

PLANNING AND ENVIRONMENT COMMITTEE	2
13 JULY 2022	

CAIRNSPLAN 2016 MINOR AMENDMENT, LOCAL GOVERNMENT INFRASTRUCTURE PLAN ADMINISTRATIVE AMENDMENT AND CAIRNSPLAN 2016 VERSION 3.1 – CAIRNS SOUTH STATE DEVELOPMENT AREA

Deborah Wellington | 8/26/28 | #6970399

RECOMMENDATION:

That Council:

1. Decides to amend the CairnsPlan 2016 planning scheme and prepare an Amendment to CairnsPlan 2016 ‘CairnsPlan 2016 Amendment 1 of 2022 – Minor’ in accordance with the Planning Act 2016 and the Minister’s Guidelines and Rules (Version 1.1);
2. Decides to adopt the CairnsPlan 2016 Amendment 1 of 2022 – Minor;
3. Sets 2 August 2022 as the commencement date for the CairnsPlan 2016 Amendment 1 of 2022 – Minor;
4. Decides to prepare an Administrative Local Government Infrastructure Plan Amendment ‘Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative’;
5. Decides to adopt the Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative;
6. Sets 2 August 2022 as the commencement date for the Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative;
7. Resolves to adopt the CairnsPlan 2016 Version 3.1 (incorporating CairnsPlan 2016 Amendment 1 of 2022 – Minor and Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative) in accordance with the requirements of the Planning Act 2016 and the Minister’s Guidelines and Rules (Version 1.1);
8. Sets 2 August 2022 as the commencement date for the CairnsPlan 2016 Version 3.1;
9. Undertakes public notification by writing to all landowners within the Cairns South State Development Area advising of the amendment;

- 10. Delegates authority to the Chief Executive Officer pursuant to the Local Government Act 2009 to finalise any and all matters associated with the preparation, adoption and commencement of the CairnsPlan 2016 Amendment 1 of 2022 – Minor, Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative and CairnsPlan 2016 Version 3.1.**
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INTERESTED PARTIES:

The State of Queensland

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

EXECUTIVE SUMMARY:

During the state interest review of version 3.0 of the CairnsPlan 2016 planning scheme, the Department of State Development, Infrastructure, Local Government and Planning sought greater integration of the Cairns South SDA into the Planning Scheme. This position was reiterated in correspondence from the Minister in February 2022, requesting that Council fully integrate the Cairns South SDA into the planning scheme. The proposed amendments to the CairnsPlan 2016 planning scheme and the Local Government Infrastructure Plan (LGIP) address these requirements.

The proposed amendments acknowledge the Cairns South SDA and the Cairns South State Development Area Development Scheme within the planning scheme. This includes allocation of all land within the Cairns South SDA to be included within the Special purpose zone and proposed new Precinct 1 – Cairns South State Development Area. Amendments are proposed to Part 3 – Strategic Framework, Part 5 – Tables of assessment, Part 6 – Zones and Schedule 2 – Mapping. Proposed amendments have also been made in the LGIP in Part 4 and Schedule 3 to specify that the planning assumptions do not include any assumptions about the Cairns South SDA and update the base layer (zoning) on relevant maps.

The Cairns South SDA Development Scheme has been prepared and approved under the *State Development and Public Works Organisation Act*. Public consultation was undertaken by the Coordinator General in association with the declaration of the Cairns South SDA and the preparation of the Cairns South SDA Development Scheme. While public consultation is not required for a Minor amendment to a planning scheme or Administrative Amendment to a LGIP, it is proposed that Council undertake voluntary public notification to ensure that affected landowners are directly informed of the proposed amendments.

The proposed amendments have been prepared and Council must now decide whether to amend and adopt the proposed Minor Amendment to CairnsPlan 2016, Administrative Amendment to the Local Government Infrastructure Plan (LGIP) and the resulting version of the planning scheme (CairnsPlan 2016 version 3.1).

Attachment 1 contains the proposed Minor Amendment to CairnsPlan 2016 (CairnsPlan 2016 Amendment 1 of 2022 – Minor) and Administrative Local Government Infrastructure Plan Amendment (Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative). Attachment 2 contains the resulting version of the CairnsPlan 2016 planning scheme (Version 3.1).

This report recommends that the amendments be adopted and sets a commencement date of 2 August 2022.

The report also recommends that public notification is undertaken by writing to all landowners within the Cairns South State Development Area advising of the amendment.

BACKGROUND:

CairnsPlan 2016 planning scheme

The CairnsPlan 2016 was adopted by Council on 24 February 2016 and commenced on 1 March 2016. Since its commencement, the following amendments have been made, as summarised in **Table 1** below.

