

Statutory 10 Year Review of Bundaberg Regional Council Planning Scheme

Final Report

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Executive Summary

This Report presents the findings of a Statutory Ten Year Review (**Review**) of the Bundaberg Regional Council Planning Scheme 2015 (**the Planning Scheme**), undertaken pursuant to the *Planning Act 2016* (**Planning Act**) and having regard to the *Planning scheme monitoring and undertaking a ten-year review* guidance document prepared by the State government.

The Planning Scheme commenced on 19 October 2015. The Planning Scheme was made pursuant to the *Sustainable Planning Act 2009* (**SPA**) and was prepared under the *Queensland Planning Provisions* (**QPP**). The QPP provided for a standardised format and approach to the preparation of planning schemes, as well as providing for mandatory content including operational rules, incorporation of a strategic framework, as well as standardised zones and land use definitions.

The Planning Scheme was prepared after the 2008 amalgamation of the four (4) previous local government areas of Bundaberg, Burnett, Isis, Kolan, into the Bundaberg Regional Council. The current Planning Scheme provides a consolidated framework for managing growth and development in the region, while having regard to the four previous planning schemes.

Since the adoption of the Planning Scheme, the Bundaberg Region has observed ongoing change.

As a result, there have been multiple amendments to the Planning Scheme, with the current version of the Planning Scheme being Version 6.2, which was adopted on 28 November 2023. The scheme amendments have been a mixture of minor, administrative, qualified state interests and major amendments.

Notwithstanding those amendments, the Statutory 10 Year Review process presents an opportunity to pause, regroup and review the performance of the planning scheme and framework, understand the changing circumstances at a strategic State and local level, and contemplate best practice regulatory approaches to current and emerging trends that may potentially impact the Bundaberg Region.

The review methodology is based on the steps identified in the relevant State guideline 'Planning scheme monitoring and undertaking a ten-year review' and includes the following aspects:

- Identification of the current and emerging information base that underpins the planning scheme;
- Engagement with Councillors, professional staff, and local industry groups to gather information on the workability of the current planning scheme and identify the key strategic issues and directions that are envisaged to be facilitated through the planning scheme;
- Review of demographic trends and development activity and their alignment with the settlement pattern envisaged under the planning scheme;
- Technical audit of the planning scheme to identify gaps and opportunities for improvements and alignment with contemporary drafting standards and approaches;
- Identification of the applicable statutory framework (*Planning Act 2016* and *Planning Regulation 2017*) and review of the alignment of the planning scheme with the most recent versions; and
- Identification of the latest State policy context in terms of the integration and delivery of the current State Planning Policy 2017 (SPP) and the latest regional plan (*Wide Bay Burnett Regional Plan 2023*)

The Review has been prepared to assist the Council to resolve whether to retain the existing planning scheme unchanged, make amendments to the existing planning scheme, or prepare a new planning scheme. Ultimately, this is a decision to be made by the Council with the benefit of the outcomes of this Review balanced against a multitude of other administrative matters relevant to the Council.

The summary outcomes of the Review identify the following:

- The planning scheme's structure is fundamentally sound, the operation of the planning scheme is functional and effective, and the vertical integration of the planning scheme is well achieved. Overall, the Planning Scheme continues to be 'fit for purpose' in an operational sense.
- Engagement with professional staff and regular users of the planning scheme report generally high levels of satisfaction with the content and operation of the planning scheme, with no fundamental issues identified for address. A range of refinements and improvements were identified which would benefit the scheme in terms of efficiency and responding to local planning and development issues.
- Councillors reported during engagement exercises that they are generally satisfied with the strategic direction of the planning scheme and its alignment with the policy goals of Council to facilitate a prosperous, safe and sustainable region that builds upon the natural advantages of the region including maintaining access to affordable housing, a diverse range of employment opportunities, proximity and access to SEQ, and the benefits of a comfortable and enviable lifestyle.
- Despite its age and through ongoing updates and amendments, the planning scheme broadly aligns with the latest State Planning Policy and its specific State interests, as well as operates and integrates within the overarching framework required by the *Planning Act 2016* and the *Planning Regulation 2017*.
- Nevertheless, content improvements to the current planning scheme are required to more appropriately reflect current strategic planning outcomes, respond to contemporary demographic and economic trends and drivers, more closely integrate all State Planning Policy state interests, and reflect upon learnings arising from scheme use by the Council and industry and identified in the Review audit.
- There is also a need to establish a more contemporary information base on which the planning scheme relies (through updating existing studies and mapping, and preparing new studies) so that the quality of, and confidence in, the scheme remains high into the future.
- There is a need for all relevant departments within Council to fully participate in the planning scheme review to ensure the appropriate integration of information, resolution of competing interests, and to build a shared ownership of the revised planning scheme.
- Ongoing industry and community participation will also be important to ensure that the revised content is consistent with community and industry expectations.

The review of the key issues, challenges and opportunities identified as part of this Review Report has identified a number of key issues that have implications on the direction of planning and development for the Bundaberg Region, and which should be further contemplated in any new or amended planning scheme process.

Legislation and Policy

- The recent release of the *Wide Bay Burnett Regional Plan 2023* (WBBRP) has introduced a number of new and refined elements that require consideration in the Planning Scheme. The moderation of population expectations for the region will require further local consideration (noting that the broad settlement pattern for the LGA remains consistent with the WBBRP), as well as ensuring that the Planning Scheme further continues to facilitate a broad range of housing types. Address of economic development objectives relating to specific sectors may be further enhanced (such as the opportunity for a new hospital health and knowledge precinct), as well as ongoing improvements to identification and protection of regional and locally important ecological and landscape values.

- The current *State Planning Policy 2017* (SPP) is broadly reflected in the Planning Scheme, and required updates are largely a refinement of the current policy position. Further consideration of coastal environment protection, locally significant vegetation, and water supply catchment matters will enhance and improve the integration of the Planning Scheme with the SPP, as well as updates to mapping and terminology to reflect the latest mapping layers and terminology. In relation to mapping, the SPP guidance material 'Integrating State Interests In A Planning Scheme – November 2021' notes at Section 1.2.1 that '*...Mapping should be included in the planning scheme rather than the planning scheme referring to the SPP IMS.*'
- Through updates to the *Planning Regulation 2017* (Regulations) the State government has introduced a range of changes in response to particular housing issues such as supporting rooming and temporary accommodation, and facilitating secondary dwellings. While the Regulations apply where there is any inconsistency with the Planning Scheme, updating the Planning Scheme to include the changes will create a more cohesive and consistent planning process.
- The general format of the Planning Scheme remains fundamentally sound, and contains the appropriate contents that are required under the *Planning Act 2016*. Further consideration of amendments to the operation of the decision rules may be warranted in relation to specifying that achievement of overall outcomes, performance outcomes and acceptable outcomes is required to achieve compliance with the assessment benchmarks in line with contemporary best practice.

Population Growth and Settlement Pattern

- The most recent population projections for the region (as contained in the latest QGSO projections and the WBBRP) are lower than those that underpin the current Planning Scheme. Further analysis and review of population projections is required to confirm an acceptable and appropriate base for population projections and inform other relevant aspects of the Planning Scheme. This may include a new or updated Housing and residential development planning study to reflect amended population and demographic trends.
- The revised population growth projections will also have implications for the location and timing of growth. The overall settlement pattern remains generally appropriate and in alignment with the new WBBRP. With Council currently undertaking an LGIP amendment to review and update demand modelling and development sequencing based on the latest QGSO projections, it will be important to give further consideration to the location and timing of future growth as part of any housing and residential development planning study to ensure that the growth can be accommodated and serviced in a coordinated, efficient, and cost-effective manner.
- Additional structure planning and local planning exercises for growth areas including the coastal growth corridor will potentially assist in the sequencing of development and infrastructure provision through identifying logical extensions of the existing settlement pattern, and providing an opportunity for the Planning Scheme to clearly delineate the nature, scale, and timing of future growth. In this regard it is noted that Council is currently undertaking local planning exercises for emerging community areas at Branyan and Elliott Heads.
- While the Planning Scheme has sought to facilitate a diversity of dwelling types, in practice detached dwellings remain the dominant housing type. Consideration of other approaches and incentives to deliver a diverse housing product may be required to achieve progress on this matter. This may include further consideration of CBD development parameters to encourage and facilitate mixed use re-development, or further provisions requiring a variety of lot sizes within greenfield subdivisions.

Employment and Economic Growth

- As a consequence of the changes in population expectations, an updated Activity centres and industrial land planning study is warranted to consider the appropriateness of the current approach and ensure that all centres are located, and of a scale and intensity, that serves the relevant catchment (both in existing and emerging localities) and supports a vital and competitive retail and convenience network.
- While there is a relatively large area of industrial land available, there have been issues of serviceability which have potentially constrained development. Additionally, the potential influence of the Port of Bundaberg and Bundaberg State Development Area may have implications on the quantum, location, and timing of industrial development across the LGA. A new or updated industrial land planning study (in conjunction with or separately to an activity centres study) would assist in confirming actual levels of demand for various types of industrial development, and provide opportunity to further consider timing and sequencing of industrial development in the region to leverage major industrial opportunities.
- Identified in the WBBRP and as part of 'Bundaberg 4670: A Master Plan for the Bundaberg CBD 2017-2036', the preparation of a Night time economy strategy may be useful to assist in diversifying the economic base, as well as revitalising the CBD and contributing to the cultural life of the region.
- The imminent start of construction on the new Bundaberg Hospital will provide a significant opportunity to create a broader health and knowledge precinct. The WBBRP notes that as well as the hospital, allied health, research, supporting retail and commercial uses, residential and short-term accommodation uses can cluster to create a health precinct that will support employment and the diversification of the economic base of the region, as well as supporting and enhancing community health outcomes. The Planning Scheme can facilitate the establishment of a health precinct through appropriate zoning and precinct planning/master planning as required to create a logical and consistent framework for development.
- The diversity of natural landscapes and values of the LGA support a range of opportunities for tourism. The Planning Scheme can assist in further supporting tourism through more refined approaches to regulating rural-tourism and eco-tourism, as well as working with peak tourism bodies to identify a consolidated approach to regional tourism.

Planning for Rural Futures

- Despite the importance of agricultural production, rural industries, food and beverage manufacturing and rural tourism to the region, no studies into the value and operation of rural lands were undertaken to inform the current planning scheme. The preparation of a Rural futures study to analyse and identify the scope of rural industry and the influence of the planning framework is warranted.
- As part of a rural futures study, mapping of the high value rural resource areas could be undertaken to clarify and confirm the broader regional values and ensure that the highest value areas are known and protected.
- Opportunities for value-adding and support for compatible rural industry or non-rural uses should be further supported through the Planning Scheme to ensure that development in the rural areas maintains rural production while allowing for a diversification of land uses.
- The region has a large and diverse rural industry that has an equally diverse range of land use and resource requirements. Consideration of a rural precinct planning approach may assist in providing a finer grained planning framework that is based on the resource value of rural land, and clearly identifies the land use expectations for the various precincts that align with its resource value, scenic value, and environmental functioning.

Natural and Built Environment

- The region is biodiverse and has a large range of environmental and ecological features and values. The current Planning Scheme relies on regional scale mapping as provided in the SPP and WBBRP, and there is opportunity to consider identification of Matters of Local Environmental Significance (MLES) that can be mapped and regulated through the Biodiversity areas overlay code and associated mapping. This would provide for a greater level of protection for locally significant vegetation, and also allow for an offsetting regime for MLES to be established which would assist in restoring landscapes over time.
- The current approach to regulating vegetation clearing uses a complex definition of 'exempt vegetation clearing' to identify vegetation clearing which the Planning Scheme does not regulate. Council may consider reviewing this approach and the make-up of the exempt vegetation clearing definition to maintain alignment with community expectations and regional biodiversity values, and may further consider whether it continues to regulate the clearing of vegetation that is not specifically identified as having State or local values as is used in other LGAs.
- The LGA has a large coastal foreshore that has a range of ecological and landscape values. The current Planning Scheme relies on coastal hazard mechanisms to protect and maintain coastal environmental values, and while this does provide some protection more specific address through the Coastal protection overlay code and mapping may be considered.
- The preparation of a Vegetation Management Plan Planning Scheme Policy may be considered to support the operation of the Vegetation Management Code and ensure that there is appropriate analysis and demonstration of the type, scale, potential impacts, and rehabilitation/restoration of vegetation clearing works regulated by the Planning Scheme.
- The Planning Scheme currently regulates stormwater quality through the Works, services and infrastructure code and associated planning scheme policy. While this is effective, many contemporary schemes adopt a standalone stormwater management code that allows for a more specific and fine-grained address of stormwater management to suit the local context. Preparation and incorporation of a Stormwater management code may be further considered, and can potentially be based on the outcomes of the Stormwater Management Strategy 2021 and Stormwater Management Guidelines which began to address local matters.
- 'Sustainable Bundaberg 2030' recommended that a set of sustainability guidelines be prepared to assist in designing and constructing sustainable built and natural environments in the region. Further consideration of this is warranted, with the guidelines able to be used to inform planning scheme provisions relating to sustainability. This also integrates with the WBBRP strategic priorities in terms of responding to climate change through sensitive urban design responses.
- The current Planning Scheme identifies a 'Neighbourhood character area' in the Heritage and neighbourhood character overlay mapping supported by a Planning Scheme Policy. These areas are quite limited in extent, and do not reflect the broad range of built and landscape character areas across the broader LGA, particularly in relation to the individual character of the multiple townships and localities that make up the region. A more thorough and comprehensive character study for the region (based on the character of defined localities such as coastal townships or hinterland settings) may be considered to identify and define locations across the LGA that have a defined built form, landscape or community character that merit identification, protection and enhancement through the planning scheme.
- There have been a series of heritage studies that have been undertaken to inform planning for heritage sites within the LGA. An initial heritage study was undertaken to inform the Planning Scheme prior to its commencement in 2015, with a second stage undertaken in 2016 which

resulted in additional sites being included. Given that these studies identified a number of sites of potential significance for further investigation, and given a recent and renewed community interest in development of sites of heritage significance, a further review and update of the heritage studies may be warranted to consider whether additional sites should be included.

- The *Planning Act 2016* specifically references the identification, reflection and consideration of Aboriginal and Torres Strait Islander cultural heritage as part of the purpose of the Act. While the Planning Scheme does include broad reference to cultural heritage matters in the strategic framework, there is opportunity to further the scope of consideration. This may include more specific engagement with the Port Curtis Coral Coast Aboriginal Peoples (PCCC) and other local family groups and cultural and/or legal organisations to better define the scope of indigenous heritage matters that may appropriately be reflected in the scheme, as well as providing opportunity to reinforce the ongoing connection with country.
- More broadly the current Planning Scheme generally takes a performance approach to the built form and streetscapes of the region, with only limited guidance in terms of preferred design approaches and outcomes. While this approach is effective in allowing for and facilitating a wide range of potential outcomes, the preparation of a new or amended planning scheme provides opportunity to identify, articulate and regulate the built environment outcomes that will underpin the desired urban fabric of the region more effectively. To this end:
 - Further review and potential incorporation of the 'Streetscape design guidelines 2019' into the planning scheme will assist in identifying and regulating a consistent streetscape design palette;
 - The preparation of a more comprehensive 'Urban design guidelines' for zones, specific neighbourhoods, specific localities or entire towns may be considered to inform planning scheme provisions (or a PSP) that can assist in creating a design palette and process to support sustainable, cohesive, and locally contextual development.
- A Scenic amenity study was undertaken in 2012 to inform the current Planning Scheme. The current Planning Scheme does not incorporate any specific scenic amenity provisions in terms of specific sites, views, locations or landscape values, and relies on broad strategic outcomes to articulate that broad scenic amenity values are important and should be retained and enhanced. While this approach has not resulted in any significant issues that have been apparent as part of this review, a new or amended planning scheme provides opportunity to consider whether additional planning measures may be warranted to assist in identifying landscape values across a range of contexts, and including regulatory provisions that specifically address these values i.e. coastal views, retention of rural landscapes, minimising fragmentation of broad landscape values etc.

Natural Hazards

- Council has prepared a Coastal Hazard Adaptation Strategy 2020 (CHAS) which identifies longer term vulnerabilities and risks associated with sea level rise and permanent inundation from the potential impacts of climate change. The CHAS identifies several areas where significant risk is projected, and it would be prudent to clearly review, understand, and consider how the Planning Scheme incorporates this information to minimise public risk and provide for an adaptive approach to development along the coastal foreshore.
- Council has undertaken additional flood hazard modelling and identification to continuously refine and improve the operation of the Planning Scheme and its ability to manage flood impacts. Council may consider further refinement of the Planning Scheme and move towards a 'risk based' approach for flood hazard overlay codes that can provide a more nuanced approach to managing land use within flood affected areas, as well as potentially incorporating flood hazard mapping within the Planning Scheme to improve overall alignment with the SPP.

- Although the current Bushfire hazard overlay code remains appropriate, further review of the code to align with the State Planning Policy 2017 updated model code and review and incorporation of relevant building design aspects from the Bushfire Resilient Building Guidance for Queensland Homes may assist in further enhancing the Planning Scheme response to bushfire hazard.

Other Matters

- The current Planning Scheme is essentially a hard copy scheme, with PDF versions of the various parts of the scheme available on Council's website (noting that the scheme mapping is available on a web-based GIS portal). A number of providers have become active in recent times, providing software platforms and portals that allow for an e-scheme to be the predominant means of access to the Planning Scheme. Consideration of moving the Planning Scheme to an e-scheme format is contemporary best practice, with many of the platforms able to offer other functionality in terms of scheme drafting and preparation, management of previous versions, and direct mapping interfaces.

Recommendations

In accordance with Section 25(1)(b) of the Act, and having regard to the review as described in this report, it is recommended that Council consider proceeding with an amendment of the planning scheme.

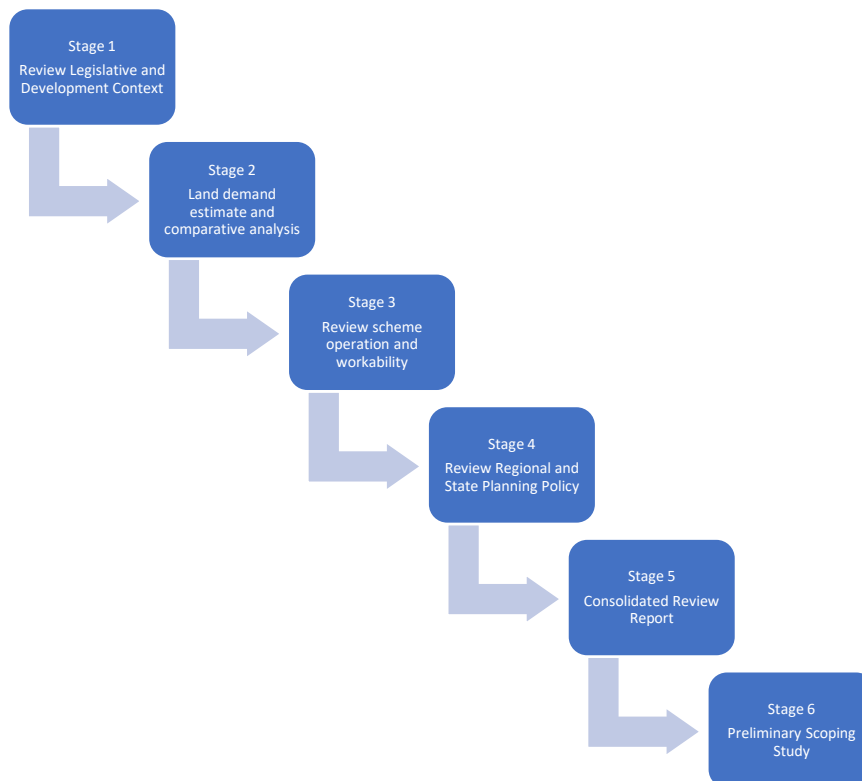
1. Introduction

The *Bundaberg Regional Council Planning Scheme 2015* (the Planning Scheme) sets out the preferred land use strategy and planning and development framework for the region. It has a strategic intent to ‘...*strengthen the economy, support local communities, protect and sustainably manage the natural environment and provide targeted investments in infrastructure.*’

In August 2023, Mewing Planning Consultants and Morgan Wilson Planning Consultant were commissioned by Bundaberg Regional Council (Council) to undertake a Statutory Ten Year Review (Review) of the Planning Scheme.

The Review is required to be undertaken pursuant to the Planning Act 2016 (Planning Act) and having regard to the ‘Planning scheme monitoring and undertaking a ten-year review guidance’ document prepared by the State government. The Review is intended to evaluate the technical performance of the planning scheme, determine whether the current planning scheme is delivering development and infrastructure outcomes that are consistent with current community and statutory expectations, and ultimately whether the planning scheme remains ‘fit for purpose’.

The Review has been divided in six stages (refer **Figure 1** below). Stage 1 provides a review of the legislative and development context, as well as engagement with Council and other key stakeholders. Stage 2 identifies land demand estimates and comparative analysis for housing and employment. Stage 3 provides an audit of the planning scheme operation and workability, taking into consideration outcomes of engagement with Council and industry stakeholders. Stage 4 provides a review of the planning scheme’s alignment with State and regional policy. Stage 5 compiles the preceding analysis into a consolidated report, including recommendations as to whether changes to the planning scheme are considered necessary. Stage 6 is intended to provide a preliminary scoping of the nature of supporting studies and work required to respond to issues regarding the preparation of any amendment to the planning scheme or a new planning scheme.



1.1 Scope and Objectives

The statutory review of the planning scheme is a requirement under section 25 the Planning Act. While this provides a legal imperative for the Review, periodic assessment of the planning scheme is in reality always being undertaken as Council deals with the issues that emerge to challenge the operation and relevance of the planning framework.

Although comprehensive, the Review is not intended to be the sole influencing document that informs the detailed content of any amended planning scheme or new planning scheme. Rather, the review is a broad analysis of the performance and operation of the planning scheme in the current legislative and development context. In particular, the review is undertaken of the currency of the planning scheme within the context of:

- The local government area setting, such as its levels of growth and demand and changing demographic profile;
- The delivery of infrastructure and development and its alignment with observed and planned growth;
- The current legislative context that underpins the overall governance of the planning framework;
- The latest state policy context including:
 - The approach and workability of the planning scheme in terms of delivery of the current State Planning Policy July 2017 (SPP) guiding principles;
 - Integration of the SPP state interest policies and latest State mapping elements;
 - The advancement of the applicable regional plan, being the *Wide Bay Burnett Regional Plan 2023*, which was released during the preparation of this Review;
- The strategic direction envisaged by the community and captured through the strategic elements of the planning scheme;
- The nature of amendments that have been made to the planning scheme during its operation and their continuing relevance;
- Experience of the Council and industry in the ongoing implementation and use of the planning scheme, as observed through development applications and appeals; and
- The scope of investigations undertaken to understand and inform the changes in the local government area and its context, over those ten years.

The Review is not intended to provide the detailed policy content or draft new provisions for any future amendments of the planning scheme. Simply put, the review is intended as an exercise in analysing the operation and performance of the scheme and identifying:

- What elements remain relevant and appropriate to regulate development; and
- Those elements that need update to address changed or emerging circumstances.

1.2 Report Structure

The structure of this report reflects the methodical approach taken to the Review, as follows.

- Section 1 – Introduction
- Section 2 – Methodology, providing an explanation of the Review approach, scope and intent

- Section 3 – Planning Act and Requirements for Planning Scheme, identifying the legislative requirements for a planning scheme
- Section 4 – Literature, Policy and Context Review, providing a baseline of the existing planning scheme and the available policy and background information context
- Section 5 – Demographic and Economic Forecasting Review, providing comparison of planning scheme assumptions on population and employment growth versus recently observed
- Section 6 – Rural Lands Review, providing review of rural lands policy and implications
- Section 7 – Council and Industry Consultation Outcomes, providing the outcomes of targeted engagement with key stakeholders and implications for the planning scheme
- Section 8 – State and Regional Planning Policy Alignment, providing assessment of alignment with the current SPP and Regional Plans
- Section 9 – Planning Regulation 2017 alignment providing assessment of alignment with recent changes to the Regulation
- Section 10 – Planning Scheme Audit and Analysis, providing review of alignment with legislative requirements, and operational efficiency of the planning scheme
- Section 11 - Benchmarking and SWOT Analysis, providing comparative analysis of the planning against similar LGA planning schemes
- Section 12 – Key Strategic Issues providing a consolidated list of key issues that have been identified as requiring address in any new or amended planning scheme
- Section 13 – Recommendations, providing the recommendations of this report as to whether a new or amended planning scheme is required
- Section 14 – Scoping Study, providing a preliminary scope of works to undertake the recommended process

2. Methodology

The following sections provide a more detailed explanation of the methodology adopted for the Review project.

Stage 1 - Review Legislative and Development Context

This stage provides a baseline for the project in terms of compliance with the head legislation. A literature review of studies prepared in support of the current planning scheme, analysis of more recent strategic plans and projects, and identification of major projects will assist in providing a baseline of the current planning scheme and its evolution since inception in 2015. This stage will also include engagement with Council development assessment staff and development industry stakeholders. Identification of key issues as nominated by 'power users' of the current planning scheme will allow the review to focus on those matters that have the greatest impact on the efficient operation of the scheme.

Stage 2 - Land Demand Estimates and Comparative Analysis

This stage will review, based on current available population and employment projections, whether the current planning scheme accommodates sufficient zoned residential and employment land. This is intended to provide an understanding of the actual trajectory of growth in comparison to the projections underpinning the current planning framework. This stage will identify, at a high level, future growth potential and provide assessment of capacity under the existing framework.

Stage 3 - Review Scheme Operation and Workability

This stage looks at the mechanics of the planning scheme – its format, its drafting, and its translation of strategic policy into lower order regulatory provisions (vertical integration). A specific review of rural policy has been included given the importance of rural industries to the economic strength of the region.

A benchmarking exercise and SWOT analysis has also been undertaken against the comparative LGAs of Redlands City Council and Toowoomba Regional Council (due to size, population, scheme age similarities). This analysis will:

- Identify any emerging trends in planning scheme format and operation;
- Assess other LGAs response to growth pressures;
- Identify the comparative strengths and weaknesses of the Bundaberg Regional Council Planning Scheme against contemporary approaches; and
- Identify opportunities for improvement and enhancement through adopting new or novel approaches to the scheme.

Stage 4 - Review of Regional and State Planning Policy

One of the key elements in preparing a local planning scheme is that it appropriately reflects the State Planning Policies (the SPP). The SPP, like the local planning scheme, is a living document and is changed from time to time to respond to new or changing circumstances, knowledge or policy focus. As a local planning scheme is prepared at a point in time, the integration of relevant SPPs may be time damaged as the focus of SPPs is refined and refocused.

The current planning scheme is generally based on the State Planning Policy 2014 and associated mapping and guiding principles. While in many instances the changes to the current State Planning Policy 2017 are subtle, there have been important changes to some policies and associated mapping that may require more detailed revision and amendment.

The regional plan for the Bundaberg LGA is the Wide Bay Burnett Regional Plan 2023. This plan has recently been reviewed, and it will be important to ensure that any new regional strategic directions

from the forthcoming regional plan are understood and appropriately captured in a new local planning scheme.

Stage 5 – Consolidated Review Report

This stage is the consolidation of the previous work.

The key element of this stage is the final analysis of whether there are aspects of the current planning scheme that warrant either amendment or preparation of a new scheme through:

- being significantly divergent from the current strategic direction of Council or the interests of the SPP; or
- requiring significant changes to the operational and functional aspects of the planning scheme.

Stage 6 – Preliminary Scoping Study

This stage is intended to provide a preliminary scoping document that functions as a guideline to inform subsequent Council project management and actions to ready themselves to undertake either an amendment to the current planning scheme or preparation of a new planning scheme as recommended.

3. Planning Act and Requirements for Planning Schemes

3.1 Introduction

The *Planning Act 2016* (the Planning Act) commenced on 3 July 2017, and replaced the *Sustainable Planning Act 2009*.

The Planning Act was a product of a planning reform process which was intended to provide for an efficient and accountable planning framework for Queensland, with particular focus on creating a standardised approach to planning and plan making. While the previous planning system required a local planning scheme to reflect State interests, the new Planning Act made the integration of State planning interests a central aspect of plan making.

The current Planning Scheme was prepared under the now superseded *Sustainable Planning Act 2009*. Although an alignment amendment was undertaken to achieve technical consistency with the Planning Act, these amendments were in many instances limited to updates to terminology and ensuring appropriate operation under the new decision rules, and did not result in (nor require) a complete address of all aspects of the more subtle changes to the planning environment. In particular, the changes to the Planning Act that were not fully addressed as part of the alignment amendment processes include the following:

- Removal of standard approach – previously planning schemes were based on the Queensland Planning Provisions (the QPP) which were a set of mandatory requirements in terms of structure and content for planning schemes;
- Regulated requirements – while the standardised structure and content was removed, the Planning Act adopts what are termed regulated requirements which specifies the zones, zone purpose statements, and land use definitions that can be used in the planning scheme;
- Inclusion of process guidelines – instead of locating process requirements for the making of planning instruments within the Planning Act or associated *Planning Regulation 2017*, the Planning Act introduces the minister’s guidelines and rules which provide for the processes and requirements when making or amending planning schemes or LGIPs as well as other plan making and assessment matters;
- Levels of Assessment – the Planning Act introduced the concept of categories of development and assessment as either Accepted Development or Assessable development (Code or Impact);
- A presumption in favour of approval in Code assessment – under the Planning Act, code assessable development must be approved if it meets the applicable assessment benchmarks or can be conditioned to meet the assessment benchmarks; and
- The removal of the ‘conflict and grounds’ test, with movement to a balanced assessment of non-compliances and other relevant matters. This distinction has been routinely identified by the Planning and Environment Court, with judgements expressing that when taking a balanced assessment pursuant to the Planning Act a non-compliance with a provision or provisions within an assessment benchmark is not determinative. Consideration of the planning purpose and policy intent of the provision, and how that is reflected throughout the planning scheme, becomes relevant – which necessitates a particular approach and strength to drafting.

3.2 What is a planning scheme required to do?

Section 8(1) of the Planning Act states that:

A planning instrument is an instrument that sets out policies for planning or development assessment, and is either—

- (a) a State planning instrument; or*
- (b) a local planning instrument.*

Section 8(3) further provides that:

A local planning instrument is a planning instrument made by a local government, and is either—

- (a) a planning scheme; or*
- (b) a TLPI; or*
- (c) a planning scheme policy.*

As a local planning instrument, in accordance with Section 16(1) a planning scheme must:

- (a) identify strategic outcomes for the local government area to which the planning scheme applies; and*
- (b) include measures that facilitate the achievement of the strategic outcomes; and*
- (c) coordinate and integrate the matters dealt with by the planning scheme, including State and regional aspects of the matters.*

Typically, the strategic outcomes are consolidated in a single section of the planning scheme to provide an overarching policy intent for planning and development outcomes, with the 'measures' that facilitate the achievement being the subsequent codes and detailed provisions. Refer to **Section 10.2.4** for discussion regarding this aspect.

Further, the planning scheme must integrate the relevant State and regional aspects of the matters dealt with by the planning scheme. This means that the planning scheme must appropriately integrate State planning matters (generally as expressed through the single SPP, refer to **Section 8.1** for discussion) and regional planning matters (generally as expressed through the Wide Bay Burnett Regional Plan, refer to **Section 8.2** for discussion).

3.3 Categories of Development and Assessment

The Planning Act at section 44 provides for three categories of development being prohibited, assessable or accepted development.

