

Urban Land Development Authority

BLACKWATER

INTERIM LAND USE PLAN 2010

July 2010

Version 1

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Preliminary

Introduction

The Blackwater Interim Land Use Plan (ILUP) has been prepared pursuant to Section 8 of the *Urban Land Development Authority Act 2007* and applies only to land within the declared Blackwater Urban Development Area (UDA) identified in Figure 1.

This ILUP commences on declaration.

Background

The *Urban Land Development Authority Act 2007* (the Act) provides for particular parts of the State to be declared as areas called urban development areas.

The main purposes of the Act are to facilitate the following in the urban development areas:

1. the availability of land for urban purposes
2. the provision of a range of housing options to address diverse community needs
3. the provision of infrastructure for urban purposes
4. planning principles that give effect to ecological sustainability and best practice urban design
5. the provision of an ongoing availability of affordable housing options for low to moderate income households.

The Urban Land Development Authority (ULDA) is a statutory authority under the *Urban Land Development Authority Act 2007* and is a key element of the Queensland Housing Affordability Strategy.

The ULDA is tasked to plan, carry out, promote or coordinate and control, the development of land in declared urban development areas.

Urban Development Area

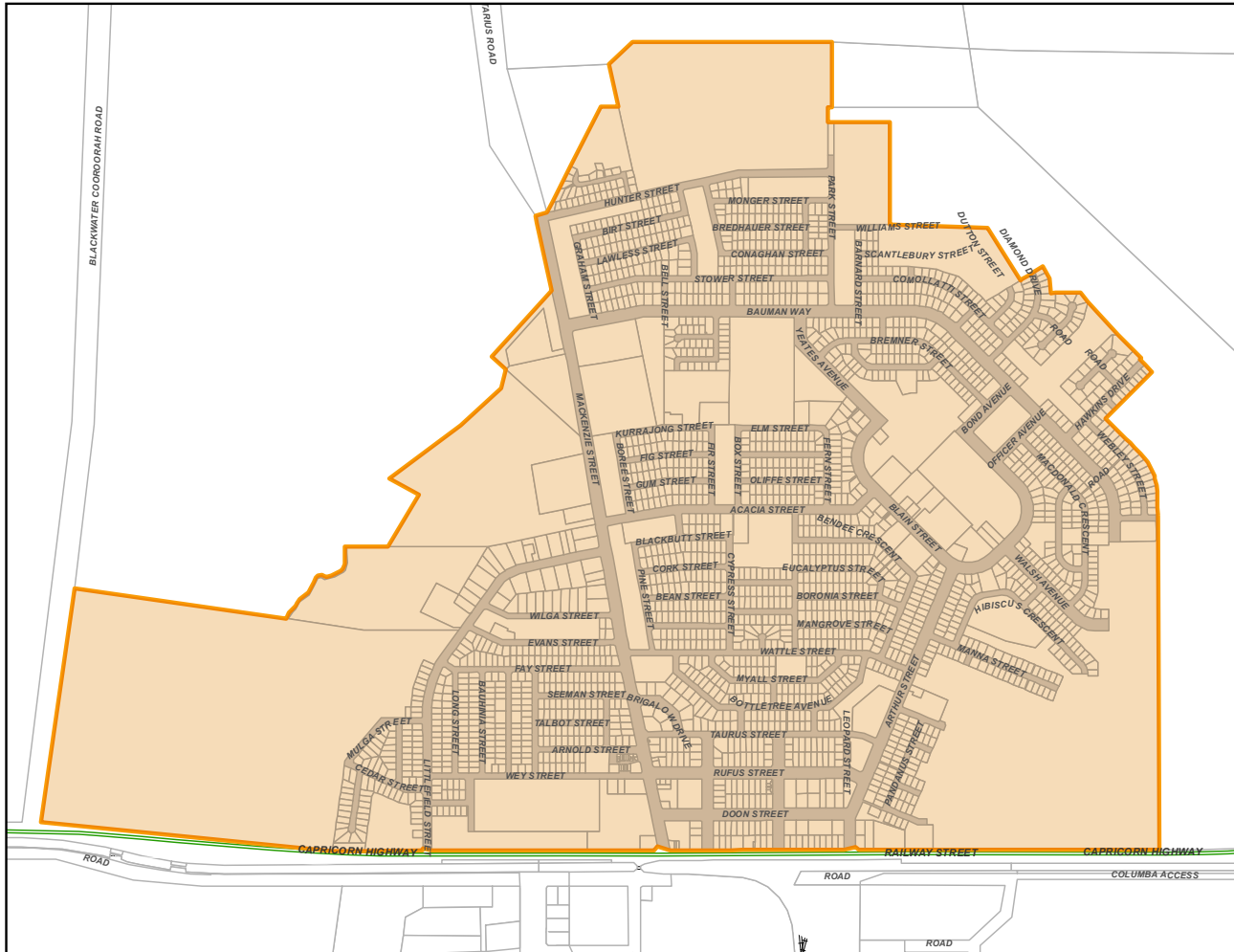
The Blackwater UDA was declared by regulation, pursuant to Part 2 Division 1 Section 7 of the *Urban Land Development Authority Act 2007*. This UDA fits within the ULDA's Resource Towns Housing Affordability program which aims to make housing more affordable and to deliver a range of housing options for the changing needs of the community.

