

Mackay Waterfront Priority Development Area

Development Scheme – proposed amendment 1

August 2023



**Queensland
Government**



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Government**

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PROPOSED AMENDMENT 1

1. Introduction

1.1 Economic Development Act 2012

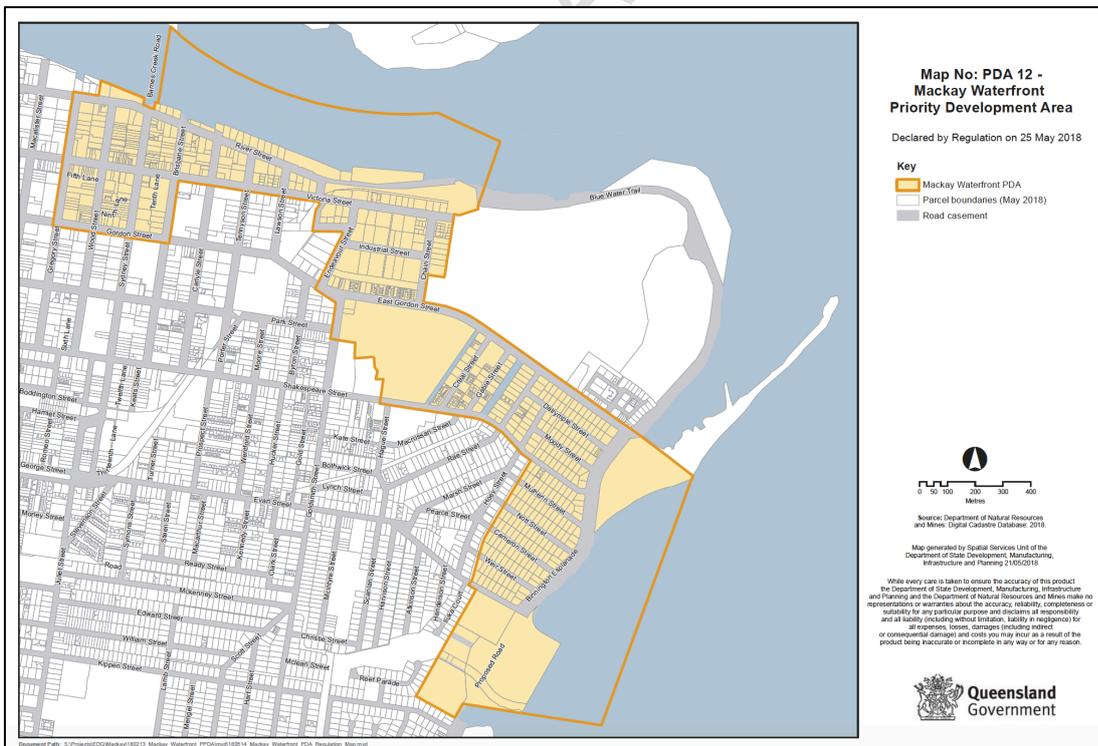
The *Economic Development Act 2012* (the ED Act)¹ establishes the Minister for Economic Development Queensland (MEDQ) as a corporation sole to exercise the functions and powers of the ED Act.

The main purpose of the ED Act² is to facilitate economic development and development for community purposes, in the state. The ED Act³ seeks to achieve this by establishing the MEDQ and providing for a streamlined planning and development framework for particular parts of the State declared as priority development areas (PDAs).

1.2 Priority Development Area description

The Mackay Waterfront (refer Map 1) was declared a Priority Development Area (PDA) by regulation⁴ on 25 May 2018. The Mackay Waterfront PDA (the PDA) is approximately 172 hectares in size and is located in the Mackay Regional Council local government area. The PDA includes land and water located on the southern side of the Pioneer River, including the city centre core, and extends east to the adjacent coastal waters along Binnington Esplanade (Town Beach). The PDA is in close proximity to the Mackay Airport, major road infrastructure (Bruce Highway and Peak Downs Highway), Port of Mackay, and the diverse range of cultural and recreational facilities in the Mackay city centre. The boundaries of the PDA are shown on Map 1.

Map 1: PDA boundary



1 See s.8 of the ED Act.
2 See s.3 of the ED Act.
3 See s.4 of the ED Act.
4 See s.37 of the ED Act.

1.3 Application of the development scheme

The Mackay Waterfront PDA Development Scheme (the development scheme) is applicable to all development on land and water⁵ within the boundaries of the Mackay Waterfront PDA (refer Map 1).

From the date of approval under a regulation, the development scheme replaces the Mackay Waterfront PDA interim land use plan which commenced upon declaration.

1.4 Contents of the development scheme

The development scheme consists of:

1. a land use plan that regulates development in the PDA (section 2)
2. an infrastructure plan that describes infrastructure required to support achievement of the land use plan and states applicable infrastructure charges (section 3)
3. an implementation strategy that describes objectives and actions that complement the land use plan and infrastructure plan to achieve the main purpose of the ED Act (section 4).

1.5 Infrastructure designations

Under the *Planning Act 2016* both public and non-public sector entities can seek designation of premises for development of infrastructure (a designation). A designation can be a community infrastructure designation (designated under the *Integrated Planning Act 1997* or *Sustainable Planning Act 2009*), or a Ministerial or Local Government infrastructure designations (designated under the *Planning Act 2016*).

The designation provides entities with a streamlined assessment process to facilitate the delivery of community infrastructure. Once a designation is made there is no need to attain further planning approvals that would otherwise be regulated by the *Planning Act 2016* or the ED Act, unless development departs from the designation.

Where within a PDA, the ability for an entity to continue to operate under an existing designation, and to seek new designations, remains unaffected by the ED Act. The process of making and determining a designation is set out within the Minister's Guidelines and Rules⁶.

For this PDA, there is one existing designation over key community infrastructure associated with the Mackay Police Station and Courthouse, as detailed in Table 1.

Table 1: Infrastructure designations

ID reference	Description	ID type	Date of gazettal
71	Mackay Police Station and Courthouse	(s) any other facility not in (a) to (r) and intended to accommodate govt. functions	25/08/2000

⁵ See s. 47A of the *Acts Interpretation Act 1954*.

⁶ For guidance, refer to chapters 7 and 8 of Minister's Guidelines and Rules, available at the State Government's QLD Planning Framework website.

1.6 Drawings, maps, notes, and footnotes

1. Drawings contained in the development requirements are part of the development scheme.
2. Maps provide information to support the development requirements of the development scheme and are part of the development scheme.
3. Notes are identified by the title 'Note' and are part of the development scheme.
Note – this is an example of a note.
4. Footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*. Footnotes are identified by a superscripted number and are provided to assist in the interpretation of the development scheme. Footnotes do not have the force of law.

¹ This is an example of a footnote.

1.7 Defined activity groups

In Schedule 3 of the development scheme, certain defined use terms listed in Table 24 are clustered into activity groups in Table 25.

The activity groups listed in Table 25 are the defined activity groups for the purpose of the development scheme and used throughout.

1.8 Acknowledgements

The development scheme was prepared and subsequently amended under delegation by Mackay Regional Council in collaboration with Economic Development Queensland (EDQ) and state agencies.

2. Land use plan

2.1 Components of the land use plan

2.1.1 Hierarchy of provisions

The land use plan establishes the strategic intent for the PDA and the PDA development requirements for achieving the strategic intent (refer to Figure 1). The strategic **framework** and PDA development requirements are organised in a hierarchy with the structural elements and PDA-wide criteria stating outcomes to achieve the **intent of the strategic framework** and the precinct provisions stating outcomes and quantitative measures, to achieve the structural elements and PDA-wide criteria.

PROPOSED AMENDMENT

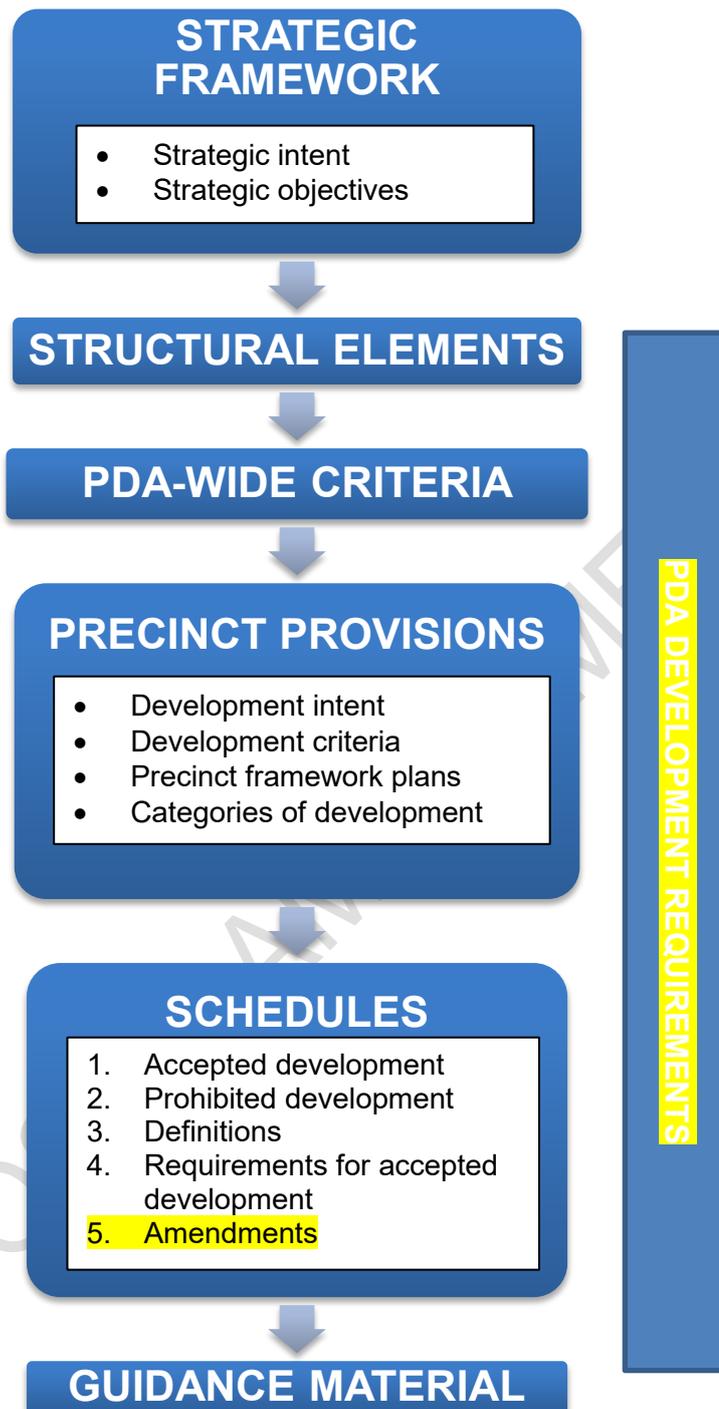


Figure 1: Components of the land use plan

2.1.2 Strategic framework

The strategic framework establishes the overall outcomes to be achieved in the PDA, that:

- seek to achieve the purpose of the ED Act for the PDA; and
- provide the basis for the PDA development requirements.

2.1.3 PDA development requirements

The PDA development requirements apply to all PDA assessable development and incorporate:

1. structural elements (section 2.4);
2. PDA-wide criteria (section 2.5); and
3. precinct provisions (section 2.6).

2.1.4 Schedules

Schedule 1 identifies PDA accepted development.

Schedule 2 identifies PDA prohibited development.

Schedule 3 defines terms used in the development scheme.

Schedule 4 identifies requirements for accepted development.

Schedule 5 provides a summary of amendments which have been made to the development scheme.

2.1.5 Guidance material

Guidance material includes EDQ guidelines and any other documents (as amended from time to time) that are either referenced in the development scheme or as developed through the implementation strategy. Guidance material should be read in conjunction with the land use plan, infrastructure plan and implementation strategy and any other document or guideline called up by the development scheme.

Refer to Figure 1.

2.2 Development assessment

2.2.1 Interpretation

The interpretation of terms and definitions will rely on:

- Section 33 of the ED Act which defines development; and
- Schedule 3 of this development scheme, which provides the definitions required to interpret and apply the development scheme with reference to the ED Act and the Mackay Region Planning Scheme 2017.

2.2.2 Requirements for accepted development

PDA accepted development that is subject to requirements stated in Column 1 PDA accepted development in Tables 5, 8, 11, 15, 19 and 20, and Schedule 1, must comply with all of the development requirements in:

- Schedule 4 of the development scheme; or
- the relevant referred part of the Mackay Region Planning Scheme 2017; or
- the relevant referred parts of the Queensland Development Code.

Where development does not comply with one or more of the requirements for accepted development, as stated in Column 1 PDA accepted development in Tables 5, 8, 11, 15, 19 and 20, and Schedule 1, development becomes PDA assessable development limited to the subject matter of the requirements of accepted development that are not complied with or are not capable of being complied with.

2.2.3 PDA development applications

To the extent the land use plan (section 2), infrastructure plan (section 3), implementation strategy (section 4) and the guidance material are relevant, they are to be taken into account

in the preparation of a PDA development application and the assessment of the application by the MEDQ⁷.

Development proponents are encouraged to hold pre-application discussions with the MEDQ⁷ to obtain feedback and advice on compliance with the development scheme to expedite the development application assessment process and timeframes.

2.2.4 Categories of development

PDA accepted development

Column 1 in Tables 5, 8, 11, 14, 15, 16, 19, 20 and 21 identify PDA accepted development, and includes Schedule 1 of the development scheme.

PDA assessable development⁸

Column 2A in Tables 5, 8, 11, 14, 15, 16, 19, 20 and 21 identifies PDA assessable development that is permissible development.

Column 2B in Tables 5, 8, 11, 14, 15, 16, 19, 20 and 21 identifies PDA assessable development that is prohibited development under the development scheme.

2.2.5 Development consistent with the land use plan

PDA assessable development is consistent with the land use plan if it is consistent with all outcomes of the relevant PDA development requirements (see Figure 1), including the relevant outcomes for any quantitative measures.

However, aspects of assessable development that are inconsistent with any of the relevant PDA development requirements, including quantitative measures, may still be consistent with the land use plan if the development outcome:

- is an interim use⁹ that due to its nature, scale, form or intensity does not conflict with the strategic framework (section 2.3); or
- does not conflict with the strategic framework (section 2.3) and there are grounds to justify the non-compliance with the relevant PDA development requirements through the assessment of the development.

Where development is unforeseen by the development scheme, at the time of its preparation or amendment, the development may still be consistent with the land use plan if:

- it does not conflict with the strategic framework (section 2.3); and
- there are sufficient grounds to justify the approval of the development, as well as superior design outcomes¹⁰ and a demonstrated community benefit.

In this section, 'grounds' means matters of public interest which include the matters specified as the main purposes of the ED Act and does not include the personal circumstances of an applicant, owner or interested third party.

⁷ MEDQ may delegate certain functions and powers under s.169 of the ED Act to a local government. Development assessment powers have been delegated by the MEDQ to Mackay Regional Council.

⁸ Under s.73 of the ED Act, PDA assessable development cannot be carried out without a PDA development permit.

⁹ Refer to section 2.2.11.

¹⁰ An Urban design review panel, see Implementation Strategy section 4.5, will provide guidance on the assessment and acceptance of superior design outcomes.

2.2.6 Development inconsistent with the land use plan

PDA assessable development that is identified as prohibited development in Schedule 2 and Tables 5, 8, 11, 14, 15, 16, 19, 20 and 21 is inconsistent with the development scheme¹¹.

Development that is inconsistent with the land use plan cannot be granted a PDA development approval¹².

2.2.7 Plans of development

A plan of development (PoD)¹³ may:

- accompany a PDA development application for a material change of use or reconfiguring a lot
- consider any proposed use, and any associated building work or operational work¹⁴
- form part of a PDA development approval.

Schedule 1 identifies development consistent with an approved PoD as PDA accepted development.

2.2.8 Notice of applications

A PDA development application will require public notification if the application is for:

1. a material change of use that is not a preferred land use for each precinct identified in:
 - (a) Table 4: Precinct 1 preferred land uses
 - (b) Table 7: Precinct 2 preferred land uses
 - (c) Table 10: Precinct 3 preferred land uses
 - (d) Table 13: Precinct 4 preferred land uses
 - (e) Table 18: Precinct 5 preferred land uses; or
2. an undefined use.

The MEDQ⁷ may require public notification in other circumstances if the development application is for a use or of a size or nature which, in the opinion of the MEDQ⁷, warrants public notification.

2.2.9 State Interests

Relevant matters of state interest have been considered in the preparation of this development scheme and will be considered further as part of the assessment of a PDA development application¹⁵.

2.2.10 Relationship with other legislation

In addition to assessment against the development scheme, development may require assessment against other legislation including, but not limited to, the *Building Act 1975*,

¹¹ Refer to s.86 of the ED Act.

¹² Refer to s.86 of the ED Act.

¹³ PoD is further defined in Schedule 3. For further advice of preparing a PoD refer to the applicable EDQ practice note available on EDQ's website.

¹⁴ For guidance on the requirements for the assessment of operational works, refer to the *General development requirements code*, *Healthy waters code* and relevant *Planning Scheme Policies* in the Mackay Region Planning Scheme 2017.

¹⁵ Section 87 of the ED Act states that any relevant state interest must be considered and decided in a PDA development application. For the purposes of addressing State interests in development assessment, the State Planning Policy (SPP) and State Development Assessment Provisions (SDAP) codes, provide guidance in identifying if a state interest is relevant to the assessment of a PDA development application. For further advice on the consideration of state interests refer to the EDQ Practice Note 14: State interests in development assessment in priority development areas, available at <http://www.statedevelopment.qld.gov.au/edg/pdas-guidelines-and-practice-notes.html>

Coastal Protection and Management Act 1995, *Environmental Protection Act 1994*, *Fisheries Act 1994*, *Land Act 1994*¹⁶, *Nature Conservation Act 1992*, *Plumbing and Drainage Act 2002*, *Queensland Heritage Act 1992* and *Planning Act 2016* including subordinate legislation.

Relevant local laws made under the *Local Government Act 2009* apply in the PDA to the extent they are not replaced by this development scheme, or a by-law made under the ED Act¹⁷.

Advertising devices

Advertising devices located on a premises that is not a heritage place are assessed against the requirements under Mackay Regional Council Local Law 1 Community and Environmental Management 2021 and Subordinate Local Law No. 1.4 (SLL1.4) Installation of advertising devices 2011.

Advertising devices located on a premises that is a heritage place are assessed against this development scheme. In this instance, where there is an inconsistency between SLL 1.4 and the development scheme, the requirements of the development scheme will prevail.

If the advertising device is proposed to be located on or over a state-controlled road, refer to the Department of Transport and Main Roads *Roadside Advertising Manual* as amended.

2.2.11 Relationship with the Mackay Region Planning Scheme 2017

Schedule 6 of the *Planning Regulation 2017* (Planning Regulation) prohibits the Mackay Region Planning Scheme 2017 from making PDA-related development assessable under the *Planning Act 2016*.

However, the development scheme refers to various codes, overlays, policies and definitions in the Mackay Region Planning Scheme 2017 (as amended from time to time) for guidance in assessment of requirements in the development scheme.

The development scheme:

- adopts use definitions and administrative terms from the Mackay Region Planning Scheme 2017; and
- adopts the industry thresholds listed in the Mackay Region Planning Scheme 2017, which are to be used in conjunction with the defined use definitions of low impact industry and medium impact industry; and
- refers to overlay mapping under the Mackay Region Planning scheme 2017 (as amended or replaced from time to time) in identifying development constraints relating to development requirements in the development scheme, including acid sulfate soils overlay, airport environs overlay (obstacle limitation surface, lighting restriction zones, and wildlife hazard buffers), flood and coastal hazards overlay (flood, storm tide inundation, and erosion prone area), heritage overlay, road hierarchy overlay and transport noise corridor overlay; and
- calls up various other parts of the Mackay Region Planning Scheme 2017 as guidance when assessing the development scheme requirements.

Under section 71 of the ED Act, if there is a conflict between the development scheme and a planning instrument, or assessment benchmarks prescribed by regulation under the

¹⁶ Proposed development on State land will require consideration under the *Land Act 1994*.

¹⁷ Refer to s.54 of the ED Act.

Planning Act 2016 or another Act for the Planning Act, the development scheme prevails to the extent of any inconsistency.

2.2.12 Interim uses

An interim use is a land use that, because of its nature, scale, form or intensity, is not an appropriate long-term use of the land, but may be appropriate for a short or medium-term period as the PDA develops.

A PDA development application for an interim use must demonstrate that the use will not prejudice or delay:

- an appropriate long-term use(s)
- an appropriate intensity of development, or
- infrastructure delivery envisaged by the vision for the PDA.

Relevant PDA development requirements also apply to PDA assessable development that is an interim use.

The MEDQ¹⁸ may impose conditions of approval related to the interim use including, for example, limiting the duration of an interim use.

Information to support a PDA development application for an interim use may include:

1. a suitability assessment; and
2. plans showing how the development could transition from the proposed interim use to an appropriate longer-term use.

¹⁸ MEDQ may delegate certain functions and powers under s.169 of the ED Act to a local government. Development assessment powers have been delegated by the MEDQ to Mackay Regional Council.

2.3 Strategic framework

2.3.1 Strategic intent

The Mackay Waterfront PDA is a vibrant, liveable and accessible inner city area of Mackay that:

- strengthens the city's relationship to the Pioneer River and Coral Sea,
- accommodates a diverse, integrated and balanced range of uses, activities and attractions that are connected by a high-quality public realm,
- preserves and utilises its heritage places,
- supports investment, choice and affordability, and
- promotes sustainability and enhances Mackay's character and identity through good design.

The diverse range and intensity of development across the PDA:

- will revitalise land and infrastructure within the Mackay city centre, along the Pioneer River waterfront, through Queens Park and along the Binnington Esplanade waterfront, creating social, liveability and economic benefits for the whole community,
- plays an important role in Mackay's future growth and development by accommodating a diverse mix of housing, accommodation, commercial, tourism, community and employment opportunities, which increases the appeal of inner city living, supports choice and affordability, diversifies the regional economy, and boosts investment confidence,
- builds on Mackay's exceptional natural, cultural and heritage assets and positively contributes to Mackay's identity, lifestyle and community connections,
- contributes to the activation, vibrancy and accessibility of places, spaces, and streets all day and throughout the week, and
- is well designed, accessible, inclusive, functional and sustainable.

Development will utilise the opportunities provided by the:

- redevelopment of the Pioneer River and Binnington Esplanade waterfronts to deliver vibrant, active and accessible river and ocean waterfront destinations for Mackay and its visitors, and to connect people and places visually and physically with the water. The Riverfront and Beachside precincts accommodate new investment opportunities in hospitality (in proximity to each waterfront), residential and accommodation activities.
- growth and advancement of the Mackay city centre as the primary business and innovation precinct servicing ongoing population and economic development of Mackay and the Greater Whitsunday Region, which can accommodate new business, residential and accommodation investment opportunities.
- establishment of a mixed industry, research and technology hub within the Enterprise precinct, which can accommodate new business investment and create employment opportunities that diversify Mackay's economic profile. Employment-generating development in the Enterprise precinct is supported by a range of living options and high value amenity areas located in the adjacent Riverside or Queens Park precincts.
- rejuvenation of Queens Park as a high amenity lifestyle, recreation and leisure destination.

2.3.2 Strategic outcomes

2.3.2.1 Land uses, place design and development

The PDA provides for a range of development and investment opportunities for uses such as residential, accommodation, commercial, health and wellbeing, and tourism activities, supported by quality recreation and community activities.

The relationship between public spaces, streets and buildings in the PDA creates an urban environment that is human scale, attractive, safe and activated.

Development in the PDA:

- provides high-quality built form, smart design elements, landscape and climate-responsive¹⁹ outcomes
- addresses street frontages and public spaces, creating an interface that is integrated and activated with human movement and passive surveillance
- enhances the unique Mackay character, landscape and identity qualities of streetscapes and places
- supports and positively contributes to inviting, accessible and engaging streets, places and attractions that improves the city's liveability, walkability, tourism appeal and investment attraction
- ensures commercial options deliver choice, adaptability and diversity to cater to a range of business needs and incomes
- ensures housing options, including social and affordable housing, are well-designed, appropriately located, and deliver choice, adaptability and diversity to suit a variety of households, needs and lifecycle changes.

2.3.2.2 Public realm area

Open spaces, streetscapes and other public realm areas cater for universal access and are improved with quality landscape and features that create an inviting and memorable place with a strong identity. Streetscaping along key pedestrian and active transport linkages contributes to the visual appeal of the public realm and reinforces connections between key destinations in the PDA. These public spaces provide safe and convenient access throughout the PDA and connect to the surrounding urban areas.

Queens Park, Iluka Park, Cod Hole open space, and the public realm areas along the Pioneer River and Binnington Esplanade are the most significant recreational and amenity spaces in the PDA. Their active and passive recreation functions are enhanced with high quality facilities and landscape features as well as the development of complementary uses and activities supporting the community's leisure and lifestyle.

Areas of environmental value located in or around the PDA, including Sandfly Creek Environmental Reserve and Cod Hole open space area, are not adversely impacted by development or public access. Connections to these areas of environmental value are maintained.

Development in the PDA will support and utilise opportunities provided by the:

- attractive, high quality, accessible, well-connected and multi-functional public realm, which creates a strong sense of place, character, identity and amenity
- generous multi-functional public waterfront areas; plazas and activity nodes; event spaces; placemaking opportunities; cultural, recreation and tourist facilities and attractions; and large open recreational areas along the water's edge and across the

¹⁹ The Mackay climate is further defined in Schedule 3 of this development scheme.

urban environment

- Bluewater Trail and Cross City Link, which are the primary walking and active transport routes traversing the PDA and providing connectivity between precincts, places, destinations, attractions and facilities.

2.3.2.3 Movement and connectivity

The PDA is integrated with the city's transport networks and is well connected, accessible and permeable to a full range of pedestrian, active transport, public transport and private vehicle movements.

Development in the PDA:

- supports connectivity between precincts, activity nodes, public realm areas, employment areas, destinations, facilities and attractions through a high quality street and movement network that prioritises the safe and convenient movement of passenger transport, pedestrians and active transport modes, and promotes a healthier lifestyle through active modes of transport
- promotes and encourage convenient and safe active travel via the street and pedestrian/active transport movement network.

2.4 Structural elements

The structural elements as identified in Map 2 – PDA structural elements plan apply to all PDA assessable development in the PDA. To the extent that the structural elements are relevant, they are to be taken into account in the preparation and assessment of PDA assessable development applications. The structural elements support the delivery of the strategic framework (section 2.3), the PDA-wide criteria (section 2.5), and precinct provisions (section 2.6) and should be read in conjunction with these sections.

2.4.1 Overarching categories and designations

The structural elements plan establishes and illustrates the following overarching categories and designations:

- precincts and sub-precincts, which indicate the development intent, preferred land uses, and additional development criteria specific to each precinct,
- development area, indicates where the majority of development within the PDA may occur,
- investigation area, which require further investigation and consideration prior to realising opportunities at these locations,
- public realm area, indicates:
 - the location of public parks and spaces, where recreation, tourism and small-scale complementary commercial development will occur; or
 - land that is low-lying or environmentally sensitive, where minor sacrificial recreational facilities may occur to provide an inter-urban active transport link or enhance the appreciation of environmental values in these areas, and
- movement and connectivity network, ensuring efficient and safe movement across the existing road network and primary pedestrian and active transport connections to, from and within the PDA.

The 'development area', 'public realm area' and 'investigation area' identified on Map 2 – PDA structural elements are designations where land use outcomes are defined by precincts and sub-precincts.

The plan also identifies key connectivity and movement infrastructure referred to in the infrastructure plan (section 3) and their preferred or indicative locations.

2.4.2 Structural components of the PDA

The key structural components of the PDA structural elements plan include:

- road network (local and state controlled) and laneways (local controlled),
- primary pedestrian and active transport connections:
 - Bluewater Trail, traversing precincts 1, 2, 4 and 5, and connecting to areas outside of the PDA, being south of precinct 5 (Kippen Street), west of precinct 1 (Gregory Street) and north of precinct 1 (Forgan Bridge),
 - Cross City Link, traversing precincts 2, 3 and 4, and connecting to areas outside of the PDA, being west of precinct 4 (Park Street),
 - Queens Park to City Link (via Gordon and Wood Streets), traversing precincts 1 and 4, and

- Queens Park to Town Beach Link (via East Gordon and Shakespeare Streets), traversing precincts 4 and 5,
- Tennyson Street potential pedestrian and active transport route (linking south to Cross City Link), traversing precinct 2,
- Evan Street potential pedestrian and active transport route (linking west from Binnington Esplanade), traversing precinct 5, and
- parks:
 - local parks – including:
 - River Street Park, Wood Street Park and Town Hall Park (precinct 1),
 - Bluewater Quay, River Wharves, Burns Street Park, Fisher's Tale (boating and fishing quarter) and Sandfly Creek Park (precinct 2),
 - district park – Iluka Park (precinct 5), and
 - regional park – Queens Park (precinct 4).

These structural components are shown in the context of the entire PDA demonstrating how each component will relate and connect to existing infrastructure in the area.

Map 2: PDA structural elements plan



2.5 PDA-wide criteria

2.5.1 Built form and urban design

Development delivers high-quality built form, urban design and sustainability outcomes²⁰ that:

Built form and design

1. ensure buildings:
 - (a) are well designed²¹, articulated and create visual interest through high quality, climatically responsive²² and durable materials;
 - (b) orientate toward street frontages to have a physical presence on the street; and
 - (c) allow for adequate access to winter sunlight in the public realm.
2. promote diversity of built form and contribute to achieving a cohesive cityscape and streetscape rhythm.
3. provide building height²³ (including podium height), scale, mass, and length that:
 - (a) is compatible with:
 - (i) the development intent and built form parameters of the precinct; and
 - (ii) building height identified in Map 3 – PDA building heights plan;
 - (b) makes efficient use of land, ensures building form is varied and delivers appropriate massing forms; and
 - (c) allows buildings to utilise the usable extent of a nominated building height (relevant to the site) above the defined flood event (DFE) or storm tide event (DSTE) in areas affected by flooding or storm tide inundation.
4. provide a transition in height and intensity, including appropriate setbacks, bulk and massing, where adjoining or adjacent to a lower density urban area outside of the PDA in East Mackay or South Mackay, to minimise the impacts on residential amenity in these areas.
5. provide appropriate building separation from property boundaries and adjoining buildings that:
 - (a) allows light penetration, air circulation and access to breezes;
 - (b) minimises overshadowing, overlooking and maintains a high level of amenity and privacy for building occupants and adjoining residential uses; and
 - (c) accommodates landscaping and recreation areas on the site.
6. orientate buildings to take advantage of views, vistas and outlooks to:
 - (a) natural features, such as the Pioneer River, coastline or offshore islands;
 - (b) open spaces, such as Queens Park or the Sandfly Creek environmental area; or
 - (c) heritage places.

²⁰ For guidance in assessment on achieving the built form outcomes, refer to the Development intensity and built form parameters table for each precinct in section 2.6.

²¹ For guidance, the QDesign Manual provides for supplementary information on how to achieve high quality urban design outcomes.

²² The Mackay climate is further defined in Schedule 3.

²³ In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.

7. ensure sensitive land uses are designed and constructed to reduce exposure to amenity impacts²⁴ generated from:
 - (i) vehicular traffic on streets and service / refuse collection vehicles;
 - (ii) commercial, tourism and recreational activities, and festival, entertainment, and community events located at ground level, on streets or in public spaces; and
 - (iii) designated transport noise corridors²⁵ by providing acoustic amelioration measures in accordance with the relevant building standards to achieve recommended sound levels for building interiors²⁶.
8. ensure rooftops:
 - (a) are designed to screen or otherwise integrate plant and equipment with the overall roof design;
 - (b) incorporate varied roof forms to reduce bulk and contribute to the architectural distinction of the building; and
 - (c) provide opportunities for unique recreation experiences / facilities such as:
 - (i) open communal spaces, rooftop gardens or vegetation and associated ancillary open structures for use by building occupants that can sit above the nominated building height identified in Map 3 – PDA building heights plan; or
 - (ii) where appropriate, publicly accessible uses such as bar, food and drink outlet, or observation facilities.
9. minimise the impacts of reflective glass or surfaces that cause nuisance, discomfort or hazard to the public realm and adjoining properties.

Sustainability

10. ensure best practice sustainable²⁷, innovative and climatically responsive²⁸ design is achieved, including:
 - (a) appropriate solar orientation and minimising solar heat gain effects to ensure buildings and outdoor spaces are comfortable throughout the year;
 - (b) shading, shelter and greenery;
 - (c) cross ventilation, passive cooling techniques and access to breezes;
 - (d) access to natural lighting;
 - (e) water recycling, energy reduction, and stormwater and waste management; and
 - (f) the incorporation of smart design elements.

Integration with the public realm

11. ensure buildings at ground level:
 - (a) are at a human scale;
 - (b) contribute to the vibrancy, accessibility, and pedestrian amenity of the public realm;

²⁴ For guidance, refer to the Mackay Region Planning Scheme 2017 *General development requirements code*.

²⁵ Refer to the Mackay Region Planning Scheme 2017 *Transport Noise Corridor overlay map*.

²⁶ Development conforms with the requirements, standards and guidance identified in the SPP, as well as the Transport and Main Roads Traffic Noise Management: Code of Practice with respect to external road traffic noise levels, and the Queensland Development Code, Mandatory Part 4.4 'Buildings in a Transport Noise Corridors', each as amended or replaced from time to time.

²⁷ For guidance, refer to the Queensland Development Code.

²⁸ The Mackay climate is further defined in Schedule 3 of this development scheme.

- (c) include pedestrian-friendly features, such as articulated entrances and windows / glazing, shade and shelter, and landscaping along the street frontage; and
 - (d) allow overlooking of streets or public spaces, so that windows and other glazed openings are not covered or obscured (excluding window displays or obscured privacy for an office or a consulting room associated with a health care service).
12. achieve a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard. A graduated floor level transition, including accessibility features (ramps, stairs or elevators) and public spaces, are contained wholly within the premises.
 13. promote pedestrian activity at street level by locating publicly accessible uses (indoor and outdoor) on primary frontages, along waterfront edges, and where adjacent to public spaces.
 14. ensure podium levels or low-rise buildings up to 2 storeys:
 - (a) are designed to address, activate and provide character and visual interest to street frontages;
 - (b) include façade articulation, landscaping treatments, and varied colours, materials and textures to:
 - (i) reduce the visual bulk and avoid blank walls; or
 - (ii) screen parking levels through an attractive and articulated façade treatment; or
 - (iii) provide an appropriate transition between the podium and storeys above the podium where development includes a tower; and
 - (c) provide opportunities on podium tops for:
 - (i) communal open spaces and roof gardens for use by building occupants; or
 - (ii) where appropriate, publicly accessible uses such as bar or food and drink outlet.

Building spaces and services

15. provide communal and private open spaces²⁹ that:
 - (a) allow for equitable access;
 - (b) achieve a depth and width that is suitable for use in a tropical environment and are comfortable throughout the year;
 - (c) are safe, adaptable and functional to meet the requirements of occupants / users;
 - (d) provide opportunities for deep planting in communal open spaces, that accommodate a range of landscaping treatments including larger trees; and
 - (e) ensure balconies on towers maintain privacy of habitable rooms or outdoor spaces and provide visual variety and articulation in the built form.
16. conceal onsite vehicular parking / circulation, service areas and loading bays by locating these elements beneath, behind, or within a building.

Reconfiguring a lot

17. ensure the design, size and dimensions of reconfigured lots are suited for the intended use of the site having regard to the ability to accommodate buildings, structures, access, parking, on-site services and open space.

²⁹ For guidance on communal and private open spaces, refer to the Mackay Region Planning Scheme 2017 *Multiple dwelling activities code* for residential developments and *Short-term accommodation code* for accommodation developments.

18. ensure reconfigured lots that create new residential neighbourhoods, or extend / infill existing residential neighbourhoods:
 - (a) achieve a range of lot sizes to enable a mix and diversity of uses, including housing options, that accommodate a variety of needs and circumstances in accordance with the relevant precinct;
 - (b) provide high levels of connectivity for vehicles, public transport and active transport;
 - (c) physically and visually connect and integrate with the surrounding urban area; and
 - (d) provide a layout that will:
 - (i) facilitate the delivery of envisaged development for the relevant precinct; and
 - (ii) allow development to achieve good design, high quality amenity and a strong sense of place.
19. ensure reconfigured lots involving an existing building/s:
 - (a) avoid inappropriate boundary encroachment across the building;
 - (b) maintain appropriate access, setbacks, site cover and open space; and
 - (c) retain the building's services, including parking, on the same lot.

2.5.2 Diverse urban environment

Development will deliver diverse and mixed-use neighbourhoods within the PDA that:

1. provide a diversity of housing options delivering choice, adaptability and affordability³⁰ through a range of dwelling sizes, layouts, configuration, tenures and universal design³¹ to suit a variety of households, needs and life-cycle changes.
2. ensure dwellings for public housing, social housing and affordable housing are intermingled and distributed throughout residential and mixed-use developments and are designed well to integrate seamlessly within a neighbourhood.
3. provide for a diverse range and mix of commercial tenancy options, types and sizes that considers the adaptable and flexible design of tenancy spaces to:
 - (a) allow interchangeable uses, cater for a range of businesses or promote formal / informal shared working spaces; and
 - (b) promote the longevity and mixed-use nature of buildings and maximises high value and publicly accessible spaces in lower levels of a building³².

2.5.3 Movement, access and transport network

Development supports the high-quality street and movement network by:

1. providing onsite vehicle and bicycle parking that meets the functional requirements of development in accordance with Table 2: Car and bicycle parking rates.
2. encouraging the use of active and public transport to reduce the need for car-based travel and demand for public parking in the PDA.

³⁰ For further guidance, refer to PDA guideline no.16 Housing.

³¹ For guidance, refer to:

- PDA Guideline no.2 outlines standards for planning and design of accessible housing in PDAs.
- National Construction Code (NCC) 2022.

³² Refer to the Development intensity and built form parameters table in the relevant precinct for minimum requirements for internal floor to ceiling height in lower levels of a building.

3. providing safe and accessible end-of-trip facilities for pedestrians and users of active transport modes³³, including facilities for the storage and charging of micro-mobility devices.
4. ensuring the location and design of vehicular access, parking, manoeuvring areas, refuse collection, and service vehicle access:
 - (a) is safe, legible, logical and located as far as practical from intersections;
 - (b) provides facilities to enable electric vehicle charging in parking areas by making provision for adequate wiring, circuit boards, electrical capacity and control systems³⁴;
 - (c) minimises fragmentation and the safe movement of pedestrian pathways and road traffic;
 - (d) caters for vehicles accessing the development, and allows for safe onsite vehicle queuing, parking and manoeuvring;
 - (e) co-locates servicing and parking access points to minimise impacts on the streetscape; and
 - (f) avoids the need for service and refuse collection vehicles to park, stop or queue on the existing public road network and internal vehicular network.
5. maintaining the function, navigability and efficiency of the established road hierarchy³⁵.
6. ensuring new public roads:
 - (a) are constructed to Council standards; and
 - (b) do not compromise the efficiency, function, convenience of use or capacity of the existing road network.
7. establishing a permeable, highly connected and legible urban environment that supports the creation of open spaces and cross block links.

³³ For guidance, refer to Queensland Development Code Mandatory Part 4.1

³⁴ Refer to PDA Practice Note 20 – Electric Vehicle (EV) Charging Infrastructure for information on the requirements of EV charging infrastructure.

³⁵ Refer to the Mackay Region Planning Scheme 2017 *Road hierarchy overlay map*.

Table 2: Car and bicycle parking rates

Car parking rates	For residential activities (activity group)	<ul style="list-style-type: none"> 1 space per unit containing up to 2 bedrooms; or 1.5 spaces per unit containing 3 or more bedrooms
	For: <ul style="list-style-type: none"> commercial activities (activity group) community activities (activity group) industrial activities (activity group) 	<ul style="list-style-type: none"> 1 space per 50m² of gross floor area
	For accommodation activities (activity group)	Where located in: <ul style="list-style-type: none"> Precincts 1 and 2: <ul style="list-style-type: none"> room only unit – 0.5 spaces per unit; or serviced apartment – refer to car parking rates for residential activities; or Precincts 4 and 5 – refer to car parking rates for residential activities
	For all other uses not mentioned in this table	For guidance, refer to car parking rates in the General development requirements code within the Mackay Region Planning Scheme 2017.
	For all uses	Car parking spaces for people with a disability are designated in accordance with Table D3.5 of the Building Code of Australia ³⁶ .
Bicycle parking rates	For all uses	For guidance, refer to bicycle parking rates in the General development requirements code within the Mackay Region Planning Scheme 2017.

2.5.4 Public realm

Development supports and enhances an attractive, high quality, accessible, well-connected, multi-functional public realm with a strong sense of place, character, identity and amenity by:

1. providing landscaping, shade tree planting, street furniture and footpath treatments³⁷ along street frontages that creates a high level of amenity and positively contributes to the character and identity of the streetscape and locality.
2. appropriately integrating public art that is suitable for the origins, history, character and identity of Mackay³⁸.
3. having regard to the relationship and interface with the adjoining public realm.
4. having regard to the relationship between, and safety of pedestrians, active transport

³⁶ The car parking rates for people with a disability in Table D3.5 of the Building Code of Australia are not in addition to specified car parking rate requirements in this table. Rates specified in Table D3.5 are used to designate spaces within the number of spaces required by the car parking rates in this table. There is no requirement to designate car parking spaces for people with a disability where the total number of car parking spaces required is 5 or less.

³⁷ Refer to the relevant Planning scheme policies (PSP) under the Mackay Region Planning Scheme 2017 for landscaping, street furniture and footpath treatments (as amended or replaced from time to time). The PSP standards will apply until a specific PDA guideline for these elements is implemented.

³⁸ For guidance, refer to Mackay Regional Council's Public Art Strategy.

- modes** and vehicles to minimise conflicts to, from and within the site.
5. reflecting and reinforcing the tropical image and coastal character of Mackay by extending the character and amenity of the adjoining public realm from the street into the building foyers, onto podiums, balconies or external walls, communal spaces surrounding buildings, and including elements such as arbours and green walls.
 6. accommodating opportunities for temporary placemaking activities within streets, laneways, parks, and other public spaces.
 7. ensuring recreational facilities, infrastructure, or activities within public realm areas:
 - (a) retain areas of environmental value; and
 - (b) maintain connections with other vegetation along the river or coast.

2.5.5 Community safety and development constraints

The siting, design, construction and operation of development supports community safety and minimises adverse impacts on people, property and the environment from development constraints by:

Community safety and wellbeing

1. incorporating Crime Prevention through Environmental Design (CPTED) principles³⁹ in the design of all development and public realm spaces within the PDA to create safe, secure and inviting buildings, places and spaces for people both day and night.
2. incorporating appropriate safety features in line with current standards, best practice guidance, including fire safety, emergency vehicle access and flood immunity.
3. promoting community health and well-being through a design that supports a healthy and active lifestyle.
4. ensuring all buildings, as well as private spaces, publicly accessible areas and pedestrian entrances, are designed to be inclusive, accessible and welcoming for all users, including people with disabilities.
5. ensuring adverse impacts on people, property and the environment from contaminated land.
6. ensuring potential amenity impacts, such as light, odour, vibration and noise, to existing sensitive land uses are avoided, to the greatest extent practicable, then managed or mitigated.

Acid sulfate soils

7. avoiding the disturbance of acid sulfate soils to the greatest extent practical, then managing impacts to reduce risks posed to the natural and built environments from the release of acid and metal contaminants⁴⁰.
8. ensuring acid sulfate soils are treated in accordance with current best practice in Queensland⁴¹.

³⁹ For guidance, refer to the Queensland Police Service *Crime Prevention Through Environmental Design: Guidelines for Queensland 2021*.

⁴⁰ For guidance in assessment, refer to the Mackay Region Planning Scheme 2017 *Acid sulfate soils overlay code*.

⁴¹ Refer to Queensland Acid Sulfate Soils Technical Manual. Note, the Interim DA for acid sulfate soils has been removed from the SPP July 2017.

Airport environs

9. maintaining the safety and efficiency of the operational airspace⁴² for the Mackay Airport, by ensuring:
 - (a) development, including associated equipment used during construction (such as cranes), landscaping (at maturity), rooftop activities (such as communal open space, gardens, vegetation, shade structures or observation facilities), and other structures (such as aerials), does not exceed the obstacle limitation surface height⁴³;
 - (b) development located the lighting restriction zones does not include external lighting or reflective surfaces where such fixtures could distract and confuse pilots and increase the risk of an aircraft incident; or
 - (c) development located in the wildlife hazard buffers does not attract birds or bats.

