

BUNDABERG REGIONAL COUNCIL PLANNING SCHEME AMENDMENT NO.6 - QUALIFIED STATE INTEREST (MON REPOS/SEA TURTLE) AMENDMENT



Council has prepared an amendment to the Bundaberg Regional Council Planning Scheme in response to a ministerial direction notice issued to Council on 19 February 2017, pursuant to section 126 of the former Sustainable Planning Act 2009 (SPA).

As directed, the amendment proposes changes to the planning scheme to provide a greater level of protection for the Mon Repos Regional Park (MRRP) from the effects of urban development through siting, design, reconfiguration, and domestic lighting provisions.

Temporary Local Planning Instrument TLPI 1/2018 - Protection of the Mon Repos Turtle Conservation Area provides an interim policy response to address concerns raised by the former Planning Minister that insufficient provisions exist within the Council's Planning Scheme to protect the Mon Repos Turtle Rookery from the negative impacts of development. The TLPI will cease to have effect on 16 March 2020, unless repealed earlier.

Ultimately, the proposed planning scheme amendment aims to provide a longer-term policy response to the matters raised in the ministerial direction notice.

The proposed amendment is on public display from Monday, 16 September 2019 until Monday, 21 October 2019 and Council is seeking feedback and comments on this amendment before it takes effect.

Contact Council

1300 883 699

190 Bourbong Street, Bundaberg
(see website for other office locations)

bundaberg.qld.gov.au



What is a Planning Scheme Amendment?

Occasionally a planning scheme requires review to respond to changing situations, reflect new planning and development outcomes, provide on-going improvements, or to better reflect state interests and legislation.

Changes to the planning scheme are known as amendments and the process for making an amendment is set out in the Planning Act 2016. A planning scheme amendment may involve changes to planning scheme mapping (such as rezoning or local plan mapping), changes to the written component of the scheme (such as a code or planning scheme policy), or both.

As per the State Planning Policy (SPP), this qualified state interest amendment aims to address the state interests of Biodiversity, Coastal Environment, and Tourism.

Proposed amendments

Key changes proposed under this amendment are summarised below: -

› Zoning change:

The land at Shelley Street, Burnett Heads currently affected by Temporary Local Planning Instrument 1/2018 - Protection of the Mon Repos Turtle Conservation Area is proposed to be removed from the Emerging community zone in the zoning maps at Schedule 2 (Mapping) and included in the Rural Residential zone, Precinct RRZ1 (2,000m² minimum lot size area).

It is also proposed to remove this land from Central Coastal Urban Growth Area Local Plan in Figure 7.2.1 at Part 7 (Local Plans).

The proposed zoning and local plan changes apply to land on the seaward side of Shelley Street, Burnett Heads, from Dryden Street South to, and including, 174 Shelley Street (see Figure 1).

The Rural Residential zone provides for dwelling houses on relatively large residential lots where infrastructure and services may not be provided. Limited other low density residential uses (such as home based businesses) may be established in the zone where such uses do not disturb the rural residential amenity of the area. Precinct RRZ1 supports the reconfiguration of land for rural residential lots with a minimum lot size of 2,000m².

The proposed zoning/precinct change is considered to facilitate future development of an appropriate density, scale and form to ensure a greater level of protection for the Mon Repos Regional Park (MRRP) from the effects of urban development.

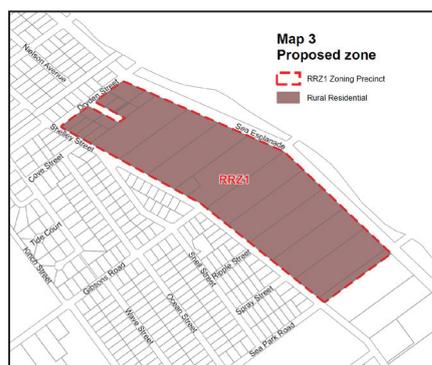


Figure 1

Proposed zone and precinct change

› **Sea turtle sensitive area overlay code:**

The Sea turtle sensitive area covers the entire coastline of the region, including Norval Park, Moore Park Beach, Burnett Heads, Nielson Park, Bargara, Innes Park, Coral Cove, Elliott Heads, Riverview, Coonarr and Woodgate Beach (see figure 2). The Sea turtle sensitive area is identified on the Coastal Protection Overlay Maps in Schedule 2 (Mapping).



Figure 2

Coastal Protection Overlay
Sea turtle sensitive area

The proposed amendment introduces a Sea turtle sensitive area overlay code into Part 8 (Overlays) of the planning scheme. The code incorporates benchmarks for assessable development generally as per those currently within Temporary Local Planning Instrument TLPI 1/2019 - Bargara Building Height and Sea Turtle Sensitive Area and the State's 'Sea Turtle Sensitive Area Code' model code for Local Government. The purpose of the Sea turtle sensitive area overlay code is to ensure that development minimises harm to sea turtle nesting and sea turtle activity by avoiding adverse impacts generated from artificial lighting. The code provides the following siting, design, and domestic lighting provisions for assessable development in the sea turtle sensitive area:

Development in a Sea turtle sensitive area:

- » Performance Outcome with supporting Acceptable Outcomes requiring that outside lighting is to be shielded by 25cm shields, mounted down low, directed downwards and away from the coast, and fitted with light motion detection sensors and/or timers to ensure lighting is turned off when not required.
- » Performance Outcome requiring that development minimises the use and intensity (brightness/luminance) of outside lighting required to achieve the light's purpose to avoid reflection from the ground, buildings, and other surfaces.
- » Performance Outcome with supporting Acceptable Outcomes requiring that:
 - » Impervious areas use coloured (non-reflective) concrete or other pavement materials;
 - » External building materials, colours, and finishes have low reflectivity; and
 - » Building design, architectural elements or landscaping treatments block or reduce excessive reflective glare.
- » Performance Outcome with supporting Acceptable Outcomes requiring that:
 - » All windows and glass doors visible from the coast are to be tinted (with non-reflective tinting) or utilise smart glass technology to block a minimum of 50% of light to reduce light transmission or spill from indoor lighting, or alternatively shielded by external screens to reduce light spill from indoor lighting.
 - » All windows are to be shielded with external fixed louvres, and are to be solid (i.e. no holes), directed downwards from the window at a minimum angle of 30°, so as to avoid light transmission and direct illumination of the beach, ocean and sky at night.