A categorising instrument (such as a local planning scheme) may categorise assessable development under section 45 of the Planning Act as either:

- Code assessable; or
- Impact assessable.

It is noted that a local categorising instrument:

- Cannot state that development is assessable development if a regulation prohibits it from doing so; however
- May state that development is prohibited development if a regulation allows it to do so.

Section 10.2.6 provides a review of the alignment of the planning scheme with the required statutory aspects for categories of development and assessment.

3.4 Assessment Benchmarks

Section 45 of the Planning Act further provides that code assessment is an assessment that must only be carried out only against the assessment benchmarks identified in a categorising instrument for the development (and any other matters prescribed by regulation).

Impact assessment is an assessment that must be carried out:

- Against the assessment benchmarks identified in a categorising instrument for the development;
- Any other matters prescribed by a regulation; and
- May also have regard to ‘any other relevant matter’ other than personal circumstances, financial or otherwise.

Importantly, strategic outcomes (i.e. the strategic framework) can only be used to assess “impact assessable” development under section 42(2)(c) of the Planning Act.

Section 43 of the Planning Act requires that Assessment benchmarks must be stated in a regulation, a planning scheme, a TLPI, or a variation approval. It is noted that the SPP and any relevant regional plan are assessment benchmarks when not appropriately integrated into a planning scheme. It is important to note that Planning Scheme Policies, Implementation Guidelines, User’s Guides and Fact Sheets are not assessment benchmarks. These can be referred to in order to provide guidance in achieving an assessment benchmark, but have no regulatory effect in themselves.

Sections 10.2.7 – 10.2.10 provide a review of the alignment of the planning scheme with the required statutory aspects for assessment benchmarks.

3.5 The regulated requirements

Section 16(2) of the Planning Act notes that a regulation may prescribe requirements (the regulated requirements) for the contents of a planning scheme.

Relevantly, Schedule 2 of the Planning Regulation identifies the standard suite of land use zones that may be adopted within a planning scheme. Only these zones may be used, and the regulation specifies names, purpose statements and colours for mapping purposes. A different zone purpose statement may be used however if the Minister considers the change better reflects a local circumstance.

Additionally, Schedules 3 and 4 of the Planning Regulation identify and define the land use terms and administrative terms that may be used in the planning scheme. No additional land use terms or changes to land use terms are permitted, however a local planning instrument may include additional administrative terms where they do not change the effect of an administrative term specified in Schedule 4.

Section 10.2.7 provides a review of the alignment of the zone codes with the relevant statutory requirements, with **Section 10.2.11** providing a review of definitions and land use terms.

4. Literature, Policy and Context Review

4.1 Introduction

The Literature and Policy Review provides an initial overview of the current planning context that applies to the Bundaberg Region. The current planning context is informed by the planning scheme baseline position (including awareness of current status and prior amendments), existing and emerging Council strategy documents and reports, State and regional plans and policies, and any major projects or infrastructure elements. The review and analysis of each of these elements assists to understand alignment between the Council and community's overarching ambitions for the Bundaberg Region, consideration of contemporary legislative environment, and whether these are suitably aligned within the current Planning Scheme.

4.2 Baseline Review of Planning Framework

4.2.1 Bundaberg Regional Council Planning Scheme 2015

The Bundaberg Regional Council Planning Scheme 2015 (the Planning Scheme) commenced on 19 October 2015. The Planning Scheme was made pursuant to the *Sustainable Planning Act 2009*, and was prepared under the Queensland Planning Provisions (QPP). The QPP provided for a standardised format and approach to the preparation of planning schemes across Queensland, as well as providing for mandatory content including operational rules, incorporation of a strategic framework, as well as standardised zones and land use definitions.

The Planning Scheme was prepared after the 2008 amalgamation of the four (4) previous local government areas of Bundaberg City, Burnett Shire, Isis Shire and Kolan Shire into the Bundaberg Regional Council. The current Planning Scheme was based on a consideration of the strategic direction of the four previous planning schemes into a single planning scheme for the new Bundaberg Regional Council.

There have been multiple amendments to the Planning Scheme, with the current version of the Planning Scheme being Version 6.2, which was adopted on 28 November 2023. The scheme amendments have been a mixture of minor, administrative, qualified State interest, and major amendments. Key amendments include the following:

- Alignment amendment 2017 (Version 3.0) – on the commencement of the new *Planning Act 2016*, the Planning Scheme was amended to align with the new terminology of the Act, and review and update of assessment benchmarks to ensure the scheme operated appropriately under the new decision rules;
- LGIP amendment 2018 (Version 4.0) – the Planning Scheme was updated to replace the Priority Infrastructure Plan (PIP) with the newly required Local Government Infrastructure Plan (LGIP) which included mapping changes, additional schedules, and amendments to the PSP for development works;
- Major and qualified State interest amendment 2020 (Version 5.0) – incorporation of updated local planning for Burnett Heads, Kalkie-Ashfield and part of Bargara, incorporation of Sea turtle overlay code and mapping changes, incorporation of the regulated requirements, and incorporation of the Bundaberg State Development Area; and
- Qualified State interest amendment 2023 (Version 6.0) – amendment of provisions relating to building height in coastal locations within the Sea turtle sensitive area overlay, as well as changes as to how building height is assessed in other zones and localities across the region.

The Planning Scheme is identified as having appropriately incorporated the following State Planning Policies (2014):

- Liveable communities and housing
 - Liveable communities
 - Housing supply and diversity
- Economic growth
 - Agriculture
 - Development and construction
 - Mining and extractive resources
 - Tourism
- Environment and heritage
 - Biodiversity
 - Coastal environment
 - Cultural heritage
 - Water quality
- Safety and resilience to hazards
 - Emissions and hazardous activities
 - Natural hazards, risk and resilience
- Infrastructure
 - Energy and water supply
 - State transport infrastructure
 - Strategic airports and aviation facilities
 - Strategic ports

The Planning Scheme operates as a typical QPP scheme of that era, with a strategic framework (Part 3 of the Planning Scheme) providing the overall direction and policy intent for planning and development in the region. The strategic framework is based on eight (8) themes, and provides strategic outcomes and land use strategies relating to:

- Settlement pattern;
- Economic development;
- Access and mobility;
- Infrastructure and services;
- Natural environment and landscape character;
- Community identity, culture and sport and recreation;
- Natural resources; and

- Natural hazards.

Although not a requirement under the QPP, the strategic framework identified the critical planning challenges for the region as follows:

- accommodating projected population growth, recognising that the population is anticipated to grow from 94,640 people in 2016 to somewhere between 110,000 and 140,000 in 2036;*
- providing the conditions to support employment of existing and future residents by strengthening existing economic sectors and promoting the establishment of an even more diverse and resilient regional economy with multiple strengths;*
- further developing the Bundaberg CBD as a principal activity centre for the region, focussed on the Burnett River and offering a city-based culture and lifestyle;*
- managing growth and development in the central coastal urban area as the settlements in this area become more popular and urban expansion takes place, including ensuring that the unique identity and sense of place attributable to these discrete settlements is maintained;*
- addressing the mismatch that exists between housing needs and available housing types and responding to the needs of an ageing population by providing a greater diversity of housing types and housing that is capable of being adapted to meet the mobility and other needs of older occupants;*
- providing infrastructure that supports and is well matched to growth patterns and is delivered in a timely and efficient manner; and*
- designing a settlement pattern that is responsive to all of the issues above whilst simultaneously protecting the natural environment, maintaining a productive rural landscape and addressing a range of natural hazard issues such as flooding and the predicted impacts of climate change.*

Part 4 of the Planning Scheme is the Local Government Infrastructure Plan (LGIP). The LGIP has been recently amended (an interim LGIP amendment) in 2023 as part of a statutory 5-year review pursuant to section 25(3) of the Planning Act, and on adoption was incorporated into Version 6.1 of the Planning Scheme. A further amendment to the LGIP is understood to be in progress at the time of the preparation of this review.

Part 5 of the Planning Scheme provides for the Tables of Assessment. Under the QPP format, this section also includes mandatory content relating to determining the category and levels of assessment, as well as instructions on how assessment benchmarks are applied to Accepted development and Impact assessable development.

The QPP and the regulated requirements provided for a standardised suite of zones to be used for a planning scheme. Part 6 of the Planning Scheme uses these standardised zones and purpose statements for the most part, and incorporates the following twenty (20) zones:

Residential zones category

- Low density residential zone code;
- Medium density residential zone code;
- High density residential zone code;

Centre zones category

- Principal centre zone code;
- Major centre zone code;

- District centre zone code;
- Local centre zone code;
- Neighbourhood centre zone code;

Industry zones category

- Industry zone code;
- High impact industry zone code;

Recreation zones category

- Sport and recreation zone code;
- Open space zone code;

Environmental zones category

- Environmental management and conservation zone code;

Other zones category

- Community facilities zone code;
- Emerging community zone code;
- Limited development zone code;
- Rural zone code;
- Rural residential zone code;
- Special purpose zone code; and
- Specialised centre zone code.

The zone codes predominantly include the standardised purpose statement, with the exception of the High density residential zone, Principal centre zone, Major centre zone, District centre zone, Local centre zone, Neighbourhood centre zone, Limited development zone, Specialised centre zone, and Special purpose zone which use a locally contextual purpose statement. The zone codes include overall outcomes, and a standard table of Performance Outcomes and Acceptable Outcomes except for the Special purpose zone code which only incorporates overall outcomes.

Some zones also include precincts, which provide for a more detailed planning framework for specific locations within the zone. The zones and relevant precincts include:

Medium density residential zone

- Precinct MDRZ1 (Bundaberg West medical/health hub)
- Precinct MDRZ2 (Barolin Street office precinct)

Principal centre zone

- Precinct PCZ1 (City centre core)
- Precinct PCZ2 (City centre riverfront)
- Precinct PCZ3 (City centre frame)

Limited development zone

- Precinct LDZ1 (Limited residential)

Rural residential zone

- Precinct RRZ1 (2,000m² minimum lot size area)
- Precinct RRZ2 (4,000m² minimum lot size area)
- Precinct RRZ3 (4ha minimum lot size area)

The relevant zone codes include specific provisions that relate to the assessment benchmarks for development within the applicable precinct, and inclusion within the precincts may also influence the category of assessment and development that may be applicable.

The Planning Scheme also includes two (2) local area plans in Part 7 for the following locations:

- Central coastal urban growth area; and
- Kalkie-Ashfield local development area.

The local plans provide a structure plan concept map that spatially identifies the general settlement pattern and intent for the local plan areas, as well as overall outcomes and detailed code provisions to guide development. It is noted that Council at its Ordinary Meeting held 28 November 2023 adopted the Planning Scheme Policy for the Hughes and Seaview Bargara Local Plan Area. The purpose and general effect of this Planning scheme policy is to provide an interim response to reflect further detailed land use and infrastructure planning completed for the Hughes and Seaview Bargara Local Plan area until further amendments to the Planning Scheme and LGIP can be progressed by Council.

The PSP is to be read in conjunction with the Central coastal urban growth area local plan code and provides additional guidance for the future development of land between Bargara Rd, Hughes Rd, Windermere Rd, and Seaview Rd.

The Planning Scheme uses a series of overlays (maps and codes) to regulate specific constraints and matters of local or state interest. Overlays for the Planning Scheme in Part 8 include:

- Acid sulfate soils overlay;
- Agricultural land overlay;
- Airport and aviation facilities overlay;
- Biodiversity areas overlay;
- Bushfire hazard overlay;
- Coastal protection overlay;
- Extractive resources overlay;
- Flood hazard overlay
- Heritage and neighbourhood character overlay;
- Infrastructure overlay;
- Sea turtle sensitive area overlay;
- Steep land (slopes >15%) overlay;
- Water resource catchments overlay.

It is noted that while all overlay codes are supported by mapping, a number of overlay codes rely on the mapping provided within the SPP interactive mapping system. This is an interactive mapping

portal managed by the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) which identifies matters of State interest that must be reflected in a planning scheme and where State policy intent and assessment benchmarks may apply. The overlay codes that use this approach are:

- Agricultural land overlay;
- Airport and aviation facilities overlay;
- Biodiversity areas overlay;
- Bushfire hazard overlay;
- Coastal protection overlay (for a coastal management district or erosion prone area);
- Extractive resources overlay;
- Heritage overlay (for places included in the State heritage register); and
- Infrastructure overlay (in conjunction with local mapping).

Additionally, the Flood hazard overlay uses mapping that Council has declared by resolution. In 2021, and in accordance with Section 8 of the *Building Regulation 2021*, Council declared defined flood hazard areas for the Planning Scheme based on flood modelling work undertaken for specific parts of the region. More recently, at its meeting held 28 November 2023 Council adopted 'Flood Hazard Area Resolution 1/2023' which took effect from 1 January 2024. This included changes to reflect development works in the flood hazard area, localised flood hazard area corrections, and updated modelling for Palmer Creek.

There are two (2) types of development codes in the Planning Scheme; use codes which relate to a specific land use, and development codes which apply to common development activities. The development codes form Part 9 of the Planning Scheme, and each code includes a purpose statement, overall outcomes, and a table of Performance outcomes and Acceptable outcomes. The development codes are:

Use Codes

- Business uses code;
- Caretaker's accommodation code;
- Child care centre code;
- Community activities code;
- Dual occupancy code;
- Dwelling house code;
- Extractive industry code;
- Home based business code;
- Industry uses code;
- Market code;
- Multi-unit residential uses code;
- Nature and rural based tourism code;
- Relocatable home park and tourist park code;

- Residential care facility and retirement facility code;
- Rural uses code;
- Sales office code;
- Service station code;
- Telecommunications facility code; and
- Utility code.

Development Codes

- Advertising devices code;
- Landscaping code;
- Nuisance code;
- Reconfiguring a lot code;
- Transport and parking code;
- Vegetation management code; and
- Works, services and infrastructure code.

The Planning Scheme is supported by a number of Planning Scheme Policies (PSPs) in Schedule 6, which provide additional detail and guidance regarding standards, outcomes, and processes required to achieve compliance with the assessment benchmarks of the Planning Scheme. The PSPs for the Planning Scheme are:

- Planning Scheme Policy for Heritage and Neighbourhood Character;
- Planning Scheme Policy for Development Works;
- Planning Scheme Policy for Waste Management;
- Planning Scheme Policy for Information Council May Request;
- Planning Scheme Policy for Agricultural Buffers; and
- Planning Scheme Policy for the Hughes and Seaview Bargara local plan area

4.2.2 Other Components

The Planning Scheme is supported by other components that operate in conjunction with the scheme to regulate land use and development.

4.2.2.1 *Amenity and Aesthetics Policy*

Council adopted an 'Amenity and Aesthetics and Building Work Involving Removal or Rebuilding Policy' in 2017. The intent of the policy is to provide a head of power for building works applications for particular types of building work (principally oversized domestic sheds, domestic sheds on a vacant lot, carports within the road frontage setback, placement of shipping containers, steel clad or prefabricated dwellings, and removal or relocation of a dwelling) to be referred to Council to assess potential impacts on the amenity or character of the locality. The Policy includes assessment benchmarks for a range of building types and circumstances.

4.2.2.2 Flood Hazard Resolution

As previously noted, in 2021, and in accordance with Section 8 of the *Building Regulation 2021*, Council declared defined flood hazard areas for the Planning Scheme based on flood modelling work undertaken for specific parts of the region. The flood hazard mapping operates in conjunction with the Flood hazard overlay in Part 8 of the scheme, and provides information on the Defined Flood Levels (DFLs), maximum flow velocities and backwater areas which provides guidance on building standards and other mitigations required to withstand potential flood hazards in these areas.

4.2.2.3 Temporary Local Planning Instruments

A Temporary Local Planning Instrument (TLPI) may be prepared by a local government to respond to changing circumstances or emerging planning issues that require a swift planning response. A TLPI provides a local government with up to two (2) years to formally incorporate the planning response into the planning scheme.

Bundaberg Regional Council has adopted a range of TLPIs both immediately prior to and since the commencement of the Planning Scheme relating to:

- Burnett River Flood Response – in response to major flooding and providing further guidance and regulation on development potentially at risk from further flooding (TLPIs in 2013, 2014, and 2015);
- Response to Ministerial Direction Notice - applied to the land between Shelley Street and Sea Esplanade, from Dryden Street extending south to and including 174 Shelley Street. Interim response to provide a greater level of protection to Mon Repos turtle rookery, limit development on land to which the TLPI applied to a dwelling house on each lot, and manage lighting associated with dwelling houses (2017 and 2018);
- Cane Railway Infrastructure – to facilitate provision of a new cane railway (2018 and 2019); and
- Bargara Building Height and Protection of Sea Turtles – to regulate building height and potential lighting impacts on turtle nesting beaches in Bargara and Mon Repos (2019 and 2021).

All of these TLPIs have expired or been repealed, with relevant aspects incorporated into the planning scheme.

There are currently no TLPIs operating in the Bundaberg Regional Council LGA.

4.2.3 Current Planning Scheme Projects Under Preparation

There are currently several projects underway that will have implications on the operation of the Planning Scheme.

4.2.3.1 Review of the Hughes and Seaview Bargara Local Area Plan

The Hughes and Seaview Bargara Structure Plan is currently incorporated within the Central Coastal Urban Growth Area Local Plan Code. The review project provides opportunity for more detailed land use and infrastructure planning to be undertaken for specific areas in response to emerging development and changes to the recent LGIP.

Given the timeframes for undertaking a planning scheme amendment, Council has recently prepared and adopted a new PSP for the Hughes and Seaview Bargara Local Area Plan area. This will operate in conjunction with the Central Coastal Urban Growth Area Local Plan until such time as amendments to the Planning Scheme and the LGIP can be undertaken.

4.2.3.2 Branyan Local Area Plan

The former Wide Bay Burnett Regional Plan identified Branyan as a growth area primarily for residential purposes, while also allowing for a range of employment opportunities and local services. Subsequently, the area was included in the Emerging community zone in the Planning Scheme to

maintain the area for future development subject to more detailed structure planning being undertaken.

At this stage there is no detailed planning for the area available, however ongoing infrastructure planning for the area is underway and the process for preparing a local area plan has commenced.

4.2.3.3 Bundaberg Health and Knowledge Precinct Masterplan

EDQ is currently working with Council and several State agencies, including Queensland Health and the Wide Bay Hospital and Health Service, to prepare a masterplan for the area surrounding the new Bundaberg Hospital. This masterplan will inform future amendments to Council's Planning Scheme and LGIP to ensure that the development of land surrounding the new hospital provides for an appropriate mix of uses that support and maximise the economic and social opportunities associated with the new hospital.

4.2.3.4 Elliott Heads local plan

Council has commenced preparation of a local plan for Elliott Heads, which will potentially remove the need for the current variation approval and associated infrastructure agreement for the development of the 'South Beach' Elliott Heads master planned community.

4.2.3.5 LGIP Amendment

Council is currently preparing an LGIP amendment to update the planning assumptions, demand modelling, plans for trunk infrastructure and the priority infrastructure area (among other parts of the plan) to align with current State Government (QGSO) population projections and reflect recent development activity and infrastructure planning in the region.

4.2.4 Comments and Implications

The Bundaberg Regional Council Planning Scheme 2015 was the first planning scheme prepared for the amalgamated regional Council. While significant review and strategic analysis went into the preparation of the scheme, it was in many respects a 'consolidation' scheme that sought to bring together the disparate strategic approaches from the four (4) former schemes with minimal community disruption or major strategic changes that would potentially complicate planning and development matters. Given that the amalgamated Council is now a long standing reality, there is opportunity for a new or amended planning scheme to take a more strategic approach to planning within the broader region.

The Planning Scheme was prepared under the QPP, and in this regard is consistent in terms of format and approach with many planning schemes of this period. The Planning Scheme has been periodically amended to respond to major changes in the under-pinning planning legislation (notably the alignment amendments required under the *Planning Act 2016*), and as such the scheme operates generally consistently with the latest statutory requirements. While the Planning Scheme operates appropriately, the new legislative framework provides opportunity to review alternative approaches in terms of code construction, identifying hierarchies of provisions, and other operational matters.

Due to the age of the Planning Scheme, an area of inconsistency with the current statutory environment is alignment with the State Planning Policy. While the Planning Scheme was prepared to reflect the SPP in effect at the time of preparation (the SPP 2014), a new single SPP commenced in 2017. While in many instances the matters of State interest remain similar, there have been more significant changes particularly in relation to natural hazards, coastal environments, housing supply and diversity, and biodiversity. It is noted that the approach taken in the Planning Scheme to rely on SPP mapping for some overlays has insulated the scheme from any major deviations, and has allowed it to operate in an integrated manner with the broader SPP requirements.

The reliance on policies and declarations outside the scheme (such as the amenity policy and flood hazard resolution) is not a typical approach. However, given the time consuming and often

complicated process to undertake scheme amendments¹, it is acknowledged that these are a novel and effective way of responding to emerging issues. It is our understanding of the legislative framework that this approach is lawful. However, the drawback is the difficulty for scheme users to understand the linkages between (or even the existence of) the planning scheme and other external policies, and in many instances will rely on Council identifying where these regulatory tools are applicable and informing applicants. In general, it is preferable for the Planning Scheme to be the sole location for all regulatory matters.

The suite of PSPs supporting the Planning Scheme are primarily focused on key development issues. The PSPs appear to operate well within the context of the scheme, and address the major issues such as technical standards for engineering works. Given that PSPs are subject to a simpler preparation and commencement process, there is opportunity to review and potentially include additional PSPs that relate to a broader range of matters such as:

- Urban design guidance;
- The provision of biodiversity offsets;
- The design and standards for open space (which may operate in conjunction with any LGIP requirements).

It is interesting to note the planning challenges identified in the 2015 scheme. In many respects, these same challenges can be seen to remain. In particular:

- The accommodation of projected population growth remains a challenge. While there is ample land that is broadly zoned for residential purposes (including within Emerging community zones), growth has been scattered and integration with infrastructure servicing remains an issue;
- The revitalisation of the Bundaberg CBD has been slow, with only limited development occurring;
- The provision of multiple and diverse housing types has not been significantly progressed, with a reliance on standard low density subdivision and limited uptake of attached housing product; and
- Managing the pattern and sequence of development to maintain viable coastal communities and ensure appropriate servicing.

4.3 State and Regional Plans and Policies

The Planning Scheme operates within a broader statutory environment. This section provides a summary of the planning framework and planning scheme preparation process that must be given regard during the review process. A more detailed review and analysis of the implications of the various instruments is provided in **Section 8 and Section 9**.

4.3.1 Planning Act 2016

The *Planning Act 2016* provides the overarching legislation for planning and development in Queensland. The Planning Act aims to establish an efficient and accountable system of land-use planning and development assessment to lead to ecological sustainability which balances:

- The protection of ecological processes and natural systems at local, regional, state and national levels;
- Economic development; and

¹ Noting that the Minister's Guidelines and Rules now provides for a simpler process for some amendments such as making amendments to flood mapping a minor amendment.

- The cultural, economic, physical and social wellbeing of Queenslanders.

The purpose of the Act is:

...to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability.

4.3.2 Planning Regulation 2017

The *Planning Regulation 2017* is subordinate legislation to the Planning Act. It supports the principal legislation by detailing how the Planning Act operates. The regulation deals with practical matters such as:

- How development is categorised;
- Who will assess a development application;
- The state matters for development;
- Prescribes the current versions of planning instruments, such as the Development Assessment Rules and Minister's Guidelines and Rules;
- Prescribes the current fees and charges for development assessment, tribunal proceedings and prescribed amounts related to local government infrastructure plans; and
- Minister's Guidelines and Rules.

The Planning Regulation also includes the regulated requirements which include standard zones, zone purposes and land use definitions that must be incorporated into a local planning instrument.

4.3.3 Minister's Guidelines and Rules

The Planning Act requires that the Minister prepare guidelines to support the making of planning schemes (as well as a variety of other matters including the making and amending of LGIPs and PSPs).

The MGR sets out the detailed process to be followed for a range of plan making initiatives such as:

- What can be considered in setting a tailored plan-making process;
- How local planning instrument are made or amended;
- How infrastructure designations are processed;
- How certain compensation exemptions can apply where relating to natural hazards;
- The process for environmental assessment and consultation for infrastructure designations;
- The process for working out the cost of infrastructure for offset or refund relating to infrastructure for a development approval; and
- Criteria for deciding a conversion application relating to infrastructure for a development approval.

4.3.4 Wide Bay Regional Plan 2023

Statutory Regional Plans are long-term strategic documents that guide land use planning for state and local governments. They also indicate and set direction through contemporary policy frameworks and spatial representation how our regions will grow and respond to change over time.

The purpose of a regional plans is to:

- Set state policy frameworks to deliver defined outcomes in the region;

- Guide local government land use decisions (reflected in local planning schemes);
- Guide investment for governments and industry;
- Prioritise key infrastructure;
- Help manage conflicts and priorities between land uses; and
- Maintain and protect our natural environment.

The current regional plan is the *Wide Bay Burnett Regional Plan 2023*. This regional plan was only recently updated and recommenced, and the version reflected in the preparation of the current planning scheme was 2011.

4.3.5 State Planning Policy 2017

The SPP outlines 17 state interests arranged under five broad themes:

- Liveable communities and housing;
- Economic growth;
- Environment and heritage;
- Safety and resilience to hazards; and
- Infrastructure.

The SPP also contains guiding principles to ensure the plan-making and development assessments systems are outcome focused, integrated, efficient, positive and accountable.

Local government uses the SPP when making or amending their local planning instruments, such as a local planning scheme. Local government will also assess aspects of development applications using the SPP if their local planning scheme has not integrated certain state interests.

Given that the current Planning Scheme commenced in 2015, the approach and outcomes of the new SPP will need to be incorporated where required in the new or amended Planning Scheme to reflect State interests and remain consistent with legislative requirements.

4.4 Local Strategies, Plans and Policies

This aspect of the literature review has contemplated the local strategies, plans and policies prepared by Bundaberg Regional Council, under the two headline themes;

1. Existing strategies, plans and policies – comprising those documents that were in existence at the time of drafting and adoption of the current planning scheme.
2. Emerging strategies, plans and policies – comprising those documents that have come into existence since the adoption of the current planning scheme.

The review has set out for each strategy, plan and policy the background and purpose of the document, its relevance to the Planning Scheme, and how the document has been incorporated into the planning scheme or if there remain gaps yet to be incorporated into the planning scheme.

The detailed review of the relevant strategies, plans and policies is contained within the tables in **Appendix A**, and a summary of the gaps (and some other observations) arising from that review is provided below.

- A range of strategies and actions undertaken by the Council in the period since adoption of the current Planning Scheme have been appropriately reflected in the Planning Scheme, demonstrating an attentive and progressive process of scheme review and amendment. For

example, these include incorporation of urban glow / dark skies provisions, heritage places, parks and open space and active transport, amongst others)

- The Corporate Plan 2021-2026 sets an overarching vision for the Bundaberg Region, to be “Australia’s best regional community”. This is to be achieved through a range of goals, for which any new or amended Planning Scheme should seek a high degree of policy alignment.
- Further, the Community Satisfaction Survey Final Report 2021 identifies key priorities arising from the Bundaberg Region’s community, comprising the following, which will be relevant to future attention in framing the planning narrative for the Planning Scheme:
 - Developing the regional economy;
 - Drainage;
 - Planning and development; and
 - Flood plain and coastline management
- A suite of planning and technical studies were undertaken in 2012 to inform the preparation of the current Planning Scheme. These studies were informed by the Bundaberg Region Planning Scheme Project – Scoping Study Report 2011. Whilst these studies ultimately informed the current Planning Scheme, and thus their recommendations have been largely adopted, we have provided comment below on whether the studies retain currency in the contemporary context.
 - Housing and residential development planning study – The currency of this study is now outdated, given the changed population and housing projections (including via the Regional Plan) and the housing delivery that has occurred since 2012. Further, it is broadly acknowledged that there is sufficient zoned land available for urban residential and rural residential growth, and as such a contemporary housing needs assessment would need to contemplate current growth trends and predictions, interrogate whether the extent of land ought to be back-zoned, the nature of the land and its servicing, and the role and availability of housing choice (smaller lots, higher densities, land lease communities, and other forward planning housing outcomes). A new housing needs assessment could also inform a review of the current growth strategy in terms of the sequencing of development, integration with infrastructure planning, and responding to market demand and preferences.
 - Implications assessment for growth areas planning study – As discussed above, the current policy position and change in population projections since 2012 signals the need to undertake a contemporary housing supply study, including the re-assessment of the suitability of land currently within the Emerging Community Zone and the identified growth areas.
 - Activity centres and industrial land planning study – Since the preparation of this study, a number of key changes have occurred that may impact on its currency, including: the Ministerial Infrastructure Designation for the future Bundaberg Hospital precinct (which may impact the centres network or industrial areas and present a desire for co-located activities that support the hospital operations and the functionality of the precinct); implementation of the Bundaberg Airport Masterplan (where future investments may drive more detailed planning for the surrounding industrial zoned land and the investigation of potential larger lot industrial land to the south of the Airport; revised down population (and employment) projections within the Wide Bay Burnett Regional Plan 2023 (which may impact on the allocation of land for industrial and centre activities, particularly where this may have impacts upon the vitality of existing centres should there be an overprescription of future centres); and incorporation of local area plans into the Planning Scheme for the coastal areas between Burnett Heads and Elliott Heads and for the Kalkie / Ashfield area.

It is recommended that a new activity centres and industrial land planning study is conducted accounting for the changes in landscape (including those discussed above) and to also measure the following: the performance of the centres hierarchy, in particular the take-up of centre zoned land, changes in vacancy rates and whether this has been impacted by any out-of-centre development or potential over-prescription of neighbourhood centres within the broader network; the effectiveness of planning scheme provisions in reflecting the planned centres hierarchy and delivering vibrant and sustainable centres; any implications associated with planned growth within the southern coastal area (i.e. Coral Cove and Elliot Heads), and the impacts upon the centres network; the performance of provisions relating to industrial development and whether this has resulted in a greater take-up of industrial land than historical trends; and whether there are any revised policy levers needed to drive investment in centres and/or industrial areas.

- Townscape, built form and local character assessment planning study – This study informed built form outcomes within the current Planning Scheme, in specific localities. The development activity has largely remained within the broad parameters of the Planning Scheme provisions. However, Council may wish to consider the value of a contemporary review into built form outcomes in certain locations, to incentivise or signal encouragement for development and drive improved built form and urban design outcomes in key locations and across the region.
 - Open space, biodiversity and landscape character/ scenic amenity planning study – This study requires updating to at a minimum reflect the current SPP (consideration of revised SPP mapping, SPP terminology etc). Additionally, there may be opportunity to include a refinement of local ecological corridors and vegetation of significance that could inform biodiversity mapping and provisions within the planning scheme codes and overlays.
 - Scenic Amenity Study 2012 – The study created a Scenic Amenity Overlay Map and Landscape Values Overlay Map, however the Planning Scheme has not incorporated these maps (and therefore the Planning Scheme does not reflect the recommendations outlined within the Scenic Amenity Study). Whilst some codes refer to views and other scenic amenity features, there is no formal mapping in the Planning Scheme which provides a basis for informed judgement on these features. The inclusion of specific maps as either an overlay or other mechanism would provide greater regulatory oversight to assist in protecting areas or places of high scenic amenity value².
 - Cultural heritage planning study – The recommendations of this study have been largely adopted into the current Planning Scheme. Whether further places (European or First Nations significance) warrant additional cultural heritage protection would be subject of a future contemporary planning study. It is also noted that the study focused on individual places of interest, and a broader consideration of character at a neighbourhood scale (or broader) may assist in strengthening the response of the planning scheme to heritage and broader character issues.
 - Social Infrastructure / Community Facilities Planning Study 2012 – This study needs to be revisited in the context of social infrastructure / community facilities that have been progressed or lost since 2012, together with the demand for such facilities as a result of changed population growth trends and projections.
- In addition to the planning studies informed by the Bundaberg Region Planning Scheme Project – Scoping Study Report 2011, other existing plans and studies were undertaken prior to the

² The Advertising devices code includes exclusion areas for third party signage which are predominantly intact scenic rural landscapes along major roads.

current Planning Scheme being prepared, which informed the Planning Scheme content. These include the following, with comment made on any ongoing policy gaps.

