

Draft

# Cairns South

## State Development Area

Development Scheme

September 2019

*Note - this draft development scheme includes content that is specific to a potential variation to the boundary of the Cairns South State Development Area (i.e. any reference to the Mulgrave Mill, including but not limited to mapping, the Mulgrave Mill Industry Precinct and Transport and Support Services Precinct), which is subject to consideration by the Governor in Council. These sections are highlighted by double underlining in the draft development scheme and will not form part of the development scheme unless the Governor in Council approves the variation and the Cairns South State Development Area is varied by regulation.*

## Amendment history

Current version	Draft Cairns South State Development Area Development Scheme September 2019 – minor administrative mapping changes
Previous version	Draft Cairns South State Development Area Development Scheme September 2019

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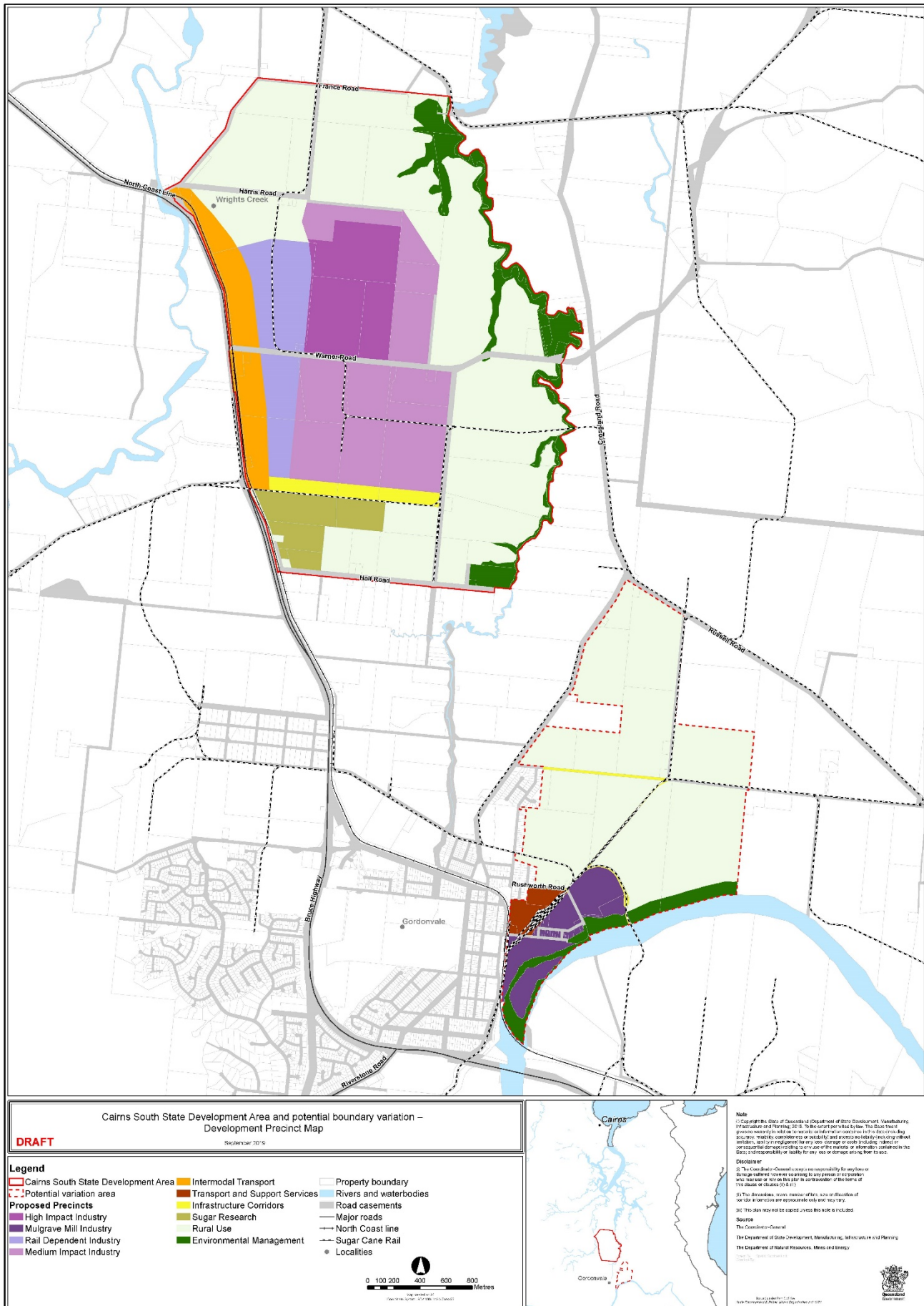
# 1. Introduction

## 1.1 The Cairns South State Development Area

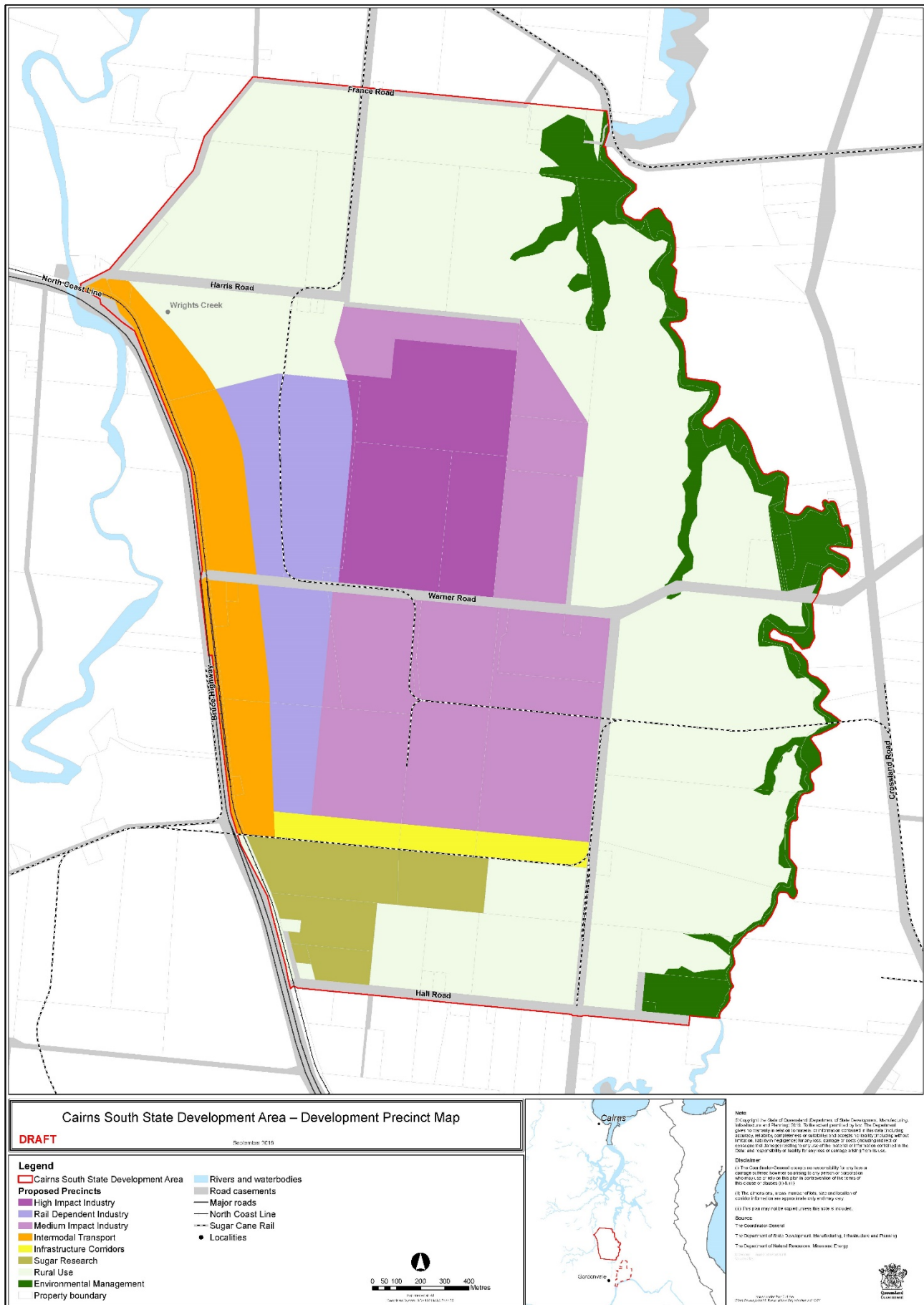
- (1) State development areas (SDAs) are areas declared by regulation under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- (2) The Cairns South State Development Area (Cairns South SDA) was declared in November 2018 by regulation.
- (3) Figure 1 provides a context plan for the Cairns South SDA and potential variation to the Cairns South SDA. Figure 2 identifies the boundary and development precincts of the Cairns South SDA. Figure 3 identifies the potential boundary and development precincts of the potential variation to the Cairns South SDA.

