

Discussion paper—North Burnett Regional Planning Scheme—Business Improvement

1 Introduction

North Burnett Regional Council seeks to improve the performance of its planning scheme by—

- aligning it with the proposed Wide Bay Regional Plan;
- streamlining development assessment;
- reducing unnecessary barriers to business; and
- promoting development.

This discussion paper identifies potential strategic issues for the consideration of Council.

2 The scheme

The planning scheme commenced on 24 October 2014, but has been amended with historic lot amendments, minor and administrative amendments that responded to various State interests and alignment amendments to use the language, style and format of the *Planning Act 2016*. Minor and administrative amendments commenced on 3 February 2020.

The *Planning Act 2016* requires a local government to review its planning scheme within 10 years of making a new scheme. While not due for another four years, it may be appropriate for Council to ‘review’ the scheme rather merely amend it without a cohesive direction.

That overall direction should focus on making it easier to establish and expand business activity to increase employment, including—

- home based businesses;
- industrial uses;
- commercial and retail; and,
- tourism and value-adding to rural enterprises.

Even though a planning scheme is a statutory instrument prepared by a local government, preparing or amending one requires following the process established in the Minister’s Guidelines and Rules (MGRs) (Department of Infrastructure, Local Government and Planning, 2017).

3 Context

Council and its consultant team prepared the planning scheme nearly ten years ago¹. Continuing drought, globalisation of agricultural markets, unemployment and underemployment, declining and ageing population, an outflow of youth, an outflow of economic and social infrastructure², and reduced political influence presents significant challenges for small rural local governments such as the North Burnett. Figure 1 shows the State government’s population projections for the local government area.

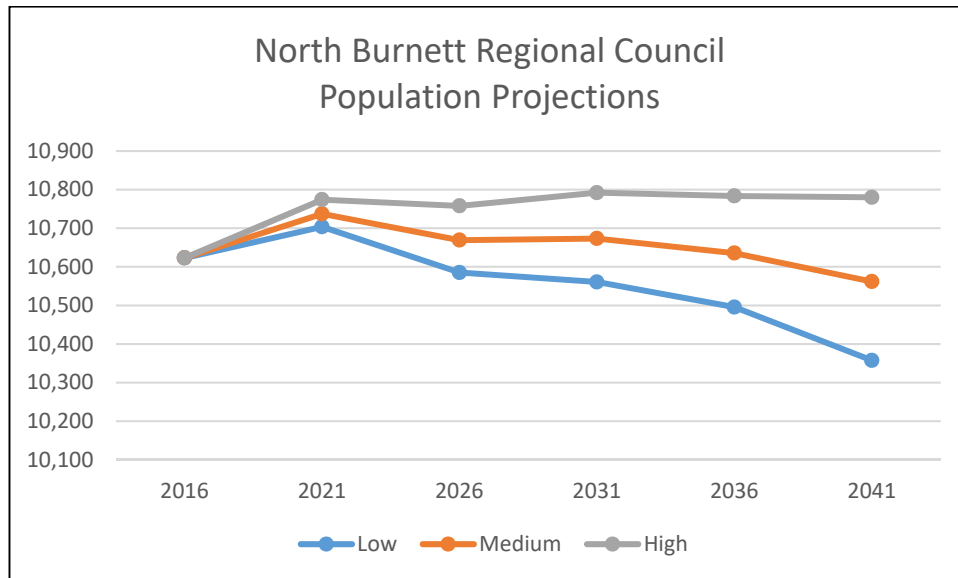


Figure 1—Population Projections for North Burnett Regional Council

(Source: Queensland Government population projections, 2018 edition; Australian Bureau of Statistics, Population by age and sex, regions of Australia, 2016 (Cat no. 3235.0))

Interestingly, in 2020, the local government area has experienced a relatively high volume of real estate sales and a marked increase in newly-built homes in comparison to previous years. Anecdotal evidence suggests this is a response to the COVID19 pandemic, with purchasers being from metropolitan areas within Queensland and interstate.

One factor that potentially enables a projected decline is the improvements to information and communications technologies. Rather than encouraging locals to supply services to a global market, residents and businesses find it increasingly convenient and cheaper to buy from outside the region—either through road connections that are being continually improved or online.

