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ORDER IN COUNCIL

At the Executive Building, Brisbane, the eleventh day of May, 1989

Present:

The Deputy Governor, for and on behalf of His Excellency the Governor in Council

WHEREAS by the *Local Government Act 1936-1988*, it is, amongst other things, provided that the Governor in Council may reject an application or may approve wholly or in part an application made to the Minister by a Local Authority for amendment of a town planning scheme: And whereas the Council of the Shire of Pioneer has made application to the Minister for amendment in the manner hereinafter set forth of the town planning scheme for the Shire of Pioneer (hereinafter referred to as "the Scheme") finally approved by Order in Council made on the 24th November, 1983, and published in the *Gazette* on the 26th November, 1983: Now, therefore, The Deputy Governor, for and on behalf of His Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the said Act, hereby approves in part the aforesaid application and hereby amends the Scheme by including the following provisions relating to the Development Control Plan - 2, Rural Residential Subdivision in the Walkerston to Eton Area as part of the Scheme:-

"DEVELOPMENT CONTROL PLAN NO. 2

RURAL RESIDENTIAL SUBDIVISION IN THE WALKERSTON TO ETON AREA

This development control plan applies to the area shown on the Development Control Plan Map marked D.C.P.-2 and to any other areas included by way of amendment, and forms part of the town planning scheme for the Shire of Pioneer.

The development control plan includes the development control plan map, and is divided into the following parts namely:

PART A

1. INTRODUCTION
2. STATEMENT OF INTENT
3. SPECIFIC OBJECTIVES AND IMPLEMENTATION CRITERIA

PART B

Supporting information contained in that document marked "Shire of Pioneer Development Control Plan No. 2 Part B - Supporting Information" copies whereof signed for identification by the Clerk of the Executive Council are held at the office of the Director of Local Government and at the office of the Council of the Shire of Pioneer.

PART A

1. INTRODUCTION

(1) Need for the Plan

The Council is experiencing a strong demand for the subdivision of rural land in the Shire and particularly in the Walkerston to Eton area. This places strain on existing rural holdings, owing to increased land values and the continuing pressure on farmers to subdivide less productive land for short term capital gain, or to get out of the industry altogether.

The Council is also concerned that further subdivision will lead to a gradual weakening of the Shire's rural economy and threaten the viability of existing sugar milling operations, owing to the fragmentation of existing holdings into uneconomic units and the removal of valuable agricultural land from production.

(2) Planned Area

This development control plan relates to the area of the Shire located between Walkerston and Eton as shown on the Map marked D.C.P.-2 and to any other areas included by way of amendment. This area is hereinafter referred to as the "Planned Area".

(3) Relationship to the Town Planning Scheme

This development control plan forms part of the town planning scheme for the whole of the area of the Shire of Pioneer, and shall be read in conjunction with that Scheme.

Nothing, however, in this development control plan shall be construed as conferring any rights to use land or to subdivide land, which rights remain vested in the provisions of the town planning scheme Schedule, and the Subdivision of Land By-laws.

2. STATEMENT OF INTENT

- (1) The intent of this development control plan is to indicate those areas within the Planned Area which the Council prefers to be developed for the purpose of rural residential subdivision, and to indicate the means by which the proper and orderly development of these areas may take place.

3. SPECIFIC OBJECTIVES AND IMPLEMENTATION CRITERIA

(1) Objective

To permit subdivision of rural land for rural residential purposes only where it can be shown that the land is not existing or potentially suitable canegrowing land, or that the subdivision will not result in the alienation or fragmentation of valuable agricultural lands.

Implementation

The areas shown as being preferred rural residential areas on the Development Control Plan Map have been selected so as to comply with the abovementioned objective. The preferred rural residential areas exclude all existing assigned canalands and all lands classified as either Class 1, Class 2 or Class 3 by the Department of Primary Industries. Rezoning applications for rural residential purposes in respect of land in areas outside the preferred rural residential areas shown on the Development Control Plan Number 2 Map are unlikely to be favourably considered.

(2) Objective

To ensure that the subdivision of land for rural residential purposes does not alienate or prejudicially affect other natural resources.

Implementation

Rural residential development in the vicinity of existing quarries or potentially valuable gravel deposits may threaten the continued or future operation of these, owing to amenity considerations or nuisance action by residents.

Development of Rural Residential subdivisions with access to roads which are used or may be used in the future for the haulage of quarry products, should be designed to provide for the safety of residents and to reduce disruption to the quarry traffic. In this regard, features such as turning in, acceleration and deceleration lanes provided at intersections to roads carrying quarry traffic, siting of intersections with clear vision to quarry traffic, avoiding the establishment of cross intersections and ensuring that the rural residential subdivisions do not access directly onto roads used by quarry traffic through the use of access restriction strips and buffer zones.

