

## **Mareeba Chamber of Commerce Submission State Planning Regulatory Provisions (Regional Plans)**

The SPRP places extremely tight restrictions on the nature and scale of development permitted in the RLRPA. In our opinion, the Regulations seek to exercise control over development that is of little or no consequence as far as achieving the planning intent of the Regional Plan is concerned. Furthermore, the Regulations are unduly onerous as far as the subdivision of land is concerned. Subdivision of land should not be singled out as a form of development that is, in effect, automatically prohibited. Instead, the regulations should set out the tests that such development would need to meet, in the same way that it does for a Material Change of Use. The Regional Plan cannot anticipate all future forms of development. There will undoubtedly be forms of development that have not been anticipated but that ultimately will benefit the region. The Regulations should not exclude all such future development without at least a consideration of its merits.

In general, we conclude that:

- Thresholds for tourism development covered by the Regulations should be increased, based on sustainable and viable economic units. For example, the threshold for small scale tourism accommodation should be increased to 100 bedrooms.
- The Regulations should distinguish between different types of tourist development, principally tourism accommodation and tourism attractions (where no accommodation is provided). Thresholds (in terms of floorspace) should be significantly increased for tourism attractions.

- Precinct Planning should not be introduced for small to medium scale projects. Large scale projects of genuine regional significance, which represent large scale development with significant potential impacts, covering a relatively wide (multi-lot) geographical area are the only forms of development that should be subject to precinct planning.
- Development exceeding the thresholds should not automatically be subject to the 'overriding need in the public interest' test. Instead, such proposals should be referred to the Department of Infrastructure and Planning in a capacity as a concurrence agency and be subject to a 'net public benefit' test. The Department can then assess individual proposals on their merits, taking into account the policies of the regional plan and any future regional policies (such as Regional Tourism Strategies or Regional Economic Strategies).
- Rearrangement of boundaries should be excluded from the definition of subdivision.
- The 60 Ha minimum should be abandoned and the DIP should be listed as a concurrence agency with respect to issues of Regional Significance for all subdivisions in the RLRPA that create additional allotments.
- The exemption for subdivision of land divided by a road should be expanded to include land divided by any public, state, council, reserve or state instrumentality (eg Sunwater) land.

Further developed comments on specific areas of the regulations are provided below.

Division 2 – Material Change of Use	Section 2.4 (2)	See changes to the thresholds set out in Table 1. The thresholds should be increased so that a greater range of smaller scale developments which either individually or cumulatively are unlikely to impact on the planning intent of
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		the Regional Plan are excluded from the Regulatory Provisions.
	Section 2.5 (h)	The section should be amended to make reference to a 'net public benefit' test.
	Section 2.7	The section should be amended to make reference to a 'net public benefit' test.
Division 3 - Subdivision	General comment	It should be made clear that subdivision within the rural living area falls outside the control of the Regulations.
	Section 3.2 - remove prohibition of subdivisions	<p>The subdivision of land should be treated in the same way as a material change of use. Section 3.2(i) should be amended as follows:</p> <p><i>"To the extent that land is located in the Regional Landscape and Rural Production Area....a subdivision of the land complies with these draft regulatory provisions only if –</i></p> <p><i>(a) all resultant lots exceed the minimum lot size stated in Table 1 of Schedule 1 for the relevant designated region; or</i></p> <p><i>(b) to the extent the premises are located in a planning precinct – the minimum lot size stated in the relevant planning scheme for the planning precinct; or</i></p> <p><i>(c) in any other case - the number stated in Table 1 of Schedule 1 for the relevant designated region.</i></p> <p><i>Where paragraph 3.2(i) does not apply</i></p>

