

Chapter 1 Introduction

1.1 Overview

CairnsPlan is the Planning Scheme for the City of Cairns. CairnsPlan has been prepared in accordance with the *Integrated Planning Act 1997*.

CairnsPlan sets out Council's planning intentions for the City for the next 10-15 years.

The preferred form of the City within, and beyond, this 15-year horizon is depicted on the Structure Plan (Chapter 2) and is discussed in a commentary on the future development of Cairns.

While CairnsPlan has been prepared with a 15-year horizon, CairnsPlan will be reviewed in accordance with the timeframe for reviews established by the *Integrated Planning Act*, to respond to changes which may occur to ensure that CairnsPlan remains contemporary.

1.2 Relationship to the Council's Corporate Plan: (The Vision for the City)

The Council's vision for the City, as stated in Future Cairns, the Corporate Plan 2004-2009, is:

Cairns will be the best regional city in Australia and the Asia Pacific. It will have a reputation for:

- *Balancing the demands of its growing population and the desire to maintain quality of life;*
- *Maintaining unique natural and cultural environments; and*
- *Having the highest standards of excellence applied in the management of the City.*

The Council's Mission is:

Providing for Today – Planning for Tomorrow

The Corporate Plan establishes ten key goals, which set the direction for the Council. The key goals reflect community needs and aspirations and are responsive to legislative, social, economic and environmental change. The principals of sustainability form the foundation of the Corporate Plan.

CairnsPlan is one of a number of tools being used to implement the Corporate Plan, thereby giving meaning to the Council's mission and contributing to the achievement of the Vision.

1.3 Regional Context and Strategic Direction

1.3.1 The FNQ Regional Plan

The FNQ Regional Plan is intended to guide and manage development within the Far North Queensland region over the next twenty years in a manner that realises key environmental, social, economic and urban objectives for the future. The preparation of the Regional Plan was a joint undertaking between all levels of Government and key community interests.

The Regional Plan indicates that Cairns has emerged as one of Australia's primary regional centres with an expanding influence in domestic and international economic activities. A high proportion of the region's economic activities and employment opportunities outside the primary industry sector are concentrated in Cairns. Cairns is also the major commercial, business and services centre for the region and accommodates key regional infrastructure elements such as the Cairns International Airport, Cairns Seaport and the James Cook University.

The Regional Plan sets quite a detailed framework for the management of growth and development within the City as the major urban, tourist and economic centre in the region.

CairnsPlan is consistent with the Regional Plan and is intended to assist in the implementation of the Regional Plan, particularly through the implementation of the land use and development strategy identified by CairnsPlan.

The Regional Plan incorporates a Regional Structure Plan which is intended to establish, in broad terms, the preferred physical arrangements for the region over a twenty year period, primarily in relation to urban settlement and regional infrastructure.

The Regional Structure Plan is depicted on a map which embodies a number of key urban elements.

The fundamental strategy is to base the preferred settlement pattern on the principle of accommodating the majority of regional growth in existing urban centres or within designated urban growth areas.

The urban growth initiatives for Cairns include:

- Consolidation of existing and new urban areas;
- Development of a new urban growth corridor between Edmonton and Gordonvale west of the Bruce Highway; and
- Establishment of major service centres near Smithfield and Edmonton / Gordonvale.

The preferred development pattern for the Cairns urban area and surrounds is based (in part) on:

- The promotion of increased densities and the consolidation of existing and committed urban areas;

- The staged release of new development areas between Edmonton and Gordonvale, west of the Bruce Highway.

The Regional Structure Plan acknowledges the difficulties associated with developing a detailed development sequencing timetable for the next 15 – 20 years. However, the broad sequencing of development is identified in order to facilitate planning and decision making processes.

The components of the broad sequencing which relate to Cairns are as follows:

Short Term (0 – 10 Years)

Short term objectives are to consolidate existing development activities and set the framework for the medium and long term development pattern. Depending on the demand for new residential development, it is not envisaged that development will occur outside the urban boundaries identified in the (previous) Strategic Plans within the next 10 years.

A number of strategies are identified. These include the promotion and facilitation of increased urban densities in new and existing development areas; infill, redevelopment and consolidation of urban areas; supporting economic development and growth of employment opportunities particularly in designated nodes in the Cairns urban area; strengthening or developing sub-regional employment/service centres; and the preparation of integrated transport strategies.

