

appendix 11 – Urban Planning Analysis

21 July 2011

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SYDNEY NSW 2000

By Email: athomas@savills.com.au

Dear Adam,

CAIRNS ENTERTAINMENT PRECINCT – CONCEPT OPTIONS REVIEW ADVICE

We write to provide comment on the suitability of the proposed Design Concepts for the Cairns Entertainment Precinct with respect to the current town planning framework. Please find our review and comments outlined as follows.

1 The Concepts

We note the concepts the subject of this review are those outlined by the CACox Rayner Community Consultation information package including concept plans of July 2011. The two options outlined by this package are:

- Option 1 – Architectural Rainforest
- Option 2 – Layered Roofscape

The two options generally share the same building footprints, car parking and service vehicle arrangements and building height. The fundamental difference between the two options is the external architectural treatment, in particular the building roofscape.

For this reason the two options have been considered together in the following advice with any key differences, in terms of town planning implications identified as relevant.

2 Our Review Approach

The following comments are based on information gathered through the review of relevant State and Local planning frameworks, site inspection and discussions with key government stakeholders. Specifically this information includes:

State Planning Framework

- State Planning Policies;
- FNQ Regional Plan; and
- State Planning Regulatory Provisions.

Local Planning Framework

- Cairns Port Authority Land Use Plan (including Cityport and Seaport LAPs).

Consultation Undertaken

Discussions with Cairns Regional Council, Ports North, Department of Environment and Resource Management and Department of Transport and Main Roads have informed our review of the two concept options.

3 State Planning Considerations

- The development application will be required to respond to the requirements of each applicable State Planning Policy (SPP), these include:
 - SPP 1/10—Protecting wetlands of high ecological significance in Great Barrier Reef catchments
 - SPP 1/02—Development in the Vicinity of Certain Airports and Aviation Facilities
 - SPP 1/03—Mitigating the Adverse Impacts of Flood, Bushfire and Landslide
 - SPP 2/02—Planning and Managing Development involving Acid Sulfate Soils
 - Wet Tropical Coast Regional Coastal Management Plan
- The matters raised by these SPPs will be assessed through the development application process, however based on our preliminary review we have identified no significant impediments to successfully responding to each SPP. Further detailed technical analysis is however required to confirm compliance, particularly with regard to flooding, stormwater quality and acid sulphate soils.
- White's Shed is identified as a place of State Heritage Significance. We understand that preliminary discussions have been held between CACox and DERM and that in principle support has been expressed by DERM for the initial concepts. Notwithstanding, there are multiple design options available that will be able to ensure successful DERM approval is achieved, critically the intent of the project is to retain and repair important elements of heritage value. We recommend early and ongoing engagement with DERM during design development to ensure their support is secured for the preferred concept.
- The site is identified on the Queensland Environmental Management Register (EMR) but is not identified on the Contaminated Land Register (CLR). Preliminary discussions with DERM identify that the project will need to identify the extent of any contamination on site, explore options to contain or remove that contamination and outline an agreed method to remediate the site, if required. From a planning perspective, the location of potential contaminants on site is considered a challenge that can be suitably addressed by detailed analysis and management plan preparation.
- The FNQ Regional Plan recognises the Port of Cairns as important Regionally Significant Infrastructure and supports the ongoing development and operation of the port through its policy intents. While the CEP will not form part of the Port operations, the engagement with Port of Cairns to date appears to have been positive with respect to the proposal. Importantly some of the early issues identified by Cairns Ports regarding the preservation of their ongoing operations in the vicinity of the CEP, such as building orientation and design to buffer noise and visual amenity issues appear to have been appropriately considered and addressed. The CEP is therefore considered to be able to achieve consistency with the intent expressed in the Regional Plan. This will need to be demonstrated through technical reporting (particularly around matters such as noise analysis, traffic and transport and parking solutions) underpinning a sound response to the Ports 'Overriding Objectives' as discussed further below.

- Under the FNQ Regional Plan the site is contained within the Urban Footprint and the Regional Plan's Regulatory Provisions do not limit or constrain development on site.
- In relation to public transport we note our discussions with Department of Transport and Main Roads (DTMR) of 13 July 2011 (Refer Minutes Attachment A). The key topic discussed relates to public transport and its ability to service the CEP. It is understood DTMR is currently in the early stages of implementing the Cairns Transit Network strategy. This strategy does not currently provide a direct link to CEP however, from discussions with DTMR, new connections to CEP will be considered as the need arises and various options for new bus servicing will be considered. As part of any future development application, DTMR is particularly interested in understanding the proposed bus stop arrangements as part of CEP, in particular ensuring appropriate set down provisions are designed and planned. The exact nature of these arrangements will however be subject to further discussion with DTMR during the course of the project.

In summary, based on our preliminary analysis, no State planning framework considerations are identified that significantly prejudice the project or would impact on achieving a successful development approval.

4 Local Planning Considerations

- The Cairns Port Authority Land Use Plan forms the governing planning framework relevant to development of CEP. Under this framework, a Code Assessable development application is required to facilitate CEP. Ports North will act as Assessment Manager for this application.
- Options 1 and 2 generally align with the planning intent for Cityport and Seaport Local Area Plans. In areas of conflict with detailed design parameters such as proposed building height, car parking or building setbacks, a design approach needs to focus on meeting the overall intent and vision for the precinct to support the alternative outcomes proposed.
- Discussions with Ports North confirm in principle support for either concept (Refer Minutes Attachment B). Ports North also recognise that some alternative solutions will be required by the proposal when assessed against the Cityport and Seaport Local Area Plans and that they will be open to considering planning grounds that justify any conflict.
- The primary priority of Ports North in its assessment of any future development application will be to ensure that its 12 'Overriding Objectives' for the proposal are satisfied. These objectives relate to:
 - Protecting the operation of existing seaport activities;
 - Maintaining vehicular access to all wharves;
 - Maintaining port access to Wharf Street;
 - Protecting cruise terminal operations;
 - Creating appropriate transition or buffer zones;
 - Creating strong pedestrian linkages;
 - The future use being operated in a effacing and effective manner;
 - The project being high standard in design and construction;
 - Construction being completed in a timely manner;
 - Design and construction safeguarding future port operations;
 - To be complementary with existing and future development; and
 - To comply with all relevant heritage requirements.

In our view, it is likely a development application can be prepared to satisfactorily respond to these overriding objectives, subject to further detailed analysis pertaining to:

- Traffic volumes, particularly at peak times and the need to clearly investigate potential external network impacts and solutions, for example intersection design and service vehicle manoeuvring.
- Car parking provision, in particular explaining on-site parking constraints and examining options to accommodate 'overspill' parking demands generated by CEP. Cairns Regional Council as applicant for CEP must be satisfied with the viability and functionality of any proposed car parking strategy with a view to:
 - Not exacerbating any existing or future shortfall of city centre car parking;
 - Ensuring clear and legible pedestrian access to and from CEP to its surrounding precincts; and
 - Ensuring any proposed car parking strategy does not create any perceived precedent for the city centre.
- The ability for appropriate acoustic treatment to mitigate any noise, odour or vibration impacts of port operations on CEP.
- Confirmation of potential infrastructure charges or necessary infrastructure agreements with Ports North. We note this is currently subject to separate investigations.

5 Summary and Conclusions

In summary, both Concept Options appear likely to be able to satisfy the requirements of State and Local planning frameworks. From our preliminary analysis we have not identified any significant impediments that would impact on securing development approval for either option.

Key considerations for either option will however be the details proposed with respect to the:

- Development of a complete car parking strategy;
- Investigation and resolution of proposed traffic and transport arrangements (intersection capacity and service vehicle manoeuvrability for example);
- Completion of details analysis with respect to the conservation of White's Shed, the management of any on site contamination, the establishment of sufficient flood immunity, the achievement of required noise, vibration and odour attenuation measures; and
- Provision of adequate infrastructure services including sewer, water and stormwater.

We trust this information is of assistance. Should you have any questions please contact Kris Krpan or the undersigned on 07 3007 3800.

Yours sincerely,



Peter Gill
Director

Attachment A

minutes

Topic	Cairns Entertainment Precinct – Traffic and Transport – Department of Transport and Main Roads
Held at:	Spence Street, Cairns
On:	13 July 2011
Attendees:	(KK) Kris Krpan – Urbis (PG) Peter Gill – Urbis (AT) Adam Thomas – Savills (LC) Linda Cardew – Cairns Regional Council (RP) Ray Plasto – DTMR (RG) Ramy Gokal – DTMR (JB) John Bremen - DTMR

Purpose

The meeting was held with DTMR to discuss public transport and its interface with the proposed Cairns Entertainment Precinct (CEP).

Key Discussion Points

- (RP) DTMR are currently working on the Cairns Transit Network Project with initial actions focused on transit corridor protection.
- (RP) Future priority busway spines are proposed along Lake Street and Spence Street that are of relevance to the CEP.
- (RP) The nearest busway station planned relevant to CEP is located on Spence Street near Cairns Central Shopping Centre.
- (LC) Discussion had regarding the need to improve connectivity to the future public transport corridor.
- (RP) DTMR would seek to provide necessary services to CEP when it commences operation. This may include a specific service running directly off the priority busway which is supplemented by additional busses during larger events.
- (RP) DTMR will also be interested in understanding active transport links to CEP and end of trip facilities.

Key Outcomes

- Future development application to provide detail on proposed public transport demand if possible.
- Future development application to detail proposed bus set down design and capacity on Wharf Street. It should also confirm if platforms will be proposed on both sides of Wharf Street?
- Malcolm Hardy is the Senior DTMR officer who will be responsible for any future development assessment, Ph 07 4050 5511.
- DMTR in principle will support the CEP with additional public transport as demand requires. The exact strategy will be further investigated during development assessment but a number of options to provide further bus services can be explored.

Attachment B

minutes

Topic Cairns Entertainment Precinct – Town Planning Process
Held at: 51 The Esplanade Cairns
On: 12 July 2011
Attendees: (KK) Kris Krpan – Urbis
(PG) Peter Gill – Urbis
(SM) Stephen Mason – RPS
(AT) Adam Thomas – Savills
(MC) Michael Colleton – Ports North
(MR) Michael Rayner – Cox Rayner

Purpose

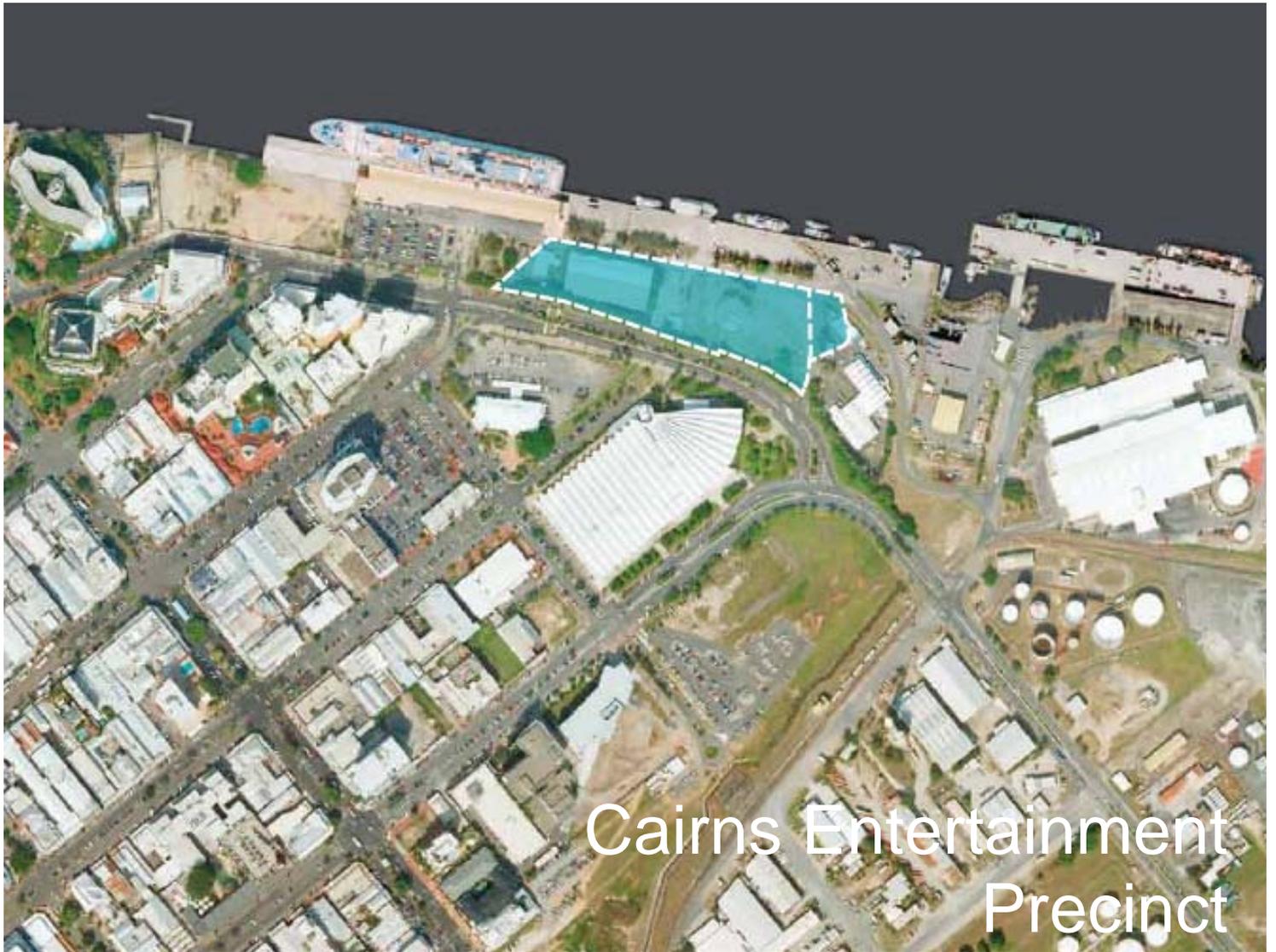
The meeting was held to introduce Urbis and the team to the Ports North Assessment Manger (RPS) and to discuss the initial concepts and agree on the planning framework way forward.