Existing or potential quarries within the Planned Area are indicated in constraints map (Figure 2) in Part B. Areas indicated as preferred rural residential on the development control plan map have been chosen so as to allow a minimum buffer of 600 metres between these quarry sites and future rural residential development. Rezoning applications for Rural Residential purposes in respect of land which is not included in the preferred rural residential area shown on the Development Control Plan Map are unlikely to be favourably considered.

Additionally, rural residential development may also have an impact on the groundwater and surface water supplies provided by the Queensland Water Resources Commission within the Eton Irrigation Area. Septic systems may lead to pollution of groundwater supplies, while extensive land clearing may damage irrigation channels owing to soil erosion and siltation. Any proposed rural residential rezoning which may have an impact on ground water or surface water supplies within the Eton Irrigation Area will be referred to the Queensland Water Resources Commission for their comments.

The Eton Irrigation Area map (Figure 5) in Part B also indicates the boundaries of the Eton Irrigation Area, and the extent of the channel water and groundwater areas.

The subdivision of land in preferred rural residential areas within the Eton Irrigation Area as shown on the Development Control Plan Map will be subject to the approval and requirements of the Queensland Water Resources Commission under the provisions of the *Irrigation Act 1922-1983*.

(3) Objective

To minimise problems commonly associated with rural residential subdivision owing to oversupply of allotments and absentee ownership.

Implementation

To combat the problems of oversupply and absentee ownership identified in Section 3.0 of Part B of this development control plan a rezoning to Rural Residential shall only be permitted where the proposed rural residential lots emanating therefrom are shown to be appropriate to the needs and demands of the Shire's population.

The applicant will need to demonstrate that the proposed rural residential lots are required to meet projected rural residential building requirements to the year 1997. This will be reflected in trends in the number of building permits issued and houses actually constructed.

Furthermore, no additional subdivision will be permitted if, within the area indicated as preferred rural residential on the Development Control Plan Map less than twenty percent (20%) of all existing subdivided rural residential allotments have been developed with dwelling houses.

(4) Objective

To provide for rural residential subdivision in suitably attractive locations and so as to minimise destruction of natural and rural landscapes and to maintain the integrity of ridgelines.

Implementation

The Development Control Plan Map precludes rural residential subdivision development on elevated lands and hillsides above R.L. 60 metres AHD within the areas of steep slopes of greater than 20%, which are shown on the constraints map (Figure 3) in Part B. In addition to assisting in the preservation of the integrity of ridgelines throughout the Development Control Plan Number 2 Area, this level also represents the maximum level to which development may occur and still be serviced with reticulated water supply of adequate pressure from a proposed additional ground level storage reservoir in Portion 134, Parish of Greenmount, situated south of Walkerston, as required in implementation 9(a) (v) without the need for booster pumping.

Rural residential subdivision will, however, be encouraged in areas which make most use of attractive rural vistas. Due allowance has been made for the foregoing in selecting preferred areas for rural residential subdivision on the Development Control Plan Map.

(5) Objective

To ensure that rural residential development does not prejudice the proper and orderly growth of the urban areas.

Implementation

Once land is subdivided into rural residential allotments, it is virtually impossible to re-assemble.

The resulting fragmentation of land ownership represents an almost insurmountable obstacle to the proper layout of future urban areas and drastically reduces the potential for innovative neighbourhood design.

For this reason, no rezoning to Rural Residential will be permitted within the urban neighbourhood for Walkerston shown in Part B of the Council's Strategic Plan. The latter urban neighbourhood has been defined in respect of the target year 2000.

It is also intended to make allowance for urban growth requirements beyond the year 2000. Accordingly, it is a requirement of this Plan that any applications for subdivision of land for rural residential purposes within a three (3.0) kilometre radius of the centre of Walkerston, demonstrate to Council's satisfaction:

- (a) that the proposed subdivision layout is capable of permitting the re-subdivision of the land to conventional urban housing lots in a rational and orderly manner;
- (b) that the road network required to serve any future re-subdivision to conventional urban housing lots will not be prejudiced by the proposed rural residential subdivision layout.

To enable this, Council may require the applicant to supply a concept plan indicating the means by which a conventional urban subdivision can be provided within the subject land in accordance with Council's By-Laws. The proposal plan for rural residential subdivision shall have a direct correlation with the roads and allotment boundaries shown on the urban subdivision plan.

(6) Objective

To minimise the impact of rural residential development on the through road capacity of the Peak Downs Highway.