*Note – this draft development scheme includes content that is specific to a potential variation to the boundary of the Cairns South State Development Area (i.e. any reference to the Mulgrave Mill, including but not limited to mapping, the Mulgrave Mill Industry Precinct and Transport and Support Services Precinct), which is subject to consideration by the Governor in Council. These sections are highlighted by double underlining in the draft development scheme and will not form part of the development scheme unless the Governor in Council approves of the variation and the Cairns South State Development Area is varied by regulation.*

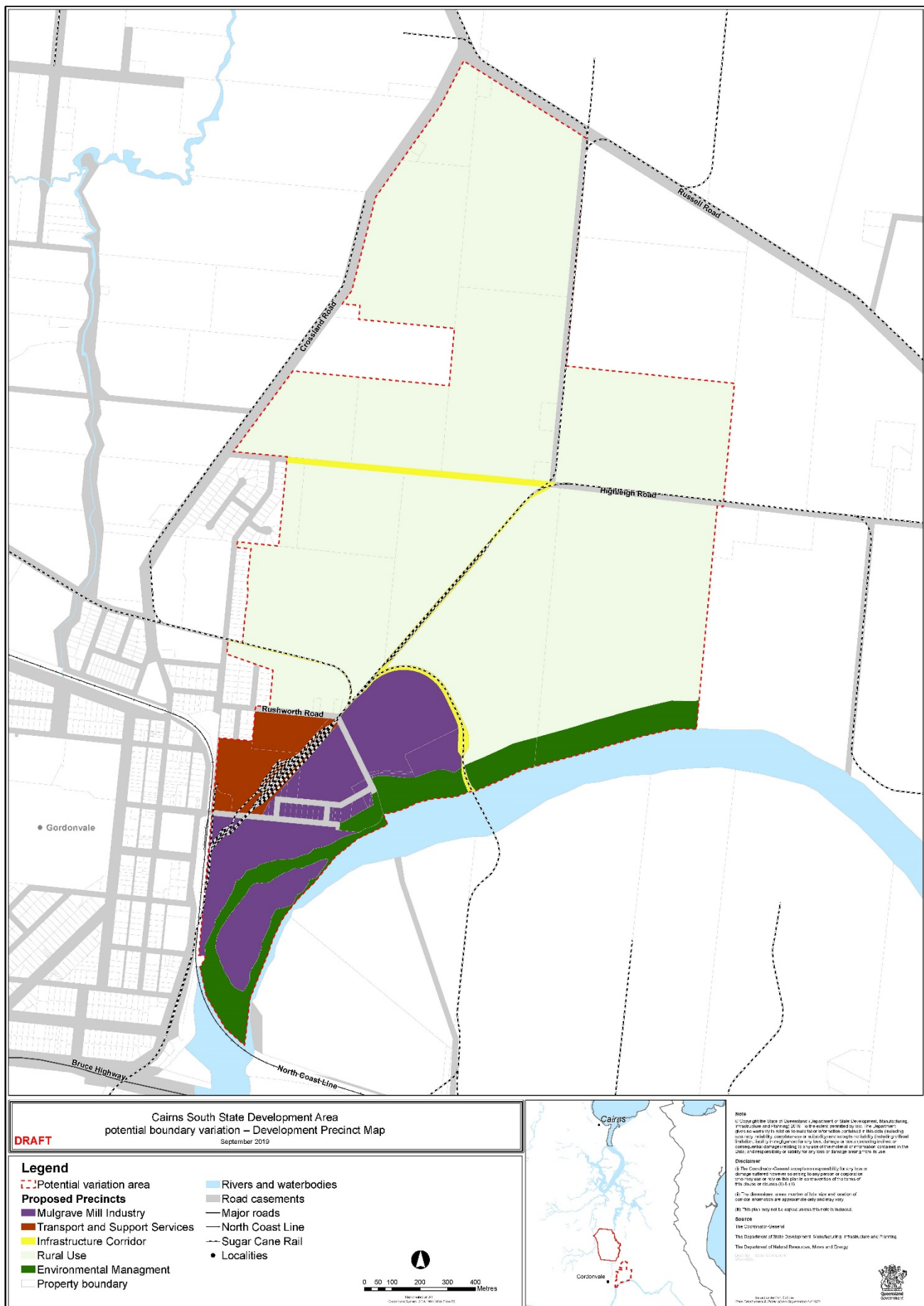
**Figure 1 Context plan – Cairns South SDA and potential variation**



**Figure 2 Boundary and development precincts – Cairns South SDA**



**Figure 3** Boundary and development precincts – potential variation



## 1.2 The Cairns South SDA Development Scheme

- (1) This development scheme has been prepared pursuant to sections 79 to 80 of the SDPWO Act and takes effect on the date stated in the gazette notice published under section 80(1)(a) of the SDPWO Act.
- (2) This development scheme:
  - (a) identifies the area regulated by the development scheme on Figures 1-3
  - (b) identifies regulated development for the Cairns South SDA
  - (c) for SDA assessable development, states the matters or things an SDA application for the development will be assessed against, including:
    - (i) the strategic vision for the Cairns South SDA
    - (ii) the overall objectives for development in the Cairns South SDA
    - (iii) the preferred development intent for each development precinct
    - (iv) SDA wide assessment criteria.
  - (d) contains a development assessment framework and processes for making, assessing and deciding:
    - (i) an SDA application
    - (ii) a request to change an SDA application
    - (iii) a change application for an SDA approval
    - (iv) a request to state a later currency period for an SDA approval
    - (v) a request to carry out a prior affected development and
    - (vi) a request to approve a plan of subdivision.
  - (e) specifies other matters pertaining to the regulation of development in the Cairns South SDA.
- (3) Schedule 1 provides the definitions for this development scheme.
- (4) Schedule 2 contains the development assessment processes for this development scheme
- (5) Schedule 3 contains the requirements for SDA self-assessable development.
- (6) The Coordinator-General may prepare policies to provide guidance on certain aspects of this development scheme. Policies are available on the department's website [www.dsdmip.qld.gov.au/sda](http://www.dsdmip.qld.gov.au/sda).