Environment

10. protecting the environmental values and ecological functions and connections of the Pioneer River and Sandfly Creek by:
 - (a) avoiding adverse impacts on fisheries resources including fish habitats, marine plants⁴⁴ and fish passage⁴⁵ to ensure long-term fisheries productivity and accessibility in accordance with the Queensland Environmental Offsets Policy;
 - (b) maintaining and enhancing water quality through the use of best practice total water cycle management and water sensitive urban design principles; and
 - (c) meeting water quality objectives⁴⁶ for receiving waters and wetlands, including groundwater, at all times.
11. avoiding adverse impacts on water and ecological processes and connections that support and interact with the Great Barrier Reef, including estuarine and coastal habitats and landforms.
12. not interfering with either coastal processes or enables these processes to continue as closely as possible to their natural way⁴⁷.
13. managing and minimising biosecurity risks, including the spread of pests, diseases or contaminants that have potential significant impacts to the environment or social amenity.
14. avoiding adverse impacts on:
 - (a) the adjoining Sandfly Creek environmental area;
 - (b) areas of environmental value in the Cod Hole open space area; or

⁴² For guidance in assessment, refer to the Mackay Region Planning Scheme 2017 *Airport environs overlay code*.

⁴³ Any building (including construction equipment), structure or landscaping (whether temporary or permanent) that exceeds the obstacle limitation surface is referred to the airport operator and Civil Aviation Safety Authority (CASA) and complies with any CASA directives.

⁴⁴ Refer to action 6 in section 4.6 of the implementation strategy.

⁴⁵ Refer to Fisheries Guidelines including Fisheries guidelines for fish habitat buffer zones and *Guidelines on the State Development Assessment Provisions*. The guidelines are available at www.daf.qld.gov.au.

⁴⁶ For guidance in assessment, refer to the SPP 2017 Appendix 2 – Stormwater management design objectives, and Mackay Region Planning Scheme 2017 *Healthy waters code* and the *Engineering design guideline – healthy waters planning scheme policy*.

⁴⁷ Action 4 of section 4.6 will investigate the requirements and impacts of future coastal-dependent development in relation to coastal protection works along the coast and within the Pioneer River with respect to coastal processes and resources.

- (c) any other areas of environmental value that may be present in, or adjacent to, the PDA⁴⁸.

Natural hazards

15. appropriately designing, locating and constructing development to:
 - (a) avoid, to the greatest extent practicable, then minimise susceptibility to the impact of flood and coastal hazards⁴⁹ including the potential impacts of climate change; or
 - (b) mitigating the risks to people and property to an acceptable or tolerable level.
16. ensuring development is designed and located to be compatible with the nature of the flood or storm tide hazard by providing a minimum floor level⁵⁰ for non-residential uses or all habitable rooms⁵¹ that is:
 - (a) 300mm above the defined flood event (DFE)⁵² or defined storm tide event (DSTE); or
 - (b) 600mm above the DSTE if located within 100 metres of the foreshore area.
17. providing no worsening for surrounding sites upstream, downstream or in the general vicinity of the development site, and maintaining overland flowpaths.
18. ensuring underground car parks are designed to prevent the intrusion of flood or storm tide waters by the incorporation of a bund or similar barrier with a minimum height of 300mm above the DFE or 600mm above DSTE, whichever is higher.
19. ensuring utilities associated with a development, including substation equipment and switchboards, are located above the DFE or DSTE.
20. complying with the SPP provisions for erosion prone areas within a coastal management district⁵³.
21. locating and designing community infrastructure to maintain the required level of functionality during and immediately after a natural hazard event.
22. supporting, and not hindering disaster management capacity and capabilities, and safe evacuation routes.
23. maintaining and / or minimising impacts on the protective function of infrastructure, natural landforms and vegetation that can mitigate risks associated with natural hazards.
24. ensuring the design of public realm areas in flood and coastal hazard areas is resilient.

Tidal works

25. appropriately undertaking tidal works⁵⁴, where required.
26. ensuring marine infrastructure avoids adverse impacts on coastal resources and processes.

⁴⁸ Refer to SPP mapping to identify the environmental values and constraints for the Sandfly Creek environmental area, Cod Hole open space area, or any other areas of environmental value that may be present in, or adjacent to the, PDA.

⁴⁹ For guidance in assessment, refer to the Mackay Region Planning Scheme 2017 *Flood and coastal hazards overlay code* and associated mapping.

⁵⁰ Visit Mackay Regional Council's website to make an enquiry to identify the DFE or DSTE level - <https://onlineservices.mackay.qld.gov.au/ePathway/ePathProd/Web/Mobility/CityWatch/index.html?Action=CREATE&Module=ECRREQT&Class=ONLINE&Type=OLQ100>.

⁵¹ Habitable rooms that are associated with accommodation activities (activity group), caretaker's accommodation, dwelling house, dual occupancy, residential activities (activity group), and resort complex.

⁵² The DFE is derived from adopted studies regarding riverine and local flood events. Where a site is covered by more than one study, the highest flood level is the DFE.

⁵³ Refer to the SPP 2017 and the State interest guidance material for natural hazards, risks and resilience – coastal hazards.

⁵⁴ For guidance in assessment, refer to SDAP *State Code 8: Coastal development and tidal works*.

27. reflecting the natural tidal processes into the design of buildings, infrastructure and the public realm.

2.5.6 Infrastructure

The design and operation of development, including during construction, will support the efficient and effective delivery and operation of infrastructure⁵⁵ by:

1. having regard to impacts on the safety and efficiency of the broader transport and traffic network in the surrounding area.
2. ensuring the delivery of planned trunk infrastructure is not adversely impacted.
3. providing infrastructure and services in a timely, orderly, integrated and coordinated manner.
4. ensuring infrastructure and services are available or capable of being made available to service development, including roads, public and active transport, water supply, sewerage, stormwater, park network, community facilities, energy and telecommunications.
5. ensuring infrastructure and services maximise efficiency and ease of maintenance and minimise whole of lifecycle costs.
6. ensuring interim uses have access to infrastructure and services where required.

2.5.7 Heritage

Development retains the historic identity within the PDA by protecting, maintaining and enhancing the region's distinctive heritage places⁵⁶ and sensitively managing any development opportunities⁵⁷ to:

1. manage and minimise adverse impacts on the heritage significance of the place, particularly the unique art deco heritage character of buildings (including internal elements), facades, and streetscapes.
2. encourage, where appropriate, the adaptive reuse of a heritage place that is compatible, respectful and sympathetic to its heritage significance⁵⁸.
3. ensure development adjoining a heritage place minimises impacts from built form, bulk and proximity.
4. ensure development involving reconfiguring a lot on a heritage place does not result in an allotment size, configuration or pattern which would adversely affect the setting or views of a heritage place.
5. maintain the visual prominence and views of heritage places and heritage value elements from streets and public places.

⁵⁵ For guidance on the requirements for the assessment and construction of operational works, refer to the *General development requirements code*, *Healthy waters code* and relevant *Planning Scheme Policies* in the Mackay Region Planning Scheme 2017 (as amended or replaced from time to time).

⁵⁶ For information about a heritage place, refer to the Queensland Heritage Register statement of significance or council's Local Heritage Register statements of significance (on council's website).

⁵⁷ For guidance in the assessment of heritage related provisions:

- local heritage place – refer to the Mackay Region Planning Scheme 2017 *Heritage and neighbourhood character overlay code*; or
- state heritage place – refer to *SDAP State Code 14: Queensland Heritage*.

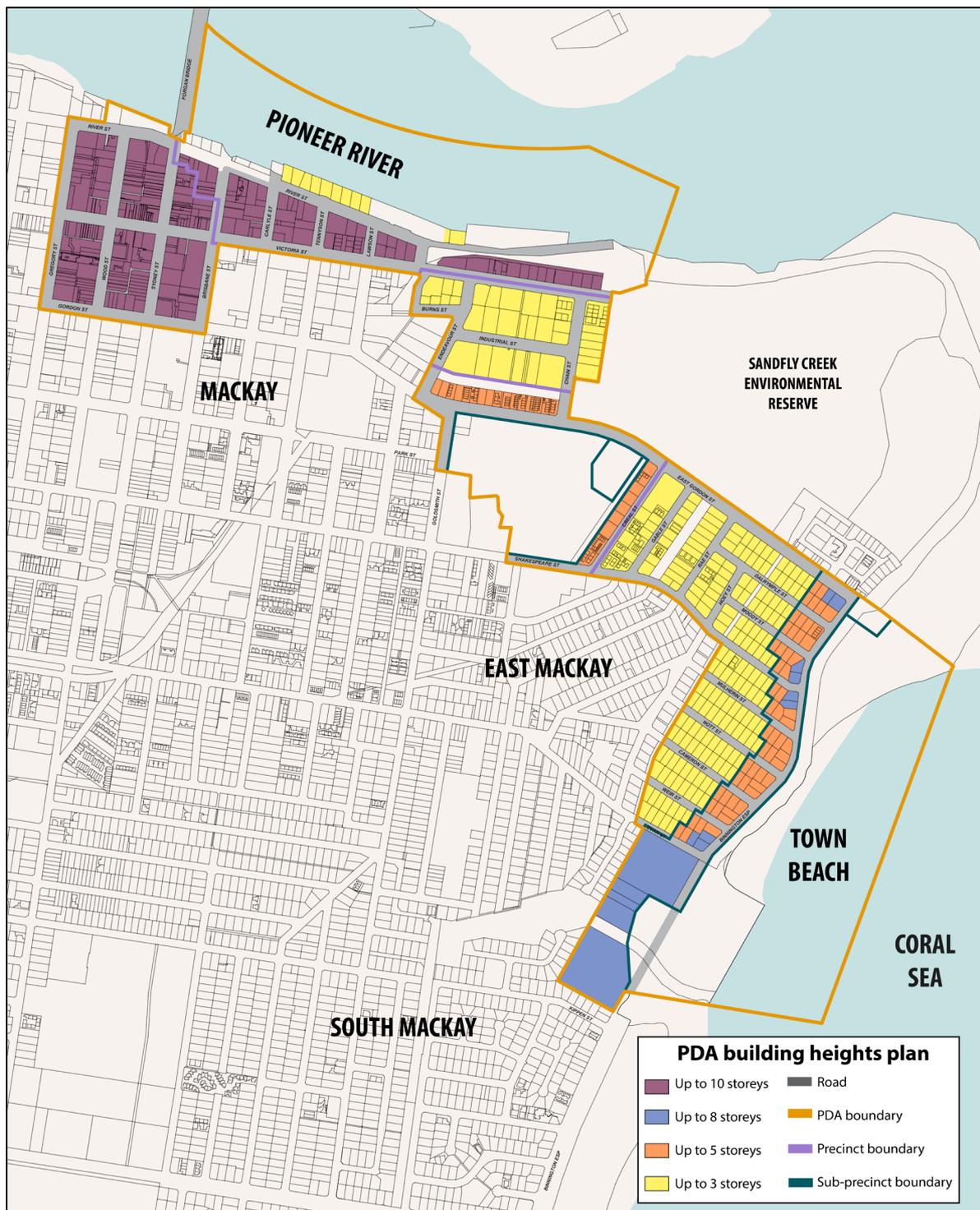
⁵⁸ To understand how to fulfil these requirements, development applicants should refer to:

- Developing Heritage Places: Using the development criteria document, a guideline prepared by Department of Environment and Science, and available at <https://www.qld.gov.au/environment/land/heritage/publications/>.
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural heritage significance 2013, available at <http://australia.icomos.org/publications/charters/> along with a number of useful Practice Notes.

6. ensure advertising devices:
 - (a) conform to the relevant definitions and prescribed criteria for installation, erection and display under Mackay Regional Council Subordinate Local Law 1.4 (Installation of advertising devices) 2011; and
 - (b) do not detract from the character, visual amenity and heritage values of a heritage place.
7. avoiding adverse impacts on areas or objects with cultural heritage significance to Aboriginal and Torres Strait Islander groups where these areas or objects are discovered⁵⁹.

⁵⁹ Development that may impact upon matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage supports the requirements of the *Aboriginal Cultural Heritage Act 2013*, *Torres Strait Islander Cultural Heritage Act 2003*, and associated duty of care guidelines.

Map 3: PDA building heights plan



2.6 Precinct provisions

The PDA is made up of five precincts (Map 4: PDA precincts and sub-precincts), each with unique attributes and redevelopment opportunities specific to their location. Each precinct contains a precinct development intent, preferred land uses, development provisions, precinct framework plan, and the categories of development table/s. Precincts 4 and 5 each contain sub-precincts.

The precincts and sub-precincts within the PDA are:

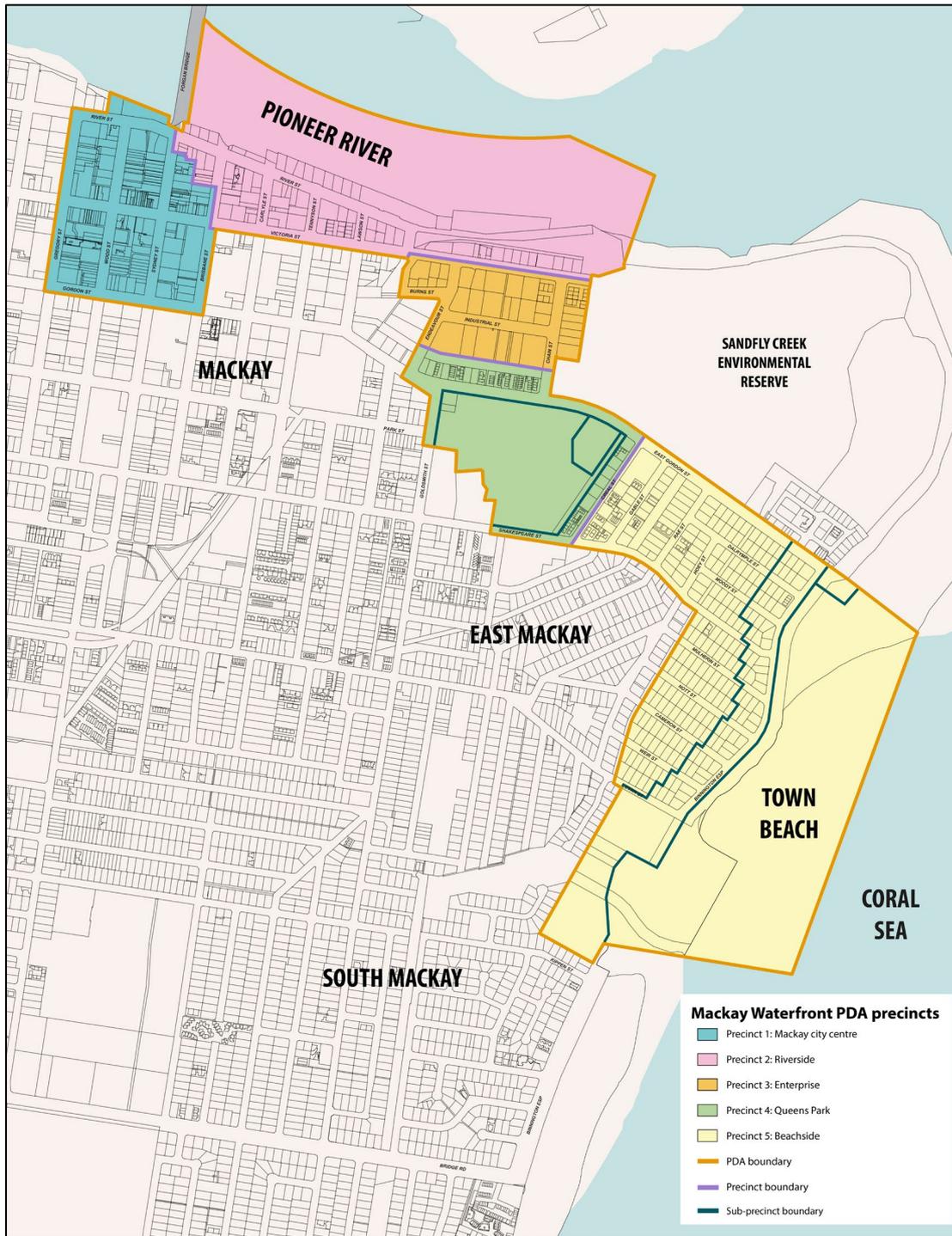
- Precinct 1 – Mackay city centre
- Precinct 2 – Riverside
- Precinct 3 – Enterprise
- Precinct 4 – Queens Park, including:
 - Sub-precinct 4A: Parkland
 - Sub-precinct 4B: Parkside living, and
 - Sub-precinct 4C: Parkside investigation area, and
- Precinct 5 – Beachside, including:
 - Sub-precinct 5A: Binnington Esplanade
 - Sub-precinct 5B: Beachside living
 - Sub-precinct 5C: Beachside public space, and
 - Sub-precinct 5D: Beachside investigation area.

Map 4: PDA precincts and sub-precincts shows the location and boundaries of each precinct and sub-precinct.

Precinct development provisions:

- must be read in conjunction with the structural elements (section 2.4) and PDA-wide criteria (section 2.5) sections of the development scheme,
- provide guidance on where activities and development within the PDA is preferred, and
- support the achievement of the strategic intent and strategic outcomes for the PDA.

Map 4: PDA precincts and sub-precincts



2.6.1 Precinct 1 – Mackay city centre

2.6.1.1 Precinct development intent

The Mackay city centre precinct is the urban heart of Mackay and functions as the primary business, administration, and employment centre for the region. The precinct is a vibrant, accessible and engaging place for people to live, learn, work, trade and play. Streets and the public realm⁶⁰ are inviting and incorporate shade, footpath activities, public art, and access to pedestrian, active transport and parking facilities.

The precinct accommodates a diverse range, mix and intensity of the following uses in predominantly attached building forms:

- residential and accommodation activities, which are located above the ground floor either in towers or as shop top living; and
- business, professional services, creative industry, retail, dining, entertainment, community, and health and wellbeing activities.

Victoria Street (west of Sydney Street) and Wood Street are a focus for retail, dining, footpath trading and entertainment activities at street level, which contribute to the vibrancy of the public realm and enable the precinct to function all day and throughout the week.

Development in the Mackay city centre precinct:

1. supports the population and economic growth and development of Mackay and the Greater Whitsunday Region by:
 - (a) developing a critical mass of residents and workforce to support business, administration, and professional services, and the adjacent high value amenity areas along the Pioneer River; and
 - (b) providing a diverse mix of unit / tenancy types and sizes to support a range of residential activities, commercial activities or opportunities for shared workspaces.
2. provides work, business and lifestyle opportunities through a diverse range, mix and intensity of commercial, residential, accommodation, health and wellbeing, recreation, entertainment and community activities, as identified in Table 3: Precinct 1 – Preferred land uses.
3. provides opportunities for temporary uses or interim uses that promote activity and deliver amenity including markets, pop up retail, outdoor dining, and events including cultural, entertainment and artistic performances to increase visitors to the city centre.

Table 3: Precinct 1 – Preferred land uses

Preferred land uses		
• accommodation activities (activity group)	• community activities (activity group)	• nightclub entertainment facility
• childcare centre	• hospital	• park
• caretaker's accommodation	• low impact industry (involving brewery, coffee roasting or distilling alcohol)	• residential activities (activity group)
• commercial activities (activity group)	• market	• sales office

⁶⁰ Refer to the Mackay Waterfront PDA master plan for guidance on potential public realm outcomes for the Mackay city centre precinct.

2.6.1.2 Built form and urban design

Development in the Mackay city centre precinct:

4. delivers a built form that is designed in accordance with Table 4: Precinct 1 – Development intensity and built form parameters.
5. has regard to the place characteristics of the precinct relating to its unique art deco architecture, north-orientated grid pattern, wide verdant streetscapes, network of laneways, and proximity to the Pioneer River.
6. supports the activation of laneways, where the site has a frontage to a laneway, by providing building activation measures that are accessible from the laneway.
7. provides corner truncations (identified on Map 5: Precinct framework plan 1 – Mackay city centre) in accordance with Figure 2 – Corner truncation that forms part of the public footpath and is reflected in the design of the building.
8. strengthens the Mackay city centre as a waterfront destination and the precinct's relationship with the Pioneer River by:
 - (a) orientating buildings toward the Pioneer River and public realm areas; and
 - (b) providing mixed-use buildings, where at the ground level and podium levels are occupied by retail commercial or community uses.

Table 4: Precinct 1 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan	Up to 10 storeys (inclusive of podium)
	Podium	Up to 2 storeys (inclusive of ground floor)
	State heritage place	Up to 4 storeys
Minimum internal floor to ceiling height	Up to 2 storeys	<ul style="list-style-type: none"> • 4 metres on ground floor; or • 3.3 metres on the first floor
Minimum setback to a street	Up to 2 storeys	0 metres, unless setback further from the street boundary to accommodate: <ul style="list-style-type: none"> • civic, foyer or outdoor trading spaces; or • a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard
	3 or more storeys	<ul style="list-style-type: none"> • 5 metres to balconies (outermost projection) • 8 metres to external walls
Minimum setback to a laneway	Up to 2 storeys	0 metres
	3 or more storeys	3 metres
Minimum setback to side and rear boundaries	Up to 2 storeys	0 metres
	3 or more storeys	3 metres

Maximum building bulk	Tower	1,500m ² floorplate per storey
Maximum building length	Tower	60 metres in any horizontal direction
Building interface with street at ground floor	Doors and openings / full length glazing	Minimum 75 per cent of total frontage
Pedestrian amenity	Footpath awning	Required on a primary frontage for the full length of the site frontage Note – excludes development on a State heritage place.

2.6.1.3 Public realm

Development in the Mackay city centre precinct:

9. has regard to the relationship and interface with the Wood Street Park, River Street Park and Town Hall Park.

2.6.1.4 Movement, access and transport network

Development in the Mackay city centre precinct:

10. retains the existing network of laneways providing for rear servicing and vehicular access to sites, and safe pedestrian and active transport access.
11. ensures that extensions to laneways or a new laneway (in public or private ownership) provides adequate access and opportunities for ancillary temporary activation and placemaking activities.
12. improves pedestrian and active transport access and permeability across city blocks.
13. avoids new vehicular access points from state-controlled roads of Sydney Street (north from Gordon Street) and Gordon Street (west from Sydney Street)⁶¹.
14. maintains the function, efficiency, safety and visual amenity of the public transport interchange facility on Gregory Street (between Victoria Street and Gordon Street).

2.6.1.5 Heritage

Development in the Mackay city centre precinct:

15. where on a heritage place:

- (a) protects and conserves the natural, aesthetic, architectural or historic values of significant trees, places, objects or buildings of heritage significance;
- (b) does not result in the loss of any significant façade, roof, structure, interior or other significant fabric of the place;
- (c) avoids the placement of billboard or digital / electronic (including LED screen signs) advertising devices; and

Note – digital display excludes temporary light projections on to a building as public art.