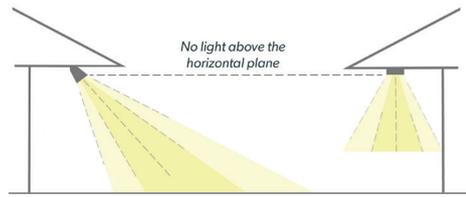


Figure 3 Shielded outside light fittings

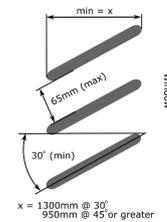


Figure 4 Fixed louvres detail

For development located on land visible to the beach or ocean:

- » Performance Outcome with supporting Acceptable Outcome requiring landscape buffers to be designed, constructed and maintained to protect any areas of environmental significance and screen the development (including associated artificial light) to a level where it is not visible from the beach or ocean.
- » Performance Outcome requiring that development involving sport and recreation activities avoids floodlighting.
- » Performance Outcome requiring that no new beach access points are established unless the beach access is designed to reduce interference on turtle nesting areas, and:
 - » Is required to enhance public access to the beach; or
 - » there is no increase in the number of beach access points, with any replaced beach accesses fenced off and revegetated.

Additional criteria for building and operational work:

- » Performance Outcome requiring that effective measures are implemented during the construction and operation of development to avoid impacts from lighting, noise and vibration on sea turtle activity and sea turtle nesting beaches.

Development Codes

› **Nuisance code:**

In the Nuisance code at Part 9 (Development Codes), the proposed amendment removes specific reference to Sea turtles in Performance Outcome PO8 and supporting Acceptable Outcomes A08.1 to A08.3.

These provisions broadly apply to the management of impacts to fauna, including development in a Sea turtle sensitive area. It is therefore proposed to amend PO8 and A08.1 and remove A08.2 and A08.3 relating to exterior lighting, windows and glass doors in a sea turtle sensitive area.

These matters will instead be addressed through the Sea turtle sensitive overlay code.

› **Advertising Devices code:**

The amendment proposes changes to the Advertising devices code at Part 9 (Development codes) to provide clearer direction for lighting associated with advertising when located within the Sea turtle sensitive area.

The proposed changes include:

- » Overall Outcome in the Advertising devices code requiring that an advertising device located within the Sea turtle sensitive area avoids illumination of the beach, ocean, and sky at night.
- » Additional Performance Outcome PO8 and Acceptable Outcome A08 relating to additional requirements for advertising devices in a Sea turtle sensitive area in order to limit impacts on sea turtle nesting areas and avoid direct illumination of the beach, ocean, and sky at night.

Tables of Assessment

The proposed amendment incorporates changes to the level of assessment tables at Part 5 (Tables of assessment) to ensure that, for development within the Sea turtle sensitive area –

- » assessable development for Material Change of Use (e.g. starting a new use or increasing the scale or intensity of an existing use) is assessable against the Sea turtle sensitive area overlay code;
- » assessable development for Reconfiguring a lot (e.g. subdivision of land or rearranging lot boundaries) is assessable against the Sea turtle sensitive area overlay code; and
- » assessable development for Operational work (e.g. filling or excavation, civil and landscaping works, vegetation clearing and placing an advertising device on premises) is assessable against the Sea turtle sensitive area overlay code.

These changes are proposed to be included at Table 5.9.1 - Assessment benchmarks for overlays for development within the Coastal protection overlay - if within a Sea Turtle Sensitive Area.

Have Your Say

Your feedback and comments on the proposed planning scheme amendment are important to us and now is the time to get involved. Everyone is invited to have a say on the proposed amendment, even if you don't own a property in the region.

Make a submission

Anyone can make a submission about any aspect of the proposed amendment. Whether you agree or disagree with an aspect of the plan, or have any suggestions, Council welcomes your feedback.

To be considered a properly made submission, it must:

- » be made in writing to Bundaberg Regional Council;
- » state the name and address of each person making the submission;
- » include one postal or electronic address for service relating to the submission;
- » be signed by each person making the submission;
- » state the grounds of the submission and the facts and circumstances relied on to support the grounds; and
- » be received by Council no later than 4.45pm on Monday, 21 October 2019.

Submissions can be made to Council in the following ways:

Post your submission to:

Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
Bundaberg Qld 4670

Email your submission to:

development@bundaberg.qld.gov.au

Lodge your submission in person at:

A Council Customer Service Centre in
Bundaberg, Bargara, Childers or Gin Gin

Further information

To find out more about the proposed amendment, please contact Council's Strategic Planning team on 1300 883 699.

Council's Strategic Planning team are also available to answer any questions that you may have about the proposed amendment at Council's Development Counter, Level 6 Auswide Building, 16-20 Barolin Street, Bundaberg.

Bundaberg Regional Council

190 Bourbong Street
Bundaberg Qld 4670

PO Box 3130
Bundaberg Qld 4670

1300 883 699

development@bundaberg.qld.gov.au

www.bundaberg.qld.gov.au