## 1.3 Regulatory framework

- (1) A person may only carry out regulated development in the Cairns South SDA in accordance with the SDPWO Act and this development scheme.
- (2) Development regulated by this development scheme is identified in Tables 1-10 as SDA assessable development or SDA self-assessable development.
- (3) Development that is not regulated by this development scheme may be regulated by other legislation and planning instruments, including the *Planning Act 2016* (Planning Act) and the Cairns Regional Council planning scheme.
- (4) A person must obtain all other development permits, licences or approvals required to lawfully undertake the development.

### 1.3.1 Levels of assessment

- (1) Development identified in Tables 1-10 as SDA assessable development requires an SDA application to be made to the Coordinator-General in accordance with Schedule 2 in order to obtain an SDA approval.
- (2) Development identified in Tables 1-10 as SDA self-assessable development does not require an SDA approval but must comply with the requirements identified in Schedule 3.
- (3) If a proponent is unable to comply with the requirements for SDA self-assessable development, the development or part thereof relevant to the requirement unable to be complied with is SDA assessable development and the proponent may make an application to the Coordinator-General in order to obtain an SDA approval.
- (4) Prior to undertaking SDA self-assessable development, a proponent is encouraged to discuss the proposed development with the Office of the Coordinator-General.

### 1.3.2 Excluded development

- (1) Development that would otherwise be SDA assessable development is not regulated development for this development scheme if:
  - (a) section 85 of the SDPWO Act applies to the development or
  - (b) a use of land is in accordance with an infrastructure designation for the land under Chapter 2, Part 5 of the Planning Act or
  - (c) development is carried out by or on behalf of the State or public sector entity in accordance with Schedule 6 of the *Planning Regulation 2017* (Planning Regulation), or development a person is directed to carry out under a notice, order or direction made under a State law or
  - (d) development is reconfiguring a lot in accordance with Schedule 6 Part 4 of the Planning Regulation or
  - (e) development is categorised as accepted development in accordance with the Schedule 7 of the Planning Regulation or
  - (f) development for the maintenance, repair, upgrading, augmentation or duplication of rail transport infrastructure and other rail infrastructure within rail corridor land as defined under the *Transport Infrastructure Act 1994* or
  - (g) development is operational work for clearing native vegetation in accordance with Schedule 21 of the Planning Regulation.
- (2) Also, development that would otherwise be SDA assessable development is not regulated development for this development scheme if:
  - (a) it is necessary and reasonable to avoid or reduce an imminent risk to a person's life or health, a building's structural safety or the operation or safety of land, facilities, services or utilities, other than a building and
  - (b) the person carrying out the development gives written notice to the Coordinator-General as soon as reasonably practicable after starting the development.

## 2. Development assessment in the Cairns South SDA

### 2.1 Development assessment framework

#### 2.1.1 SDA application for SDA assessable development

- (1) A person may make an SDA application for SDA assessable development in accordance with the process in Schedule 2.
- (2) Prior to lodging an SDA application under this development scheme, a person is encouraged to request a pre-lodgement consideration of the application by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.
- (3) An SDA application will be assessed against the following, to the extent they are considered relevant by the Coordinator-General:
  - (a) the strategic vision for the Cairns South SDA
  - (b) the overall objectives for development in the Cairns South SDA
  - (c) the preferred development intent for each development precinct
  - (d) SDA wide assessment criteria.
- (4) SDA assessable development that is not consistent with the matters listed in subsection (3)(a) to (d) will generally be considered to be inconsistent with this development scheme.

#### 2.1.2 Other applications and requests

- (1) A person may make:
  - (a) a request to change an SDA application (to make a minor change to the application only)
  - (b) a change application for an SDA approval
  - (c) a request to state a later currency period
  - (d) a prior affected development request
  - (e) a request for approval of a plan of subdivision, following an SDA approval for reconfiguring a lot.

*Note: The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application. Otherwise, the proponent should withdraw the application and submit a new SDA application.*

- (2) Schedule 2 contains the relevant processes for obtaining the decision from the Coordinator-General for other applications and requests.
- (3) Requests to change an SDA application, change applications for an SDA approval, requests to state a later currency period and prior affected development requests will be assessed against the matters or things listed in subsection 2.1.1(3) to the extent they are considered relevant by the Coordinator-General.
- (4) Requests for approval of a plan of subdivision will be assessed against the relevant SDA approval.
- (5) Prior to making a change application or request under this development scheme, a person is encouraged to request a pre-lodgement consideration of the change application or request by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.

## 2.2 Strategic vision for the Cairns South SDA

- (1) The vision for the Cairns South SDA is to:
  - (a) be the preferred location in Far North Queensland for State and regionally significant industry which benefits from its strategic location near major road and rail networks and supports regional supply chain linkages
  - (b) facilitate the establishment of a regional-scale intermodal facility and rail dependent industry that responds to anticipated growth in the rail freight sector
  - (c) provide for large footprint and difficult-to-locate industry which cannot be reasonably accommodated elsewhere in the Far North Queensland region
  - (d) strengthen the Far North Queensland region's competitive advantage and diversify its economy
  - (e) support new opportunities which align with the Queensland Government's priority sectors in the region and facilitate a circular economy through industrial symbiosis
  - (f) support the long-term viability of the sugar industry and diversification of the Mulgrave Mill
  - (g) facilitate a coordinated and integrated approach to the delivery of infrastructure
  - (h) ensure high quality development occurs in a logical sequence
  - (i) recognise and maintain environmental, cultural heritage and community values.
- (2) The strategic vision is supported by the overall objectives for development and preferred development intents of development precincts in the Cairns South SDA.

## 2.3 Overall objectives for development in the Cairns South SDA

- (1) Development in the Cairns South SDA will:
  - (a) be or contribute to regionally significant industry that requires substantial separation distances, large lots, and setbacks from existing and future sensitive land uses
  - (b) capitalise on direct access to the Bruce Highway and North Coast Line (NCL) for freight and logistics related development

- (c) promote industries which are located to optimise the shared use of by-products, energy, water and waste
- (d) ensure lots are appropriately sized to accommodate preferred development
- (e) ensure the integrity and functionality of the Cairns South SDA is maintained and protected from incompatible development
- (f) avoid, minimise or manage adverse impacts on sensitive land uses
- (g) ensure design, construction and operation is consistent with best practice
- (h) provide employment opportunities in the Cairns region and Southern Growth Corridor
- (i) minimise adverse impacts on the viability of rural activities in the Cairns South SDA
- (j) maintain the functionality of the cane rail network to support the sugar industry
- (k) use land and infrastructure efficiently and be adequately serviced by infrastructure
- (l) achieve appropriate levels of flood immunity to protect the safety and security of people and property, while avoiding adverse impacts outside the Cairns South SDA
- (m) avoid adverse impacts on environmental, cultural heritage and community values, or minimise, mitigate or offset impacts where they cannot be avoided, with particular focus on the values of Wright Creek, Mackey Creek and the Trinity Inlet
- (n) not adversely impact on the outstanding universal value of the Great Barrier Reef and Wet Tropics World Heritage Areas.

