



The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Our ref: MBN19/2145

6 December 2019



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Mr Peter Franks
Chief Executive Officer
65 Rankin Street
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By hand delivery

Dear Mr Franks

In accordance with section 27(2) of the *Planning Act 2016* (the Planning Act), I hereby give you Notice that I intend to make Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone) (the proposed TLPI) effective from the day published in the government gazette. The proposed TLPI will suspend or otherwise affect the operation of the *Mareeba Shire Council Planning Scheme 2016*. A copy of the proposed TLPI is enclosed.

I consider that urgent action should be taken to protect, or give effect to, a state interest in accordance with 27(1) of the Planning Act. My reasons for taking this action are also enclosed.

If you have any questions about my notice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Enc (2)

cc: Councillor Tom Gilmore
Mayor
Mareeba Shire Council

By hand delivery

STATEMENT OF REASONS

Statement of Reasons in respect of the decision by the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning, of 6 December 2019 made under section 27 of the *Planning Act 2016* (Qld) (the Planning Act) to intend to make a Temporary Local Planning Instrument (TLPI).

1. Decision

1.1 On 6 December 2019, I, the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning, decided, in accordance with section 27 of the Planning Act, to give notice to the Mareeba Shire Council (the council) in accordance with section 27(2) of the Planning Act, that I intend to take action, namely, to make Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone). This TLPI provides an interim policy response to protect Rural zoned land within the Mareeba Shire Council local government area. If made, the TLPI will suspend or otherwise affect the operation of the *Mareeba Shire Planning Scheme 2016* (planning scheme) as set out in the TLPI.

1.2 I am satisfied that the action I intend to take:

- (a) should be taken under section 26(2)(b) of the Planning Act to protect, or give effect to, a state interest and
- (b) must be taken urgently.

1.3 The reasons for my decision are set out below.

2. Introduction

2.1 On 30 May 2018, I wrote to Councillor Tom Gilmore, Mayor of the council, raising concerns with the approval of rural subdivision development applications inconsistent with the planning scheme resulting in state interests in the *Far North Queensland Regional Plan 2009-2031* (FNQ Regional Plan) being compromised.

2.2 The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has conducted a review of the council's decisions for applications to subdivide Rural zoned land between 1 July 2016 to November 2019. This review found that the council:

- (a) approved 17 applications for the subdivision of lots less than the minimum lot size of 60 hectares (ha) in the Rural zone between 1 July 2016 and 30 May 2018 and
- (b) approved 5 applications for the subdivision of lots less than the minimum lot size of 60ha in the Rural zone between 1 June 2018 and 30 November 2019.

2.3 The Planning Assessment Report prepared by my department concludes that these decisions made by the council are contrary to the minimum rural lot size prescribed in the FNQ Regional Plan and do not achieve the intent of the Rural zone.

3. **Legislative framework**

3.1 Legislation and statutory instruments relevant to my decision are the:

- (a) Planning Act
- (b) Planning Regulation 2017
- (c) Minister's Guidelines and Rules under the Planning Act, dated July 2017
- (d) the planning scheme and
- (e) FNQ Regional Plan

3.2 Section 27 of the Planning Act applies if I consider that:

- (a) action should be taken under section 26(2)(b) to protect, or give effect to, a state interest and
- (b) the action must be taken urgently.

3.3 A 'state interest' is defined as an interest that I consider:

- (a) affects an economic or environmental interest of the state or a part of the state or
- (b) affects the interest of ensuring that the Planning Act's purpose is achieved.¹

3.4 The action which I may consider taking urgently under section 27 and 26(2)(b) of the Planning Act includes making a TLPI.

3.5 Under section 27 I can, as Minister, take this action to make a TLPI if under section 23(1) of the Planning Act, I am satisfied:

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk and
- (c) the making of the TLPI would not adversely affect state interests.

3.6 Under section 27(2) of the Planning Act, before taking action, I must give the relevant local government a notice that states:

- (a) the action that I intend to take and
- (b) the reasons for taking the action.

¹ Schedule 2 *Planning Act 2016*.

