

NORBANK ESTATE SPECIAL USE AREA CODE

1 Purpose of the Code

The purpose of this code is to provide for the planning and management of development in the Norbank Estate Special Use Area to ensure:

- the impacts of the existing industry, or existing industry that is expanding in this Area, is properly managed so that these industries do not increase their impacts on non industrial uses;
- that new industries that commence in the Area do not add to the impacts of existing industries on non industrial uses in the Area or other Areas;
- that industrial uses are able to continue to operate in the Area in an economically viable way but with ongoing improvements to reflect best practice; and
- that a mechanism exists to recognise the conflicting land uses in the Area, and with other Areas, in order that the conflicting land uses are able to co exist without unrealistic expectations;
- that any development of a house incorporate measures and design considerations that will ensure that it does not compromise the economic viability of the existing non residential uses within the Area and provides inhabitants with a residential amenity as high as can be reasonably expected in the Area.

2 Application of the Code

The Norbank Estate Special Use Area is divided into four (4) separate and distinct precincts and this code contains separate Parts for the assessment of development proposals in each precinct. The four (4) precincts are:

- Special Industry Precinct;
- Norbank Estate Vestey Street / Lower Dorly Street / Totteridge Street Precinct;
- River Related Industry Precinct;
- Rural Residential Precinct.

As a result; any development proposal within the River Precinct will be assessed against Part C of this Code in addition to the broader purpose of this Code. Development in the Special Industry Precinct will be assessed against Part A, and so on.

For code assessable development, the code for assessment consists of the secondary code(s) listed below:

- Bushfire Risk Minimisation Code; and
- Flood Prone Land Code; and
- Landscape Code.

3 Definitions

Average Depth: Means measuring the length of the two (2) property boundaries that travel perpendicular to the road frontage and then calculating the average depth.



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4 Explanation

This code sets out the Performance Criteria that must be met for all development establishing or expanding in the Norbank Estate Special Use Area. It sets out specific standards and requirements for development over and above those stated in other codes that apply to development.

5 Performance Criteria and Acceptable Solutions

PART A – DEVELOPMENT IN THE SPECIAL INDUSTRY PRECINCT	
Performance Criteria	Acceptable Solutions
P1 New residential development does not jeopardise or compromise the ongoing viable operation of existing industry	<p>A1.1 There are no additional allotments created for non industrial purposes within the Precinct.</p> <p>AND</p> <p>A1.2 There are no new residential buildings (other than a Caretakers Residence associated with an Industrial Use on the same site) constructed within the Precinct.</p>
P2 Any expansion of existing industry or the commencement of a new industry does not increase the impacts of industry on nearby residential uses or constitute an environmental nuisance.	<p>A2.1 <i>In partial satisfaction of P2</i> For any industry involving livestock, the areas where the livestock are kept, worked or unloaded are located at least 300 metres (as the crow flies) from any existing residential building;</p> <p>A2.2 AND All industry obtains vehicular access directly from Rockhampton – Emu Park Road.</p>
P3 Buffers are provided around the existing meatworks to screen it from conflicting land uses and to protect areas of significant vegetation.	A3 The buffers shown on the Norbank Estate Special Use Area Code Map 1 – Local Area Plan are developed only as a Park.
P4 Landscape buffering is integrated with all new development and in the appropriate locations at a standard sufficient to mitigate the impacts of Industrial Land Uses on other incompatible land uses.	<p>A4.1 Landscape buffering is provided in the Buffers as shown on the Norbank Estate Special Use Area Code Map 1 – Local Area Plan.</p> <p>AND</p> <p>A4.2 Landscaping of a minimum width of 10 metres for the entire length of the buffer is carried out in accordance with the Landscape Code and Planning Scheme Policy No. 6 – Planting Species (Buffer Type C) and includes (i) earth mounding; and (ii) planting.</p>
P5 The ecological and scenic values of land at the base of the Berseker Range are protected from	<p>A5.1 Development does not encroach into the Berseker Range Environmental Protection Area for any reason.</p> <p>A5.2 AND</p>



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PART A – DEVELOPMENT IN THE SPECIAL INDUSTRY PRECINCT

Performance Criteria	Acceptable Solutions
development.	Vegetation in areas higher than 30 metres AHD are retained.