Blackwater is located within the Bowen Basin coal belt, approximately 200 kilometres west of Rockhampton in Central Queensland. It is situated within the area governed by Central Highlands Regional Council (CHRC). The proposed UDA encompasses the full extent of the town to the northern side of the Capricorn Highway and therefore includes approximately 1,800 existing dwellings in addition to short term accommodation facilities, commercial and industrial facilities and associated social infrastructure.






Blackwater is exhibiting considerable housing stress with a median rental price of \$480 per week, for a three bedroom house being recorded in 2009. The only new construction in Blackwater is two small housing estates producing three or four bedroom homes on allotments typically larger than 600 sqm in area, and with prices starting at \$300,000. No diversity of new product is available and the construction rates are very modest.

The Blackwater ILUP will primarily maintain the status quo by carrying forward many of the provisions of the planning scheme. However, new residential development that demonstrates efficiency and sustainability whilst delivering a wider choice in housing style and creating more affordable product will be encouraged.

Figure 1: Blackwater UDA



Key

-  UDA Boundary
-  UDA Area
-  Capricorn Highway
-  Railway
-  Cadastre

Source: Digital Cadastre Database, Department of Environment and Resource Management December 2009

Map generated by Spatial Services branch of the Department of Infrastructure and Planning and Urban Land Development Authority.

While every care is taken to ensure the accuracy of this product the Department of Infrastructure and Planning and the Department of Environment and Resource management make no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may incur as a result of the product being inaccurate or incomplete in any way or for any reason.

Purpose of the ILUP

The purpose of this ILUP is to facilitate housing diversity while protecting the future development opportunities which will be determined during the preparation of the development scheme.

The ILUP remains in force until such time as the development scheme takes effect.

Relationship with the planning scheme

This ILUP adopts the provisions of the planning scheme with the following exceptions:

1. references in the planning scheme to:
 - a. Exempt development are taken to be references to UDA Exempt Development
 - b. Self-Assessable development are taken to be references to UDA Self-Assessable Development
 - c. Assessable development are taken to be references to UDA Assessable Development
 - d. development application are taken to be references to a UDA Development Application
 - e. code assessable development (or code assessable) are taken to be references to UDA Assessable development (Permissible)
 - f. impact assessable development (or impact assessable) are taken to be references to UDA Assessable Development (Permissible)
 - g. development approval are taken to be references to a UDA development approval
 - h. assessment manager are taken to be references to the ULDA
2. certain terms and definitions in the planning scheme are replaced as follows:
 - a. 'Dual occupancy' and 'House' are replaced with 'House' as defined in Schedule 2 of this ILUP
 - b. 'Multiple dwelling' is replaced with 'Multiple residential' as defined in Schedule 2 of this ILUP
 - c. 'Workers accommodation' is replaced with 'Accommodation village' as defined in Schedule 2 of this ILUP
3. certain administrative definitions are as defined in Schedule 2 of this ILUP
4. the levels of assessment for development (as set out in the assessment tables in the planning scheme) are modified as set out in Table 1
5. where this ILUP is inconsistent with the planning scheme, the ILUP prevails.

In assessing a UDA development application against the planning scheme, the ULDA may agree to a request by the applicant to have the application assessed against a superseded planning scheme¹.

A UDA development application cannot seek to vary the effect of any local planning instrument for the land pursuant to section 242 of the *Sustainable Planning Act 2009*.

Relationship with other legislation

In addition to assessment against the ILUP, development may require assessment against other legislation including for example the *Plumbing and Drainage Act 2002* and *Sustainable Planning Act 2009*.