- 3.7 Under section 27(3) of the Planning Act, after giving the relevant notice under the Planning Act, I may take the action as required under the process in the Minister's Guidelines and Rules (MGR) without:
- (a) giving a direction to the local government under section 26 or
 - (b) consulting with any person before taking the action.
- 3.8 The MGR is made under section 17 of the Planning Act and include rules about making or amending TLPIs.
- 3.9 Section 10 of the Planning Regulation 2017 provides that the MGR are contained in the document called the 'Minister's Guidelines and Rules' dated July 2017, published on the department's website.
- 3.10 Chapter 3, Part 2 of the MGR prescribes the process for making or amending a TLPI for section 23 of the Planning Act².
- 3.11 A TLPI may suspend, or otherwise affect, the operation of another local planning instrument. However, a TLPI does not amend or repeal the instrument.³ A TLPI is a statutory instrument.⁴

4. **The evidence or other material on which findings on material questions of fact are based**

- 4.1 In deciding that I intend to exercise my power under section 27 of the Planning Act, I had regard to the following documents:
- (a) my letter dated 30 May 2018 to the council
 - (b) Briefing note and associated attachments under Ministerial Briefing Note MBN19/2145, including:
 - (i) the draft Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone)
 - (ii) Planning Assessment Report and its appendices
 - (c) draft Notice to the council in accordance with section 27(2) of the Planning Act dated 6 December 2019
 - (d) this statement of reasons.

5. **Findings on material questions of fact**

- 5.1 I made the following findings of fact having regard to the evidence or other material as set out in Section 4 above including the Planning Assessment Report prepared by the department.

² section 6.1 *Minister's Guidelines and Rules*

³ section 23(3) *Planning Act 2016*.

⁴ section 7 *Statutory Instruments Act 1992*.

- 5.2 Since 1 July 2016, the council has approved a total of 22 applications to subdivide Rural zoned land less than 60ha.
- 5.3 Since my letter dated 30 May 2018 to the council, the council has approved 5 applications to subdivide Rural zoned land to create lots less than 60ha. One of those applications was assessed against the superseded Mareeba Shire Council Planning Scheme 2004.
- 5.4 My letter dated 30 May 2018, outlines my concerns with the approval of development applications inconsistent with the planning scheme resulting in state interests in the FNQ Regional Plan being compromised.
- 5.5 The local community has expressed its concerns regarding the council's decisions to approve subdivision applications to create lots in the Rural zone less than 60ha. As an example, the council's decision to approve 5 lots into 49 lots on 23 October 2019 (where 48 new lots will be less than 60ha) generated over 80 separate requests for the application to be called in by the Minister.
- 5.6 The Planning Assessment Report prepared by the department states that the decision of the council to approve subdivisions to create lots less than 60ha in the Rural zone is contrary to the FNQ Regional Plan.
- 5.7 The Planning Assessment Report prepared by the department states that the drafting of PO1 and AO1.1 of the Reconfiguring a lot code contained within the planning scheme is drafted in a manner that does not support the policy intent of the FNQ Regional Plan or the Rural zone under the planning scheme.
- 5.8 In their current form the planning scheme provisions could result in an assessment manager approving the subdivision of lots within the Rural zone less than 60ha. This would be inconsistent with the Rural zone intent, the FNQ Regional Plan, and community expectations for the Rural zone.
- 5.9 In their current form the planning scheme provisions could result in the assessment manager approving subdivisions that would be incompatible with the existing and intended character of the Rural zone and undermine the FNQ Regional Plan.
- 5.10 The Planning Assessment Report prepared by the department states that the FNQ Regional Plan aims to protect Rural zoned land from further fragmentation or encroachment by inappropriate development, particularly urban or rural residential development.
- 5.11 The Planning Assessment Report prepared by the department states the FNQ Regional Plan highlights the risk of out-of-sequence urban development in the Rural zone between Kuranda and Mareeba advising that it could lead to an increase of unplanned traffic generation that would adversely impact on the safety and efficiency of the Kuranda Range Road.
- 5.12 The Planning Assessment Report prepared by the department confirmed, based on the 2014 Broad Hectare Study prepared by the Queensland

Government Statistician's Office, that the council area has an oversupply of suitably zoned land available for residential and rural residential purposes.