Key Discussion Points

- MC – The Overriding Principles outlined by the draft framework for the corner stone of any future assessment by Ports North.
- MC – In principle the application appears an appropriate outcome, however Ports North will carefully assess the detail to ensure the 12 Overriding Objectives are achieved.
- SM – Key considerations in the assessment with be noise buffering, pedestrian connections to the north of the site, car parking strategy, nexus with convention centre, hazard and risk management, QLD coastal plan flood immunity levels.
- SM – Grafton Street View line loss will need to be justified, and it is likely that there will be sufficient planning grounds to achieve this.
- MC – Ports North will likely need to refer the application to the Transport Minister for review.

Key Outcomes

- General agreement to adopt a partnership approach with RPS and Urbis working closely to prepare the development application. Urbis to prepare work program to outline key tasks and milestones to prepare development application to allow RPS to prepare assessment resources.
- Cox Rayner to prepare a concept design report outlining how the project responds to each of the 12 Overriding Objectives.
- RPS to source Infrastructure Charges Policy and advise on possible charges/requirements.
- Agreement that RPS and Urbis to meet/discuss any aspects of the application as required.



Cairns Entertainment Precinct

Town Planning – Briefing Note 1

17 June 2011

For Cairns Regional Council

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Associate Director	Kris Krpan
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Report Number	1.1

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Executive Summary

This Briefing Note forms stage one of a two stage process designed to inform Cairns Regional Council on the planning strategy recommended for achieving a timely and efficient development approval for the Cairns Entertainment Precinct. The key findings and recommendations made throughout this Briefing Note are summarised in Table 1.

TABLE 1 – PRELIMINARY DEVELOPMENT APPLICATION STRATEGY

ELEMENT	PRELIMINARY FINDINGS	RECOMMENDATION
State and Regional Planning Framework	<ul style="list-style-type: none"> ▪ The Far North Queensland Regional Plan recognises the Port of Cairns as important Regionally Significant Infrastructure. The plan does not however limit development on site through its regulatory provisions. ▪ The Cairns Wharf Complex is of heritage significance and listed on the State Cultural Heritage Register. The site is to be developed and managed in accordance with an existing Conservation Management Plan which was approved by Cairns Council and DERM in 2008. ▪ The site is identified on the Queensland Government Environmental Management Register (EMR) which triggers referral of the application to DERM for assessment . 	<ul style="list-style-type: none"> ▪ The development application should ensure that relevant specialist consultants respond to the requirements of each applicable State Planning Policy (SPP), these include: <ul style="list-style-type: none"> – SPP 1/10—Protecting wetlands of high ecological significance in Great Barrier Reef catchments – SPP 1/02—Development in the Vicinity of Certain Airports and Aviation Facilities – SPP 1/03—Mitigating the Adverse Impacts of Flood, Bushfire and Landslide – SPP 2/02—Planning and Managing Development involving Acid Sulfate Soils – Wet Tropical Coast Regional Coastal Management Plan ▪ The Cairns Wharf Complex Conservation Management Plan must be obtained and reviewed. Initial discussion should commence as a priority with Department of Environment and Resource Management (DERM) officers to discuss the proposed Entertainment Precinct Concept and its relationship to heritage places. ▪ Preliminary discussions should also be held with DERM officers to identify their information requirements in relation to site contamination constraints.
Local Planning Framework	<ul style="list-style-type: none"> ▪ The development application will be subject to the provisions of the Cairns Port Authority Land Use Plan, specifically the Cityport Local Area Plan and Seaport Local Area Plan. ▪ Additionally the development proposal will need to have regard to a range of ‘General 	<ul style="list-style-type: none"> ▪ Council confirms the types of land uses proposed for the project to ensure the development application allows for all proposed land uses. ▪ Both design concept options developed generally meet the intent of the Cityport and

ELEMENT	PRELIMINARY FINDINGS	RECOMMENDATION
	<p>Codes' which cover aspects such as parking and landscaping.</p> <ul style="list-style-type: none"> ▪ Although the General Codes outline specific rates for car parking provision, there is some flexibility to seek alternative solutions. In this regard, a specialist traffic report would need to be undertaken which demonstrates to the Cairns Port Authority that the rate of parking being proposed is sufficient and fit for purpose. 	<p>Seaport Local Area Plans however the design will need to consider:</p> <ul style="list-style-type: none"> – Retention of view corridors – Confirmation of GFA limits – Confirmation of appropriate setbacks – Confirmation of car parking flexibility <p>▪ Encroachment of the proposal into the Seaport LAP is minor. Notwithstanding the precinct that is encroached is identified to form a 'transitional precinct'. The proposal does not appear to significantly conflict with the intent for the precinct and provides a transitional land use between port and city activities.</p> <ul style="list-style-type: none"> ▪ Likely supporting specialist reports needed to support the development application and respond to the General Codes include: <ul style="list-style-type: none"> – Stormwater Quantity and Quality Report. – Amenity Report (including noise, odour and vibration) – Heritage Report – Environmental Management Plan – Landscape Plan – Public Art Strategy – Sustainability Report – Traffic Report – Engineering Infrastructure and Services Report
Draft Framework Agreement	<ul style="list-style-type: none"> ▪ The framework agreement process appears repetitive of the development approval process with the Cairns Port Authority requiring approval of design guidelines, a development plan and Lease Area A before an application has even been submitted for consideration. 	<ul style="list-style-type: none"> ▪ Council in partnership with the Cairns Port Authority should explore simplification of the process to integrate the development of the design guidelines and concept as a part of the development application process. This approach would save both parties significant time and cost, while retaining the Port Authority's ability to review design as it progresses.
Future Planning Frameworks	<ul style="list-style-type: none"> ▪ Future or draft planning frameworks can provide important indicators of areas of opportunity or risk in preparing a development application. ▪ Projects currently being undertaken which are relevant to the Cairns Entertainment Precinct includes the Cairns City Centre Master Plan. ▪ It is unknown whether the Cairns Port Authority 	<ul style="list-style-type: none"> ▪ Further discussions should be held prior to preparation of a development application with Cairns Regional Council and the Cairns Port Authority to identify the implications of current master planning activities.

ELEMENT	PRELIMINARY FINDINGS	RECOMMENDATION
	<p>is currently undertaking master planning activities or considering review of its local area plans.</p>	
Infrastructure Charges and Planning	<ul style="list-style-type: none"> ▪ The Cairns Port Authority Land Use Plan provides the opportunity for the Port Authority to require Council to enter into some form of infrastructure agreement or contribute to infrastructure charges. The document is silent however on the exact nature of any potential charges or agreement. 	<ul style="list-style-type: none"> ▪ Further discussions should be held with the Cairns Port Authority to identify the risks associated with infrastructure charges (costs and method of calculation) or any potential infrastructure agreement.
Project Timeframes	<ul style="list-style-type: none"> ▪ We understand project timing is critical to the success of this project and to secure project funding. ▪ Having reviewed the timeframes stipulated by the draft Framework Agreement and the planning process indicative timeframes to secure necessary approvals are: <ul style="list-style-type: none"> – 10 months as an ‘optimum’ and optimistic timeframe; or – 14 months as a ‘realistic’ but not worst case timeframe where negotiations become protracted. 	<ul style="list-style-type: none"> ▪ Cairns Regional Council should seek to streamline the process proposed by the draft Framework Agreement. ▪ Cairns Regional Council should commence application preparation as a priority to ensure project critical timeframes can be met.
Development Approval Options	<ul style="list-style-type: none"> ▪ Two options were considered to secure necessary planning approvals. Option 1 is to make a development application to the Cairns Port Authority. Option 2 is to seek a Ministerial Community Infrastructure Designation. ▪ Option 1 is recommended as the preferred option given that it is a much simpler process which provides significant time and resource efficiencies compared to Option 2. 	<ul style="list-style-type: none"> ▪ Cairns Regional Council has confirmed it is agreeable to pursuing Option 1 – lodgement of a development application with Cairns Port Authority. ▪ The application would be Code Assessable, which would ensure there is no risk of third party appeal created.

Briefing Note 2 will provide further guidance on the development application strategy informed by further discussions with Council and the Cairns Port Authority or its planning representatives. It will also seek to confirm other necessary approvals including any environmentally relevant activities or subdivision required to create the proposed lease area.

1 Introduction

This Briefing Note forms one of two briefing notes to be prepared to assist Cairns Regional Council formulate its development application strategy for the Cairns Entertainment Precinct project.

The purpose of this Briefing Note is to identify initial risks and opportunities to securing a timely and efficient development approval and to outline a development application strategy to achieve this outcome. The findings of this Briefing Note will be refined through further investigations and discussions with stakeholders and a final development application strategy will be presented in Briefing Note 2.

2 Site Context

2.1 REGIONAL CONTEXT

The Cairns Entertainment Precinct is located within the Port of Cairns, situated directly to the west of Cairns CBD. The Port of Cairns is a key regional asset for Far North Queensland, and has a dual operation as both a traditional seaport, servicing the city of Cairns, Far North Queensland region and other various national and international depots; and also as an important tourist exchange point, providing transport and interchange services for a large number of cruise ship and tourist vessels.

The Port of Cairns' significant location to the immediate west of the Cairns CBD allows it to maintain a strong connection to the mix of commercial, industrial, retail and residential operations of the city centre; as well as maintain a direct link to the Trinity Inlet at the seaward extremity of the western shore. This locational advantage allows the Port of Cairns to draw on a large population base both nationally and internationally making it one of Australia's most active cruise ports.

The Port of Cairns is a major contributor to economic output in the Far North Queensland region with benefits impacting many industry sectors including tourism, marine industry, transport, property and business services. The Port also acts as a strong employment hub and activity generator for the Far North Queensland region and contributes to the overall character and vibrancy of both the city and region.

2.2 LOCAL CONTEXT

The Port of Cairns is located directly to the west of Cairns CBD at the seaward extremity of the western shore of the Trinity Inlet. The Port of Cairns is the most northern port on the eastern seaboard and is the closest port to the Great Barrier Reef. The Cairns Entertainment Precinct is located in the centre of the Ports land, between Wharf Street to the west, the Trinity Inlet to the east, the heavily accessed ports marina to the north and the industrial seaport facilities to the south, This strategic location within the centre of the Ports land means the Cairns Entertainment Precinct site acts as a buffer area between the tourist rich marina and the traditional seaport activities to the south, providing a transition between the two uses (refer Aerial Photograph in Figure 1).

A snapshot of the site's key characteristics is provided in Table 1 below.

TABLE 2 – SITE CHARACTERISTICS

SITE ADDRESS	WHARF STREET, CAIRNS
Property Description	Proposed lease area over Lots 10 on SP214821 and Lot 9 on SP 113632
Land Owner	Far North Queensland Ports Corporation Limited
Local Authority	Cairns Port Authority
Location	The site is located with the Port of Cairns and is bound by the Cairns Esplanade and Marina to the north and the industrial seaport to the south. The Cairns CBD is located directly to the west of the site.
Access	The site maintains a primary frontage to Wharf Street. The primary vehicle access point is from the secondary street network which runs to the north and south of the site.
Easements and Encumbrances	The subject lots are not burdened by easement or encumbrances.
Landform	The site is not burdened by steep topography. The site is however identified as flood prone, and contains Acid Sulphate Soils.
Vegetation	No significant vegetation is identified on site.