Table 1: Overview of amendments to CairnsPlan2016

Year	Type of Amendment	Reason
2017	Administrative	Integrate the Local Government Infrastructure Plan into the scheme
2017	Administrative	Correct minor workability and editorial errors, update terminology
2018	Local Government Infrastructure Plan Interim Amendment	Update population growth assumptions and update infrastructure planning
2019	Qualified State Interest Amendment	Advertising devices policy review (digital signage)
2019	Minor amendment	Remove the flood immunity requirements for small scale domestic buildings (e.g. sheds)

Year	Type of Amendment	Reason
2021	Major amendment	<p>The amendment:</p> <ul style="list-style-type: none"> • addresses feedback from the community and development industry; • improves the efficiency of the scheme; • removes unnecessary triggers for development applications; • updates the planning scheme mapping; • ensures the planning scheme is contemporary and complies with the requirements of the Planning Act 2016; and • reflects the outcomes of the Freshwater and Stratford Town Planning Survey 2019. <p>The amendment integrates updated Matters of State Environmental Significance (MSES) mapping and updated State Heritage Places mapping into the planning scheme.</p>

The CairnsPlan 2016 planning scheme is Cairns Regional Council's plan for the future development and sustainable growth of Cairns. CairnsPlan 2016 is a balanced plan that encourages growth while maintaining the qualities and characteristics that make the Cairns region special.

LGIP

Council's Local Government Infrastructure Plan (LGIP) was adopted on 8 June 2017 and commenced on 1 July 2017. In 2019, Council undertook an Interim amendment to the LGIP to integrate the Cairns Local Government Infrastructure Plan Interim Amendment and correct formatting, numbering, outdated terms and factual matters incorrectly stated in the planning scheme.

The LGIP forms Part 4 of Council's planning scheme - CairnsPlan 2016.

The purpose of the LGIP is to:

- integrate infrastructure planning with the land use planning identified in CairnsPlan 2016;
- provide transparency regarding Council's intentions for the provision of trunk infrastructure for the Region;
- enable Council to estimate the cost of infrastructure provision to assist its long term financial planning;
- ensure that trunk infrastructure is planned and provided in an efficient and orderly manner; and
- provide a basis for the imposition of conditions about infrastructure on development approvals.

The LGIP identifies trunk infrastructure plans for the following five networks that provide essential services for development: water supply; wastewater; stormwater; transport; parks and land for community facilities.

Cairns South State Development Area

The State government, via the Coordinator General, declared the Cairns South State Development Area (Cairns South SDA) in November 2018 and varied it in February 2020.

The Cairns South SDA is 1,159 hectares of land to the south of Cairns, situated in two parts, a northern part and a southern part. The Cairns South SDA was established to facilitate economic growth and diversification of the Cairns economy as well as job creation to support the long-term needs of the Cairns region, the purpose of the Cairns South SDA is to provide land for regionally significant industrial development.

The northern part of the Cairns South SDA consists of approximately 840 hectares and is located east of the Bruce Highway at Wrights Creek between Edmonton and Gordonvale. Currently the land is predominantly used for agricultural purposes. The northern part of the Cairns South SDA is to enable the development of industries that require larger blocks of land and separation from sensitive land uses. Being adjacent to the Bruce highway and the North Coast Line, the northern part of the Cairns South SDA is an opportunity to support anticipated trends and growths in the rail freight sector including increased volumes of freight and longer trains.

The southern part of the Cairns South SDA consists of approximately 300 hectares and is located adjacent the Mulgrave Mill in Gordonvale and is intended to support future diversification for the Mulgrave Mill, including industrial development opportunities that value-add to the sugar refining process.

State Development Areas are clearly defined areas of land established by the Coordinator-General to promote economic development in Queensland.

State Development Areas are declared under the *State Development and Public Works Organisation Act 1971*.

Queensland's Coordinator-General is responsible for the planning, establishment and ongoing management of State Development Areas.

In a State Development Area, the Coordinator-General is responsible for preparing and implementing a development scheme and assessing and deciding development applications. A State Development Area Development Scheme prevails over local and state government planning instruments for development that is regulated within the SDA.

The Cairns South SDA Development Scheme regulates development for:

- a. Material Change of Use;
- b. Reconfiguring a Lot;

- c. Operational Works (as part of a State Development Area application for Material Change of Use or Reconfiguring a Lot);
- d. Operational Works for the clearing of native vegetation in the Environmental Management Precinct only.

The Cairns South SDA Development Scheme regulates the majority of development within the SDA, however it does not regulate some Operational works (e.g. not related to a SDA – e.g. associated with ongoing farming operations) or all Building Works (e.g. extensions of sheds associated with existing agricultural activities). Development not regulated by the Cairns South SDA Development Scheme is regulated by the CairnsPlan 2016 Planning Scheme and / or the Building Assessment Provisions (for BW).