## 2.4 Cairns South SDA development precincts

- (1) The Cairns South SDA has 10 precincts identified in Figures 1-3.
- (2) The preferred development intent for each precinct is described below.
- (3) Each precinct description is followed by a table which identifies regulated development in the relevant precinct.

### 2.4.1 Intermodal Transport Precinct – preferred development intent

- (1) The preferred development intent for the Intermodal Transport Precinct is described below.
  - (a) This precinct is to accommodate a regional intermodal facility that:
    - (i) requires a large development footprint for bulk-breaking and intra-regional or intra-State distribution of goods
    - (ii) accommodates future rail sidings and infrastructure required to service intermodal infrastructure.
  - (b) Defined uses which may meet the preferred development intent include:
    - (i) freight terminal
    - (ii) transport depot
    - (iii) warehouse (where dependent on rail).
  - (c) Medium impact industry, substation or utility installation may be considered where the use doesn't compromise the preferred development intent.

**Table 1 Regulated development in the Intermodal Transport Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>all uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>where associated with a material change of use or reconfiguring a lot</li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## 2.4.2 Rail Dependent Industry Precinct – preferred development intent

- (1) The preferred development intent for the Rail Dependent Industry Precinct is described below.
  - (a) This precinct is to accommodate medium and high impact industrial development that:
    - (i) has a demonstrated need to be proximate to the intermodal facility in the Intermodal Transport Precinct
    - (ii) requires a large development footprint for bulk breaking and intra-regional or intra-State distribution of goods
    - (iii) would be difficult to locate in a conventional industrial estate
    - (iv) requires separation from residential and/or other sensitive land uses.
  - (b) Development is logically sequenced to align with infrastructure delivery and development in the Intermodal Transport Precinct.
  - (c) Development provides direct connectivity to the Intermodal Transport Precinct to promote efficient goods handling and transfer.
  - (d) Defined uses which may meet the preferred development intent include:
    - (i) high impact industry
    - (ii) medium impact industry
    - (iii) substation
    - (iv) transport depot
    - (v) utility installation
    - (vi) warehouse (where dependent on rail).
  - (e) Major electricity infrastructure, service industry (where required to support industry in the Cairns South SDA) or telecommunications facility may be considered where the use doesn't compromise the preferred development intent.

**Table 2 Regulated development in the Rail Dependent Industry Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>all uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>where associated with a material change of use or reconfiguring a lot</li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

### 2.4.3 High Impact Industry Precinct – preferred development intent

- (1) The preferred development intent for the High Impact Industry Precinct is described below.
- (a) This precinct is to accommodate regionally significant industrial development that:
    - (i) requires a large development footprint
    - (ii) requires significant buffers from sensitive land uses
    - (iii) requires access to the rail or road network
    - (iv) relates to, supports or requires significant inputs and services from key sectors of the Cairns economy, such as agriculture, tourism and transport
    - (v) aligns with Queensland Government priority sectors including biofutures, advanced manufacturing, biomedical and life sciences, aerospace, defence and mining equipment, technology and services.
  - (b) A smaller footprint may be appropriate for development adjoining Warner Road to provide a support or service function to regionally significant industry in the Cairns South SDA.
  - (c) Defined uses which may meet the preferred development intent include:
    - (i) high impact industry
    - (ii) special industry
    - (iii) utility installation.
  - (d) Food and drink outlet (where required to service industry in the Cairns South SDA), infrastructure facility, low impact industry (in accordance with 2.4.3(1)(b)), medium impact industry, renewable energy facility, service industry (in accordance with 2.4.3(1)(b)), substation or warehouse may be considered where the use doesn't compromise the preferred development intent.

**Table 3 Regulated development in the High Impact Industry Precinct**

<b>Column 1 – SDA self-assessable development in the precinct</b>	<b>Column 2 – SDA assessable development in the precinct</b>
<b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>all uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>where associated with a material change of use or reconfiguring a lot</li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## **2.4.4 Medium Impact Industry Precinct – preferred development intent**

- (1) The preferred development intent for the Medium Impact Industry Precinct is described below.
  - (a) This precinct is to accommodate regionally significant industrial development that:
    - (i) has identifiable and measurable impacts
    - (ii) requires separation from residential and/or sensitive land uses
    - (iii) supports road and/or rail transport logistics.
  - (b) A smaller footprint may be appropriate for development adjoining Warner Road to provide a support or service function to regionally significant industry in the Cairns South SDA.
  - (c) Existing telecommunications infrastructure and operations are protected from incompatible land uses.
  - (d) Defined uses which may meet the preferred development intent include:
    - (i) medium impact industry
    - (ii) utility installation
    - (iii) warehouse.
  - (e) Food and drink outlet (where required to service industry in the Cairns South SDA), infrastructure facility, low impact industry (in accordance with 2.4.4(1)(b)), renewable energy facility, service industry (in accordance with 2.4.4(1)(b)), substation or telecommunications facility may be considered where the use doesn't compromise the preferred development intent.

**Table 4 Regulated development in the Medium Impact Industry Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>all uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>where associated with a material change of use or reconfiguring a lot</li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## 2.4.5 Mulgrave Mill Industry Precinct

(1) The preferred development intent for the Mulgrave Mill Industry Precinct is described below:

- (a) This precinct is to accommodate regionally significant industrial development that:
  - (i) supports the ongoing operation and future development of the Mulgrave Mill
  - (ii) requires co-location with the Mulgrave Mill
  - (iii) relies on sugar processing product or by-products, including energy, water and waste
  - (iv) requires separation from residential and/or sensitive land uses
  - (v) recognises sensitive land uses adjacent to the precinct and mitigates and manages adverse impacts.
- (b) This precinct supports the ongoing operation and potential expansion of the Gordonvale Waste Water Treatment Plant.
- (c) Long-term access to this precinct will be provided from Highleigh Road.
- (d) Defined uses which may meet the preferred development intent include:
  - (i) high impact industry
  - (ii) special industry
  - (iii) utility installation.
- (e) Infrastructure facility, major electricity infrastructure, medium impact industry, substation or telecommunications facility may be considered where the use doesn't compromise the preferred development intent.

**Table 5**      **Regulated development in the Mulgrave Mill Industry Precinct**

<b><u>Column 1 – SDA self-assessable development in the precinct</u></b>	<b><u>Column 2 – SDA assessable development in the precinct</u></b>
<b><u>Reconfiguring a lot</u></b> <ul style="list-style-type: none"> <li>• <u>when carried out by the Coordinator-General</u></li> </ul>	<b><u>Material change of use</u></b> <ul style="list-style-type: none"> <li>• <u>all uses</u></li> </ul> <b><u>Reconfiguring a lot</u></b> <ul style="list-style-type: none"> <li>• <u>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</u></li> </ul> <b><u>Operational work</u></b> <ul style="list-style-type: none"> <li>• <u>where associated with a material change of use or reconfiguring a lot</u></li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## **2.4.6 Transport and Support Services Precinct**

- (1) The preferred development intent for the Transport and Support Services Precinct is described below:
- (a) This precinct is to accommodate development that:
    - (i) supports the operations and potential future expansion of sugar processing and cane transportation activities associated with the operation of the Mulgrave Mill
    - (ii) recognises sensitive land uses adjacent to the precinct and mitigates and manages adverse impacts.
  - (b) Additional direct access points from central Gordonvale will not be supported, with long-term access provided from Highleigh Road.
  - (c) Development in this precinct maintains efficient connectivity to the adjacent Infrastructure Corridors Precinct.
  - (d) Defined uses which may meet the preferred development intent include:
    - (i) office
    - (ii) transport depot
    - (iii) utility installation
    - (iv) warehouse.
  - (e) Substation or telecommunications facility may be considered where the use doesn't compromise the preferred development intent.