Existing and Historical Uses	The site is not currently used for any specific purposes, and is largely vacant. The site currently contains the heritage listed White's Shed and other minor ancillary structures and has previously been used for sugar storage/loading and later used to store copper concentrate for the Red Dome mine.
Heritage Significance	The site is identified on the QLD Heritage Register and Whites Shed is protected by an existing Conservation Management Plan.
Site Contamination	The site is identified on the Queensland Environmental Management Register (EMR) but is not identified on the Contaminated Land Register (CLR).

A Local Context Plan which illustrates these elements has been included as Figure 1 overleaf.



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- Legend**
- Site
 - Significant Community Facilities**
 - State Primary School
 - State Secondary School
 - Independent School
 - Special School
 - Child Care Centre
 - TAFE/University
 - Hospital
 - Shopping Centre
 - Queensland Health Facility
 - Hotel
 - Other Points of Interest**
 - Other
 - Ambulance Service
 - Government Office
 - Reception/Conference Centre
 - Fire Service
 - + Place of Worship
 - Police
 - Post Office
 - SES
 - Sport, Recreation and Leisure

- Walkable Catchment - 400m
- Property Boundaries
- Open Space
- Railway Line
- Railway Station

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Kilometres



2.3 SURROUNDING LAND USES

The Cairns Entertainment Precinct site is located in the centre of the Port of Cairns land and is surrounded by a mix of port facilities to the north and south, and a variety of city centre activities to the west. An analysis of the land uses surrounding the site is outlined as follows.

2.3.1 Port of Cairns

The Port of Cairns facilities comprise a mix of publicly accessed and private facilities. The northern portion of the Ports land is characterised by the Cairns Marlin Marina, a 217 berth Marina accommodating a variety of cruising vessels, superyachts and reef vessel operations which service the Great Barrier Reef. The Marlin Marina is supported by a mix of entertainment, recreation and retail facilities including various hotels, Pier Shopping Centre, ancillary restaurants and retail tenancies, and travel offices and administration centres. A green pedestrian walkway runs along the waterfront, providing pedestrian access to the various facilities from the waterfront. Vehicle and pedestrian access is also provided from Wharf Street, and car parking is provided on site.

The southern portion of Ports land is comprised of traditional seaport facilities. These services facilitate the distribution of goods to and from Cairns daily, and provide for the operation of various ports related activities. Services provided within the seaport include ship building and repair, bulk sugar and molasses terminal activities, commercial fishing base services, fertiliser terminal activities, and oil/fuel activities among others.

2.3.2 Cairns CBD and surrounds

The Cairns CBD is located directly to the west of the site. The city of Cairns is Far North Queensland's major urban hub, and contains a population of approximately 150,000 people. The CBD stretches west where it meets the port of Cairns. Key land uses in close proximity to the Port of Cairns include the Convention Centre, Cairns Central Shopping Centre, Cairns Esplanade, and Barlow Park. Please refer to Figure 1 for an aerial photograph of the key Cairns CBD land uses surrounding the site.

2.4 SUMMARY

SITE CONTEXT – KEY FINDINGS

State & Regional Context

- The site is located within the Port of Cairns, one of Australia's most active cruise ship and industrial seaports.
- The Port of Cairns is a lively tourist destination, and services over 650,000 tourists annually.
- The site maintains strong links to the Cairns CBD and Cairns Esplanade.
- The site is identified on the QLD Heritage Register and Environmental Management Register which will require the development application to be referred to DERM for assessment.

Local Context

- The site is surrounded by a mix of port facilities including the marina to the north and industrial seaport facilities to the south.
- The site is located in close proximity to a mix of Cairns city centre facilities including the Convention Centre, Cairns Central Shopping Centre, Cairns Esplanade, and Barlow Park.
- The site does not contain any significant environmental values or features.
- The site is identified as being flood prone.
- The site is identified as containing Acid Sulphate Soils.
- The site is identified within the Obstacle Limitation Surface area for Cairns Airport.

3 State Planning Framework

A summary of the current and proposed State and Regional planning regulatory frameworks relevant to the site and its constraints and opportunities is provided as follows.

3.1 STATE PLANNING FRAMEWORK

3.1.1 State Planning Regulatory Provisions

State Planning Regulatory Provisions (SPRPs) are the overriding state planning instruments that have the ability to regulate and prohibit development despite the provisions of a local planning instrument. Table 3 below identifies the SPRPs that are relevant to the site.

TABLE 3 – CURRENT REGULATORY PROVISIONS

Current Regulatory Provisions	Applicability
Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions 2009	Applicable - The site is located within the Far North Queensland region. The Far North Queensland State Planning Regulatory Provisions 2009 apply however; they have no implications for development on this site.

3.1.2 Relevant State Planning Policies

State Planning Policies (SPPs) are a mechanism by which the State Government expresses its interest in economic, social, or environmental issues that can be implemented through planning schemes and development assessment and form a primary mechanism for State Agencies to respond to development applications through referral powers.

Relevant SPPs to the site are identified in Table 5 below.

TABLE 4 – CURRENT STATE PLANNING POLICIES

State Planning Policies	Applicability
<i>SPP 2/02—Planning and Managing Development involving Acid Sulfate Soils</i> sets out the State's interests concerning development involving acid sulfate soils in low-lying coastal areas.	Applicable – The site is identified below 20 metres AHD. Where the proposed development seeks to exceed the thresholds for Acid Sulfate Soils identified in the SPP, the Policy will need to be addressed as part of a future application to the Ports Authority. Responding to the SPP will require preparation of a preliminary Acid Sulphate Management Plan.
<i>SPP 1/03—Mitigating the Adverse Impacts of Flood, Bushfire and Landslide</i> sets out the State's interest in ensuring that the natural hazards of flood, bushfire, and landslide are adequately considered when making decisions about development.	Applicable – The site is identified as being subject to flooding. Where the proposed development exceeds the thresholds identified in the SPP, this policy will need to be addressed. Responding to the flood component of the SPP should be addressed as part of the specialist flood or stormwater report prepared to support the development application.

State Planning Policies	Applicability
<p><i>SPP 1/10—Protecting wetlands of high ecological significance in Great Barrier Reef catchments (temporary SPP)</i> seeks to ensure that development in or adjacent to wetlands of high ecological significance in Great Barrier Reef catchments is planned, designed, constructed and operated to prevent the loss or degradation of wetlands and their values, or enhances these values, in particular, the hydrological regime and ecological values of those wetlands.</p>	<p>Applicable - The site is included within the Great Barrier Reef catchment. This State Planning Policy therefore applies. Primary concerns that need to be addressed relate to water runoff, its treatment and discharge quality.</p> <p>Responding to the SPP should be addressed as part of the specialist stormwater report prepared to support the development application.</p>
<p><i>SPP 1/02—Development in the Vicinity of Certain Airports and Aviation Facilities</i> addresses planning for and in the vicinity of certain aerodromes and aeronautical facilities. The policy requires Local Authorities to take account of current and future aircraft operational requirements when considering development applications in the vicinity of such facilities, among other matters.</p>	<p>Applicable –The site is triggered by the local Obstacle Limitations Surface Overlay. This SPP is therefore relevant and should be addressed.</p> <p>The proposal does not encroach into the Obstacle limitation overlay (which is set at 70m AHD)</p>
<p><i>State Coastal Management Plans</i> continue to have the effect of State Planning Policies under the repealed <i>Integrated Planning Act 1997</i>. A State Coastal Management Plan describes how the coastal zone is to be managed as required by the <i>Coastal Protection and Management Act 1995</i>. The Coastal Act provides coastal management policy direction and defines how these policies should be implemented by Government, industry and the community.</p>	<p>Applicable - The site is located within the Wet Tropical Coastal Management Area. This SPP is therefore relevant to any future application.</p> <p>Responding to the SPP should be addressed as part of the specialist stormwater report prepared to support the development application.</p>

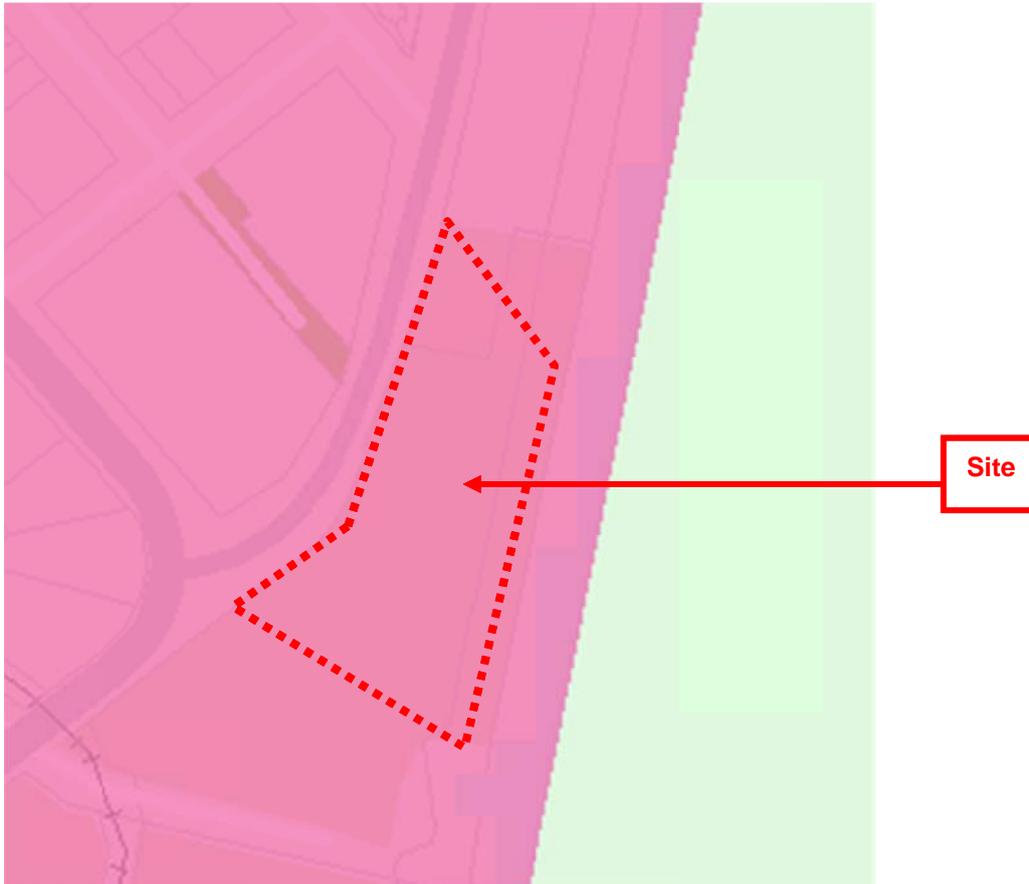
3.2 REGIONAL PLANNING FRAMEWORK

3.2.1 Far North Queensland Regional Plan

The Far North Queensland Regional Plan 2009-2031 (FNQ Regional Plan) was adopted in February 2009 and is intended to provide a framework for the sustainable management of growth and development in the Far North Queensland region until 2031.

The site is contained within the 'Urban Footprint' of the FNQ Regional Plan (refer Figure 2). Under the FNQ Regional Plan the site is identified as supportive "Regionally Significant Infrastructure" which is to be protected and enhanced. The FNQ Regional Plan regulatory provisions do not apply to the site as they are primarily aimed at protecting and conserving land outside the 'Urban Footprint'.

FIGURE 1 – FNQ REGIONAL PLAN DESIGNATION (SOURCE: FNQ REGIONAL PLAN 2009-2031)



3.2.2 Far North Queensland Regional Plan Infrastructure Plan

The Far North Queensland Infrastructure Plan supports the FNQ Regional Plan by identifying the current and future needs of the region and outlining the infrastructure required to support the region’s desired growth in an efficient manner. The FNQ Regional Plan Infrastructure Plan highlights the importance of the region’s seaports in developing and supporting growth in the region. The Infrastructure Plan states that “seaports need to be carefully planned to provide for increased port and harbour activities”.

The planning and development of the seaport area also needs to consider and balance environmental constraints with the provision of facilities for passengers and port activities”. A key initiative of the Infrastructure Plan is the \$11.2 million upgrade to the Cairns Cruise Ship Terminal, located within Port land to the north of the site. This upgrade is expected to trigger increased growth and renewed activity within Ports land.

3.2.3 State and Regional Planning Snapshot

A snapshot of the State and Regional Planning Framework for the site is identified below

STATE AND REGIONAL PLANNING FRAMEWORK SUMMARY	
FNQ Regional Plan 2009-2031	
▪	The FNQ Regional Plan recognises the Port of Cairns as important supportive Regionally Significant Infrastructure. The site is contained within the Urban Footprint and accordingly the Regional Plan’s Regulatory Provisions do not limit or constrain development on site.
FNQ Regional Infrastructure Plan	
▪	The FNQ Regional Infrastructure Plan highlights the importance of the region’s seaports in developing and

STATE AND REGIONAL PLANNING FRAMEWORK SUMMARY

supporting growth in the region.