¹ Even though the scheme commenced in October 2014, the research and scheme drafting took place several years earlier.

² e.g. banks, schools, government, health services

The need for reform, if anything, is greater now than it was ten years ago.

Despite whatever improvements are possible, the planning scheme will never be the panacea for these challenges. In Queensland, planning schemes merely regulate development. Someone needs to propose development for the scheme to regulate it. Schemes are notoriously efficient at discouraging or stopping development. While they are not a suitable local government 'tool' for creating economic activity, Councils should ensure that they do not unnecessarily hinder development. An appropriate motto would be "*regulate as little as possible and as much as necessary.*"

4 Discussion

This section presents a series of key strategic land use, development, infrastructure and related issues that may be relevant to future planning scheme amendments. This paper does not necessarily conclude that the planning scheme could or should influence all the outcomes related to these matters—merely that they are here for discussion.

The sections are listed in alphabetical order and do not indicate priorities.

Affordability, amenity, and lifestyle expectations

The North Burnett attracts new residents and retains existing ones through—

- relatively affordable housing;
- rural amenity and lifestyle.

Development standards, some in the planning scheme and others in engineering or building standards, mitigate against developing housing that is affordable.

Should the scheme do more to enable the development of affordable housing; especially for aging and single person families?

Agriculture

The planning scheme acknowledges the importance of agricultural production. Agriculture is the region's foundation and its prosperity depends on it. While the planning scheme attempts to protect the future of agriculture, i.e. from a defensive point of view, however it does little to enable it.

There are potentially several ongoing trends—

- diversification within agricultural areas
- intensification of farming activities

- industrialisation of farming practices—larger machinery, automation and fewer people directly employed
- aggregation of farming enterprises in which economies of scale can only be achieved through larger landholdings, however there are also trends to smaller farms in which landowners are taking on off-farm employment.

Could the planning scheme support the agricultural economy further, for example by—

- *facilitating diversification into non-rural production activities, such as tourist accommodation or light manufacturing;*
- *removing any barriers to small-scale intensive animal husbandry activities;*
- *allowing smaller farming enterprises for selected locations in which people choose to live within the region for lifestyle reasons and take on part-time small-scale farming.*
- *protecting intensive rural industries from residential encroachment.*

(Is the intent of the State interest of Agriculture fully reflected in the scheme?)

Asset Management

Development, including subdivisions has potential to create new assets for Council that will not only derive income through rates, but create future maintenance costs including depreciation influencing financial sustainability.

Should urban consolidation in towns be prioritised rather than urban expansion or development in villages?

Biosecurity

Invasive weeds and animal pests impact upon the environment and the financial sustainability of primary producers and Council. It is accepted that early detection of new incursion may be eradicated at the lowest possible cost. High-risk activities should be encouraged to document and manage biosecurity risks.

Should the scheme require a high-risk activities to comply with a site-based biosecurity plan?

Changing climate

Scientific opinion is that Queensland's climate is changing. The following are relevant to the North Burnett (The State of Queensland, 2018)—

- higher maximum, minimum, and average temperatures;
- hotter and more frequent hot days;

- harsher fire weather;
- more drought;
- more intense rainfall events;
- fewer frosts.

Should the planning scheme respond to these challenges? How?

Does the planning scheme properly integrate state interest policies relating to natural hazard areas including bushfire prone areas, flood hazard areas, landslide hazard areas? How should our urban centres facilitate shade and protection from the elements?

Construction costs

The costs associated with constructing works such as roads, drainage, water, and sewerage are typically a significant proportion of the costs to carry out development projects.

As a consequence—

- in recent years, there has been very little development activity for which external work is required—for example new roads within a new subdivisional estate are rare;
- the subdivision of small rural lots into rural-living/rural residential lots in situations where minimal work is required is more appealing than creating new lots within an urban context, especially if triggering works such as roadworks, stormwater drainage, water or sewerage connections;
- applicants avoid complying with conditions that require works.

Are the planning and construction standards too onerous? Could the planning scheme require lesser standards in certain situations?