**Table 6**      **Regulated development in the Transport and Support Services Precinct**

<b><u>Column 1 – SDA self-assessable development in the precinct</u></b>	<b><u>Column 2 – SDA assessable development in the precinct</u></b>
<b><u>Reconfiguring a lot</u></b> <ul style="list-style-type: none"> <li>• <u>when carried out by the Coordinator-General</u></li> </ul>	<b><u>Material change of use</u></b> <ul style="list-style-type: none"> <li>• <u>all uses</u></li> </ul> <b><u>Reconfiguring a lot</u></b> <ul style="list-style-type: none"> <li>• <u>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</u></li> </ul> <b><u>Operational work</u></b> <ul style="list-style-type: none"> <li>• <u>where associated with a material change of use or reconfiguring a lot</u></li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## **2.4.7 Infrastructure Corridors Precinct – preferred development intent**

- (1) The preferred development intent for the Infrastructure Corridor Precinct is described below.
  - (a) This precinct is to accommodate infrastructure that:
    - (i) services the Cairns South SDA and areas outside the Cairns South SDA
    - (ii) retains access to the corridor for the construction, operation and maintenance of existing and future infrastructure
    - (iii) coexists with other infrastructure internal and external to the Cairns South SDA
    - (iv) supports the efficient function of the cane rail network.
  - (b) Future infrastructure envisaged includes water, wastewater, electricity, and telecommunications.
  - (c) This precinct provides a buffer between industry uses and rural uses to the south, along Hall Road.
  - (d) Defined uses which may meet the preferred development intent include:
    - (i) major electricity infrastructure
    - (ii) substation
    - (iii) telecommunications facility
    - (iv) utility installation.

**Table 7 Regulated development in the Infrastructure Corridor Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>all uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>where associated with a material change of use or reconfiguring a lot</li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## 2.4.8 Sugar Research Precinct – preferred development intent

- (1) The preferred development intent for the Sugar Research Precinct is described below.
  - (a) This precinct is to protect the ongoing operation of the Meringa Sugar Experiment Station.
  - (b) This precinct is to accommodate development that:
    - (i) is related to the research and development of the sugar cane industry, including associated value-added industries and administrative functions
    - (ii) protects the heritage values of the Meringa Sugar Experiment Station
  - (c) Defined uses which may meet the preferred development intent include:
    - (i) cropping
    - (ii) intensive horticulture
    - (iii) rural industry
    - (iv) research and technology industry
  - (d) Caretaker's accommodation, office or utility installation may be considered where the use doesn't compromise the preferred development intent.

**Table 8 Regulated development in the Sugar Research Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Material change of use</b> <ul style="list-style-type: none"> <li>• cropping</li> <li>• intensive horticulture</li> <li>• rural industry</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>• when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>• all other uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>• all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>• where associated with a material change of use or reconfiguring a lot</li> </ul> Development identified in column 1 as SDA self-assessable development, if not able to comply with the requirements for SDA self-assessable development

*Note: This table must be read in conjunction with section 1.3.*

## 2.4.9 Rural Use Precinct – preferred development intent

- (1) The preferred development intent for the Rural Use Precinct is described below.
  - (a) The intent of this precinct is to:
    - (i) protect or increase the agricultural productivity or viability of land for sugar cane
    - (ii) protect other existing rural related activities, such as agricultural and horticultural production
    - (iii) supports the efficient function of cane rail network
    - (iv) ensure development does not compromise existing or future industrial uses in the Cairns South SDA
    - (v) incorporate sustainable land management practices
    - (vi) contribute to the amenity of the area and protect the environmental values of Mackey Creek and the adjacent Environmental Management Precinct.
  - (b) This precinct may accommodate necessary infrastructure to service the Cairns South SDA.
  - (c) Expansion of the Mulgrave Mill Industry Precinct to the north-east of that precinct and east of the cane rail line to Highleigh Road, may be facilitated in the long-term to support the future diversification of the Mulgrave Mill.
  - (d) Defined uses which may meet the preferred development intent include:
    - (i) cropping
    - (ii) intensive horticulture
    - (iii) rural industry
    - (iv) utility installation.
  - (e) Animal husbandry may be considered where the use doesn't compromise the preferred development intent.

- (f) The intensification of sensitive land uses is not supported.

**Table 9 Regulated development in the Rural Use Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Material change of use</b> <ul style="list-style-type: none"> <li>• cropping</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>• when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>• all other uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>• all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>• where associated with a material change of use or reconfiguring a lot</li> </ul> Development identified in column 1 as SDA self-assessable development, if not able to comply with the requirements for SDA self-assessable development

*Note: This table must be read in conjunction with section 1.3.*

## 2.4.10 Environmental Management Precinct – preferred development intent

- (1) The preferred development intent for the Environmental Management Precinct is described below.
- The intent of the precinct is to:
    - remain development free
    - protect and manage existing ecosystems and natural processes, including those related to the Wet Tropics World Heritage Area and Great Barrier Reef
    - recognise and protect remnant vegetation and fauna habitats, including the retention of riparian vegetation
    - provide opportunities for rehabilitation and enhancement of existing environmental values
    - recognise and protect cultural heritage values.
  - Natural features such as creeks, gullies, waterways and remnant vegetation are retained and managed, or where possible, enhanced.
  - The creation of additional lots is not supported, unless required for environmental management purposes.
  - Defined uses which may meet the preferred development intent include:
    - park.
  - Utility installation may be considered where the use doesn't compromise the preferred development intent.

**Table 10 Regulated development in the Environment Management Precinct**

Column 1 – SDA self-assessable development in the precinct	Column 2 – SDA assessable development in the precinct
<b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>when carried out by the Coordinator-General</li> </ul>	<b>Material change of use</b> <ul style="list-style-type: none"> <li>all uses</li> </ul> <b>Reconfiguring a lot</b> <ul style="list-style-type: none"> <li>all other reconfiguring a lot not identified in column 1 as SDA self-assessable development</li> </ul> <b>Operational work</b> <ul style="list-style-type: none"> <li>for the clearing of native vegetation</li> <li>where associated with a material change of use or reconfiguring a lot</li> </ul>

*Note: This table must be read in conjunction with section 1.3.*

## 2.5 SDA wide assessment criteria

### 2.5.1 Infrastructure and services

- (1) Development is adequately serviced by telecommunications, transport, water, wastewater, stormwater, recycled water and energy networks as required, to meet the demand generated by the development.
- (2) Development is designed to maximise efficiency and minimise the cost of infrastructure associated with telecommunications, transport, water, wastewater, stormwater, recycled water and energy networks.
- (3) Development plans for and manages its impacts on existing and planned telecommunications, transport, water, wastewater, stormwater, recycled water and energy networks.
- (4) Development avoids or minimises adverse impacts on, and integrates with, existing and planned state and local government infrastructure provision or services internal and external to the Cairns South SDA.
- (5) Development incorporates waste minimisation practices and considers refuse collection or disposal.
- (6) Development considers use of harvested water over reticulated town water.

