

PLANNING AND ENVIRONMENT COMMITTEE	1
15 MARCH 2023	

CAIRNS LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) REVIEW

Hamish McIntosh | 8/26/41 | #7127335

RECOMMENDATION:

That Council:

1. Resolves to not amend the current LGIP (as a consequence of the LGIP Review) and publish on its website this decision together with the Review Checklist and Appointed Reviewer Statement;
2. Writes to the Minister to commence discussions on a potential partnership for planning and delivery of the infrastructure necessary to support development of the SDA.

INTERESTED PARTIES:

- State Government (Department of State Development, Infrastructure, Local Government and Planning)

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

EXECUTIVE SUMMARY:

The *Planning Act 2016* (the **Act**) requires Council to review their Local Government Infrastructure Plan (LGIP) every 5 years (the LGIP Review). The LGIP Review concluded that the LGIP is currently accurate and meets or exceeds the statutory requirements for an LGIP and does not need to be amended at this stage.

At Council's Planning and Environment Committee Meeting held on 10 August 2022, Council resolved to write to the Minister for State Development, Infrastructure, Local Government and Planning (the **Minister**) requesting their consideration to NOT amend the current LGIP (as a consequence of the LGIP Review).

On 30 January 2023, the Minister advised that Council has complied with the requirements of the Ministers Guidelines and Rules (the **MGR**) and that Council may progress to decide to not make a LGIP or LGIP amendment.

Council can now formally decide not to make a LGIP or LGIP Amendment and publish on their website this decision together with the Review Checklist and Appointed Reviewer Statement.

BACKGROUND:

In May 2021, Council commenced a Local Government Infrastructure Plan (the **LGIP Review**) Review under Chapter 5 of the Ministers Guidelines and Rules (the **MGR**). Section 25(3) of the *Planning Act 2016* (the **Act**) requires that Council must Review their LGIP within 5 years of the LGIP being included within the Planning Scheme.

The LGIP Review concluded that the LGIP is currently accurate and meets or exceeds the statutory requirements for an LGIP and does not need to be amended at this stage.

At Council's Planning and Environment Committee Meeting held on 10 August 2022, Council resolved to write to the Minister for State Development, Infrastructure, Local Government and Planning (the **Minister**) requesting their consideration to NOT amend the current LGIP (as a consequence of the LGIP Review).

After Council wrote to the Minister, on 30 January 2023, the Minister advised that Council has complied with the requirements of the MGR and that Council may progress to decide to not make a LGIP or LGIP amendment.

Requirements under the Ministers Guidelines and Rules (Part 5) – Process and Procedure for LGIP Review

The MGR sets out the process Council is required to follow for the LGIP Review. The relevant steps are outlined below. Council has completed Steps 1 to 6 and is currently at Step 7.

Step 1: The local government must consider the accuracy, currency and relevance of the current LGIP by using the Review checklist to identify any non-compliance with the matters under Part 6 of this chapter.

Step 2: The local government must then decide to either:

- Make an LGIP Amendment under Ch 5 Part 3 - i.e. not a new LGIP, Administrative LGIP Amendment or Interim LGIP Amendment;
- Make a new LGIP under Ch 5 Part 4; or
- Decide not to make a LGIP amendment (subject to the outcomes of the LGIP Review) – Steps 3 to 6 below are then required to be followed.

Step 3: If Council's intention is not to make an LGIP amendment, Prior to the decision being made, Council must first:

- Consult with the relevant State Agencies responsible for infrastructure in the region (i.e. Dept TMR and other State Agencies dealing property matters).
- Engage an Appointed Reviewer to undertake a compliance check.

- Step 4:** The Appointed Reviewer is to perform the compliance check as per the requirements set-out in Ch 5 Part 6 and provide Council with a Completed Checklist and Appointed Reviewer Statement detailing the outcomes of the Compliance Check.
- Step 5:** Council is to write to the Minister requesting their consideration to not amend the current LGIP and provide the necessary documentation for review.
- Step 6:** If the Minister is satisfied that Council has complied with the steps 3 to 5 above, Council will be notified by written confirmation.
- Step 7:** The Local Government may then decide not to make a LGIP or LGIP Amendment and publish on their website this decision together with the Review Checklist and Appointed Reviewer Statement (**Current Step**).

COMMENT:

Decision Not to Amend the LGIP following the LGIP Review

The reason behind Council's previous recommendation for Not amending the current LGIP following the LGIP Review but pursuing an Interim LGIP Amendment is provided below:

- The LGIP Review process only provides three (3) options following the review:
 - Make an LGIP Amendment;
 - Make a New LGIP; or
 - Not make an LGIP amendment.

The options available following the statutory review do not meet Council's needs, however to close out the legislative process, Council are required to make a decision. A decision to make an LGIP Amendment or a New LGIP are considered to be premature at this stage as the current LGIP is performing in accordance with the mandatory requirements under the MGR and Act.

Noting that the LGIP is performing in accordance with the MGR and Act (as validated in the Ministerial Correspondence), it is recommended that Council do not make an Amendment or New LGIP under the LGIP Review Process outlined within the MGR.

Notwithstanding, there are possible improvements to the LGIP as it currently stands and officers are proceeding with a tailored interim amendment that will focus on new population data and trends that are forthcoming as part of the Towards 2050 Growth Management Plan and contemporary planning policy. This interim amendment is not intended to be substantial and is focussed around operation and process efficiencies.

