

OVERLAYS



Council has prepared the Bundaberg Regional Council Planning Scheme to help manage future land use and development in the Bundaberg Region. This fact sheet has been prepared to provide further information about the purpose and effect of “overlays” that are contained in the planning scheme.

What are Overlays?

When used in a planning scheme, overlays identify areas that are subject to physical constraints (e.g. native vegetation), natural hazards (e.g. flooding) or other features (e.g. agricultural land) that need to be taken into account as part of the development process.

What Overlays are included in the Planning Scheme?

The planning scheme includes the following overlays:

Natural hazards

- » *Acid sulfate soils overlay*
- » *Bushfire hazard overlay*
- » *Coastal protection overlay*
- » *Flood hazard overlay*
- » *Landslide hazard overlay*

Natural resources

- » *Agricultural land overlay*
- » *Extractive resources overlay*
- » *Water resource catchments overlay*

Transport and infrastructure

- » *Airport and aviation facilities overlay*
- » *Infrastructure overlay*

Environment and heritage

- » *Biodiversity areas overlay*
- » *Heritage and neighbourhood character overlay*

A particular property may be affected by no overlays, one overlay or a combination of overlays depending on its location and physical features.

How are Overlays identified in the Planning Scheme?

Overlays are mapped and included in either Schedule 2 (Mapping) of the planning scheme or are otherwise identified in the State Planning Policy (SPP) interactive mapping system.

The planning scheme tells you whether you need to look up the overlay mapping in Schedule 2 (Mapping) or the SPP interactive mapping system to find out what overlays, if any, apply to your property.

The data used to create overlay mapping is based on the best available data that is held by either the Council or other government agencies. However, there are limitations to the accuracy of the data used to create overlay mapping, recognising that this data has been captured at various scales and levels of detail.

For this reason, where an overlay is mapped on a specific property, it should be viewed as a trigger for further consideration as part of the development process. For example, ground-truthing or further site-specific investigation may reveal that the overlay is not actually present on the property or is in a different location on the property than what is mapped.



Application of Overlays

In addition to mapping, the planning scheme includes the following provisions relevant to overlays:

- » **A Table of Assessment for Overlays** – (contained in Part 5) lets you know whether an overlay will apply to your particular type of development, the level of assessment and what overlay code applies; and
- » **Overlay Codes** – (contained in Part 8) provide assessment benchmarks and requirements for development that requires assessment against one or more overlay codes.

It is important to note that the presence of an overlay on a property does not necessarily mean that the overlay will need to be considered in the development process. This will depend on what overlay is present and the type of development.

For example, overlays do not generally apply to development occurring in an existing building and a number of rural activities are exempt from overlays. Where an overlay on a property needs to be considered in the development process, in the majority of cases, this does not mean that development cannot proceed. However, the presence of an overlay, or a combination of overlays, may influence the physical form of the development (e.g. scale, siting and design) on the property.

It is also important to note that where development is proposed on a property that is partly affected by a mapped overlay, the planning scheme provisions relevant to that overlay only apply to the part of the property affected by the overlay. In other words, if the development footprint is located over that part of the property not subject to the mapped overlay, then the overlay will not apply to the development.

In addition, a mapped overlay on a property will not have any effect on existing lawful uses that are conducted on the property. However, an increase in the scale or intensity of an existing use may require assessment against any relevant overlay provisions in the planning scheme.

If you require further information about overlays, please refer to the planning scheme or contact Council's Strategic Planning team.

Below is a summary of each Overlay in the Planning Scheme and how these Overlays are intended to apply to land use and development.

If you require any further information about Overlays, please refer to the Planning Scheme or contact Council's Strategic Planning Team.

Natural Hazards

Acid Sulfate Soils Overlay

Acid sulfate soils are mainly located in the lower-lying coastal areas of the Bundaberg Region. When these soils are disturbed or drained there is potential for acid, aluminium, iron and heavy metals to contaminate land and adjacent waterways. This can lead to serious impacts on the natural environment and built infrastructure. To help ensure that these impacts are avoided or managed, the planning scheme includes an Acid sulfate soils overlay.

The mapping for the Acid sulfate soils overlay is contained in Schedule 2 (Mapping) of the planning scheme, and includes the following overlay elements:

- » *Area 1 – land at or below 5 metres Australian Height Datum (AHD); and*
- » *Area 2 – land above 5 metres AHD but below 20 metres AHD.*

Land use and development involving specified quantities of filling and/or excavation within these mapped areas will require assessment against the Acid sulfate soils overlay code. The overlay code seeks to avoid the disturbance of acid sulfate soils or where disturbance of these soils is unavoidable, development works are appropriately managed to prevent or minimise the release of acid and metal contaminants.