### 2.5.2 Emissions

- (1) Development is located, designed and operated to avoid, minimise or manage:
  - (a) adverse impacts from air, noise and other emissions that will affect the health and safety, wellbeing and amenity of communities and individuals
  - (b) conflicts arising from (but not limited to), spray drift, odour, noise, dust, light spill, smoke or ash emissions with sensitive and/or incompatible land uses<sup>1</sup>.

<sup>1</sup> Examples of management techniques include separation between land uses or management at the source.

- (2) The design and operation of development meets the achievement of the relevant acoustic and air quality objectives of the Environmental Protection (Noise) Policy 2008 and the Environmental Protection (Air) Policy 2008.

### **2.5.3 Contaminated land**

- (1) Development on land likely to be contaminated or recorded on the Environmental Management Register or Contaminated Land Register does not adversely impact on human health or the environment by exposure, management, or movement of contaminants.
- (2) Where required, development includes a strategy to manage existing contamination and the potential for additional contamination such that human health and the environment are not adversely affected.

### **2.5.4 Acid sulfate soils**

- (1) Development, in accordance with current best practice, is to:
  - (a) avoid the disturbance of acid sulfate soils (ASS) or
  - (b) ensure that the disturbance of ASS avoids or minimises the mobilisation and release of acid and metal contaminants.

### **2.5.5 Climate change**

- (1) Development:
  - (a) avoids or, if avoidance cannot be achieved, minimises net increases in the emission of greenhouse gases and
  - (b) is able to adapt to current and future impacts of a changing climate.

### **2.5.6 Transport**

- (1) Increased traffic arising from development is either able to be accommodated in existing road networks, or works are undertaken to accommodate the increased traffic, including upgrading existing road infrastructure and/or the provision of new road infrastructure having regard to integration with the existing and future road network external to the Cairns South SDA.
- (2) Existing and future road networks in the Cairns South SDA are to be designed to accommodate the proposed vehicle type and predicted traffic volumes associated with the development and the precinct/s.
- (3) Development is designed to facilitate safe and efficient vehicular ingress and egress and does not unduly impact on the safe and efficient operation of the use of external road, rail or transport infrastructure.
- (4) Adequate onsite parking for the number and nature of vehicles expected is provided.
- (5) Development, where appropriate, provides end of trip facilities for pedestrians and cyclists.

### **2.5.7 Environment, cultural heritage and community**

- (1) Environmental values, cultural heritage values, and community values of the premises on which the development is undertaken, and immediate surrounds, are managed, consistent with current best practice.

*Note: Duty of Care under Section 23 of the Aboriginal Cultural Heritage Act 2003 should be considered a minimum requirement for all development.*

- (2) Development is located, designed and operated to:
  - (a) avoid adverse impacts on environmental values including matters of local, State and national environmental significance, or where adverse impacts cannot be avoided, impacts are minimised, mitigated or offset
  - (b) maintain ecological connectivity and processes
  - (c) maintain the outstanding universal value of the Great Barrier Reef World Heritage Area
  - (d) avoid adverse impacts on cultural heritage and community values, or where adverse impacts cannot be avoided, impacts are minimised, mitigated or offset.
- (3) Environmental offsets are provided in accordance with the relevant commonwealth or State environmental offset framework.
- (4) Environmental offsets should be accommodated within the Environmental Management Precinct before seeking solutions external to the Cairns South SDA.
- (5) Where the development requires a buffer to mitigate the adverse amenity impacts of the development, including, but not limited to, visual and acoustic impacts, that buffer is accommodated within the development site.<sup>2</sup>
- (6) Development in the Intermodal Transport, Rail Dependent, and Medium Impact Industry precincts adjacent to the Sugar Research Precinct, is to provide a densely vegetated buffer to mitigate potential impacts arising from light, smell, noise or dust.

### 2.5.8 Engineering and design standards

- (1) Development is to be designed and constructed in accordance with the relevant engineering and design standards (and any subsequent revisions to the relevant standards) stated in Table 11 below. Alternative, innovative solutions that demonstrate compliance the relevant standards are encouraged.

**Table 11 Relevant engineering and design standards**

Sewer and water	<ul style="list-style-type: none"> <li>Standards of the relevant water and sewerage service provider (e.g. Cairns Regional Council)</li> <li>Far North Queensland Regional Organisation of Council's (FNQROC) Regional Development</li> </ul>
Soil erosion	<ul style="list-style-type: none"> <li>FNQROC Regional Development Manual</li> </ul>
Earthworks	<ul style="list-style-type: none"> <li>State Planning Policy 2017 – Emissions and hazardous activities – Acid sulfate soils</li> <li>Queensland Acid Sulphate Soils Technical Manual – Soil Management Guidelines v4.0</li> <li>FNQROC Regional Development Manual</li> <li>CairnsPlan 2016</li> </ul>
Stormwater quality	<ul style="list-style-type: none"> <li>Water by Design - Construction and Establishment Guidelines, Swales, Bioretention Systems and Wetlands</li> <li>Environmental Protection (Water) Policy 2009 (Cairns region)</li> <li>Water Quality Guidelines for the Great Barrier Reef Marine Park (2010)</li> <li>FNQROC Regional Development Manual</li> </ul>
Stormwater quantity	<ul style="list-style-type: none"> <li>FNQROC Regional Development Manual</li> </ul>

<sup>2</sup> Examples of buffers include: a vegetated screen to mitigate the visual impacts of a large industrial facility from a public road; retaining additional vegetation around a protected flora species; or using separation distances.

Roads (major)	<ul style="list-style-type: none"> <li>• Department of Transport and Main Roads' (DTMR) Road Planning and Design Manual</li> <li>• DTMR's Guide to Traffic Impact Assessment</li> <li>• DTMR Pavement Design Supplement</li> <li>• DTMR Design Criteria for Bridges and Other Structures Manual</li> <li>• DTMR Road Drainage Manual</li> <li>• DTMR Manual of Uniform Traffic Control Devices</li> <li>• DTMR Traffic and Road Use Management Manual</li> <li>• Australian Standard AS1158 (Lighting for road and public spaces, Lighting of pedestrian crossings)</li> <li>• FNQROC Regional Development Manual</li> </ul>
Roads (minor)	<ul style="list-style-type: none"> <li>• FNQROC Regional Development Manual</li> </ul>
Site access	<ul style="list-style-type: none"> <li>• FNQROC Regional Development Manual</li> </ul>
Car Parking	<ul style="list-style-type: none"> <li>• FNQROC Regional Development Manual</li> <li>• CairnsPlan 2016</li> </ul>
Footpaths and cycle paths	<ul style="list-style-type: none"> <li>• FNQROC Regional Development Manual</li> <li>• Austroads – Guide to Road Design Part 6A: Pedestrian and Cyclist Paths</li> </ul>
Public transport	<ul style="list-style-type: none"> <li>• Translink's Public Transport Infrastructure Manual</li> </ul>
Utilities (i.e. telecommunications, electricity supply, road lighting, gas)	<ul style="list-style-type: none"> <li>• FNQROC Regional Development Manual</li> <li>• Relevant service provider standards</li> <li>• Ergon Energy Major Customer Connection and Services Guidelines</li> <li>• NBN Co. Design and Build Guidelines</li> <li>• Australian Standard AS1158 (Lighting for roads and public spaces Lighting of pedestrian crossings)</li> </ul>
Rail	<ul style="list-style-type: none"> <li>• DTMR's Guide to Development in a Transport Environment - Rail</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>• Cairns Plan 2016 Planning Scheme Policy</li> <li>• Cairns Plan 2016</li> <li>• FNQROC Regional Development Manual</li> </ul>

### 2.5.9 Other government matters

- (1) Development is to demonstrate consistency with any other relevant legislative requirements that may be required for the development to proceed and operate and to the extent practicable, be consistent with regional plans, the State Planning Policy, and the State Development Assessment Provisions where the State interests articulated by these instruments are likely to be affected by the development.