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**PART B – DEVELOPMENT IN THE NORBANK ESTATE VESTHEY STREET / LOWER DORLY STREET /
TOTTERIDGE STREET PRECINCT**

Performance Criteria	Acceptable Solutions						
<p>P6 New residential development does not jeopardise or compromise the ongoing viable operation of existing industry.</p>	<p>A6.1 There are no additional allotments created within the precinct.</p> <p>AND</p> <p>A6.2 There is only one (1) dwelling unit on each allotment and no accommodation units on any allotment.</p> <p>AND</p> <p>A6.3 New houses have garages, sheds and non habitable rooms orientated closest towards the industrial use with the highest potential for impacts at the house site.</p> <p>A6.4</p> <p>AND</p> <p>The owner(s) of land where it is proposed to construct a house;</p> <p>(i) acknowledge and accept in writing to the Assessment Manager that the land is subject to potentially intrusive noise levels or odour impacts associated with lawful non-residential uses in the locality; and</p> <p>(ii) acknowledge and accept in writing to the Assessment Manager that should the inhabitants of the house complain or be affected by the impacts of lawful non-residential uses, the owner of the house will undertake all necessary measures or actions, at the owners cost, to reduce the impacts to a level to the satisfaction of the inhabitants;</p> <p>A6.5</p> <p>AND</p> <p>Any house, and any extensions to an existing house, is developed and maintained in such a way as to achieve the following average maximum noise levels ($L_{Amax\ adjt}$):</p> <p>A6.6</p> <table border="0"> <tr> <td>(i) internal noise level in the bedrooms -</td> <td>35 dB.</td> </tr> <tr> <td>(ii) internal noise level in living areas -</td> <td>40 dB.</td> </tr> <tr> <td>(iii) noise level in external living areas -</td> <td>53 dB.</td> </tr> </table> <p>AND</p> <p>A covenant is placed on the title of any site developed for the purpose of a house recognising the proximity of non industrial uses and their associated impacts on the house.</p> <p><i>Note: The above Acceptable Solutions are</i></p>	(i) internal noise level in the bedrooms -	35 dB.	(ii) internal noise level in living areas -	40 dB.	(iii) noise level in external living areas -	53 dB.
(i) internal noise level in the bedrooms -	35 dB.						
(ii) internal noise level in living areas -	40 dB.						
(iii) noise level in external living areas -	53 dB.						



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**PART B – DEVELOPMENT IN THE NORBANK ESTATE VESTEY STREET / LOWER DORLY STREET /
TOTTERIDGE STREET PRECINCT**

Performance Criteria	Acceptable Solutions
	<i>based on the outcome of Appeal Number 4 of 2000 in the Planning and Environment Court, Rockhampton (Council file ref. D453/2000).</i>
P7 Non-residential development does not jeopardise or compromise the ongoing amenity and character of houses in the precinct.	A7 No Acceptable Solution specified.
P8 Development for the purposes of a house occurs in a manner consistent with the character and natural environment of the precinct.	A8 The minimum boundary setback for any House from a road reserve is 10 metres measured perpendicular to the boundary alignment.
<p>P9 Development;</p> <p>(a) optimises the use of existing infrastructure rather than creating a demand for additional infrastructure where it would otherwise be unnecessary, and</p> <p>(b) does not compromise the operational efficiency or function of existing infrastructure.</p> <p><i>Note: Vehicular access onto the Rockhampton - Emu Park Road is carried out only in accordance with the requirements of the responsible authority for that state controlled road.</i></p>	<p>A9.1.1 Vehicular access to any new land use is obtained via a constructed road reserve.</p> <p>OR</p> <p>A9.1.2 Where there is no constructed road reserve fronting the site, access is obtained via the road reserve that has the closest proximity (in terms of travel distance) to a constructed road reserve.</p> <p>A9.2 AND</p> <p>For allotments that have a frontage to land used for the Rockhampton Yeppoon Railway line;</p> <p>(i) Houses are setback a minimum distance of 15 metres from the common property boundary with the railway corridor measured perpendicular to the boundary, and</p> <p>(ii) An earth mound is constructed within the allotment along the common boundary (with measures in place so as not to impede natural stormwater drainage of the land) to a height that is a minimum of one (1) metre and maximum of two (2) metres above the height of the railway track and is landscaped as Buffer Type C in accordance with Planning Scheme Policy No. 6 – Planting Species to assist in the reduction of noise and visual impacts.</p>
P10 Development in the form of Reconfiguring	A10.1 Any newly created additional allotment has a minimum area of 4000m ² and a minimum road



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**PART B – DEVELOPMENT IN THE NORBANK ESTATE VESTEY STREET / LOWER DORLY STREET /
TOTTERIDGE STREET PRECINCT**

Performance Criteria	Acceptable Solutions
a Lot is consistent with the intended character for the precinct.	frontage of 40 metres. ¹ AND A10.2.1 Boundary realignments of existing allotments not creating any additional allotments, do not result in allotments less than the minimum specified area for the precinct in A10.1 above. OR A10.2.2 Boundary realignments of existing allotments not creating any additional allotments, with one or more of these allotments already less than the minimum specified area for the precinct in A10.1 above, does not result in any allotment having an area of more than 5% less of what was the smallest area of any or the original allotments.
P11 Development has access to water sufficient to meet domestic living needs as well as in the event of an emergency such as fire.	A11 Development is connected to the City's reticulated water supply network.
P12 Development has access to means that properly allows for the disposal of sewage that will be produced by the members of a development that may even include a household.	A12 Development can dispose of sewage on site in accordance with the <i>Department of Natural Resources and Mines On-Site Sewerage Code 2002</i> (as amended) without impacting on the water quality; (i) of ground water; or (ii) within the Fitzroy River, including gullies and creeks that feed into the Fitzroy River; or (iii) of any dam or other water body on the site or another site.