- 5.13 The Planning Assessment Report prepared by the department drew to my attention that the time taken to consult with the council to undertake amendments to the planning scheme is likely to be delayed by the local government elections scheduled for March 2020. As a consequence of this delay, the council may receive and decide applications that are inconsistent with the Rural zone intent and the FNQ Regional Plan.

6. **Reasons for decision**

- 6.1 I consider it is appropriate to and I intend to make the TLPI pursuant to section 27 of the Planning Act to suspend or otherwise affect the operation of the planning scheme for the following reasons.

Section 23(1)(a) of the Planning Act

- 6.2 I consider there is a significant risk of serious adverse economic or social conditions happening in the local government area, as I am satisfied of the following, identified in the Planning Assessment Report:

a) Potential serious adverse economic impacts:

- Decisions fragmenting land in the Rural zone have the effect of subjecting important agricultural land holdings to encroachment by urban and rural residential development. This could threaten the economic viability of the agricultural sector in the region and is contrary to the following provisions of the FNQ Regional Plan:
 - Section 2.6 Rural Subdivision (page 56) - *The regional plan introduces controls on subdivision of rural zoned land in the regional landscape and rural production area. These controls serve two purposes—to maintain larger lots sizes to ensure the economic viability of rural land holdings and to protect important agricultural lands and areas of ecological significance from encroachment by urban and rural residential development.*
 - Land use policy 2.6.1 (page 56) - *Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.*
- The FNQ Regional plan (page 57) further notes that *land fragmentation has accumulative impacts which may contribute adversely to the region's economic potential.* Fragmenting land in the Rural zone creates an inefficient land use settlement pattern that has not been planned for in the planning scheme or the FNQ Regional Plan. This may result in additional infrastructure and servicing costs.

b) Potential serious adverse social issues:

- Part E, Regional Policy 2: Regional landscape and Natural Resources of the FNQ Regional Plan identifies the Desired Regional Outcome as

the environmental, cultural, social and economic features that comprise the region's unique tropical and rural landscapes are identified, maintained and managed sustainably and are more resilient to the impacts of climate change. There is a significant risk that development which is not in accordance with the intent of the FNQ Regional Plan compromises this desired outcome and is not meeting the reasonable expectations of people living and visiting the area.

- There is a risk of loss of confidence in the planning system if the council continues to approve subdivisions of less than 60ha in Rural zoned land.
 - The level of community concern around the ongoing fragmentation of Rural zoned land is evidenced by over 80 separate requests for a Ministerial call in on the most recent application decided by the council in October 2019.
 - Part E, Regional Policy 8: Integrated transport and land use planning of the FNQ Regional Plan identifies in Land use policy 8.1.5 (p.128) that *the staged provision of transport infrastructure occurs in sequence with the preferred pattern of development.*
 - Page 25 of the FNQ Regional Plan also sets out that *the proposed urban development at Myola could not be accommodated by the existing Kuranda Range Road and the cost of upgrading the Kuranda Range Road between Cairns and the northern Tablelands is unaffordable in the short to medium term, in a regional and state-wide context.*
 - The FNQ Regional Plan identifies these impacts to illustrate that out-of-sequence urban development in the Rural zone between Kuranda and Mareeba will lead to increased infrastructure and servicing costs. This out-of-sequence development will adversely impact on the safety and efficiency of the Kuranda Range Road as it is not consistent with the staged upgrading of this state-controlled road.
- c) Potential significant risks:
- As a result of the decisions contrary to the Rural zone intent and the FNQ Regional Plan, as well as the relevant superseded planning scheme decision, there is a significant and imminent risk that further applications will be made for lots less than 60ha under the current planning scheme, as:
 - it may be expected that further council decisions approving lots less than 60ha will be made
 - these decisions will create further lots less than 60ha which are then potentially the 'surrounding lots' relevant to satisfy PO1 Table 9.4.4.3A as discussed in section 4 above.

- Given the recent approval history and the flawed code construction, it is reasonable to expect that further subdivisions prejudicing the intent of the FNQ Regional Plan would be approved, should applications be made.
- The delay associated with amending the planning scheme will increase the risk of reconfiguring a lot development applications in the Rural zone being made and decided contrary to the Rural zone intent and the FNQ Regional Plan.

Section 23(1)(b) of the Planning Act

- 6.3 I consider the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk described in 6.2 above, as I am satisfied of the following, identified in the Planning Assessment Report:
- (a) The delay associated in amending the planning scheme will increase the risk of reconfiguring a lot development applications in the Rural zone being made and decided by the council in a manner contrary to the FNQ Regional Plan.
 - (b) In May 2018, I notified the council of my concerns regarding the council's approval of subdivision proposals of less than 60ha in the Rural zone. Despite this notice, the council continued to make decisions contrary to the FNQ Regional Plan, evidenced by the recent October 2019 decision (5 lots in 49 lots).
 - (c) I am of the view that the council has had sufficient time since May 2018 to review the planning scheme, identify deficiencies and start the process to amend the scheme if the long-term growth needs had changed. I am not aware of any review or proposed scheme amendment that the council may have planned.
 - (d) If the council was minded to make the appropriate amendments to the planning scheme this will take a substantial period of time to complete. In addition, the local government election in March 2020 is most likely to further delay the council taking reasonable steps to address this issue through formal plan making processes. During the caretaker period in the lead up to local government elections the council cannot make significant policy decisions.
 - (e) Furthermore, I consider there is a risk of a rush of speculative development applications being made and assessed against the current scheme provisions during any process to amend the scheme. Given the flawed code construction and approval history I consider there to be a current and reasonable risk that the council will continue to support development applications that are contrary to the FNQ Regional Plan.

- (f) A TLPI is effective immediately on gazettal and would significantly reduce the risk arising from delays in following the planning scheme amendment processes under sections 18-22 of the Planning Act.

Section 23(1)(c) of the Planning Act

6.4 I consider that making the TLPI would not adversely affect state interests on the basis of the department's assessment of the TLPI against all state interests which I am informed concluded:

- (a) no effect on any other state interests would result from this TLPI
- (b) in particular, no adverse effects on the Planning for liveable communities and housing state interest within the State Planning Policy July 2017 would result from this TLPI.

Section 27 of the Planning Act

6.5 I consider the requirements set out in section 27 of the Planning Act are met as:

- (a) The making of the TLPI should be taken to protect or give effect to the state interests outlined below; and
- (b) The TLPI should be made urgently.

6.6 I am satisfied that the following state interests are not being protected or being given to, and are being adversely affected:

Purpose of the Planning Act

6.7 I note:

- (a) The purpose of the Planning Act is to '*establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability*'.
- (b) I consider the council's approval of development applications that are contrary to the Rural zone intent and the FNQ Regional Plan, undermines the community's confidence in the planning system and:
 - (i) results in an ineffective system of development assessment that is neither accountable nor transparent, and
 - (ii) adversely affects the interest of ensuring the purpose of the Planning Act is achieved.

FNQ Regional Plan

6.8 I note:

- (a) The FNQ Regional Plan specifically aims to protect economically viable agricultural land and significant environmental areas in the RLRPA from fragmentation or encroachment by urban development.

- (b) The FNQ Regional Plan clearly outlines that further subdivision of Rural zoned land in the Mareeba Shire is not currently required.
- (c) The FNQ Regional Plan further states that *'the regional plan determines the preferred settlement pattern for the next twenty years and sets the framework for coordinated and timely delivery of infrastructure and services to support the predicted population growth'*.

6.9 I further note that since the commencement of the current planning scheme in 2016, 22 subdivision applications on Rural zoned land were approved with lots less than 60ha.

6.10 I consider these decisions are contrary to, and undermine, the FNQ Regional Plan which is made to protect or give effect to state interests. Accordingly, the State interests the Regional Plan seeks to protect and give effect to are being adversely affected.

6.11 On the basis of the above, I am satisfied that the making of the TLPI is required to protect or give effect to the above state interests.

6.12 Further, I consider the TLPI is required to be made urgently as:

(a) As a result of the decisions contrary to the Rural zone intent and the FNQ Regional Plan made since 2016, as well as the relevant superseded planning scheme decision, I consider there is a significant and imminent risk that further applications will be made for lots less than 60ha under the current planning scheme, as:

- (i) it may be expected that further decisions approving lots less than 60ha will be made;
- (ii) these decisions will create further lots less than 60ha which are then potentially the 'surrounding lots' relevant to satisfy PO1 Table 9.4.4.3A in the planning scheme.