Bushfire Hazard Overlay

Bushfire is a natural hazard that affects parts of the Bundaberg Region, particularly rural and rural residential areas and at the margins of existing urban areas. The planning scheme includes a Bushfire hazard overlay to help ensure that land use and development in bushfire hazard areas is appropriately managed to avoid or mitigate potential adverse impacts of bushfire on people, property, economic activity and the environment. The mapping for this overlay is contained in the State Planning Policy interactive mapping system, which identifies medium, high and very high bushfire hazard areas.

Land use and development that is vulnerable to the impacts of bushfire will be subject to the Bushfire hazard overlay code. This overlay code includes a range



of measures for development in bushfire hazard areas including water supply requirements for fire fighting purposes, avoidance of land uses that increase the number of people living or gathering in bushfire hazard areas and provision of access and evacuation routes and fire breaking trails.

Under the planning scheme, areas identified as medium, high or very high hazard areas are "designated bushfire prone areas" for the purposes of relevant building legislation and codes. This means that the bushfire provisions of these building codes will apply when building in bushfire prone areas.

Coastal Protection Overlay

The coastal areas of the Bundaberg Region are subject to coastal hazards including coastal erosion. The region's entire coastline is also identified as a sea turtle sensitive area. The planning scheme includes a Coastal protection overlay to ensure that land use and development takes coastal hazards and processes into account. Mapped elements relevant to this are:

- » *coastal setback lines – which are shown on the overlay maps contained in Schedule 2 (Mapping) of the planning scheme; and*
- » *the coastal management district and erosion prone area – which are identified in the State Planning Policy interactive mapping system; and*
- » *Sea turtle sensitive area – shown on the overlay maps contained in Schedule 2 [mapping] of the planning scheme.*

Land use and development that is vulnerable to the impacts of coastal hazards will be subject to the Coastal protection overlay code. This overlay code includes a range of benchmarks for development in coastal protection areas including:

- » *requiring new buildings and structures to be setback from identified coastal setback lines;*
- » *where located in a coastal management district, generally avoiding development in erosion prone areas except in limited cases (e.g. where involving redevelopment or provision of temporary infrastructure); and*
- » *ensuring public access to the coast and foreshore is maintained or improved.*

The sea turtle sensitive area overlay code provides siting, design and lighting controls for assessable development in the Sea turtle sensitive area. The code's purpose is to ensure that development minimises harm to sea turtle nesting and sea turtle activity by avoiding adverse impacts generated from artificial lighting.

Flood Hazard Overlay

On 29 January 2013, Bundaberg City experienced its most devastating flood in recorded history with the Burnett River peaking at 9.53 metres (Bundaberg City gauge). North Bundaberg and other low-lying areas of the City were affected, along with numerous coastal and rural communities along the Burnett River, Kolan River, Baffle Creek and other creek and river systems across the region. In addition to main river flooding and localised flooding, coastal parts of the Bundaberg Region are also subject to inundation by storm tide events (also known as storm surge).

To help minimise or avoid the risk of harm to people and damage to property due to flooding events, the planning scheme includes a Flood hazard overlay.

The mapping for this overlay identifies the following overlay elements:

- » *a flood hazard area – showing areas subject to main river flooding and localised flooding for the defined flood event as modelled by the Council, areas subject to high hazard (due to depth and/or velocity of flood waters) and other flood hazard areas as identified by State Government mapping; and*
- » *a coastal storm tide hazard area – showing areas subject to storm tide inundation for the defined storm tide event as modelled by the Council.*

Land uses and development that may be impacted by flood hazard or may worsen flooding conditions will be subject to the Flood hazard overlay code. Benchmarks in the Flood hazard overlay code for development proposed in flood hazard areas, include:

- » *avoiding or minimising potential risk to people and damage to property from flooding or storm tide inundation (e.g. by ensuring that habitable rooms of buildings are above the flood hazard level);*
- » *ensuring that infrastructure and other essential services and facilities are able to function during and immediately after a flood event;*
- » *managing hazardous and other materials that may pose a safety risk during flood events are; and*
- » *ensuring that development does not change flood characteristics which may cause adverse impacts external to the development site.*

Steep Land (slopes >15%) Overlay

To help ensure that adverse impacts to people and property from landslide are avoided or managed, the planning scheme includes a Steep Land (slopes >15%) overlay. The mapping for the Steep Land (slopes >15%)

¹ In general terms, the defined flood event (DFE) is equivalent to a 1 in 100 year average recurrence interval (ARI) flood event, apart from the Burnett River which has a DFE based on the January 2013 flood event. Refer to Schedule 1 (Definitions) of the planning scheme for a detailed definition of DFE and related terms.