¹ Notwithstanding, it is acknowledged that it is the Area's general Intent that there will be no additional allotments created.



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PART C – DEVELOPMENT IN THE RIVER RELATED INDUSTRY PRECINCT

Performance Criteria	Acceptable Solutions
<p>P13 Land use or building works occurs in a manner consistent with the character and natural environment of the precinct and not within the erosion prone area of the Fitzroy River unless unavoidable.</p>	<p>A13.1 The minimum boundary setback for any development to the Rockhampton - Emu Park Road (otherwise known as Lakes Creek Road) is 6 metres measured perpendicular to the boundary alignment.</p> <p>A13.2 AND The minimum boundary setback for any part of the development that does not require direct frontage to the Fitzroy River, eg wharf, jetty, dry dock, boat house, etc from the common property boundary with the Fitzroy River is 40 metres, measured perpendicular to the boundary alignment, or if there is a bedrock outcrop visible on the surface of the land within that 40 metre setback, a distance coincident with the riverward location of that bedrock.²</p> <p>A13.3 AND A three (3) metre wide landscaped screen provided in accordance with Buffer Type A specified in Planning Scheme Policy No. 6 – Planting Species is provided along the frontage of the site to the Rockhampton - Emu Park Road (otherwise known as Lakes Creek Road) with the only permitted breaks in the screen is that required for vehicular access into and out of the site.</p>
<p>P14 Development; (a) optimises the use of existing infrastructure rather than creating a demand for additional infrastructure where it would otherwise be unnecessary, and (b) does not compromise the operational efficiency or function of existing infrastructure.</p>	<p>A14.1 Vehicular access to the development is obtained via a constructed road reserve.</p> <p>A14.2 OR Where there is no constructed road reserve fronting the site, access is obtained via the road reserve that has the closest proximity (in terms of travel distance) to a constructed road reserve.</p>

² The setback is intended to coincide with the boundaries of the Erosion Prone Area created originally under the *Beach Protection Act 1968* and carried over into the *Coastal Protection and Management Act 1995*. Due to an absence of data identifying the location of the Mean High Water mark at Spring Tide (MHWST), the common property boundary has been used instead.



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PART C – DEVELOPMENT IN THE RIVER RELATED INDUSTRY PRECINCT

Performance Criteria	Acceptable Solutions
<p><i>Note: Vehicular access onto the Rockhampton - Emu Park Road is carried out only in accordance with the requirements of the responsible authority for that state controlled road.</i></p>	
<p>P15 Development in the form of Reconfiguring a Lot is consistent with the intended rural residential character for the precinct.</p>	<p>A15.1 Any newly created additional allotment has a minimum area of 4000m² and a minimum road frontage of 40 metres.</p> <p>AND</p> <p>A15.2.1 Boundary realignments of existing allotments not creating any additional allotments, do not result in allotments less than the minimum specified area for the precinct in A15.1 above.</p> <p>OR</p> <p>A15.2.2 Boundary realignments of existing allotments not creating any additional allotments, with one or more of these allotments already less than the minimum specified area for the precinct in A15.1 above, does not result in any allotment having an area of more than 5% less of what was the smallest area of any or the original allotments.</p>
<p>P16 River or maritime related land use have access to water sufficient to meet their working needs as well as in the event of an emergency such as fire.</p>	<p>A16 No Acceptable Solution specified.</p>
<p>P17 River or maritime related land uses have access to means that properly allows for the disposal of sewage or waste that will be produced by the development.</p>	<p>A17 River or maritime related land uses can dispose of sewage on site in accordance with the <i>Department of Natural Resources and Mines On-Site Sewerage Code 2002</i> (as amended) without impacting on the water quality;</p> <ul style="list-style-type: none"> (i) of ground water; or (ii) within the Fitzroy River, including gullies and creeks that feed into the Fitzroy River; or (iii) of any dam or other water body on the site or another site.
<p>P18 Development of the site for the purposes of a river or maritime</p>	<p>A18 Development on Flood Prone Land is carried out in accordance with the Performance Criteria contained within the Flood Prone Land</p>



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PART C – DEVELOPMENT IN THE RIVER RELATED INDUSTRY PRECINCT

Performance Criteria	Acceptable Solutions
related land use does not increase the risk of human injury, life loss or severe property damage from flooding.	Code.