The Cairns South SDA is acknowledged within Part 10 of the CairnsPlan 2016 version 3.0. However, during the state interest review of version 3.0 of the CairnsPlan, the Department of State Development, Infrastructure, Local Government and Planning sought greater integration of the Cairns South SDA into the Planning Scheme, specifically via the inclusion of the SDA within an appropriate zone. This position was reiterated in correspondence from the Minister in February 2022, requesting that Council fully integrate the Cairns South SDA into the planning scheme. This amendment seeks to fulfil the Minister’s request and will assist in streamlining further amendments to the Planning Scheme.

COMMENT:

To meet the requirements of the Department of State Development, Infrastructure, Local Government and Planning and fully integrate the Cairns South SDA into the planning scheme, a Minor amendment to CairnsPlan 2016 and Administrative LGIP amendment is required.

The *Minister’s Guidelines and Rules under the Planning Act 2016 Version 1.1* sets the process for undertaking both of the above amendments.

Minor Amendment to planning scheme

There are number of circumstances where an amendment to the planning scheme can be considered a Minor amendment. The proposed amendment is considered to be a Minor amendment in accordance with Schedule 1, 2 (e), specifically an amendment where the local government is satisfied:

reflects a current development approval, a master plan for a declared master planned area, or an approved development plan under the South Bank Corporation Act 1989, or an approval under other legislation.

To make a Minor amendment to a planning scheme the local government must:

1. Decide to amend the planning scheme;
2. Prepare the proposed amendment;
3. Decide to adopt or not proceed with the proposed amendment;
4. If decided to adopt, publish a public notice in accordance with the Planning Act 2016 and the requirements in Schedule 5;

5. Within 10 business days of publishing a public notice, give the chief executive –
 - a. A copy of the public notice;
 - b. A certified copy of the minor amendment.

Administrative LGIP amendment

The proposed amendments to the LGIP are an Administrative LGIP amendment as they are changes that correct or change an explanatory matter and format or presentation of the LGIP or planning scheme.

To make an Administrative LGIP amendment, the local government must prepare the amendment and within 10 business of making the amendment give the Chief Executive a certified copy of the amendment.

Proposed amendments

The proposed amendments to CairnsPlan 2016 and the LGIP are included in Appendix 1. A summary is provided in Table 2 below.

Table 2: Summary of proposed amendments

Section of the CairnsPlan 2016	Proposed amendments
Part 1 – About the planning scheme	Amendments to s1.6 to provide an alternative boundary clearance to the Queensland Development Code for the Special purpose precinct 1 – Cairns South State Development Area.
Part 3 – Strategic framework	Various amendments to Strategic outcomes, Specific outcomes and Land use strategies to acknowledge the Cairns South State Development Area and the Cairns South State Development Area Development Scheme.
Part 4 – Local Government Infrastructure Plan	Inclusion of a note in section 4.2 identifying that the Planning assumptions do not include any assumptions relating to the Cairns South State Development Area. Updates to the base layer (zone maps). Note – amendments to Part 4 are also subject to the LGIP administrative amendment.
Part 5 – Tables of assessment	Inclusion of a new table of assessment for the Special purpose precinct 1 – Cairns South State Development Area.
Part 6 – Zone code	Various amendments to the Special purpose zone code to acknowledge the Cairns South State Development Area and include a new zone precinct – Special purpose precinct 1 – Cairns South State Development Area.
Schedule 2 – Zone maps	Amendments to the zone maps to include the land within the Cairns South State Development Area within the Special purpose precinct 1 – Cairns South State Development Area.

Section of the CairnsPlan 2016	Proposed amendments
Schedule 3 – LGIP mapping and supporting material	<p>Changes to the planning assumptions Table SC3.2.3 - Planned density and Table SC3.2.4 Demand generation rate for trunk infrastructure network to explain the LGIP does not consider the SDA.</p> <p>Note – amendments to Schedule 3 are also subject to the LGIP administrative amendment</p>

An Administrative amendment including updates to all page numbers, section references, version references and cadastre boundaries will also be undertaken as a part of the amendments and will be included in Version 3.1 of CairnsPlan 2016.

Commencement date

2 August 2022 has been set as the commencement date for the Minor Amendment to CairnsPlan 2016, Administrative LGIP Amendment and Version 3.1 of the CairnsPlan 2016 planning scheme.

OPTIONS:

Option 1 (Recommended)

That Council:

1. Decides to amend the CairnsPlan 2016 planning scheme and prepare an Amendment to CairnsPlan 2016 'CairnsPlan 2016 Amendment 1 of 2022 – Minor' in accordance with the Planning Act 2016 and the Minister's Guidelines and Rules (Version 1.1);
2. Decides to adopt the CairnsPlan 2016 Amendment 1 of 2022 – Minor;
3. Sets 2 August 2022 as the commencement date for the CairnsPlan 2016 Amendment 1 of 2022 – Minor;
4. Decides to prepare an Administrative Local Government Infrastructure Plan Amendment 'Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative';
5. Decides to adopt the Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative;
6. Sets 2 August 2022 as the commencement date for the Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative;

7. Resolves to adopt the CairnsPlan 2016 Version 3.1 (incorporating CairnsPlan 2016 Amendment 1 of 2022 – Minor and Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative) in accordance with the requirements of the Planning Act 2016 and the Minister’s Guidelines and Rules (Version 1.1);
8. Sets 2 August 2022 as the commencement date for the CairnsPlan 2016 Version 3.1;
9. Undertakes public notification by writing to all landowners within the Cairns South State Development Area advising of the amendment;
10. Delegates authority to the Chief Executive Officer pursuant to the *Local Government Act 2009* to finalise any and all matters associated with the preparation, adoption and commencement of the CairnsPlan 2016 Amendment 1 of 2022 – Minor, Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative and CairnsPlan 2016 Version 3.1.

Option 2

That Council does not proceed with the proposed amendment to CairnsPlan 2016 and the LGIP.

CONSIDERATIONS:

Risk Management:

The process for preparing the proposed amendments has been undertaken in accordance with the *Planning Act 2016* and *Minister’s Guidelines and Rules under the Planning Act 2016 Version 1.1*. Early engagement has been undertaken with the Queensland Government Department of State Development, Infrastructure, Local Government and Planning to ensure that the proposed amendment meets the State’s interest.

Council Finance and the Local Economy:

The purpose of the amendment is to address advice from the Minister requesting that Council fully integrate the Cairns South SDA in the planning scheme.

Community and Cultural Heritage:

The Cairns South SDA Development Scheme has been prepared and approved under the *State Development and Public Works Organisation Act* and can not be further changed in response to submissions received by a Local government. Public consultation was undertaken by the Coordinator General in association with the declaration of the Cairns South SDA and the preparation of the Cairns South SDA Development Scheme. It is recommended that Council undertake public notification to ensure that affected landowners are directly informed of the proposed amendments.

Natural Environment:

This report considers a discrete issue to address advice from the Minister requesting that Council fully integrate the Cairns South SDA in the planning scheme. Natural

Environment matters are considered within the CairnsPlan 2016 and LGIP.

Corporate and Operational Plans:

The proposed amendments support Council's Corporate Plan 2021-2026, in particular Focus three: Design for Liveability.

The proposed amendments support Council's Operational Plan 2021-2026, in particular Focus three: Design for Liveability, Strategy 4 (Update Local Government Infrastructure Plan) and Strategy 5 (to progress major amendment number two of the Planning Scheme).

Statutory:

The proposed amendments have been prepared in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules under the Planning Act 2016 Version 1.1*.

Policy:

CairnsPlan 2016 is Council's primary plan for the future development and sustainable growth of Cairns and the proposed amendments seek to ensure it remains contemporary and compliant with statutory requirements.

The LGIP is Council's primary infrastructure planning policy document.

CONSULTATION:

The Cairns South SDA Development Scheme has been prepared and approved under the *State Development and Public Works Organisation Act*. Public consultation was undertaken by the Coordinator General in association with the declaration of the Cairns South SDA and the preparation of the Cairns South SDA Development Scheme.

While public consultation is not required under the Ministers Guidelines and Rules (Version 1.1) for a Minor amendment to a planning scheme or Administrative Amendment to a LGIP, it is recommended that Council undertake voluntary public notification to ensure that affected landowners are directly informed of the proposed amendments.

ATTACHMENTS:

Attachment 1 – Proposed CairnsPlan 2016 Minor Amendment (CairnsPlan 2016 Amendment 1 of 2022 – Minor) and Administrative Local Government Infrastructure Plan Amendment (Local Government Infrastructure Plan Amendment 1 of 2022 - Administrative)

Attachment 2 – CairnsPlan 2016 Version 3.1

D. Wellington

Deborah Wellington
Coordinator Strategic Planning and Growth Management

A handwritten signature in black ink, appearing to be 'ES', with a long horizontal line extending to the right.

Ed Johnson
Director Planning, Growth & Sustainability

Attachment 1 – Proposed CairnsPlan 2016 Minor Amendment (CairnsPlan 2016 Amendment 1 of 2022 – Minor) and Administrative Local Government Infrastructure Plan (Local Government Infrastructure Plan Amendment 1 of 2022 - Administrative) (DM #6996826)

See attachment Clause No 2.1

**Attachment 2 – CairnsPlan 2016 Version 3.1
(DM #6997292)**

See attachment Clause No 2.2