- (d) avoids the full or partial demolition or modification of building facades, including awning structures and side and rear elevations, on a heritage place located on:
 - (i) Victoria Street, between Gregory and Brisbane Streets;

⁶¹ Where associated with a state-controlled road, further requirements or approvals may be required from the Department of Transport and Main Roads.

- (ii) Wood Street, between Gordon and River Streets; and
 - (iii) Sydney Street, between Gordon and River Streets.
16. where adjoining a heritage place, ensures buildings:
- (a) with a height of 5 or more storeys do not:
 - (i) adversely affect views to and from the heritage place; and
 - (ii) obscure or destroy any pattern of historic context, landscape setting or the scale of consistency of the streetscape relating to heritage places; and
 - (b) are appropriately designed to avoid and minimise adverse impacts on the heritage significance and character values of buildings, facades, and streetscapes⁶².

⁶² Refer to the requirements, standards and guidance identified in the Developing Heritage Places: Using the development criteria document, prepared by Department of Environment and Heritage Protection, 2013, as amended or replaced from time to time.

2.6.1.6 Precinct framework plan

Map 5: Framework plan 1 – Mackay city centre

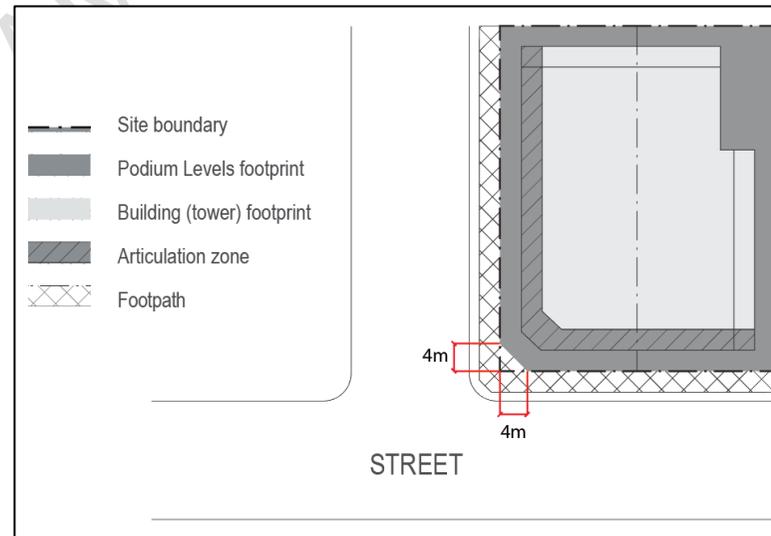
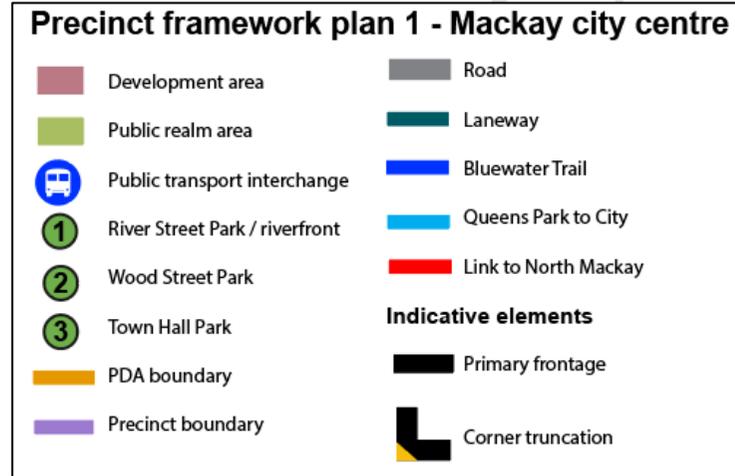


Figure 2: Corner truncation

2.6.1.7 Categories of development

Table 5: Precinct 1 – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for: <ul style="list-style-type: none"> (a) any of the following uses where located within an existing building that has been used for a non-residential use: <ul style="list-style-type: none"> (i) commercial activities (activity group), excluding bar and hotel (involving a pub) (ii) community activities (activity group) (iii) market. (b) dwelling unit, where located in an existing building and above the ground floor. (c) any of the following uses where located within the podium levels of an existing building that has been used for a non-residential use and complying with the requirements for accepted development in Schedule 4.1: <ul style="list-style-type: none"> (i) bar (ii) hotel (involving a pub) (iii) nightclub entertainment facility. (d) low impact industry (involving brewery, coffee roasting or distilling alcohol) where located within an existing building that has been used for a non-residential use and complying with the requirements for accepted development in Schedule 4.2. 	1. All development other than development mentioned in columns 1 and 2B. 2. Operational work that is the placing of advertising devices on a heritage place.	1. Development specified in Schedule 2.

2.6.2 Precinct 2 – Riverside

2.6.2.1 Precinct development intent

The Riverside precinct is a vibrant mixed-use waterfront destination on the southern bank of the Pioneer River, extending between Sydney Street and the River Street boat ramp.

The precinct accommodates a diverse range and intensity of residential and accommodation activities that capitalise on the riverside location and proximity to employment or business activities in the Mackay city centre precinct and Enterprise precinct.

Retail, dining, tourism, entertainment, and placemaking activities in the precinct are focussed along River Street to support a vibrant and activated public realm along the riverfront and enable the precinct to function all day and throughout the week.

The central feature of the precinct is a vibrant, inviting, safe and accessible public realm⁶³ (including public spaces and community infrastructure) along the riverfront that establishes a sense of place, character, and identity for the precinct by:

- incorporating shade, opportunities for recreation and outdoor dining, generous spaces for social gathering and events, and public art;
- maintaining and enhancing safe and convenient pedestrian and active transport access and linkages along the riverfront and through the precinct; and
- providing physical and visual connectivity with the water.

The Fisher's Tale public realm area, located at the eastern end of the precinct (east of Burns Street), is enhanced as a boating and fishing quarter that retains and improves the boat ramp and associated infrastructure, and provides for a range of water-based activities and associated public realm / placemaking opportunities.

Development in the Riverside precinct:

1. supports the riverfront as a distinctive waterfront destination.
2. provides diverse lifestyle and leisure opportunities through a range of residential, accommodation, commercial, tourism, recreation, and community activities, as identified in Table 6: Precinct 2 – Preferred land uses.
3. provides opportunities for interim uses that promote activity and deliver amenity including markets, pop up retail, outdoor dining, and events including cultural, entertainment and artistic performances to increase visitors to the riverfront.

Table 6: Precinct 2 – Preferred land uses

Preferred land uses		
<ul style="list-style-type: none"> • accommodation activities (activity group) • caretaker's accommodation • childcare centre • club • commercial activities (activity group) 	<ul style="list-style-type: none"> • community care centre • community residence • community use • education establishment • hospital • landing 	<ul style="list-style-type: none"> • low impact industry (involving brewery, coffee roasting and distilling alcohol) • market • park • residential activities (activity group)

⁶³ Refer to the Mackay Waterfront PDA master plan for guidance on potential public realm outcomes for the Riverside precinct.

- tourist attraction

2.6.2.2 Built form and urban design

Development in the Riverside precinct:

4. delivers a built form that is designed in accordance with Table 7: Precinct 2 – Development intensity and built form parameters.
5. occurs in varied built forms that are setback from the Pioneer River frontage to maximise the community’s access along the riverfront and visual relationship with the water.
6. contributes to the place characteristics of the precinct relating to its history as a working port, verdant streetscapes and public realm areas, and proximity to the Pioneer River.
7. engages with, overlooks and takes advantage of views and amenity provided by the Pioneer River.
8. maintains a human scale along the riverfront north of the River Street levee wall.
9. provides corner truncations (identified on Map 6: Precinct framework plan 2 – Riverside) at intersections on Victoria Street in accordance with Figure 2 – Corner truncation that forms part of the public footpath and is reflected in the design of the building.
10. integrates with, and provides opportunities for, public access to the:
 - (a) Pioneer River, where located north of River Street; or
 - (b) Bluewater Trail where located north of Victoria Street and east of Burns Street.

Table 7: Precinct 2 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan	<ul style="list-style-type: none"> • South of River Street – up to 10 storeys (inclusive of podium) • North of River Street – up to 3 storeys (inclusive of podium)
	Podium	Up to 2 storeys (inclusive of ground floor)
	State heritage place	Up to 3 storeys
Minimum internal floor to ceiling height	Up to 2 storeys	<ul style="list-style-type: none"> • 4 metres on ground floor; or • 3.3 metres on the first floor
Minimum setback to a street	Up to 2 storeys	0 metres, unless setback further from the street boundary to accommodate: <ul style="list-style-type: none"> • civic, foyer or outdoor trading spaces; or • a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard
	3 or more storeys	<ul style="list-style-type: none"> • 0 metres to balconies (outermost projection) • 3 metres to external walls
Minimum setback to a laneway	Up to 2 storeys	0 metres
	3 or more storeys	3 metres

Minimum setback to side and rear boundaries	Up to 2 storeys	0 metres
	3 or more storeys	<ul style="list-style-type: none"> • 3 metres to balconies (outermost projection) • 6 metres to external walls
Maximum building bulk	Tower	1,500m ² floorplate per storey
Maximum building length	Tower	60 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / full length glazing	Minimum 75 per cent of total frontage
Pedestrian amenity	Footpath awning	Required on streets identified as a primary frontage and Victoria Street for the full length of the site frontage Note – excludes development on a State heritage place.
	Shade and shelter	Combination of shade (trees and landscaping) and shelter on streets not: <ul style="list-style-type: none"> • identified as a primary frontage; or • on Victoria Street
	Footpath	For the full frontage of the site on all streets

2.6.2.3 Public realm

Development in the Riverside precinct:

11. where located north of River Street, provides an accessible boardwalk along the river side of buildings that is wide enough to accommodate outdoor activation activities, pedestrian movement, furniture and shade structures, viewing areas, and physical access points to the river.
12. has regard to the relationship and interface with the Bluewater Quay, riverfront public realm areas, Burns Street Park and Sandfly Creek Park.

2.6.2.4 Movement, access and transport network

Development in the Riverside precinct:

13. retains and enhances Eleventh Lane and Nineteenth Lane that provides for rear servicing and vehicular access to sites.
14. ensures that extensions to laneways or a new laneway (in public or private ownership) provides adequate access and opportunities for ancillary temporary activation and placemaking activities.
15. maintains, and does not obstruct, the designated navigation corridor in the Pioneer River.
16. establishes and maintains safe and convenient pedestrian and active transport access and linkages across city blocks, along the Pioneer riverfront and to the river.
17. reduces the number of vehicle access points on sites with frontage to the southern side of River Street, where vehicle access is either co-located on River Street or provided on north-south streets to enable safe pedestrian movement and opportunities for outdoor activation activities along River Street.

2.6.2.5 Heritage

Development in the Riverside precinct:

18. protects and preserves the natural, aesthetic, architectural or historic values of significant trees, places, objects or buildings of heritage significance, including the Leichhardt tree and WH Paxton Warehouse.
19. where on a heritage place, avoids the placement of billboard or digital / electronic (including LED screen signs) advertising devices.

Note – digital display excludes temporary light projections on to a building as public art.

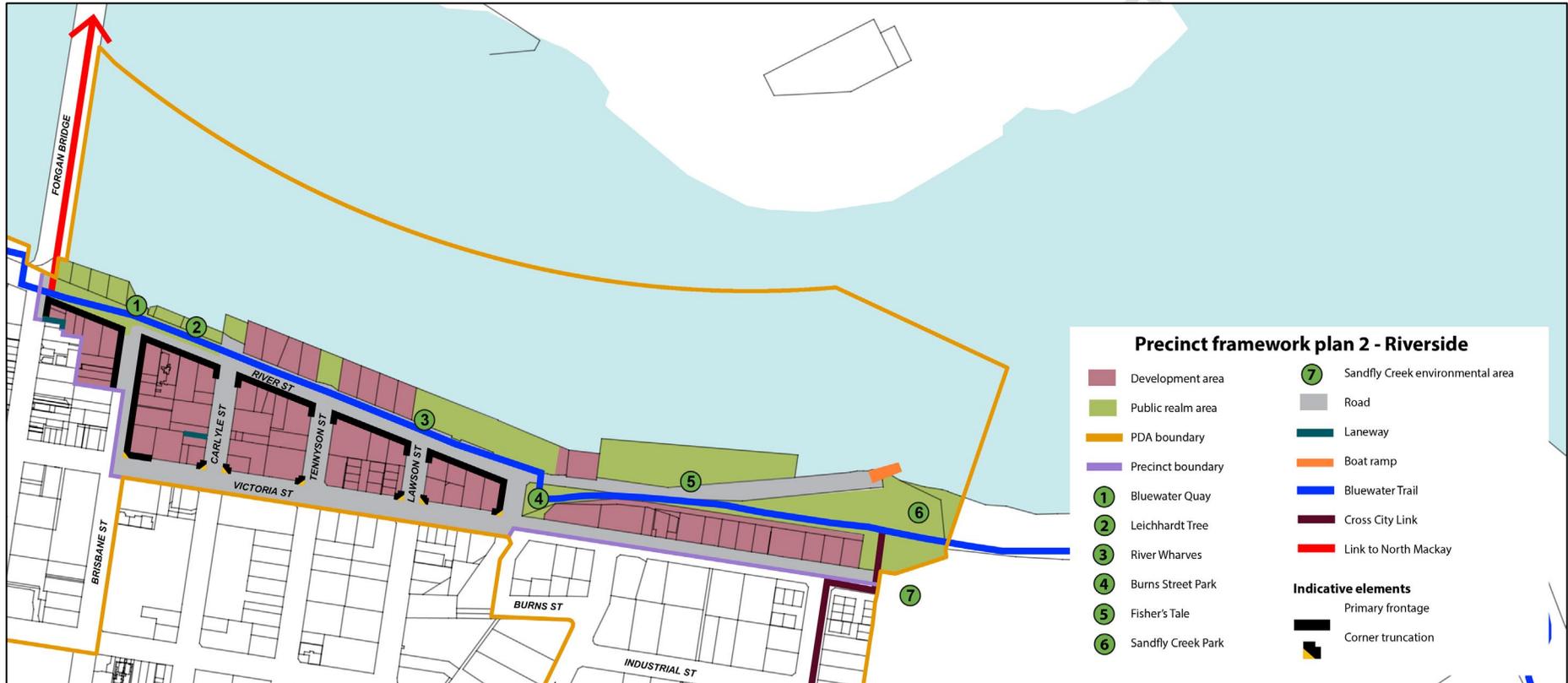
2.6.2.6 Infrastructure

Development in the Riverside precinct:

20. retains the river levee system and maintain its function to provide protection to the adjacent urban area from river flooding.
21. does not compromise, and where necessary provides, bed and bank stability appropriate to the intensity of development adjacent to, on or above the riverbank having regard for large tidal variations, flood events, wave action and debris loading.
22. where located north of River Street, provides publicly accessible jetties and floating pontoons in strategic locations along the riverfront that allow access to the water, accommodates a range of water-based activities, and supplement the River Street boat ramp facilities.

2.6.2.7 Precinct framework plan

Map 6: Precinct framework plan 2 – Riverside



2.6.2.8 Categories of development

Table 8: Precinct 2 – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for: <ul style="list-style-type: none"> (a) any of the following uses where located within an existing building that has been used for a non-residential use: <ul style="list-style-type: none"> (i) commercial activities (activity group) (ii) community activities (activity group) (iii) market. (b) dwelling unit, where located in an existing building and above the ground floor. (c) home-based business (other than what is specified in Schedule 1) if compliant with the requirements for accepted development in the Home-based business code in the Mackay Region Planning Scheme 2017. (d) low impact industry (involving brewery, coffee roasting and distilling alcohol) where located within an existing building that has been used for a non-residential use and complying with the requirements for accepted development in Schedule 4.2. 	1. All development other than development mentioned in columns 1 and 2B. 2. Operational work that is the placing of advertising devices on a heritage place.	1. Development specified in Schedule 2.

2.6.3 Precinct 3 – Enterprise

2.6.3.1 Precinct development intent

The Enterprise precinct is a mixed industry, research and technology hub that accommodates local industrial services (such as repairs, supplies or trades services), research and technology industry (with links to tertiary education and other institutions), and urban manufacturing (such as brewing, baking or making products). Activities in the precinct that brew, bake or make may sell products directly to the public from the premises to increase the vibrancy and diversity of the precinct.

Residential activities in the precinct are limited due to the primary intent of the precinct to accommodate low to medium industrial development.

Development in the Enterprise precinct:

1. provides a range of mixed industry, research and technology activities, as identified in Table 9: Precinct 3 – Preferred land uses. Other compatible uses that complement the development intent of the precinct may also occur, such as ancillary commercial activities (bar, office or shop), caretaker’s accommodation, dwelling unit or indoor sport and recreation.
2. supports significant business, health, education, technology, and research activities seeking to establish in the region.

Table 9: Precinct 3 – Preferred land uses

Preferred land uses		
<ul style="list-style-type: none"> • caretaker’s accommodation • dwelling unit • education establishment 	<ul style="list-style-type: none"> • food and drink outlet • emergency services • indoor sport and recreation 	<ul style="list-style-type: none"> • industry activities (activity group) • park • service industry

2.6.3.2 Built form and urban design

Development in the Enterprise precinct:

3. delivers a built form that is designed in accordance with Table 10: Precinct 3 – Development intensity and built form parameters.
4. reflects a modern industrial character that contributes to a distinctive, cohesive and inviting streetscape character, precinct identity and maintains a human scale.
5. provides onsite landscaping to:
 - (a) visually screen any outdoor utility areas, storage and service areas that can be viewed from the street; and
 - (b) enhance the appearance of the development along street frontages and increase the overall amenity of the precinct.
6. ensures bar, office and shop:
 - (a) are small-scale and an ancillary component to the primary industrial, research or technology use of the site with a direct relationship to these primary uses; and
 - (b) address the street frontage to provide activation and increase the vibrancy of the streetscape.

Table 10: Precinct 3 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan	Up to 3 storeys (inclusive of podium)
Minimum setback to a street	Chain Street and Victoria Street	0 metres
	All other streets	6 metres
Minimum setback to side and rear boundaries	All building storeys	0 metres
Site cover	Total site area	60 per cent
Maximum building length	Whole building	30 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / windows	Minimum 40 per cent of total frontage
Pedestrian amenity	Footpath awning	Required on Chain Street and Victoria Street

2.6.3.3 Public realm

Development in the Enterprise precinct:

- maintains and not obstruct the view corridor on Chain Street south to Queens Park.

2.6.3.4 Movement, access and transport network

Development in the Enterprise precinct:

- encourages pedestrian and active transport connectivity by providing connections to the Cross City Link on Chain Street.
- locates vehicle access points as far away as practical from road intersections and vehicle access points on adjoining sites.
- provides a sealed surface treatment for external vehicle manoeuvring, parking, and loading / unloading areas associated with industrial uses to prevent impacts from dust, sediment run off, inadequate drainage and cater for expected vehicle sizes and movements.

2.6.3.5 Community safety and development constraints

Development in the Enterprise precinct:

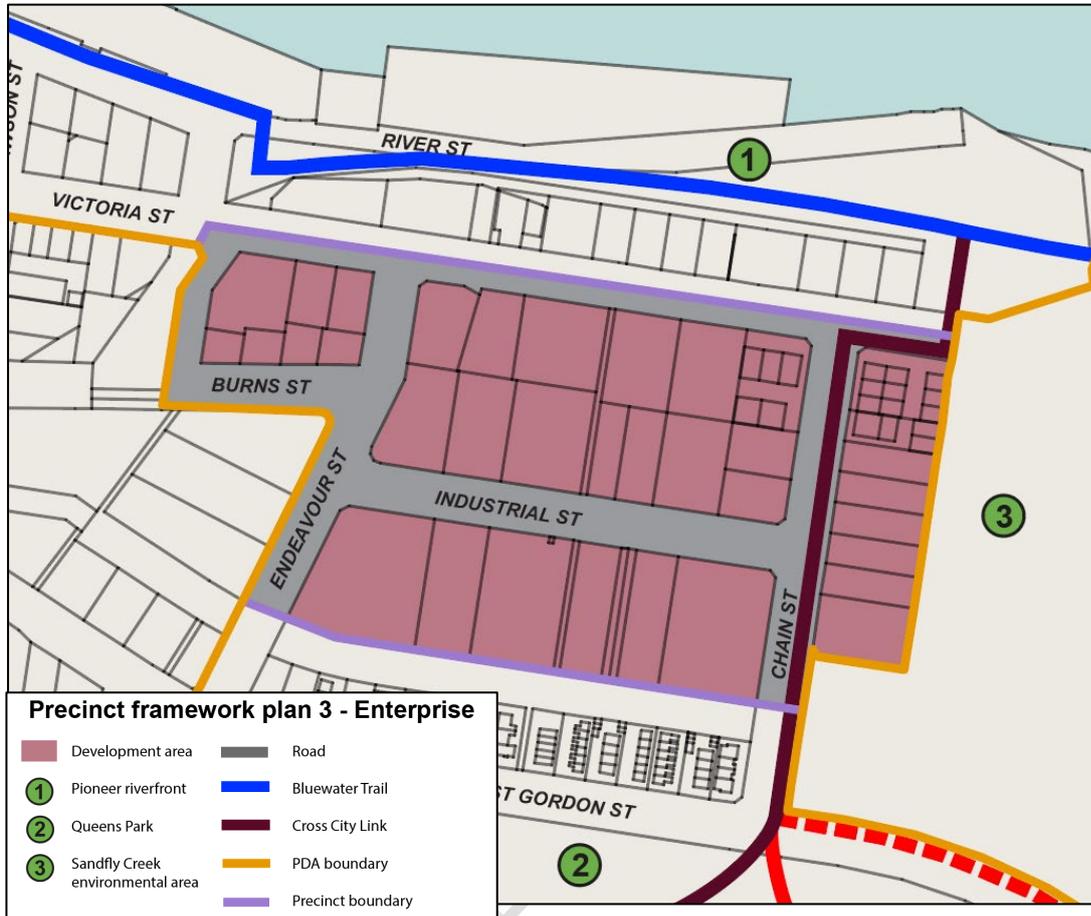
- is designed to mitigate the impacts of noise, odour, dust, air emission, light or vibration⁶⁴ that affect adjoining and nearby sensitive land uses on properties located to the north of Victoria Street and south of the drainage corridor (located between Industrial Street and East Gordon Street).
- ensures areas used for the manufacture, storage, use or disposal of hazardous materials and chemicals, dangerous goods and flammable or combustible substances are located and designed to:
 - maintain public safety and the environment;
 - prevent spills from leaving the site; and

⁶⁴ Refer to the Mackay Region Planning Scheme 2017 *General development requirements code* and relevant standards such as ANZECC guideline standards, Australian Standard AS4282 – *Control and effects of outdoor lighting*, or Australian Standard AS/NZS2107 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

(c) be above the defined flood event or otherwise avoid flood impacts.