- Social Development Plan 2010 - The Plan has effectively been updated through commencement of the Community Development Strategy 2020-2023 (and which will later be updated by the Community Development Strategy 2024-2028, which is currently undergoing preliminary consultation).
- Bundaberg Regional Economic Development Strategy 2009-2014 – Many of the recommendations of the strategy were addressed in subsequent studies or actions and are reflected in the current Planning Scheme (or other documents). We would recommend that there is a need for a review of the Economic Development Strategy, given the changing economic landscape since 2009 and potentially any changing priorities for Council (noting that a recent prospectus ‘Invest in Bundaberg 2022’ provides an update on potential direction and priorities for regional economic development with supporting strategies including Towards Net Zero Bundaberg and the Intelligent Community Strategy).
- Sport and Recreation Strategy 2010 - The Sport and Recreation Strategy 2010 has now been superseded by the Sport and Recreation Strategy 2018-2028 (discussed below), so has limited ongoing relevance.
- Parks and Open Space Study 2012 – The Parks and Open Space Strategy has now been superseded by the Parks and Open Space Strategy 2019-2026, which primarily focuses on and informs the LGIP.
- Multi Modal Pathway Strategy: Connecting our Region 2012 – The Multi-Model Pathway Strategy has now been superseded by the Active Transport Strategy 2020-2025, so has limited ongoing relevance.
- The Bundaberg Region Planning Scheme Project – Scoping Study Report 2011 also identified a further three studies that were not progressed at that time, being those identified below (with comments).
 - Flood studies – flood studies have subsequently occurred in various forms, informing the current regulatory position (however detailed analysis has not occurred in this literature review).
 - Rural futures planning study— no rural futures planning study has been progressed.
 - Climate change adaption study – The climate change policy context has continued to change in any case, and the CHAS has been subsequently prepared as part of ongoing responses to climate change and policy requirements to facilitate resilient communities.
- Bundaberg Riverside Master Plan 2015 – The Master Plan provides land use and built form intentions for part of the Bundaberg CBD, with the majority of the Master Plan outcomes already reflected in the current Planning Scheme. However, a small number of matters that remain outstanding and would potentially warrant incorporation into the Planning Scheme, including zoning outcomes for particular sites (23-23B, 44 and 50 Quay Street).
- Bundaberg 4670: A Master Plan for the Bundaberg CBD 2017-2036 – This document combines outcomes of other projects, to deliver a consolidated CBD Master Plan. A series of recommendations for further studies and ultimate planning scheme outcomes is recommended by this Master Plan, including some actions which have not yet been delivered, including:

- Traffic planning study and further analysis of options and design for a CBD bypass³ (which has implications for zoning, CBD land use construct, public transport, LGIP, etc);
 - Redevelopment opportunities on government-owned land bounded by Quay Street, Woondooma Street, Maryborough Street and Barolin Street (which may warrant rezoning from Community Facilities Zone to Principal Centre Zone);
 - Night time economy strategy, and consequential intentions arising for inclusion in the planning scheme (to encourage and facilitate the night time economy, together with a balancing of residential amenity expectations and night time economy noise impacts which could be subject of new provisions in Business Uses Code and Nuisance Code);
 - Amendments to the Heritage and Neighbourhood Character Overlay to include the Neighbourhood Character layer over the whole of the CBD, as well as amendments to the character statement in the Heritage and Neighbourhood Character Planning Scheme Policy;
 - Policy positions in terms of encouraging development in the CBD, and promoting active transport (over vehicles) require further interrogation, and ultimately reflection in the Planning Scheme.
- Other Master Plans, Visions and Specific Projects – Masterplans, vision documents, and specific project reports for other areas / projects have been / are being prepared, as follows.
 - Bundaberg Airport Master Plan 2016-2026 – The planning scheme currently designates the airport mostly in the Community Facilities Zone, with some lots in the Industry Zone. The Community Facilities Zone Code and the Strategic Framework suitably acknowledge the role and significance of the airport, and facilitate the outcomes identified by the master plan. The Airport and Aviation Facilities Overlay also appropriately regulates impacts of and on the airport. Future growth and intensity of the airport needs to be considered in balance with the region's amenity expectations (which may be relevant to contemplate in future planning scheme provisions). An expansion of airport facilities and export / import capabilities can contribute additional economic growth. Airports are a focal point for activity, and provide co-location benefits for various land uses such as industrial activities (as is the case for Bundaberg, which has suitably designated industrial and employment land close to the airport).
 - Moore Park Beach Masterplan 2021 – While changes to the zoning arrangements within the precinct to reflect the masterplan concept may be desirable to clearly articulate the vision through the Planning Scheme, it is not necessary to suitably facilitate the masterplan outcomes (i.e. the outcomes can be achieved in the current zones).
 - Neilson Park Masterplan – No incorporation needed into Planning Scheme.
 - Saltwater Creek Draft Masterplan – Currently being drafted, so no current actions.
 - Washpool Creek Draft Masterplan – Currently being drafted, so no current actions.
 - Civic and Cultural Arts Precinct Strategic Vision – Future elements to be incorporated into the Planning Scheme would be subject of a future detailed precinct master plan.
 - Concept Design Bundaberg Community Hub 2020 – No incorporation needed into Planning Scheme (the project is suitably enabled by the current Planning Scheme).
 - Public Art Masterplan - No incorporation needed into Planning Scheme, however there are potential opportunities for incorporation of public art provisions within relevant

³ It is understood that a preliminary business case for the de-maining of Quay Street and other DTMR studies (Bundaberg Integrated Transport Study) include analysis of bypass options.

assessment benchmarks (for example, for developments of a particular scale / location and where other street activation may not be able to be practicably achieved).

- Bundaberg CBD Streetscape Design Guidelines 2019 - The Streetscape Design Guideline has not yet been reflected in the Planning Scheme. Incorporation of relevant provisions within the Development Works Planning Scheme Policy (or any alternate ultimate planning scheme policy) and outcomes within the Landscape Code would be necessary to fully enact these Guidelines.
- Sport and Recreation Strategy 2018-2028 / Parks and Open Space Strategy 2019-2026 – These strategies are key policy documents for the planning, development, provision and management of parks, open space, sport and recreation land and activities. Some key aspects include:
 - The Sport and Recreation Strategy outlines the challenges having regard to the provision of trunk sport park development and LGIP unable to meet anticipated population demand, and identifies that the current provision is below the desired standard of service for some aspects of the open space network (noting that the New Bundaberg Hospital will remove a large area of designated open space). This is an aspect to be managed through both the Planning Scheme and the LGIP.
 - Whilst a range of amendments have been made to the Planning Scheme pursuant to the Parks and Open Space Strategy, there remain some gaps for address in the Planning Scheme and LGIP (refer to **Appendix A** for further details).
- Active Transport Strategy 2020-2025 – Whilst a range of amendments have been made to the Planning Scheme pursuant to the Active Transport Strategy, there remain some gaps for address in the Planning Scheme and LGIP (refer to **Appendix A** for further details).
- Industrial land matters – The Woodgate Industrial Land Review 2022 identifies that there is not significant demand for industrial land in Woodgate. Opportunities for small-scale / home-based industrial uses need to be balanced with other aspects (i.e. amenity and coastal). As such, this study requires no incorporation into Planning Scheme, however could be considered as part of any review of broader regional industrial land demand.

Industrial land needs of the Bundaberg region have not been investigated since 2012, as part of the Activity Centres and Industrial Land Planning Study. This study identified ~302 hectares of vacant industrial land, distributed across several precincts. However, this study does not clarify whether this vacant land estimate adjusts for constraints, does not consider the “development readiness” of vacant industrial land supply, or the implications of the large area of industrial land made available with the declaration of the State Development Area. It is therefore suggested an updated industrial strategy is undertaken by Council to inform the planning scheme review.

- Sustainable Bundaberg 2030 / Towards Net Zero – These documents do not result in particular actions or recommendations for incorporation into the Planning Scheme (noting that there are separate documents that relate to specific actions), however there are broad actions that should be contemplated in future Planning Scheme amendments. These include the incorporation of sustainability principles, natural hazard response, Green Star / NABERs ratings for development under the Planning Scheme, and encouragement / facilitation of renewable energy, electric vehicle, and other sustainable development goals (e.g. through levels of assessment).
- Bundaberg Coastal Hazard Adaptation Strategy (CHAS) – The CHAS signals a need to make amendments to parts of the Planning Scheme, including the Strategic Framework and Coastal Protection Overlay Code and mapping, together with other site-specific actions and development / zoning limitation aspects for particular locations (such as Moore Park Beach, Woodgate Beach and Walkers Point).

- Stormwater Management Strategy 2021 – A key action arising is for Council to review stormwater modelling (as specified within the Strategy) for potential incorporation within the Planning Scheme (Flood Overlay), together with resolution of any Council-specific controls.
- Waste Management and Resource Recovery Strategy 2017-2025 – The Waste Management and Resource Recovery Strategy does not identify any specific actions / recommendations to be incorporated within the Planning Scheme, however there are gaps between the Strategy and the scope of the current Waste Management PSP, resulting in some need for review / alignment.
- Heritage Study 2015 – The heritage study (incorporating a Part 1 and Part 2 study) identified local heritage places, which have substantively been reflected in the Planning Scheme through various amendments since commencement. A number of places identified and recommended for inclusion in the studies do not appear to have been included in the Planning Scheme, due to Council's previous reluctance to include private dwellings or sites where owner's were not supportive of listing into the scheme at that time. Council may wish to reconsider the balance sites for inclusion, or potentially assess their significance through a revised/new cultural heritage study.
- Whilst there are a range of policies and action plans that do not result in specific elements requiring inclusion with the Planning Scheme, any new or amended Planning Scheme ought to be cognisant of the relevant stakeholder interests to be reflected in the overarching approach to community inclusion, participation, accessibility and connectivity.

4.5 Major Projects / Infrastructure

A range of major projects and infrastructure activities are on the agenda within the Bundaberg Region. Such projects have potential for implications on the planning for the region in broad terms, and for how aspects of the Planning Scheme may operate. Observations arising from a review of the available information for each of the major projects / infrastructure is provided below.

1. New Bundaberg Hospital

The New Bundaberg Hospital development is a major project for which planning has been underway for several years. The project is being led by Queensland Health, and is currently at the detailed business case stage with an intended completion date of 2026/27. The project has an estimated cost of \$1.2 billion and is expected to contribute 800–1,000 operational jobs and 2,900 construction jobs.

The new hospital will be located on a 61.73 hectare site on the Bundaberg Ring Road at Thabeban. The site is approximately 5 kilometres south of the Bundaberg CBD. The site is currently within the Open Space Zone, is subject to a range of overlays, and contains bushland vegetation.

The new hospital will include a main hospital building, 121 new beds, a larger emergency department, acute services including medical, surgical, intensive care, mental health, maternity, paediatric care and renal services, a larger range of outpatient and diagnostic services, more operating theatres and recovery spaces, clinical support spaces for medical imaging, pharmacy, sterile services, outpatients, mortuary and pathology, and teaching, training and research spaces. The buildings are intended to have a height of between one (1) and seven (7) storeys.

The Queensland Government is managing the statutory assessment process for the new hospital, by way of a Ministerial Infrastructure Designation (**MID**). The MID application was submitted on 23 December 2022, and a Decision Notice dated February 2024 has approved the designation.

Key planning consequences arising from the new hospital project, as relevant to this review of the current planning scheme, include the following.

- The planning scheme will need to adapt the site designations to reflect the new hospital, in time.

- The hospital will provide a major new community facility for Bundaberg, located at the southern edge of the urban footprint. The hospital will have the potential to generate investment in activities that seek to co-locate with such a facility. As such, planning to support and/or facilitate investment around the hospital could be contemplated (noting that the hospital site is surrounded by land in the industry zone, Low Density Residential Zone and Emerging Community Zone, some of which may not represent the highest and best adjoining use).
- The hospital will result in the loss of a very large piece of land designated for open space purposes. Council will need to consider the implication of the loss of this land for open space, and whether an alternate open space area may need to be found as a replacement.
- The hospital proposes an associated expansion of the road network, including upgrade and extension of Johanna Boulevard, and delivery of a new East-West Connector Road. The broader implications of improved connectivity will need to be contemplated by Council.
- Expansions to active transport and public transport connections are also proposed, which will support improved local connectivity, which can be contemplated in terms of the potential exploration of co-located land uses that take advantage of transport infrastructure investment.
- The site is currently not serviced by water and sewer infrastructure, and extensions to those networks are proposed. The benefits for surrounding land ought to be contemplated.
- Overall, some master-planning of the locality surrounding the hospital may be of benefit in order to deliver consequential positive outcomes arising from the hospital investment. This should occur in the context of not disrupting the balance areas of economic importance in Bundaberg, and be reflected through the Strategic Framework and other parts (e.g. local plans).
- That master planning may contemplate the opportunities for co-located land use outcomes within the adjacent industrial area (such as for biomedical, research and technology, and so forth; with s3.4.3.1 of the Strategic Framework currently only acknowledging that this industrial area benefits from Ring Road and freight accessibility) and nearby emerging community area (for example, would support for increased densities or supported living typologies be suited). It is understood that Economic Development Queensland has recently commenced a local area structure planning project for the health precinct which will assist in informing any future amendments to the planning scheme.

2. Bundaberg Airport Masterplan / Expansion

The Bundaberg Airport is subject to ongoing expansion plans to cater for increased passenger numbers, including to provide for a terminal expansion, runway extension, and additional car parking. This project will improve transport links to the region and provide new opportunities for businesses to connect with other markets. In addition is the intention for an expansion of capabilities for international air freight movements, and provision of a general aviation precinct.

To facilitate the ongoing growth of the Bundaberg Airport, a masterplan has been prepared (Bundaberg Airport Masterplan 2016-2026). The purpose of the Bundaberg Airport master plan is to provide a planning framework for the long-term protection of the airport to ensure it has sufficient infrastructure to support forecast movements within the period of the master plan and beyond. The master plan includes various components including a land use plan, facilities development plan, airport safeguarding plan and high-level implementation plan.

Relevantly, Bundaberg Regional Council is the owner and operator of the airport.

Key planning consequences arising from the Bundaberg Airport Masterplan 2016-2026 and general airport expansion, as relevant to this review of the current planning scheme, include the following.

- An expansion of airport facilities and export / import capabilities can contribute additional economic growth. Airports are a focal point for activity, and provide co-location benefits for

various land uses such as industrial activities (as is the case for Bundaberg, which has suitably designated industrial and employment land close to the airport).

- The planning scheme currently designates the airport mostly in the Community Facilities Zone, with some lots in the Industry Zone. The Community Facilities Zone Code and the Strategic Framework suitably acknowledge the role and significance of the airport, and facilitate the outcomes identified by the master plan. The Airport and Aviation Facilities Overlay also appropriately regulates impacts of and on the airport.
- Where increased use of the airport occurs (i.e. increased passenger and freight flights) then the consequences for the aspects managed by the Airport and Aviation Facilities Overlay (e.g. light, noise, etc) will need to be progressively reviewed and updated.
- Further, the consequences of increased noise arising from aircraft movements will be relevant to surrounding land use and environmental features (impact on residential as observed in other cities; impacts on sensitive ecology features such as turtle nesting and dark skies policy).

3. Port of Bundaberg and State Development Area

The Port of Bundaberg is an established and operational port at the mouth of the Burnett River, generally providing for the export of raw and manufactured goods, and import of some goods.

Gladstone Ports Corporation (GPC) has a Land Use Plan for the Port of Bundaberg which identifies strategic port land to be used for port and industry development. The Port of Bundaberg Land Use Plan 2020, prepared under the *Transport Infrastructure Act 1994* (QLD), provides the framework for GPC to assess and approve development on port land.

Adjacent to the Port of Bundaberg is the designated Bundaberg State Development Area (**SDA**). The SDA covers an area of 6,076 hectares, on both sides of the Burnett River.

The *Bundaberg State Development Area Development Scheme* provides the planning guidance for the SDA, pursuant to the *State Development and Public Works Organisation Act 1971*. The SDA is divided into five precincts to ensure port-related industries, support industries and key infrastructure are appropriately located, and environmentally sensitive areas are recognised and protected.

Key planning consequences arising from the Bundaberg SDA / Port of Bundaberg expansion, as relevant to this review of the current planning scheme, include the following.

- An expansion of port facilities can contribute additional economic growth, and this is a primary reason for the designation of the SDA. However, timing of new development and investment in the SDA is unknown, and largely beyond the control of Council. This large allocation of potential industrial land also has an interface with and implications for industrial land elsewhere in the Bundaberg Region (i.e. as controlled by the planning scheme).
- The SDA ought to be identified in Part 10 – Other Plans of the planning scheme (or similar depending on how closely to the now superseded QPP format any new planning scheme may align). While it is understood that the SDA is included in an appropriate zone (the Special purpose zone), a common approach for many planning schemes is to include a specific section that maps the boundaries of the area and provides details of the jurisdictional arrangements and appropriate planning and application frameworks that apply.
- The progressive expansion of the port will place pressure on adjacent existing residential areas at Burnett Heads. The SDA Development Scheme does seek to manage these interface pressures, through transitional areas, but amenity and reverse amenity issues are relevant.
- Some of those transitional areas are subject of non-industrial development, for example, there is an approved medium-rise apartment development identified between the existing port and the Burnett Heads township, which is relevant to the zoning and built form composition.

- Requirements and pressures on Council infrastructure networks needs to be considered.
- Overall, given the SDA sits outside of the planning scheme, there is limited planning scheme content that is directly affected. There will be a continued need for overarching alignment at the Strategic Framework level, noting that the importance of the Port of Bundaberg is already strongly identified within the Strategic Framework (including s3.1, s3.2.4, s3.3, s3.3.9, s3.4, s3.4.3) and the SDA is acknowledged at s3.4.3.1.

4. Gateway Marina

The Gateway Marina is a new development that will provide berthing for up to 300 vessels. The marina is also intended to feature a commercial precinct, including shops, restaurants, and cafes, together with higher density residential living opportunities.

This development has the potential to facilitate new tourism opportunities, with the marina providing berthing for vessels that can access the southern Great Barrier Reef marine park.

There will be a continued need for overarching alignment at the Strategic Framework level between the Gateway Marina and the adjoining SDA, to ensure that the tourism benefits and opportunities presented by the marina are not impacted.

5. Civic and Cultural Precinct

The Civic and Cultural Precinct is a Council project that would provide a location for community events and cultural activities. The precinct will include a performing arts centre, a library, and a civic square, with an indicative project cost of \$55.1 million.

A Strategic Vision document has been prepared by Council, and analysis of this is provided in **Appendix A** of this report. The Strategic Vision document identifies indicative land uses and built forms. A short-term action identified in the vision report is to undertake a detailed precinct master plan, and then in the longer term undertake an amendment to the Planning Scheme to facilitate the outcomes of the master plan.

Consequences for the planning scheme are dependent upon the progress of the master plan, with foreshadowed designation changes potentially premature until the master plan is progressed.

6. Bundaberg Agtech Hub

CQ University, the Australian Government and Bundaberg Regional Council partnered to establish Australia's first Ag tech prototyping precinct in the Bundaberg region – the Bundaberg Agtech Hub at 160 Hughes Road, Bargara. This precinct is intended to attract, engage and connect innovators, researchers and industry in the testing and rapid prototyping of Ag tech to delivery improvements in agricultural and economic performance.

This has relevance to the growth and development of the Bundaberg Region, given the importance of agriculture and the potential for agricultural innovation and value add activities. The potential for further expansion of such ag tech industries could be explored, by way of relevant economic development strategies, and could be encouraged through strategic planning scheme content.

In terms of the planning scheme consequences for the site itself, it is noted that:

- The site is in the Community Facilities Zone, which provides for the use to operate;
- The site appears to have space for a modest extent of expansion of the facility itself; and
- The site is surrounded by land in the Emerging Community Zone, which is expected to be developed for low density residential outcomes. This separates the facility from agricultural land, however given the site isn't currently adjacent to agricultural land then this presumably doesn't create operational concerns. Agricultural land remains relatively proximate.

7. Bundaberg East Levee

The Bundaberg East Levee is intended to provide better flood protection for parts of Bundaberg East, Bundaberg South and the Bundaberg CBD. Funding of \$174.7 million has been provided by the Federal Government and State Government for the delivery of the levee.

Aspects relevant to the planning scheme include any consequential changes to the flood overlay arising from the levee construction (in terms of potential changes to flood levels and extent), together with any land designations for acquired levee land.

8. Paradise Dam Improvement Project

Paradise Dam is approximately 20km north-west of Biggenden and 80km south-west of Bundaberg on the Burnett River. It is a key component of the Bundaberg Water Supply Scheme.

During 2020 and early 2021 Sunwater lowered the primary spillway and installed a temporary concrete crest to improve the safety of the dam for people living downstream.

In December 2021, the Queensland Government announced the preferred option for the long-term future of Paradise Dam is to return the dam to its original full supply level, as part of significant safety improvement works. After initial review and design works, it is now understood that a new dam will be constructed immediately downstream of the current dam site as the final option. Currently, the development of the dam is subject to a Ministerial Infrastructure Designation process which remains ongoing.

The construction of the dam is not expected to have planning consequences for the planning scheme.

9. Variation Approvals

There are a number of current Variation Approvals (or Preliminary Approvals overriding the Planning Scheme, as formerly known) within the Bundaberg Region, comprising the following.

- **Kensington Commercial Industrial Estate, Johanna Boulevard, Kensington** (Council reference 325.2005.14095.6; approved 27 June 2012) – which guides development by way of the Kensington Plan of Development No. 1. Development within the Kensington Commercial Industrial Estate has been substantively progressed (all roads and approximately 50% of lots have been developed). The Plan of Development provides for different land use outcomes and level of assessment thresholds that the underlying zoning, and given the age of the approval it may be timely to align the zoning (and precincts) to the specifics of the Plan of Development.
- **Kensington Aviation Business Precinct and Kensington Super Park Precinct, Johanna Boulevard, Kensington** (Council reference 325.2006.17762.3; approved as minor change 16 October 2014) – which guides development by way of the Kensington Plan of Development No. 2. Development within the Aviation Business Precinct has been partially progressed for industrial development, but the aviation-side lots have not been progressed. The super park lot, providing for open space and parkland outcomes has been partially progressed; and the underlying zoning has been aligned as Sport and Recreation Zone. Given the particular nature of aspects of the development (e.g. airside lots) then the utility of the Plan of Development remains.
- **Kensington Master Planned Community, Eva Street, Kensington** (Council reference 325.2007.18601.4; approved as change application 22 January 2020) – which guides development by way of the Kensington Plan of Development No. 3. No activity has occurred pursuant to this Variation Approval, and the site is proximate to the new Bundaberg Hospital site, such that ongoing considerations to land use outcomes may be worthy of consideration.
- **Bundaberg Regional Aviation and Aerospace Precinct, Airport Drive** (Council reference 325.2009.25525.1; approved by way of minor change 17 May 2019) – which guides development by way of the Bundaberg Regional Aviation and Aerospace Precinct Commercial/Industrial Estate Plan of Development. The site is within the bounds of the airport,

but within the industrial zone. The Plan of Development provides some variation from the underlying industrial zoning (including in respect of commercial and aviation-related activities), and there is limited development having occurred pursuant to the Variation Approval to date, such that there remains utility in the Plan of Development

- **Bundaberg North Industrial, 59 Cummins Street, Bundaberg North** (Council reference 325.2016.46102.1; approved 30 March 2017) - which guides development by way of the Cummins Street Development Plan. This Variation Approval provides for industrial-oriented land uses (and some others). The site is now zoned as industrial. No development has occurred.
- **Headlands Coastal Community Master Planned Residential Community, Logan Road, Innes Park** (Council reference 325.2016.45639.1; approved by way of a minor change on 7 January 2020) – which guides development by way of the decision notice, conditions and approved plans and the Headlands Coastal Community Plan of Development, and which provides for low density residential land, medium density residential land and neighbourhood centre land. The site is currently zoned Emerging Community Zone. Development has occurred progressively, and there could be scope for progressive rezoning to reflect the development.
- **Coral Cove Master Planned Residential Community, Coral Cove Drive, Innes Park** (Council reference N/A; Ministerial decision re MBM14/529; approved 13 November 2014) - which guides development by way of the decision notice, conditions and approved plans, and which provide for low density residential and an integrated housing development. The site is currently zoned Emerging Community Zone, with no development appearing to have occurred although we have been advised that applications are currently with Council. There remains utility in this variation approval / preliminary approval.
- **Elliott Heads Estate, Breusch Road, Dorflers Road and Elliott Heads Road, Elliott Heads** (Council reference 322.2007.51238.1; approved by way of a minor change on 28 July 2022) – which guides development by way of the decision notice, conditions and approved plans, and which provides for varying intensities of residential outcomes, together with business and community elements. The site is currently zoned Emerging Community Zone. Initial stages of development have only just progressed, and so there remains utility in this variation approval / preliminary approval. Council has recently considered undertaking further local area planning for emerging community land at Elliott Heads given matters raised by the developer regarding the current variation approval and infrastructure agreement.
- **Kevin Livingston Drive, Isis Central** (Council reference: Isis Shire TP755; approved 26 September 2007) - which guides development for industrial development, pursuant to the Industrial Zone of the Isis Shire Planning Scheme. The land has already been converted to the Industry Zone (with limited development visible on NearMap).
- **Hillview Master Plan, Bruce Highway, Childers** (Council reference: 522.2021.264.1; approved 23 March 2017; subsequent approval of uses pursuant the variation approval in 2019 and 2022) – which guides development for a range of land uses pursuant to the decision notice, conditions and approved plans and the Hillview Master Plan Preliminary Approval Code. There remains utility in this variation approval / preliminary approval.
- **Kalkie Neighbourhood Centre, 134 Telegraph Road, Kalkie** (Council reference 521.2021.195.1; approved 1 April 2021) – which guides development for a Neighbourhood Activity Centre (excluding service station and fast food drive through), applying the Neighbourhood Centre Zone to the land. Given the selective application of some uses to the site, the approval retains utility (i.e. a rezoning to Neighbourhood Centre would avail the uses that Council deliberately refused).
- **Kalkie Residential, 231 Bargara Road, Kalkie** (Council reference 522.2021.288.1; approved 28 September 2022) - which guides development for a residential estate, by applying the Low Density Residential Zone to the land. Given the direct nature of the variation, and with works having progressed, it may be possible to apply a rezoning to this land.

In overview, it appears that the Variation Approvals intend to progress, or are progressing, development that remains broadly consistent with the forward planning intentions for the land (for example, residential communities provide for within the Emerging Community Zone). A detailed interrogation of all aspects of each approval has not been undertaken as part of this project.

5. Demographic and Forecasting Review

5.1 Introduction

Bull & Bear Economics was engaged to provide a review of the population, dwelling and employment context and projections presented within the Bundaberg Regional Council Planning Scheme (including Local Government Infrastructure Plan (LGIP) Planning Assumptions) for the Bundaberg Regional Council and its component communities. The review of the Bundaberg Regional Council Planning Scheme prepared by Bull & Bear is included within **Appendix B**.

5.2 Population Growth Analysis

Having regard to the anticipated distribution of population growth under the latest LGIP relative to historic trends, the following key aspects from Bull and Bear are provided below to identify whether the outlook under the LGIP (which informs the Planning Scheme) aligns with what has occurred within the region.

- The projections under the LGIP indicate Greater Bundaberg is anticipated to account for a higher share of population growth relative to observed trends, which appears optimistic;
- The projections under the LGIP have allocated a significantly higher proportion of growth to Gin Gin relative to observed trends, which appears overstated;
- The projections under the LGIP anticipate a declining reliance on growth in the coastal communities of Bargara, Burnett Heads and Innes Park / Coral Cove, with growth increasingly shifting towards Elliott Heads. Advice from Council has indicated capacity for growth remains in Elliott Heads, Coral Cove, Bargara and Burnett Heads; and
- A significantly lower proportion of population growth is anticipated to occur outside the PIA than what has occurred historically.

The estimated revised population outlook is outlined within Section 2 of the report prepared by Bull & Bear and is included within **Appendix B**. The key aspects of the analysis are summarised below:

- Population outlook for Bundaberg Regional Council is lower in recent (2023) QGSO projections than the LGIP projections which were based on the 2015 QGSO projections. The gap between the LGIP and revised QGSO projections is anticipated to be between approximately 17,000 persons (low series) and approx. 2,000 persons (high series) at 2036;
- Lower population within the PIA throughout the projection period than under the LGIP projections, in recognition of recent development trends within the region (70% of growth within the PIA, as opposed to over 80% of growth in the PIA as anticipated by the LGIP in the 2021 to 2031 period);
- Lower population in Greater Bundaberg and Woodgate, recognising preferences to live in other parts of Bundaberg Regional Council, most notably the coastal communities;
- Higher populations in Burnett Heads, Innes Park/Coral Cove and Moore Park Beach by 2036.

5.3 Dwelling Trends

The Bull & Bear review has considered historic dwelling and household trends, particularly the distribution of dwellings across Bundaberg Regional Council by typology.

The Housing and Residential Development Planning Study, undertaken by Cardno HRP on behalf of Council in 2012, identified significant need to deliver semi-detached and attached product in Bundaberg Regional Council in the 2011-2031 period. However, review of available data suggests little change in the composition of the dwelling stock in Bundaberg Regional Council, with the majority of new dwelling approvals for detached dwellings, despite the ageing demographic within the region. Having regard to dwelling approvals with Bundaberg, over the past five years, new dwelling approvals in Bundaberg Regional Council have been predominately for houses, accounting for between 95.9% and 98.3% of dwelling approvals.

The assessment has also identified the current settlement pattern in Bundaberg Regional Council likely does not align with the intent of the planning scheme due to the following factors:

- Higher proportion of population and dwelling growth occurring outside of the PIA, despite significant vacant and zoned residential land inside the PIA throughout the region;
- Higher proportion of growth occurring within the coastal communities as opposed to Greater Bundaberg. The Bull & Bear review identified that the Planning Scheme and LGIP has underestimated projected dwellings in several communities, most notably Bargara, Moore Park⁴, Woodgate⁵ and Childers. It would be prudent to ensure sufficient zoned and serviced residential land in these communities is available to accommodate projected dwelling growth, noting that there are already several local planning and other planning and servicing studies that have been undertaken or commenced to ensure availability of land supply in these locations.

It is suggested a detailed assessment of housing need at the small area level is undertaken, which would likely suggest opportunity to deliver additional smaller housing product in several communities in Bundaberg Regional Council, including semi-detached and attached product.

5.4 Residential Land Supply

As part of the Housing and Residential Development Planning Study undertaken in 2012, consideration was given to the quantum of remaining residential capacity within Bundaberg Regional Council. The study identified significant shortfalls in broadhectare / greenfield land throughout the region, which likely led to the rezoning of land for residential purposes under the current scheme.

Presently it is understood there is a significant oversupply of vacant residential land in the Bundaberg Region. This assessment has identified there has been limited semi-detached and attached residential development in Bundaberg Regional Council, with evidence of higher density zones ultimately being consumed for low density residential development. On the other hand, significant residential development has occurred outside of the PIA, despite significant remaining residential capacity within the PIA.