### 2.5.10 Energy and water efficiency

- (1) Building, site design and layout maximises energy efficiency having regard to:
  - (a) building orientation and passive solar design
  - (b) maximising opportunities for cross ventilation
  - (c) appropriate shade treatments
  - (d) landscaping treatments to the western side of the building.
- (2) Water efficiency is optimised through the use of alternative water supply sources, including:

- (a) rainwater harvesting systems
- (b) recycled water sources.

### 2.5.11 Visual impacts

- (1) Visual impacts of buildings and structures are minimised through building design and landscaping when viewed from a publicly accessible viewpoint, such as major roads.
- (2) Development incorporates high quality urban design and landscape treatments, particularly for areas highly visible from public roads.

### 2.5.12 Built form

- (1) The scale, character and built form of development contributes to a high standard of amenity.
- (2) Development incorporates crime prevention through environmental design principles.

### 2.5.13 Reconfiguring a lot

- (1) Development provides lawful, safe and practical access.
- (2) Infrastructure is provided to lots generally in accordance with established infrastructure planning for the Cairns South SDA.
- (3) Lot sizes are adequate to accommodate a development footprint consistent with the preferred development intent of each precinct. A range of lot sizes is preferred to accommodate development in each precinct. Minimum lot sizes for development precincts are generally consistent with the following:
  - (a) Rail Dependent Industry Precinct – 2 hectares
  - (b) High Impact Industry Precinct – 2 hectares
  - (c) Medium Impact Industry Precinct – 1 hectare
  - (d) Mulgrave Mill Industry Precinct – 2 hectares.
- (4) Lot sizes between 0.5 hectare to 1 hectare may be supported in the Medium and High Impact Industry precincts adjoining Warner Road where development provides a support or service function to regionally significant industry.
- (5) Subdivision achieves a geometric layout that maximises efficiency and connectivity for industrial traffic.
- (6) Further fragmentation of the Environmental Management, Infrastructure Corridors, and Rural Use Precincts is not supported, unless being undertaken for operational, management or regulatory purposes, or if there is an overriding need.

### 2.5.14 Landscaping

- (1) Development provides landscaping that:
  - (a) minimises the visual impacts of the development by achieving suitable coverage and height for the location
  - (b) incorporates at least 50% local species
  - (c) is low maintenance.
- (2) Development maintains and enhances significant vegetation.

### 2.5.15 Natural hazards – flooding

- (1) Development, in accordance with current best practice:
  - (a) achieves a flood immunity to a 1% annual exceedance probability (AEP) level plus a freeboard of 300mm
  - (b) does not adversely affect existing flow rates, flood heights or cause or contribute to other flooding impacts on upstream, downstream or adjacent properties or the State transport network. This includes potential impacts from changes to stormwater flows and local flooding
  - (c) avoids, minimises or mitigates adverse impacts from flooding to protect people and property, and enhances the community's resilience to flooding
  - (d) supports, and does not hinder disaster management capacity and capabilities
  - (e) avoids risks to public safety and the environment from the location of the storage of hazardous materials and the release of these materials as a result of a natural hazard.
- (2) Stormwater and drainage infrastructure:
  - (a) provides capacity for stormwater discharge
  - (b) minimises flooding from major rainfall events
  - (c) does not result in loss of floodplain storage.
- (3) If development proposes storage of hazardous materials, development should demonstrate immunity to a 0.5% AEP event.

*Note: reports in support of an application may be made available to other proponents at the discretion of the Coordinator-General, if doing so will advance the purpose of flooding awareness.*

### 2.5.16 Natural hazards – other

- (1) Development, in accordance with current best practice:
  - (a) identifies relevant natural hazards that may impact upon the development
  - (b) appropriately manages risk associated with identified hazards
  - (c) avoids increasing the severity of the natural hazard and
  - (d) for coastal hazards, avoid erosion prone areas wherever possible.

### 2.5.17 Water quality

- (1) Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values of receiving waters arising from:
  - (a) altered stormwater quality and hydrology
  - (b) wastewater (other than contaminated stormwater and sewage)
  - (c) the creation or expansion of non-tidal artificial waterways
  - (d) the release and mobilisation of nutrients and sediments.
- (2) Development encourages a precinct-wide stormwater management approach that achieves an improved water quality outcome.
- (3) Development protects or enhances the ecological and hydraulic function of water assets in and adjacent to the Cairns South SDA, especially Wright Creek, Mackey Creek, Trinity Inlet and the Great Barrier Reef lagoon.

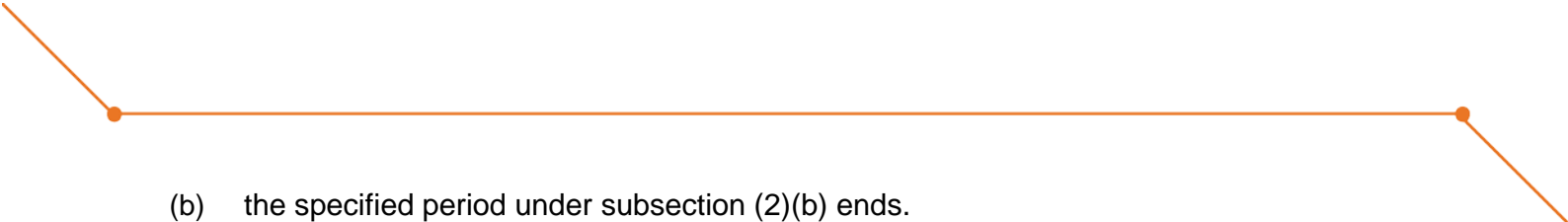
## 3. Compliance with this development scheme

### 3.1 Procedural compliance

- (1) If a procedural requirement of this development scheme has not been fully complied with, but the Coordinator-General is satisfied the non-compliance, or partial compliance, has not substantially restricted the opportunity for a person to exercise rights by this development scheme, the Coordinator-General may deal with the matter in the way the Coordinator-General considers appropriate.
- (2) Anything done by the Coordinator-General under this development scheme is not invalid merely because it was not done within a timeframe required by this development scheme.
- (3) The Coordinator-General may vary a timeframe contained in Schedule 2, based on the Coordinator-General's consideration of the scope and complexity of the application or request.