2.6.3.6 Precinct framework plan

Map 7: Precinct framework plan – Enterprise



2.6.3.7 Categories of development

Table 11: Precinct 3 – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for: <ul style="list-style-type: none"> (a) the following uses where located within an existing building that has been used for a non-residential use: <ul style="list-style-type: none"> (i) emergency services (ii) service industry. (b) the following uses where located within an existing building that has been used for a non-residential use and complying with the requirements for accepted development in Schedule 4.2: <ul style="list-style-type: none"> (i) low impact industry (ii) research and technology. 	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

2.6.4 Precinct 4 – Queens Park

2.6.4.1 Precinct development intent

Queens Park precinct is a significant regional recreational destination that is supported by a diverse range of higher density living options in areas adjacent to the park. The precinct consists of sub-precinct 4A: Parkland, sub-precinct 4B: Parkside living and sub-precinct 4C: Investigation area, as identified in precinct framework plan 4 – Queens Park.

Sub-precinct 4A: Parkland

Sub-precinct 4A accommodates uses identified in Table 12: Precinct 4 – Preferred land uses. The sub-precinct contains Queens Park, which is a recreation and events space capable of hosting outdoor community festivals and events, and a range of recreational activities. The park is characterised as a modern, permeable, distinct and regionally significant tropical garden and parklands. Queens Park will retain and enhance existing features including the open ovals, orchid house, bandstand, cricket sheds, historic arboretum and monuments, planted avenues, and the park circuit. Complementary small-scale and temporary uses may locate within the sub-precinct to activate and support the park's existing features.

Sub-precinct 4B: Parkside living

Sub-precinct 4B is where the majority of development for residential and complementary commercial uses, such as food and drink outlet, within the precinct may occur.

Development in Sub-precinct 4B:

1. provides a range of residential and accommodation activities, as identified in Table 12: Precinct 4 – Preferred land uses.
2. supports nearby employment and businesses, and the activities and attractions within Queens Park.
3. food and drink outlet is located on sites with a primary frontage as identified on Map 8: Precinct framework plan 4 – Queens Park.

Sub-precinct 4C: Parkside investigation area

Sub-precinct 4C⁶⁵ accommodates uses identified in Table 12: Precinct 4 – Preferred land uses. The sub-precinct, located on the eastern edge of the Queens Park, is an investigation area (identified on Map 2: Structural elements plan) for opportunities that activate, enhance, and integrate with Queens Park, and complement the precinct⁶⁶.

Table 12: Precinct 4 – Preferred land uses

Preferred land uses		
Sub-precinct 4A: Parkland	Sub-precinct 4B: Parkside living	Sub-precinct 4C: Parkside investigation area
<ul style="list-style-type: none">• community use• park	<ul style="list-style-type: none">• community care centre• community residence• community use	<ul style="list-style-type: none">• community use• park

⁶⁵ Within the Investigation area, uses other than those listed in Table 12, will be subject to community consultation.

⁶⁶ Refer to action 1 in section 4.2.6 of the implementation strategy.

	<ul style="list-style-type: none"> • dual occupancy • dwelling house • dwelling unit • food and drink outlet, where located on a primary frontage identified on Map 8: Precinct framework plan 4 – Queens Park • home based business • multiple dwelling • retirement facility • short-term accommodation 	
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2.6.4.2 Built form and urban design

Development in the Queens Park precinct, sub-precinct 4A: Parkland:

4. preserves the views across the park's open spaces and to key features including the bandstand and the 'avenue of royal palms'.
5. ensures building height is compatible with the character and amenity of Queens Park.

Development in the Queens Park precinct, sub-precinct 4B: Parkside living:

6. delivers a built form that:
 - (a) contributes to the Queens Park setting, and the park's tropical, verdant and open space character; and
 - (b) is designed in accordance with Table 13: Precinct 4 – Development intensity and built form parameters.

Development in the Queens Park precinct, sub-precinct 4C: Parkside investigation area will:

7. ensure development on the eastern edge of Queens Park:
 - (a) maintains a human scale and avoid being visually dominant when viewed from the park; and
 - (b) overlooks and addresses the ovals.

Table 13: Precinct 4 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan	Within sub-precinct 4B – up to 5 storeys (inclusive of podium)
	Podium	Up to 1 storey (inclusive of ground floor)
Minimum setback to a street	Up to 1 storey	3 metres, unless setback further from the street boundary to accommodate civic, foyer or outdoor trading spaces
	2 or more storeys	<ul style="list-style-type: none"> • 3 metres to balconies (outermost projection) • 6 metres to external walls
Minimum setback to side and rear boundaries	Up to 3 storeys	3 metres
	4 or more storeys	6 metres
Site cover	For: <ul style="list-style-type: none"> • residential activities • accommodation activities 	Where building height is: <ul style="list-style-type: none"> • up to 3 storeys – 70 per cent of site area • 4 to 5 storeys – 60 per cent of site area

Maximum building length	Tower	30 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / glazing	On a primary frontage, minimum 75 per cent of total frontage
Pedestrian amenity	Shade and shelter	Combination of shade (trees and landscaping) and shelter on all streets
	Footpath	For the full frontage of the site on: <ul style="list-style-type: none"> • the northern side East Gordon Street (west of Chain Street) • the southern side of East Gordon Street (east of Chain Street)

2.6.4.3 Public realm

Development in the Queens Park precinct, sub-precinct 4A: Parkland:

8. provides regional recreation parkland, facilities and activities consisting of passive and active recreation, tourism and community uses at Queens Park.

Development in the Queens Park precinct, sub-precinct 4B: Parkside living and sub-precinct 4C: Parkside investigation area:

9. has regard to the relationship and interface with Queens Park and its associated activities.
10. extends and reflects the verdant character of Queens Park into the onsite landscaping for sites located on East Gordon Street and Creal Street.

2.6.4.4 Movement, access and transport network

Development in the Queens Park precinct, sub-precinct 4A: Parkland:

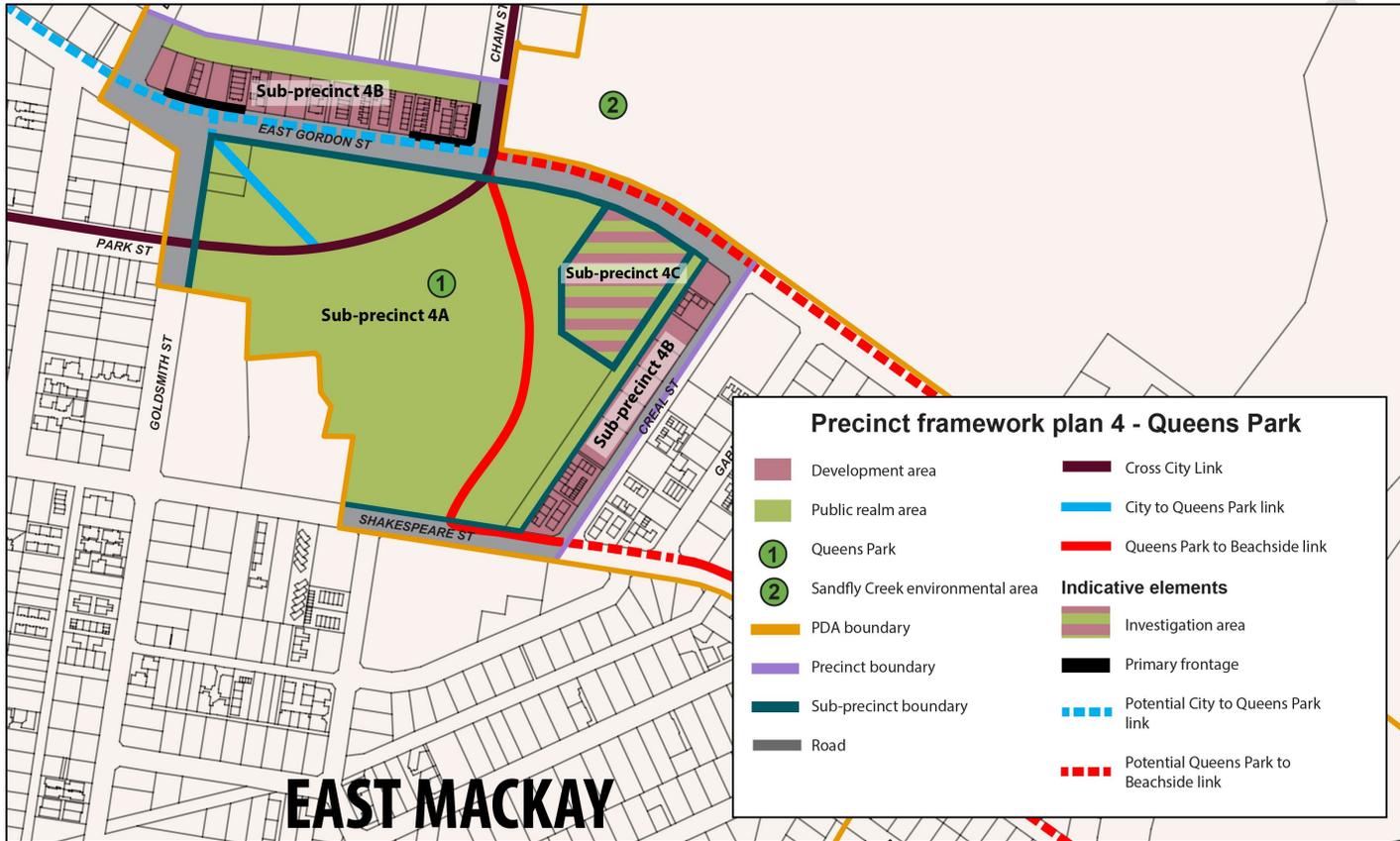
11. enables safe and convenient pedestrian and active transport access and connectivity:
 - (a) through Queens Park, via the Cross City Link between Chain Street and Goldsmith Street / Park Street, and a link from Chain Street to Shakespeare Street; and
 - (b) from the Cross City Link northwest to, and along East Gordon Street (linking west to the Mackay city centre precinct).

Development in the Queens Park precinct, sub-precinct 4B: Parkside living and sub-precinct 4C: Parkside investigation area:

12. supports safe and convenient pedestrian and active transport access and connectivity north to Chain Street (links to Enterprise precinct), and east along East Gordon Street and Shakespeare Street (links to Beachside precinct).

2.6.4.5 Precinct framework plan

Map 8: Precinct framework plan 4 – Queens Park



2.6.4.6 Categories of development

Table 14: Precinct 4, sub-precinct 4A: Parkland – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
<ol style="list-style-type: none"> 1. Development specified in Schedule 1. 2. Material change of use for community use where located within an existing building that has been used for a non-residential use. 	<ol style="list-style-type: none"> 1. All development other than development mentioned in columns 1 and 2B. 	<ol style="list-style-type: none"> 1. Development specified in Schedule 2.

PROPOSED AMENDMENT

Table 15: Precinct 4, sub-precinct 4B: Parkside living – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
<p>1. Development specified in Schedule 1.</p> <p>2. Material change of use for:</p> <p>(a) any of the following uses, where located within an existing building that has been used for a non-residential use:</p> <p>(i) community use</p> <p>(ii) food and drink outlet</p> <p>(iii) health care services</p> <p>(iv) shop.</p> <p>(b) dwelling house, where located in the flood hazard area or storm tide inundation area⁶⁷, results in a habitable floor level that achieves the finished floor level relevant to the defined flood event or defined storm tide event, whichever is the higher level⁶⁸.</p> <p>(c) home-based business (other than what is specified in Schedule 1) if complying with the requirements for accepted development in the Home-based business code under the Mackay Region Planning Scheme 2017.</p>	<p>1. All development other than development mentioned in columns 1 and 2B.</p>	<p>1. Development specified in Schedule 2.</p>

⁶⁷ Refer to council's online mapping system MiMAPS to identify mapped flood hazard or storm tide inundation areas.

⁶⁸ Visit Mackay Regional Council's website to make an enquiry to identify the DFE or DSTE level - <https://onlineservices.mackay.qld.gov.au/ePathway/ePathProd/Web/Mobility/CityWatch/index.html?Action=CREATE&Module=ECRREQT&Class=ONLINE&Type=OLQ100>.

Table 16: Precinct 4, sub-precinct 4C: Parkside investigation area – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1.	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

PROPOSED AMENDMENT

2.6.5 Precinct 5 – Beachside

2.6.5.1 Precinct development intent

Beachside precinct is a vibrant lifestyle, leisure and tourism destination along Binnington Esplanade at Town Beach. The precinct consists of sub-precinct 5A: Binnington Esplanade, sub-precinct 5B: Beachside living, sub-precinct 5C: Beachside public space, and sub-precinct 5D: Beachside investigation area, as identified in the precinct framework plan 5 – Beachside.

Sub-precincts 5A and 5B is where the majority of development in the Beachside precinct may occur.

Sub-precinct 5A: Binnington Esplanade

Sub-precinct 5A accommodates a diverse range and mix of residential and accommodation options that are provided in varied forms with multi-level apartment developments located closer to the esplanade. The greatest intensity of development in the sub-precinct is envisaged to occur in the 'up to 8 storeys' area (as identified on Map 3: PDA building heights plan) with a focus on Evan Street and Shakespeare Street, where these streets intersect with Binnington Esplanade. Dwelling house and dual occupancy are not envisaged to locate in the sub-precinct.

A range of retail, dining, tourism, and placemaking activities are focussed along Binnington Esplanade, particularly where Evan Street and Shakespeare Street intersect with Binnington Esplanade, to support a vibrant and activated public realm and enable the esplanade to function all day and throughout the week.

Development in sub-precinct 5A:

1. supports an active and vibrant beachside destination along Binnington Esplanade, extending between East Gordon Street and Kippen Street.
2. provides a diverse range and mix of uses, as identified in Table 17: Precinct 5 – Preferred land uses, including:
 - (a) accommodation and high density residential activities; and
 - (b) complementary commercial, tourism and recreational activities along the western frontage of Binnington Esplanade to activate and capitalise on the oceanfront location.
3. where located on large vacant sites, is designed to maximise land use mix, density, infrastructure, and investment opportunities.

Sub-precinct 5B: Beachside living

Sub-precinct 5B accommodates low to medium density residential and accommodation options that further supports the activity and vibrancy along the Binnington Esplanade frontage. Commercial and other non-residential uses avoid locating in the sub-precinct to maintain the residential amenity of the area.

Development in sub-precinct 5B:

4. provides a diverse range and mix of low to medium density residential and accommodation activities, as identified in Table 17: Precinct 5 – Preferred land uses.

Sub-precinct 5C: Beachside public space

Sub-precinct 5C accommodates uses identified in Table 17: Precinct 5 – Preferred land uses. The sub-precinct features an extensive vibrant, engaging and accessible public realm overlooking Town Beach, the ocean and offshore islands. The public realm along Binnington Esplanade will be characterised by a safe, generous and comfortable multi-functional public realm and associated community infrastructure, and establishes a sense of place, character, and identity for the precinct. The Bluewater Trail maintains and enhances safe and convenient pedestrian and active transport access through the precinct, along the foreshore and to the beach.

Sub-precinct 5D: Beachside investigation area

Sub-precinct 5D⁶⁹ accommodates uses identified in Table 17: Precinct 5 – Preferred land uses. The sub-precinct, located at the northern edge of Iluka Park, is an investigation area (identified on Map 2: Structural elements plan) for potential opportunities that activate, enhance, and integrate with Iluka Park and the esplanade’s public realm spaces; and complement the precinct⁷⁰.

Table 17: Precinct 5 – Preferred land uses

Preferred land uses			
Sub-precinct 5A: Binnington Esplanade	Sub-precinct 5B: Beachside living	Sub-precinct 5C: Beachside public space	Sub-precinct 5D: Beachside investigation area
<ul style="list-style-type: none"> • accommodation activities (activity group) • bar • caretaker’s accommodation • childcare centre • club • community care centre • community residence • community use • dwelling unit • food and drink outlet • function facility • health care services • hotel • home based business • indoor sport and recreation • market • residential activities (activity group) • resort complex • sales office 	<ul style="list-style-type: none"> • accommodation activities (activity group) • community residence • dual occupancy • dwelling house • home based business • residential activities (activity group) • sales office 	<ul style="list-style-type: none"> • community use • park 	<ul style="list-style-type: none"> • community use • park

⁶⁹ Within the Investigation area, uses other than those listed in Table 17, will be subject to community consultation.

⁷⁰ Refer to action 1 in section 4.2.6 of the implementation strategy.

<ul style="list-style-type: none"> • service industry • shop • tourist attraction 			
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2.6.5.2 Built form and urban design

Development in the Beachside precinct, sub-precincts 5A: Binnington Esplanade and 5B: Beachside living:

5. delivers a built form that is designed in accordance with Table 18: Precinct 5 – Development intensity and built form parameters.
6. has regard to the place characteristics of the wider precinct relating to the tropical coastal character of Town Beach.
7. preserves the views to the ocean at the eastern end of each street that intersects with Binnington Esplanade.

Development in the Beachside precinct, sub-precinct 5A: Binnington Esplanade:

8. engages with, overlooks and takes advantage of views and amenity provided by the Coral Sea and offshore islands.
9. avoids the creation of battle-axe lots on sites within the sub-precinct.

Table 18: Precinct 5 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan	<p>Within sub-precinct 5A:</p> <ul style="list-style-type: none"> • where East Gordon Street, Shakespeare Street and Evan Street intersect with Binnington Esplanade, and sites south of Evan Street – up to 8 storeys (inclusive of podium height) • all other areas – up to 5 storeys (inclusive of podium height) <p>Within sub-precinct 5B:</p> <ul style="list-style-type: none"> • up to 3 storeys (inclusive of podium height)
	Podium	Up to 1 storey (inclusive of ground floor)
Minimum internal floor to ceiling height	Ground floor	<p>4 metres</p> <p>Note – this applies to new development with a height of 2 or more storeys along the western frontage of Binnington Esplanade in sub-precinct 5A to allow for adaptable uses at ground level over time.</p>
Minimum setback to a street	Up to 1 storey	<ul style="list-style-type: none"> • Primary frontage – 0 metres, or • For all other street frontages - 3 metres <p>Development may be setback further from the street boundary to accommodate:</p> <ul style="list-style-type: none"> • civic, foyer or outdoor trading spaces; or • a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard

	2 or more storeys	<ul style="list-style-type: none"> • 3 metres to balconies (outermost projection) • 6 metres to external walls
Minimum setback to side and rear boundaries	Up to 3 storeys	3 metres
	4 or more storeys	6 metres
Site cover	For: <ul style="list-style-type: none"> • residential activities • accommodation activities 	Where building height is: <ul style="list-style-type: none"> • up to 3 storeys – 70 per cent of site area • 4 to 6 storeys – 60 per cent of site area • 7 or more storeys – 50 per cent of site area
Maximum building length	Tower	30 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / glazing	On a primary frontage, minimum 75 per cent of total frontage
Pedestrian amenity	Shade and shelter	Combination of shade (trees and landscaping) and shelter on all streets
	Footpath	For the entire length the following streets: <ul style="list-style-type: none"> • East Gordon Street (southern side) • Binnington Esplanade (western side) • Shakespeare Street (northern side) • Evan Street (southern side)

2.6.5.3 Public realm

Development in the Beachside precinct, sub-precinct 5A: **Binnington Esplanade**:

10. has regard to the relationship and interface with the recreation parkland, facilities and activities consisting of passive and active recreational, tourism and community uses at Iluka Park and along the Binnington Esplanade frontage.

Development in the Beachside precinct, sub-precinct 5B: Beachside living:

11. extends the coastal character of Binnington Esplanade west along East Gordon Street that contributes to the character transition between the Beachside precinct and Queens Park precinct.

2.6.5.4 Movement, access and transport network

Development in the Beachside precinct, sub-precinct 5A: **Binnington Esplanade**:

12. delivers a future extension of Binnington Esplanade south of Evan Street to improve road, pedestrian and active transport connectivity to urban areas south and southwest of the PDA, and between the PDA and the Mackay Airport.
13. on sites with frontage to the western side of Binnington Esplanade, provides vehicle access on east-west streets or co-locates vehicle access on Binnington Esplanade to enable safe pedestrian movement and opportunities for outdoor activation activities along the Binnington Esplanade frontage.