(Council adopted construction standards in 2019 that closely align with adjacent local government areas.)

Council and government entities in themselves are developers contributing to the economic, environmental and social infrastructure of our communities.

Should development for “public sector entities” be exempt or accepted development to minimise project costs and schedules?

Extractive resources

There have been several development applications for extractive industries for extracting hard rock or sand and gravel over the past couple of years. Such resources are foundational for construction materials such as concrete for floor slabs and hard rock for road base. Cost-effective access to materials and

to suitable land for processing plant is important to the viability of new buildings and to Council's costs associated with its civil construction activities.

There are a couple of issues for extractive industries—

- identifying and securing suitable land;
- once an extractive industry has established, protecting its viability by avoiding having sensitive land uses in its vicinity.

Would it be possible for the planning scheme to identify sites or areas suitable for extractive industries and to require only code assessment?

(SPP 2017 encourages less restrictive provisions for borrow pits and gravel pits that could benefit particularly Council operations.)

Should the scheme dissuade sensitive land uses, such as dwellings, from establishing near extractive industries and processing plant?

(SPP 2017 requires schemes to ensure development of sensitive land uses does not impede the extraction of resources from a Key Resource Area. Like provisions could apply to locally important resource areas.)

Key Resource Areas are mapped already, consider including burrow pits, gravel pits and other approved extractive industries.

Housing

Housing in the North Burnett faces challenges such as—

- a smaller household size combined with a declining population results in little need for additional housing;
- new housing tends to be by 'tree-changers' seeking a lifestyle;
- there has been some demand for rural workers accommodation.

*How should the planning scheme respond to these and other challenges?
Consider amendments to Council's Amenity and Aesthetics Policy*

Industrial development

The North Burnett contains small industrial areas in each of the six towns. Industrial activity tends to be local service orientated or associated with the rural sector, such as processing or distributing fruit. Some transport and logistics type uses have established within Mundubbera, being located at the junction of the Burnett Highway and Mundubbera-Durong Road, a convenient connection between Rockhampton in Central Queensland and Dalby in the Western Downs.

Each of the six towns has relatively small agglomeration of industrial activity, although these tend to be in challenging locations. For example—

- the Gayndah industrial area in the vicinity of the Gayndah railway station is only accessible through residential streets;
- the Jack Parr Street, Mundubbera industrial area is only accessible via a flood-labile causeway.

Since the industrial areas in each of the towns are relatively small within their respective urban boundaries, any industry with a significant external impact is likely to create adverse conditions for amenity in the town. For example, this was evident while considering a 2014 development application for a concrete batching plant in Luthje Road, Monto, resulting in an expensive appeal and later compliance action.

The Council may be able to facilitate business start-ups—the planning scheme may be able to reduce the regulation associated with small businesses. The categories of development and assessment are already relatively low for Home based businesses—there is no need for a development approval if complying with the acceptable outcomes. There may be the opportunity to further enable home based businesses or small-scale enterprises in situations where it would be possible to avoid adverse impacts on amenity for neighbouring premises.

Could the planning scheme enable start-up businesses to operate with minimal regulation, perhaps for a period of time or up to a pre-determined scale?

(SPP 2017 encourages schemes to adopt the lowest category of development and assessment to prevent hindering development.)

Could the planning scheme enable a broader range of uses, such as small-scale industrial activities on larger lots in rural areas?

Businesses potentially seek to expand but find the regulation associated with expanded premises too challenging. Often business expansion is relatively inconsequential in terms of a planning impact—for example, with only minor building additions in an established industrial context.

Could the planning scheme be better at facilitating business expansion?

Several mines have been proposed in the region. Typically mines source or establish support services in nearby towns. Potentially new industrial activities such as metal fabrication and machinery repairs would be required to support mining activity.

Could the planning scheme enable supporting industrial uses to establish or expand?

Perception exists that the availability of industrial land will lead to development. Vacant industrial land sitting under Council ownership does nothing to promote development; rather Council must pay rates and maintain the land together with any associated risks.

Should non-planning solutions such as land ballots provide an alternative to maintaining an industrial land portfolio?