It is therefore suggested (per the Bull and Bear Review), more detailed investigations which identify the quantum of residential land supply by zone and community are undertaken, which include an investigation of the “development readiness” of vacant supply to inform the revised planning

⁴ It is noted that growth in Moore Park Beach is constrained by lack of access to sewerage infrastructure and the impacts of storm tide inundation.

⁵ It is noted that growth in Woodgate is constrained by coastal hazard and significant environmental values of the nearby National Park.

scheme, including advice on suggested development sequencing to more efficiently deliver growth and support the preferred settlement pattern for the region.

5.5 Development Feasibility

Whilst planning scheme settings point to a desire to increase residential densities in the Bundaberg CBD and coastal localities, the analysis suggests little semi-detached and attached dwelling development has been ultimately delivered. There are several factors which influence development feasibility, including macroeconomic factors (e.g., interest rates which affect both prospective developers and purchasers), local market conditions, construction costs and planning controls.

It is therefore suggested (per the Bull and Bear Review), Council undertake further investigations to understand the local context regarding development feasibility, including whether adjustments to planning scheme settings can significantly enhance development feasibility for semi-detached and attached product in Bundaberg Regional Council, particularly within the Bundaberg CBD and coastal communities.

5.6 Employment Growth Analysis

Whilst the suggested amendments to the employment outlook in Bundaberg Regional Council are minor, the analysis points to a need to accommodate an additional 842 workers in Greater Bundaberg by 2036 relative to the LGIP projections.

Whilst the analysis has not projected the type of additional employment opportunities anticipated within Greater Bundaberg, employment growth is anticipated to be concentrated within the health care and social assistance sector (including at the new Bundaberg Hospital) and industrial sectors (which would be accommodated on industrial land) within the region. To more comprehensively understand the industrial land needs of the region, an industrial land study could be considered as part of the planning scheme review.

The LGIP population and employment projections have been compared to determine whether the proportion of employed residents is anticipated to increase or decline over time. Given the socio-economic characteristics of Bundaberg Regional Council, the proportion of the population employed is anticipated to either remain stable or marginally decline over the projection horizon.

Based on the LGIP, the proportion of the population employed is anticipated to remain relatively stable within the LGA as a whole, but decline in all communities other than Greater Bundaberg, which appears appropriate and reinforces Greater Bundaberg as the focal point of employment opportunity within the region.

5.7 Centres Strategy

The retail centres hierarchy in Bundaberg Regional Council has not been reviewed since 2012 and is based on the outcomes of the Activity Centre and Industrial Land Planning Study, undertaken by Urban Economics in 2013. The demand for retail floor space in this study, which utilises projected population and households as a critical input, is based on a more optimistic outlook than current forecasts. This study identified the most significant quantum of vacant centres land at the Sugarland Major Centre, Moore Park Beach, Bargara, Childers and Apple Tree Creek.

Whilst the demand for retail floor space is likely lower than previously forecast due to trends in the retail sector more broadly (e.g. increased prevalence of online retail, consolidation of discount department stores such as Kmart), there may be opportunities to amend the Bundaberg centres

hierarchy (e.g. amalgamation of neighbourhood and local centres) and identify whether the quantum of vacant centres land in certain localities is warranted or best converted to an alternative zoning⁶ (e.g. mixed use to allow for small scale retail expansion but also offer the opportunity to accommodate additional residential development). It is therefore suggested an updated centres strategy is undertaken to investigate these issues in more detail.

5.8 Industrial Strategy

The industrial land needs of the Bundaberg region have not been investigated since 2012, as part of the Activity Centres and Industrial Land Planning Study. This study identified ~302 hectares of vacant industrial land, distributed across several precincts. However, this study does not clarify whether this vacant land estimate adjusts for constraints, nor identifies the “development readiness” of vacant industrial land supply. It is therefore suggested an updated industrial strategy is undertaken by Council to inform the planning scheme review.

⁶ It is noted that local, neighbourhood, district, major and principal centre zones do facilitate some forms of residential uses.

6. Rural Lands Review

6.1 Introduction

The Bundaberg Regional Council includes a large amount of rural land, and supports a diverse rural economy. As noted in Section 3.4, no specific rural lands strategy has been prepared in either the preparation of the current planning scheme or in the intervening timeframe. Given the importance of rural land and rural production to the economy, character, and identity of the region, the ten year review has undertaken a review of rural lands with particular focus on the identification of rural land values, land fragmentation, and strategies to potentially incorporate within any new or amended planning scheme. A high level review of policy issues relating to rural land is provided at **Appendix C**, with a background of the current approach and summary comments provided in the following sections.

6.2 Current planning scheme approach

The current planning scheme addresses rural land and development through:

- The strategic framework – the strategic framework maps the Important Agricultural Areas (IAA) of the region, and includes strategic outcomes relating to the protection of rural land as a resource and support the maintenance and expansion of rural production and other compatible land uses. The strategic framework also includes provisions that seek to minimise fragmentation, as well as requiring appropriate separation and buffers between incompatible land uses and productive rural areas;
- A Rural zone code – the Rural zone code which reinforces the strategic outcomes through including Overall outcomes that seek to limit subdivision and fragmentation of rural land, protection of high quality land (ALC Class A and Class B land) for high value rural uses, as well as minimising conflicts between potentially incompatible land uses;
- The Agricultural land overlay code – the overlay code further reinforces the principles of maintaining high value rural land mapped as ALC Class A and Class B land for productive rural purposes, as well as specific separation and buffering approaches for intensive land uses.

The planning scheme is supported by a Planning Scheme Policy (PSP) for Agricultural Buffers. The PSP is broadly applicable, and notes that it will be considered where a development proposal is on land adjoining an existing agricultural or rural land that can foreseeably be used for agricultural activities. The PSP provides detailed guidance on the types of buffers, as well as design, construction and maintenance advice on matters such as height, depth, density and arrangement. The PSP is locally contextual, and includes specific design criteria in relation to buffers to development adjacent to sugar cane and cane railways which would reflect the large expanses of sugar cane remaining in production within the region.

In this regard, the general principles of rural land planning (protection of the resource, minimising fragmentation, separation and buffering of incompatible land uses) are well embedded within the current planning scheme, and it appears to function well with no specific issues reported during engagement exercises. While the general rural lands policy requires no amendment in terms of general principles and approaches, there remains opportunity to consider further refining the mechanisms of the planning scheme to provide for a finer grained and more detailed regulatory approach. This may allow for the scheme to differentiate between the various locations and values of rural land across the region and provide a detailed and bespoke approach to development.

6.3 Agricultural land values

Bundaberg Regional Council LGA contains 613,000 ha of land. Of that land, the agricultural overlay shows that 19% of the area is Agricultural Land Class (ALC) A1 (land suited to a wide range of crops), 2% ALC A2 (suited to horticulture crop only), 10% ALC B (limited crop land suited to a narrow range of crops) and 69% is pasture quality land or non-agricultural land.

The ALC's are derived via an opaque process of assigning land suitability based on 7 separate soil mapping reports at accuracy scales ranging from 1:1 million to 1:50,000 and with differing land suitability frameworks. Land suitability in some of these reports is based on the assumption that irrigation resources are available, which may not necessarily be the case. In this regard, there is some uncertainty as to the actual value of the agricultural resource as it is currently mapped under the State ALC mapping system which underpins the planning scheme (and all other planning schemes within Queensland)

It would be beneficial to disaggregate the current ALC mapping system to reflect actual land values. As an example, those areas with extensive sunk investment in irrigation could have their own overlay system and any obvious errors in ALC assignments ought to be corrected. A separate set of land use outcomes, performance objectives and RoL policies could then be specifically derived for these high value precincts.

6.4 Rural zone fragmentation

The fragmentation of rural land in the coastal and southeastern regions is a historic legacy of land use policies put in place well over a century ago. This fragmentation extends across the higher value commercial rural land use areas and has become an increasing source of reverse amenity impact due to conversion of commercial rural land uses to semi commercial and rural lifestyle use forms.

Whilst hard data on the level of fragmentation is difficult to access given the extent of the problem, such data is critical to informing and underpinning future rural land planning by means other than the current blunt instruments of ALC and minimum lot sizes. The combination of legacy impediments and current SPP settings are in effect very blunt tools to assist in developing and implementing innovative strategies such as land consolidation, lot reconfiguration, development right transfers and value adding tertiary rural land uses.

6.5 Commercial rural land use

The Bundaberg Region has a diverse rural economy which is rare in Queensland. Cane production based on groundwater, riparian diversions and pumped command schemes have dominated. However, the region has also become a leader in high value horticulture production and has played a major role in ensuring that industries such as these have been able to relocate and expand out of high-cost land and water environments of South East Queensland.

On farm value adding within those sectors is increasingly attracting new and high technology investment from the private sector. The challenges facing the commercial sector can be summarized as:

- Current levels of fragmentation will continue to allow non-commercial forms of rural land use to erode the production base; and
- The current rural zone and planning framework does not provide sufficient guidance on the nature and value of the land resource to clearly identify preferred locations for the broad type of rural uses that can occur.

6.6 Precinct based planning

As a way of better defining rural land, its values and its relationship to other rural and non-rural lands, a precinct-based planning approach may be considered. The concept of precinct-based planning is well established in non-rural settings. As a new planning approach, it is suggested that precincts are identified within the rural zone that identify specific areas that have a common land and resource value.

Rural land that is identified as having a significant amount of sunk public sector investment associated with its land use (essentially regulated surface and groundwater irrigation areas and cane railway corridors) or having the highest quality soil resource could be clearly identified within the rural zone as discrete high value rural planning areas and policy specifically targeted at these areas should be articulated through the planning scheme.

In the Bundaberg region, there are however significant parts of the rural zone that are not suited for intensive cropping and could thus support land use forms that do not conflict with adjoining high value cropping areas, including additional rural precincts that allow for non-intensive cropping and horticulture, animal husbandry, and other rural uses. However, some precincts may be specifically identified to accommodate non-rural uses where the resource is significantly compromised and provisions can be put in place to protect rural production on or in adjoining precincts (such as nature and rural based tourism uses or rural industry). It is important to note that the precinct planning approach is not intended to support or suggest potential locations for further rural residential development within rural areas.

This approach would allow for a more fine-grained approach to rural areas and allow Council to appropriately balance rural production, environmental values, and landscape character when considering development in the rural zone.

7. Consultation Findings

7.1 Background

To ensure that the planning scheme review identifies key issues, as part of the review it is important that those who work within or administer the planning scheme have an opportunity to provide insights into the content and operation of the planning scheme.

On this basis, a critical part of the review process is the undertaking of consultation with key stakeholders who can provide detailed feedback and insight as to those aspects of the scheme that work well, identify implementation and delivery issues, identify opportunities for improvement, and any other aspects that are commonly encountered that reduce the effectiveness of the planning scheme.

A total of three (3) workshops were convened, grouped into the following categories:

1. **Workshop 1 – Councillor Workshop** – focusing on key strategic directions for the region and issues of community interest;
2. **Workshop 2 – Internal Staff Workshop** – focusing on issues with the day-to-day operation, implementation and administration of the planning scheme and its effectiveness in regulating development; and
3. **Workshop 3 – External Stakeholders Workshop** – focusing on the experience of working with the planning scheme and potential issues that arise in undertaking development in the region.

Explanation of the workshop approach and attendees, and a collation of workshop feedback, is contained within the Workshop Outcomes Report in **Appendix D**, with a summary of the key themes arising from the workshops provided in **Section 7.2** of this report (below).

7.2 Summary of Issues Raised in Consultation

The engagement workshops were a useful exercise in seeking to gain a wide range of feedback from multiple scheme users.

It is noted that the planning scheme is not the only mechanism that Council has to facilitate development and seek to achieve the strategic goals for the region. In this regard, responses to some of the comments provided during the workshops will not be a matter for the planning scheme, or will have some crossover with other Council obligations or processes.

In terms of matters that fall within the planning scheme, the following are the key matters identified during the workshops that have a common theme that may be further considered during the review:

- Lot sizes – there is a wide range of views on what are appropriate lot sizes. It will be important that the planning scheme continues to provide for a wide range of lot sizes appropriate to each area and consistent with delivering housing choice and affordability;
- Centres Development – the CBD of Bundaberg has not been the focus of development activity, and the intent to create a more dense, mixed use principal centre has not been realised to date. Provisions relating to parking, waste management and built form are seen as problematic and may be further considered to balance development viability and good public outcomes;
- Development Density – there is some tension between stakeholders on the merits of housing density. The planning scheme may be re-calibrated to identify locations where higher density is achievable (in close proximity to services/employment/facilities etc) as well as providing greater design guidance that minimises negative impacts on local character and identity;
- Sequencing of greenfield development – the roll out of greenfield development has become problematic, with lack of infrastructure connections and planning reducing the certainty of developers to proceed and creating costly interim infrastructure servicing costs. The preparation

of more detailed master plans, structure plans, and infrastructure servicing plans will assist in identifying priority growth locations, allow for coordinated infrastructure planning and delivery, and minimise reliance on temporary infrastructure;

- Tourism uses in rural areas – the Bundaberg region has a large rural hinterland and coastal plain that offers opportunity for tourism and other ventures that take advantage of the character and landscape features. While these complementary land uses are supported, it will be important to ensure that the type, scale, and intensity of these uses is consistent with the location and does not inadvertently cause interference with rural production, natural landscapes, or character and amenity;
- Industry Land – there is agreement that serviced industrial land is in short supply, and identification of additional land or investigation of servicing options will be required;
- Planning Scheme Policies – the current planning scheme has a relatively small number of Planning Scheme Policies (PSPs) that address issues broadly. More specific PSPs may be warranted in relation to matters such as waste management, stormwater management, urban design and preparation of flood hazard impact reports;
- Coastal Hazards – the Bundaberg Region is subject to a range of coastal hazards, and has recently completed a Coastal Hazard Adaptation Strategy (CHAS) which provides recommendations on responding to coastal processes. The inclusion of relevant aspects of the CHAS within the planning scheme may assist in appropriately managing the transition and adaptation of areas subject to intolerable hazard;
- Recreation and open space – local parks that have been provided are of low quality and are underutilised. Consolidation of parks into larger and more highly embellished facilities would potentially minimise maintenance costs as well as provide destination parks and facilities that support community liveability;
- Urban Design – urban design is an important aspect of development, and contributes to the amenity and liveability of a place. Good urban design should be based on a local context, and support a cohesive and consistent urban design language that reinforces local character and identity;
- E-plan – many contemporary planning schemes are using an e-planning portal to host their planning schemes and provide an interactive user interface. In addition to providing good access for the community and developers, these e-planning systems can also provide additional functionality for Council in terms of drafting amendments, managing versions, and other day to day tasks.

8. State Planning Policy and Regional Plan Review

8.1 State Planning Policy

In preparing a planning scheme, the Planning Act requires that a planning scheme integrate and coordinate the matters of State interest as set out in the State Planning Policy (SPP). The current SPP commenced in 2017, and the current planning scheme identifies in Part 2 of the scheme that it reflects the State Planning Policy 2014 which was the current version at the time of preparation.

The amendments made to the planning scheme since its commencement have in part responded to changes to the SPP. However, no specific process has been undertaken in a structured way to maintain alignment with the more recent version of the SPP as released over the life of the planning scheme.

This section provides an overarching review of the seventeen (17) State interest elements from the current 2017 SPP, and identifies where amendments may be made to appropriately reflect and/or improve the integration of the relevant State interests element into the planning scheme.

Each SPP theme has been assessed as either:

- Appropriately integrated – the planning scheme reflects the element, with opportunity for improvements and refinements identified and only minimal corrections (i.e. new/revised mapping or terminology required);
- Substantially integrated – the planning scheme reflects the element, with opportunity for improvement and refinements, requirement for new studies and information base, and more substantive corrections to mapping and policy gaps;
- Partially integrated – the planning scheme has a simple integration of the element and requires more significant improvement in relation to preparation of a more comprehensive information base and/or additional regulatory detail.

Table 8.1: SPP Review and Assessment

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
Housing supply and diversity	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to the planning scheme facilitating the delivery of diverse, accessible and well-serviced housing in areas that are well-connected to services, employment, and infrastructure.</p> <p>The planning scheme broadly reflects this State interest in that:</p> <ul style="list-style-type: none"> • The strategic framework identifies urban areas and major urban expansion areas, and includes specific strategic outcomes that seek to deliver diverse and adaptable housing types in existing well located areas; • Provides for sufficient urban land to cater for projected growth out to 2031 (and beyond); • Includes a variety of residential zones that cater for a range of dwelling types and options; • Includes a centre hierarchy and variety of centre zones that allow for mixed use outcomes, including residential outcomes at increased densities within larger centres;

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<ul style="list-style-type: none"> • Includes an LGIP that considers the provision of infrastructure and aligns timing and delivery with population growth projections; and • Calibrates levels of assessment so that simple residential development has a relatively low level of assessment where in an appropriate zone and not subject to hazards or constraints. <p>It is noted that while the planning scheme facilitates a range of housing types to establish, the delivery of a diverse housing product has been relatively low across the region. In particular, the population and dwelling analysis undertaken as part of this review has identified that attached/smaller dwellings make up approximately 13% of total dwellings across the region. While Bargara and Bundaberg have had some success in diversifying the available housing stock (with approximately 20% of attached dwellings), there has generally been limited uptake or delivery and the quantum is below that envisaged in the 2014 ‘Housing and Residential Needs Assessment’ which projected that attached dwellings/smaller dwellings would need to rise to approximately 25% of all dwellings by 2031 to meet anticipated community need.</p> <p>The Integrating State Interests in a Planning Scheme guideline notes that:</p> <p><i>In local government areas which have at least one urbanised area with a population greater than 10,000, there is a need to appropriately plan for residential growth and deliver housing choice, diversity and affordability that meets the current and future needs and emerging trends of the local government area.</i></p> <p>This is typically through the preparation of a ‘Housing Strategy’, which includes a land supply analysis and a housing needs assessment. Given that the demographic and housing studies used to inform the planning scheme are now dated, a contemporary analysis of projected housing need and demand would be beneficial in the preparation of the planning scheme and maintaining ongoing alignment with the SPP.</p> <p>It is also noted that future development in the identified major expansion areas of Kalkie-Ashfield and the coastal urban growth area is intended to be undertaken in accordance with a structure planning process. To further support the delivery of a diverse mix of affordable housing types (including social and community housing) in emerging urban areas, additional provisions in the strategic framework (and other parts of the planning scheme) could be included to reinforce the intended mix and proportions of dwellings to be delivered. It is our understanding that Council has recently undertaken more detailed structure planning for parts of Bargara and Ashfield (with more precision than the neighbourhood plan level of planning that had previously occurred). Should Council be so inclined, it may also undertake Council-led structure planning exercises in these areas (and any</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>other identified growth areas as required) to provide clarity and certainty around land use expectations.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Preparation of a Housing Strategy, with particular focus on affordable and social housing types to align with the contemporary focus of the SPP and current local circumstances. 2. Review and consider settlement pattern theme of the strategic framework to include greater detail on the mix and proportions of housing types envisaged for emerging urban areas. 3. Consider undertaking Council led fine-grained structure planning for emerging major expansion areas and greenfield areas to guide outcomes on housing diversity and affordability. 4. Building upon the current infrastructure charges discounts for housing choice and affordability within the Council's Charges Resolution, consider incentives for housing diversity (this may include a combination of planning scheme and non-planning scheme incentives).
Liveable communities	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to the delivery of high quality urban places that promote attractive, adaptable, sustainable and functional communities.</p> <p>The planning scheme aligns with some of the State interest elements, and in particular:</p> <ul style="list-style-type: none"> • Provides for a mix of land uses through an appropriate mix of residential and other zoning that meet diverse demographic and economic needs; • Provides for higher density development in and around centres that are accessible and support employment and social activities; • Includes and supports the use of CPTED principles in the design of places and communities to enhance safety; and • Incorporates open space and social and community infrastructure that supports vibrant communities. <p>However, overall the planning scheme would benefit from additional detail and guidance in relation to contemporary sustainable urban design (particularly outside the CBD which has been subject to multiple urban design and renewal projects), subdivision design, and streetscaping and landscaping outcomes. While the planning scheme does include provisions relating</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>broadly to urban design, they are primarily broad principles that do not have a local context. The urban design guidelines should:</p> <ol style="list-style-type: none"> 1. Promote attractive, adaptable and accessible built environments and enhance personal safety and security. 2. Maximise local character and townscape/landscape features to support community identity, while promoting innovation and adaptive re-use. <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Review the Reconfiguring of a Lot Code to provide greater guidance on good subdivision design including principles of permeability, walkability, climate response, and streetscape requirements; 2. Review relevant zone and use codes to include greater guidance on design outcomes, particularly related to passive and sustainable design principles for buildings and relationships to open space. This may include the use of graphics and diagrams to assist in explaining and describing the outcomes sought; 3. Consider preparation of Urban Design Guidelines (built form and streetscaping) including preparation of design principles and guidelines for the region and for specific localities/zones/precincts as decided by Council to inform either the planning scheme or operate as a Planning Scheme Policy; 4. Review the Landscaping Code and associated landscaping policy to align with the outcomes of the Urban Design Guidelines (which would ideally incorporate analysis and identification of streetscaping outcomes). Street trees are critical to liveability.
Agriculture	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest in agriculture relates to protecting high quality agricultural land for productive rural activities.</p> <p>The planning scheme aligns with the State interest, and in particular:</p> <ul style="list-style-type: none"> • Includes an Agricultural land overlay code which regulates development identified as being on or adjacent to ALC Class A and Class B land; • Maps the Important Agricultural Area (IAA) in the strategic framework mapping and identifies a strategic policy of maintaining ALC Class A and Class B land for rural production; • Includes a rural zone that generally captures the extent of the mapped IAA for the region and has a primary purpose to

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>facilitate rural activities and manage the impacts of non-rural activities on natural resource values;</p> <ul style="list-style-type: none"> • Includes recognition in the strategic framework that urban development should avoid impacts on and fragmentation to ALC Class A and Class B land; and • Includes provisions in the Agricultural land overlay code that regulates the interface between potentially incompatible land uses and agricultural production activities. <p>Currently, the planning scheme defers to the ALC Class A and Class B mapping in the SPP interactive mapping system and does not include the mapping as a part of the planning scheme. While this approach does ensure that the elements are mapped, the SPP now requires that the SPP mapping must be 'appropriately integrated' into the planning scheme. In this regard and given that Council is potentially moving towards an e-planning system, including the ALC Class A and Class B mapping as a specific map in the planning scheme is required.</p> <p>The Agricultural land overlay code is broadly consistent with the SPP requirements, however it is noted that in relation to Avoidance or mitigation of land use conflicts (PO2) it refers to a now superseded SPP guideline. It is also unclear how separation of incompatible land uses can be managed through the overlay alone, as it only applies where development is located on ALC Class A or Class B land is present, however it is noted that the Reconfiguring a lot code and Landscaping code include provisions that relate to landscape buffers between rural lands and urban development. It is further noted that the PSP for Agricultural Buffers provides detailed guidance on the design, construction, maintenance and operation of buffers which will assist in development aligning with the SPP requirements relating to protection of rural activities from encroachment.</p> <p>The Rural zone code is broadly consistent with the SPP requirements, however it is noted that there is little guidance in relation to location and operation of intensive rural uses. While this provides for a performance-based approach that may reflect the type and amount of intensive rural industry applications that typically arise in the region, other contemporary schemes include additional regulatory guidance and the 2017 SPP identifies a range of industry guidelines and best practice management frameworks for a range of intensive rural uses such as piggeries, feedlots etc.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Include ALC Class A and Class B mapping within a planning scheme overlay map. 2. Review and update the Rural zone code to reflect the SPP guidelines for operation and separation of intensive rural activities.

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>3. Consider identification of a ‘separation area’ from ALC Class A and Class B land and incorporation of additional provisions in the Agricultural land overlay code relating to management of incompatible land uses.</p>
<p>Development and construction</p>	<p>APPROPRIATELY INTEGRATED</p> <p>The State interest in Development and Construction relates to ensuring a sufficient supply of suitable land for urban purposes is maintained, and it is able to be efficiently supplied by supporting infrastructure.</p> <p>The planning scheme generally aligns with this State interest in that it identifies a long-term settlement pattern through the strategic framework and supported by the zoning allocation, and incorporates an LGIP which aligns land use and infrastructure provision for sequential development of this projected urban area. The proposed urban area is likely sufficient to accommodate projected urban growth over the horizon of the planning scheme, however it is noted that updated housing and employment studies (activity centres and industrial land) would assist in informing a contemporary revision of zoning to ensure an appropriate mix of land uses are facilitated. In this regard, while new residential development has primarily been in the coastal corridor, the major greenfield expansion areas of Branyan and Kalkie-Ashfield retain significant capacity to accommodate growth.</p> <p>In relation to State land requirements, the planning scheme identifies the Bundaberg State Development Area (SDA) on strategic framework mapping and includes detailed strategic outcomes regarding its role in the broader economic development of the region. It is noted that Strategic Framework Map SFM-002 (Economic development elements) in Part 3 does not specifically notate the SDA and refers to it as an ‘Industry and enterprise area’ and ‘Future urban area – Employment for port related and industrial use’, with a further annotation specifying the SDA status. While taken as a whole it is understood what and where the SDA is, a simpler mapping approach may be warranted.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Preparation of a contemporary Housing Strategy, with particular focus on projected population, employment and settlement patterns. 2. Preparation of a contemporary Employment, Industrial land and Centres Strategy as a companion piece to the Housing Strategy. 3. Review and update strategic framework mapping to specify the Bundaberg SDA. 4. Review and update the LGIP to align with the settlement pattern of development projections for any new or amended Planning Scheme.

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
Mining and extractive resources	<p>APPROPRIATELY INTEGRATED</p> <p>The State interest relates to the protection of mineral, coal, petroleum and gas resources to support the productive use of resources and avoid land use conflicts.</p> <p>Currently, the planning scheme defers to the KRA mapping in the SPP interactive mapping system and does not include the mapping as a part of the planning scheme. While this approach does ensure that the elements are mapped, the SPP now requires that the SPP mapping must be appropriately integrated into the planning scheme. In this regard and given that Council is potentially moving towards an e-planning system, including KRAs and associated separation areas and transport routes as a specific overlay map in the planning scheme is required.</p> <p>Notwithstanding, the planning scheme generally aligns with the SPP in terms of:</p> <ul style="list-style-type: none"> • Including KRAs and other extractive resource areas in the strategic framework mapping and including provisions relating to their protection and management; and • Including an Extractive industry overlay code that regulates development within a KRA, including provisions that limit sensitive uses and increases in density within resource separation areas and transport route separation areas. <p>Recommendations:</p> <p>1. Include KRA mapping within a planning scheme overlay map.</p>
Tourism	<p>APPROPRIATELY INTEGRATED</p> <p>The State interest relates to the identification and support of areas for tourism development through appropriate zoning, provision of infrastructure, and protection of the natural value or asset that underpins the tourism opportunity.</p> <p>The planning scheme broadly reflects the State interest through identification of ‘Tourism Focus’ sites within the strategic framework, as well as including specific outcomes relating to broad support of tourism industries and opportunities. However, the strategic framework does not specifically refer to the mapped tourism sites, and it is unclear as to whether these sites are specific sites of interest or broader areas of potential tourism interest.</p> <p>It is also noted that the specific strategic framework element relating to (Section 3.4.4) Tourism and tourism focus areas is relatively generic, however there are a range of other strategic outcomes relating to tourism and tourism opportunities that are included in other parts of the strategic framework. While this approach does suggest broad support for the wide range of contexts in which tourism may take place, consolidating tourism</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>outcomes within a specific section of the strategic framework would assist in reinforcing the importance of the tourism industry as an economic driver for the region.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Review zone codes and include references to support of tourism uses, locational attributes and potential incompatibilities as required. 2. Review strategic framework and consider consolidating tourism statements within a single section. This does not mean that overlap cannot occur, and where appropriate strategic outcomes relating to tourism may be referenced within relevant sections (e.g. references to rural tourism within the rural area). 3. Consider whether the use of the available Tourism zone may be appropriate for specific tourism sites such as (but not limited to) the Mon Repos turtle hatching site. <p>Whilst not a specific planning scheme action, ongoing interaction with the relevant tourism authorities is encouraged to appropriately capture tourism outcomes and goals within the strategic planning direction.</p>
Biodiversity	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to the identification, protection and enhancement of matters of environmental significance.</p> <p>The planning scheme generally aligns with the State interest. In particular, the planning scheme identifies and maps Matters of State Environmental Significance (MSES) in the strategic framework and (nominally) as part of the Biodiversity overlay code, with provisions that seek to:</p> <ul style="list-style-type: none"> • Identify matters of MSES; • Identify ecological corridors (both at a regional and local level); • Protect the ecological values and incorporate separation distances and buffering. <p>Currently, the planning scheme defers to the Biodiversity mapping in the SPP interactive mapping system and does not include the mapping as a part of the planning scheme. While this approach does ensure that the elements are mapped, the SPP now requires that the SPP mapping must be appropriately integrated into the planning scheme. In this regard (and given that Council is potentially moving towards an e-planning system) including the MSES elements as a specific overlay map in the planning scheme is required.</p> <p>Additionally, the 2017 SPP now has a slightly different emphasis for the biodiversity theme that seeks to 'avoid, minimise and mitigate' impacts on Biodiversity values. As currently drafted the</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>planning scheme does not explicitly recognise this approach through the strategic framework, and additional provisions should be included to appropriately reference this approach. While the Biodiversity overlay code broadly follows this approach, it could be further reinforced through clearly requiring that clearing/impacts are avoided, and only where it is demonstrated that impacts cannot be avoided that minimising and mitigation is acceptable.</p> <p>The current planning scheme does not identify or regulate Matters of Local Environmental Significance (MLES). This is typical for many local government planning schemes, and is likely appropriate given the development pressures experienced within the region. It may be worthwhile considering areas or locations of particular local significance (such as local waterways and riparian corridors, significant patches of mature vegetation within urban areas, or vegetated corridors that connect with other MSES elements) that could potentially be mapped and included within the Biodiversity overlay to create a more comprehensive approach to ecological management. Should MLES be identified, provisions relating to offsets should also be included to manage residual impacts.</p> <p>As a locally specific matter, the sea turtle nesting area at Mon Repos is significant in terms of its biodiversity values as well as its tourism benefit. Additional provisions relating to the protection of the sea turtle nesting area from light and encroachment should be included in the strategic framework to reinforce the importance of this location.</p> <p>Recommendations:</p> <p>1. Include Biodiversity mapping within a planning scheme overlay map. It is noted that the SPP guidance (refer to Section 8.2.2) now requires that a planning scheme must include the following mapping elements unchanged (where relevant):</p> <ul style="list-style-type: none"> ▪ MSES – Protected areas (estate) ▪ MSES – Protected areas (nature refuge) ▪ MSES – Marine park ▪ MSES – Declared fish habitat area ▪ MSES – Strategic environmental areas (designated precinct) ▪ MSES – High ecological significance wetlands ▪ MSES – Legally secured offset area (offset register) <p>and the following must be mapped but can be altered to reflect local context:</p> <ul style="list-style-type: none"> ▪ MSES – Wildlife habitat (endangered or vulnerable and special least concern animal) ▪ MSES – High ecological value waters (wetland) ▪ MSES – High ecological value waters (watercourse) ▪ MSES – Regulated vegetation (categories A,B,C,R) ▪ MSES – Regulated vegetation (Essential habitat)