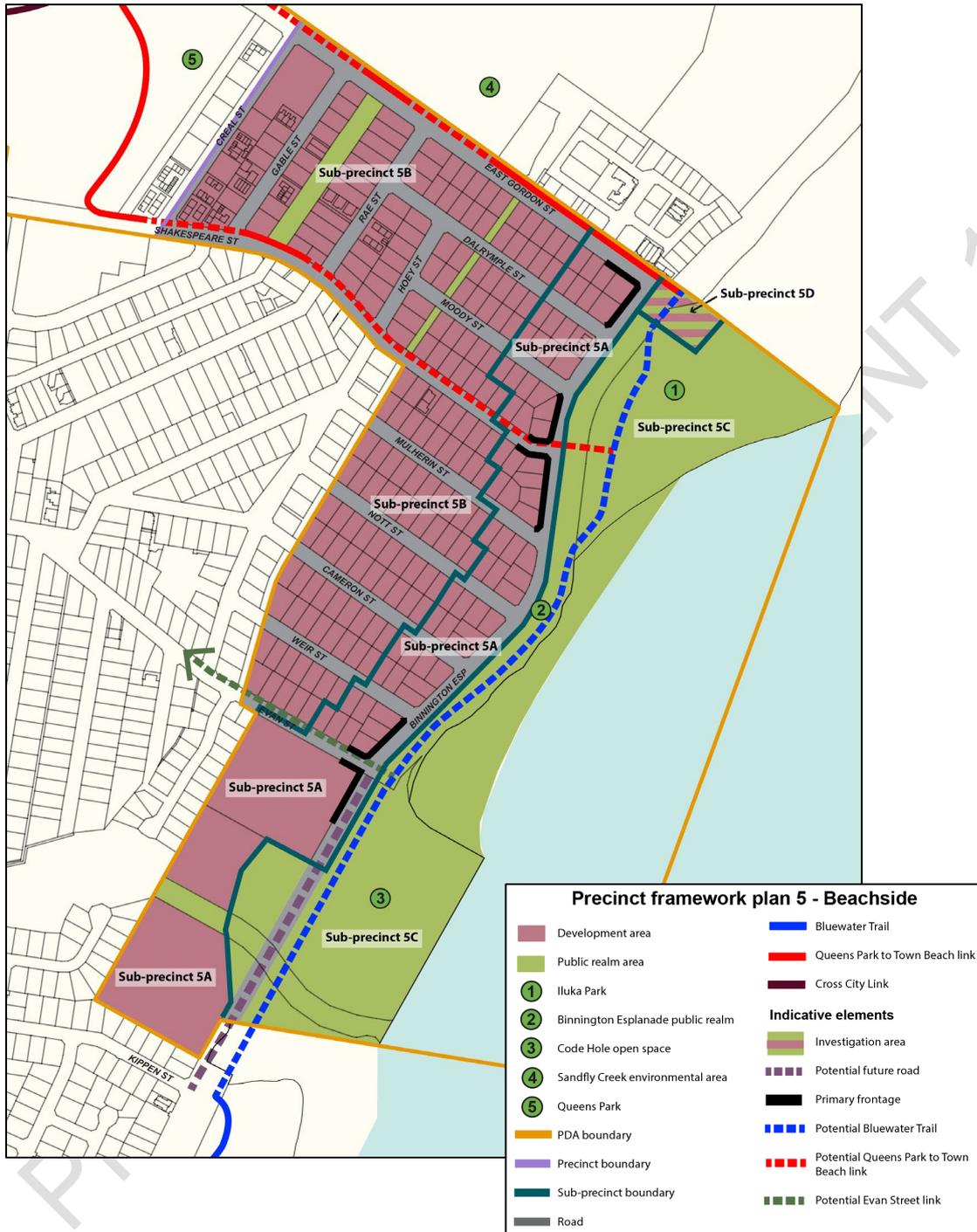
2.6.5.5 Community safety and development constraints

Development in the Beachside precinct, sub-precinct 5A: **Binnington Esplanade** and sub-precinct 5D: Beachside investigation area:

14. minimises impacts to coastal processes, landforms, habitats and significant vegetation in the vicinity of Iluka Park and the Cod Hole open space area (south of Evan Street).
15. minimises the impacts of, and improves resilience to, natural hazard events for sites south of Evan Street by providing appropriate flood and coastal hazard mitigation measures and infrastructure.
16. on development sites with frontage to the western side of Binnington Esplanade (north of Mulherin Street), discharges site and roofwater runoff east to Binnington Esplanade through either:
 - (a) providing on-site detention to ensure no worsening; or
 - (b) connecting 1% AEP roofwater runoff to the kerb and channel making allowance for connection into future stormwater infrastructure in Binnington Esplanade.

2.6.5.6 Precinct framework plan

Map 9: Precinct framework plan 5 – Beachside



2.6.5.7 Categories of development

Table 19: Precinct 5, sub-precinct 5A: Binnington Esplanade – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for: <ul style="list-style-type: none"> (a) any of the following uses where located within an existing building that has been used for a non-residential use: <ul style="list-style-type: none"> (i) commercial activities (activity group), excluding office, shopping centre, showroom, theatre and veterinary service (ii) community activities (activity group), excluding place of worship (iii) market. (b) home-based business (other than what is specified in Schedule 1) if complying with requirements for accepted development in the Home-based business code under the Mackay Region Planning Scheme 2017. 	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

Table 20: Precinct 5, sub-precinct 5B: Beachside living – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
<p>1. Development specified in Schedule 1.</p> <p>2. Material change of use for:</p> <p>(a) any of the following uses where located within an existing building that has been used for a non-residential use:</p> <p>(i) community use</p> <p>(ii) food and drink outlet</p> <p>(iii) health care services</p> <p>(iv) shop.</p> <p>(b) dwelling house, where located in the flood hazard area or storm tide inundation area⁷¹, results in a habitable floor level that achieves the finished floor level relevant to the defined flood event or defined storm tide event, whichever is the higher level⁷².</p> <p>(c) home-based business (other than what is specified in Schedule 1) if complying with requirements for accepted development in the Home-based business code under the Mackay Region Planning Scheme 2017.</p>	<p>1. All development other than development mentioned in columns 1 and 2B.</p>	<p>1. Development specified in Schedule 2.</p>

⁷¹ Refer to council's online mapping system MiMAPS to identify mapped flood hazard or storm tide inundation areas.

⁷² Visit Mackay Regional Council's website to make an enquiry to identify the DFE or DSTE level - <https://onlineservices.mackay.qld.gov.au/ePathway/ePathProd/Web/Mobility/CityWatch/index.html?Action=CREATE&Module=ECRREQT&Class=ONLINE&Type=OLQ100>.

Table 21: Precinct 5, sub-precinct 5C: Beachside public space and sub-precinct 5D: Beachside investigation areas – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1.	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

PROPOSED AMENDMENT

3 Infrastructure plan

3.1 Purpose

The purpose of this infrastructure plan is to ensure that the strategic intent and strategic outcomes for the PDA are achieved through:

- integrating infrastructure planning with land use planning identified in this development scheme;
- identifying the infrastructure requirements to be delivered by Mackay Regional Council, state government, water supply and sewer provider and / or developers; and
- providing a basis for imposing conditions on development approvals responding to the increased demand on the relevant infrastructure networks.

3.2 Infrastructure networks

Table 21 identifies the infrastructure networks and the key infrastructure that will be provided or upgraded to enable the strategic intent and strategic outcomes of the PDA to be delivered.

3.3 Infrastructure categories

The infrastructure planned to be delivered within the PDA will fall into one of the following categories:

- trunk infrastructure
- non-trunk infrastructure
- other infrastructure.

The inclusion of infrastructure in Table 22 does not necessarily make the infrastructure eligible for a development charges offset. Non-trunk infrastructure is not eligible for offsets. To identify trunk infrastructure in the PDA and determine if infrastructure is eligible for an offset, refer to the Local Government Infrastructure Plan (LGIP) under the Mackay Region Planning Scheme 2017 (as amended from time to time).

3.3.1 Trunk infrastructure

Trunk infrastructure is the high-order shared infrastructure that is planned to service wider catchments in the PDA, rather than individual development sites. Trunk infrastructure may be delivered by the relevant infrastructure provider, such as Mackay Regional Council, or by developers if required by a condition of a PDA development approval.

3.3.2 Non-trunk infrastructure

Non-trunk infrastructure is the lower order infrastructure, which generally services a single development site, is internal to a development site, or connects the development site to trunk infrastructure.

Non-trunk infrastructure will be provided by the developer, in accordance with the relevant responsible entity's requirements and as specified in a condition of a PDA development approval. Non-trunk infrastructure will not be eligible for offsets.

3.3.3 Other infrastructure

Other infrastructure includes infrastructure, which is not part of Mackay Regional Council's infrastructure networks. Other infrastructure may include necessary development infrastructure or provision for upgrades to the electricity, gas, telecommunications and / or state-controlled road networks.

Other infrastructure may be delivered by the local or state government, other infrastructure providers or by developers who may be required to deliver or provide for this infrastructure by a condition of a PDA development approval.

3.4 Infrastructure charges, funding and conditions

As per EDQ's Infrastructure Funding Framework, infrastructure charges will be based on Mackay Regional Council's adopted infrastructure charges resolution in force at the time the development application is approved, unless an infrastructure agreement is entered into between the applicant and the MEDQ⁷³.

Applicable trunk infrastructure delivered as part of the development may be offset against the applicable policy⁷⁵ in force at the time of the development approval.

The requirement to pay development charges or to deliver trunk infrastructure identified in the LGIP at the time of the development approval, will be through a condition of a PDA development approval. Infrastructure may be required to be delivered in accordance with a detailed Infrastructure Master Plan⁷⁴ (IMP) that is prepared to support a development application or required by condition.

The infrastructure identified in the LGIP and Table 22 will be funded from a combination of development charges collected by Mackay Regional Council through its applicable infrastructure charges resolution and other revenue sources. State infrastructure funding may be provided through Federal Government grants. State expenditure on trunk infrastructure will be subject to consideration through normal state government budgetary processes and will be part of an approved state agency capital works program.

Not all the works identified in Table 22 will be delivered through conditions of approval. Some infrastructure may be delivered by other entities such as local government, state government or other infrastructure providers.

The infrastructure elements in Table 22 reflect current understanding at the time of making the development scheme, including any subsequent amendments. However, further detailed infrastructure investigations will occur as the development continues and the infrastructure requirements and delivery responsibilities will be reviewed and may be amended over time to reflect the outcomes of these investigations and changing circumstances.

Infrastructure required within any application area will be required to be delivered at the time of development occurring in that area unless otherwise agreed through conditions of a PDA development approval.

⁷³ MEDQ may delegate certain functions and powers under s.169 of the ED Act to a local government. Development assessment powers have been delegated by the MEDQ to Mackay Regional Council.

⁷⁴ An IMP identifies existing and future trunk infrastructure required to service ultimate development of a single development approval within a PDA.

Table 22: Infrastructure plan

Infrastructure category	Item	Details
Transport	Roads and intersections	<ul style="list-style-type: none"> • New road connection between East Gordon Street and Kippen Street • Binnington Esplanade upgrade • Otherwise, as required to service the PDA
	Bridges and culverts	As required to service the PDA
	Active transport	<ul style="list-style-type: none"> • Bluewater Trail connection between Evan Street and Kippen Street • Queens Park to City pedestrian footpath connection east of Chain Street along the northern side of East Gordon Street • Queens Park to Town Beach pedestrian footpath connection (east of Queens Park) along East Gordon Street and Shakespeare Street • Pedestrian footpath connection west of Binnington Esplanade along Evan Street
	Public transport	New bus facility on Binnington Esplanade
Public parks and open space	Parkland	Parks as required to service the PDA including: <ul style="list-style-type: none"> • Regional recreation parkland in Queens Park • Local / district / recreational parkland in the Beachside precinct
	Public realm	Public realm as required to service the PDA including: <ul style="list-style-type: none"> • Riverside precinct • Beachside precinct
Stormwater	Collection and conveyance	As required to service the PDA
	Treatment	As required to manage the impacts of the PDA
Water supply and sewerage	Potable water	As required to service the PDA
	Sewer	As required to service the PDA
Electricity	Electrical network	As required to service the PDA
Telecommunications	Telecommunications network	As required to service the PDA

3.5 Infrastructure agreements

An infrastructure agreement may be negotiated and entered into with MEDQ and other relevant infrastructure providers to address the provisions and requirements of this infrastructure plan.

Under section 120 of the ED Act, to the extent an infrastructure agreement is inconsistent with a PDA development approval, the infrastructure agreement prevails.

3.6 Infrastructure standards

Infrastructure will be delivered in accordance with the standards of MEDQ, Mackay Regional Council, state government or relevant infrastructure providers at the time a PDA development application or where an IMP is approved.

4 Implementation strategy

4.1 Purpose

The ED Act requires a development scheme to include an implementation strategy to achieve the main purposes of the ED Act for the PDA, to the extent that they are not achieved by the land use plan (section 2) or infrastructure plan (section 3).

The implementation strategy for the development scheme fulfills this requirement by identifying a number of key objectives and a suite of actions that support the achievement of the strategic intent and strategic outcomes for the PDA and support the delivery of economic development and development for community purposes within the PDA.

The key focus areas of this strategy are:

- delivering an exemplar public realm and support catalyst development
- supporting the regional economy and private sector investment
- increasing pedestrian and active transport amenity, movement and experience
- delivering exemplar design and innovation
- planning for a safe, accessible, resilient and sustainable urban environment
- additional strategies, initiatives, investigations and works.

Mackay Regional Council will actively seek to attract investment and drive economic development through various projects and actions as outlined below.

Investment facilitating the delivery of various projects and actions may be subject to coordinated decisions across private interests and various levels of government. The prioritisation and feasibility of these projects and actions will be determined on a case-by-case basis at the time they are proposed for commencement.

4.2 Implementation objectives and actions

4.2.1 Delivering an exemplar public realm and support catalyst development

Objective:

To deliver a cohesive inner city, river, and coastal location that provides vibrant, engaging, innovative and diverse destinations, places and attractions.

Actions:

1. A master plan⁷⁵ has been prepared for the PDA that identifies:
 - (a) public and private development opportunities and benefits
 - (b) attractions and facilities
 - (c) public realm works and embellishments
 - (d) infrastructure works and requirements
 - (e) a strategy for delivery.

The implementation of the master plan will include the preparation of concept plans and further detailed planning for each precinct, and further investigation of identified elements, works or opportunities.

⁷⁵ Go to www.mackaywaterfront.com.au/about/master-plan to access and view the master plan.

2. Council to work collaboratively with landowners of significant sites, key streets, waterfronts and other strategic locations in the PDA to:
 - (a) ensure integrated design outcomes are achieved
 - (b) facilitate and maximise economic and catalytic development outcomes
 - (c) manage and minimise the risk of small-scale piecemeal development compromising the intent of each precinct
 - (d) facilitate the consolidation of smaller lots for increased development potential
 - (e) investigate local road closures in strategic locations to facilitate optimum redesign and realise the development aspirations of the waterfronts.
3. Undertake further detailed planning for the following areas to inform development proposals of adjoining and nearby areas:
 - (a) Council owned land or land held in trust by Council, located on or adjacent to River Street
 - (b) Council owned land or land held in trust by Council, located on or adjacent to Binnington Esplanade.
4. Develop, and then implement, a curation and activation strategy for strategic locations across the PDA. The strategy will outline temporary and short-term opportunities until the ultimate precinct can be achieved.
5. Provide for the recognition and appropriate interpretation of important historical places, people and groups relevant to the place or area.

4.2.2 Supporting the regional economy and private sector investment

Objective:

Create an 'open for business' environment that attracts and facilitates development and investment in the PDA.

Actions:

1. Prepare a specific economic development strategy for the PDA that:
 - (a) includes a targeted investment and business attraction program
 - (b) explores strategies and initiatives to attract business and encourage high quality development
 - (c) explores strategies and initiatives to increase the development of townhouse and apartment living in proximity to the city centre.
2. Prepare a marketing strategy, which utilises fly-throughs, investment prospectus and commercial proposals to incentivise development both financially and operationally in the PDA.
3. Support enhanced tourism opportunities in the PDA through:
 - (a) developing a program to drive the development and delivery of tourism related projects and initiatives for the PDA
 - (b) investigating future tourism trends, initiatives and strategies.
4. Establish ongoing performance monitoring, including regular stakeholder engagement to inform future demographic analysis, land use planning and project marketing.

5. **Implement** development investment opportunities on key sites currently owned by council located at:
 - (a) River Street car park (Mackay city centre precinct)
 - (b) Gordon Street car park (Mackay city centre precinct)
 - (c) Wood Street car park (Mackay city centre precinct)
 - (d) Brisbane Street car park (Riverside precinct).
6. Incorporate the PDA in the Mackay Regional Council Economic Development Strategy, Mackay tourism strategy and other relevant regional strategies with links to the PDA.
7. Investigate development incentive opportunities.
8. **Explore opportunities for** private sector investment in **research** and **technology** industries within the Enterprise precinct **to inform future strategies and initiatives in attracting development, regional employment and synergies with local industry and tertiary education.**
9. Support the establishment of temporary **uses** and interim uses as a method to attract visitors and activity to various areas in the PDA during the initial stages of development.
10. Investigate telecommunications infrastructure demand and requirements to support growth and development of commercial, innovation, research and **technology** activities in the PDA.

4.2.3 Increasing pedestrian and **active transport** amenity, movement and experience

Objective:

Improve the pedestrian and active transport network across the PDA to encourage **safe and active transport** and **support the development intent of the PDA.**

Actions:

1. Engage with DTMR and other relevant stakeholders to **improve** pedestrian and active transport movement through **the following** measures at these locations:
 - (a) pedestrian responsive signals at the River Street and Sydney Street intersection
 - (b) pedestrian responsive signals and / or a scramble crossing at the Victoria Street and Sydney Street intersection
 - (c) pedestrian crossings of Binnington Esplanade at **safe and practical** intervals
 - (d) **in shared environments, streets are designed to provide facilities that prioritise pedestrian and active transport modes.**
2. Work collaboratively with Department of Transport and Main Roads (DTMR) to improve the amenity, aesthetics and character of Sydney Street, whilst maintaining the through **movement** function of the street.
3. Develop, and **then** implement, a range of direct (e.g. signage), and indirect (e.g. featured landscaping and footpath treatments) wayfinding measures at strategic locations across the PDA.
4. Reinforce the sense and identity of place and pedestrian orientation through:
 - (a) the inclusion of signature landscape planting, accent lighting, and landmark building architecture
 - (b) emphasising sightlines and views to natural features and buildings where these occur.

5. Maintain and enhance the Bluewater Trail and Cross City Link pedestrian / **active transport** network connections to, from and through the PDA.

4.2.4 Delivering exemplar design and innovation

Objective:

Encourage and support the delivery of developments of exemplar design and innovation in the PDA.

Actions:

1. Emphasise the importance of pre-application meetings to provide early feedback and advice in a collaborative and facilitative way to encourage high quality and innovative outcomes.
2. Investigate establishing a panel of experts that can be called upon to undertake design reviews of significant development proposals within the PDA to:
 - (a) ensure high-quality building and urban design outcomes in prominent locations
 - (b) promote design excellence
 - (c) advocate exemplary design.
3. Investigate tools to support the assessment of development proposals, such as a 3D model of the development area **where** a proposal can be inputted to assess design, context and potential impacts.
4. Explore opportunities to facilitate innovative sustainable solutions in the design, construction and operation of development across the PDA to create a substantial point of difference.
5. **Develop, and then implement, additional guidance materials as needed to assist in communicating the development requirements of the development scheme relating to built form, adaptive reuse of buildings and heritage.**
6. Promote the delivery of 'infrastructure as a service' and smart **design elements** to improve urban sustainability and drive innovation throughout the PDA to:
 - meet the needs of end users
 - increase community engagement, employee productivity, competitive advantage, community satisfaction, and liveability
 - generate investment and jobs growth
 - improve reliability and resilience
 - reduce costs and promote affordability.

4.2.5 Planning for a safe, accessible, resilient and sustainable urban environment

Objective:

Create a safe, accessible, resilient and sustainable urban environment that has regard to environmental values and community safety.

Actions:

1. Develop, and then implement, additional guidance material as needed to assist in communicating the development requirements of the development scheme in relation to public realm and streetscapes.
2. Develop stormwater drainage guidance for development sites with frontage to the western side of Binnington Esplanade.
3. Undertake a survey of land areas without tenure.
4. Develop a Marine Plant Management Guideline for coastal and riverine areas within the PDA.
5. Engage with stakeholders and landowners to ensure car parking is managed to meet demand in the PDA.
6. Investigate the extent of the State marine park and potential impacts in consideration to future planning and design of the identified investigation area and potential future public realm works located in Precinct 5.
7. Undertake a geotechnical investigation of Precinct 2 to determine the stability of the existing embankment to ensure extents of the investigation meet the intended development requirements.
8. Prepare a Flood Emergency Management Plan (FEMP) that fully considers passive and active flood measures including monitoring, evacuation trigger levels, roles and responsibilities, training and post flood response measures.
9. Work with Ergon Energy around the undergrounding of electricity lines in key streets, waterfronts and other strategic locations, where specific public realm outcomes are to be achieved in these areas.
10. Explore opportunities to facilitate the delivery of social and affordable housing in appropriate locations to suit a variety of households, needs and lifecycle changes.

4.2.6 Additional strategies, initiatives, investigations and works

Actions:

1. Work with the State Government to investigate tenure, and appropriate future use and potential opportunities on key sites currently owned by the State government and identified as investigation areas on Map 2: PDA structural elements plan. Tenure investigations will also include a review of Native Title determination outcomes.
2. Prepare a Land Management Plan (LMP) under *the Land Act 1994* on key areas of Trust Land in the PDA where secondary uses are proposed. To ensure the benefit of the people of Queensland, the LMP will consider the requirements of the *Land Act 1994* including the principles of sustainability, protection, consultation and community purpose. The LMP will identify sustainable use, development and management of reserves relating to social and economic values, and future intentions for reserves in accordance with the PDA development scheme.
3. Consider the extension and promotion of council's Façade improvement policy in the short to medium term applying to buildings within the Mackay city centre.
4. Investigate the requirements and impacts of future coastal-dependent development in relation to coastal protection works along the coast and within the Pioneer River with respect to coastal processes and resources.

5 Schedules

Schedule 1 PDA accepted development

Schedule 1 identifies development that is accepted development in accordance with column 1 of Tables 5, 8, 11, 14, 15, 16, 19, 20 and 21.

Table 23: PDA accepted development

A. Building work
1. Minor building work where not on a state heritage place.
2. Building work for the partial or full demolition of a building or other structure where not: <ul style="list-style-type: none"> (a) on a heritage place; or (b) within 10 metres of a building on a state heritage place.
3. Building work, not associated with a material change of use, if an extension to an existing non-residential premises for a preferred commercial or community activity, where the extension: <ul style="list-style-type: none"> (a) is not located on a heritage place; and (b) is not a standalone structure; and (c) results in an increase of gross floor area or roofed area that is not more than 80m²; and (d) complies with the applicable built form parameters for the relevant precinct; and (e) does not result in a loss of existing onsite car parks or landscaping; and (f) if located in a mapped flood hazard or coastal hazard area, results in a floor level that is equal to the floor level of the existing building. <p>Note – includes any previous increases in gross floor area and roofed area undertaken as accepted development or accepted development subject to requirements under this development scheme.</p>
4. Carrying out building work, where not on a heritage place, associated with: <ul style="list-style-type: none"> (a) a material change of use that is PDA accepted development; or (b) an approved material change of use.
5. Building work involving a dwelling house located in sub-precincts 4B or 5B, if development is consistent with: <ul style="list-style-type: none"> (a) the alternative or varied building assessment provisions listed in section 1.6 of the Mackay Region Planning Scheme 2017; or (b) MP1.1 or MP1.2 of the Queensland Development Code, where no alternative or varied provisions exist for a particular benchmark. <p>Note – Refer to s2.2.2 relating to requirements for accepted development.</p>
B. Reconfiguring a lot
1. Reconfiguring a lot involving road widening and truncations required as a condition of a development approval.
2. Reconfiguring a lot for the purposes of a utility installation or other municipal facility undertaken by or on behalf of Mackay Regional Council or a public sector entity.
C. Material change of use
1. Material change of use of premises for:

- (a) community use, community care centre, emergency services, landing, outdoor sport and recreation, park, parking station or utility installation, if provided by or on behalf of Mackay Regional Council or a public sector entity
- (b) environment facility
- (c) food and drink outlet, if:
 - (i) a mobile food vehicle or light refreshment cart; and
 - (ii) holding a current food licence for mobile food vending and/or temporary food/market stall⁷⁶; and
 - (iii) temporarily located on premises lawfully operated as a non-residential use (excluding park⁷⁷) for no longer than 100 days in a calendar year per premises; and
 - (iv) the activity has a relationship with the non-residential use of the premises
- (d) home based business, if:
 - (i) occupying a floor area of 30m² or less and the activity does not involve:
 - A. employees on the site that do not also reside in the dwelling; or
 - B. customers or clients visiting the site; or
 - C. direct retail activity or hiring of goods; or
 - D. industrial or service industry activities; or
 - (ii) involving home based childcare
- (e) market, where:
 - (i) not involving Building work or Operational work; and
 - (ii) located on a site that is owned or controlled by Mackay Regional Council or a public sector entity
- (f) sales office
- (g) telecommunications facility – if underground cabling for broadband purposes.

