



TITLE:

**TEMPORARY LOCAL PLANNING
INSTRUMENT**

**FOR THE SARINA SHIRE
PLANNING SCHEME**

DATE ADOPTED BY COUNCIL:

15 December 2010

DATE AMENDMENT TOOK EFFECT:

21 February 2011

SIGNATURE:

A handwritten signature in black ink, appearing to be "Peter Franks", written in a cursive style.

FULL NAME:

Peter Franks

TITLE:

CHIEF EXECUTIVE OFFICER
MACKAY REGIONAL COUNCIL

SARINA SHIRE PLANNING SCHEME MAY 2005
**TEMPORARY LOCAL PLANNING INSTRUMENT – WATER RECYCLING FACILITY
BUFFER PROVISIONS**

1. PURPOSE

- 1.1. The purpose of this Temporary Local Planning Instrument, made under Chapter 3 Part 3 of the *Sustainable Planning Act 2009*, is to ensure that:
- a) the amenity of potential future sensitive uses are not detrimentally impacted by the proposed Water Recycling Facility for Sarina; and
 - b) the operational efficiency of the proposed Water Recycling Facility for Sarina is not detrimentally affected by nearby sensitive uses.
- 1.2. To achieve this purpose this Temporary Local Planning Instrument is to:
- 1.2.1 Incorporate a new Water Recycling Facility Buffer Code into Part 6 of the planning scheme that includes a map identifying a buffer area around the proposed Water Recycling Facility and assessment provisions to assess proposed sensitive uses within the buffer area.
 - 1.2.2 Alter the Level of Assessment Table for the Rural Zone (Part 4, Division 3 – Table 3) so that proposed sensitive uses within the buffer area trigger a development application to Council.

2. APPLICATION OF THIS TEMPORARY LOCAL PLANNING INSTRUMENT

- 2.1. This Temporary Local Planning Instrument affects the operation of the Sarina Shire Council Planning Scheme 2005.
- 2.2. To the extent of any inconsistency between this temporary local planning instrument and the planning scheme, this temporary local planning instrument prevails.

3. DURATION

- 3.1. This Temporary Local Planning Instrument will have effect in accordance with the Sustainable Planning Act 2009 for a period not exceeding 12 months from the date of commencement of the Temporary Local Planning Instrument.
- 3.2. This Temporary Local Planning Instrument takes effect from 21 February 2011 and will cease to have effect on 21 February 2012.

4. DEFINITIONS

- 4.1. The terms used in this Temporary Local Planning Instrument have the same meaning as defined in Sarina Shire Council Planning Scheme 2005 unless otherwise defined in this Instrument.

5. WATER RECYCLING FACILITY BUFFER CODE

5.1. Water Recycling Facility Buffer Code

- 5.1.1. The following code is incorporated into Part 6 of the planning scheme:

Division 15 – Water Recycling Facility Buffer Code

6.58 Water Recycling Facility Buffer Code

The provisions of this division comprise the Water Recycling Facility Buffer Code. They are:

- Compliance with the water recycling facility code (section 6.59);
- Overall outcome for the water recycling facility code (section 6.60);
- Specific outcomes and probable solutions for water recycling facility code (section 6.61).

6.59 Compliance with the Water Recycling Facility Buffer Code

A development that achieves the specific outcomes in section 6.61 complies with the water recycling facilities code.

6.60 Overall outcome for the Water Recycling Facility Buffer Code

- (1) The overall outcome of the Water Recycling Facility Buffer Code.
- (2) The overall outcome of the Water Recycling Facility Buffer Code is to ensure that:
 - a) the amenity of potential future sensitive uses are not detrimentally impacted by the proposed Water Recycling Facility for Sarina; and
 - b) the operational efficiency of the proposed Water Recycling Facility for Sarina is not detrimentally affected by nearby sensitive uses.

6.61 Application of the Water Recycling Facility Buffer Code

The provisions of the Water Recycling Facility Buffer Code must be taken account in the assessment of proposals involving the following uses within the “Water Recycling Facility Buffer” (as identified in Map 6.61):

- House
- Relative's Apartment
- Second House
- A Reconfiguration of a Lot that creates an additional lot/s within, or partly within, the "Water Recycling Facility Buffer"
- A Reconfiguration of a Lot that realigns any boundary within the "Water Recycling Facility Buffer"
- Any impact assessable development application

Map 6.6.1: Water Recycling Facility Buffer is attached.

6.62 Specific outcomes and probable solutions for Water Recycling Facility Buffer Code

Specific Outcomes	Probable Solutions
SO1 Sensitive uses are not detrimentally impacted by the following potential amenity issues associated with the proposed Water Recycling Facility for Sarina: <ul style="list-style-type: none"> i) Odour impacts ii) Noise impacts 	PS1.1 Houses, Second Houses, Relative's Apartments and other sensitive uses are located outside the Water Recycling Facility Buffer PS1.2 Any new or reconfigured lot includes a potential building envelope that is outside the Water Recycling Facility Buffer

6. LEVEL OF ASSESSMENT TABLE FOR THE RURAL ZONE

6.1 Amendments to the Level of Assessment Tables for the Rural Zone

6.1.2 The following amendments will override the relevant sections of Part 4 of the planning scheme.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant Assessment Criteria¹ Applicable Code if Development is Self Assessable² or Requires Code Assessment
Consistent Uses Rural Zone Code – Section 4.17		
House	<p>Self assessable if not within 200m of Strategic Port Land or not within the “Water Recycling Facility Buffer” (as identified on Map 6.61 in Part 6 of the planning scheme).</p> <p>Code assessable if the above criteria or applicable code for self assessable development are not complied with</p>	<p>If self-assessable – probable solutions of the House Code</p> <p>If code assessable – Rural Zone Code House Code Water Recycling Facility Buffer Code (if within the Water Recycling Facility Buffer)</p>

Peter Franks
 Chief Executive Officer
 Mackay Regional Council

¹ For impact assessable development, “relevant assessment criteria” are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole, in accordance with section 3.5.5 of the IPA.

² For self assessable development, where there is no probable solution nominated there is no need to address the performance criteria.