Natural resources

While the North Burnett is well-endowed with valuable agricultural land, it lacks water security and large-scale irrigation networks. Such natural resources are significant to the future productivity of the region, however there may be economic opportunities within such areas that the scheme presently suppresses.

Are there other opportunities within the areas designated as ALC Class A and Class B that the scheme unnecessarily hinders?

Rural residential subdivision

The Council has previously sought to encourage rural residential subdivision in discrete locations, regarding it as a legitimate form of housing that would encourage people seeking a lifestyle place to reside. While the State has over many years not supported further low-density housing in rural locations, the Council has preferred to allow further subdivision and allocated and zoned land for rural residential near the six principal towns. To date, there has been relatively little interest in rural residential subdivision, especially if it required significant works such as new road.

Creating additional potential for rural residential lots does not have any significant positive effect on employment or regional prosperity—and therefore probably does not need to have a high priority for planning scheme amendments. Road lengths and carriageways also add value to Council's Road Asset Plan adding to overall whole of life costs.

Should the scheme take a different approach, such as not zoning land for rural residential but dealing with each one on a case-by-case basis?

(This may be addressed in the Wide Bay Burnett Regional Plan.)

Rural areas generally

There is considerable diversity in rural areas with them containing a wide range of land uses.

The rural areas are significant in their own right, and should not be thought of as 'undeveloped' lands that are left over after developing towns and villages.

Could the planning enable a broader range of land uses within the rural areas without compromising its longer-term productivity?

Rural areas—subdivision

North Burnett Regional Council has previously proposed loosening controls affecting prospective subdivision in rural areas. There has been relatively little interest in subdividing land in the Rural zone in recent times.

There may be occasions where a subdivision is necessary in order to facilitate some form of enterprise.

Are there ways in which the scheme could be amended to allow subdivision that facilitates economic activity?

Rural areas—housing

There has been relatively little interest in additional dwellings on land in the Rural zone. There has, however, been frequent enquiries about accommodation for rural workers. Considering that 'Rural workers' accommodation is accepted subject to requirements which limits rural workers to six rural workers per 100 hectares, this would appear to already be facilitative.

Is there any aspect of the planning scheme that inhibits the establishment of rural workers' accommodation?

Multiple houses on rural land triggers planning assessment whether the housing is associated with extended families or caretakers.

Should multiple housing on rural land be relaxed to enable aging in place, extended families or primary production managers to reside on the land?

Rural areas—value-adding to primary production

Farming families often seek alternative income streams, either off-farm employment or by carrying out value-adding activities. Those value-adding activities could include, for example—

- agri-tourism and hospitality including roadside stalls;
- developing product niches;
- farm products with a higher intrinsic value such as free-range poultry or organic beef;
- non-traditional crop production
- converting blemished product, that would otherwise be waste, into a usable product;
- biofuels
- meat processing, grain milling
- bundling products.

Could the planning scheme facilitate the establishment of value-added activities in rural areas?

The washing and packing of rural produce in packing sheds is an important aspect of growing crops and to the region's economy. The planning scheme definitions repeat the regulated definitions from the *Planning Regulation 2017* as is mandatory. However, the interpretation and application of several definitions and the associated categories of development and assessment cause some problems due to potential overlapping definitions—

- *Cropping*—the definition includes 'storing or packing plants or plant material **grown on the premises**' (accepted development in the Rural zone)
- *Rural industry*—includes 'processing or packaging products from a rural use carried out **on the premises or adjoining premises**' (in the Rural zone the use is accepted subject to requirements of the Rural zone code)
- *Low, medium or high impact industries*—all potentially include processing rural produce when not on the premises or adjoining premises (In the Rural zone, a Low impact industry is accepted subject to requirements if it is less than 150m² total use area. Medium and High impact industries are impact assessable.)

The above definitions create some confusion and are problematic for enforcement—for example, establishing that products are sourced from adjoining premises.

Should the planning scheme be more flexible in relation to processing rural produce?