- The Infrastructure Plan highlights that “seaports need to be carefully planned to provide for increased port and harbour activities.

State Planning Policies

The site is likely to trigger the following State Planning Policies:

- SPP 1/10—Protecting wetlands of high ecological significance in Great Barrier Reef catchments (temporary SPP)
- SPP 1/02—Development in the Vicinity of Certain Airports and Aviation Facilities
- SPP 1/03—Mitigating the Adverse Impacts of Flood, Bushfire and Landslide
- SPP 2/02—Planning and Managing Development involving Acid Sulfate Soils
- Wet Tropical Coast Regional Coastal Management Plan

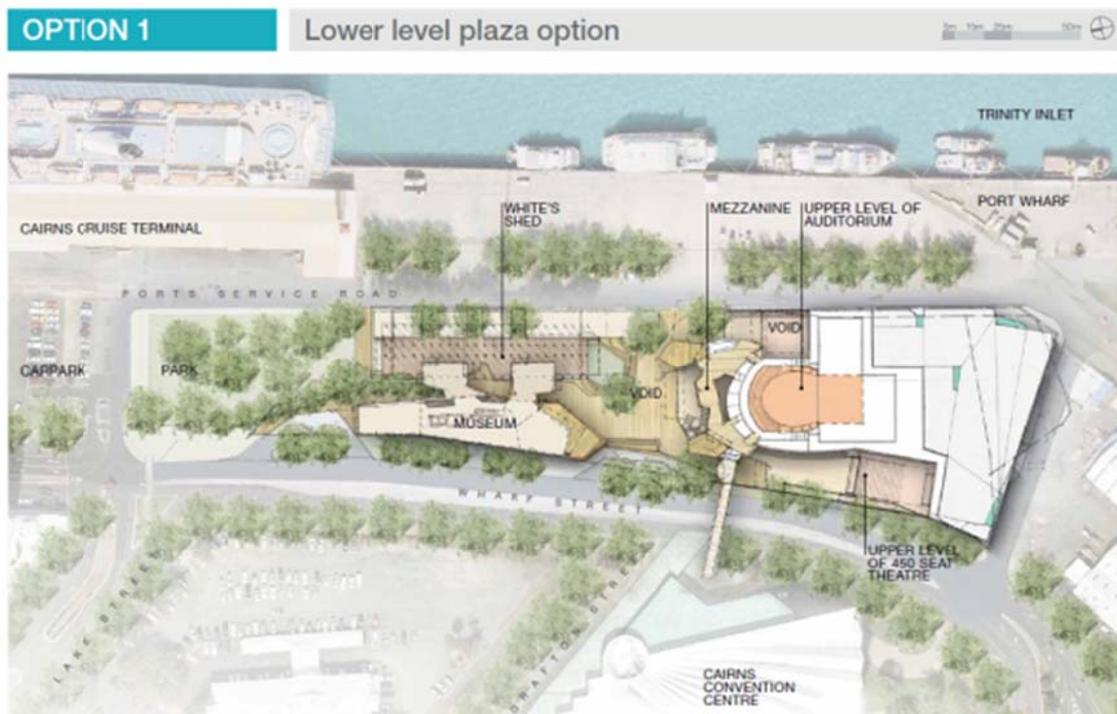
4 Local Planning Framework and Concept Review

The Local Planning Framework is critical to the formation of a development application strategy for this project. This section provides a summary of key parameters set by the local planning framework, a review of the proposal against these parameters and identification of planning risks.

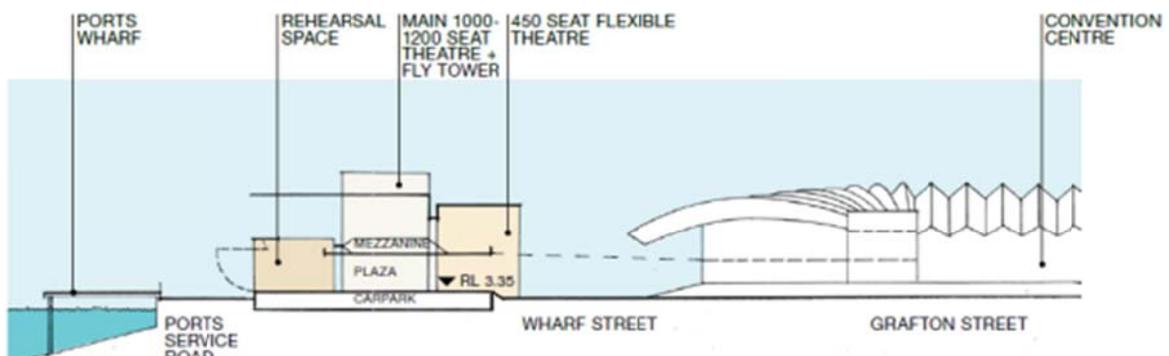
4.1 DESIGN CONCEPT OPTIONS

We understand that two design concepts have been prepared for the Cairns Entertainment Precinct. The key elements of each option is summarised below. These concepts form the basis for our initial planning framework analysis, preliminary design review and planning strategy development.

FIGURE 2 – OPTION 1

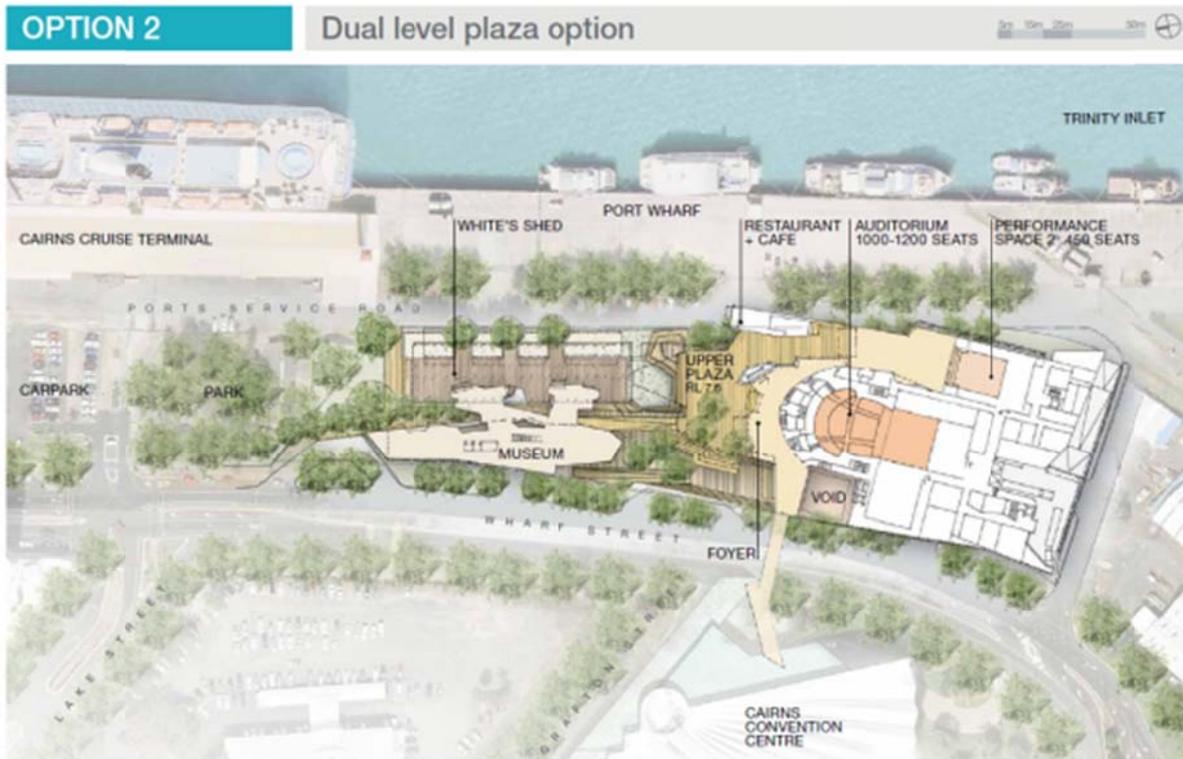


PICTURE 1 – PLAN VIEW

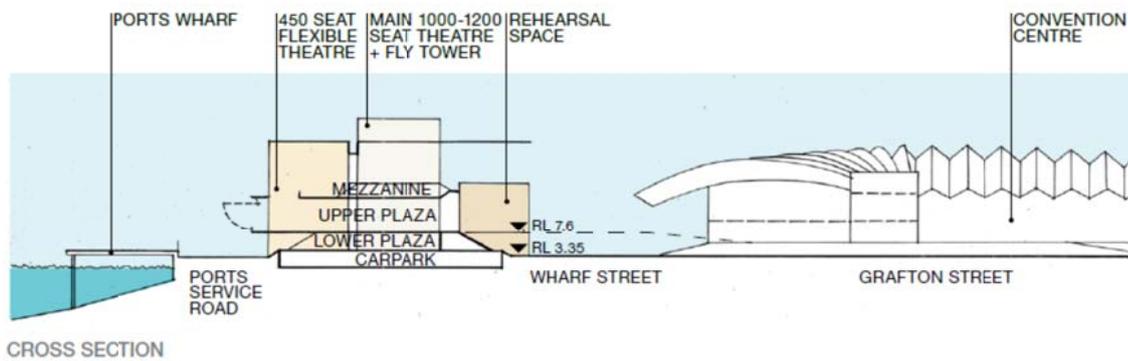


PICTURE 2 – SECTION VIEW

FIGURE 3 – OPTION 2



PICTURE 3 – PLAN VIEW



PICTURE 4 – SECTION VIEW

4.2 LOCAL PLANNING FRAMEWORK – CONTEXT

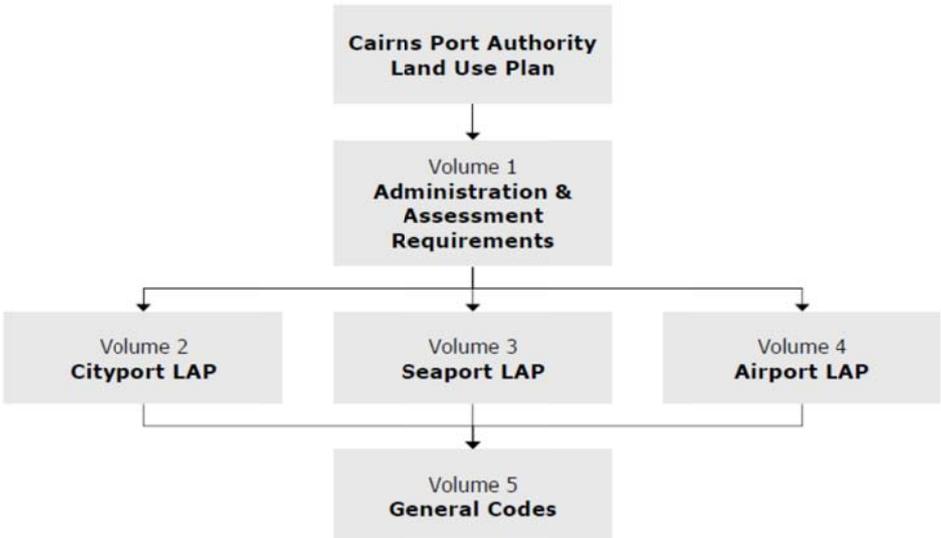
The local planning framework that applies to Strategic Port Land in Queensland is separate from that applicable to land within a local government area.

Amendments to the *Integrated Planning Act 1997* (IPA) and the *Transport Infrastructure Act 1994* (TIA) in December 2000 made Port Authorities the Assessment Manager for developments undertaken wholly on Strategic Port Land. These provisions have been transferred into the *Sustainable Planning Act 2009* which is now the legislation guiding planning approval and process in Queensland.

Essentially this means the Cairns Port Authority (The Assessment Manager) is responsible for preparing plans, preparing applications and assessing applications on Strategic Port Land.

Development on Land within the boundaries of Strategic Port Land must be developed generally in accordance with the Cairns Port Authority Land Use Plan. The Cairns Port Authority has in place a series of 'local area' plans which govern development on site and form the basis of its 'Land Use Plan'. This relationship is summarised by Figure 5.

FIGURE 4 – CAIRNS PORT AUTHORITY LAND USE PLAN STRUCTURE



The Cairns Entertainment Precinct project will need to consider the provisions of Volumes 1,2,3 and 5 in preparing the development application.