Ministers Advice

The Minister, with respect to its future interim LGIP amendment, has encouraged Council to:

- incorporate new housing and population projections;
- undertake further infrastructure planning for the Cairns South State Development Area (the **SDA**);
- ensure that the Priority Infrastructure Area (PIA) identifies and prioritises a sufficient urban area for the provision of trunk infrastructure to accommodate 10 to 15 years of growth for non-rural purposes;
- consider the integration of the Cairns South SDA into the LGIP.

In view of this, and in relation to the SDA, it is recommended that Council writes to the Minister to commence discussions on a potential partnership for planning and delivery of the infrastructure necessary to support development of the SDA. Here, it is acknowledged that infrastructure supporting the development of the SDA may facilitate servicing future urban development in the southern growth corridor.

OPTIONS:

Option 1: (Recommended)

That Council:

1. Resolves to not amend the current LGIP (as a consequence of the LGIP Review) and publish on its website this decision together with the Review Checklist and Appointed Reviewer Statement;
2. Writes to the Minister to commence discussions on a potential partnership for planning and delivery of the infrastructure necessary to support development of the SDA.

Option 2:

That Council does not resolve to not amend the current LGIP.

CONSIDERATIONS:

Risk Management:

Council has undertaken a detailed assessment and review of the existing LGIP which has provided conclusive evidence about the accuracy, currency and relevance of the current LGIP. This supports the decision not to amend the LGIP following the LGIP Review.

Council Finance and the Local Economy:

The LGIP Review process has provided recommendations to Council in terms of achieving better alignment with Council Financial planning policies and processes. The Interim Amendment will assist in the ongoing administration of the LGIP and facilitate better alignment with Council Financial planning policies.

The LGIP Review concluded that the LGIP planning assumptions relevant to employment land are accurate and sufficient to accommodate projected employment growth.

Community and Cultural Heritage:

Not applicable.

Natural Environment:

Not applicable.

Corporate and Operational Plans:

The LGIP Review process has provided recommendations to Council in terms of achieving better alignment with Council Financial planning policies and processes. The Interim Amendment will assist in the ongoing administration of the LGIP and facilitate better alignment with Council Financial planning policies.

Statutory:

The LGIP Review has achieved Council's statutory obligation to review its LGIP under the Act.

Policy:

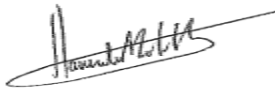
The LGIP is Council's principal infrastructure planning policy and it is paramount that this policy remains accurate, current and relevant. The LGIP Review and recommendation to commence an Interim LGIP Amendment support the future integrity of this policy.

CONSULTATION:

The LGIP Review is a whole of Council process and all Council departments were engaged and provided the opportunity to provide input during the LGIP Review process.

ATTACHMENTS:

Attachment 1 – 30 January 2023 – Correspondence - Minister for SDILGP - Approval to Not Amend LGIP following LGIP Review



Hamish McIntosh
Principal Planner (Infrastructure Coordination & Strategy)



Claire Simmons
Executive Manager Development and Planning



Ed Johnson
Director Planning, Growth and Sustainability

Attachment 1 – 30 January 2023 – Correspondence - Minister for SDILGP - Approval to Not Amend LGIP following LGIP Review



Hon Steven Miles MP
 Deputy Premier
 Minister for State Development, Infrastructure,
 Local Government and Planning
 Minister Assisting the Premier on Olympics Infrastructure

Our ref: MC22/3284

Your ref: 8/26/41 / 7024041

30 JAN 2023

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Councillor Bob Manning
 Mayor
 Cairns Regional Council
 b.manning@cairns.qld.gov.au

Dear Councillor Manning

Notice of the outcome of the Minister's consideration of a local government infrastructure plan (LGIP) review and if the council may proceed to not make a LGIP or LGIP amendment under the Minister's Guidelines and Rules (MGR)

Thank you for your letter of 23 August 2022 requesting my consideration to not amend the current Local Government Infrastructure Plan (LGIP), following the review of the LGIP in CairnsPlan 2016.

I have considered the material provided, including the compliance check undertaken by the appointed reviewer and the requirements of the MGR to consult with relevant state agencies.

I am pleased to advise that, in accordance with the MGR, I am satisfied that the council has complied with the requirements of the MGR and the council may progress to decide to not make a LGIP or LGIP amendment.

I note that on 10 August 2022 the council resolved to commence an Interim LGIP Amendment Project to determine the scope of a future interim LGIP amendment. I encourage the council to:

- incorporate new housing and population projections
- undertake further infrastructure planning for the Cairns South State Development Area (SDA)
- ensure that the Priority Infrastructure Area (PIA) identifies and prioritises a sufficient urban area for the provision of trunk infrastructure to accommodate 10 to 15 years of growth for non-rural purposes
- consider the integration of the Cairns South SDA into the LGIP.

I understand the Office of the Coordinator-General and Economic Development Queensland will continue to engage with the council as their infrastructure planning for the Cairns South SDA progresses.

If you require any further information regarding this matter, please contact Ms Danielle Cohen, Chief of Staff in my office, by email at danielle.cohen@ministerial.qld.gov.au or by telephone on (07) 3719 7100.

Yours sincerely



STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure