

# TEMPORARY LOCAL PLANNING INSTRUMENT NO. 1 OF 2021

## PROTECTION OF SEA TURTLES – BARGARA BUILDING HEIGHTS

### *Bundaberg Regional Council Planning Scheme 2015*

#### **1. Short Title**

- 1.1 This Temporary Local Planning Instrument (TLPI) may be cited as Temporary Local Planning Instrument 01/2021 – Protection of Sea Turtles – Bargara Building Heights

#### **2. Overview**

- 2.1 This TLPI provides an interim policy response to protect sea turtles from the adverse impacts of development on sea turtle nesting and sea turtle activity, and to provide greater certainty to building heights at Bargara, within the Bundaberg Regional Council local government area.
- 2.2 This TLPI seeks to:
- (a) give effect to the State interests of efficiency and transparency by providing greater certainty to building heights at Bargara; and
  - (b) protect the biodiversity, coastal environment and tourism State interests at significant risk of being adversely impacted by coastal development.

#### **3. Purpose of the TLPI**

- 3.1 The purpose of the TLPI is to:
- i. regulate building heights in the High Density Residential Zone at Bargara, within the Bundaberg Regional Council local government area.
- 3.2 To achieve this purpose the TLPI:
- i. includes a Bargara Height Control Overlay map at Figure A; and
  - ii. includes assessment benchmarks specifying acceptable height limits in the Bargara Height Control Area at Attachment A.
- 3.3 The purpose of the TLPI will be achieved through development that is consistent with the Bargara Height Control Area Assessment Benchmarks contained in Attachment A of this TLPI.

#### **4. Duration of TLPI**

- 4.1 This TLPI has effect for a period of two years from the effective date.

- 4.2 In accordance with section 9(3)(a) of the *Planning Act 2016*, the effective date for the TLPI is the day on which public notice of the TLPI is published in the gazette.

## **5. Terms used in this TLPI**

- 5.1 Where a term used in a TLPI is not defined, the term shall have the meaning assigned to it by:
- i. the Bundaberg Regional Council Planning Scheme 2015; or
  - ii. the *Planning Act 2016* where the term is not defined in the Bundaberg Regional Council Planning Scheme 2015.
- 5.2 To the extent of any inconsistency between the TLPI and the Bundaberg Regional Council Planning Scheme 2015, the TLPI prevails.

## **6. Effect of this TLPI**

- 6.1 This TLPI is a local categorising instrument under the *Planning Act 2016* which sets out assessment benchmarks for assessing development.
- 6.2 This TLPI suspends the following sections of the Bundaberg Regional Council Planning Scheme 2015:
- i. Section 6.2.3 – High Density Residential Zone Code, Table 6.2.3.3.1 – Benchmarks for Assessable Development, Performance Outcome (PO) 5.
- 6.3 This TLPI applies to all assessable development on land identified in Figure A (the 'TLPI Area'). (The TLPI does not apply to development on land outside of Figure A).
- 6.4 The assessment benchmarks in addition to the Bundaberg Regional Council Planning Scheme 2015 (unless stated otherwise) under this TLPI are:
- i. the Bargara Height Control Area Assessment Benchmarks at Attachment A of this TLPI.

## Attachment A

### Bargara Height Control Area Assessment Benchmarks

#### 1. Purpose and overall outcomes

An additional overall outcome for the High density Residential Zone Code is provided for below:

- (i) Residential development has a medium-rise built form that is compatible with the existing scale and character of the surrounding area.

#### 1.2 Assessment Criteria

Table 1.3.1 Criteria for assessable development

Performance outcomes	Acceptable outcomes
<b><i>Building height and built form</i></b>	
<b>PO5</b> (a) Residential development has a maximum building height in accordance with <b>Figure A – Bargara Height Control Overlay Map</b> .  (b) Non-residential development has a maximum building height of 2 storeys.	<b>AO5.1</b> No acceptable outcome provided.

Figure A - Bargara Height Control Overlay Map (TLPI 01/2021)