4.2.1 Defined Uses

Based on the information reviewed to date, the proposed Museum, Community Hub and Theatre are defined as 'Indoor Sport and Entertainment' and 'Tourist Attraction' uses under the Land Use Plan. The LUP defines these terms as follows:

- **Indoor Sport and Entertainment** – *The use of premises for sport, physical exercise, recreation or public entertainment predominantly within a building. The use includes facilities commonly described as sports centre, gymnasium, amusement and leisure centre, cinema, reception room or theatre.*
- **Tourist Attraction** – *The use of premises for an activity or range of activities designed and operated primarily to attract tourists, the use may include interpretative facilities, retail outlets for the sale of souvenirs and similar items, kiosk, restaurant, administrative office and managers residence. The use includes facilities commonly described as pioneer village, sanctuary and animal park, theme park, waterslide or zoo.*

Further guidance will be requested from the project team prior to the completion of Briefing Note 2 to confirm the exact mix of land uses envisaged for this site and whether any additional uses beyond those listed above are proposed.

4.3 LOCAL AREA PLANS

The site falls within two Cairns Port Authority Local Area Plans being Cityport and Seaport. Key aspects of these documents are outlined as follows:

4.3.1 Cityport LAP – Key provisions

The Cityport LAP seeks to integrate the Cairns CBD with part of the Cairns waterfront to “create an outstanding urban waterfront re-development” that provides “on-going benefits for residents, the commercial community and tourists”.

The Strategic Vision for the Cityport LAP is as follows:

*“Cityport will be a functional, dynamic and cohesive urban waterfront precinct that is distinctive to Cairns. It will incorporate a **diverse range of uses** and activities which complement the City Centre while also **creating a vibrant urban area** adjoining the inlet.*

Cityport will provide world standard international cruise terminal and reef fleet tourist vessel facilities, reinforcing Cairns’ reputation as the pre-eminent gateway to Far North Queensland and the Great Barrier Reef.

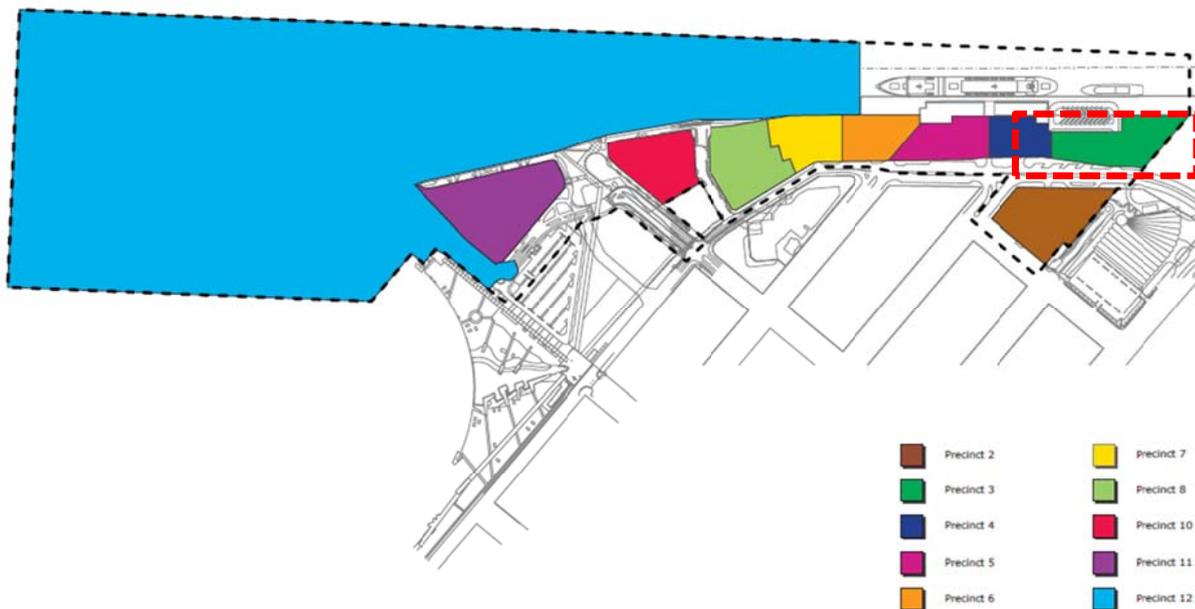
Views to and from the waterways and pedestrian routes will maximum public amenity in the area. The landscape and built form of Cityport will be distinctly reflective of Cairns and Tropical North Queensland’.

Both Design Concept Options 1 and 2 must respond to the Cityport Strategic Vision by incorporating a mix of community focused land uses that complement both the existing port facilities and the City centre activities. Both options 1 and 2 must provide high quality entertainment facilities that are modern and dynamic, respectful of existing built form and heritage values, and reflective of the Cairns and Far North Queensland character.

4.3.2 Cityport LAP – Precincts

The Cityport Precinct Plan is illustrated in Figure 6. The site is included within both Precinct 3 and Precinct 4.

FIGURE 5 – CITYPORT LAP PRECINCT PLAN



The intent for Precincts 3 and 4 as defined within the Cityport LAP is outlined as follows:

▪ **Precinct 3**

Precinct 3 is intended to function primarily as a mixed-use residential, tourism and commercial precinct. Intended land uses include accommodation and support services, commercial offices, bars, restaurants and cafes. The precinct contains the historic White’s Shed and the open space area between the shed and Wharf Street. “Through an appropriate redesign and reuse, the building offers an excellent opportunity to create a significant public attraction”. The Local Plan identifies uses that complement the heritage values of White’s Shed as “the most suitable, such as regional uses (e.g. museum, public gallery, or a performance venue or conference facility... or commercial or tourist activities”. The Land Use Plan also identifies an opportunity to include “non-historic additions” to White’s Shed which “could be removed or replaced with a more sympathetic structure, which would allow development between the Shed and Wharf Street”. A further opportunity to “investigate revealing (in part) the structure to external view, to encourage visitation and to promote interpretation. The protection of the historic values of White’s Shed is also to be carried out in accordance with the Cairns Cityport Wharf Area Conservation and Management Plan.

The Local Plan also identifies that the balance of the precinct “is intended to function primarily as a mixed-use residential, tourism and commercial precinct”. The area is also considered suitable for “bars, restaurants and cafes and uses which complement the reuse of White’s Shed”.

Both Design Concept Options 1 and 2 are considered generally consistent with the Precinct 3 intent. Any design refinement should look to

- Incorporate supportive retail/commercial/restaurant facilities; and
- Integrate it into the Whites Shed into the overall development and establish strong views lines to the building.

▪ **Precinct 4**

Precinct 4 is considered the gateway to Cityport where “views and access to the waterfront are the focus”. The Local Plan encourages the development of “pedestrian plazas and open space areas to link the precinct with adjoining precincts and the waterfront”. Precinct 4 is identified as having the potential to be “substantially redeveloped” for a mix of active land uses and is considered a key area in linking Cityport with the Cairns CBD. Future development within Precinct 4 is intended to maintain a “people focus” with an emphasised public realm and “ground floor uses that encourage activity, such as shops, restaurants, bars and outdoor dining area” which are intended to “spill over” into the public plaza to “create an active atmosphere”. Open space is also intended to be provided between any building and White’s Shed, and form a “promenade/boardwalk which provides pedestrian access along the waterfront”.

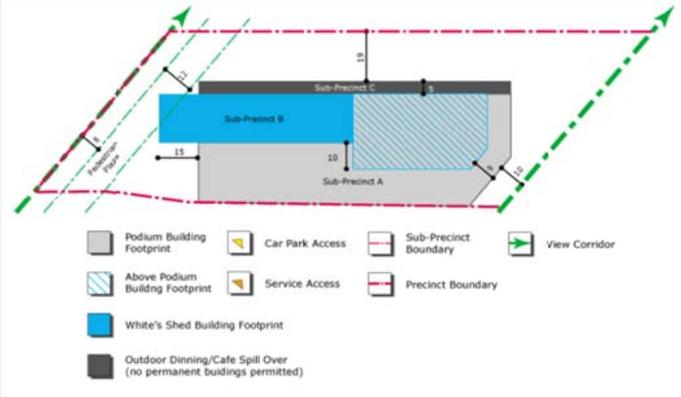
Both Design Concept Options 1 and 2 are considered generally consistent with the Precinct 4 intent. Both options maintain a “people focus”, establishing a pedestrian realm and active frontages. Active ground floor uses are encouraged to spill out onto the public plaza. Option 2 more closely aligns with the Precinct intent to provide a pedestrian promenade around White’s Shed. Both options allow for a pedestrian boardwalk along the waterfront.

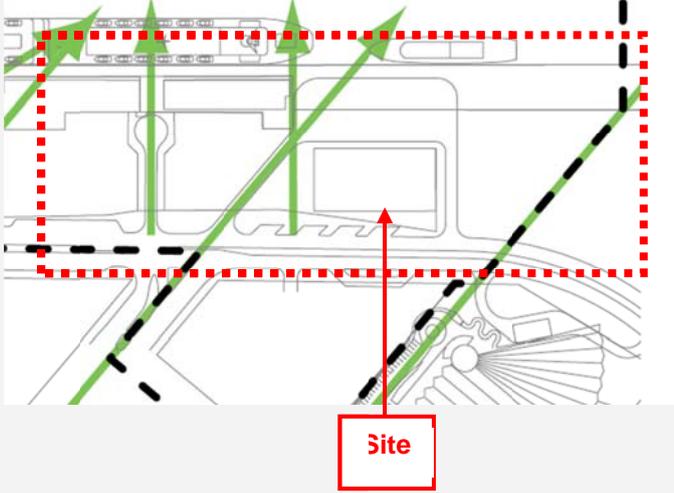
4.3.3 Cityport LAP Precinct Codes

A preliminary assessment of the proposed options against the Cityport LAP Precinct 3 and 4 Codes is provided below.

TABLE 5 – PRECINCT 3 CODE ASSESSMENT

PRECINCT 3 CODE REQUIREMENTS		OPTION 1 & 2 COMPLIANCE	COMMENT
Building Height	10 storeys maximum	✓	Both options do not exceed 10 stories.
Podiums	3 storeys maximum, 15% site coverage	To be confirmed	Podiums appear to be below 3 stories.

PRECINCT 3 CODE REQUIREMENTS		OPTION 1 & 2 COMPLIANCE	COMMENT
GFA	20,000m ² (cumulative across the whole of Precinct 3)	To be confirmed	Where the proposed GFA exceeds this threshold, this matter should be addressed with the Cairns Port Authority.
Building setbacks at podium level	10m from the boundary between Precinct 3 and Seaport, 19m from the eastern property boundary, 20m from the precinct boundary between Precincts 3 & 4.	To be confirmed	As the proposed development falls within Precinct 3 & 4 of the Cityport LAP, as well as within the Seaport LAP, it is recommended that setback requirements be discussed with the Cairns Port Authority.
Building setbacks above podium	Setbacks are illustrated in Figure 7 below: FIGURE 6 – CITYPORT LAP – DEVELOPMENT CONTROLS PLAN 	To be addressed	Both Option 1 and 2 generally comply with the setback requirements for the eastern and western boundary as identified in Figure 7. However both options do not comply with the northern and southern setback requirements identified for the site. The view corridors identified should be retained wherever possible to achieve the desired setbacks for the site. Where setbacks do not comply, this matter should be discussed with the Cairns Port Authority
Carparking	Basement car parking preferred, in accordance with the Parking Code. The numbers of car parks required under the Land Use	To be	Car parking numbers may be flexible where

PRECINCT 3 CODE REQUIREMENTS	OPTION 1 & 2 COMPLIANCE	COMMENT
<p>Plan is as follows:</p> <ul style="list-style-type: none"> ▪ Indoor Sport & Entertainment – 1 space per 20m² of GFA. ▪ Tourist Attraction – Consultation with Cairns Port Authority is required. ▪ Restaurants/cafes/shops – 1 space per 50m² of net lettable area (where it can be demonstrated adequate car parking facilities are provided on site, this may be relaxed to 1 space per 50m² GFA). 	addressed	it can be demonstrated that the proposal sufficiently meets the requirements of the facility. Where flexibility is desired however, this should be discussed with the Cairns Port Authority.
<p>Views</p> <p>Views to the Trinity Inlet are to be enhanced as much as possible in accordance with Figure 8 below.</p> <p>FIGURE 7 – CITYPORT LAP PLAN 3 - VIEW CORRIDORS MAP</p> 	✓	Both Option 1 and 2 seek to enhance views to the Trinity Inlet.