Implementation

The Main Roads Department does not favour proposed subdivisions along the Peak Downs Highway which provide direct access from proposed lots to that Highway.

Accordingly, proposed subdivision layouts fronting the Peak Downs Highway will be required to provide for an internal subdivisional road in accordance with Council's Policy - Design Standards for Subdivisional Roadworks (Urban and Rural). Access restriction strips along the full extent of the remainder of the Peak Downs Highway frontage will be required at the time of subdivision.

All rezoning and subdivision applications in respect of land fronting the Peak Downs Highway will be referred to the Main Roads Department for its approval and detailed requirements.

(7) Objective

To discourage rural residential subdivision in the form of ribbon development along the Peak Downs Highway and other major rural roads including roads which are used or may be used by traffic from quarries or potential quarries.

Implementation

As a means of overcoming the problems of ribbon rural residential development identified in Section 2-0 of Part B of this plan, it is intended that service roads or internal subdivisional roads be provided whenever possible, and that access restriction strips be vested in Council along the frontage of the proposed subdivision at all other points.

The internal subdivisional roads or service roads and accesses thereto shall be provided to a standard in accordance with the Council's Subdivisional Roadworks Policy and the Subdivision of Land By-laws (Chapter 35).

(8) Objective

To ensure that the development of rural residential subdivisions does not prejudice the orderly development of the Planned Area.

Implementation

Where subdivision of only part of an existing parcel is proposed within any part of the Planned Area, the applicant shall submit to Council a design for the complete subdivision of the parcel in accordance with By-Law 6(3) of Chapter 35. The design for the complete subdivision will be assessed with regard to its conformity with the abovementioned objective of Council, and the design may be approved or substituted by Council in accordance with the aforementioned By-Law.

(9) Objective

To provide for a high environmental quality within rural residential subdivision developments within the Planned Area.

Implementation

Rezoning applications and proposal plans for rural residential subdivision lodged with the Council for approval will be required to include or make provision for the following (in accordance with or in addition to the requirements of the town planning scheme, town planning By-Laws and subdivision By-Laws)

(a) In the case of an application to rezone:

- (i) proof of the adequacy of the subject land to dispose of domestic liquid wastes by means of absorption trenches;
- (ii) written evidence as to arrangements made with the Mackay Electricity Board for the supply of electricity to all new allotments, in accordance with Section 34 (12GG)(a) of the *Local Government Act 1936-1988*;
- (iii) access to the subject land via a bitumen sealed and drained road to a standard satisfactory to Council;
- (iv) provision of a minimum area within each lot equal to fifty percent (50%) of the area of the lot, above the estimated 1 in 50 year return period flood level in adjacent creeks or streams, or the highest known flood level, whichever is greater. Such an area must be capable of being provided with a flood-free access within the lot;

(v) the provision to be made for an assured potable water supply to each allotment by means of a bore, dam, or reticulated supply, such that a minimum potable supply of 200 litres per capita per day is available, and in addition, the provision to be made for water supply for other domestic, gardening or farming purposes. Subdivisions which are within the reasonable proximity of the Town of Walkerston water supply system and are able to be serviced by that system will be required to be provided with reticulated water supply;

(vi) provision of a minimum area within each lot of not less than fifty percent (50%) of the area of the lot, comprising land slopes less than fifteen percent (15%);

(vii) in order to avoid conflict between rural-residential development and agricultural uses and enhance environmental quality, Council may, in assessing applications for development within the Plan area, consider the desirability of buffer areas between agricultural uses and rural-residential development.

(b) In the case of a proposal plan for Rural Residential subdivision:

(i) sufficient contours or, in extreme cases, form-lines to enable an assessment of the need for reservoir sites in the future, and of flood problems, drainage problems, road gradients and crossfalls, slope stability problems etc;

(ii) when required by Council, provision to be made for 0.1 metre access restriction strips vested in the Pioneer Shire Council on all major road boundaries, and indicate the points of access required to the proposed lots;

(iii) indicate the most suitable site within each allotment for construction of a dwelling and associated buildings, the extent of clearing of existing trees required to provide an adequate living area (including septic disposal area), and the location of a flood-free access from a dedicated road to the proposed dwelling site. The subdivision may be refused by Council, in accordance with By-law 9(e) of Chapter 35, if the foregoing details indicate that excessive clearing of trees, or unsightly views from the adjacent road are likely to result.

Proposals for which details are supplied by the applicant in accordance with the foregoing and indicate that existing trees will be retained between the dedicated road and the proposed house sites within allotments, will be encouraged."

And the Honourable the Minister for Local Government and Racing is to give the necessary directions herein accordingly.

E. J. BIGBY, Clerk of the Council

BRISBANE

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