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<ul style="list-style-type: none"> ▪ MSES – Regulated vegetation (100m from a wetland) ▪ MSES – Regulated vegetation (intersecting a watercourse) <ol style="list-style-type: none"> 2. Review strategic framework and consider including provisions that reflect the SPP approach of avoid/minimise/mitigate. 3. Review strategic framework and consider including provisions relating to locally specific environmental values, as an example Mon Repos and need for protection from urban glow etc. 4. Undertake study to identify MLES and incorporate within the planning scheme at the strategic and regulatory level as required. 5. Consider inclusion of offsets for MLES and preparation of a local offsets policy to further strengthen ability to protect and manage vegetation clearing in urban areas (if preparing MLES elements).
Coastal environment	<p>PARTIALLY INTEGRATED</p> <p>This state interest aims to regulate development in the coastal environment and protect coastal resources, processes and landforms in the coastal management district. It is noted that this interest is distinct from the State interest relating to coastal hazards. Land use planning for this state interest is required to provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity.</p> <p>Currently, the planning scheme is drafted with an emphasis on managing coastal hazard, and only marginally addresses matters of protecting the coastal environment and processes.</p> <p>Aspects that directly address the SPP theme includes the mapping (as a combination of local mapping and reference to the SPP mapping system) of the erosion prone area, coastal management district, and the coastal setback line. This is in accordance with the requirements of the SPP, however noting that the SPP now requires all mapping to be integrated within a planning scheme.</p> <p>The strategic framework includes some provisions in the Natural environment and landscape character theme relating to the coastal environment, however does not address the following matters identified in the SPP theme:</p> <ul style="list-style-type: none"> • Consideration of the impacts of climate change on coastal processes, resources and development statements about how development or settlement patterns can respond; • Avoidance of development which could have an adverse impact on coastal landforms, coastal processes and coastal resources in the coastal management district;

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<ul style="list-style-type: none"> Support for coastal-dependent development where there is an identified need for this development in locations adjacent to tidal water <p>Similarly, the Coastal protection overlay code is primarily focused on responding to coastal hazard, and does not appropriately address all aspects of coastal environment protection. Additional provisions could be included to avoid impacts on coastal processes and resources by protecting landforms and wetlands and avoiding the clearing of native vegetation within the coastal management district.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Include the coastal management district and erosion prone area within a consolidated planning scheme overlay map. 2. Review and update the strategic framework having regard to protection of coastal processes and resources. This may include as part of the Natural environment and landscape character theme or the Settlement pattern theme as required. 3. Review and update the Coastal protection overlay code to include provisions relating to coastal environment and processes.
Cultural heritage	<p>SUBSTANTIALLY INTEGRATED</p> <p>This State interest relates to conservation of cultural heritage including:</p> <ul style="list-style-type: none"> Aboriginal and Torres Strait Islander cultural heritage; World and national cultural heritage; State cultural heritage; AND Local cultural heritage. <p>The planning scheme aligns with the State interest. In particular, the planning scheme includes a Heritage overlay map (derived from local and SPP mapping) and code which identifies sites of State and local cultural heritage significance. The Heritage overlay code is quite comprehensive and responds to the SPP theme requirements of:</p> <ul style="list-style-type: none"> Avoidance of impacts, unless demonstrated that there are no feasible alternatives based on structural repair, health or safety considerations; Design of development to respect the cultural heritage significance of the place; Development is compatible with conserving physical features, fabric and contents that contribute to the cultural heritage significance of the place or area; and

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<ul style="list-style-type: none"> • Encouragement of the adaptive re-use of heritage places where sensitive and appropriate. <p>It is understood that there have been multiple heritage studies undertaken to identify potential sites and places of interest. However many sites that have been identified in these studies were ultimately not included in the planning scheme due to previous Council policy of not pursuing listing where owners objected. Given that there has been recent community objection regarding development that diminishes or removes buildings or sites of historical significance, it may be warranted to reconsider whether additional places or sites should be included within the planning scheme.</p> <p>The commencement of the Planning Act and the new SPP also place greater emphasis on Aboriginal and Torres Strait Islander Cultural Heritage. While the scheme does make some reference to traditional owners and cultural heritage significance in the strategic framework, more extensive engagement with traditional owners should be undertaken and opportunities for exploring how indigenous cultural heritage can be incorporated into the scheme would further improve alignment with the SPP.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Include the local and State heritage features on a consolidated planning scheme overlay map. 2. Consider further studies to review existing and investigate the need to identify additional local heritage places and character precincts. 3. Consider the preparation of a planning scheme policy (or similar policy/guideline) that would allow Council to issue heritage exemption certificates for low impact activities, such as sympathetic maintenance, repairs and conservation work. 4. Undertake engagement with local indigenous parties and traditional owners to explore ways of implementing indigenous cultural heritage aspects into the planning scheme. Guidance for this process is provided in the guideline ‘Advancing Aboriginal and Torres Strait Islander interests in land use planning’. 5. Potentially utilise the content of the First Nations Strategy as a basis to inform the planning scheme where relevant and required.
Water quality	<p>PARTIALLY INTEGRATED</p> <p>The State interest relates to the protection of environmental values of Queensland waters, as well as ensuring development within water supply catchments and buffers protects the quality and reliability of water supply values.</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>In relation to water quality objectives, the planning scheme includes higher level outcomes under the Works, services and infrastructure code, to ensure that infrastructure (including stormwater drainage) maintains acceptable health and environmental standards and avoids or minimises risk of environmental harm. Further, the code requires that infrastructure is planned, designed and constructed in accordance with the Development Works PSP. The PSP subsequently refers to the stormwater design objectives in Appendix 2 of the SPP.</p> <p>It is noted that the inclusion of a 'Stormwater Management Code' is relatively common across many local planning schemes, and this approach may provide an opportunity to develop a consolidated and rigorous set of assessment benchmarks that can be applied to development to address water quality and the environmental values and water quality objectives under the EPP (Water) for the Burrum, Gregory, Isis, Cherwell and Elliott Rivers, as well as including more detailed provisions relating to total water cycle management and water sensitive urban design.</p> <p>While there are no water resource catchments mapped in the DAMS mapping system, the planning scheme identifies three (3) water resource catchments (Burnett Barrage, Kolan River Barrage, and Lake Monduran) as an overlay through mapping and a specific code. Council has advised that these catchments are declared irrigation water storage catchments that were previously incorporated within the former Burnett Shire and Kolan Shire planning schemes. The SPP does not identify irrigation catchments as an interest, and as such the current overlay is potentially not necessary. However, a number of dams and weirs related to bulk water supply are identified within the Bundaberg Region (including the Fred Haigh Dam, Bucca Weir, Kolan Barrage, Ben Anderson Barrage, and Ned Churchward Weir). It is our understanding that the defined term 'water resource catchment' includes any catchment, dam or weir associated with supply of drinking water for the purposes of the SPP. In this regard, it may be necessary to identify and map the associated catchments and adopt within an expanded water resource catchments overlay code.</p> <p>The current overlay code is adequate in terms of managing land use within the catchments and can form the basis of an expanded code, however does not provide any specific water quality criteria. The current SPP guidance notes that there are a range of specific water quality guidelines that should be implemented to meet the State interest.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Consider preparation of a 'Stormwater management code' (or improved provisions within the Works, services and infrastructure code) that consolidates provisions regarding erosion and sediment control, hydrology and waterway stability, stormwater quality and management, and stormwater harvesting and re-use.

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>2. Review Water resource catchments overlay code mapping to include all catchments associated with bulk water supply in the region.</p> <p>3. Review Water resource catchments overlay code and update to include the relevant water supply environmental values as identified in the SPP.</p>
<p>Emissions and hazardous activities</p>	<p>APPROPRIATELY INTEGRATED</p> <p>The State interest relates to:</p> <ul style="list-style-type: none"> • Protecting the natural and built environment from potential adverse effect of acid sulfate soils; • Protecting major sport, recreation and entertainment facilities from encroachment; • Protecting industrial development and specialist uses from encroachment; • The consideration of strategic corridors for gas pipelines and for industrial land within an SDA; and • Protecting identified existing and approved land uses or areas from encroachment. <p>The planning scheme generally aligns with and reflects the State interest. In particular, the planning scheme:</p> <ul style="list-style-type: none"> • Includes strategic outcomes and specific outcomes that relate to the protection of major sporting facilities, state development areas and industrial areas from encroachment; • Includes an Infrastructure overlay code that manages the interface between development of major infrastructure and facilities and sensitive development; • Adopts a zoning approach and settlement pattern that generally locates potentially hazardous or high emissions uses (such as an SDA, industry or landfill) away from sensitive uses; and • Incorporates ASS mapping and overlay codes that appropriately identify and manage ASS impacts. <p>The Bundaberg SDA is noted in the strategic framework, however is not otherwise identified as having a separate planning and development framework which is typically included in Part 10 of the scheme consistent with the structure for planning schemes under the former Queensland Planning Provisions. For clarity and removal of doubt any new or amended planning scheme should include a section that clearly identifies those parts of the local government area that are subject to other planning and assessment jurisdictions, as well as information on the process.</p> <p>Recommendation:</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>1. Consider inclusion of a separate planning scheme section that identifies those parts of the local government area subject to a separate planning and development framework (such as the Bundaberg SDA).</p>
<p>Natural hazards, risk and resilience</p>	<p>APPROPRIATELY INTEGRATED</p> <p>This state interest relates to identifying, avoiding or mitigating the risks associated with coastal hazards (stormtide inundation, erosion prone areas), bushfire, flooding and landslide.</p> <p>The planning scheme generally reflects the State interest. In particular:</p> <ul style="list-style-type: none"> • A range of flood studies have been undertaken over the life of the planning scheme to cumulatively improve flood hazard mapping and associated Flood hazard overlay code within the planning scheme; • Overlay mapping identifying land subject to bushfire hazard, coastal hazard and steep land is included within the planning scheme (or referred to the SPP mapping system); • The strategic framework articulates the intention to avoid and mitigate exposure to the potential hazards, particularly for sensitive land uses; • Land use zoning has included areas of the region known to be subject to unacceptable flood risk (including parts of Bundaberg North and Bundaberg East) within the Limited development zone; and • Risk based overlay codes have been prepared that take a graduated approach to the type and level of risk and how it can be managed for various development types. <p>Council has recently prepared a Coastal Hazard Adaptation Strategy (CHAS), which is a more detailed review and analysis of potential coastal hazard for the region. The CHAS identified a range of potential planning scheme actions which would assist in responding to the scale and extent of hazard, and Council would be encouraged to review the implications of the CHAS and adopt a clear policy position. Importantly, the SPP now requires the planning scheme to provide guidance on whether development in high-risk area avoids, retreats, or defends against the projected risk. In this regard, future development in parts of the region (such as parts of Moore Park Beach and Woodgate) which are potentially subject to permanent inundation will need to be considered and appropriately referenced in the planning scheme.</p> <p>The flood hazard mapping currently operates outside the planning scheme, and is contained in a resolution which operates in conjunction with the planning scheme. While this approach appears to operate effectively, the SPP technically requires that all flood hazard mapping be appropriately integrated into the planning scheme which would assist in consolidating all planning information in one location and facilitate ease and efficiency of use.</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>It is noted that the current flood hazard mapping is based on the extent of a single flood event (the Defined Flood Event or DFE). While this identifies the extent of a specific flood, it does not consider the level of risk that different types of flooding may represent. For example, some areas within the defined flood area extent may be subject to very shallow and slow inundation, and as such the risk of damage is lower than in other areas. A contemporary approach being used across many planning schemes is the preparation of flood hazard mapping based on a hazard/risk matrix (such as Ipswich and Sunshine Coast), providing for a more responsive regulatory framework that can consider development and mitigation within lower risk areas while strongly controlling development subject to higher risk.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Consider the inclusion of the options and recommendations identified in the Coastal Hazard Adaptation Strategy (CHAS) within the planning scheme. 2. Consider review of flood hazard mapping to potentially include: <ol style="list-style-type: none"> i. a risk based approach for flood hazard (identification of low, medium, high risk flooding areas); and ii. overland flow and groundwater flooding elements. 3. Include the Flood hazard overlay mapping as part of the planning scheme mapping. 4. Review Flood hazard overlay code/mapping and Dwelling house code to ensure appropriate interface with building legislation (such as relevant provisions of the Building Act and Queensland Development Code) and address of flood hazard matters. 5. Review SPP bushfire model code provisions and resilience guidelines and potentially update Bushfire hazard overlay code as required.
Energy and water supply	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to identification and protection of major electricity and water supply infrastructure.</p> <p>The current scheme identifies and maps the major electricity transmission and distribution networks for the region (referenced within the SPP interactive mapping system) and regulates them through an Infrastructure overlay code. On comparative review of the SPP mapping and the mapping in the BRC interactive mapping system, there appears to be general alignment however all infrastructure elements mapping should be reviewed and</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>updated for incorporation into the final planning scheme. The code provisions remain appropriate.</p> <p>The SPP interactive mapping system also identifies a series of Sunwater pipelines and channels, as well as Sunwater bulk water storage infrastructure which are not referenced as being subject to the Infrastructure overlay code, and are not included in the mapping. The SPP <i>Integrating State Interests In A Planning Scheme</i> guideline requires these elements to be mapped within a planning scheme, and also includes specific provisions relating to buffering and separation distances from these elements. It is understood that Sunwater infrastructure was not mapped in the previous version of the SPP (2014) and was only included in the SPP interactive mapping system under the current (July 2017) version of the SPP.</p> <p>Further, the SPP element also relates to aspects of renewable energy generation. While it is not required that the planning scheme identify specific areas for renewable energy projects, given the availability of the resource it would be prudent for the planning scheme at a strategic level to recognise the importance and opportunities for renewable energy projects, and include some guidance about how it would be managed within the region in terms of balancing agricultural outcomes, managing interface issues, and colocation opportunities with other major projects such as the SDA.</p> <p>As such, the planning scheme requires additional content to more completely integrate with this state interest.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Include all SPP major electricity infrastructure elements and Sunwater bulk water supply elements within a planning scheme overlay map. This may form part of the consolidated Infrastructure overlay that also considers local utilities. 2. Include additional provisions in the Infrastructure overlay code relating to the protection and management of bulk water supply infrastructure. 3. Review and update the scheme to better respond to Renewable energy opportunities (including battery storage), and provide greater strategic guidance on suitable locations and matters for consideration.
Infrastructure integration	<p>SUBSTANTIALLY INTEGRATED</p> <p>This State interest relates to the alignment and integration of land use and infrastructure planning.</p> <p>The current planning scheme generally aligns with aspects of this State interest. In particular:</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<ul style="list-style-type: none"> • The planning scheme includes a settlement pattern that strategically seeks to consolidate growth within compact urban centres; • The planning scheme includes an LGIP which identifies a Priority infrastructure Area (PIA), including Plans for Trunk Infrastructure (PFTI) that can service the projected levels of development; • Infill development has also been considered in the LGIP, and the trunk infrastructure network has been planned to accommodate projected overall growth; and • There are a number of identified growth areas (such as Kalkie/Ashfield, Branyan, and the central coastal corridor) where greenfield development is preferred. <p>However, the strategic intent for the settlement pattern is somewhat compromised by the large extent of land included in the Emerging community zone, particularly in the coastal corridor. Difficulties in terms of servicing new development in these areas was raised as an issue through engagement with Council staff and local development industry, with the ability of Council to extend infrastructure networks to support new development being very limited. Additionally, these locations are not adjacent to employment and services, and do not make good or efficient use of existing infrastructure.</p> <p>Only limited development has occurred in the identified growth areas in Bundaberg (Branyan/Kalkie-Ashfield) during the life of the planning scheme (noting that there have been multiple enquiries regarding development including pre-lodgement meetings, with structure planning and local planning exercises ongoing). Based on the outcome of engagement exercises and discussions with Council, it appears that there is an appetite for development in the identified growth areas however this growth may not be delivered in the short term due to issues of infrastructure delivery. On this basis a recalibration of the planning scheme may be required to set clear strategic expectations and requirements about sequencing of greenfield development to align with and be dependent upon the ability of Council or developers to efficiently and cost effectively extend infrastructure networks.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Review growth area strategy and align with growth expectations over the life of any new or revised planning scheme. 2. Review extent of the emerging community zone and align with growth expectations and assessment of logical and efficient serviceability. 3. Identify a sequencing strategy for greenfield areas and growth areas, aligned with the LGIP and ability of Council

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>to efficiently and cost effectively service new development.</p> <p>4. Consider further mechanisms (such as the PSP for Hughes and Seaview Bargara) that can apply to current growth areas and prepare structure plans/PSPs to sequence discrete areas of development.</p>
Transport infrastructure	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to the protection and management of the State road and rail network to maintain a safe and efficient network.</p> <p>The planning scheme generally aligns with aspects the State interest, and includes the appropriate mapping of State road and rail networks as required by the SPP.</p> <p>The SPP guidance material now also allows for a planning scheme to identify land within a designated State transport noise corridor for information purposes. While it is understood that the State road transport noise corridor is not regulated through the planning scheme, it may assist in review of preferred and appropriate land uses adjacent to these corridors as well as clearly informing scheme users of the potential for noise impacts that must be addressed in a development proposal.</p> <p>It is further noted that the current Infrastructure overlay code does not include provisions relating to access to the State road network to maintain a safe and efficient network which would further enhance alignment with the SPP transport theme.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Consider inclusion of a designated State transport noise corridor as an information layer in the planning scheme. 2. Include additional provisions in the Infrastructure overlay code relating to access to State controlled roads.
Strategic airports and aviation facilities	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to the protection of the safe and efficient operation of strategic airports.</p> <p>The planning scheme generally aligns with the State interest, and includes overlay mapping and codes that relate to the airport OLS, wildlife hazards, light hazards, public safety areas and noise contours.</p> <p>Due to the age of the planning scheme, there is some inconsistency in terminology used within the Airport and aviation facilities overlay code. As an example, there is now a Light restriction zone as well as a lighting area buffer.</p> <p>It is noted that the guideline 'Integrating State Interests In A Planning Scheme' includes a number of additional provisions that</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>provide further detail and guidance relating to the following that should be incorporated into a revised overlay code:</p> <ul style="list-style-type: none"> • Light restriction zone - provisions relate to light intensity (candela) within the specified zones; • PSA – more comprehensive lists of compatible and incompatible land uses; and • ANEF – provision of indoor design sound levels to be achieved for defined uses. <p>Additionally, it is noted that there are new off-airport aviation facilities in the region (e.g. Double Sloping Hummock ADSB at Littabella). While these facilities have been included in Council's interactive mapping, consideration should be given to the need to include any additional outcomes or detailed diagrams for the relevant facilities building restricted areas within the overlay code as required.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Review and update Airport environs overlay mapping into the planning scheme. Ensure that it includes new elements, terminology and all off-airport aviation facilities. 2. Review and update Airport environs overlay code to include specific details from the guideline 'Integrating State Interests In A Planning Scheme' relating to: <ol style="list-style-type: none"> i. light intensity provisions in the light restriction zone; ii. compatible/incompatible land uses in the PSA; and iii. indoor sound design levels
Strategic ports	<p>SUBSTANTIALLY INTEGRATED</p> <p>The State interest relates to the identification of strategic and priority ports and protection of the port from encroachment and development that may limit efficient operation.</p> <p>The Port of Bundaberg is identified as a strategic port. The Port is mapped in the strategic framework mapping and is strategically intended to operate in conjunction with the surrounding SDA, as well as being included in the Special purpose zone of the zone mapping and identified as a Specialised Activity Centre to reinforce its position as a significant industry and employment asset for the region.</p> <p>The surrounding land is primarily zoned for Rural purposes, which is not expected to introduce any significant conflicts with the intent for the port. The existing township area and centre of Burnett Heads is in relatively close proximity, however both the Port land use plan, the planning scheme and the Burnett Heads Town</p>

STATE PLANNING POLICY INTEREST ELEMENT	REVIEW COMMENTS
	<p>Centre Local Plan provide appropriate mechanisms to manage the interface.</p> <p>It is also noted that the proposed/approved Gateway Marina project is located generally in this location, and the strategic aspects of the planning scheme could be updated to reflect on how the broader Port and Burnett Heads locality will operate as the Port and the marina/boat harbour expand.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Review and update strategic framework to better elucidate the function and opportunity of the port, including the supporting infrastructure, and interface with Burnett Heads centre and Gateway Marina.

8.2 Wide Bay Burnett Regional Plan

The *Wide Bay Burnett Regional Plan 2023* (Regional Plan) was released on 15 December 2023. The new Regional Plan has only recently been released after an extensive preparation and consultation process and takes a comprehensive approach to regional planning.

8.2.1 Strategic priorities of the Regional Plan

The Regional Plan identifies three (3) strategic priorities:

- Growing people and places – focusing on attracting and accommodating population and employment growth in consolidated areas;
- Taking charge of our economic future – building on existing and emerging industries and natural resources; and
- Sustaining our environment and lifestyle – conserving and protecting environmental features and regional lifestyles.

8.2.1.1 *Growing people and places*

In relation to growing people and places, the Regional Plan notes the following opportunities and considerations;

Opportunities

- Consolidating coastal growth between Bargara and Elliott Heads
- Diversity across housing types to facilitate downsizing and the renewal of old housing stock
- Reinvigoration of night-time economy
- increasing residential density in central business areas to reinforce primacy of CBD and increase centre vibrance

Considerations

- Coastal protections – particularly turtles and shorebirds
- Protecting the primacy of industrial and agricultural uses from urban expansion, particularly along the east coast
- Serviceability of coastal areas and the role of lower order centre uses

- Role and location of short term accommodation to meet tourist and key workers/temporary workers demand

The current planning scheme generally aligns well with these opportunities and considerations, and in particular:

- Seeks to facilitate residential development of the CBD as well as provide for a compact and consolidated set of coastal communities;
- Provides for a diversity of housing types to meet a variety of living needs;
- Protecting and maintaining rural land from encroachment and fragmentation; and
- Includes protections for turtle nesting sites.

Ongoing work on structure planning and local area planning in the coastal corridor will further enhance the alignment of the planning scheme with the intent of the Regional Plan to consolidate growth between Bargara and Elliott Heads, as well as further considering opportunities to facilitate and incentivise the development of attached housing products to better reflect the housing needs of the community.

The intention to develop a night time economy strategy is flagged in 'Bundaberg 4670: A Master Plan for the Bundaberg CBD 2017-2036', and it is recommended that this study be supported which will directly address the opportunities identified in the Regional Plan.

8.2.1.2 Growing of the economy

The Regional Plan acknowledges the broad economic base of the region, and seeks to stimulate the regional economy, attract new investment, and support sustainable job creation. The objectives of the Regional Plan involve:

- The region as a location of advanced manufacturing – including the clustering of an aviation precinct at Bundaberg Airport, expansion of sustainable growth and secondary manufacturing for timber and wood products, and enhancement and growth of food and beverage manufacturing to leverage regional commodities such as sugar, pork, beef, and fruits;
- Fostering new business and industry - identification of fit for purpose industrial land to accommodate the evolving needs of industry; and
- Freight and logistics – the strategic planning and location of freight and logistics facilities and networks to capitalise on connections to markets.

The current planning scheme generally reflects these regional objectives. The planning scheme identifies industrial land through its zoning allocations, includes complimentary zoning in and around the Bundaberg SDA to support clustering of business and industry and provide access to a significant freight hub, and has appropriate zoning and development provisions that generally seek to facilitate a broad range of industry, rural and rural industry uses.

Health care and services is identified in the Regional Plan as a key employment opportunity and economic driver for the region due to the aging population and increased complimentary health care usage. With the impending commencement of the construction of the Bundaberg Hospital, a new or amended planning scheme should consider more specific and detailed precinct planning or master planning opportunities to support allied health, commercial and retail activities, education and short term accommodation uses to leverage on the investment and facilitate a health precinct.

The Regional Plan uses and retains the concept of the Priority Agricultural Areas (PAAs) and Priority Agricultural Land Uses (PALUs) as defined under the Regional Planning Interest Act. The PAA is mapped in the current strategic framework mapping, and the provisions of the scheme at both a strategic and regulatory level generally work together to prioritise rural uses within rural areas. However, the Regional Plan does allow for non-agricultural uses in the PAA where the proposed use demonstrates a net benefit for regional agricultural production or is for public infrastructure. It would be beneficial for any new or amended planning scheme to more explicitly reference this approach at a strategic level to create a threshold for which non-rural uses may be tested against.

Additionally, the Regional Plan includes a new concept of a Priority Agricultural Expansion Areas (PAEA) which are intended to allow for expansion of high value cropping and other rural enterprises. However, based on review of the Regional Plan mapping none are identified within the Bundaberg LGA and as such no further action on this matter is necessary.

Additional opportunities to enhance alignment of a new or amended planning scheme with the Regional Plan economic objectives include:

- Consideration of further incorporation of the elements of the Bundaberg Airport Master Plan into the planning scheme. While the current zoning and development framework remains broadly suitable, a finer grained precinct planning approach may assist in enhancing opportunities for the expansion of the airport as a freight hub and allow for compatible industry and manufacturing business to coalesce;
- Review the operation of the planning scheme in terms of regulating rural and agri-tourism uses such that they are able to operate while protecting valuable rural and environmental values;
- Further review and resolve the demand and availability of industrial land in the region through an updated industrial land demand study, focusing on the identified regionally significant industrial precincts identified in the Regional Plan; and
- Further consideration of the 'development readiness' of available and future industrial land, and potentially undertake further work in terms of the sequencing of development in industrial areas to unlock development potential.

8.2.1.3 Sustaining environment and lifestyle

The region is rich in biodiversity and landscape values, appealing to and attracting visitors and residents alike. The health of the region's ecosystems and its ability to adapt to and mitigate the impacts of climate change is critical to its ongoing economic and social prosperity, the region's lifestyle and to fulfilling Australia's international environmental responsibilities.

In relation to environmental and lifestyle matters, the Regional Plan includes new or refined concepts including:

- Strategic Environmental Areas (SEAs) - protecting and managing impacts on regional biodiversity;
- Regional Biodiversity Corridors - biodiversity corridors that contribute to landscape connectivity or have the potential to do so through targeted rehabilitation; and
- Dark Sky Areas – coastal areas where lighting impacts should be managed to reduce impacts from artificial lighting on sea turtle and shorebird populations.

The Regional Biodiversity Corridors in the Regional Plan have some similarity to the mapped Regional Ecological Corridors in the Strategic Framework Map SFM-004, with strategic outcomes requiring development to protect and enhance to improve the ecological functioning of the region which is generally in accordance with the policy intent of the Regional Plan. It would be useful to directly compare and rationalise these mapping elements (between the current planning scheme and Regional Plan biodiversity corridors) to balance integration of the Regional Plan and local corridor mapping to reflect local values.

The Dark Sky Areas in the Regional Plan are located along almost the entire coastal foreshore of the region. Council has already prepared and adopted a specific overlay relating to protecting turtles from light intrusion, which generally accords with the model code included in Schedule C the Regional Plan.

8.2.1.4 Population growth

Notably, the Regional Plan estimates of population growth have been revised downwards, to approximately 114,000 persons by 2046 (in comparison to current QGSO medium series projections which estimate a residential population of approximately 115,000 persons by 2031). This reinforces the ongoing uncertainty and disparity between planning documents relating to growth expectations for the region. It will be critical for a revised position on growth expectations to be resolved and

addressed in a consolidated way through revised or new population growth studies, and the outcomes of these studies incorporated within the assumptions and settlement pattern approaches of any new or amended planning scheme.

9. Planning Regulation 2017 and recent changes

The *Planning Regulation 2017 (the Regulations)* is the subordinate legislation that supports the implementation of the *Planning Act 2016*. The Regulations identify a range of operational and implementation measures that seek to deliver the outcomes of the Planning Act through (amongst other things) identifying prohibited development, identifying the assessment manager, identifying referral agencies, and identifying development that a planning scheme does not have jurisdiction over. The Regulations override the Planning Scheme to the degree of any inconsistency, and provide a State wide mechanism for addressing operational planning matters.

Changes to the Regulations are made as required to address particular planning matters. This section provides a review of recent changes to the Regulation and the implications for the Planning Scheme.

9.1 Changes to secondary dwellings

As a common approach, many Planning Schemes have included provisions relating to secondary dwellings that require the occupants of the secondary dwelling to be in a familial relationship. The intent was based on the assumption (and intention) that very small dwellings, often attached to the primary dwelling, were generally used by either young or ageing members of the same family (i.e. granny flats or fonzie flats), and that regulating provision would minimise unwanted and un-planned densification of low density urban areas that may have amenity, character, and infrastructure capacity implications.

To provide people with more access to housing options, restrictions on who can live in secondary dwellings no longer apply and the Regulation removes the restriction of how members of a household live together. This recognises that the relationships of occupants in a dwelling and how they interact with one another should not be considered in a planning assessment of how land is used.

The Planning Scheme currently includes Acceptable outcomes in the Dwelling house code that requires occupants of a secondary dwelling to be members of the same household that occupy the dwelling house, and as such is inconsistent with the Regulation. As part of any new planning scheme, the Dwelling house code should be amended to remove AO9.5 to be consistent with the Regulation.

A broader consequence arising from this change to the Regulations is whether the effect of primary / secondary dwellings with different households is now similar to a dual occupancy outcome. That is, ought there be a broadening of the dual occupancy allowances in residential zones, given there could be de facto dual occupancies in any case. If that is not the preferred approach, then precision to the design of a secondary dwelling (distinct from that of a dual occupancy) and how that is suitably regulated, needs to be resolved.

9.2 Changes to emergency housing regulations and infrastructure designation pathway for social and affordable housing

These amendments allow the State or a local government to deliver emergency housing in response to an event (as defined under the *Disaster Management Act 2003*) without seeking a material change of use approval through the development assessment process. It also allows the use of the infrastructure designation pathway for development of social and affordable housing by a community housing provider or under a State funded program.

The emergency housing cannot be provided on land in a flood, bushfire or landslide hazard area identified in any State or local planning instrument, such as the State Planning Policy Interactive Mapping System or a local planning scheme. The changes also do not affect the need for approval where the development may impact on a State interest such as requiring the removal of protected vegetation or development on a Queensland heritage place. In these cases, approval for the use may still be required.

In relation to social and affordable housing, the changes to the Planning Regulation allow the infrastructure designation pathway to be used for social or affordable housing where it is carried out by a community housing provider or under a State funded program.

The operation of the Regulation overrides the operation and jurisdiction of the Planning Scheme in both of these circumstances, and as such no particular changes to the Planning Scheme are required. Council may consider noting these additional pathways in the relevant scheme section to provide information to applicants.

9.3 Changes to regulation of rooming accommodation, dwellings houses and zone purpose statements

9.3.1 Rooming accommodation

Rooming accommodation is residential accommodation where each resident can only occupy one or more rooms on the premises as agreed, rather than the whole premises. Other rooms within the premises, facilities, furniture, or equipment outside of the residents' rooms are shared with the other residents at the premises. Rooming accommodations may also include a manager's residence, an office, or facilities to provide food or other services to residents as subordinate uses to the premises. These uses are required to only service the residents of the rooming accommodation.

The changes to the Planning Regulation will allow for small-scale rooming accommodation uses to not require planning approval from the local government in lower density residential zones (including general residential zone, low density residential zone and low-medium residential zone), where certain requirements can be met such as a limit on the number of rooms (5 rooms maximum), limits on extent of building work (minor building work only), no access to State roads and not being subject to hazard overlays.

It is noted that the provisions in the Regulation relating to Rooming accommodation are temporary, and will expire three (3) years from the date of the adoption. Notwithstanding, currently the planning scheme makes all Rooming accommodation Impact assessable development in the Low-density residential zone, which is contrary to the Regulation. As part of any new or amended planning scheme, the levels of assessment for rooming accommodation should be made consistent with the Regulation.

9.3.2 Low density and low-medium density residential zones

The changes to the Planning Regulation update the zone purpose statements for the low density residential zone and low-medium density residential zone. The purpose of this change is to provide a consistent position on the types of housing expected in these zones. The changes to the Planning Regulation clarify that all low density residential built forms are supported in the low density residential zone and all low to medium density dwelling types are supported in the low-medium density residential zones.

Currently, the Planning Scheme does not include a low medium density residential zone, and as such the changes do not technically apply to this aspect.

The Low density residential zone and the Medium density residential zone do provide broad support for a mix of low-medium density development where it maintains appropriate character and amenity, although the Low density residential zone code does not currently adopt the zone purpose statement of the regulated requirements. It would be necessary to adopt the amended zone purpose statements for the low-density residential zone to achieve strict compliance, notwithstanding that the Regulation will override the operation of the scheme to the extent of any non-compliance.

9.3.3 Dwelling houses in the high density and medium density residential zones

The changes to the Planning Regulation allow local governments to require a planning approval for dwelling house developments in the high density residential zone and medium density residential zone, if local governments choose to do so.

The purpose of the high density residential zone is to mainly provide for high density multiple dwellings. The purpose of the medium density residential zone is to mainly provide for medium

density multiple dwellings. Development of lower density dwelling types in the high density residential zone and medium density residential zone may therefore require a planning approval be obtained from the local government.

Through engagement exercises with Council, it was noted that in some High-density residential zones development approvals for standard low density residential reconfigurations have been issued, sterilising land that was otherwise suitable to accommodate higher densities. Currently, this outcome is achievable through the tables of assessment that allow for detached dwellings to be accepted development within a High-density residential zone. Council may consider whether a policy position to limit such development is warranted in certain locations to retain well located land for higher density housing options.

9.4 Changes to how overlays apply

The changes to the Planning Regulation clarify which overlays in local government planning schemes can be applied to require planning approval for dwelling houses and rooming accommodation uses in lower density residential areas.

Prior to the changes, where any overlay applied to a premises, local government could require a planning application for a dwelling house.

The changes are intended to refine the circumstances where an overlay can require planning approval for dwelling houses and rooming accommodation in lower density residential zones. In general terms, dwelling houses cannot be made assessable development where:

- No relevant overlays apply to the premises;
- Only an overlay about bushfire hazard applies and the lot is less than 2,000m²; or
- A relevant overlay applies and does not result in the MCU becoming assessable development.

Relevant overlays are defined as being overlays relating to:

- Bush fire hazards, coastal hazards, flood hazards or landslide hazards;
- Safety hazards arising from historic mining activities, including, for example, mining subsidence and mining contamination;
- An overlay, or part of an overlay, that includes an overlay code and is about:
 - i. development of a local heritage place; or
 - ii. development in a place with traditional building character; or
 - iii. the protection of areas of natural, environmental or ecological significance, including the protection of the biodiversity, significant animals and plants, wetlands and waterways of such areas; or
 - iv. development within an area identified on a map titled 'ANEF' on the State Planning Policy Interactive Mapping System

Having regard to the current Planning Scheme, only the Heritage overlay makes an otherwise Accepted dwelling house subject to Code Assessment. The other relevant overlays either do not apply to dwelling houses, or do not make development assessable. As such the current operation of the Planning Scheme operates within the Regulation. The inclusion of a note or additional explanatory provisions relating to the operation of the exemption for dwelling houses may be included within the planning scheme to clearly alert planning scheme users to the operation of the Regulation.

10. Planning Scheme Audit

10.1 Audit approach

The audit of the planning scheme is a fundamental aspect of the statutory 10 year review process. The audit provides an opportunity to review the mechanical and operational aspects of the planning scheme, as well as providing opportunity to identify specific areas of compliance and integration with relevant State and local planning policies.

To focus the audit, a series of audit elements were identified which represent the key compliance issues, strategic issues, and operational issues that the statutory review is required to consider, as well as providing for an efficient and effective way of analysing the scheme.

The Planning Scheme was audited on the basis of:

- Consistency with the requirements of the Planning Act or Regulations;
- Consistency with best practice in terms of format and content; and
- General drafting approach in terms of clarity, consistency, transparency, and vertical integration across the Planning Scheme.

The consistency of the Planning Scheme with the current State Planning Policy 2017 is provided as a separate section (**Section 8**) of this report. **Section 8** is intended to provide a strategic review of the integration of the SPP into the Planning Scheme.

This overall audit approach is considered to provide a balance between a robust and detailed analysis of the different elements of the planning scheme, and the broader strategic and statutory elements that require integration, with the intent to provide clear guidance on matters and aspects that may require further consideration and address in any future planning scheme preparation process.

10.2 Scheme audit

The following sections set out the findings of the scheme audit in relation to each section of the Planning Scheme.

10.2.1 General structure and format

A standard structure (as was required under the Queensland Planning Provisions (QPP) is no longer prescribed by the Planning Act or the Planning Regulation. The current Planning Scheme has adopted the consistent QPP format which provides for a clear, hierarchical and simple structure. Many (if not all) post-QPP schemes continue to generally follow this structure given its utility and ubiquity across Queensland.

The Planning Scheme is generally well written using simple and straightforward English which is readable and understandable. The Planning Scheme is somewhat text heavy, and does not include informational graphics or diagrams which may assist in explaining concepts and requirements, particularly where there is a spatial element.

The structure of any new or amended Planning Scheme should follow generally the same format as it is well understood and remains fit for purpose. It is noted that the Planning Scheme does not currently include a Part 10 which by QPP convention identified those parts of the LGA where the planning scheme did not apply such as within SDA or PDA areas. It is recommended that in any new or amended Planning Scheme a section that clearly identifies the SDA and PDA areas (including cadastral maps) is provided, along with sufficient text to identify the head of power and legislative framework that does apply in these areas.

10.2.2 Part 1 – About the planning scheme

Part 1 is generally consistent with the informational requirements that set the legislative context for the Planning Scheme.

Any new or amended Planning Scheme should be updated to reflect the latest statutory instruments and planning horizons that would apply at the time of preparation and commencement. Further consideration of defining ‘Temporary uses’ may be undertaken to align with the definition in the regulated requirements.

10.2.3 Part 2 – State planning provisions

Part 2 is generally consistent with the requirements to identify the State and regional dimensions that are integrated within the Planning Scheme.

For clarity and transparency, the date and version of the SPP and regional plan which is ultimately reflected in a new or amended Planning Scheme will be required to be updated, as well as updating any departures from the zone code purpose statements should they be made.

A detailed review of integration of the State Planning Policy and Wide Bay Burnett Regional Plan is provided in **Section 8** of this report.

10.2.4 Part 3 – Strategic framework

Under the Planning Act, a planning scheme is required to identify “strategic outcomes” (section 16(1)(a) refers).

While not specifically prescribed under the Planning Act these strategic outcomes have typically been contained within a “strategic framework”. The strategic framework can provide detail around the vision and intent for the region, as well as including outcomes and strategies that function as assessment benchmarks for Impact Assessable development. In this regard, it is important that the intent of the strategic framework is appropriately addressed in lower order codes so that they apply to code assessable development.

The current strategic framework is generally appropriate and consistent with the relevant legislative and best practice requirements in that:

- It sets out the broad policy position for the local government area;
- Integrates and coordinates matters of State interest and the relevant aspects of the regional plan (noting that the current strategic framework is based on the 2011 Wide Bay Burnett Regional Plan. While there is broad alignment with the 2023 version, there is opportunity to review and update to reflect emerging and contemporary regional planning outcomes);
- Provides a structured approach that includes overall outcomes and strategic outcomes that can function as an assessment benchmark;
- Sets a planning horizon that is broadly consistent with the regional plan (noting the recent release of the 2023 Regional Plan will need to be contemplated now); and
- Includes a range of maps that assist in identifying and demonstrating the strategic outcomes sought for the LGA.

Key observations based on the audit include the following:

- While the provision of both strategic outcomes and specific outcomes as required under the QPP allowed for great detail, there may be opportunity to consolidate some of these to reduce repetition and clearly focus on the desired intent;
- The strategic framework is a forward-looking document, and as such the background and context sections are somewhat extraneous and may be omitted;

- Review and redrafting of strategic outcomes relating to rural residential land that limit the amount of new rural residential land may be warranted to strengthen Council's position on creating a compact settlement pattern;
- Updates to the strategic framework should include references to new projects (such as the hospital) to remain current and up to date;
- Updates to the strategic framework should include references to new and updated studies and guidelines to ensure that the latest policy position and information is reflected;
- Mapping elements should be updated to reflect any changes to land use and changes to the WBBRP elements that are included within the planning scheme (such as biodiversity corridors, Priority Agricultural Areas, or other elements); and
- The undertaking of a regional scenic amenity study may be warranted to support strategic outcomes for scenic amenity and landscape features which currently are not mapped. This is an important aspect of supporting regional identity and amenity, as well as protecting landscape and ecological values that underpin the region's reputation as a lifestyle destination. Such a study will also assist in aligning the strategic framework with lower order code provisions that relate to streetscapes and character areas.

10.2.5 Part 4 – Local Government Infrastructure Plan

The Local Government Infrastructure Plan (LGIP) is an instrument that is intended to assist in coordinating land use planning and trunk infrastructure planning. Whilst the LGIP forms part of a planning scheme, it is separately prepared and amended under a process proscribed by the Minister's Guidelines and Rules.

The LGIP has recently been amended, and as such is considered to be consistent with statutory requirements. In preparing any new planning scheme it is recommended that:

- Planning assumptions (for population and employment growth) are reviewed and updated to reflect the latest information and growth trends; and
- The PIA is reviewed and re-aligned with the preferred regional growth and settlement pattern to provide for a minimum of 10, but a maximum of 15 years, of development demand; and
- The sequencing of infrastructure is coordinated and directed towards supporting preferred growth areas and timing of delivery is planned accordingly.

10.2.6 Part 5 – Tables of Assessment

The Tables of Assessment are the engine room of the planning scheme. The levels of assessment are related to the likely complexity of a development proposal and its potential impacts. In determining an appropriate level of assessment for any particular form of development, Council needs to consider the:

- Nature and scale of potential impacts;
- Ability of the planning scheme to regulate the impacts; and
- The ability to achieve the outcomes as expressed through the strategic framework.

In general, levels of assessment should be set to the lowest category of assessment possible consistent with the level of risk of the development, the risk tolerance (and pragmatism) of the local government, and the land use intentions that are being pursued through the planning scheme.

The current tables of assessment are reasonable in terms of assigning an appropriate level of assessment to development in the various zones. Aspects that may warrant further review include the following:

- Review and recalibration of residential uses in the High density residential zone and Medium density residential zone to ensure that land in the zone is not under-developed;

- Review existing medical/health hub and office precincts, and land use intent for surrounding zones particularly as the location of land uses associated with the new Hospital become known;
- Review and recalibration of industrial uses within the High impact industry zone to ensure that land in the zone is not sterilised by lower intensity industry uses;
- Review levels of assessment for industry uses and other activities that value-add to agriculture and rural production, including potentially making a broader range of small-scale value add activities accepted subject to requirements where appropriate;
- Review of thresholds for nature-based tourism uses in the Rural zone and Rural residential zone to ensure that these uses are small scale and are subordinate to rural or environmental purposes particularly in relation to the current provisions for nature based tourism which allows camping grounds with up to 100 sites as "small scale" development; and
- Review and redrafting of threshold terminology where referring to uses establishing within an 'existing commercial building' and 'not altering the footprint' which lacks certainty and clarity;

The format of the current tables of assessment is relatively common across planning schemes, with a table for each zone nominating defined land uses, any thresholds or modifiers that influence the category of development and assessment, and then identifying the applicable assessment benchmarks. The current tables of assessment use the convention where any use not listed in the table is subject to Impact Assessment, which again is a common approach and generally well understood. The overlay tables of assessment operate by exception, in that they identify the circumstances in which the level of assessment is modified from the standard zone. This approach is used across most other contemporary schemes, and is considered to be a useful and appropriate way of applying the overlay code to specific development without having to list all land uses.

Unusually, the tables of assessment for the zones identify the 'standard' development codes as a separate column within each table, and use a tick box approach to identify if it is applicable. This approach is useful in clearly identifying which assessment benchmark codes apply, and allows Council to calibrate the applicable provisions to reflect the scale and nature of the use. While other schemes use a variety of methods for the table of assessment (such as listing all codes and uses for each zone and using a tick box or colour coded approach), the current approach is considered to remain appropriate and no specific formatting changes are warranted.

The tables of assessment for Reconfiguring a lot generally make all applications Code Assessable except where not meeting minimum lot sizes and for specific uses in the Emerging community zone. This approach is typical across many schemes, and remains an appropriate approach.

The tables of assessment for Building work are quite compact, and generally only apply to a Dwelling house where associated with a Material Change of Use. This approach is reasonable, in that building work is typically captured under other legislative frameworks, and the Planning Scheme should only be enlivened where there is a particular local issue of scale or land use that requires specific address. In this regard it is noted that Council has an amenity policy for specific types of buildings/buildings in specific locations that can also be called up to regulate certain developments.

The tables of assessment for Operational work are generally consistent with the approach taken by other contemporary schemes. Interestingly, the tables make all vegetation clearing Code Assessable unless they are 'exempt vegetation clearing' which is a separately defined term. The term is quite extensive and complicated to apply, and it is potentially confusing and hard to properly assess the compliance of works. Council may consider reviewing the defined term for clarity, or alternatively not regulating vegetation clearing of vegetation that is not specifically identified as MSES or MLES which is a relatively common approach in across planning schemes. Refer to Section **10.2.10** for further discussion in relation to the Vegetation management code.

It is also important to note that the decision rules and hierarchy of provisions as set up under the previous QPP mandatory content should be modified. Currently, section 5.3.3(4) of the Planning Scheme states code assessable development:

c) that complies with:-

- (i) the purpose and overall outcomes of the code complies with the code;*
- (ii) the performance or acceptable outcomes complies with the purpose and overall outcomes of the code;*

This approach is quite accommodating in favour of facilitating and approving development, and requires that Acceptable outcomes are very comprehensive and address all strategic and policy objectives of the broader scheme. From our review (and our experience with other planning schemes) the current Planning Scheme does have gaps regarding the completeness of Acceptable Outcomes, with the consequent risk that development may not meet the overall objectives of the scheme but still merit approval against simpler development code provisions. We would suggest that any new or amended scheme would adopt the contemporary approach which has recently been incorporated into other planning schemes to reflect changes to the decision rules, which requires that code assessable development requires compliance with the purpose, overall outcomes and either the performance outcomes or acceptable outcomes of the code. This approach widens the net in terms of applicable provisions, and has proven effective in other LGAs where it has been adopted (such as Brisbane City Council).

10.2.7 Part 6 – Zone Codes

Zones are the fundamental spatial and land use organising tool for the Planning Scheme. Available zones are identified in the regulated requirements and are the only zones that can be used when allocating zones to land in the LGA. The Planning Scheme adopts the zones as per the regulated requirements, however does make some changes to the purpose statements for a number of zones to reflect local context.

In general, the current Zone codes in the Planning Scheme function appropriately and have not been raised in consultation activities as being unwieldy or creating unnecessary complexity. The zones reflect the predominant development types, and precincts have been used in the residential, rural residential, and centre zones to provide an exception where different development parameters are required to reflect a particular context. There may be some utility in reviewing the precinct approach in the Medium density residential zone, particularly as the new hospital and associated precinct will be guided by a separate masterplan which may better be captured through a Mixed use zone or Special purpose zone designation. Overall, there is not considered any pressing need to include new zones.

The Planning Scheme is currently drafted on an approach of placing a larger extent of provisions within the zone codes (i.e. performance outcomes and acceptable outcomes in the standard tabulated approach, in addition to the purpose and overall outcomes). Other planning schemes adopt an approach of limiting the zone code content to just the purpose and overall outcomes that address key land use and built form requirements, and potentially a table of consistent and inconsistent uses. It is understood this approach had originally been adopted in the drafting of the current planning scheme but was not approved by the State planning department at the time.

Our observation is that where the zone code is limited to just the purpose and overall outcomes then there is a very clear planning position on the intended outcomes, for which any non-compliance is at a high level (against the overall outcomes). For some planning issues a local government may have a very clear and strong policy position that it wishes to strongly defend, and placing the regulatory controls for these matters as an overall outcome is a good way to reinforce the importance of the issue in the hierarchy of the planning scheme. As an example, aspects of building height can be issues of great concern to the community, and placing height provisions as an overall outcome in the zone code provides additional weight in the decision making process⁷.

⁷ It is noted that many planning schemes include a building height overlay which is another method of adding determinative weight to height provisions, and allowing for a finer grained approach to building height within a zone.

Ultimately, there is no set rule as to which approach is more successful, and depends largely on the planning issues and the strategic policy response. The re-formatting of the zone codes may be a consideration if a new scheme is ultimately pursued and Council saw value in elevating some planning issues, however is not an aspect that requires specific address.

A number of the zone codes also incorporate precincts. The precincts allow for a finer grained planning approach, and provide opportunity for specific areas within an overarching zone to be subject to specific planning provisions. The precinct approach is common and well understood, and in the context of the Bundaberg LGA appears to work generally well. In particular:

- The Principal centre zone incorporates a range of precincts that reflect the core/frame areas of the CBD and allow for a calibration of levels of assessment to facilitate preferred land uses, as well as built form provisions that seek to reinforce good urban design outcomes;
- The Limited development zone incorporates a precinct which specifically identifies high risk and unsuitable locations for residential development; and
- The Rural residential zone which includes precincts that control the mix of lot sizes that are preferred in each precinct.

The Medium density residential zone includes precincts relating to the Bundaberg West medical hub and the Barolin Street office precinct. The intent of these precincts is to allow for non-residential uses within the zone at locations that support (or will support) potentially quite intensive commercial/medical uses. While the approach does work given the relatively limited and contained scale and spatial dimensions of these precincts, the land use intent for these precincts appear to cut across the general purpose of the zone, and there may be opportunity to reconsider how these precincts are zoned to better reflect the preferred land use.

In general, precincts are a common and effective way to support finer grained planning, particularly in areas where an embedded land use exists that does not accord with the zone purpose, or where specific local planning or master planning exercises have not been undertaken to a sufficient level of detail to allow for a local plan to be incorporated. Depending on the future plans for the current Bundaberg hospital and potential health hub, Council may consider removing the current MDR precinct and focusing on another local plan/precinct to support the new hospital site.

10.2.8 Part 7 – Local Plans

There are two (2) Local Area Plans in the Planning Scheme, for Kalkie-Ashfield and the Central Coastal Urban Growth Area. Both areas are specifically identified in the strategic framework as being for expansion and greenfield growth, and as such there is good vertical alignment through the scheme.

The local plans include overall outcomes, performance outcomes and acceptable outcomes, and are supported by mapping that spatially identifies urban areas, constrained areas, and other elements for address by development. The codes generally operate effectively and are subject of good vertical alignment (including with references from the Strategic Framework, which identifies the local area plans as being priorities for growth).

Both local plans are included within the Emerging community zone, which identifies that all development (apart from a limited number of small scale uses) is subject to Impact Assessment. Currently, the tables of assessment do not incorporate any changes for land subject to a local plan, which makes all development even in accordance with a local plan subject to Impact Assessment. To better facilitate development within the local plan areas, Council may consider a review of the local plan tables of assessment, and provide for uses that are in accordance with the outcomes of the local plan to be subject to lower levels of assessment where appropriate. Alternatively, Council may also consider re-zoning the land subject to the local plan to a more applicable zone that reflects the broad land use outcomes of the local plan.

It is our understanding that a new Local Plan for the Hughes and Seaview Bargara Area will be prepared, to reflect the Planning Scheme Policy for the Hughes and Seaview Bargara Local Plan

Area adopted by Council in November 2023. Additionally, Council is also progressing local planning for the Branyan identified growth area. The local plans should be prepared to incorporate mapping and codes as required to coordinate and integrate with the planning scheme.

10.2.9 Part 8 – Overlays

The Planning Scheme incorporates thirteen (13) overlay codes including:

- Acid sulfate soils overlay;
- Agricultural land overlay;
- Airport and aviation facilities overlay;
- Biodiversity areas overlay;
- Bushfire hazard overlay;
- Coastal protection overlay;
- Extractive resources overlay;
- Flood hazard overlay
- Heritage and neighbourhood character overlay;
- Infrastructure overlay;
- Sea turtle sensitive area overlay;
- Steep land (slopes >15%) overlay;
- Water resource catchments overlay.

The overlays predominantly relate to address of State interests, however also reflect matters of local context and interest.

The overlays generally work appropriately, with the following observations noted:

- Overlay mapping for the bulk of the overlays relies on SPP mapping with the data sourced from the State government (SPP interactive mapping portal), but is reproduced/ republished within Council's interactive mapping system alongside all other planning scheme mapping (to ensure ease of access). While this is operationally acceptable and maintains ongoing alignment with SPP mapping, consideration may be given to incorporating locally based overlay mapping for any new scheme, particularly if the intention is to operate an e-scheme for the LGA. It is noted that Council currently operates an on-line interactive mapping system that includes planning information, and as such incorporation into the scheme may be reasonably straightforward;
- Similarly, the flood hazard mapping for the scheme currently exists 'outside' the planning scheme as a resolution. It is understood that this approach was pursued by Council as it allowed for the flood hazard mapping to be more easily updated and amended over time as opposed to a planning scheme amendment process. While it is generally best practice for all planning instruments to be in a single, accessible location the current approach is lawful and workable, the preparation of a new or amended planning scheme is an opportunity to either incorporate flood hazard overlay mapping into the scheme proper, or alternatively to ensure there is sufficient information in the scheme to clearly reference the location and operation of the flood hazard mapping adopted by resolution;
- Due to the differing ownerships between the codes and the mapping, there has been a disconnect over time between mapped elements and terminology used in the codes. While this is not fundamental and the general intent of the mapping and the overlay codes remains understood, a review and alignment between the latest SPP mapping and how this is reflected in the Planning Scheme would be beneficial for completeness and neatness;
- Over time there have been subtle differences in the principles for vegetation management in terms of avoid/mitigate/offset approaches. The biodiversity overlay code should be reviewed to ensure that it accurately reflects the hierarchy of responses and provides appropriate support;

- While not statutorily required, Council may consider a new study to identify vegetation that is locally significant (MLES) and include this in the Biodiversity overlay to provide a more comprehensive vegetation management framework for the LGA;
- The rural review notes that the accuracy and utility of ALC Class A and Class B mapping is limited as a tool to manage rural land use, and suggests that an audit of rural land use and establishment of precincts may be a preferable approach to managing the land resources of the LGA; and
- A general review of the interface between the underlying zone and overlay relating to hazard or other significant constraints (such as flood or bushfire) should be undertaken to ensure that there is alignment between provisions and the overlay reinforces the land use intent for the zone.

10.2.10 Part 9 – Development codes

Development codes provide assessment benchmarks relating to either specific uses, or that relate to common development matters.

The development codes for the Planning Scheme are generally appropriate and effective in providing clear and achievable assessment benchmarks, and operate well within a performance based planning framework. The development codes use the standard format of Overall outcomes which predominantly deal with higher order principles for development, supported by Performance outcomes and Acceptable outcomes which provide for more detailed provisions relating to parameters such as built form, siting and design, size and scale, and operational aspects.

The Planning Scheme includes a range of use specific codes that appear to address the most common forms of development in the LGA. While in some instances the development codes are relatively simple compared to other metropolitan planning schemes, the provisions are focused on key matters (such as built form, interface with adjoining development, street address, amenity protection, safety etc) and are sufficient to reflect the local context. In any case the use codes operate in conjunction with zone codes and other applicable overlays, which when taken as a whole provides for an appropriate level of detail across location, siting, built form and response to constraints.

The suite of development codes is again relatively modest however addresses the key planning issues of interest to development in the LGA. The key infrastructure matters have been consolidated into a single Works, services and infrastructure code, which is a common approach amongst larger regional planning schemes, as it provides for an efficient mechanism to consider and assess the broad range of works matters that can potentially apply to development.

The operation of the Vegetation management code is somewhat unusual, in that it identifies the concept of 'exempt vegetation clearing' which is separately defined in the planning scheme definitions. It appears that the 'exempt vegetation clearing' defined in the planning scheme is not the same as 'exempt clearing' in Schedule 22 of the Planning Regulation, and presumably the term in the planning scheme relates to certain clearing that is considered low risk. The use of the term is potentially confusing as it may be taken as referring to clearing that is exempt against the Act, however remains assessable by Council. To remove confusion further consideration of the format and operation of the Vegetation management code may be required. As an example, Gold Coast City Plan identifies a range of simple clearing activities (such as clearing associated with a dwelling or pest species clearing) as Accepted development subject to requirements and has specific provisions in the code for these. All other aspects are assessable. To assist in assessment it would also be best practice to require the submission of a Vegetation Management Plan to demonstrate that any vegetation clearing was warranted, understand the scope of what clearing is being undertaken, and assure that the actual clearing works are undertaken in a safe and effective manner. A separate PSP may be required to clearly define the content and requirements of a Vegetation Management Plan.

It is further noted that a number of contemporary planning schemes (such as Logan City, Mackay Regional and Rockhampton City) do not regulate vegetation clearing apart from vegetation mapped and subject to an overlay code. Council may consider whether this approach is appropriate when balanced against other priorities.

The Planning Scheme in a number of instances uses the term ‘in partial compliance with a Performance Outcome’. While this approach is acknowledged as having some benefits, best practice typically requires that AOs are simple and objective provisions that allow for a Yes/No compliance approach, particularly in relation to development that is Accepted subject to requirements. It is recommended that this approach be reviewed throughout the scheme and where required further specify and de-amalgamate development parameters into separate Performance outcomes and Acceptable outcomes such that each aspect can either have a definitive AO, or relies only on the PO.

Other more specific observations include the following:

- The Extractive industry code may benefit from additional provisions relating to the maintenance of haulage routes, noting that in other LGAs the maintenance of haulage routes is often an issue in development applications and the inclusion of specific provisions in the code will support a stronger position on the matter;
- The Nature and rural based tourism code may benefit from a review of scale allowed for camping type uses on Rural and Rural residential zone land, with a focus on limiting the scale of such uses to protect environmental and landscape values and maintain the primacy of the rural or residential uses in these areas;
- The Market code may consider including provisions relating to transport and access so it can operate as a standalone code and not require additional assessment against the Transport and parking code which may be onerous for what is a low impact use;
- The Multi-unit residential code may consider further detailed design provisions relating to open space, waste management and parking, and protection of amenity;
- The Reconfiguring a lot code will require review against Schedule 12A of the Planning Regulation to adequately address and integrate the key matters;
- The Transport and parking code may be reviewed with regard to parking requirements in multiple dwellings to facilitate CBD re-development;
- The preparation of design guidelines that relate to more intensive uses (such as Multiple dwelling, mixed use or shopping centre developments) or Centre zones may be of some utility in terms of providing general principles and approaches. The design guidelines could provide some basic design principles about addressing the street, interface between public and private areas, arrangement of uses and architectural finishing supported by diagrams and figures that demonstrate options and examples. The guidelines could either be partially incorporated into relevant use or zone codes, or potentially operate within a PSP and be referenced as required in the development codes;
- The preparation of landscape and streetscaping guidelines for the region, which can operate as a PSP and be called up as required in the relevant development codes.

10.2.11 Schedules 1 and 2 – Definitions and mapping

Any new or amended Planning Scheme must use the definitions as provided for in the regulated requirements. Where required additional administrative definitions may be employed, however they must not operate to alter the purpose or effect of the definitions in the regulated requirements. Where using an e-scheme, where used throughout the planning scheme the use terms or administrative terms can be hyperlinked to display the actual definition/term, which provides for ease of use and ensures clarity. If using a traditional scheme, use terms and defined terms should be italicized or otherwise highlighted to alert the reader that the term has a specific meaning for the purpose of the planning scheme.

Any new or amended Planning Scheme mapping should be cadastrally based, including any strategic framework mapping and particularly where elements are called upon in an assessment benchmark. Where using an e-scheme it is acceptable to have all mapping in an electronic format only, however it would be prudent to have at least one hard copy version of the mapping prepared for each version of the scheme as a point of truth.

10.2.12 Schedule 3 – LGIP mapping and tables

This section should include all the relevant supporting material for the LGIP. The Minister's Guidelines and Rules provides details of the required information and mapping elements.

It is noted that while the list of materials required to support the LGIP are extensive, it is acceptable to have a summary report for technical matters (such as any extrinsic materials that relate to engineering or other analysis), referencing the full technical report/s and making these available on request.

10.2.13 Schedule 4 – Notations under the Planning Act

This section should be periodically updated to include all decisions which affect the operation of the Planning Scheme. It is acknowledged that this list will always be changing and is a point in time list, however the preparation of a new or amended Planning Scheme provides opportunity to bring all notations up to date.

10.2.14 Schedule 5 – Designation of premises for development infrastructure

This section should be periodically updated to include all Ministerial Infrastructure Designations. It is acknowledged that this list will always be changing and is a point in time list, however the preparation of a new scheme provides opportunity to bring all notations up to date.

10.2.15 Schedule 6 – Planning Scheme Policies

Planning scheme policies (PSPs) support the planning scheme and provide information to assist in understanding and complying with planning scheme requirements (in particular, codes) and to identify information that may be required or requested to accompany a development application.

Although limited in extent, the current PSPs operate generally appropriately and address the most common matters associated with the planning scheme. The limited number of PSPs is largely due to the approach taken in terms of consolidating technical works matters within a single PSP for development works, as well as consolidating a number of advices relating to the preparation of supporting reports within a single PSP for information Council may request and well made applications. While the titles are somewhat clunky, the information required is available and no issues were raised during engagement exercises regarding deficiencies.

It is recommended that all PSPs be reviewed to refer to contemporary technical standards and best practice approaches relating to their respective technical matters. Further, a review of zone code, use codes and development codes should be undertaken to ensure that the appropriate PSP is referred to where required. Based on the review of the broader scheme, additional PSPs may be considered to relate to the following matters to provide greater clarity for scheme users and more clearly define Council's land use and development intents:

- Urban Design PSP – setting out urban design principles (potentially for each urban area or similar geographical localities) for built form and subdivision design, including guidance on preparing site context and urban design reports;
- Landscape and Streetscape PSP – setting out landscaping and streetscaping principles and guidelines to provide for a consistent, coherent and attractive landscape environment; and
- Vegetation Management PSP – setting out how a vegetation management plan should be prepared and the matters that should be addressed. This may also be included as a new section within the existing PSP 6.5 - information Council may request and well made applications.

11. Benchmarking and SWOT Analysis

11.1 Benchmarking

This Planning Scheme Review has undertaken a benchmarking exercise of the current Planning Scheme against planning schemes from selected other local governments, notably Redland City and Toowoomba Region (having regard to some similarities in context, size, growth or other factors). The benchmarking exercise is a focused review having regard to those other planning schemes. Primarily, the benchmarking exercise will compare the format, operation and intent of the Bundaberg Regional Council Planning Scheme with its peers. Additionally, the benchmarking exercise will focus on how other schemes address key issues that have been identified during the review process.

Whilst the benchmarking is focused on Redland City and Toowoomba Region, there are other observations arising from awareness of other planning schemes, which have been identified in the best practice comments within the Planning Scheme Audit tables.

11.1.1 Planning scheme currency

The three planning schemes are of varying age and currency.