Medium Term (10 – 15 Years)

Medium term development concepts are to continue consolidation and development within the designated urban area and, depending on demand, to open up new development areas in a staged process. Economic development and employment opportunities are to be facilitated within urban growth centres to reduce commuter transport demands.

Sequenced development in the Edmonton to Gordonvale corridor may commence, depending on the level of housing demand and the available land supply in the southern corridor. Urban expansion into the corridor should initially be restricted to those areas adjacent to the established urban development nodes at Edmonton and Gordonvale.

Long Term (15 + Years)

The long term development strategies include development of the Edmonton to Gordonvale corridor, west of the Bruce Highway and west of the hillsides situated between the Highway and Mt Peter Road, in orderly stages and promotion of economic development and employment creation in the Edmonton – Gordonvale area to reduce commuter and community travel for employment and services.

1.3.2 Cairns Structure Plan

The Cairns Structure Plan (Map 4, Section 2.3) depicts (amongst other things):

- The extent of the urban area proposed for the life of the Planning Scheme;
- The future Edmonton-Gordonvale urban corridor; and

- The major employment centres of sub-regional centres and major industrial areas.

The urban area identified on the Cairns Structure Plan and detailed through the District Plans is, with one exception, the urban area identified by the Strategic Plans within the previous Planning Schemes for the Part and the Balance of the City of Cairns.

The exception is an area situated on the eastern side of the Bruce Highway at Edmonton and bounded generally by the Bruce Highway, Thompson Road and Stoney Creek. This area forms part of the area identified for the Edmonton Business and Industry Centre.

Development may or may not commence within this additional area identified for urban development in the life of this Planning Scheme, depending on the demand for commercial and industrial land, amongst other things. However, it is important that the area be identified because it is within the overall area identified for the Edmonton Business and Industry Centre. The area should not be alienated through the establishment of inappropriate land uses or by inappropriate subdivision. Further, the area must be included in the detailed planning of water supply and sewerage services and of road networks, as well as in the environmental planning initiatives identified in the Planning Study on the Edmonton Business and Industry Centre.

1.3.3 Development Sequence

The preferred Development Sequence for the City reflects the broad sequencing for Cairns established by the Regional Plan.

Master planning for the Edmonton to Gordonvale urban corridor will be undertaken including planning for the physical and social infrastructure.

Short Term

Consolidation and infill of established urban areas and development of greenfield sites within the urban area identified on the Cairns Structure Plan.

Medium Term

Continued consolidation and infill of established urban areas and continued development of greenfield sites within the identified urban area.

Commencement of the first stages of the Edmonton Business and Industry Centre adjacent to the Bruce Highway and Thompson Road.

Long Term

Continued consolidation and infill of established urban areas and continued development of greenfield sites within the identified urban area.

Expansion of the Edmonton Business and Industry Centre with the development of further stages.

Development of greenfield sites in an area to the north-west of Gordonvale and located between Draper Road and existing low density residential development located adjacent to Castlereagh Street.

This area is situated adjacent to areas identified and partially developed for urban (residential) purposes and is capable of being provided with development infrastructure.

Land to the south of Stoney Creek and the identified urban area at Edmonton is not identified for urban development within the short term because it is unlikely that residential demand will require development of this land until the 15+ years timeframe. In addition, the greater part of this land is located at the top of the Wrights Creek catchment and cannot be fully serviced in an effective manner.

It is important that the future development of the Edmonton-Gordonvale urban corridor is not compromised by the establishment of land uses or by subdivision of land, particularly the fragmentation of larger parcels of land, that are not compatible with urban development in the longer term. The detailed district planning elements of CairnsPlan include measures to ensure that the potential for future urban development of this corridor is not compromised.

The Cairns Structure Plan and the preferred Development Sequence are intended to encourage infill and consolidation and new urban development within the identified urban area which closely reflects the urban area identified by the previous Strategic Plans.

The provision of Trunk Infrastructure such as water supply, wastewater management, road networks, stream management and community purpose infrastructure within the identified urban area has been planned to ensure that the urban area can be effectively and efficiently serviced. Details of the Trunk Infrastructure are set out in the Planning Scheme Policy, Trunk Infrastructure Contributions, and in the associated supporting information. Development will contribute towards the provision of Trunk Infrastructure in accordance with the Planning Scheme Policy to ensure that infrastructure is provided on a timely basis and to the desired standards of service.