From a review of these key provisions, the proposal is considered to be generally consistent with the key controls. Further consideration of the following matters are recommended to be addressed as part of the future stages:

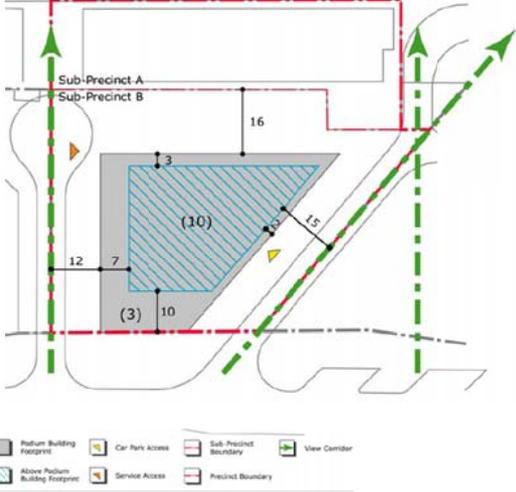
- Ensure view corridors to the Inlet and Whites Shed are appropriately retained;
- Confirmation of GFA limits and the ability to exceed these;
- Confirmation of appropriate setbacks; and
- Confirmation of car parking flexibility.

Where discrepancy exists with the Local Area Plan, preliminary discussion should be held with the Cairns Port Authority.

In addition to the requirements outlined above for Precinct 3, the following Precinct 4 Code Requirements are relevant:

TABLE 6 – PRECINCT 4 CODE ASSESSMENT

PRECINCT 4 CODE REQUIREMENTS		OPTION 1 & 2 COMPLIANCE	COMMENT
Building Height	10 storeys maximum	✓	Both option 1 & 2 are below 10 stories.
Podiums	3 storeys maximum	To be confirmed	Podiums appear to be below 3 stories.
Site coverage	60% (above podium height)	To be confirmed	Site coverage appears to exceed 60%. Where this is the case, this matter should be addressed with the Cairns Port Authority.
Maximum plot ratio	3:1	To be confirmed	GFA and plot ratio are to be determined as part of future stages. Where plot ratio exceeds 3:1, this matter should be addressed with the Cairns Port Authority.
Building setbacks at podium level	10m from the boundary between Precinct 3 and Seaport, 19m from the eastern property boundary, 20m from the precinct boundary between Precincts 3 & 4.	To be confirmed	Both options appear to comply with the east and west setback requirements. The options do not however appear to comply with the northern and southern setback requirements for the site. The retention of the identified view corridors should be considered further as part of future stages. Where setbacks do not comply, discussions should be held with the Cairns Port Authority.

PRECINCT 4 CODE REQUIREMENTS	OPTION 1 & 2 COMPLIANCE	COMMENT
<p>Building setbacks above podium</p>	<p>Setbacks are illustrated in Figure 9 below:</p> <p>FIGURE 8 – BUILDING SETBACKS ABOVE PODIUM</p> 	<p>To be confirmed</p> <p>As above</p>
<p>Carparking</p>	<p>Carparking is limited to one basement or semi-basement level. The numbers of car parks required under the Land Use Plan is as follows:</p> <ul style="list-style-type: none"> Indoor Sport & Entertainment – 1 space per 20m² of GFA. Tourist Attraction – Consultation with Cairns Port Authority is required. <p>Restaurants/cafes/shops – 1 space per 50m² of net lettable area (where it can be demonstrated adequate car parking facilities are provided on site, this may be relaxed to 1 space per 50m² GFA).</p>	<p>To be confirmed</p> <p>Both options seek to incorporate one level of basement car parking. Car parking numbers proposed should aim to comply with those identified in the Land Use Plan, or otherwise demonstrate that numbers proposed are fit for purpose.</p>
<p>Vehicle access</p>	<p>Vehicle access is provided from the shared zone with Precinct 5 to the north. No vehicle access is provided from Wharf Street.</p> <p>A port cochere is provided adjoining the Gateway Plaza.</p>	<p>✓</p> <p>Both options seek to provide vehicle access from the shared zone within Precinct 5 as well as via a future access road to the south of the site. The location of the new access road is yet to be confirmed. No vehicle access is proposed via Wharf Street.</p>
<p>Pedestrian plaza/boardwalk</p>	<p>The pedestrian plaza is to link with Precinct 3. A promenade boardwalk is also to provide a continuous link along the waterfront.</p>	<p>Complies</p> <p>Both options seek to incorporate a promenade and public</p>

PRECINCT 4 CODE REQUIREMENTS		OPTION 1 & 2 COMPLIANCE	COMMENT
			realm which adequately links precincts 3 and 4.
Heritage	Development is consists with the Heritage Conservation Code and Conservation Plans	To be addressed	The proposal will be required to address the Heritage Conservation Code and Plans. A Heritage Report will be required to be prepared to address this matter.
Views	View corridors are retained as much as possible.	To be considered further	It is recommended that the view corridors identified within the Cityport LAP be further considered in the detailed design stage. The view corridors should be retained and enhanced wherever possible.

From a review of these key provisions, the proposal is considered to be generally consistent with key controls. Further responses may need to be address the limited access desires from Wharf Street.

4.3.4 Seaport LAP - Key Provisions

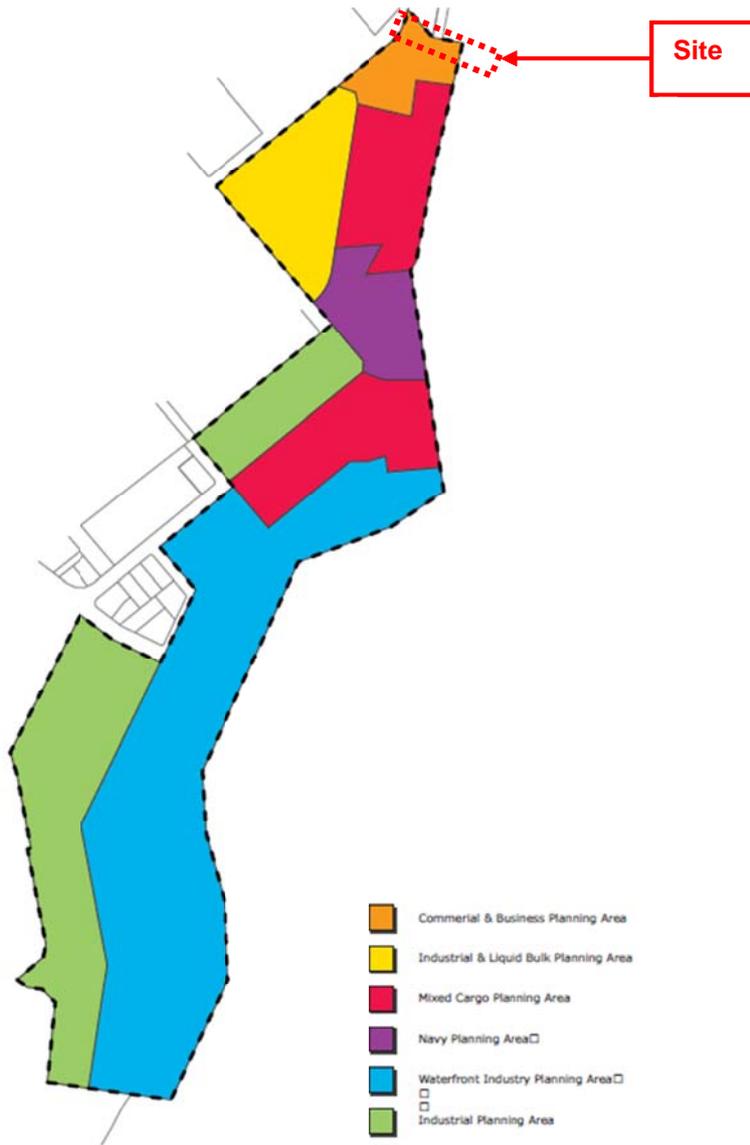
The southern portion of the site falls within the bounds of the Seaport Local Area Plan. The Seaport Local Area Plan covers the southern reaches of port land, and maintains a focus to protect and enhance the industrial port activities that have traditionally occurred in this area. In this context, the Seaport LAP seeks to manage future development within the Seaport area to provide for continued port and harbour activities. The Seaport LAP seeks to ensure future development reinforces the vision and preferred character for the area, yet provides for expansion and development of the port so that it will develop as a “key port in the region”.

Both Option 1 and 2 seek to respond to the intent and vision of the Seaport LAP by continuing to provide harbour activities in the area that support the continued growth and expansion of the port.

4.3.5 Seaport LAP – Precinct

The Seaport LAP Precinct Plan is illustrated in Figure 10 overleaf. The site is included within the Commercial and Business Planning Area, which is an identified precinct within the Seaport LAP.

FIGURE 9 – SEAPORT LAP – PRECINCT PLAN



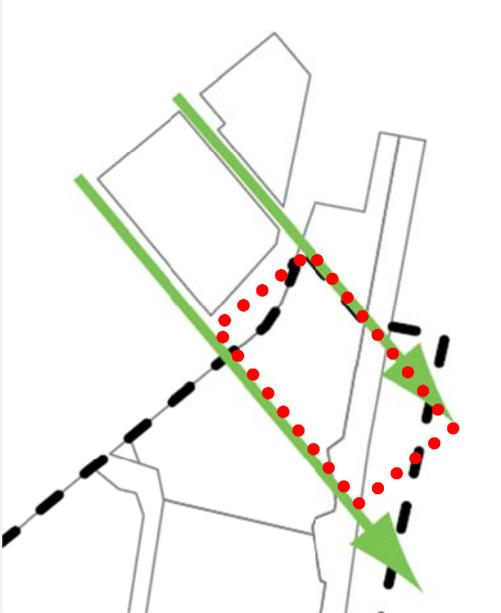
The intent of the Commercial and Business Planning Area is to develop as a ‘transitional zone’ between Cityport and the port operations in Seaport. The northern section of the area, in which the site is located, is intended to maintain a focus on commercial and business uses which will act as ‘buffer uses’ to separate the residential/tourist uses in Cityport from the Seaport operations to the south. Land uses intended for this area include retail and service uses which cater for the needs of employees and users of Seaport.

The portion of the site that falls within the Seaport LAP includes a portion of the Theatre and the proposed road re-alignment area to the south of the site. Both Concept Options 1 and 2 generally align with the overall intent of the Commercial and Business Planning Area whereby they provide a suitable transition between the northern residential/tourist facilities and the southern seaport facilities. The proposed theatre has the capacity to act as the desired ‘buffer’ land use that provides the community and tourists alike with a valuable entertainment facility that is not hindered by the traditional port facilities to the south. It is recommended that a discussion be held with the Cairns Port Authority to discuss the intent of the proposal and highlight the importance of the development as a buffer between the residential and seaport facilities.

4.3.6 Seaport LAP – Precinct Code

A preliminary assessment of the proposed options against the merits of the Seaport LAP Commercial and Business Planning Area Code has been provided below.

TABLE 7 – SEAPORT CODE ASSESSMENT

COMMERCIAL & BUSINESS PLANNING AREA CODE REQUIREMENTS	
Building Height	Buildings located within the view corridors identified in Figure 11 below maintain a maximum height of 4 metres. For other buildings, no height is specified. FIGURE 10 – SEAPORT LAP – VIEW CORRIDOR PLAN 
Setbacks	8 metres from main road frontage, 3m from secondary road frontage.

While conflicts existing with proposed building heights as compared to suggested building heights, sufficient planning grounds can be developed to justify the conflict, including the minimal impact on surrounding amenity.

4.3.7 Key Provisions – General Codes

In addition to the above-mentioned code provisions, the Cairns Ports Land Use Plan also contains General Codes which are required to be addressed as part of any future development application process. The codes of relevance to a future development application over the subject site will be assessed in detail as part of the future development application. A preliminary assessment of these codes has been conducted for the purposes of this Briefing Note 1 and will be further explored in detail in Briefing Note 2. The key findings of this assessment are addressed in Table 8 below.

TABLE 8 – GENERAL CODES ASSESSMENT

RELEVANT CODE	KEY REQUIREMENTS	COMMENT
Assessment & Management of Acid Sulfate Soils	<ul style="list-style-type: none"> ▪ Development is to be managed in a manner that ensures the environmental values including receiving water quality are not adversely impacted and that assets are not subject to accelerated corrosion. ▪ Environmental Management Plan is to be prepared. 	<ul style="list-style-type: none"> ▪ The site is identified as containing Acid Sulfate Soils. ▪ An Environmental Management Plan is required to be prepared to address the matters identified.