(b) Given the recent approval history and the flawed code construction, I consider it is reasonable to expect that further subdivisions prejudicing the intent of the FNQ Regional Plan would be approved, should applications be made.

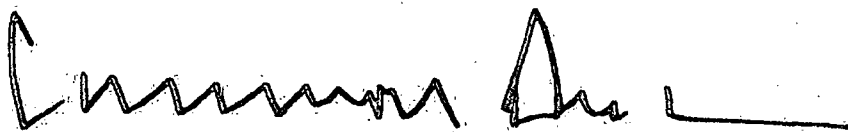
(c) If the council was minded to make the appropriate amendments to the planning scheme this will take a substantial period of time to complete.

(d) Furthermore, I consider there is a risk of a rush of speculative development applications being made and assessed against the current scheme provisions during any process to amend the scheme.

(e) A TLPI is effective immediately on gazettal.

6.13 On this basis, I consider it is necessary to urgently implement the TLPI.

Dated this 6th day of December 2019

A handwritten signature in black ink, appearing to read 'Cameron Dick', followed by a horizontal line.

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

TEMPORARY LOCAL PLANNING INSTRUMENT No. 01 of 2019 (SUBDIVISION IN RURAL ZONE)

Mareeba Shire Council Planning Scheme 2016

PART 1 – SHORT TITLE

1. This Temporary Local Planning Instrument (TLPI) may be cited as TLPI 01/2019 (Subdivision in Rural zone)

PART 2 – OVERVIEW

2.1 This TLPI provides an interim policy response to accord with the intent of the *Far North Queensland Regional Plan 2009 – 2031* (the Regional Plan) and to protect the values of Rural zoned land by restricting minimum lot size for Rural zoned land within the Mareeba Shire Council local government area.

2.2 This TLPI seeks to:

- (a) give effect to the state interests of certainty and transparency for the subdivision of land in the Rural zone; and
- (b) give effect to the Regional Plan by ensuring land in the Rural zone of the *Mareeba Shire Planning Scheme 2016* (the planning scheme) is not subdivided or reconfigured to create lots less than 60 hectares (ha).

PART 3 – PURPOSE OF THE TLPI

3.1 The purpose of this TLPI is to regulate:

- (a) minimum lot size for land in the Rural zone in the planning scheme.

3.2 To achieve this purpose, the TLPI—

- (a) amends the level of assessment for a development application for reconfiguring a lot that seeks to create a lot less than 60ha in the Rural zone from code to impact assessment; and
- (b) includes assessment benchmarks (Strategic Framework, Rural zone code, Reconfiguring a Lot code) for subdivision within the Rural zone.

PART 4 – DURATION OF THE TLPI

4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the Queensland Government Gazette.

4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or a longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by—

- (a) the planning scheme; or
- (b) the Planning Act where the term is not defined in the planning scheme.

5.2 To the extent of any inconsistency between the planning scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

6.1 The TLPI only applies to reconfiguring a lot development applications for land zoned Rural in the Mareeba Shire Council local government area (the nominated development).

PART 7 – EFFECT OF THE TLPI

7.1 This TLPI is a local categorising instrument which sets out categories of assessment and assessment benchmarks against which assessable development must be considered.

7.2 For nominated development only:

- i. This TLPI suspends the following provisions of the planning scheme –
 - a. Part 3, Strategic Framework, Strategic outcomes 3.3.1(5); Element 3.3.4, Specific Outcome 3.3.4.1(4); Element 3.3.6, Specific Outcome 3.3.6.1(1); Element 3.3.11, Specific Outcome 3.3.11.1(1); Specific Outcome 3.3.11.1(2); Specific Outcome 3.3.11.1(4); Specific Outcome 3.3.11.1(5) and Strategic Outcomes 3.6.1(6);
 - b. Part 5, Section 5.6 - Categories of development and assessment - Reconfiguring a lot, Table 5.6.1 – Reconfiguring a lot;
 - c. Part 6, Section 6.2.9 – Rural zone code, Section 6.2.9.2 Purpose, Section (2)(f), overall outcomes (3)(a) and (3)(f);
 - d. Part 9, Section 9.4.4 – Reconfiguring a lot code, Section 9.4.4.2 Purpose, section (2)(d), (2)(i);
 - e. Part 9, Section 9.4.4 – Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A, Reconfiguring a Lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1;
- ii. This TLPI provides a category of assessment and assessment benchmarks at Schedule 1 – Reconfiguring a lot in Rural zone - Category of Assessment and Assessment Benchmarks;
- iii. This TLPI provides assessment benchmarks for the Strategic Framework, Rural zone code and Reconfiguring a lot code at Schedule 2 – Reconfiguring a lot in Rural zone – Assessment benchmarks.

