incorporates contemporary architecture to enhance the role and function of the City Centre and to respond to site conditions	S7 No solution specified

Specific Outcomes		Acceptable / Probable Solutions
	and context for visual interest-	
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>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 level 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>
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>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 level.</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.	S10 No solution specified
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.	S11 No solution specified

Scheme Amendment 1 of 2007 - Attachment C: Amendments to Part 4 – Division 4, Assessment Categories and Criteria for Other Development (Table 4-2)

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
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 Change of Use or Reconfiguration of a Lot; <p>Code Assessable where the criteria for being Exempt does not apply.</p>	Operational Works (Earthworks) Code Environment and Infrastructure Code

- 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.

Scheme Amendment 1 of 2007 - Attachment D: City Centre Zone Map