RELEVANT CODE	KEY REQUIREMENTS	COMMENT
Development of Flood Prone Land Code	<ul style="list-style-type: none"> ▪ Any development involving the excavation or filling of land is carried out so as not to have a 'worsening' effect on flood water levels or flow results either upstream or downstream of the development site. ▪ Water Quality Monitoring Program is required to be implemented. 	<ul style="list-style-type: none"> ▪ The site is identified as flood prone. ▪ A Water Quality Monitoring Program is required to be prepared to address the matters identified.
Development in the vicinity of the Airport Code	<ul style="list-style-type: none"> ▪ The construction of buildings or other structures does not interfere with the movement of aircraft or the safe operation of the Airport. ▪ Buildings and other structures do not protrude into the Obstacle Limitation Surface or PAN-OPS for the Cairns International Airport. ▪ Acoustic Report is required. 	<ul style="list-style-type: none"> ▪ The proposal is contained within the Cairns Planning Scheme Obstacle Limitation Surface Area. ▪ According to the Obstacle Limitation Surface Area plan, development on site must not exceed 70 metres. Both options comply with this requirement. ▪ An Acoustic Report is required to be prepared to address the matters identified.
Environmental Protection Code	<ul style="list-style-type: none"> ▪ Development does not detrimentally impact on areas of high ecological value, including Trinity Inlet. ▪ The risk to public safety, property and the environment from technological hazards (fire, explosion, chemical release) is as low as reasonably practical and within acceptable limits. ▪ Noise emissions are to be within acceptable limits for the particular use. ▪ Noise and lighting emissions are to be within acceptable limits for the particular use. ▪ Environmental Management Plan is required. 	<ul style="list-style-type: none"> ▪ Both options are not considered to 'detrimentally impact' the Trinity Inlet. Due to the site's location along the Trinity Inlet waterfront however, an Environmental Management Plan is required to be prepared. An Acoustic Report is also recommended to be prepared to address the matters identified.
Heritage Conservation Code	<ul style="list-style-type: none"> ▪ Future development is designed and sited to protect the cultural heritage significance of the place(s), building(s) and structure(s). ▪ Tall buildings are setback from the historic Wharf Sheds to maintain low scale development along the waterfront. ▪ Heritage Report is required 	<ul style="list-style-type: none"> ▪ The site is listed on the QLD Heritage Register. ▪ Both options seek to retain and conserve White's Shed, and enhance the building as a key site feature. ▪ Both options also propose low scale development along the waterfront. ▪ A Heritage Report is to be prepared to address the matters identified.

RELEVANT CODE	KEY REQUIREMENTS	COMMENT
Landscape Design Code	<ul style="list-style-type: none"> ▪ Important views are maintained and enhanced through landscape design. ▪ Landscaping provides accessible communal open space areas, privacy between other uses and enhances the streetscape character. ▪ A shady pedestrian boulevard is created. ▪ Screening vegetation is provided between adjoining different land uses. ▪ Landscape Plan is required ▪ A public artwork strategy is required to be devised for the site 	<ul style="list-style-type: none"> ▪ The Local Plans identify key view corridors to be retained through the redevelopment of the site. These are to be retained as much as possible. ▪ Open space/communal areas proposed in both option 1 and 2 appear to enhance the character of the streetscape and provide accessible communal open space outcomes for the site. ▪ A Landscape Plan and Public Artwork Strategy are to be prepared to further address these matters.
Outdoor Dining Code	<ul style="list-style-type: none"> ▪ Outdoor dining areas are appropriately located on site. 	<ul style="list-style-type: none"> ▪ Architectural Plans must ensure: <ul style="list-style-type: none"> – Outdoor dining areas are located 1.2 metres from any kerb and do not encroach on the waterfront boardwalk/promenade; and – Shade structures have a minimum height of 2 metres.
Parking Code	<ul style="list-style-type: none"> ▪ Within Cityport, the minimum number of vehicle spaces provided for each development is not less than the number provided below: Cityport <ul style="list-style-type: none"> - Indoor Sport & Entertainment (including theatres and licensed clubs) : 1 space per 20m² of GFA - Restaurants, cafes & shops: 1 space per 50m² of net lettable area - Any other use: sufficient space in the opinion of Cairns Port Authority to accommodate the amount of vehicular traffic likely to be generated by the particular use. Seaport <ul style="list-style-type: none"> - Restaurants, cafes etc: 1 space per 50m² of GFA - Any other use: Sufficient spaces in the opinion of Cairns Port Authority to accommodate the amount of vehicular 	<ul style="list-style-type: none"> ▪ Where car parking at these rates cannot be achieved, it must be demonstrated that car parking elsewhere within the precinct adequately provides for the users of the site and absorbs the additional demand generated by the development. The Local Plan Identifies that a relaxation of 25% (or the % determined by the Cairns Port Authority) can be taken into consideration. ▪ A Traffic Report should be prepared to address the matters identified.

RELEVANT CODE	KEY REQUIREMENTS	COMMENT
	<p>traffic is likely to be generated by the particular use.</p> <ul style="list-style-type: none"> ▪ Cross Utilisation – Where it is reasonable to expect that a proportion of patrons will already be parked within other precincts or will walk (especially considering the extent of available accommodation within the Cityport) to restaurants, bars, entertainment venues and cafes, a relaxation of the above car parking requirements may be granted. In these instances a discount factor of 25% will apply to the parking provision for restaurants, function centres, indoor entertainments and the like, where cross utilisation of uses will occur. Cairns Port Authority may accept a higher discount rate where it can be demonstrated that adequate parking facilities are provided on site. ▪ Architectural Plans must ensure: <ul style="list-style-type: none"> – Carparking is provided at basement and semi-basement levels. – Number of carparks required: <ul style="list-style-type: none"> ▪ Indoor Sport & Entertainment – 1 space per 20m² of GFA. ▪ Tourist Attraction – Consultation with Cairns Port Authority is required. ▪ Restaurants/cafes/shops – 1 space per 50m² of net lettable area (where it can be demonstrated adequate car parking facilities are provided on site, this may be relaxed to 1 space per 50m² GFA). 	
Sustainable Development Code	<ul style="list-style-type: none"> ▪ Where a site is listed on the Environmental Management Register or Contaminated Land Register, all civil and construction works shall incorporate practices to minimise environmental impacts from the contamination. ▪ Water supply alternatives should be considered where applicable. 	<ul style="list-style-type: none"> ▪ The proposed development is to incorporate sustainable design principles wherever possible. ▪ A Sustainability Report is required to be prepared to address the matters identified. ▪ Architectural design is to address the Port’s Sustainable Development

RELEVANT CODE	KEY REQUIREMENTS	COMMENT
	<ul style="list-style-type: none"> ▪ Any commercial office component of developments should achieve an energy efficiency rating to assist in minimising greenhouse emissions and long term running costs. ▪ Any commercial component of a development, where incorporated, should be designed to achieve a certified Australian Building Greenhouse Rating of a minimum of 4 stars. ▪ Where feasible, timber is sources from certified plantations or from recycled supplies to reduce destruction of rainforests and old growth forests. ▪ A high standard of indoor air quality is achieved. ▪ The development encourages motorists to use non-motorised forms of transport such as cycling and walking. ▪ Sustainability Report is required ▪ Architectural design is to address the Port's Sustainable Development Policy. 	<p>Policy.</p>
<p>Traffic and Access Planning Code</p>	<ul style="list-style-type: none"> ▪ A series of new roads and accesses are provided within Cityport to improve the internal access. ▪ Each precinct is appropriately serviced with appropriate car parking and set down areas. ▪ New roadways are appropriately designed to handle the anticipated vehicle movements. ▪ Traffic Report is required. 	<ul style="list-style-type: none"> ▪ Both options seek to incorporate a new roadway to the south of the site. ▪ Architectural Plans are to address the matters identified. ▪ A Traffic Report is also to be prepared to address this matter.
<p>Works, Services and Infrastructure Code</p>	<ul style="list-style-type: none"> ▪ The site must be adequately serviced with water, waste disposal, telecommunications and energy. ▪ Stormwater Management Plan is required. ▪ Engineering Infrastructure & Services Report is required. 	<ul style="list-style-type: none"> ▪ Stormwater Management Plan is required to be prepared. ▪ An Engineering Infrastructure & Services Report and a Stormwater Management Report are required to be prepared to address these matters.

4.4 SUMMARY

STATE AND REGIONAL PLANNING FRAMEWORK SUMMARY

Definitions

- Cairns Regional Council should consider the mix of land uses desired for the precinct to ensure the approval allows for the range of possible uses desired.

Cityport

- Options 1 and 2 generally align with the planning intent for Cityport and its detailed provisions.

Seaport

- Options 1 and 2 generally align with the planning intent for Seaport and its detailed provisions. In areas of conflict such as proposed building height, design approach needs to focus on meeting the overall intent and vision for the precinct to support the alternative outcomes proposed.

General Codes

- The general codes provide a useful guide as to the extent of supporting information required with the development application. Notably they allow for flexibility in car parking rates, view lies and treatment of Whites Shed.

5 Additional Planning Considerations

Further to the statutory planning considerations outlined by Section 4, the development of a planning strategy for the Cairns Entertainment Precinct Project must have regard to additional non-statutory considerations. These aspects including the Cairns Cultural Precinct Framework Agreement, future planning frameworks and infrastructure charges are discussed below.

5.1 CAIRNS CULTURAL PRECINCT FRAMEWORK AGREEMENT

One of the fundamental considerations in this project is the implications of the draft *Cairns Cultural Precinct Framework Agreement – 21 January 2011* (Framework Agreement). A review of the Framework Agreement has been undertaken from a town planning perspective and the following table provides a summary of key observations and recommendations on relevant sections:

TABLE 9 – FRAMEWORK AGREEMENT REVIEW

SECTION	COMMENT	RECOMMENDATION
1 Dictionary	<ul style="list-style-type: none"> ▪ No comments 	<ul style="list-style-type: none"> ▪ Nil
2 Heads of Agreement	<ul style="list-style-type: none"> ▪ No comments 	<ul style="list-style-type: none"> ▪ Nil
3 Overriding Objectives	<ul style="list-style-type: none"> ▪ The following overriding objectives are most relevant to the preparation of the development application: <ul style="list-style-type: none"> – Protecting ongoing seaport security and operation – Maintaining vehicular access – Design to allow for transition and buffering to port activities – Strong pedestrian links to surrounding precincts – Protecting existing heritage values 	<ul style="list-style-type: none"> ▪ These objectives provide an insight into those matters that will receive greatest consideration by the Cairns Port Authority in its assessment of any development application. Supporting specialist reports will need to address these objectives.
4 Design Guidelines	<ul style="list-style-type: none"> ▪ Guidelines are proposed to establish a framework for the development of concepts and detailed design. It is unclear from the draft Framework Agreement what the relationship of the design guidelines to the existing Local Area Plan and General Codes is intended to be. For example does the design guideline override existing planning codes? 	<ul style="list-style-type: none"> ▪ A draft of these design guidelines should be prepared and agreed with Cairns Port Authority as a priority. Without this framework in place there is high risk of disagreement over concept design which will result in additional costs and time delays. ▪ The relationship of the design guidelines to existing planning provisions must be made clear in the draft Framework Agreement and which document takes precedence.
5 Approval or refusal of draft design guidelines	<ul style="list-style-type: none"> ▪ Refer Comments to Section 4. 	<ul style="list-style-type: none"> ▪ Refer Comments to Section 4.
6 Revised draft design	<ul style="list-style-type: none"> ▪ This section places a requirement on Council 	<ul style="list-style-type: none"> ▪ This outcome generates high risk

SECTION	COMMENT	RECOMMENDATION
guidelines	to urgently review the draft design guidelines where they are refused.	of additional cost and time on the project. It reinforces the importance of engaging with the Cairns Port Authority as a priority to at least gain in principle support for the design guidelines before the formal process under the Framework Agreement is started.
7 Dispute	<ul style="list-style-type: none"> No comments. 	<ul style="list-style-type: none"> Nil
8 Variation to design guidelines	<ul style="list-style-type: none"> This potential additional step adds further time, costs and uncertainty to the project. 	<ul style="list-style-type: none"> It is unclear what level of change will require a variation to the guideline. This should be clarified or this provision rolled into Section 4 Design Guideline.
9 Development plan	<ul style="list-style-type: none"> The requirement for approval of a development plan (essentially a draft development application) and in particular one that includes a proposed development program appears onerous and a duplication of the development application process. 	<ul style="list-style-type: none"> The aim of this requirement appears to be for Cairns Port Authority to provide in principle support for a design concept before it proceeds to preparation of a detailed development application. In its present form it requires a significant and onerous amount of information to be prepared. This stage should be simplified to approval of a final concept plan only.
10 Impact on Area of lease	<ul style="list-style-type: none"> This requirement unnecessarily complicates the approval of the development plan. 	<ul style="list-style-type: none"> Whether or not Lease Area A is needed must be determined as part of the Port Authorities approval for the Development Plan and should not form a separate step.
11 Submission and consultation	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil
12, 13, 14 In principle approval	<ul style="list-style-type: none"> The approval process appears repetitive with the Port Authority to requiring approval of design guidelines, a development plan and Lease Area A before an application has even been submitted for consideration. 	<ul style="list-style-type: none"> Council in partnership with the Cairns Port Authority explore simplification of the process to integrate the development of the design guidelines and concept as a part of the development application process. This approach would save both parties significant time and costs, while retaining the Port Authorities ability to review design as it progresses.

SECTION	COMMENT	RECOMMENDATION
15,16,17,18 Variations and Dispute	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil
19 The application	<ul style="list-style-type: none"> The parameters set appear reasonable. Note the 'in principle' approval is made 'irrelevant' by this section which highlights the current process as being overly complex. The three months allowed to prepare and lodge the development application is considered reasonable assuming Council's internal processes can facilitate this timing (ie where approval of the application for lodgement by Council Committee is required.) 	<ul style="list-style-type: none"> Council should satisfy itself that sufficient time is allowed to account for any internal Council approval processes (i.e. committee meetings) that may be necessary. In this context 3 months to prepare and lodge the development application may not be sufficient. Alternatively, any internal Council QA procedure will need to be streamlined to ensure this timeframe can be met.
20 Other Approvals	<ul style="list-style-type: none"> No comments – Approvals for heritage and contaminated land matters will be 'integrated' with the development application. 	<ul style="list-style-type: none"> Identify all required development approvals at the earliest stage of the process.
21 Land Contamination	<ul style="list-style-type: none"> Investigations into land contamination will be required as part of the development application process. This will include costs of undertaking site soil tests and development of a remediation strategy to remove the site from the Environmental Management Register. 	<ul style="list-style-type: none"> Council should undertake site contamination testing as a priority to identify the extent of risk this may create to project costs in particular the cost of required remediation works.
22 Development agreement	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil
23 Development agreement	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil
24 Lease agreement	<ul style="list-style-type: none"> The issuing of the lease agreement is subject to Ministerial approval. The timing of this approval creates some risk to the efficient roll out of the Cairns Entertainment Precinct Project. 	<ul style="list-style-type: none"> Certainty on the approval of the lease agreement should be agreed before the development application process becomes too advanced.
Part E - General	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil

5.2 FUTURE PLANNING FRAMEWORK

An understanding of the future planning framework for the Strategic Port Land is critical to informing the development application strategy. This information is useful in identifying additional risks and opportunities beyond that presently evident. From preliminary investigations we are aware of:

- **City Centre Master Plan** – We understand Council is currently undertaking this project with final deliverables due for completion in August/September 2011. Concepts proposed by the master plan need to be obtained and their implications reviewed for the Cairns Entertainment Precinct.
- **Cairns Port Authority Land Use Plan.** We note the current Land Use Plan dates back to 2006 when it was adopted. Concepts put forward by the land use plan may be even older given the time

lag between preparation of a statutory land use plan and its formal adoption. Consultation with Cairns Port Authority should be undertaken to identify what future policy directions are being developed (if any) that would be relevant to the project.

Further investigations will be undertaken through discussions with the Cairns Port Authority's town planners and Cairns Regional Council to refine our understanding of these projects and to identify any other projects currently underway that may be strategically important to the Cairns Entertainment Precinct Project. These additional findings will be outlined in Briefing Note 2.

5.3 INFRASTRUCTURE CHARGES AND PLANNING

Volume 5 - General Codes of the Cairns Port Authority Land Use Plan provides some guidance on infrastructure charges for development of port land and states:

“Depending on the nature of development, contributions towards infrastructure, road works and the like may be charged. In this respect, development contributions and the provision of infrastructure (particularly in the cityport area) will be in accordance with the agreement between Cairns City Council and Cairns Port Authority.”

Under this provision it provides the Cairns Port Authority with the ability to require Council to pay an infrastructure charge and/or enter into an infrastructure agreement with Council. Infrastructure charges/agreements traditionally create high risk to the feasibility of projects and further investigation is recommended through discussions with the Cairns Port Authority to identify potential additional infrastructure costs or requirements.

5.4 REVIEW OF PROJECT TIMEFRAMES

We understand project timing is critical to this project and successful development approval is directly linked to Cairns Regional Council's ability to secure Federal Government funding for the project.

In this context, we have reviewed the timeframes associated with the draft Framework Agreement and the subsequent Development Application Process. The below table outlines the timeframes for firstly, obtaining the necessary approvals under the draft Framework Agreement and secondly, obtaining the relevant development approval. It highlights that under the process currently proposed, Cairns Regional Council will be unlikely to achieve all necessary approvals within 12 months.

TABLE 10 – INDICATIVE PROJECT TIMEFRAMES

STAGE	INDICATIVE TIMING	OPTIMUM TIMING	REALISTIC TIMING
Draft Framework Agreement Timeframes			
Design Guidelines	Within 60 days of the agreement being executed.	2 Months	2 Months
Design Guidelines approval	Within 30 days	1 Month	1 Month
Development Plan	Within 60 days of the design guidelines being approved.	2 Months	2 Months
In Principle Approval	Unclear – 30 Days assumed	1 Month	1 Month
Sub Total		6 Months	6 Months

Development Application Timeframes			
Acknowledgement	Within 2 Weeks of lodgement	2 Weeks	2 Weeks
Information Request	Within 4 Weeks of Acknowledgement	1 Month	1 Month
Information Response	Within 6 Weeks of Information Request ¹	1.5 Months	2 Months
Decision Stage	Within 8 Weeks of the Information Response being lodged	2 Months	3 Months
Negotiated Decision	If required. ²	0 Months	2 Months
Sub Totals		4 Months	8.5 Months
TOTALS		10 Months	14.5 Months

Note the above timeframes have not included timeframes necessary to create information and prepare relevant supporting material for either the draft Framework Agreement approvals or the development approval. In this context the following observations and recommendations are made relevant to timing:

- Based on processes and timeframes as presently proposed it will be unlikely that an acceptable development approval can be secured within 12 months.
- The hypothetical timeframes assume that the initial stages as currently proposed under the draft Framework Agreement proceed smoothly.
- Cairns Regional Council should seek to streamline the process proposed under the draft Framework Agreement to create time savings at this stage. Specifically, the need for approval of a detailed development plan and supporting material should be replaced with approval of a concept plan and basic supporting material on critical issues such as heritage, contamination and amenity impacts.
- Alternative options to achieve time savings that could be explored include, gaining commitment from the Cairns Port Authority to streamline assessment of the development application or shortening the timeframes and reducing the information requirements associated with the draft Framework Agreement processes.

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¹ Six weeks is indicative only, timing will depend on the extent of information requested by the Cairns Port Authority and State Agencies.

² This stage allows for negotiation of conditions of approval. Note a development approval does not take 'effect' until the approval has been accepted, 20 business days or the conditions are negotiated whichever ever comes first.

6 Planning Approval Options

The following section takes the information outlined and considered in the previous sections to develop a strategy for securing a timely and cost effective development approval.

6.1 APPROVAL OPTIONS

Having regard to the preceding analysis two options are available to secure relevant development approvals. These options are described below:

6.1.1 Option 1 – Development Application

This option involves preparation of a Code Assessable Development application. The application would be submitted to the Cairns Port Authority as the ‘Assessment Manager’ for their assessment and approval with conditions. Key elements of this option are outlined by Table 11 below.

TABLE 11 – OPTION 1

ELEMENT	LIKELY REQUIREMENTS
Process	<ul style="list-style-type: none"> ▪ Apply for a Development Approval from the Cairn Port Authority. ▪ The application will be subject to Code Assessment. ▪ State agencies including the Department of Environment and Resource Management (for Heritage and Contamination matters), Department of Transport and Main Roads (for the Port Facility) will form Concurrence Agencies to the application. These agencies will have the ability to approve, refuse and apply conditions of development approval. ▪ Once the application is lodged, the Cairns Port Authority will have the opportunity to formally request further information, approve or refuse the development or apply conditions of development approval (including modifications to plans). ▪ Key stages in the process are: <ul style="list-style-type: none"> Step 1 – Lodgement and Acknowledgement ▪ The Port Authority has 10 business days to issue an Acknowledgement Notice after lodgement. Step 2 – Referral ▪ Once the Acknowledgement notice is received we will refer the development applicant to relevant State Agencies for their assessment. Step 3 – Information Request ▪ The Port Authority and State Agencies have 20 business days to issue respective requests for further information. Step 4 – Information Response ▪ The applicant must respond to all information requests within 6 months of the requests being made. Step 5 – Decision Stage ▪ The Port Authority and State Agencies have up to 40 business days to

ELEMENT	LIKELY REQUIREMENTS
	<p>issue approvals. This timeframe can be further extended with the applicant's agreement.</p> <p>Step 5 – Negotiated Decision Notice</p> <ul style="list-style-type: none"> After a development approval is issued, Cairns Regional Council will have a formal opportunity to negotiate conditions of approval.
Time	<ul style="list-style-type: none"> Generally, Code Assessable development applications take 4 to 8 months to obtain approval depending on complexity.
Public Notification	<ul style="list-style-type: none"> No statutory notification requirements. Voluntary consultation can be undertaken or directed by the Minister for Transport. Importantly, Code Assessment ensures the application is not subject to third party appeal risk.

6.1.2 Option 2 – Community Infrastructure Designation

The alternative development approval option would be to seek a Ministerial Community Infrastructure Designation (CID). Designated land must pass a public benefit test to ensure the designation is justified. For example, the designating minister or local government must be satisfied the community infrastructure will contribute to environmental protection or ecological sustainability, or satisfy community expectations for the efficient and timely supply of infrastructure. Key elements of this option are outlined by the table below.

TABLE 12 – OPTION 2

ELEMENT	LIKELY REQUIREMENTS
Process	<p>Under the provisions of Chapter 5 of SPA, a Minister, or a Local Government may designate land for “Community Infrastructure”. Under the provisions of Section 2.6.7 of SPA, when determining whether to designate land, the Minister must consider and be satisfied that for the proposed development:</p> <ul style="list-style-type: none"> <i>That adequate environmental assessment of the proposal has been undertaken</i> <i>That all current and applicable planning schemes for the local government area(s) and relevant State Planning Policies have been considered</i> <i>That adequate consultation has been undertaken and</i> <i>That analysis of social impacts has been undertaken.</i> <p>SPA provides for alternative processes to demonstrate the achievement of the above requirements, one of which is the undertaking of assessment in accordance with guidelines made by the Chief Executive Officer under SPA Section 207(3)(a). The only such Guidelines in force at present are applicable only to the electricity entities.</p> <p>Other statutory processes are also considered to meet the requirements of Section 207(3) including:</p> <ul style="list-style-type: none"> The notification and decision stages under the SPA integrated development assessment system; or The EIS process under the State Development and Public Works Organisation Act 1971. <p>None of these processes are exclusive and the Minister may consider that adequate environmental assessment and public notification have been carried</p>

ELEMENT	LIKELY REQUIREMENTS
	<p>out by any mechanism.</p> <p>Should the site be designated by the Minister for Community Infrastructure, any material change of use that occurs in accordance with that designation becomes exempt development and does not require a development permit under the local government Planning Scheme.</p> <p>However while it is not necessary to obtain subsequent approvals for development occurring in accordance with a Ministerial Designation, the Minister must have regard to the existing legislative and planning regime. As such, this DRAFT EIS has been developed with regard to relevant federal legislation, Planning Scheme matters, regional planning and state matters.</p> <p>While the designation process serves as an alternative mechanism for planning approval, it should be recognised that the political nature of the process, and the mandatory requirements for significant assessment and community engagement from experience will usually result in an extensive process of assessment, more akin to an EIS than a development application under IDAS.</p> <p>Where a local government undertakes a designation, it must do so utilising the process established under the guideline mentioned in section 117(1) (the process for making or amending a planning scheme) to include the designation as a substantive provision of its planning scheme. This in itself is a lengthy process, again involving extensive community engagement and two rounds of State interest checks and review.</p>
Time	<ul style="list-style-type: none"> ▪ Typically the designation process (via a Minister) can take 12 to 18 months to complete and longer where community consultation becomes protracted. Where undertaken via a planning scheme amendment (by a local government) the process can take up to two years.

6.1.3 Recommendation

Having regard to the preceding outline of the two development approval process options, Option 1 is recommended given:

- Option 1 is more timely than Option 2.
- Option 1 is much less resource intensive than Option 2.
- Option 2 may be negatively perceived by the Cairns Port Authority as it lessens their role in the process, which in turn may cause them to develop a more cumbersome Framework Agreement.
- Option 2 may politically difficult for all parties.
- Option 2 requires an extensive community consultation and environmental reporting process.

7 Conclusion

This Briefing Note 1 presents preliminary findings which will be built upon through further discussions and investigations. Briefing Note 2 will provide additional detail and recommendations on the recommended planning strategy.

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