Schedule 1– Reconfiguring a lot in Rural zone – Category of Assessment and Assessment Benchmarks

1.1 Category of Assessment and Assessment Benchmarks

Table 1.1.1—Reconfiguring a lot

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Rural zone	Impact assessment	
	If creating a lot less than 60ha	The planning scheme
	Code assessment	
	If creating a lot 60ha or greater	Reconfiguring a lot code Relevant zone code Landscaping code Parking and access code Works, services and infrastructure code

Schedule 2– Reconfiguring of a lot in Rural zone – Assessment Benchmarks

1.1 Strategic Framework

The following sections of the Strategic Framework are to apply as follows;

1.2.1 Settlement pattern and built environment

1.2.1.1 Strategic outcomes

This provision of the TLPI replaces Strategic Framework, Strategic outcome 3.3.1(5) of the planning scheme for the nominated development.

- (1) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural-character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.
- (2) New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.

1.2.2 Element—Village activity centre

1.2.2.1 Specific outcomes

This provision of the TLPI replaces section Strategic Framework, Element 3.3.4, Specific Outcome 3.3.4.1(4) of the planning scheme for the nominated development.

- (1) Growth is focused within the Kuranda village. Further residential or rural residential development in the Myola corridor is not supported.

1.2.3 Element—Rural villages

1.2.3.1 Specific outcomes

This provision of the TLPI replaces Strategic Framework, Element 3.3.6, Specific Outcome 3.3.6.1(1) of the planning scheme for the nominated development.

- (1) Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale and zoning intent. Further expansion of these villages is to only occur on land designated as urban footprint under the Regional Plan.

1.2.4 Element—Rural areas

1.2.4.1 Specific outcomes

This provision of the TLPI replaces Strategic Framework, Element 3.3.11, Specific Outcome 3.3.11.1(1), Specific Outcome 3.3.11.1(2), Specific Outcome 3.3.11.1(4), Specific Outcome 3.3.11.1(5) of the planning scheme for the nominated development.

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.
- (2) Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.
- (3) Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.
- (4) Tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.

1.2.5 Transport and infrastructure

1.2.5.1 Strategic outcomes

This provision of the TLPI replaces Strategic Framework, Strategic Outcome 3.6.1(6) of the planning scheme for the nominated development.

- (1) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.

1.3 Rural zone code

This provision of the TLPI replaces Rural zone code, section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the planning scheme for the nominated development.

1.3.1 Purpose

- (1) Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities.
- (2) Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.
- (3) Residential and other uses are appropriate only where directly associated with the rural nature of the zone.

1.4 Reconfiguring a lot code

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.2 Purpose, Section (2)(i) of the planning scheme for the nominated development.

1.4.1 Purpose

(1) Subdivision within the Rural zone maintains lots equal to or larger than 60ha.

1.4.2 Assessment Criteria

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A Reconfiguring of lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme for the nominated development.

1.4.2 Criteria for assessable development – Rural Zone

Performance outcomes	Acceptable outcomes
Area and frontage of lots – Rural Zone	
PO1.1 No lots are created with an area of less than 60ha Note: This also applies to applications for boundary realignment.	AO1.1 No acceptable outcome is provided
PO1.2 No lots are created with a frontage less than 400m Note: This also applies to applications for boundary realignment.	AO1.2 No acceptable outcome is provided
PO1.3 Proposed lots are; <ul style="list-style-type: none"> a. Able to accommodate all buildings, structures and works associated with the rural use; and b. Suitable to allow the site to be provided with sufficient access Note: This also applies to applications for boundary realignment.	AO1.3 No acceptable outcome is provided

Note – The balance of the assessment criteria in the Reconfiguring a lot code will apply to the development application to the extent they are not suspended or replaced by this TLPI.