CHAPTER 5
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PART D – DEVELOPMENT IN THE RURAL RESIDENTIAL PRECINCT

Performance Criteria	Acceptable Solutions
<p>P19 Land use or building works occurs in a manner consistent with the character and natural environment of the precinct and not within the erosion prone area of the Fitzroy River unless unavoidable.</p>	<p>A19.1.1 The minimum boundary setback from a road reserve is 15 metres measured perpendicular to the boundary alignment.</p> <p style="text-align: center;">OR</p> <p>A19.1.2 The minimum boundary setback on an allotment with an average depth of less than 60 metres and fronting onto Rockhampton - Emu Park Road is 6 metres from the Rockhampton - Emu Park Road measured perpendicular to the boundary alignment.</p> <p style="text-align: center;">AND</p> <p>A19.2.1 The minimum boundary setback for any part of the development that does not require direct frontage to the Fitzroy River, eg jetty, boat house, etc from the common property boundary with the Fitzroy River is 40 metres, measured perpendicular to the boundary alignment, or if there is a bedrock outcrop visible on the surface of the land within that 40 metre setback, a distance coincident with the riverward location of that bedrock.²</p> <p style="text-align: center;">OR</p> <p>A19.2.2 The minimum boundary setback on an allotment with an average depth of less than 50 metres from a common property boundary with the Fitzroy River is 30 metres, measured perpendicular to the boundary alignment.</p>
<p>P20 Development;</p> <p>(a) optimises the use of existing infrastructure rather than creating a demand for additional infrastructure where it would otherwise be unnecessary, and</p> <p>(b) does not compromise the operational efficiency or function of existing infrastructure.</p> <p><i>Note: Vehicular access onto the Rockhampton -</i></p>	<p>A20.1.1 Vehicular access to the House is obtained via a constructed road reserve.</p> <p style="text-align: center;">OR</p> <p>A20.1.2 Where there is no constructed road reserve fronting the site, access is obtained via the road reserve that has the closest proximity (in terms of travel distance) to a constructed road reserve.</p> <p style="text-align: center;">AND</p> <p>A20.2 For allotments that have a frontage to land used for the Rockhampton Yeppoon Railway line;</p> <p>(i) Houses are setback a minimum distance of 15 metres from the common property boundary measured perpendicular to the boundary, and</p> <p>(ii) An earth mound is constructed within the allotment along the common boundary (with measures in place so as not to impede natural stormwater drainage of the land) to</p>



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PART D – DEVELOPMENT IN THE RURAL RESIDENTIAL PRECINCT

Performance Criteria	Acceptable Solutions
<i>Emu Park Road is carried out only in accordance with the requirements of the responsible authority for that state controlled road.</i>	a height that is a minimum of one (1) metre and maximum of two (2) metres above the height of the railway track and is landscaped as Buffer Type C in accordance with Planning Scheme Policy No. 6 – Planting Species to assist in the reduction of noise and visual impacts.
P21 Development in the form of Reconfiguring a Lot is consistent with the intended rural residential character for the precinct.	<p>A21.1 Any newly created additional allotment has a minimum area of 4000m² and a minimum road frontage of 40 metres.</p> <p>AND</p> <p>A21.2.1 Boundary realignments of existing allotments not creating any additional allotments, do not result in allotments less than the minimum specified area for the precinct in A21.1 above.</p> <p>OR</p> <p>A21.2.2 Boundary realignments of existing allotments not creating any additional allotments, with one or more of these allotments already less than the minimum specified area for the precinct in A21.1 above, does not result in any allotment having an area of more than 5% less of what was the smallest area of any or the original allotments.</p>
P22 Houses have access to water sufficient to meet their domestic living needs as well as in the event of an emergency such as fire.	A22 Houses are connected to the City's reticulated water supply network.
P23 Houses have access to means that properly allows for the disposal of sewage that will be produced by the members of a household.	<p>A23 Houses can dispose of sewage on site in accordance with the <i>Department of Natural Resources and Mines On-Site Sewerage Code 2002</i> (as amended) without impacting on the water quality;</p> <p>(i) of ground water; or</p> <p>(ii) within the Fitzroy River, including gullies and creeks that feed into the Fitzroy River; or</p> <p>(iii) of any dam or other water body on the site or another site.</p>
P24 The development is protected from bushfire and does not: (a) put loss of life	A24 The development complies with the Bushfire Risk Minimisation Code .

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PART D – DEVELOPMENT IN THE RURAL RESIDENTIAL PRECINCT

Performance Criteria	Acceptable Solutions
at risk; or (b) put life at risk of injury; or (c) put damage to property at high risk.	



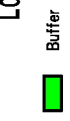
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Norbank Estate Special Use Area Code Map 1

Local Area Plan



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