² In general terms, the defined storm tide event (DSTE) is equivalent to a 1 in 100 year average recurrence interval (ARI) storm tide event. Refer to Schedule 1 (Definitions) of the planning scheme for a detailed definition of DSTE and related terms.

overlay is contained in Schedule 2 (Mapping) of the planning scheme and identifies landslide hazard areas with a slope greater than 15%.

A landslide is the movement of rock, debris or earth down a slope. Landslides result from the failure of the materials which make up the hill slope and are driven by the force of gravity. Some of the most common types of landslide in Australia are earth slides, rock falls and debris flows.

Land use and development particularly at risk from landslide hazard will require assessment against the Steep land (Slopes >15%) Overlay Code. The overlay code seeks to ensure that development avoids or mitigates the potential adverse impacts of landslide hazard on people, property, economic activity and the environment.

Specific measures in the code include:

- » ensuring the risk of harm to people and property as a result of landslide is not increased;
- » carefully managing development that occurs in a landslide hazard area;
- » ensuring that community infrastructure is able to function effectively during and immediately landslide events; and
- » managing hazardous materials that may pose a safety risk during landslide event.

Natural Resources

Agricultural Land Overlay

The Bundaberg Region is renowned for its agricultural production. To help ensure that agricultural land is protected from inappropriate land use and development, the planning scheme includes an Agricultural land overlay. The mapping for this overlay is contained in the State Planning Policy interactive mapping system, which identifies Agricultural Land Classification (ALC) Class A and Class B land.

Where proposing non-agricultural land use or development on ALC Class A and Class B land, such a proposal will be assessable against the Agricultural land overlay code. This overlay code includes provisions which seek to avoid land uses and development that would result in the permanent loss or further fragmentation of ALC Class A and Class B land. The Agricultural land overlay code also seeks to avoid land use conflicts between agricultural activities and sensitive land uses (e.g. residential development) by ensuring that development adjacent to ALC Class A and Class B land includes measures such as buffering and physical separation to this land.

Extractive Resources Overlay

Extractive resources such as quarry rock, sand and gravel are essential to support economic development and construction in the Bundaberg Region. Through its State Planning Policy, the State Government has identified the

following Key Resource Areas (KRAs) for the Bundaberg Region:

- » *KRA 92 Redridge (quarry rock resource);*
- » *KRA 97 Tantitha (sand resource); and*
- » *KRA 106 Tomato Island (sand resource).*

To help ensure that these key resource areas are identified and protected from inappropriate land use and development, the planning scheme includes an Extractive resources overlay. The mapping for this overlay is contained in the State Planning Policy interactive mapping system, which identifies the following overlay elements:

- » *resource/processing area – showing the mapped extent of the actual extractive resource and any associated areas associated with the extraction and processing of the resource;*
- » *resource separation area – in effect, a buffer surrounding the identified resource/processing area which is generally to exclude land uses that may be impacted by extractive industry operations; and*
- » *transport route and transport route separation area – the haulage route used to transport extracted resources to market and an area adjacent to the route needed to maintain separation of land uses that may be impacted from the transportation of extractive materials.*



Land use and development that may be sensitive to the impacts of extractive resource operations will be subject to the Extractive resources overlay code. This overlay code includes a range of benchmarks to ensure that identified extractive resource areas and their associated transport routes are protected from inappropriate land uses and development that may create land use conflicts or potentially constrain extractive operations.

Water Resource Catchments Overlay

To help ensure that development preserves and, where possible, enhances water quality and quantity entering water resource catchments, the planning scheme includes a Water resource catchments overlay. The mapping for the Water resource catchments overlay is contained in Schedule 2 (Mapping) of the planning scheme, and identifies the following water supply storages and declared water resource catchment areas in the Bundaberg Region:

- » Burnett River Barrage;
- » Kolan River Barrage; and
- » Lake Monduran.

Land use and development that has the potential to impact on water quality and quantity entering these catchments will require assessment against the Water resource catchments overlay code. The overlay code has a range of benchmarks to protect and enhance water resource catchments, including:

- » *avoiding high risk development and land use activities within a water resource catchment which have the potential to adversely affect water quality;*
- » *ensuring that development does not adversely impact on the quality and quantity of surface water and ground water entering the catchment;*
- » *protecting and enhancing watercourses and wetlands that feed into these catchments; and*
- » *ensuring development does not create or increase weed or pest management problems within a water resource catchment area.*

Environment and Heritage

Biodiversity Areas Overlay

To help ensure that land use and development takes into account important environmental values within the Bundaberg Region, the planning scheme includes a Biodiversity areas overlay. The mapping for this overlay is contained in the State Planning Policy interactive mapping system, which identifies the following Matters of State Environmental Significance (MSES) relevant to the Bundaberg Region:

- » *protected areas (e.g. National Parks and Conservation Reserves);*
- » *wildlife habitat;*
- » *regulated vegetation;*

- » *marine parks;*
- » *declared fish habitat areas; and*
- » *wetlands and watercourses.*

Land use and development that may impact on the environmental values listed above will be subject to the Biodiversity areas overlay code. This overlay code includes measures that seek to ensure that land use and development:

- » *avoids significant impacts on areas of environmental significance (e.g. by avoiding these areas, managing impacts or providing an environmental offset where impacts are unavoidable);*
- » *avoids the introduction of pest plant or animal species;*
- » *has an adequate separation distance and/or buffer to wetlands and watercourses;*
- » *protects and, where possible, enhances important ecological corridors; and*
- » *protects the habitat of endangered, vulnerable and near threatened species and local species of significance.*

Heritage and Neighbourhood Character Overlay

To help ensure development maintains and enhances identified places and areas of cultural heritage significance and neighbourhood character in the Bundaberg Region, the planning scheme includes a Heritage and neighbourhood character overlay. Mapped elements relevant to this overlay are:

- » *local heritage places and neighbourhood character areas – which are identified on the overlay maps contained in Schedule 2 (Mapping) of the planning scheme; and*
- » *State heritage places and national heritage places – which are identified in the Queensland Heritage Register or Australian Heritage Database.*

The planning scheme incorporates benchmarks through the Heritage and neighbourhood character overlay code to ensure development on or adjoining a heritage place, or within a neighbourhood character area, maintains cultural heritage and character values.

Transport and Infrastructure

Airport and Aviation Facilities Overlay

The planning scheme includes an Airport and aviation facilities overlay to ensure the safe and efficient operation of the Bundaberg Airport and associated aviation facilities (e.g. navigational beacons) and to avoid land use conflicts. The mapping for this overlay is contained in the State Planning Policy interactive mapping system, which identifies the following overlay elements that are relevant to the Bundaberg Region:

- » *obstacle limitation surfaces (OLS) –height contours surrounding the airport runways which define the airspace for the operation of the airport;*

- » *Australian noise exposure forecast (ANEF) contours – essentially noise contours surrounding the airport runways and taxiways;*
- » *airport public safety areas – areas at the end of the airport’s runways that are most at risk in the event of aircraft accident during landing or take-off; and*
- » *aviation facilities (e.g. navigational beacons) and associated building restricted areas – there are several of these facilities located in the Bundaberg Region including on the airport site itself and at Sloping Hummock.*

Land use and development located under the airspace of the Bundaberg airport that has the potential to impact on either the safety or efficiency of the airport may trigger assessment against the Airport and Aviation Facilities Overlay Code. This would include development that may affect aircraft safety or a pilot’s vision such as the erection of tall buildings or structures, the emission of excessive smoke, dust or lighting or the attraction of birds (bird strike hazard).

Similarly, land use or development in the vicinity of an aviation facility that has the potential to impact on the operation of the facility will require assessment against the Airport and aviation facilities overlay code. This generally relates to the height and setback of buildings or structures in the vicinity of these facilities.

In addition, land uses sensitive to noise (such as residential uses) within the ANEF contours surrounding the airport may require assessment against the Airport and aviation facilities overlay code.

Infrastructure Overlay

The Bundaberg Region includes a number of existing and planned major infrastructure sites and corridors. The planning scheme includes an Infrastructure overlay to ensure that these infrastructure sites and corridors are protected from inappropriate development that may impact on the efficient operation of the infrastructure or impact on the community’s safety or wellbeing. Mapped elements relevant to this overlay include:

- » *major electricity infrastructure and electricity substations identified in the SPP interactive mapping system;*
- » *State controlled road and railway corridors identified in the SPP interactive mapping system;*
- » *stock routes identified in the SPP interactive mapping system; and*
- » *cane railway corridors, gas pipeline corridors, wastewater treatment plants, waste management facilities and associated buffers identified on the overlay maps in Schedule 2 (Mapping) of the planning scheme.*

Land use and development that may either affect the operation of this identified infrastructure or may otherwise be adversely impacted by this infrastructure will require assessment against the Infrastructure Overlay Code. This overlay code includes a range of measures such as requiring sensitive land uses (e.g. residential uses) to be adequately separated from major infrastructure to ensure that impacts associated with noise, odours and other safety concerns are avoided or minimised.

Contact us

Should you wish to find out more about the planning scheme, please contact Council’s Strategic Planning team.

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