The Toowoomba Region Planning Scheme is now over 11 years old, commencing on 1 July 2012. The current version is Version 28, having undergone fifteen major amendments and a number of minor and administrative amendments over its lifetime. This scheme was subject of a statutory ten-year review between 2018 and 2020. A key finding of this review was that the key issues identified in the review ought to be addressed through preparation of a new planning scheme, but that this was not a pressing need and the current planning scheme can continue to operate until such time as a new planning scheme is prepared.

Overall, the Toowoomba Regional Planning Scheme presents as a somewhat convoluted planning scheme, with reliance on detail in the zone codes and with an overlap of misaligned elements within selected local area plans. As the first planning scheme prepared under the QPP, it is understandable that some of the structure and content is not perfect, even with a number of amendments over time.

The Redland City Plan commenced on 8 October 2018. The current version is Version 10, having undergone two major amendments and a number of minor and administrative amendments. The planning scheme has been subject to recent scrutiny by the State government regarding whether it appropriately facilitates housing diversity and supply to meet regional plan targets. More recently, the Planning Minister opted to prepare a Housing Strategy on Council's behalf, which is intended to inform amendments to the planning scheme to address the perceived shortcomings in relation to housing diversity and supply. This strategy is currently in draft form.

Overall, the Redland City Plan functions effectively and is easy to use. It includes a limited number of assessment codes (in comparison to most contemporary planning schemes) and is relatively free of duplication and internal conflicts. It does, however, lack tailored provisions that may otherwise encourage development in desired locations (within and around centres and public transport) and facilitate outcomes that are location-specific. In essence, the lack of local area or neighbourhood level planning is displayed within the planning scheme.

Redland City Council and the urban part of Toowoomba Regional Council are within the South-East Queensland (SEQ) Region. The ShapingSEQ 2023 Regional Plan was released on 15 December 2023 and establishes re-calibrated planning policy for the region. In particular, this included a revising up of population projections/ targets for Redland and Toowoomba (urban extent), establishing dwelling diversity targets within each local government area (LGA) and targets in relation to social and affordable housing. This influences the currency of these planning schemes.

The Bundaberg Regional Planning Scheme commenced on 19 October 2015. The current version is Version 6.2, having undergone two major amendments and a number of minor and administrative

amendments (including those relating to the Local Government Infrastructure Plan and planning scheme policies).

By comparison to the Toowoomba Region Planning Scheme, the Bundaberg Regional Planning Scheme has an overall approach that maintains a good alignment to contemporary planning scheme drafting (akin to aspects of the Redland Planning Scheme, amongst others), and retains currency in that regard. It is also subject of a relatively limited number of amendments, such that the consistency of content and drafting remains pure and current. However, given its age there are some elements that are subject of evolved policy position or State influence that need to be reviewed and addressed. Notably, the Wide Bay Burnett Regional Plan 2023 was released on 15 December 2023 and establishes re-calibrated planning policy for the region. In particular, this included a revising down of population projections within the Bundaberg region. This influences the currency of this planning scheme.

11.1.2 Format, structure and operation

11.1.2.1 Strategic Framework

- The structure and format of the respective Strategic Frameworks is reflective of the age of each of the planning schemes. Toowoomba and Bundaberg each contain Strategic Outcomes, Elements and Specific Outcomes under each Theme (with Bundaberg also expressing key concepts), which reflects the scheme drafting guidance at the time of their creation. By comparison, the Redland City Plan provides for only Strategic Outcomes within each Theme provided with headings and provisions for those Strategic Outcomes.
- Given that there is no statutory requirement for the hierarchical structure and terminology in the Strategic Framework (i.e. Strategic outcomes, Elements and Specific Outcomes) the contemporary approach adopted by Redlands is logical and avoids confusion. It clearly expresses the overarching planning policy position to be achieved, without undermining that position by way of subsidiary outcomes as a way to achieve a higher order intent.
- The Themes presented in the Strategic Framework are as follows. Again, Toowoomba and Bundaberg have some consistency in Themes given the timing of their scheme preparation and the particular guidance of the State government at that time (albeit with some slightly different expression to reflect important values, and with different content). Redlands has different Themes, condensed in headings consistent with the themes of the SPP but ultimately capturing similar values and policies, which provides an indication that contemporary planning schemes have some greater freedoms in drafting.

Bundaberg Themes	Redland Themes	Toowoomba Themes
Settlement Pattern	Liveable Communities and Housing	Settlement Pattern
Economic Development	Economic Development	Economic Development
Access and Mobility		Access and Mobility
Infrastructure and Services	Infrastructure	Infrastructure and Services
Natural Environment and Landscape Character	Environment and Heritage	Natural Environment
Community Identity, Culture, Sport and Recreation		Community identity and Diversity
Natural Resources		Natural Resources and Landscape
Natural Hazards	Safety and Resilience to Hazards	

11.1.2.2 Zone and use codes

- For each planning scheme the zone code plays a role in defining not simply the land use intentions for the zone, but also the expectations for built form, amenity and privacy.

- This is most present within the Redland City Plan, where use codes are severely limited (having only three use codes, which are only enacted for very distinct uses), and zone codes play the primary assessment role for most development aspects.
- The benefits of this approach are a reduction in the number of codes requiring assessment (assisting simplification) and a reduction in the potential for duplication and internal conflicts between zone and use codes. In the case of Redland, this is aided (to a degree) by the planning scheme having relatively clear intentions for land uses in each zone and discouraging other land uses, so that the provisions within each zone code can be clearly focused on those intended land uses.
- This rigid approach, though, does not respond well to changing circumstances. For example, the Low density residential zone is clearly intended only for dwelling houses and dual occupancy to the discouragement of all other forms of housing. Where circumstances dictate that this approach will not yield sufficient diversity and/ or housing supply within the LGA and alternative housing typologies (such as residential care and retirement facilities or small-scale multiple dwellings) should be facilitated in certain locations, the City Plan is not well-equipped to manage this (resulting in the need to have regard to other zone codes to consider appropriate built form outcomes and a more discretionary approach ensues).
- The Toowoomba Regional Planning Scheme takes a hybrid approach of adopting specific built form provisions for some uses (in place of specific use codes), while incorporating use codes for most land uses. This in itself is a reasonable approach, considering some land uses may not warrant more than one or two specific outcomes, and including an entire code with three layers of outcomes would be excessive.
- However, the zone codes also include their own built form provisions that apply as well as the associated use code. In many cases, these provisions have an element of conflict, with only the hierarchy of assessment benchmarks in Part 1 of the planning scheme providing any guidance on which provisions takes precedence.
- This approach is confusing for the user and, in our opinion, should be avoided wherever possible.
- The zone codes within the Toowoomba Regional Planning Scheme also include a range of internal conflicts within the code (from a vertical alignment perspective). For example, within the Low-medium density residential zone code the overall outcomes expect new development within this zone to accommodate dwelling houses, dual occupancy, multiple dwellings, residential care and retirement facilities, while the acceptable outcome identifies that only dwelling houses and dual occupancy are consistent with the intent of the zone. Additionally, the overall outcomes of this zone code also anticipate development to achieve 30-40 dwellings per hectare, while the acceptable outcome expects a minimum of 40 dwellings per hectare to be achieved. These internal conflicts (to name just a few) fracture the functionality and understandability of the planning scheme, while also questioning the construction of the zone codes (in terms of having overall, performance and acceptable outcomes).
- The Bundaberg Regional Planning Scheme includes an extensive list of use codes, which include built form and other provisions relating to the specific land use. The zone codes include limited built form provisions, mostly relating to building height, which is viewed as distinct to the zone more so than the land use.
- From a usability perspective, this approach is sound and easy to follow. It generally avoids duplication and internal conflict and operates effectively (with some matters to be addressed, as discussed within the planning scheme audit).

- In our view, in comparison to Toowoomba and Redland, the Bundaberg Regional Planning Scheme is the more functional planning scheme in terms of the role that zone and use codes play and its impact on the usability of the scheme.
- What the Bundaberg approach does highlight is whether a three-layered outcome (of overall, performance and acceptable outcomes) within the zone codes is warranted, or whether the zone codes may be more effectively drafted with only overall outcomes.
- A number of other Council planning scheme have adopted this alternative approach of applying only overall outcomes to zone codes, including the Brisbane City Plan and Sunshine Coast Regional Planning Scheme.

11.1.2.3 *Local plans*

- Local plans provide an opportunity for more fine-grained planning within a distinct local area. Their use across different LGAs varies according to the specific LGA, population distribution, diversity of local character and other relevant factors. At one end of the spectrum is Brisbane, which has an embedded legacy of neighbourhood planning and incorporates neighbourhood plans across the majority of its LGA. At the other end, a number of Councils do not include local plans at all and, where required, may adopt precincts within zones to identify specific locational provisions.
- The Redland City Plan adopts the latter of these approaches. It includes no local plans but does include a number of zone precincts. These are limited to precincts within the residential zones and generally (though not exclusively) relate to variations to the intended lot sizes and/ or building heights.
- This approach is generally easy to understand and operate where there is limited use of precincts (as is the case at Redlands). The zone codes are drafted to take account of these precincts, clearly identifying where precinct-specific provisions apply in place of standard zone provisions. From a drafting perspective, it is easier to ensure internal consistency within a single code than between multiple codes, making this approach less prone to time damage due to amendments.
- However, that approach loses its value where there are an extensive number of precincts within a zone, resulting in a convoluted and confusing zone code with multiple elements.
- Other occasions where this approach may be less favourable tend to be in locations where development intentions do not fit neatly within the purpose of a particular zone, and the use of a precinct within a zone has the potential to cause its own internal conflict with the purpose of the zone. A local plan can perform this role more effectively, considering that local plans prevail over zone codes to the extent of inconsistency.
- Both Toowoomba and Bundaberg employ a limited number of local plans (three for Toowoomba and two for Bundaberg), which cover specific locations within their respective regions. These local plans cover either new residential growth areas (for four out of the five local plans) or, in the case of the Charlton Wellcamp Enterprise Area, a developing major employment area.
- The local plans for Bundaberg are clearly expressed (within the Local Plans and the Strategic Framework) as being locations intended for the prioritization of urban growth. Our view is that the role of the local plans are well expressed, which gives them greater utility than in other schemes.

11.1.2.4 *Overlays*

- The three planning schemes all utilise overlays and overlay codes to manage particular constraint or characteristics, with Bundaberg having 13 overlays, Redland having 11 overlays, and Toowoomba having 12 overlays, as identified for each below.

Bundaberg Overlays	Redlands Overlays	Toowoomba Overlays
Acid Sulfate Soils		
Agricultural Land		Agricultural Land
Airport and Aviation Facilities	Airport Environs	Airport Environs
Biodiversity Areas	Environmental Significance	Environmental Significance
	Waterway Corridors and Wetlands	
Bushfire Hazard	Bushfire Hazard	Bushfire Hazard
Coastal Protection	Coastal Protection	
Extractive Resources	Extractive Resources	Extractive Resources
Flood Hazard	Flood and Storm Tide hazard	Flood Hazard
Heritage and Neighbourhood Character	Heritage	Heritage
		Neighbourhood Character
Infrastructure	Regional Infrastructure Corridors and Substations	Regional Infrastructure Corridors
Sea Turtle Sensitive Area		
Steep Land	Landslide Hazard	Landslide Hazard
Water Resource Catchments	Water Resource Catchment	Water Resource Catchments
		Scenic Amenity

- Toowoomba Regional Planning Scheme groups the overlays under themes (constraints, character, infrastructure, environment, natural resources) which is neat but unnecessary.
- Overall, the general approach to the use of overlays is broadly consistent. There are no substantive deficiencies in the Bundaberg approach to overlays, noting that overlays arising in others that aren't in the Bundaberg Regional Planning Scheme, which are captured in other provisions but could be contemplated is only a scenic amenity overlay.

11.1.3 Other Matters and Key Issues

11.1.3.1 E-Planning

- The Bundaberg planning scheme is available as a PDF document, broken up by parts. No hyperlinks are provided within the PDF documents, requiring the user to scroll to their desired section.
- The Toowoomba planning scheme is available as a PDF document, broken up by parts. Where relevant, a table of contents is provided within the PDF document with hyperlinks to individual sections. This is an improvement on the Bundaberg planning scheme, providing easier access to desired sections (for example, specific codes).
- The Redland City Plan is available as an interactive version. This is a more user-friendly approach to the planning scheme, allowing easy access to desired sections of the scheme. A PDF version of the entire planning scheme, with hyperlinks to specific sections within the table of contents, is also available.
- It is noted that superseded versions of the Redland City Plan can only be accessed as PDF documents. There are e-planning platforms available that include the ability to view superseded versions of the planning scheme within the interactive version along with a comparison function that identifies changes between versions of the planning scheme. This provides great assistance to assessment managers and external practitioners when preparing and/or assessing development applications under superseded version, considering change applications or applications to extend currency periods, which under the Planning Act require consideration of previous versions.

11.1.3.2 *Regulation of Dwelling Houses*

- The Toowoomba Planning Scheme and Redland City Plan have potentially lower levels of regulation for dwelling houses, whereby they provide for dwelling houses as Accepted Development in some circumstances (i.e. not subject to requirements). By comparison, Bundaberg provides for dwelling houses as Accepted development subject to requirements.
- That being identified, overlays have potential to increase level of assessment in each instance (but only for limited overlays).
- The approach to pursuing Accepted development subject to requirements is appropriate when there are specific outcomes important to the Council. Further, when overlays need to be reviewed in any case, a review of a select number of acceptable outcomes is not a major impediment.
- In terms of the assessment criteria, Redland City Plan provisions relating to built form (height, setbacks, site cover) are left to be regulated by the Queensland Development Code (QDC) in most cases. Alternatives to the QDC are prescribed only in relation to specific precincts in the Low density residential zone. In most cases, where not meeting acceptable outcomes, a referral to Council for building work is required (rather than a planning application). Toowoomba varies building setbacks for dwelling houses and dual occupancy, rather than allowing QDC to do the work. Bundaberg substantively defers to the QDC, which limits potential overlap.

11.1.3.3 *Facilitating Housing Diversity*

- Each of the Councils include a range of residential zones and include overarching provisions that seek housing diversity in appropriate locations. All Councils facilitate dwelling houses and dual occupancies in the Low Density Residential Zone, and scale up the intensity of residential uses within higher density residential zones.
- Notably, the Redland Housing Strategy has recently been drafted by the State government (in the place of Redland City Council), which provides intentions for greater density and diversity of product within all residential zones in Redland. This is an aspect to be astute to.

11.1.3.4 *Facilitating CBD Development*

- Toowoomba and Bundaberg have a similar urban form structure, whereby the relatively intact historic CBD is the principal centre, and is identified as the focal point for the centres hierarchy and community interest. Both planning schemes express this clearly in the Strategic framework and zone codes, however it is observed that the Bundaberg scheme is clearer in its expression of hierarchical support.
- In terms of Redlands, the nature of centres is different given the urban structure of the local government area. Whilst Cleveland is the civic heart, there is a balanced distribution of centres. The centres are appropriately zoned, there is clear centres hierarchy with provisions that reinforce this hierarchy (noting that mid-tier centres such as Major, District and Local identify their servicing catchments, which assists with development assessment and methodologies for need assessments and which is not as evident in the Bundaberg planning scheme), the provisions relating to development in the centres operate effectively and the levels of assessment are aligned to the outcomes for each of the centre zones. The problem lies more in the viability of redevelopment within the Cleveland and Capalaba CBDs, fragmentation of land ownership and conversely in the case of Capalaba two large conglomerate shopping centres that occupy the majority of the CBD and have minimal incentive to redevelop their profitable assets.
- Each CBD or centres outcome in each local government is subject to different pressures, and a deliberate, locally-focused approach is warranted to energise CBD investment. There are no particularly strong learnings from the other planning schemes that assist Bundaberg.

11.1.3.5 *Managing Coastal Hazards*

- Redlands has recently adopted a CHAS that has not yet been adopted into the City Plan (where required). The Coastal protection overlay code does include more specific provisions that prevail over the relevant zone codes (no new lots created, specific provisions at Amity limiting to relocatable/ demountable buildings, no further seaward in all other occasions where erosion prone and CMD), which are relevant in managing coastal hazards.
- Toowoomba is not subject of coastal hazards.
- In Bundaberg, the outcomes from the CHAS are also not yet adopted into planning scheme. In the Coastal protection overlay, overall outcome (2)(b) gives zone outcomes precedence over coastal hazard (which impacts several locations identified as erosion prone and within CMD but zoned residential). This is counter to the approach at Redlands.

11.2 SWOT Analysis

Based on the outcomes of the scheme audit and benchmarking exercise, **Table 1-3** provides a SWOT analysis of the Bundaberg planning Scheme.

Table 11.1 SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> • Simple and easy to use planning scheme with a logical and functional structure. • Good vertical policy alignment within codes, and through to the Strategic Framework. • Good alignment between categories of assessment and zoning intentions. • Limited regulation of small-scale domestic uses. • Limited use of Local Plans reduces the instances of internal conflict and duplication. Local Plans identify the key targets for urban growth. • General alignment of planning priorities between the planning scheme and the Wide Bay Burnett Regional Plan 2023 (subject to further detailed review, given the recent release of the Regional Plan). • Sufficient planned residential and industrial land supply to meet population projections. • General support from industry for scheme structure and content. 	<ul style="list-style-type: none"> • Lack of housing diversity delivery within the region. • Potential excess of planned residential and rural residential land supply, which creates broad growth fronts that can be difficult to service. • Significant land area within the Emerging Community Zone awaiting land use and infrastructure planning. • Lack of guidance on sequencing of greenfield development and orderly provision of infrastructure. • Lack of clarity within some codes within the planning scheme (e.g. use of acceptable outcomes as partial fulfilment of performance outcomes).
Opportunities	Threats
<ul style="list-style-type: none"> • Large areas of relatively unconstrained land available for future urban development, with the policy settings able to be calibrated by Council. • Facilitation of CBD redevelopment with increasing densities and the encouragement of mixed use development. • Planning and investment in the Port of Bundaberg and associated State Development Area (available growth opportunity). 	<ul style="list-style-type: none"> • Low population growth projections in Wide Bay Burnett Regional Plan 2023 for the Bundaberg region, risking diminished State infrastructure planning and delivery in the region. • Managing growth in the coastal corridor to ensure appropriate infrastructure servicing and protection of environmentally-sensitive areas, particularly for turtles and shorebirds. • Areas of misalignment between the Local Government Infrastructure Plan and planning scheme zoning.

<ul style="list-style-type: none"> • Delivery of the new Bundaberg Hospital and opportunities to plan for co-located allied development. • Increased promotion and facilitation of tourism within the region. • Adoption of an e-planning platform to host the planning scheme. 	<ul style="list-style-type: none"> • Extent of development approved outside of the Priority Infrastructure Area and implications for infrastructure servicing and operational costs. • Ensuring a sustainable agricultural industry in the region. • Managing impacts from hazards, particularly coastal hazards.
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12. Key issues

Based on the outcomes of the review, this section provides an identification and discussion of the key issues arising from the review and the implications for the planning scheme.

12.1 Legislation and Policy

- The recent release of the Wide Bay Burnett Regional Plan 2023 (WBBRP) has introduced a number of new and refined elements that require consideration in the Planning Scheme. The moderation of population expectations for the region will require further local consideration (noting that the broad settlement pattern remains consistent with the WBBRP), as well as ensuring that the Planning Scheme further continues to facilitate a broad range of housing types. Address of economic development objectives relating to specific sectors may be further enhanced (such as the opportunity for a new hospital health and knowledge precinct), as well as ongoing improvements to identification and protection of regional and locally important ecological and landscape values.
- The current State Planning Policy 2017 (SPP) is broadly reflected in the Planning Scheme, and required updates are largely a refinement of the current policy position. Further consideration of coastal environment protection, locally significant vegetation, and water supply catchment matters will enhance and improve the integration of the Planning Scheme with the SPP, as well as updates to reflect the latest mapping layers and terminology. In relation to mapping, the SPP guidance material *Integrating State Interests In A Planning Scheme – November 2021* notes at Section 1.2.1 that ‘...Mapping should be included in the planning scheme rather than the planning scheme referring to the SPP IMS.’
- Through updates to the *Planning Regulation 2017* (Regulations) the State government has introduced a range of changes in response to particular housing issues such as supporting rooming and temporary accommodation, and facilitating secondary dwellings. While the Regulations apply where there is any inconsistency with the Planning Scheme, updating the Planning Scheme to include the changes will create a more cohesive and consistent planning process;
- The general format of the Planning Scheme remains fundamentally sound, and contains the appropriate contents that are required under the *Planning Act 2016*. Further consideration of amendments to the operation of the decision rules may be warranted in relation to specifying that achievement of overall outcomes, performance outcomes and acceptable outcomes is required to achieve compliance with the assessment benchmarks in line with contemporary best practice.

12.2 Population Growth and Settlement Pattern

- The most recent population projections for the region (as contained in the latest QGSO projections and the WBBRP) are lower than those that underpin the current Planning Scheme. Further analysis and review of population projections is required to confirm an acceptable and appropriate base for population projections and inform other relevant aspects of the Planning Scheme. This may include a new or updated Housing and residential development planning study to reflect amended population and demographic trends.
- The revised population growth projections will also have implications for the location and timing of growth. The overall settlement pattern remains generally appropriate and in

alignment with the new WBBRP. With Council currently undertaking an LGIP amendment to review and update demand modelling and development sequencing based on the latest QGSO projections, it will be important to give further consideration to the location and timing of future growth as part of any housing and residential development planning study to ensure that the growth can be accommodated and serviced in a coordinated, efficient, and cost-effective manner.

- Additional structure planning and local planning exercises for growth areas including the coastal growth corridor will potentially assist in the sequencing of development and infrastructure provision through identifying logical extensions of the existing settlement pattern, and providing an opportunity for the Planning Scheme to clearly delineate the nature, scale, and timing of future growth. In this regard it is noted that Council is currently undertaking local planning exercises for emerging community areas at Branyan and Elliott Heads.
- While the Planning Scheme has sought to facilitate a diversity of dwelling types, in practice detached dwellings remain the dominant housing type. Consideration of other approaches and incentives to deliver a diverse housing product may be required to achieve progress on this matter. This may include further consideration of CBD development parameters to encourage and facilitate mixed use re-development, or further provisions requiring a variety of lot sizes within greenfield subdivisions.

12.3 Employment and Economic Growth

- As a consequence of the changes in population expectations, an updated Activity centres and industrial land planning study is warranted to consider the appropriateness of the current approach and ensure that all centres are located, and of a scale and intensity, that serves the relevant catchment (both in existing and emerging localities) and supports a vital and competitive retail and convenience network.
- While there is a relatively large area of industrial land available, there have been issues of serviceability which have potentially constrained development. Additionally, the potential influence of the Port of Bundaberg and Bundaberg State Development Area may have implications on the quantum, location, and timing of industrial development across the LGA. A new or updated industrial land planning study (in conjunction with or separately to an activity centres study) would assist in confirming actual levels of demand for various types of industrial development, and provide opportunity to further consider timing and sequencing of industrial development in the region to leverage major industrial opportunities.
- Identified in the WBBRP and as part of 'Bundaberg 4670: A Master Plan for the Bundaberg CBD 2017-2036', the preparation of a Night time economy strategy may be useful to assist in diversifying the economic base, as well as revitalising the CBD and contributing to the cultural life of the region.
- The imminent start of construction on the new Bundaberg Hospital will provide a significant opportunity to create a broader health and knowledge precinct. The WBBRP notes that as well as the hospital, allied health, research, supporting retail and commercial uses, residential and short term accommodation uses can cluster to create a health precinct that will support employment and the diversification of the economic base of the region, as well as supporting and enhancing community health outcomes. The Planning Scheme can facilitate the establishment of a health precinct through appropriate zoning and precinct planning/master planning as required to create a logical and consistent framework for development.
- The diversity of natural landscapes and values of the LGA support a range of opportunities for tourism. The Planning Scheme can assist in further supporting tourism through more

refined approaches to regulating rural-tourism and eco-tourism, as well as working with peak tourism bodies to identify a consolidated approach to regional tourism.

12.4 Planning for Rural Futures

- Despite the importance of agricultural production, rural industries, food and beverage manufacturing and rural tourism to the region, no studies into the value and operation of rural lands were undertaken to inform the current planning scheme. The preparation of a Rural futures study to analyse and identify the scope of rural industry and the influence of the planning framework is warranted.
- As part of a rural futures study, mapping of the high value rural resource areas could be undertaken to clarify and confirm the broader regional values and ensure that the highest value areas are known and protected.
- Opportunities for value-adding and support for compatible rural industry or non-rural uses should be further supported through the Planning Scheme to ensure that development in the rural areas maintains rural production while allowing for a diversification of land uses.
- The region has a large and diverse rural industry that has an equally diverse range of land use and resource requirements. Consideration of a rural precinct planning approach may assist in providing a finer grained planning framework that is based on the resource value of rural land, and clearly identifies the land use expectations for the various precincts that align with its resource value, scenic value, and environmental functioning.

12.5 Natural and Built Environment

- The region is biodiverse and has a large range of environmental and ecological features and values. The current Planning Scheme relies on regional scale mapping as provided in the SPP and WBBRP, and there is opportunity to consider identification of Matters of Local Environmental Significance (MLES) that can be mapped and regulated through the Biodiversity areas overlay code and associated mapping. This would provide for a greater level of protection for locally significant vegetation, and also allow for an offsetting regime for MLES to be established which would assist in restoring landscapes over time.
- The current approach to regulating vegetation clearing uses a complex definition of 'exempt vegetation clearing' to identify vegetation clearing which the Planning Scheme does not regulate. Council may consider reviewing this approach and the make-up of the exempt vegetation clearing definition to maintain alignment with community expectations and regional biodiversity values, and may further consider whether it continues to regulate the clearing of vegetation that is not specifically identified as having State or local values as is used in other LGAs.
- The LGA has a large coastal foreshore that has a range of ecological and landscape values. The current Planning Scheme relies on coastal hazard mechanisms to protect and maintain coastal environmental values, and while this does provide some protection more specific address through the Coastal protection overlay code and mapping may be considered.
- The preparation of a Vegetation Management Plan Planning Scheme Policy may be considered to support the operation of the Vegetation Management Code and ensure that there is appropriate analysis and demonstration of the type, scale, potential impacts, and rehabilitation/restoration of vegetation clearing works regulated by the Planning Scheme.
- The Planning Scheme currently regulates stormwater quality through the Works, services and infrastructure code and associated planning scheme policy. While this is effective, many

contemporary schemes adopt a standalone stormwater management code that allows for a more specific and fine grained address of stormwater management to suit the local context. Preparation and incorporation of a Stormwater management code may be further considered, and can potentially be based on the outcomes of the Stormwater management Strategy 2021 and Stormwater Management Guidelines which began to address local matters.

- ‘Sustainable Bundaberg 2030’ recommended that a set of guidelines be prepared to assist in designing and constructing sustainable built and natural environments in the region. Further consideration of this is warranted, with the guidelines able to be used to inform planning scheme provisions relating to sustainability. This also integrates with the WBBRP strategic priorities in terms of responding to climate change through sensitive urban design responses.
- The current Planning Scheme identifies a ‘Neighbourhood character area’ in the Heritage and neighbourhood character overlay mapping supported by a Planning Scheme Policy. These areas are quite limited in extent, and do not reflect the broad range of built and landscape character areas across the broader LGA, particularly in relation to the individual character of the multiple townships and localities that make up the region. A more thorough and comprehensive character study for the region (based on the character of defined localities such as coastal townships or hinterland settings) may be considered to identify and define locations across the LGA that have a defined built form, landscape or community character that merit identification, protection and enhancement through the planning scheme.
- There have been a series of heritage studies that have been undertaken to inform planning for heritage sites within the LGA. An initial heritage study was undertaken to inform the Planning Scheme prior to its commencement in 2015, with a second stage undertaken in 2016 which resulted in additional sites being included. Given that these studies identified a number of sites of potential significance for further investigation, and given a recent and renewed community interest in development of sites of heritage significance, a further review and update of the heritage studies may be warranted to consider whether additional sites should be included.
- The *Planning Act 2016* specifically references the identification, reflection and consideration of Aboriginal and Torres Strait Islander cultural heritage as part of the purpose of the Act. While the Planning Scheme does include broad reference to cultural heritage matters in the strategic framework, there is opportunity to further the scope of consideration. This may include more specific engagement with the Port Curtis Coral Coast Aboriginal Peoples (PCCC) and other local family groups and cultural and/or legal organisations to better define the scope of indigenous heritage matters that may appropriately be reflected in the scheme, as well as providing opportunity to reinforce the ongoing connection with country.
- More broadly the current Planning Scheme generally takes a performance approach to the built form and streetscapes of the region, with only limited guidance in terms of preferred design approaches and outcomes. While this approach is effective in allowing for and facilitating a wide range of potential outcomes, the preparation of a new or amended planning scheme provides opportunity to identify, articulate and regulate the built environment outcomes that will underpin the desired urban fabric of the region more effectively. To this end:
 - Further review and potential incorporation of the ‘Streetscape design guidelines 2019’ into the planning scheme will assist in identifying and regulating a consistent streetscape design palette;
 - The preparation of a more comprehensive ‘Urban design guidelines’ for zones, specific neighbourhoods, specific localities or entire towns may be considered to

inform planning scheme provisions (or a PSP) that can assist in creating a design palette and process to support sustainable, cohesive, and locally contextual development.

- A Scenic amenity study was undertaken in 2012 to inform the current Planning Scheme. The current Planning Scheme does not incorporate any specific scenic amenity provisions in terms of specific sites, views, locations or landscape values, and relies on broad strategic outcomes to articulate that broad scenic amenity values are important and should be retained and enhanced. While this approach has not resulted in any significant issues that have been apparent as part of this review, a new or amended planning scheme provides opportunity to consider whether additional planning measures may be warranted to assist in identifying landscape values across a range of contexts, and including regulatory provisions that specifically address these values i.e. coastal views, retention of rural landscapes, minimising fragmentation of broad landscape values etc.

12.6 Natural Hazards

- Council has prepared a Coastal Hazard Adaptation Strategy 2020 (CHAS) which identifies longer term vulnerabilities and risks associated with sea level rise and permanent inundation from the potential impacts of climate change. The CHAS identifies several areas where significant risk is projected, and it would be prudent to clearly review, understand, and consider how the Planning Scheme incorporates this information to minimise public risk and provide for an adaptive approach to development along the coastal foreshore.
- Council has undertaken additional flood hazard modelling and identification to continuously refine and improve the operation of the Planning Scheme and its ability to manage flood impacts. Council may consider further refinement of the Planning Scheme and move towards a 'risk based' approach for flood hazard overlay codes that can provide a more nuanced approach to managing land use within flood affected areas, as well as potentially incorporating flood hazard mapping within the Planning Scheme to improve overall alignment with the SPP.
- Although the current Bushfire hazard overlay code remains appropriate, further review of the code to align with the State Planning Policy 2017 updated model code and review and incorporation of relevant building design aspects from the Bushfire Resilient Building Guidance for Queensland Homes may assist in further enhancing the Planning Scheme response to bushfire hazard.

12.7 Other Matters

- The current Planning Scheme is essentially a hard copy scheme, with PDF versions of the various parts of the scheme available on Council's website (noting that the scheme mapping is available on a web-based GIS portal). A number of providers have become active in recent times, providing software platforms and portals that allow for an e-scheme to be the predominant means of access to the Planning Scheme. Consideration of moving the Planning Scheme to an e-scheme format is contemporary best practice, with many of the platforms able to offer other functionality in terms of scheme drafting and preparation, management of previous versions, and direct mapping interfaces.

13. Recommendations

Section 25 of the Planning Act 2016 states the following:

- (1) *A local government must—*
- (a) *review its planning scheme within 10 years after—*
- (i) *the planning scheme was made; or*
- (ii) *if the planning scheme has been reviewed—the planning scheme was last reviewed;*
and
- (b) *decide, based on that review, whether to amend or replace the planning scheme.*

The Bundaberg Regional Planning Scheme commenced in 2015, and as such is now subject to the statutory review as required under the Act.

13.1 Recommendations of Planning Scheme Review

In accordance with Section 25(1)(b) of the Act, and having regard to the review as described in the preceding sections of this report, it is recommended that Council consider proceeding with an amendment of the planning scheme.

The planning scheme amendments should consider the matters raised in this statutory review, however the final scope of the amendments will be subject to the subsequent planning scheme amendment process (including the preparation of new and updated studies and analysis) and be determined based on Council's preferred strategic vision and intent for planning and development in the local government area.

13.2 Risks and Benefits of Proceeding / Not Proceeding with Proposed Amendments and/or New Planning Scheme

The principal risks in not proceeding with the recommended amendments are twofold:

1. The alignment of the Planning Scheme with the statutory and regulatory framework (such as the SPP and WBBRP) will likely become more fractured over time, creating an inconsistent local planning instrument and eroding confidence in the ability of the local planning instrument to deliver good planning and development outcomes.
2. The observed changes in future population growth and demographics are not appropriately reflected in the Planning Scheme, leading to a situation where the Planning Scheme is not actively and deliberately managing growth and infrastructure provision and growth being piecemeal and application/proponent led.

The benefits of proceeding with the recommended amendment are multiple and include the following:

1. The scheme amendment process builds upon the strong foundation of the current Planning Scheme, and is part of the process of continuous refinement that has been underway since its commencement in 2015.
2. A scheme amendment reflects that the current strategic policy position remains generally appropriate, and ensures that there is a continuation of that strategic policy position into the future with minimal fundamental changes.

3. The preparation of new and amended supporting studies will provide a contemporary information base that can reflect the changing circumstances of the region and respond to new and emerging development trends and circumstances.
4. The recent commencement of the WBBRP dovetails nicely with the undertaking of a Planning Scheme amendment, ensuring that there is minimal crossover between the planning instruments and delivering a long period of alignment between regional and local planning.
5. Technological improvements in the planning space have advanced, and there is now a strong ecosystem of e-planning products that can be utilised. E-planning systems provide a new and enhanced method of scheme preparation and review, as well as providing access to scheme users in a simple and efficient manner.

14. Preliminary Scoping

This section of the report provides a preliminary scoping exercise to assist and inform subsequent Council project management actions to ready themselves to undertake the planning scheme amendment as recommended in this statutory ten-year review. The preliminary scoping exercise derives from the analysis, key issues and recommendations of the Statutory Ten Year Review of the Planning Scheme.

The scoping exercise is preliminary in nature, and addresses the following aspects:

- Identification of aspects of the Planning Scheme requiring review and/or amendment;
- Identification of recommended supporting documents and studies to inform the amendments;
- Identification of estimated budgets for preparation of recommended reports or studies;
- Identification of the potential amendment process in accordance with the *Planning Act 2016* and the Minister's Guidelines and Rules;
- Provision of an indicative project approach.

14.1 Potential Scope of Amendments

Table 14.1 provides a preliminary summary of aspects of the Planning Scheme that require review and potential amendment. The summary categorises the potential amendments relating to the Planning Scheme section that is most applicable, as well as providing general aspects relating to future amendments for review and consideration.

The identification of the detailed extent of actual and final scheme content amendments is beyond the scope of a Statutory Ten year Review project. However, it is expected that the detailed scheme changes would be broadly based on the key issues identified in **Sections 7,8,9, 10** and **12** of this report, subject to the outcomes of the supporting studies, community consultation, and engagement with key stakeholders.

Table 14.1 Potential Scope of Amendment

General amendment	
1.	Respond to and reflect the outcomes of any further planning studies, as set out in section 14.2 of this report.
2.	Review and consider planning scheme format, particularly in relation to whether zone codes include Performance Outcomes and Acceptable Outcomes
3.	Review and consider whether a new Part 10 (or similar) is warranted to clearly identify those parts of the LGA where other planning frameworks apply (such as SDA and PDA)
4.	Consider preparation of an MLES offsets policy <i>*Dependent on the outcomes of new or updated studies</i>
5.	Undertake engagement with local indigenous parties and traditional owners to explore ways of implementing indigenous cultural heritage aspects into the planning scheme
6.	Consider the inclusion of the options and recommendations identified in the Coastal Hazard Adaptation Strategy (CHAS) within the planning scheme
7.	Review and update the scheme to better respond to Renewable energy opportunities (including battery storage), and provide greater strategic guidance on suitable locations and matters for consideration
8.	Review extent of the emerging community zone and align with growth expectations and assessment of logical and efficient serviceability and/or consider strategies for enabling efficient serviceability at reduced Council cost
9.	Identify and prepare a sequencing strategy for greenfield areas and growth areas, aligned with the LGIP and ability of Council to efficiently and cost effectively service new development
10.	Consider a precinct based approach to rural zone planning

	<i>*Dependent on the outcomes of new or updated studies</i>
11.	Review and identify all instances where Accepted Development subject to requirements does not have an Acceptable Outcome and consider drafting of appropriate provisions
Part 1 About the planning scheme	
12.	Review and update dates and planning horizons as required
13.	Review and consider updating of 'Temporary use' definition
Part 2 State Planning Provisions	
14.	Review and update applicable SPP version
15.	Review and update departures from regulated zone code purpose statements as required
Part 3 Strategic Framework	
16.	Review and consider format of strategic framework in terms of whether lower order land use strategies etc are required or can be consolidated
17.	Review and update strategic vision and intent as required to align with contemporary and applicable Council corporate documents
18.	Review and update references to projects completed during the life of the planning scheme as required
19.	Review and update references to new studies as relevant and required
20.	Review and update PAA and biodiversity corridor mapping to align with latest WBBRP mapping data
21.	Review and update Biodiversity outcomes to better reflect the SPP approach of avoid/minimise/mitigate
22.	Review and consider including strategic outcomes relating to specific biodiversity areas or locations
23.	Review growth area strategy and align with growth expectations over the life of any new or revised planning scheme
24.	Review and consider settlement pattern theme of the strategic framework to include greater detail on the mix and proportions of housing types envisaged for emerging urban areas
25.	Review and consider inclusion of additional scenic amenity elements and mapping <i>*Dependent on the outcomes of new or updated studies</i>
26.	Review strategic framework and consider consolidating enhanced tourism statements describing and supporting tourism opportunities within a single section.
27.	Review Natural environment and landscape character theme and update to refer to protection of coastal processes and resources
28.	Review and update Economic development theme to better elucidate the function and opportunity of the Port of Bundaberg, including the supporting infrastructure, and interface with Burnett Heads town centre and Gateway Marina
29.	Review and consider suitability of 'overriding need in the public benefit' test, and potentially align with WBBRP approach which allows for non-rural uses in the PAA where for public infrastructure and/or provides a benefit to regional rural production
30.	Review and consider strategic attitude to hard-to-locate uses such as service stations, fast food outlets and so forth, in terms of providing greater precision to locational outcome
31.	Review and compare Regional Ecological Corridors in the Strategic Framework Map SFM-004 with the mapped Regional Biodiversity Corridors in the Regional Plan and update as required
Part 4 LGIP	
32.	Review and update as required to reflect new/updated population and employment projections <i>*Dependent on the outcomes of new or updated studies</i>
33.	Review and consider incentives
Part 5 Tables of Assessment	
34.	Review and updating of decision rules statement to refer to require compliance with the purpose, overall outcomes and either the performance outcomes or acceptable outcomes of the code
35.	Review and consider recalibration of residential uses in the High density residential zone and Medium density residential zone
36.	Review and recalibration of industrial uses within the High impact industry zone

37.	Review levels of assessment for industry uses and other activities that value-add to agriculture and rural production
38.	Review of thresholds for nature-based tourism uses in the Rural zone and Rural residential zone
39.	Review and redrafting of threshold terminology where referring to uses establishing within an 'existing commercial building' and 'not altering the footprint'
40.	Review and consider appropriate levels of assessment for development in accordance with a local area plan
41.	Review and consider amending levels of assessment of rooming accommodation to align with the Planning Regulation
41.	Review and consider amending levels of assessment for Dwelling house within the High density residential zone and Medium density residential zone
42.	Review and consider the implications of the Planning Regulation changes to secondary dwellings, and calibrate dwelling house and dual occupancy approaches accordingly
43.	Review and consider appropriate levels of assessment for Dwelling house within low density residential zone (Accepted development)
Part 6 Zone Codes	
44.	Review and consider zone allocation within Bundaberg West medical hub and the Barolin Street office precinct
45.	Review and consider a new precinct to support the new Bundaberg Hospital (and consider the opportunities for supportive development on surrounding areas)
46.	Review and consider zoning allocation within land subject to local plans to better reflect land use intent
47.	Review and consider provisions in residential and mixed use zones that specify density and housing diversity expectations
48.	Review and update the Rural zone code to reflect the SPP guidelines for operation and separation of intensive rural activities and for promotion of rural 'value add' activities
49.	Review zone codes overall outcomes and include references as relevant to support compatible tourism uses
50.	Consider whether the use of the available Tourism zone may be appropriate for specific tourism sites and broadly promote the tourist attributes of the Region
Part 7 Local Plans	
51.	Review and consider a new local plan to support the new Bundaberg Hospital
52.	Review and update Central Coastal Urban Growth Area local plan as required
53.	Review and update Kalkie Ashfield local plan as required
54.	Continue with progressing the Branyan local planning exercise and potentially include in the planning scheme
55.	Continue with incorporating the Hughes and Seaview Bargara local planning within the planning scheme (local plan code).
Part 8 Overlays	
56.	Consider the incorporation of all overlay mapping elements within the planning scheme
57.	Review and update alignment between the latest SPP mapping data and the Planning Scheme overlays
58.	Review Biodiversity areas overlay code and update to reflect hierarchy of avoid/mitigate/offset approach
59.	Review Biodiversity areas overlay code and include MLES mapping and provisions <i>*Dependent on the outcomes of new or updated studies</i>
60.	Review Bushfire hazard overlay code and consider additional provisions as relevant from the SPP model code and resilience guidelines
61.	Review and ground truth ALC Class A and Class B mapping at a local level to accurately understand rural resource values and provide for finer grained overlay provisions <i>*Dependent on the outcomes of new or updated studies</i>
62.	Review and consider identification of a 'separation area' from ALC Class A and Class B land and incorporation of additional provisions in the Agricultural land overlay code relating to management of incompatible land uses.
63.	Review and update Extractive resources overlay code mapping to identify KRAs

64.	Review and update Coastal protection overlay code and mapping to include the coastal management district and erosion prone area, and include provisions to address protection of coastal environment and processes to align with SPP
65.	Review Coastal protection overlay code to better reflect adaptation approaches
66.	Review Water resource catchments overlay code mapping to include all catchments associated with bulk water supply in the region
67.	Review Water resource catchments overlay code and update to include/refer to the relevant water supply environmental values as identified in the SPP
68.	Review Flood hazard overlay code/mapping and Dwelling house code to ensure appropriate interface with building legislation (such as relevant provisions of the Building Act and Queensland Development Code) and address of flood hazard matters
69.	Review Flood hazard overlay code/mapping and re-draft as a risk based code with supporting mapping
70.	Include all SPP major electricity infrastructure elements and Sunwater bulk water supply elements within a planning scheme overlay map. This may form part of the consolidated Infrastructure overlay that also considers local utilities
71.	Include additional provisions in the Infrastructure overlay code relating to the protection and management of bulk water supply infrastructure
72.	Include additional provisions in the Infrastructure overlay code relating to access to State controlled roads
	Consider changes to the Neighbourhood character area in the Heritage and neighbourhood character overlay, to include provisions that attend to 'infill' development amongst retained character buildings, to allow a more coherent neighbourhood design
73.	Review and update Airport environs overlay code to include specific details from the guideline 'Integrating State Interests In A Planning Scheme' relating to: <ol style="list-style-type: none"> i. light intensity provisions in the light restriction zone; ii. compatible/incompatible land uses in the PSA; and iii. indoor sound design levels
Part 9 Development Codes	
74.	Dwelling house code – review and update AO9.5 to remove reference to 'members of the same household'
75.	Dual occupancy code – review and consider location requirements and lot size requirements to facilitate greater take-up
76.	Vegetation Management Code - Review and consider operation and format to potentially simplify and remove the concept of 'exempt vegetation clearing'
77.	Vegetation Management Code - Review and consider whether clearing of vegetation not mapped in the planning scheme (either MSES or MLES) is regulated under the planning scheme
78.	Vegetation Management Code - Review and consider provisions requiring submission of a vegetation management plan
79.	Extractive industry code - review and consider inclusion of provisions relating to maintenance of haulage routes
80.	Nature and rural based tourism code - review and consider the scale allowed for tourism/camping type uses on Rural and Rural residential zone land
81.	Market code – review and consider including provisions relating to transport and access so it can operate as a standalone code
82.	Multi-unit residential code – review and consider further detailed design provisions relating to open space, waste management and parking, and protection of amenity
83.	Reconfiguring a lot code – review and update to align with Schedule 12A of the Planning Regulation (Walkable neighbourhood provisions)
84.	Reconfiguring a lot code – review and consider greater guidance on good subdivision design including principles of permeability, walkability, climate response, and streetscape requirements
85.	Reconfiguring a lot code – review and consider appropriateness of lot sizes, particularly in relation to Dual occupancy and Rural residential uses
86.	Transport and parking code – review and consider parking requirements in Bundaberg CBD

87.	Consider inclusion of built form design provisions (including sustainable design provisions) into the Business uses code and/or the Multi-unit residential code <i>*Dependent on the outcomes of new or updated studies</i>
88.	Consider inclusion of landscape and streetscape design provisions into the Landscape code <i>*Dependent on the outcomes of new or updated studies</i>
89.	Consider preparation of a 'Stormwater management code' that consolidates provisions regarding erosion and sediment control, hydrology and waterway stability, stormwater quality and management, and stormwater harvesting and re-use.
90.	Telecommunications facility code – review amenity protections and consider removing safety aspects and defer to ARPANSA
91.	Consider the preparation of a Waste management code to better regulate waste management issues (managing bins on streets, waste storage and pick-up for larger developments, and access arrangements for waste vehicles), potentially supported by a new PSP
Part 10 Other Plans	
92.	Review and consider inclusion of provisions and mapping clearly identifying the location and operation of alternative regulatory frameworks associated with the Bundaberg SDA
Schedule 1 Definitions	
93.	Review and update definitions to align with the Regulated Requirements
Schedule 2 Mapping	
94.	Review and update mapping as required to align with the Regulated Requirements and reflect new or amended zoning and overlays <i>*Dependent on the outcomes of new or updated studies</i>
Schedule 6 Planning Scheme Policies	
95.	Consider preparation and inclusion of Urban Design PSP <i>*Dependent on the outcomes of new or updated studies</i>
96.	Consider preparation and inclusion of Landscape and Streetscape PSP <i>*Dependent on the outcomes of new or updated studies</i>
97.	Consider preparation and inclusion of Vegetation Management PSP (either as standalone or as part of PSP 6.5 - information Council may request)
98.	Consider the preparation of a planning scheme policy (or similar policy/guideline) that would allow Council to issue heritage exemption certificates for low impact activities, such as sympathetic maintenance, repairs and conservation work

14.2 Recommended Supporting Studies

Based on the outcomes of the Statutory Ten Year Review, it has been concluded that there is a need to improve and update the information base on which the Planning Scheme relies. This includes either the updating of existing studies to reflect new information, opportunities, and changes to the legislative context, as well as the undertaking of new studies that may assist in improving and enhancing the operation of the Planning Scheme.

Table 14.2 sets out the identified supporting studies that are recommended as being required to support and inform the preparation of a planning scheme amendment. The table also provides an indicative scope of the required study, an indicative cost estimate for the carrying out of the study, as well as an assessment of the relative priority. It is noted that the actual cost of the recommended studies cannot be known until a final scope is determined, and the cost ranges provided are intended only to provide a broad expectation and cannot be relied upon for accuracy.

It is acknowledged that due to likely resourcing limitations, not all of these studies may be able to be prepared by the Council at this time. The assessed priority assigned to each recommended planning study is intended to assist Council in determining which studies should be given the highest priority in terms of preparation and importance to the amendment project.

Table 14.2 Recommended Planning Studies

Planning Study	Indicative Scope	Budget Estimate/Range	Priority
Housing and residential development planning study	<p>The existing 'Housing and residential development planning study' is time damaged, and at minimum a review and update of this study is required to understand and cater for a contemporary analysis of population trends and meeting housing demand. The scope of the review/new study should include:</p> <ul style="list-style-type: none"> • Analysis and identification of population growth in the region including comparative analysis of observed versus projected growth (QGSO/ABS) to develop a confirmed and agreed position; • Review and analysis of new WBBRP and ability to achieve dwelling diversity objectives • Updated/new land supply and demand analysis generally in accordance with the State guidance materials, with a focus on the development readiness of vacant land and implications for housing delivery; • Updated/new housing needs analysis generally in accordance with the State guidance materials, with particular focus at the small area level to facilitate a diversity of housing choice. 	\$80,000- \$150,000	High
Activity centres and industrial land planning study	<p>The 'Activity centres and industrial land planning study' is time damaged, and at a minimum a review and update of this study is required to assess the adequacy and viability of the existing centres hierarchy and availability of industrial land. The scope of the review/new study should include:</p> <ul style="list-style-type: none"> • Updated analysis of retail/commercial demand based on updated population/dwelling analysis; • Review of existing centres land supply and take-up to assess suitability and potential changes to locations/quantum of GFA/hierarchy of centres; 	\$80,000- \$150,000	Medium

Planning Study	Indicative Scope	Budget Estimate/Range	Priority
	<ul style="list-style-type: none"> • Review of implications of significant observed growth in the coastal corridor and impacts on centres performance and future requirements; • Updated analysis of industrial land supply/demand based on updated population/dwelling analysis; • Review current industrial land strategy in terms of availability, serviceability, and locations; • Review implications of major industrial developments (such as Port of Bundaberg and Bundaberg SDA) on industrial and demand and adequacy of current supply and location. 		
Bundaberg Hospital - Health Precinct Master Plan (understood to be underway)	<p>The delivery of the new Bundaberg Hospital provides a long term opportunity to create a vibrant mixed use health precinct. Preparation of a masterplan for the broader site will assist in coordinating the sequential roll-out of the site and ensure that supporting and complementary land uses are catered for and there is a consistent design language that creates a cohesive, attractive and comfortable facility and precinct. The masterplan should consider and inform;</p> <ul style="list-style-type: none"> • The range of complementary land uses to support the core medical use; • Interfaces between land uses to maintain safety and amenity; • Identification of movement corridors (both for vehicular and pedestrian movements) to create an accessible and walkable precinct; • Streetscaping guidelines to support a cohesive and comfortable urban realm; • Built form parameters to support a cohesive and attractive urban form at a range of scales; • Coordination with trunk infrastructure delivery to facilitate efficient roll-out of infrastructure; 	\$80,000- \$150,000	Medium

Planning Study	Indicative Scope	Budget Estimate/Range	Priority
	<ul style="list-style-type: none"> • Preparation of Development codes that operate within the Planning Scheme efficiently and effectively; • Review of appropriate land use zoning to support delivery of the masterplan vision. 		
Bundaberg Regional Character Study	<p>The Bundaberg Regional Character Study would be a ‘place’ based study that would seek to identify particular places and their character, and identify those areas where intervention through the planning scheme would protect and/or enhance the character of the places. The study would broadly seek to:</p> <ul style="list-style-type: none"> • Review and categorisation of region into place types (Major town, Town, Rural Township etc); • Identification of built form and building typologies for each place type; • Consider local cultural and heritage places; • Consider local landscape and streetscape elements; • Identify key areas or aspects of each place that have intact character values across built form, streetscape or other elements. 	\$100,000 – 130,000	Low
Bundaberg Regional Urban Design Guidelines	<p>The Bundaberg Regional Urban Design Guidelines would build upon the outcomes of the Bundaberg Regional Character Study. in particular, the study would seek to:</p> <ul style="list-style-type: none"> • Identify the design elements that inform place character; • Consider built form and streetscape elements that contribute to character; • Identify design principles for each design element/place that will enhance/protect the character of the place; and • Prepare design drawings/schematics to assist in demonstrating design responses and outcomes. 	\$100,000 – 130,000	Low

Planning Study	Indicative Scope	Budget Estimate/Range	Priority
Bundaberg Region - Night time economy strategy	<p>Given the relative scale of the towns of the region it is likely that this study would at least initially be focused on Bundaberg and Bargara, and potentially revisited as required in other townships. The scope would include:</p> <ul style="list-style-type: none"> • Identification of existing night-time activities and facilities to form a baseline; • Review of potential opportunities to support night time cultural and entertainment attractions; • Review of safety and lighting to identify opportunities to improve safety and attract night time activity; • Review of night time transport options and opportunities to make night time activities accessible. 	\$75,000	Low
Bundaberg Region - Rural Futures Study	<ul style="list-style-type: none"> • Identify existing and emerging rural activities and industries of regional significance; • Identify requirements to support rural activities – water supply and irrigation, land availability and fragmentation, transportation to markets; • Review and assess minimum lot sizes to support viable agriculture; • Review and assess encroachment hotspots of non-rural land uses and potential mitigations; • Review and analyse agricultural land resource values – local ground-truthing of broad scale ALC Class A and Class B categorisations; • Identify appropriate ‘value add’ activities to occur on rural land; • Review and analyse performance of current regulatory framework and provide recommendations for improvement and enhancement to support rural enterprise. 	\$100,000 – 150,000	Low

Planning Study	Indicative Scope	Budget Estimate/Range	Priority
Bundaberg Region - Matters of Local Environmental Significance (MLES) Study	<p>The Planning Scheme currently is based on available State mapping and identified Matters of State Environmental Significance (MSES) only. The identification of Matters of Local Environmental Significance (MLES) will enhance the ability of Council to manage the impacts of development on habitat and biodiversity values at a finer scale. The study should include:</p> <ul style="list-style-type: none"> • Review and compilation of available data sets and previous biodiversity studies; • Development of an MLES methodology; • Identification of preliminary MLES using the methodology; • Convention of an expert panel to review the MLES method and preliminary outputs to peer review and provide recommendations; • Review and respond to peer review analysis to develop MLES mapping outputs and category types; • Preparation of an MLES offset ratio to inform future offset policy. 	\$120,000 – 180,000	Low
Bundaberg Region Sustainable Design Guidelines	<p>Preparation of sustainable design guidelines will provide an opportunity to provide detailed guidance on design principles and approaches that suit the Bundaberg context. The guidelines should include consideration of:</p> <ul style="list-style-type: none"> • Passive design techniques and building orientation; • Use of energy efficient technologies; • Use of sustainable materials; • Incorporation of water sensitive urban design principles; • Incorporation of green infrastructure; • Adaptive re-use and retrofitting; and • Opportunities for carbon footprint reduction. 	\$100,000 – 130,000	Low

Planning Study	Indicative Scope	Budget Estimate/Range	Priority
	The report should include diagrams and sections as needed to clearly show the outcomes sought, and potentially for inclusion within the planning scheme or a planning scheme policy.		
Revised Bundaberg Region Heritage Study	<ul style="list-style-type: none"> • Identification of all sites previously recommended and not adopted or incorporated into the Planning Scheme; • Identification of criteria for potential new sites that may be suitable for inclusion; • Review of potential sites and their contribution to broader neighbourhood/locality heritage values; • Consideration of connections to and between the character area study to ensure alignment; • Preparation of list of sites for consideration for inclusion in the Planning Scheme overlay. 	\$75,000 - \$100,000	Low

14.3 Other planning scheme project elements

14.3.1 E-planning

Currently the Planning Scheme is available on-line through Council's website as a series of PDF documents. This is supported by a more modern GIS based mapping portal that incorporates all Planning Scheme mapping, as well as other information layers that assist in interpreting and using the Planning Scheme.

While this approach is acceptable and provides a reasonable level of access to the Planning Scheme, in recent times e-planning schemes have become the prevalent method of accessing the Planning Scheme. There are a number of E-planning providers that operate in the space that provide a range of formats and services, however all e-planning systems have similar functionality in terms of:

- Providing access to the Planning Scheme parts through a dedicated web portal;
- Use of hyperlinks and hover buttons to display background information such as definitions or links to associated parts of the scheme; and
- Linkages with a dedicated mapping browser that allows for a user to navigate to a site via a map interface and point and click for relevant information to be displayed.

Depending on the service provider, other useful features include:

- Ability to draft a planning scheme or amendment within the e-platform, with real time capture and documentation of versions and ability of multiple users to work on drafting;
- Query interfaces that identify and call-up relevant planning scheme benchmarks for specific types of development; and

- Query interfaces that allow for searches of development application information.

The cost associated with installing and operating an e-planning system is not known, and would largely be related to the range and extent of functionality required. However, as it is understood that most e-planning services are subscription based. As such there would be a relatively large investment upfront in setting up the service and the relevant functions. The ongoing cost would relate to maintenance and help-desk type support for Council users, and the benefits in efficiency and simplicity of the system would need to be weighed against the set-up and ongoing costs.

14.3.2 Consultation

A Planning Scheme amendment process involves a large range of consultation activity. This consultation includes engagement with technical stakeholders and government agencies, as well as public consultation with the community and other stakeholders. Such activities are inevitably and necessarily time consuming, and as such can have significant cost.

Council will need to prepare a 'Communications Strategy' as an early part of the amendment process, which should ideally include:

- a dedicated web page on Council's website that provides information about the amendment process and sets out how and when the community can be involved;
- preparation of newsletters or web notices providing updates on the progress of the amendment project;
- preparation and release of a strategic directions document that outlines the proposed policy changes and the implications for the implementation of the planning scheme;
- formation of a project working group that includes technical experts, landholders, community groups and relevant State agencies to provide peer review and ongoing input into the amendment process;
- formal public notification of the proposed amendments including advertising and public notices calling for submissions. This may also incorporate a web based portal to allow for all project submissions to be received digitally and allow for a simplified submission review and response effort.

Early and ongoing engagement with internal staff will be vital to the success of the project. Internal engagement should include:

- conducting a series of workshops with Councillors and key technical staff to help inform preparation of the scope of amendments;
- technical review and input into the content of the amendments in accordance with relevant expertise;
- review of prepared draft amendments to ensure alignment with overall Council processes and policy and road test the amendments for fitness for purpose; and
- ongoing working group meetings as required to ensure that the organisation is well informed and up to date on the progress of the amendment process.

Ongoing engagement with relevant industry stakeholders and landholders will also be useful in maintaining a sounding board for the proposed amendments.

Early and ongoing engagement with the State should also be a key priority of the amendment project. Exercises could include:

- convening whole-of-government State agency workshops at key stages during the amendment process, including at the detailed amendment scoping stage and at the commencement of the first State interests review process; and

- individual engagement with particular State agencies in the course of preparing the draft amendments where their interests are particularly affected or where additional technical input is required.

While Council may have public relations and communications resources available internally, it would be recommended to include a contingency budget for external assistance in at least some stages (such as review of submissions and preparation of responses) to ensure that the engagement and consultation effort is optimised and is relevant to the planning exercise. Such a budget could be in the range of \$30,000 - \$75,000 depending on the level of external resourcing required.

14.4 Amendment Process

The process for a Planning Scheme amendment is provided for under either Section 18 or Section 20 of the *Planning Act 2016*.

Section 20 of the Act is the standard process for making a Planning Scheme amendment. Section 20 applies where a local government follows the amendment process set out in the Minister's guidelines and rules. The MGR process broadly includes the following steps:

- Local government decides to amend the Planning Scheme and notifies the chief executive;
- Local government may request early confirmation of State interests as part of this step;
- Local government prepares the proposed amendments;
- State carries out a State interest review;
- Public consultation of the proposed amendments (incorporating any changes arising from the State interest review);
- Consideration of submissions made to the public consultation;
- Local government makes relevant changes to the proposed amendments arising from submissions;
- If the changed amendments result in a 'significantly different' version the proposed amendments must be re-notified to the public;
- Local government seeks Minister's consideration of the proposed amendments;
- Council adopts the proposed amendments after notification from the Minister.

Section 18 of the Act provides for Council to notify the Minister of the proposed amendment. The Minister then provides Council with a notice setting out the process for the making of the amendments. While the process is broadly similar to the process set out in the Minister's guidelines and rules for an amendment under Section 20 of the Act, it provides discretion for the Minister to allow for a bespoke project process that better reflects the scale and extent of the proposed amendments. While this may be useful particularly where there are either novel changes being proposed, or the extent of changes is relatively small, in practice the time taken in having an amendment process agreed to between Council and the State is time consuming and resource draining in itself, and will not necessarily result in a simpler or more streamlined process.

On this basis, it is recommended that Council proceed to make an amendment under Section 20 of the Planning Act due to the known process and ability to appropriately plan the amendment project around known stages and actions.

14.5 Amendment Project Approach

Having regard to the Planning Scheme amendment process, the undertaking of the amendment project could incorporate the following broad steps and actions:

- Review and confirm planning scheme format – approach to zone codes and e-planning platform;
- Detailed scoping of proposed amendments – this would include engagement with internal teams and State agencies as required;
- Proactive community consultation – to understand the community’s key issues for incorporation into any revised planning scheme;
- Identification of key supporting planning studies and engagement of relevant technical experts – studies to be based on the information requirements of the agreed amendments to be undertaken;
- Preparation of the proposed amendments – drafting of the proposed amended Planning Scheme, including the preparation of mapping products;
- Internal review of the draft proposed amendments and issue for State review – including any changes arising out of internal or State reviews;
- Public notification of the proposed amendments – including receipt and review of submissions and integration of any changes arising from the submissions.
- Preparation of final proposed amendments and adoption – including any additional State review and public notification required.

As part of the initial inception of the project, it would be prudent to develop a detailed project plan. Based on experience in other amendment projects, and given the relatively large extent of changes required, this project could be expected to run over approximately 2 years.

It is recommended that a dedicated small team of 2-3 planning professionals be assigned to undertake the management and coordination of supporting investigations and the core scheme amendment drafting task. This may include a mix of internal Council staff, potentially supported by external drafting assistance and potentially GIS assistance, depending on resource and budget availability. External technical assistance may also be required depending on resourcing and availability of appropriate internal expertise whereby an external consultant undertakes the drafting with the oversight of a Council project manager. Officers from technical Council teams should be expected to review draft planning scheme content prepared by the core review team, with a view to helping to ensure the technical rigour of particular codes and planning scheme policies.

It is also noted that while the recommended studies to update and support the information base for the amendments would typically be the first priority of the project, a large part of the Planning Scheme drafting for which either sufficient information is available or can be accessed without specialist technical assistance can be progressed before (or in parallel with) the commencement of any required supporting studies. This staged approach would allow for aspects of the amendments to be progressed, achieving an efficiency of process and maximising use of available budgets. The staging of work on the required supporting studies provides an opportunity to stage budget expenditure over the potentially 2 years of the amendment project, with priority given to those supporting studies that will have the greatest influence on planning policy and direction for the region.

Appendix A: Literature and Policy Review

Appendix B: Population, Dwelling and Employment Assessment (Bull & Bear)

Appendix C: Rural Policy Review (LRAM)

Appendix D: Consultation Findings Report