Small-scale projects

A planning scheme, in setting categories of development and assessment, needs to account for a wide range of development projects, from a large project involving commencing a new use of premises in a new building to minor extensions that constitute a 'material increase in the intensity or scale of the use' but are otherwise relatively insignificant. Like other schemes, there will be occasions when a relatively insignificant proposal constitutes a material change of use and therefore triggers impact assessment—often adding costs or deterring the applicant from proceeding. In such cases a lower level of assessment may be more appropriate.

The Council can give exemption certificates in certain situations, including when "the effects of the development would be minor or inconsequential"³ and has issued several already. Despite this there are occasions for which an exemption certificate cannot be issued but a lower level of assessment would be appropriate.

³ *Planning Act 2016* section 46(3)(b)

Could Council amend the planning scheme so that minor development projects were 'accepted subject to requirements' instead of assessable development, or requiring code assessment instead of impact assessment?

Town centres

Town centres are convenient locations for a broad range of commercial, retail, government, and community facilities. They form the core of a community, often representing and influencing a community's self-perception. A vibrant, well presented, and prosperous town centre reflects the character and identity of a town as a whole.

The North Burnett has six key towns, historically the focus of each of the previous six local government areas. In some respects, they represent six 'competing' towns.

The planning scheme seeks to facilitate a vibrant and compact centre within each of the six towns. However, with the withdrawal of banking and other commercial, community and government services, the function and viability of each of the town centres faces challenges.

Could the planning scheme further facilitate economic development within the town centres? Are the design expectations expressed by the planning scheme policy SC6.7?

The planning scheme identifies Gayndah as the principal town for government and commerce.

Should Council encourage the growth of one (1) urban centre, perhaps to the detriment of other towns, to create a regional centre over the next century? If so, which town?

Tourism

The self-drive market is a significant contributor to the North Burnett economy. Food production, value-adding promoted as 'farm-to-plate', grey-nomad and RV-friendly towns, heritage, and nature-based tourism are the main attraction types.

Does the scheme impede the establishment of tourism-related development projects?

Trunk infrastructure—funding

The Priority Infrastructure Plan (PIP) became a 'Local Government Infrastructure Plan' (LGIP) upon the commencement of the *Planning Act 2016*. As the Council had not prepared a complying LGIP before the 30 June 2019 deadline it lost the ability to levy infrastructure charges.

This potentially exposes Council to the risk of a significant project with trunk infrastructure implications but unable to issue an infrastructure charges notice.

Should the scheme incorporate a LGIP? Would the costs of preparing it outweigh the recovered charges? Would charges severely hinder development project viability?

Villages—the future of small North Burnett settlements

There are twenty small settlements throughout the North Burnett, many of them centre on a former railway station/siding on the now abandoned railway.

Many have lost schools and other government services. This is likely to continue with an ageing population and fewer school-aged children. The projections are a 7% decline in school students over the next ten years from 1907 students to 1768 students (Bundaberg NewsMail, 2020).

Servicing small villages for health, transport, emergencies, waste and other government services constrain already limited providers and contribute to organisational costs through travel.

Some would even question the future long-term viability of the six principal towns.

Should Council invest in smaller settlements undergoing decline? Should Council have a strategy for decline?

Works—categories of development and assessment

Until the recent commencement of the planning scheme policy for development works, the Council had no suitable standards that allowed certain operational work to be accepted subject to requirements.

Several types of works are code assessable and may now be able to be reduced to 'accepted subject to requirements', for example—

- driveway crossovers;
- landscaping associated with a material change of use.

Could the categories of assessment applying to certain operational work be lowered to 'accepted subject to requirements'?

Waste-to-energy and renewable energy

There is already some early work on provisions relating to renewable energy facility that should be developed further with the objective of facilitating their establishment in the North Burnett.

Zones—appropriateness

The appropriateness of zones could be questioned having regard to the length of time that has lapsed since preparing the 2014 planning scheme. Much of the zoning in the 2014 scheme derived directly from the previous six planning

schemes that had been in place before local government amalgamations in March 2008.

One particular issue area relates to Council's landholdings. As a major landholder in the region, it may be appropriate to review the appropriateness of the planning scheme as it applies to various premises such as aerodromes, depots, quarries, office buildings, halls, libraries, caravan parks, treatment plants and other infrastructure. When preparing the 2014 planning scheme there was no direction about the future of Council's landholdings provided to the scheme-drafting team. Consequently, there was no basis for choosing one zone over another, and therefore the current zone merely reflects either the previous zoning or the predominant zoning in the vicinity.