D. Operational work

1. Operational work undertaken by or on behalf of Mackay Regional Council or a public sector entity.
2. Operational work that is filling or excavation, where not on a heritage place, and where:
 - (a) not exceeding 50m³ in volume; or
 - (b) top dressing to a depth of less than 100 vertical millimetres from ground level.
3. Operational work associated with the decontamination of land.
4. Operational work that is the clearing of:
 - (a) vegetation that is not significant vegetation; or
 - (b) significant vegetation, where:
 - (i) the works being undertaken are:

⁷⁶ Refer to www.mackay.qld.gov.au/business/permits_and_licenses/licensing_and_approvals for further information on obtaining or renewing a food licence.

⁷⁷ Refer to www.mackay.qld.gov.au/business/permits_and_licenses/vendors for further information on obtaining a permit to operate a mobile food vehicle located in an area (premises) or on a road controlled by Mackay Regional Council.

<ul style="list-style-type: none"> prescribed in Schedule 7, Part 3, Sections 8 and 12 of the <i>Planning Regulation 2017</i> and in accordance with the relevant State codes for accepted development; or <p>Note – relevant State codes for accepted development (as amended from time to time) include:</p> <ul style="list-style-type: none"> Code for accepted development for operational work that is the removal, destruction or damage of marine plants Accepted development vegetation clearing code – clearing for infrastructure <ul style="list-style-type: none"> in accordance with an approved Marine Plant Management Guideline; or <p>(ii) in accordance with the conditions of a PDA development approval for a material change of use or reconfiguring a lot.</p>
5. Operational work that is minor works in a road reserve involving invert crossings, stormwater connection or footpaths, where in accordance with <i>Local Law 1 and Subordinate Local Law 1.16 Carrying Out Works on a Road or Interfering with a Road or its Operation 2011</i> ⁷⁸ .
6. Operational work that involves landscaping works when associated with: <ul style="list-style-type: none"> (a) dwelling house, dwelling unit, dual occupancy, or caretaker’s residence; or (b) development that is PDA accepted development.
E. Plumbing or drainage work
1. Carrying out plumbing or drainage work.
F. All aspects of development
1. Development prescribed in Schedule 6 of the <i>Planning Regulation 2017</i> , other than: <ul style="list-style-type: none"> (a) Part 2 (2), where located in precincts 1, 2, 3 and 5A (b) Part 3 Section 18 (c) Part 5 Section 28.
2. Development prescribed in Schedule 7 of the <i>Planning Regulation 2017</i> . <p>Note – relevant State codes for accepted development (as amended from time to time) include (amongst others):</p> <ul style="list-style-type: none"> Code for accepted development for tidal works or work completely in a coastal management district Code for accepted development requirements for operational work that is constructing or raising waterway barrier work
3. Development consistent with an approved Plan of Development ⁷⁹ .
4. Development consistent with a General Exemption Certificate ⁸⁰ or an Exemption Certificate issued under the <i>Queensland Heritage Act 1992</i> .

⁷⁸ A minor works application may still be required where compliance with *Subordinate Local Law 1.16 Carrying Out Works on a Road or Interfering with a Road or its Operation 2011* cannot be achieved.

⁸⁷ Refer to section 2.2.7 of the development scheme.

⁸⁰ Refer to the General Exemption Certificate for:

- State Heritage Places - Queensland Heritage Places document on the Department of Environment and Sciences website for more information - <https://www.qld.gov.au/environment/land/heritage/development/exemptions>
- Local Heritage Places - https://www.mackay.qld.gov.au/business/planning_and_development/heritage_planning

Schedule 2 PDA prohibited development

Schedule 2 identifies development that is prohibited within the PDA⁸¹.

Table 24: PDA prohibited development

A. Material change of use
<p>For the whole of the PDA:</p> <ul style="list-style-type: none">(a) animal husbandry(b) brothel(c) cemetery(d) crematorium(e) cropping(f) detention facility(g) extractive industry(h) high impact industry(i) intensive animal husbandry(j) motor sport facility(k) non-resident workforce accommodation(l) outstation(m) permanent plantation(n) relocatable home park(o) rural industry(p) rural workers' accommodation(q) special industry
<p>In addition –</p> <ul style="list-style-type: none">• for the whole of Precinct 1:<ul style="list-style-type: none">(a) bulk landscape supplies(b) dual occupancy(c) dwelling house(d) intensive horticulture(e) transport depot(f) wholesale nursery• for the whole of Precinct 2:<ul style="list-style-type: none">(a) agricultural supplies store(b) bulk landscape supplies

⁸¹ Refer to section 2.2.6 of the development scheme.

- (c) intensive horticulture
 - (d) transport depot
 - (e) wholesale nursery

 - for the whole of Precinct 3:
 - (a) accommodation activities
 - (b) dual occupancy
 - (c) dwelling house
 - (d) multiple dwelling
 - (e) residential care facility
 - (f) retirement facility

 - for the whole of Precinct 4:
 - (a) agricultural supplies store
 - (b) aquaculture
 - (c) low impact industry
 - (d) marine industry
 - (e) medium impact industry
 - (f) nightclub entertainment facility
 - (g) outdoor sales
 - (h) service station
 - (i) transport depot
 - (j) warehouse
- In addition –
- within Sub-precinct 4A:
 - (a) accommodation activities
 - (b) dual occupancy
 - (c) dwelling house
 - (d) residential activities
 - (e) shopping centre
 - (f) showroom
 - within Sub-precinct 4B:
 - (a) bulk landscape supplies
 - (b) intensive horticulture
 - within Sub-precinct 4C:
 - (a) bulk landscape supplies
 - (b) dual occupancy

- (c) dwelling house
- (d) intensive horticulture

- for the whole of Precinct 5:
 - (a) agriculture supplies store
 - (b) bulk landscape supplies
 - (c) garden centre
 - (d) intensive horticulture
 - (e) nightclub entertainment facility
 - (f) transport depot
 - (g) warehouse
 - (h) wholesale nursery

In addition –

- within Sub-precinct 5C:
 - (a) accommodation activities
 - (b) dual occupancy
 - (c) dwelling house
 - (d) industry activities
 - (e) residential activities
 - (f) shopping centre
 - (g) showroom
- within Sub-precinct 5D:
 - (a) dual occupancy
 - (b) dwelling house
 - (c) low impact industry
 - (d) shopping centre
 - (e) showroom

Schedule 3 Definitions

Unless defined in this schedule, the definitions under the ED Act and the Mackay Region Planning Scheme 2017 apply to all development within the PDA. Terms not defined have their common meaning.

S3.1 Use definitions

Table 25: Use definitions

Use definitions	
Use term	Definition
All uses	Refer to the use definitions, including the industry thresholds, in Schedule 1 of the Mackay Region Planning Scheme 2017.

S3.2 Defined activity groups

The following defined activity groups are referenced in precinct provisions and the categories of development table(s) in each precinct.

Table 26: Defined activity groups

Defined activity group	Land uses
Accommodation activities	<ul style="list-style-type: none"> rooming accommodation short term accommodation
Commercial activities	<ul style="list-style-type: none"> bar food and drink outlet function facility health care services hotel indoor sport and recreation office service industry shop shopping centre showroom theatre veterinary service
Community activities	<ul style="list-style-type: none"> club community care centre community use educational establishment emergency services place of worship
Industry activities	<ul style="list-style-type: none"> low impact industry medium impact industry (involving brewery or distilling alcohol) research and technology industry

Defined activity group	Land uses
Residential activities	<ul style="list-style-type: none"> • dwelling unit • multiple dwelling • residential care facility • retirement facility

S3.3 Administrative terms

Table 27: Administrative terms

Administrative terms	
Term	Definition
Administrative terms not listed in this table	<p>Refer to the administrative terms in:</p> <ul style="list-style-type: none"> • Schedule 1 Dictionary of the ED Act; and • Schedule 1 Administrative terms of the Mackay Region Planning Scheme 2017.
Active transport	<p>Means physical activity undertaken as a means of transport. It includes all micro-mobility modes including human-powered devices and electric powered devices that comply with relevant legislation.</p> <p>Examples of active transport include travel by foot, bicycle, scooter, skateboard, skates and other physically active ways of travelling that can be undertaken alone or combined with public transport.</p>
Articulation / articulated	<p>Means designing a building, including the façade of a building, with clearly distinguishable parts (both vertically and horizontally), features, curves and changes in depth (steps, projections and recesses) that gives shape, texture and visual appeal to a building.</p>
Building activation measures	<p>Means building elements such as pedestrian entrances / doors, windows and balconies.</p>
Bluewater Trail	<p>Is a 16km walking and active transport trail on the southern side of the city that traverses through the PDA and connects the Mackay city centre to southern urban areas via the riverfront, coast and Mackay Regional Botanic Gardens.</p>
Cross City Link	<p>Is a 5km walking and active transport trail that traverses through the PDA and connects the Mackay city centre to the industrial employment hub at Paget.</p>
Façade/s	<p>Means the frontage of a building that faces a street, road, laneway, or other public space.</p>
Foreshore area	<p>The foreshore area shall be taken as extending inland for a minimum of 100 metres from the higher of the toe of the frontal dune or Highest astronomical tide.</p>
Greater Whitsunday Region	<p>Includes the local government areas of Mackay Regional Council, Isaac Regional Council and Whitsunday Regional Council.</p>

Administrative terms	
Term	Definition
Ground level	Means: (a) the level of the natural ground; or (b) if the level of the natural ground has changed, the level as lawfully changed; or (c) the ground floor of a building.
Heritage place/s	Means a place listed on either or both the Queensland Heritage Register (a state heritage place) or the Mackay Region Planning Scheme 2017 (a local heritage place), as amended from time to time.
Mackay climate	The Mackay climate is neither entirely tropical (like Cairns) or sub-tropical (like Brisbane) and is typically characterised by both hot humid summers (tropical) and mild winters (sub-tropical) with distinct wet and dry seasons. The prevailing breeze originates from the southeast, with prolonged periods of warm northerly breezes occurring in spring and summer.
Mackay Region Planning Scheme 2017	Means the Mackay Region Planning Scheme 2017, as amended and replaced from time to time.
Non-residential use/s	Non-residential uses include adult store, agricultural supplies store, childcare centre, commercial activities (activity group), community activities (activity group), home-based business (not applicable to a proposed home-based business in an existing building), industrial activities (activity group), major sport, recreation and entertainment facility, nightclub entertainment facility, sales office, service station, and tourist attraction.
Non-trunk infrastructure	Means the lower order infrastructure which generally services a single development site, is internal to a development site, or connects the development site to trunk infrastructure.
Other infrastructure	Means infrastructure which is not part of council's infrastructure networks, and may include necessary development infrastructure or provision for upgrades to the electricity, gas, telecommunications and/or state-controlled road networks.
Placemaking	Means the process of activating public spaces by transforming them in ways people relate best to, thereby strengthening the connection between people and places that are memorable, appealing, surprising and engaging. Placemaking relies on community participation and typically includes public art, landscaping, lighting, seating, play features, use of pedestrian pathways for temporary activities, tactical urbanism, temporary 'lighter quicker cheaper' elements, and public events.
Plan of development	A plan of development (PoD) may: <ul style="list-style-type: none"> • accompany an application for a material change of use or reconfiguring a lot; • deal with any proposed use and any associated building work or operational work; and

Administrative terms	
Term	Definition
	<ul style="list-style-type: none"> form part of the development approval. <p>A PoD is prepared by an applicant and may include maps, graphics and text. A PoD should indicate the location and function of uses and structure and how these uses and structures will relate to each other.</p> <p>The PoD cannot include land beyond the boundary of the land the subject of the application, but may cover only part of the land the subject of the application. An applicant may also be required to demonstrate impacts and connections to areas adjoining the subject land in a separate plan to the PoD.</p>
Podium	<p>Means a section of a building at its base, which is clearly differentiated from the spaces above it by its physical form or by the type of space inside it.</p> <p>Podiums can also be used to define the lower floors of a building without setbacks, when these floors hold common areas in contrast to the private floors above them.</p> <p>A podium includes the ground floor level.</p>
Preserve / preservation	For the purpose of heritage values, means maintaining the fabric of a place in its existing state and retarding deterioration ⁸² .
Primary frontage/s	Means primary streets and public realm frontages, where it is considered important that new development maintains / creates a street-orientated built form character and high-quality pedestrian environment. Primary frontages within the PDA are identified on Precinct framework plans.
Private open space	Means an outdoor space for the exclusive use of occupants of a building.
Public realm	Means the spaces that are used by the general public, including streets, laneways, squares, plazas, esplanades and parks.
Public space/s	Means the spaces between and within buildings that are publicly accessible, including streets, squares, forecourts, parks and open spaces and may be in public or private ownership.
Room only unit	Means an accommodation unit that is a room only and does not contain kitchen or laundry facilities.
Significant vegetation	Means all vegetation, except those listed as pest vegetation by state or local government, that is significant in its: <ul style="list-style-type: none"> (a) ecological value at local, state or national levels including remnant vegetation and marine plants; or (b) contribution to the preservation of natural landforms; or

⁸² The source of this definition is the Australia ICOMOS Charter for Places of Cultural Significance.

Administrative terms	
Term	Definition
	<p>(c) contribution to the character of the landscape; or (d) cultural or historical value; or (e) amenity value to the general public</p> <p>Note – vegetation may be living or dead and the term includes their root stock.</p>
Serviced apartment	Means a self-contained accommodation unit that contains kitchen and/or laundry facilities.
Smart design elements	<p>Means the following elements and initiatives:</p> <ul style="list-style-type: none"> • smart buildings and consolidated control systems • use of recycled water • renewable energy generation and low-emission technologies • integration of green roofs, green walls and other sustainable landscape elements • adaptive places, spaces and tenancies to promote a range of activities or shared working and living arrangements • multi-modal transport • real time traffic and parking assessment and tracking • smart lighting • digital city services: high-speed fibre optic, wireless and mobile networks, integrated Wi-Fi, and connecting people through internet, smart phones / devices, and other mobile device connectivity • connected sensors and CCTV • power systems integration and smart technology which passively controls the use of electricity • digital wayfinding • inclusion of smart infrastructure within the streetscape • facilities to support the charging of electric vehicles - refer to PDA Practice Note 20: Electric vehicle charging infrastructure for information on the requirements of EV charging infrastructure.
Temporary use/s	<p>Means a use or activity that:</p> <p>(a) is carried out on a non-permanent basis; (b) does not involve the construction of, or significant changes to, permanent buildings, structures or infrastructure.</p>
Tower	Means the part of the building that sits above podium levels.
Trunk infrastructure	Means the high-order shared infrastructure that is planned to service wider catchments, rather than individual development sites.
Urban design	Means the holistic design of urban environments, including the overall townscape, individual buildings, street networks, streetscapes, parks and other public spaces.

Schedule 4 Requirements for accepted development

Schedule 4 specifies the requirements for accepted development for certain uses as indicated under column 1 in Tables 5, 8 and 11.

S4.1 Requirements for accepted development: Bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre

Development involving bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre:

1. locates within podium levels (inclusive of ground floor) of an existing building.
2. avoids nightclub entertainment facility as the active frontage of a building.
3. ensures hotel (involving a pub) or bar (excluding nightclub entertainment facility):
 - (a) provide an active frontage by retaining or providing openings (doors and windows) to streets and laneways; and
 - (b) do not cover or obscure windows and other glazed openings that face streets and laneways.

Note – excludes internal blinds, shutters or curtains.
4. ensures external noise levels, when measured from adjoining properties and the street, do not exceed:
 - (a) background (L90) + 3dB(A) for variable noise between the hours of 10:00 pm and 7:00 am; and
 - (b) maximum limit L_{Amax} 45dB(A)⁸³.
5. ensures gaming lounges and poker machines are not visible or audible from the street.
6. ensures the location of the entry / exit point is:
 - (a) clearly visible and accessible to patrons from the public footpath;
 - (b) setback no more than 2 metres from the property boundary; and
 - (c) kept and maintained at all times in a clean, sanitary and tidy condition, including the adjoining pedestrian footpath area.
7. provides for the safe and orderly queuing of patrons on the public footpath and maintains through pedestrian movement along the public footpath by:
 - (a) providing a minimum 10 metre separation distance between nightclub entertainment facility entrances; and
 - (b) ensuring the queuing area does not exceed 1.5 metres in width.

⁸³ For guidance refer to the acoustic quality objectives (internal noise criterion) for the particular use identified in the Environmental Protection (Noise) Policy 2008 or, if not listed, the internal sound level design criterion contained in Australian Standard AS/NZS2107 Acoustics – Recommended design sound levels and reverberation times for building interiors.

S4.2 Requirements for accepted development: Low impact industry or research and technology

Development involving low impact industry or research and technology, where located within an existing building that has been used for a non-residential use:

1. maintains existing onsite parking, vehicle access, landscaping and building activation measures to the street frontage.
2. occupies the same or less gross floor area within the existing building, and a gross floor area extension constitutes minor building work.
3. where involving brewery or distilling alcohol activities, can include bar or shop where these uses:
 - (a) are an ancillary, related and integrated component of these activities on the site; and
 - (b) address the street frontage to provide activation and increase the vibrancy of the streetscape.
4. does not generate external air, noise, light, vibration or odour emissions.
5. where on a site that contains or adjoins accommodation activities, hotel (with accommodation) or residential activities, ensures the loading and unloading of deliveries and other goods does not occur:
 - (a) between 6.30pm and 6.30am Monday to Saturday;
 - (b) on a Sunday; or
 - (c) on a public holiday.

Schedule 5 Amendments

Amendment schedule no.1: XXXX 2023

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
General		
Throughout the document		Minor amendments to the number sections, tables, maps or figures – updating existing numbering and introducing new numbering for consistency.
		Minor amendments to update weblinks.
		Minor amendments to include additional numbered references to footnotes.
		Minor amendments to correct or include new headings, references, terminology, spelling, grammar, and punctuation.
		Minor amendments to remove redundant or repeated content.
License, attribution and disclaimer	License, attribution and disclaimer	Amended to update State Department names, addresses, email addresses, phone numbers and copyright references.
Contents	Table of contents	Amended to update section titles and page numbering.
Section 1 Introduction		
1.5 Infrastructure designations		Amended to include new section relating to infrastructure designations located in the PDA.
1.6 Drawings, maps, notes and footnotes		Amended to include new section relating to the use of drawings, maps, notes and footnotes in the development scheme.
1.7 Defined activity groups		Amended to include new section relating to the use of defined activity groups in the development scheme.
1.8 Acknowledgements		Amended to update reference to the status of the development scheme and Economic Development Queensland.
Section 2 Land use plan		
2.1 Components of the land use plan	2.1.1 Hierarchy of provisions	Amended to include the correct reference for the strategic framework. Figure 1 amended to remove reference to Schedule 4 Heritage places and to include reference to Schedule 5 Amendments.
	2.1.4 Schedules	Amended to update the listed schedules included in the development scheme.

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
	2.1.4 Guidance material	Amended to provide further clarity on the use of guidance material as referenced in the development scheme.
2.2 Development assessment	2.2.2 Requirements for accepted development	Amended to include new section relating to requirements for accepted development and the process for assessing a non-compliance with accepted development requirements.
	2.2.5 Development consistent with the land use plan	Amended to provide clarity on the difference between justification of a non-compliance through regular assessment of an application and justifying development that is unforeseen by the development scheme through significant grounds, including superior design outcomes and community benefit.
	2.2.6 Development inconsistent with the land use plan	Amended to improve reference to identified prohibited development in the development scheme.
	2.2.7 Plans of development	Amended footnote referencing administrative term for plan of development.
	2.2.8 Notice of application	Amended to include undefined use as requiring public notification.
	2.2.10 Relationship with other legislation	Amended to include: <ul style="list-style-type: none"> • reference to the applicability of local laws in the PDA, including advertising devices. • a new footnote referencing s.54 of the ED Act.
	2.2.11 Relationship with the Mackay Region Planning Scheme 2017	Amended to include the range of codes, definitions and mapping in the Mackay Region Planning Scheme 2017 that is referred to for guidance in the assessment of requirements in the development scheme.
2.3 Strategic framework	2.3.1 Strategic intent	Amended to capture and provide further clarity on the established core principles that underpin the PDA and improve the line of sight to the PDA development requirements.
	2.3.2 Strategic outcomes	Amended to ensure: <ul style="list-style-type: none"> • outcomes align with the principles outlined in the strategic intent. • outcomes are legible and able to be used in assessment. • identify local areas of value or importance relevant to development areas in the PDA. • align with the State Planning Policy in relation to housing and environment.
2.4 Structural elements		
2.4 Structural elements	2.4.1 Overarching categories and designations	Amended to reflect the range of categories and designations used in the development scheme.

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
	2.4.2 Structural components of the PDA	Amended to reflect and expand upon the existing mapped elements identified in Map 2: PDA structural elements plan
	Map 2: PDA structural elements plan	Amended to: <ul style="list-style-type: none"> • identify new boundary between sub-precincts 5A and 5B. • reflect constructed pedestrian / cycle infrastructure in Queens Park. • update references. • remove the redundant pedestrian / cycling link to the north of Chain Street. • provide reference to the potential road in precinct 5 to be consistent with the precinct 5 framework plan.
2.5 PDA-wide criteria		
2.5.1 Built form and urban design	Built form and design Provisions 1, 3, 4, 7 and 8	Amended and re-ordered the following provisions: <ul style="list-style-type: none"> • provisions 1, 4 (previously 7) and 7 (previously 9) – simplify and improve legibility. • provision 3 (previously 6) – incorporate specific provision relation to applying building height in flood or storm tide inundation areas. • provision 8 (previously 11) – include design requirements or allowances for roofs consistent with the Mackay Region Planning Scheme 2017.
	Sustainability Provision 10 (previously 15)	Amended to consolidate sustainability related provisions and improve upon sustainability requirements.
	Integration with the public realm Provisions 3, 11, 12 and 14	Amended, re-ordered or removed the following provisions: <ul style="list-style-type: none"> • provision 3 (as numbered in version 1) – removed. • provision 11 (previously 1(b) and (c)) – include design requirements for development at ground level. • provision 12 (new) – include requirement for achieving a graduated floor level transition for development that is required to mitigate a flood or storm tide hazard. • provision 14 (new) – include design requirements for podium levels or low-rise buildings up to 2 storeys.
	Building spaces and services Provisions 15 and 16	Amended and re-ordered the following provisions: <ul style="list-style-type: none"> • provision 15 (previously 4) – simplify and improve legibility. • provision 16 (previously 12) – further articulate provision's intent.