The development of the urban form identified on the Structure Plan and in the preferred Development Sequence will assist in :

- Achieving the more efficient use of physical and social infrastructure within the identified urban area;
- Providing the opportunity for master planning of the Edmonton-Gordonvale urban corridor;
- Maintaining the viability of agriculture (particularly the sugar industry) and minimising the loss of good quality agricultural land within the future Edmonton – Gordonvale urban corridor for the medium term; and
- Maintaining the rural sector of the City for the continuation and potential strengthening of primary industries as a major economic force for both the City and the Region.

1.4 Interpretation

1.4.1 Relationship to the Integrated Planning Act 1997

The purpose of the *Integrated Planning Act 1997* is to seek to achieve ecological sustainability. CairnsPlan must advance this purpose.

CairnsPlan advances this purpose through the integration and co-ordination of the core matters of land use, infrastructure and valuable features identified by the *Integrated Planning Act 1997*.

CairnsPlan:

- Sets a clear strategy for land use and development within the City;
- Ensures that an appropriate level of infrastructure is provided in an efficient and equitable manner;
- Ensures that the valuable features of the City are recognised and are managed on a sustainable basis;
- Identifies development outcomes sought to be achieved in the City; and
- Identifies self-assessable and assessable development.

In the interpretation of CairnsPlan, the interpretation that will best achieve the desired outcomes of CairnsPlan contained in:

- The DEOs;
- The purposes of the Codes; and
- Is to be preferred to any other interpretation.

1.4.2 CairnsPlan Functions as Part of IDAS

CairnsPlan functions as part of IDAS, the Integrated Development Assessment System detailed in Chapter 3 of the *Integrated Planning Act 1997*.

1.5 Structural Elements of CairnsPlan

CairnsPlan has the following structural elements:

- Desired Environmental Outcomes
- Planning for Districts
- Assessment Tables
- Codes
- Schedules
- Definitions

1.5.1 Desired Environmental Outcomes

The Desired Environmental Outcomes (DEOs) identify the overall desired outcomes which are sought to be achieved by CairnsPlan.

There are 18 DEOs.

1.5.2 Planning for Districts

All land within the City is included in a District and a Planning Area.

Land within the City may be affected by an Overlay map. The Overlay maps applicable to each District are found in the section of CairnsPlan corresponding to that District.

1.5.3 Assessment Tables

The Assessment Tables for each District are found in the section of CairnsPlan corresponding to that District.

The Assessment Tables for each District identify the level of assessment assigned to development.

There are four levels of assessment:

- Exempt;
- Self-assessable;
- Code assessable;
- Impact assessable.

The Assessment Tables for each District consist of:

- Initial Level of Assessment- Material Change of Use;

- Initial Level of Assessment - Other Development; and
- Conversion Table.

The Initial Level of Assessment tables will assign the initial level of assessment for development. These tables also identify certain development as being “Impact Assessable (Inconsistent Use)” which means that the development requires impact assessment and is a use that is inconsistent with the development outcomes for that District.

If premises are included in an Overlay map, the Conversion Table converts the initial level of assessment to a level of assessment identified in the Conversion Table. If premises are included in more than one Overlay map, or affected by more than one Overlay Code, the highest level of assessment assigned by the Conversion Table applies to the development.

The Assessment Tables also contain a Guide to Applicability of Codes. This guide provides a guide only to the Codes applicable to development.

1.5.4 Codes

The Codes in CairnsPlan set out some of the requirements for development in the City.

There are four types of Codes in CairnsPlan:

- Planning Area Codes;
- Overlay Codes;
- Land Use Codes; and
- General Codes.

Each Code in CairnsPlan follows a similar structure. The structural elements of each Code are:

- Purpose;
- Applicability;
- Performance Criteria; and
- Acceptable Measures.

In addition some Codes, particularly Overlay Codes may contain information about the identification of affected premises by a Code and may describe desired development outcomes for that land.

The Purpose statement contained in each Code together with the Performance Criteria of that Code represents the desired outcomes for the development of land that is regulated by the respective Code.

The Applicability statement contained in each Code identifies the development that requires assessment against the requirements of the Code.

Performance Criteria are expressions of the desired development outcomes for a particular area, land or development.

Acceptable Measures are means by which the Performance Criteria or part of a Performance Criterion may be demonstrated.

Self-assessable development must comply with the Acceptable Measures applying to that development. Where self-assessable development cannot comply with the Acceptable Measures (or any one of the Acceptable Measures) applicable to that development, the development will trigger code assessment.