		<p><i>(i) the locational requirements or social, economic or environmental impacts of the subdivision necessitate development outside the Urban Footprint; and</i></p> <p><i>(ii) the development meets the 'net public benefit' test set out in Schedule 3.</i></p>
	The term 'subdivision' should exclude boundary realignments	Refer to suggested dictionary definition amendments.
Schedule 1	Schedule 1, Table 1 – Relevant Detail	In general, the thresholds for various forms of development should be increased. The Regulations should assist in advancing the planning intent of the Regional Plan. Bringing small scale development under a greater degree of control that would typically be the case for developments assessed against a planning scheme will not serve the planning intent of the Regional Plan but will instead increase the burden on those promoting development that can in no way be seen as being of regional significance.
Schedule 1	Schedule 1, Table 2 – The zoning for 'urban purposes' should be amended to include the Myola Zone in the Mareeba Shire Planning Scheme.	Zoning in the Myola area has been established in the Planning Scheme and to be consistent with the approach taken with other zonings in Planning Schemes throughout the region, it should be included in Table 1 and therefore subject to the 2 year 'use it or lose it' provisions. Prior to the launch of the Regional Plan, it was stated that its provisions would not be applied retrospectively. However, by excluding the Myola zone from Table 2 and including very little land in the urban footprint, the Regional Plan in effect introduces control on a respective basis. The Regional Plan and

		associated Regulatory provisions must recognize that people have made investment decisions in the Myola area on the basis on an approved Planning Scheme.
Schedule 2	Definition of 'subdivision'.	The definition of 'subdivision' should be amended to exclude reference to the rearrangement of boundaries. The rearrangement of boundaries can assist in the assembly of land for appropriate development and address the requirements of financial institutions in terms of security as far as funding arrangements are concerned. Rearrangement of boundaries can also facilitate the dedication of land to address environmental impacts, such as dedicating existing areas of remnant vegetation to the state or areas capable of being revegetated.
	Definition of 'urban activity'	<p>Tourism development should be excluded from the definition of 'urban activity' and not be managed by the regional plan but by existing local government planning schemes. Tourism development should be defined as follows:</p> <p><i>Development for the purpose of attracting and accommodating tourists and may include permanent accommodation (in addition to onsite staff residences) where it can be demonstrated that there is a demand for permanent accommodation and such accommodation is an integrated part of the tourism development. Tourism development may include other urban ancillary activities which are an integral and integrated component to the tourist function of the development.</i></p>

	<p>Definition of 'small scale tourist accommodation facility</p>	<p>If tourism development is not removed from the definition of 'urban activities', the definition should be amended as follows:</p> <ul style="list-style-type: none"> <li>• <i>The total capacity of the facility is for no more than 100 rooms with a floor area appropriate to the style of the development and associated ancillary services and compatible with the rural landscape setting.</i></li> </ul>
	<p>Recognizing 'tourism development' as an appropriate use in the RLRPA.</p>	<p>Tourism (other than small scale tourism) is a consistent use in the Regional Landscape Rural Production Area where:</p> <ul style="list-style-type: none"> <li>• <i>The predominant use is tourism. Permanent accommodation may include staff accommodation or residential development where it is an integral and integrated component to the tourist function of the development and a financial interdependence can be demonstrated;</i></li> <li>• <i>A net benefit analysis taking account of environmental, social and economic impacts and any loss of the landscape value demonstrates a net benefit to the region;</i></li> <li>• <i>The development does not result in a critical threshold being exceeded whereby additional infrastructure and services e.g. roads, schools, bus services etc would need to be provided or where this threshold is exceeded infrastructure and services are to be provided by the developer.</i></li> </ul>

Schedule 3	Change to a 'net benefit test' as suggested.	The 'overriding need in the public interest' should be changed to a 'net benefit' test, based on the triple bottom line of economic, environmental and social wellbeing.
Draft Regulatory Plans	Draft FNQ Regulatory Regional Land Use Map 78	The Mareeba Airport should be included in the Urban Footprint. Mareeba airport has a significant role to play in regional general aviation. With the imminent sale of the Cairns International Airport, it is important for the Regional Plan to facilitate the growth of Mareeba Airport in order to return and expand employment and skills in the sector. Sufficient land must be included in the urban footprint to allow for the provision of aviation and associated commercial facilities. The scale of land identified as being suitable for the expansion of the airport should include land on the west side of Ray Road that would be required for an extension of the runway and associated aprons, as well as sufficient land to accommodate a wide range of buildings to support aviation activity at the airport.