¹ See Schedule 2 for definition

Development Assessment Procedures

Levels of assessment

Table 1 of this ILUP identifies whether development within the UDA is:

1. UDA Self-Assessable Development - Column 2
2. UDA Assessable Development (Permissible) - Column 3A (Permissible Development)
3. UDA Assessable Development (Prohibited) - Column 3B (Prohibited Development).

UDA Self-Assessable Development

A UDA development application is not necessary for UDA Self-Assessable Development complying with the development requirements specified in this ILUP.

UDA Assessable Development (Permissible)

Permissible development requires a UDA development application to be lodged with the Urban Land Development Authority (ULDA) for assessment and decision. Approval is required for permissible development to be undertaken.

Identification of development as permissible development does not mean that a UDA development approval (with or without conditions) will be granted.

UDA Exempt Development

Development included in Schedule 1 is UDA Exempt Development meaning that a UDA Development Approval is not necessary prior to carrying out the use or works.

UDA Assessable Development (Prohibited)

Development mentioned in Table 1 - Column 3B is UDA Assessable Development (Prohibited) and may not be carried out in the UDA.

Development consistent with the ILUP

A UDA development approval can not be granted if the development would be inconsistent with this ILUP.

ULDA Self-Assessable Development which complies with the applicable development requirements is consistent with this ILUP.

Permissible development is consistent with this ILUP where:

1. the development complies with the applicable development requirements or
2. the development does not comply with the applicable development requirements but there are sufficient grounds to justify the approval of the development despite the non-compliance with the applicable development requirements.

Otherwise, the permissible development is inconsistent with this ILUP and must be refused.

UDA Assessable Development (Prohibited) is UDA Assessable Development that is inconsistent with the ILUP.

Notice of application

Public notice is required for a UDA development application involving:

1. development that is impact assessable under the planning scheme, other than development for a House in the Town - Residential Precinct.
2. reconfiguring a lot resulting in lots less than 800m² or with a frontage less than 20m or
3. Accommodation village as defined in this ILUP.

Role of the development requirements in development assessment

The development requirements contained in the following section of this ILUP apply to all UDA Assessable and Self-Assessable development in the Blackwater UDA. To the extent a requirement is relevant, it must be taken into account in the preparation of a UDA development application and the assessment of the application.

For a development proposal, all development requirements must be achieved to the greatest extent practicable, having regard to the extent of the other requirements.

Purpose of the principles

The principles contained in the following section of this ILUP:

1. reflect the Government objectives for the UDA
2. seek to achieve for the UDA, the purposes of the Act and
3. form the basis for the development requirements about the carrying out of development within the UDA.

Principles and development requirements

UDA wide development requirements

The development requirements are the provisions of the planning scheme, except for the following:

- » Accommodation village as defined in this ILUP
- » Dual occupancy as defined in the planning scheme
- » Multiple residential as defined in the planning scheme
- » reconfiguring a lot resulting in lots less than 800m² or
- » any use within the Commercial use class (other than a Caravan park) as defined in the planning scheme in the Commercial Precinct of the Town Zone under the planning scheme.

For the above exceptions, the development requirements are the provisions of the planning scheme as well as the specific development requirements detailed below. To the extent of any inconsistency with the provisions of the planning scheme, the specific development requirements detailed below prevail.

Specific development requirements

For more detail regarding how to comply with the specific development requirements listed below refer to guidelines issued by the ULDA¹ and available from the ULDA website www.ulda.qld.gov.au.

Housing and community

Principle

Development delivers housing affordability, accessibility and choice and sustainable communities².

Requirements

Residential neighbourhoods:

- » provide housing choice and diversity to meet the needs of the community, including non-mining key workers, through a mix of densities, types, designs, tenures and levels of affordability, to cater for a range of lifestyles, incomes and lifecycle needs
- » deliver affordable housing which is designed and located so that it is well integrated into the community
- » deliver sustainable communities with a strong community identity and access to community facilities and services
- » deliver accessible housing to meet the changing needs of people and households over time

Planning and development processes provide opportunities for community engagement.

¹ Including ULDA guideline no. 01 Residential 30, ULDA guideline no. 03 Non-resident worker accommodation, Accessible Housing and Environment and sustainable development guidelines.

² Refer to the ULDA Affordable housing strategy and Accessible housing guidelines.

Neighbourhood, block and lot design

Principle

The UDA delivers development designed to:

- » maximise connectivity
- » be responsive to the local climate & environment
- » include walkable streets and neighbourhoods
- » provide personal safety and security
- » enhance character & amenity
- » use infrastructure efficiently.

Requirements

Neighbourhood planning and design:

- » gives the neighbourhood a strong and positive identity by responding to site characteristics, setting, landmarks and views, and through clearly legible street networks, open space networks and use of streetscape elements
- » delivers appropriate scale of development
- » incorporates principles for crime prevention through environmental design (CPTED)
- » identifies appropriate areas for multiple residential uses
- » ensures adequate visual and noise amenity
- » maximises opportunities for views and vistas
- » achieves a balanced mix of lot sizes to provide housing choice and streetscape variety
- » responds to natural features, including topography and natural drainage features
- » promotes healthy and active lifestyles by prioritising walking and cycling within the UDA and connecting to facilities and services outside the UDA
- » provides opportunities to benefit from solar access and prevailing breezes
- » integrate development with the surrounding area
- » provides public open space that caters for a variety of functions and experiences and that are safe for users
- » locates services and utilities to maximise efficiency and ease of maintenance.

Street design and parking

Principle

The UDA delivers:

- » **efficient and safe street networks for all users**
- » **adequate car parking.**

Requirements

Street network planning and design:

- » connects to existing networks while ensuring acceptable levels of amenity and minimising negative impacts of through traffic
- » provides a safe and pleasant environment through lighting, pavement treatment and materials, clear sight lines and landscaping
- » provides movement networks for vehicles, pedestrians and bicycles that have a clear structure, provide a high level of internal accessibility and good external connections with the surrounding area
- » provides for pedestrian and cycle connections within the site which connect to existing facilities and support movement to key local and district destinations such as shops, schools, parks and community facilities
- » minimises the impact of traffic noise on residential development.

Planning and design of vehicle access and parking:

- » ensures safety and convenience for residents, visitors and service providers
- » is adequate for the user
- » adequately provides for the number and nature of vehicles expected.

Building design

Principle

Buildings are designed and sited on the lot to:

- » **deliver diversity and affordability with smaller sized dwellings**
- » **make the most of the site**
- » **positively contribute to streetscape character**
- » **be comfortable for users and facilitate an outdoor lifestyle.**

Requirements

Buildings are designed and sited to:

- » meet needs for privacy, gardens, private open space and car parking on small and narrow lots
- » incorporate appropriate building setbacks that account for slope and protect the amenity and privacy of adjoining uses, including the appropriate use of built to boundary walls
- » complement or enhance the character of the local neighbourhood and contribute to the creation of attractive and safe residential environments
- » ensure on-site car parking spaces do not dominate the streetscape, do not interfere with the efficient functioning of the street, and enable on-street car parking
- » have clearly defined front entries and contribute towards the passive surveillance of the street
- » incorporate elements which provide diversity in building form and attractive frontages to all streets and parks
- » integrate fencing into the building, street and park design.

Environment and sustainable development

Principle

Development delivers:

- » **acoustic amenity**
- » **minimal emissions to land, water and atmosphere**
- » **protection from flood and bushfire risk**
- » **efficient use of land and resources**
- » **protection of environmental and resource values.**

Requirements

The design, siting and layout of development:

- » achieves acceptable noise levels within 100 metres of a Queensland Rail line
- » maintains the safety of people and property from bushfire risk where in or adjoining bushland
- » ensures that all land and groundwater will be fit for purpose
- » minimises adverse impacts to the environmental values of the receiving waters and wetlands
- » appropriately manages floodwater and stormwater
- » minimises air quality impacts arising from construction including dust, noise and traffic impacts
- » minimises adverse impacts on natural landforms and the visual amenity of the site
- » minimises adverse impacts on significant vegetation
- » retains vegetation where possible along streets and within parks
- » promotes the efficient use of resources, maximises recycling opportunities and reduces waste generation
- » adopts leading energy efficiency standards and distributed energy systems within the built environment and encourages the generation of renewable energy³

3 Class 1 and Class 2 buildings (as defined in the Building Code of Australia 2009) must comply with the Queensland Development Code MP4.1 Sustainable buildings, which outlines minimum requirements in terms of energy efficiency and energy efficient fixtures for water conservation.

Accommodation village

In addition to the specific requirements identified above, Accommodation villages will be assessed against the following principle and requirements⁴.

Principle

Accommodation villages

- » **have a high level of amenity**
- » **are appropriately integrated into the town**
- » **adequately provide for occupants and make a positive contribution to the town.**

Requirements

The planning and design of an accommodation villages:

- » provides a safe and functional living environment for occupants of the village
- » contributes positively to the streetscape
- » physically integrates with the immediate surroundings and the town more broadly
- » ensures that any non-residential uses and facilities other than ancillary are integrated and available for use by the local community and are of a scale, extent and location that respect the proximity of the village to facilities and services in the town.

⁴ Refer to ULDA guideline no.03 Non-resident worker accommodation

Level of assessment for development

Table 1

Column 1	Column 2	Column 3 UDA Assessable Development	
Area	UDA Self-Assessable Development	Column 3A	Column 3B
		Permissible Development	Prohibited Development
UDA	<p>Development, except development mentioned in Schedule 1, that is:</p> <ol style="list-style-type: none"> 1. included in the Self-Assessment assessment category in the relevant zone in the planning scheme 2. for a House on a lot less than 800m² if consistent with an approved Plan of Development 3. for a House on a lot 800m² or more if the development complies with the Acceptable Solutions in the House Code and the Development Standards Code 4. for Multiple residential if consistent with an approved Plan of Development 5. carrying out Operational work if consistent with an approved Plan of Development for: <ol style="list-style-type: none"> a. Filling or excavation b. Reconfiguring a lot. <p>Environmentally relevant activity for which a code of environmental compliance has been made under the <i>Environmental Protection Regulation 2008</i>.</p>	<p>Development, except for development mentioned in Schedule 1 or Column 2, that is:</p> <ol style="list-style-type: none"> 1. included in the Code Assessment or Impact Assessment assessment categories in the relevant zone in the planning scheme 2. for an Accommodation village 3. Environmentally relevant activity. 	<p>All other development including development (not defined) except development mentioned in Schedule 1, Column 2 or Column 3A.</p>

Infrastructure Contributions

Under Section 58 of the *Urban Land Development Authority Act 2007*, the ULDA may impose conditions relating to infrastructure, and the payment of contributions or the surrender of land for infrastructure for any development area.

Infrastructure contributions will be required and enforced through the conditions attached to any UDA development approval.

Infrastructure contributions will be based on the applicable planning scheme policies.

Infrastructure delivered as part of development may be credited against the applicable monetary contribution that would otherwise apply.

State infrastructure funding will be sought through normal budgetary processes and will be part of an approved State agency capital program.

Schedules

Schedule 1: Exempt Development

Development exempt from assessment against this ILUP.

Building work

1. Minor building and demolition work.

Reconfiguring a lot

1. Subdivision involving road widening and truncations required as a condition of development approval.
2. Amalgamating two or more lots.
3. Reconfiguration for a building format plan of subdivision that does not subdivide land on or below the surface of the land.
4. Reconfiguring a lot for the incorporation, under the *Body Corporate and Community Management Act 1997*, section 41, of a lot with common property for a community titles scheme.
5. Reconfiguring a lot for the conversion, under the *Body Corporate and Community Management Act 1997*, section 43, of leasee common property within the meaning of that Act to a lot in a community titles scheme.
6. Reconfiguring a lot in relation to the acquisition, including by agreement, under the *Acquisition of Land Act 1967* or otherwise, of land by
 - a. a constructing authority, as defined under that Act, for a purpose set out in Parts 1-13 (other than part 10, second dot point) of the schedule to that Act
 - b. an authorised electricity entity.
7. Reconfiguring a lot for land held by the State, or a statutory body representing the State, and the land is being subdivided for a purpose set out in the *Acquisition of Land Act 1967*, schedule, parts 1 to 13 (other than part 10, second dot point) whether or not the land relates to an acquisition.
8. Reconfiguring a lot for the *Transport Infrastructure Act 1994*, section 240.
9. Reconfiguring a lot in relation to the acquisition of land for a water infrastructure facility.

Operational work

1. Clearing vegetation other than Significant vegetation
2. Operational work, or plumbing or drainage work (including maintenance and repair work) if the work is carried out by or on behalf of a public sector entity authorised under a State law to carry out the work
3. Erecting no more than one (1) satellite dish on premises, where the satellite dish has no dimension greater than one metre
4. Filling and excavation where:
 - a. to a depth of one vertical metre or less from ground level or
 - b. top dressing to a depth of less than 100 vertical millimetres from ground level.

All aspects of development

1. Development directed to be carried out under a notice, order or direction made under a State law
2. Development for a park
3. Development for a Sales office and Display home
4. Development for a Home based business
5. Development undertaken by the State, or a statutory body representing the State, for the purposes of public housing.
6. Development prescribed as exempt development under the planning scheme

Schedule 2: Definitions

The planning scheme definitions apply except to the extent:

1. modified as described in the section 'Relationship with the planning scheme' and
2. for the definitions of the terms below.