Assessable development must demonstrate that the Performance Criteria and the desired development outcomes expressed in that criteria can be achieved. The Acceptable Measures that are nominated in the Codes are one means by which it may be demonstrated that the desired outcomes may be achieved. Importantly, the Acceptable Measures nominated in the Codes may represent measures that may not be appropriate once a considered assessment of the assessable development has been undertaken. Compliance with the Acceptable Measures nominated does not exempt the obligation to demonstrate how the Performance Criteria can be achieved.

The requirements of the Codes are to be applied in the following order:

- Overlay Code;
- Planning Area Code;
- Land Use Code;
- General Code.

Where there is an inconsistency or conflict between the requirements of the applicable codes for development, the inconsistency or conflict is to be resolved as follows:-

- The achievement of the performance criteria of an Overlay Code is a priority development outcome and must be demonstrated. Where there is a true conflict between achievement of the performance criteria of an Overlay Code and the performance criteria of other applicable codes, the applicant must demonstrate how the development can achieve the performance criteria of the applicable Overlay Code.
- The achievement of the performance criteria of a Planning Area Code is a preferred development outcome where there is a true conflict between the requirements of a Planning Area Code and the achievement of the performance criteria of an applicable Land Use Code.
- The achievement of the performance criteria of a Land Use Code is a preferred development outcome where there is a true conflict between the requirements of a Land Use Code and the achievement of the performance criteria of an applicable General Code.

1.5.5 Special Facilities Schedules

Prior to the commencement of CairnsPlan, certain premises in the City were included in a Special Facilities zoning under the transitional schemes. CairnsPlan does not contain a Special Facilities or similar zoning. The development of premises identified in the Schedule of Special Facilities Approvals are intended to proceed in accordance with the requirements of the:

- The approved use identified in the Schedule, the conditions of the relevant approvals; or
- In accordance with the requirements of CairnsPlan if the approved use under the Special Facilities approval is not advanced.

1.5.6 Definitions

CairnsPlan contains two groupings of definitions in Chapter 5. The two groups are:

- Land Use definitions which have a specific meaning for the purpose of the Assessment Tables and assessment of the development; and
- Administrative definitions which do not have a specific land use meaning but are used in the interpretation of Land Use definitions and CairnsPlan generally.

1.6 Foreshores

The local government area of the City includes all land within the basic territorial unit of Council; however the area may also include additional territorial units such as foreshore areas and bathing reserves.

Where a foreshore area or bathing reserve (which is included in an additional territorial unit of Council under the Local Government Act 1993) is not shown as being included in a Planning Area on a Planning Area map, and where the foreshore or bathing reserve is adjoined by land included in:

- Land included wholly or partly in the Conservation Planning Area, the foreshore or bathing reserve is included in the Conservation Planning Area;
- Land included wholly or partly in a Planning Area other than the Conservation Planning Area, the foreshore or bathing reserve is included in the Open Space Planning Area; or
- Land not included in a Planning Area, the foreshore or bathing reserve is included in the Open Space Planning Area.

1.7 Roads

Roads are not included in any Planning Area on the Planning Area maps. Development on roads is exempt from regulation under this Planning Scheme.

Where a road is closed by permanent road closure and amalgamated with another lot, the area of closed road assumes the Planning Area of the balance of the lot.

1.8 Waterways

Where a waterway is not shown as being included in a Planning Area on the Planning Area maps, the following applies:

- If the waterway is adjoined on both sides by land included in the same Planning Area - the waterway is included in that Planning Area;
- If the waterway is adjoined on one side only by land in a Planning Area, the entire waterway is included in that Planning Area;
- If the waterway is adjoined on one side by land in a Planning Area and adjoined on the other side by land in another Planning Area - the waterway is included in the Planning Area that adjoins the waterway and the centreline of the waterway is the boundary between the two Planning Areas.

1.9 Strategic Port Land

CairnsPlan applies to the whole of the City of Cairns including urban and rural areas, with the exception of those areas identified as Strategic Port Land, pursuant to the *Transport Infrastructure Act 1994*.

The use and development of Strategic Port Land is controlled by a Land Use Plan prepared by the Cairns Port Authority under the *Transport Infrastructure Act*.

However, the Cityport area of the Strategic Port Land is included within CairnsPlan to provide ongoing planning control once sites within Cityport are developed and freehold title is granted over part or all of these sites. When this occurs :

- The land will cease to be Strategic Port Land; and
- The exemption from the operation of the Planning Scheme pursuant to Section 172 of the Transport Infrastructure Act will no longer be applicable.
- CairnsPlan will apply to those areas with freehold title.