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
	Reconfiguring a lot Provisions 18 (new) and 19 (new)	Amended to include new provisions relating to neighbourhood design and reconfiguring boundaries involving existing buildings to align with the Mackay Region Planning Scheme 2017.
	Map 3: PDA building heights plan	Amended to reflect new boundary between sub-precincts 5A and 5B.
2.5.2 Diverse urban environment	Provisions 1, 2 and 3	Amended or included the following provisions: <ul style="list-style-type: none"> provisions 1 and 2 (new) – improve legibility and alignment to the State Planning Policy in relation to housing, including social and affordable housing. provision 3 (previously 2) – improve legibility. include a new footnote referring to PDA guideline no. 2 and the NCC 2022.
2.5.3 Movement and transport network	Provisions 3, 4(b) and 6	Amended or included the following provisions: <ul style="list-style-type: none"> provision 3 – include reference to active transport modes including storage and charging facilities. provision 4(b) – new provision relating to enabling electric vehicle charging in development. provision 6 – new provision relating to the design and function of new public roads.
	Table 2: Car and bicycle parking rates	Amended to include a new provision relating to designation of car parking spaces for people with a disability and associated footnote.
2.5.4 Public realm	Provisions 1 and 7	Amended or included the following provisions: <ul style="list-style-type: none"> provision 1 and associated footnote – improve provision intent and includes reference to relevant standards relating to landscaping, street furniture and footpath treatments. provision 7 (new) – relating to recreational facilities, infrastructure or activities in public realm areas that improves alignment to the State Planning Policy.
2.5.5 Community safety and development constraints	Community safety and wellbeing Provision 6	Amended to include provision 6 relating to minimising amenity impacts on existing sensitive land uses.
	Airport environs Provision 9 (previously 8)	Amended to align provision with requirements for obstacle limitation surface, lighting restriction zones and wildlife hazard buffers in the Airport environs overlay code under the Mackay Region Planning Scheme 2017.
	Environment Provisions 10(a), 11, 13 and 14	Amended the following provisions: <ul style="list-style-type: none"> provisions 10(a) (previously 9) and 11 (previously 10) – improve alignment to the State Planning Policy. provision 13 (new) – relating to managing and minimising biosecurity risks.

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
		<ul style="list-style-type: none"> provision 14 (previously 12) – include reference to areas of environmental values in the Cod Hole open space area.
	Natural hazards Provisions 15 and 16	<p>Amended the following provisions:</p> <ul style="list-style-type: none"> provision 15 (previously 13) – improve alignment with State Planning Policy. provision 16 (previously 14) – include reference to minimum floor level to align with Mackay Region Planning Scheme 2017.
2.5.6 Infrastructure	Provisions 3, 4, 5 and 6	<p>Amended or removed the following provisions:</p> <ul style="list-style-type: none"> provision 6 (as numbered in version 1) – removed as the provision is covered by provision 5. provisions 3 and 4 – simplify and improve legibility. provision 5 – include reference to whole of lifecycle costs. provision 6 (previously part of provision 5) – relating to interim uses.
2.5.7 Heritage	Provisions 1, 2, 3, 4, 6(a) and associated footnotes	<p>Amended the following provisions:</p> <ul style="list-style-type: none"> provisions 1 and 2 – improve alignment with State Planning Policy. provision 3 – improve legibility. provision 4 (new) – relating to reconfiguring a lot on a heritage place. provision 6(a) (new) – relating to advertising devices conforming with relevant definitions and criteria of Subordinate Local Law 1.4. associated footnotes amended to include referenced to heritage place information.
2.6 Precinct provisions		
Introduction		<p>Amended to:</p> <ul style="list-style-type: none"> update references to elements of the development scheme. provide additional guidance for the relationship of precinct provision to other parts of the development scheme.
	Map 4: PDA precincts	Amended to reflect new boundary between sub-precincts 5A and 5B.
All precincts	Footnote	Amended to remove footnote relating to the application of building height in a flood or storm tide inundation area. The footnote has been incorporated into s2.5.1 provision 3.
2.6.1 Precinct 1 – Mackay city centre	2.6.1.1 Precinct development intent	Amended to improve clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
	Table 3: Precinct 1 – Preferred land uses	Amended the list of preferred land uses to: <ul style="list-style-type: none"> • remove dwelling unit as the use is part of the residential activities (activity group). • remove indoor sport and recreation as the use is part of the commercial activities (activity group). • Include caretaker’s accommodation, hospital and low impact industry (involving brewery, coffee roasting and distilling alcohol).
	Provisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16	Amended or included the following provisions: <ul style="list-style-type: none"> • provisions 1 and 2 – rearranging existing statements into provisions. • provision 3 (new) – relating to opportunities for temporary uses or interim uses. • provisions 4 (previously 1), 7 (previously 2), 10 (previously 5), 11 (previously 6), 13 (previously 8) and 14 (previously 9) – simplify and improve legibility. • provision 5 (new) – include requirement relating to place characteristics of the precinct. • provision 6 (new) – supports the activation of laneways. • provision 8 (previously 3) – improve intent to strengthen relationship between precinct and the river. • provision 9 (previously 4) - update local place references. • provisions 15 and 16 (previously 10, 11 and 12) – rearranged requirements for development on a heritage place and development adjoining a development place. New provision restricts the placement of billboard or digital electronic signage on a heritage place.
	Table 4: Precinct 1 – Development intensity and built form parameters	Amended to include: <ul style="list-style-type: none"> • new provision for minimum internal floor to ceiling height relating to provision 3 in s.2.5.2. • reference to graduated floor level transition relating to provision 12 in s.2.5.1 • new note replacing a footnote relating to the exclusion of footpath awning requirements on a state heritage place.
	2.6.1.7 Categories of development Table 5: Precinct 1 – Categories of development	Amended to: <ul style="list-style-type: none"> • include dwelling unit as accepted development where located in an existing building and above the ground floor. • include low impact industry (involving brewery, coffee roasting and distilling alcohol) as accepted development where complying with requirements in Schedule 4.2. • remove indoor sport and recreation from accepted development as the use is part of the commercial activities (activity group).

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		<ul style="list-style-type: none"> • make operational work for an advertising device on a heritage place assessable development.
2.6.2 Precinct 2 – Riverside	2.6.2.1 Precinct development intent	Amended to improve clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.
	Table 6: Precinct 2 – Preferred land uses	<p>Amended the list of preferred land uses to:</p> <ul style="list-style-type: none"> • include commercial activities (activity group) and remove bar, food and drink outlet, function facility, healthcare services, hotel, indoor sport and recreation, office, service industry, shop, shopping centre, theatre and veterinary service, as all uses in this activity group are listed as preferred land uses. • remove dwelling unit as the use is part of the residential activities (activity group). • include caretaker's accommodation, hospital and low impact industry (involving brewery, coffee roasting and distilling alcohol).
	Provisions 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 16, 17 and 18	<p>Amended, included or removed the following provisions:</p> <ul style="list-style-type: none"> • provisions 1 and 2 – rearranging existing statements into provisions. • provision 3 (new) – relating to opportunities for temporary uses or interim uses. • provisions 4 (previously 1), 7 (previously 2), 8 (previously 3), 9 (previously 4), 13 (previously 9), 14 (previously 11), 16 (previously 14) and 17 (previously 15) – simplify and improve legibility. • provision 6 (new) – relating to place characteristics of the precinct. • provision 10 (previously 5) – removed as the pedestrian connection north of Chain Street is no longer required. • provision 10 (as numbered in version 1.0) – removed as the requirement is covered by provision 16. • provision 18 (previously 16) – reflect related heritage changes made in s2.5.7 and s2.6.1.5.
	Table 7: Precinct 2 – Development intensity and built form parameters	<p>Amended to include:</p> <ul style="list-style-type: none"> • new provision for minimum internal floor to ceiling height relating to provision 3 in s.2.5.2. • reference to graduated floor level transition relating to provision 12 in s.2.5.1 • new note replacing a footnote relating to the exclusion of footpath awning requirements on a state heritage place.

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	Map 6: Precinct framework plan 2 – Riverside	Amended to remove the potential pedestrian connection north of Chain Street.
	2.6.2.8 Categories of development Table 8: Precinct 2 – Categories of development	Amended to: <ul style="list-style-type: none"> include dwelling unit as accepted development where located in an existing building and above the ground floor. include low impact industry (involving brewery, coffee roasting and distilling alcohol) as accepted development where complying with requirements in Schedule 4.2. remove indoor sport and recreation from accepted development as the use is part of the commercial activities (activity group). make operational work for an advertising device on a heritage place assessable development.
2.6.3 Precinct 3 – Enterprise	2.6.3.1 Precinct development intent	Amended to improve clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.
	Table 9: Precinct 3 – Preferred land uses	Amended the list of preferred land uses to: <ul style="list-style-type: none"> include industry activities (activity group) and remove low impact industry and research and technology, as all uses in this activity group are listed as preferred land uses. remove bar and shop as these are ancillary uses, with reference to provision 6 in s.2.3.6.2.
	Provisions 1, 2, 3, 4, 5, 6 and 11	Amended the following provisions: <ul style="list-style-type: none"> provisions 1 and 2 – rearranging existing statements into provisions. Include reference to other compatible uses that complement the development intent of the precinct. provisions 3 (previously 1(a)), 4 (previously 1(b)) and 11 (previously 2) – simplify and improve legibility. provision 5 (previously 3) – landscaping requirements on streets applied to all street frontages. provision 6 – combines provisions 4 and 5 (as numbered in version 1).
	Map 7: Precinct framework plan 3 – Enterprise	Amended to remove: <ul style="list-style-type: none"> primary frontages from the precinct. potential pedestrian connection north of Chain Street.
	2.6.3.7 Categories of development	Amended to include low impact industry and research and technology as accepted development where complying with requirements in Schedule 4.2.

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2.6.4 Precinct 4 – Queens Park	2.6.4.1 Precinct development intent	Amended to improve clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.
	Table 12: Precinct 4 – Preferred land uses	Amended the list of preferred land uses for sub-precinct 4B to: <ul style="list-style-type: none"> include dwelling unit and retirement facility. restrict food and drink outlet to sites with a primary frontage. remove park and shop.
	Provisions 1, 2, 3, 6, 11 and 12	Amended the following provisions: <ul style="list-style-type: none"> provisions 1 and 2 – rearranging existing statements into provisions. provisions 6 (previously 3), 11 (previously 8) and 12 (previously 9) – simplify and improve legibility. provision 3 (new) – limit food and drink outlet to sites with a primary frontage.
	Table 13: Precinct 4 – Development intensity and built form parameters	Amended to: <ul style="list-style-type: none"> simplify minimum side and rear requirements remove minimum boundary setbacks for a dwelling house as this is covered by QDC or alternative provisions in Mackay Region Planning Scheme (as referred to in Schedule 1).
	Map 8: Precinct framework plan 4 – Queens Park	Amended to reflect constructed pedestrian connectivity elements in Queens Park.
	2.6.4.6 Categories of development	Amended to: <ul style="list-style-type: none"> restrict accepted development to community use, food and drink outlet, health care services and shop. remove reference to Dwelling house code under the Mackay Region Planning Scheme in the accepted development requirements for dwelling house, as this is covered in Schedule 1.
2.6.5 Precinct 5 – Beachside	2.6.5.1 Precinct development intent	Amended to: <ul style="list-style-type: none"> improve clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table. Include new sub-precinct 5A Binnington Esplanade.
	Table 17: Precinct 5 – Preferred land uses	Amended the list of preferred land uses to: <ul style="list-style-type: none"> include caretaker’s accommodation, dwelling unit, indoor sport and recreation and resort complex for sub-precinct 5A.

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		<ul style="list-style-type: none"> remove dwelling house, dual occupancy and park for sub-precinct 5A. remove childcare centre, community care centre, community use and park from sub-precinct 5B.
	Provisions 1, 2, 3, 4, 5, 6, 9 and 13	<p>Amended or remove the following provisions:</p> <ul style="list-style-type: none"> provisions 1, 2 and 3 – rearranging existing statements into provisions. provision 4 (new) – relating to the list of preferred land uses for sub-precinct 5B. provision 4 (as numbered in version 1) – remove as the requirements is replaced by the separation of sub-precincts 5A and 5B provision 5 (as numbered in version 1) – remove as the requirement is covered in provision 2(b). provisions 5 (previously 1(b)), 6 (previously 1(a)), 9 (previously 6) and 13 (previously 10) – simplify and improve legibility.
	Table 18: Precinct 5 – Development intensity and built form parameters	<p>Amended to:</p> <ul style="list-style-type: none"> new provision for minimum internal floor to ceiling height relating to provision 3 in s.2.5.2. reference to graduated floor level transition relating to provision 12 in s.2.5.1 simplify minimum side and rear requirements. remove minimum boundary setbacks for a dwelling house as this is covered by QDC or alternative provisions in Mackay Region Planning Scheme (as referred to in Schedule 1).
	Map 9: Precinct framework plan 5 – Beachside	Amended to reflect new boundary between sub-precincts 5A and 5B.
	2.6.5.6 Categories of development	<p>Amended to:</p> <ul style="list-style-type: none"> exclude office, place of worship, shopping centre, showroom, theatre and veterinary service from being accepted development in sub-precinct 5A. restrict accepted development to community use, food and drink outlet, health care services and shop in sub-precinct 5B. remove reference to Dwelling house code under the Mackay Region Planning Scheme in the accepted development requirements for dwelling house in sub-precinct 5B, as this is covered in Schedule 1.
Section 3 Infrastructure Plan		

Column 1 Mackay Waterfront PDA development scheme section – as per amended version	Column 2 Mackay Waterfront PDA development scheme provision – as per amended version	Column 3 Amendment
3.3 Infrastructure categories		Amended to reference the LGIP (under the Mackay Region Planning Scheme) as the relevant infrastructure framework and charges regime for the PDA.
3.4 Infrastructure charges, funding and conditions		Amended to state that the LGIP (under the Mackay Region Planning Scheme) is the relevant infrastructure framework and charges regime for the PDA.
	Table 21	Amended to includes mapped active transport elements identified in the PDA structural elements plan.
3.6 Infrastructure standards		Amended to update the statement on infrastructure delivery standards.
Section 4 Implementation plan		
4.1 Purpose		Amended to update the title of each key focus area as listed.
4.2 Implementation objectives and actions	4.2.1 Delivering an exemplar public realm and support catalyst development	Amended, included or removed the following actions: <ul style="list-style-type: none"> • action 1 – reflect the completion of masterplan. • action 2 – new sub-action relating to managing and minimising piecemeal development. • action 3 (as numbered in version 1.0) – removed as the action is covered by road closure process. • action 3 (new) – relating to further detailed planning to inform proposals on council owned or controlled land. • action 4 (new) – relating to a curation and activation strategy for the PDA. • action 5 (as numbered in version 1.0) – removed as the Native Title determination has been finalised.
	4.2.2 Positioning the Mackay city centre	Amended to remove key focus area and actions 1, 2 and 3. All other actions have been relocated to other key focus areas.
	4.2.2 Supporting the regional economy and private sector investment	Amended or removed the following actions: <ul style="list-style-type: none"> • actions 1, 4, 8 and 10 – simplify and improve legibility. • action 4 (as numbered in version 1.0) – removed. • action 10 (as numbered in version 1.0) – removed.
	4.2.3 Increasing pedestrian and active transport amenity, movement and experience	Amended or removed the following actions: <ul style="list-style-type: none"> • actions 1, 2 and 3 – simplify and improve legibility. • action 4 (as numbered in version 1.0) – removed as the action is covered in s4.2.1, action 4.

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	4.2.4 Delivering exemplar design and innovation	Amended or removed the following actions: <ul style="list-style-type: none"> • actions 5 and 6 – simplify and improve legibility.
	4.2.5 Planning for a safe, accessible, resilient and sustainable urban environment	Amended or removed the following actions: <ul style="list-style-type: none"> • actions 1, 3, 5 and 6 – simplify and improve legibility. • action 10 (new) – relating to exploring opportunities to facilitate the delivery of social and affordable housing. • action 2 (as numbered in version 1.0) – removed as the action is covered in s4.2.4, action 6. • action 7 (as numbered in version 1.0) – removed.
	4.2.6 Additional strategies, initiatives, investigations and works	Amended or removed the following actions: <ul style="list-style-type: none"> • action 1 – simplify and improve legibility. • action 1 (as numbered in version 1.0) – removed. • action 2 (as numbered in version 1.0) – removed as the action is covered in s4.2.4, action 5. • action 6 (as numbered in version 1.0) – removed as the action is covered in s2.5.4, provision 1.
Section 5 Schedules		
Schedule 1 PDA accepted development	A. Building work	Amended to update or include the following triggers for accepted development: <ul style="list-style-type: none"> • A.1. and A.2. (updated) – limit criteria to state heritage places. • A.3. (as numbered in version 1.0) – relocate to section F. All aspects of development. • A.3. (new) – allow for small building extensions of 80m² for preferred community or commercial uses. • A.5. (new) – allow for similar assessment process to a concurrence agency application for building works under Mackay Region Planning Scheme 2017.
	B. Reconfiguring a lot	Amended to include trigger B.2. relating to reconfiguring a lot for a service or facility provided by Mackay Regional Council or public sector entity.
	C. Material change of use	Amended to expand the list of uses, including. <ul style="list-style-type: none"> • community use, community care centre, emergency services, landing, market, or parking station provided by MRC or a public sector entity. • environment facility • food and drink outlet – where a mobile food vehicle on a temporary basis

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		<ul style="list-style-type: none"> • market.
	D. Operational work	<p>Amended to update, include or remove the following triggers for accepted development:</p> <ul style="list-style-type: none"> • D.1. (new) – relating to all operational works undertaken by Mackay Regional Council or a public sector entity. • D.4. (updated) – include prescribed works in Schedule 7, Part 3, section 8 and 12 of the Planning Regulation. • D.4. and A.5. (as per version 1.0) – remove trigger relating to placing advertising devices on a building that is not a heritage place. Replaced by specific categories of development in precincts 1 and 2. • D.5. (new) – relating to minor work circumstances in a road reserve involving invert crossings, stormwater connection or footpaths. • D.6. (new) – relating to landscape work for dwelling house, dwelling unit, dual occupancy, caretaker's residence or development that is PDA accepted development.
	F. All aspects of development	<p>Amended to update or include the following triggers for accepted development:</p> <ul style="list-style-type: none"> • F.1. (updated) – exclude Schedule 6 Part 2(2) of the Planning Regulation in precincts 1, 2, 3, and 5A. • F.2. (new) – relating to prescribed works in Schedule 7 of the Planning Regulation. • F.4. (new) – relating to development consistent with a General Exemption Certificate or an Exemption Certificate issues under the <i>Queensland Heritage Act 1992</i>.
Schedule 2 Prohibited development	Introductory statement	Amended to include an introductory statement for the schedule.
	A. Material change of use	<p>Amended to:</p> <ul style="list-style-type: none"> • include special industry as prohibited development in the PDA as it is replaced by low impact industry and medium impact industry where involving brewing or distilling alcohol. • for precinct 3, remove residential activities (activity group) and replace with multiple dwelling, residential care facility and retirement facility as dwelling unit has been included in the residential activities (activity group). • for precinct 4, include service station and warehouse as prohibited uses. • for precinct 5, include warehouse as a prohibited use.
Schedule 3 Definitions	Introductory statement	Amended to include an introductory statement for the schedule.
	S3.1 Use definitions	Amended to include reference to use definitions, including industry thresholds, that apply to the development scheme.

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	S3.2 Defined activity groups	Amended to: <ul style="list-style-type: none"> • include indoor sport and recreation in commercial activities (activity group). • medium impact industry (involving brewery or distilling alcohol) in industry activities (activity group). • remove warehouse in industry activities (activity group). • include dwelling unit in residential activities (activity group).
	S3.3 Administrative terms	Amended to include, update or remove the following administrative terms: <ul style="list-style-type: none"> • reference to administrative terms not listed in the schedule – refers to administrative terms in ED Act and Mackay Region Planning Scheme 2017 • active transport (new) – replaces the terms cycle, cycling and cyclist used throughout the document, and is more inclusive of a range of micro-mobility modes. • articulation / articulated (new) – assists with the design requirements of development. • articulation measures (removed) – replaced by articulation / articulated administrative term • façade (new) – assists with the design requirements of development. • foreshore area (new) – assists with the assessment of development constraints. • heritage place/s – articulates state heritage place or local heritage place. • Mackay climate (new) – articulates the climate of Mackay, which relates to the requirements for climatically responsive design. • non-residential use/s (new) – assists with the assessment of development constraints. • placemaking (updated) – align with placemaking literature. • public realm (updated) – include reference to esplanades. • significant vegetation (updated) – remove reference to koala habitat. • smart design elements (new) – assists in the interpretation of sustainable design / development. • temporary use/s (new) – assist with the establishment of temporary uses for placemaking purposes. • tower (new) – reduces explanatory statements after each time the term is used in the document.
Schedule 4 Heritage places	Map 10: Heritage places Table: List of heritage places	Amended to remove the schedule in its entirety. Local heritage places are identified by the Mackay Region Planning Scheme 2017. State heritage places are identified by the State Heritage Register.

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Schedule 4 (previously 5) Requirements for accepted development	Introductory statements	Amended to include an introductory statement for each sub-section in the schedule.
	S4.1 Requirements for accepted development: Bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre	Amended to update or remove the following provisions: <ul style="list-style-type: none"> • provision 1 – removed to allow uses to located anywhere in the precinct. • provision 3 – ensure uses do not cover or obscure windows or other glazed openings. • provision 7 – include reference to public footpath.
	S4.2 Requirements for accepted development: Low impact industry or research and technology	Amended to update or include the following provisions: <ul style="list-style-type: none"> • provision 1 – include reference to building activation measures on the street frontage. • provision 2 – replace external extensions with gross floor area extensions. • provision 3 – relating to ancillary uses associated with brewery and distillery and linked to the Development intent and provision 6 in s2.6.3 (Enterprise precinct provisions). • provision 5 – relating to hours of loading and unloading of deliveries and other goods to avoid amenity impacts on a site containing or adjoining accommodation or residential uses.
Schedule 5 Amendments		New section added – outlines summary of amendments made to the development scheme.

PROPOSED