Use Definitions

Accommodation village

Means the use of premises for accommodating non-resident workers connected with the mining industry and the provision of associated infrastructure, such as railways (including mining, construction or operational camps, workers accommodation and single person's quarters), if workers stay on an ongoing basis in accordance with a work roster.

The term may include ancillary facilities such as dining facilities, kiosk, amenities and recreation facilities commensurate with the needs of the intended community.

The term does not include the use of premises for accommodation for occasional or irregular visitors associated with these industries.

The term does not include:

- » Accommodation building
- » Caravan or relocatable home park
- » House
- » Hotel (where it includes accommodation)
- » Multiple residential.

Environmentally relevant activities

As defined in the *Environmental Protection Act 1994*.

House

Means the use of premises used for residential accommodation where on its own lot, used as one self contained dwelling.

Multiple residential

Means the use of premises used for residential accommodation where there are two or more dwellings on any one lot or on its own lot and may be subject to a community titles scheme. Multiple residential does not include a house as defined in this ILUP.

Sales office and display home

Means the use of premises, including a caravan or relocatable home structure, the promotion and/or sale of land and/or buildings within an estate, if such premises are located within the estate which is proposed to be promoted or sold.

Other development

Filling or excavation

Means the removal or importation of material to or from a lot that will change the ground level of the land.

Material change of use

As defined in the *Sustainable Planning Act 2009*.

Minor building work

Means

- » internal building or demolition work
- » external building work up to 25m² for roofs over existing decks or paved areas, sun hoods, carports and the like
- » building work up to 10% of approved GFA or lawfully existing GFA at the time of commencement of this ILUP
- » raising a house where the resultant height does not exceed 8.5m.

Operational work

As defined in the *Sustainable Planning Act 2009*.

Reconfiguring a lot

As defined in the *Sustainable Planning Act 2009*.

Administrative definitions

Building

As defined in the *Building Act 1975*.

Development scheme

As defined in the *Urban Land Development Authority Act 2007*.

Dwelling

Means any "building" or part thereof comprising a self-contained unit principally for residential accommodation and includes any reasonably associated building.

Ground level

The level on a site which precedes development excluding any site works that are subject to a related development approval, unless approved by the ULDA or established as part of a reconfiguration of the land preceding development.

Grounds

Grounds means matters of public interest which include the matters specified as the main purposes of the Act as well as:

- » superior design outcomes and
- » overwhelming community need.

Grounds does not include the personal circumstances of an applicant, owner or interested third party.

Plan of Development

Means a detailed plan as described in a ULDA guideline⁵.

Planning Scheme

The Daringa Shire Planning Scheme 2007 as at the date of this ILUP.

Premises

As defined in the *Sustainable Planning Act 2009*.

Private Open Space

An outdoor area for the exclusive use of occupants.

Public housing

As defined in the *Sustainable Planning Act 2009*.

Public interest

Refers to an outcome that benefits the wider community rather than local, site specific or land ownership desires.

Relevant Zone

Refers to the zone in which the land is located under the planning scheme.

⁵ Including the ULDA guideline no. 01 Residential 30 and ULDA guideline no.03 Non resident worker accommodation guideline.

Setback

The shortest distance measured horizontally from the outermost projection of the building or structure to the vertical projection of the boundary of the lot.

Significant vegetation

Means all vegetation, except those listed as pest vegetation by State of local government, that is significant in its:

- » ecological value at local, State or national levels
- » contribution to the preservation of natural landforms
- » contribution to the character of the landscape
- » cultural or historical value
- » amenity value to the general public.

Note: vegetation may be living or dead and the term includes their root zone⁶.

Site cover

The proportion of the site covered by buildings, including roof overhangs.

Storey

Means a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. This does not mean:

1. a space that contains only:
 - a. a lift shaft, stairway or meter room
 - b. a bathroom, shower room, laundry, toilet or other sanitary compartment
 - c. accommodation intended for not more than 3 vehicles
 - d. a combination of the above, or
2. a mezzanine.

Superseded Planning Scheme

As defined in the *Sustainable Planning Act 2009*.

Urban Design

Refers to the holistic design of urban environments, including the overall townscape, individual buildings, street networks, streetscapes, parks and other public spaces.

⁶ The root zone is described by the vertical projection of the foliage to a depth of 1 metre below the surface and including buttress roots on and above the soil surface.