Incorrect zoning for government and associated entities adds cost and time to development projects and draws upon already limited resources. The requirement for assessable development can trigger assessment under other legislation further complicating such projects. The Planning Act provides a definition of *public sector entity* which is used to advantage by other local governments.

Is it possible to review the zoning of Council-controlled land in the context of future land use and development on it?

What is the most appropriate way for the scheme to create flexibility for Council-controlled land? Could an overlay on Council-controlled land reduce the categories of development and assessment?

5 Changes in State interests and guidance materials

It is only possible to define issues and prospective scheme amendments based on what the project team knows at this point in the process. Previous experience shows, however, that once stakeholders such as state agencies investigate and inform the Council of their interests, there is a real prospect of changes to the project's scope.

The State's interests in planning scheme continue to evolve due to such factors as—

- development or refinement of policy or new priorities, often resulting in amendments to the State Planning Policy or publication of new guidelines such as how to incorporate 'hydrogen developments' in planning schemes (The State of Queensland (Queensland Treasury), 2020);

- improved understanding of a complex legal environment, such as how planning schemes should manage building work (The State of Queensland (Queensland Treasury), 2020);
- experience with interpreting planning schemes and the need to make them more legally robust by providing guidelines for local government (The State of Queensland, Department of Infrastructure, Local Government and Planning, 2017).

The project team has a productive and collaborative relationship with its counterparts in the State. Still, based on experience, there will be occasions where there will be disagreement needing a negotiated outcome.

6 Better corporate plan-planning scheme alignment

The Council's corporate plan should be the overarching driver of operational strategies and plans such as the planning scheme. Council has embarked upon a new Corporate Plan that should drive the strategic direction of the planning scheme. Information from the community engagement process may provide some insight for potential amendments.

There has not been any recent examination of how well the planning scheme supports achieving the priorities and outcomes of the corporate plan.

7 Stakeholder consultation

Discussing the planning scheme with key stakeholders could help identify aspects that would benefit from reform.

Council

A workshop with the councillor group would help confirm the types of issues that individual councillors or the Council perceive need attention.

Council officers

Several service areas touch on planning scheme matters such as land use, economic development and infrastructure. Discussing potential improvements with key internal stakeholders could identify new potential areas for improvement in the scheme

State

Early conversations with Queensland Treasury, State Planning Group could 'smooth' the State's consideration of scheme amendments.

Other stakeholders

There are few stakeholders that have regular direct contact with the planning scheme however phone conversations with them may reveal matters not otherwise identified.

8 Need for other planning action

This paper, earlier made the statement that the planning scheme is unable to solve all problems relating to encouraging economic development in the region.

North Burnett Regional Council should explore other actions that would contribute to improving regional prosperity.

9 Conclusions

This paper makes the following conclusions—

- many factors influence regional prosperity, and only a few of them are within the capability of a local government and even fewer of them relate to a planning scheme;
- it would be beneficial to align the planning scheme with any regional planning instrument;
- there is value in conducting a systematic review of the planning scheme for the specific purpose of facilitating new and expanded business;
- there are potentially other prospective amendments that are unrelated to improving prosperity, that may be relatively easy to implement—however the focus should be on business improvement;
- other matters that are relevant to the future of the North Burnett but which are difficult for the planning scheme to further respond to—for example, the future of small villages, the suitability and location of industrial land, or climate change; these are strategic matters that may warrant 'difficult conversations and decisions';

- the planning scheme contains provisions that the Council at the time viewed as taking a facilitative approach, but which now could potentially be changed to streamline approval processes further;
- Council's landholdings could benefit from a review—in which the Council aligns the planning scheme with its future strategic intentions for its land (i.e. review zoning, overlays and other scheme provisions);
- a review that examines the alignment between the future corporate plan and the planning scheme may enhance achieving the priorities and outcomes set out in the corporate plan;
- early conversations with key stakeholders could be beneficial to confirm the issues and prospective solutions.

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