### 3.2 Placing an application or request on hold

- (1) At any point during the relevant process contained in Schedule 2 for an application or request made under this development scheme, a proponent may, by written notice to the Coordinator-General, request that their application or request be placed on hold (hold request). The notice must outline the reasons for the hold request.
- (2) If the Coordinator-General is satisfied that the application should be placed on hold, the Coordinator-General may place the application or request on hold for a specified period, but not longer than 12 months from the date the request is made. The Coordinator-General must notify the proponent by written notice within 10 business days after receipt of the hold request:
  - (a) whether the hold request is approved or refused and
  - (b) if approved - the specified period the application or request will be on hold.
- (3) Time does not run under this development scheme from the day the hold request is made, until the day after:
  - (a) the Coordinator-General notifies the proponent by written notice that the hold request is refused or

- 
- (b) the specified period under subsection (2)(b) ends.

### **3.3 Withdrawing an application or request**

- (1) A proponent may withdraw an application or request made under this development scheme at any time before it is decided by giving written notice to the Coordinator-General.

## 4. Decisions made under this development scheme

- (1) Sections 84G and 84H of the SDPWO Act provide when an SDA approval has effect and when an SDA approval lapses.
- (2) There is no right of appeal under the SDPWO Act against any decision of the Coordinator-General made under this development scheme.
- (3) The Coordinator-General must hold for inspection a copy of all decision notices given under this development scheme. A copy of a decision notice may be provided upon request.

## 5. Approval attaches to land

- (1) An SDA approval given under this development scheme attaches to the land and binds the owner, the owner's successors in title and any occupier of the land.
- (2) To remove any doubt, it is declared that subsection (1) applies even if later development (including reconfiguring a lot) is carried out on the land (or the land is reconfigured).

# Schedule 1—Definitions

Unless stated otherwise, terms used in this development scheme that are defined in the SDPWO Act have the same meaning as in that Act.

## 1. Administrative

(1) In this development scheme:

**acquisition land** means land:

- (a) proposed to be taken or acquired under the SDPWO Act or the *Acquisition of Land Act 1967* and
- (b) in relation to which a notice of intention to resume under the SDPWO Act or the *Acquisition of Land Act 1967*, has been served, and the proposed taking or acquisition has not been discontinued and
- (c) that has not been taken or acquired.

**approved form** means a form approved by the Coordinator-General as an approved form in accordance with the SDPWO Act.

**building** see the Planning Act.

**business day** means a day that is not:

- (a) a Saturday or Sunday or
- (b) a public holiday, special holiday or bank holiday in the place in which the relevant action is to be done or
- (c) a day between 26 December of a year and 1 January of the next year.

**change an SDA application** means a request made under this development scheme to change an existing SDA application.

**community value** means the values a local community associate with the places, areas, events or people that make their local community a special place. With regard to this development scheme the community values most likely to be affected are associated with public safety and amenity, air quality, noise and nuisance, rights of access, employment, cultural values and the environment.

**consultation period** means the period for the community to provide comments on an application under this development scheme to the Coordinator-General.

**cultural heritage value** means qualities such as knowledge, culture, and tradition, and/or physical characteristics of indigenous and non-indigenous cultural heritage, that require consideration, assessment and management under relevant legislation and policies and/or values of importance to local communities affected by the Cairns South SDA.

**current best practice** means a standard or methodology recognised by either State or national legislation, policy or authorised governing body.

**development precinct** means an area identified as a precinct by this development scheme.

**environmental impact assessment document** means an environmental impact statement (EIS) required by the SDPWO Act or EP Act, or a similar statement to address environmental effects for a project or an impact assessment report (IAR) required by the SDPWO Act.

**EIS or IAR evaluation report** means a report issued by the relevant authority that the EIS or IAR has been completed to the satisfaction of the relevant authority.

**environmental value** see the EP Act.

**environmentally relevant activity** see the EP Act.

**EP Act** means the *Environmental Protection Act 1994*.

**matters of national environmental significance** means the matters protected by a provision of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

**minor change** means:

- (a) in relation to an SDA application, a change that the Coordinator-General considers does not substantially alter the original application in a way that would:
  - (i) result in a substantially different application
  - (ii) result in an application that is not properly made
  - (iii) cause a referral entity to make or alter a referral entity submission, if one has already been made
  - (iv) cause a person to make a submission about the change, or alter a submission that has already been made
  - (v) otherwise compromise the ability of the Coordinator-General to make a decision on the original application.
- (b) in relation to an SDA approval, a change that the Coordinator-General considers does not substantially alter the original SDA approval in a way that would:
  - (i) result in a substantially different development, for example:
    - A. involves a use that is different to the approved use or
    - B. results in different or additional impacts that have not been assessed as part of the process to gain the original SDA approval or

- (ii) if the proposed change would have been included in the process to gain the original SDA approval – have caused:
  - A. the Coordinator-General or a referral entity to request additional information about the change
  - B. a referral entity to make or alter a referral entity submission about the change unless the referral entity agrees in writing that the change is minor or
  - C. substantially alters any other matter of the original SDA approval.

**natural hazards** means a naturally occurring situation or condition, such as a flood, bushfire, landslide, coastal erosion or storm tide inundation, with the potential for loss or harm to the community, property or environment.

**North Coast Line (NCL)** means the principal regional freight and passenger rail line, running the length of coastal Queensland between Nambour in the south and Cairns in the north.

**outstanding universal value of the Great Barrier Reef World Heritage Area** means the values of the Great Barrier Reef World Heritage Area for which the Reef was listed as a world heritage area. The outstanding universal value of the Great Barrier Reef World Heritage Area is described in the statement of outstanding universal value for the Great Barrier Reef see <http://whc.unesco.org/en/list/154/> or <http://www.environment.gov.au/heritage/places/world/great-barrier-reef/values.html>.

**owner** means for land held as an estate in fee simple, the registered owner of the land; for other land – the State.

**Planning Act** means the *Planning Act 2016*.

**Planning Regulation** means the *Planning Regulation 2017*.

**planning report** means a document containing:

- (a) an accurate description of the land, the subject of the application
- (b) a detailed description of all aspects of the proposed development, including a detailed site plan (to scale) and other plans necessary to describe the proposed development
- (c) a description of the current and historic (if known) land uses
- (d) a list of other approvals required for the development to proceed and the process for obtaining those approvals
- (e) a description of adjacent land uses and a statement of the likely impact on the surrounding land uses from the proposed development
- (f) a detailed assessment of how the proposed development satisfies the strategic vision, overall objectives, the preferred development intent of the precincts and relevant assessment criteria including:
  - (i) a detailed description and assessment of any adverse impacts of the proposed development
  - (ii) detailed description of how any adverse impacts are to be managed
  - (iii) an assessment of any impact the proposed development may have on existing and planned infrastructure

- (iv) identification of any need for upgrades to existing infrastructure or the need for any future infrastructure to support the proposed development
- (g) relevant supporting information such as plans, drawings and management plans. All supplied plans, drawings and management plans must be prepared by a suitably qualified person in accordance with relevant engineering and design standards and current best practice. The relevant plans, drawings and management plans must demonstrate that:
  - (i) they have been prepared by a suitably qualified person
  - (ii) they have been prepared in accordance with current best practice and
  - (iii) the development satisfy the strategic vision, overall objectives, the preferred development intent of the precincts and relevant assessment criteria.

Relevant supporting information may be required to demonstrate how issues associated with the following may be addressed:

- (i) environmental, cultural heritage, and community values
- (ii) engineering
- (iii) hydrological and hydraulic
- (iv) safety
- (v) emissions
- (vi) contaminated land
- (vii) acid sulfate soils and
- (viii) traffic etc.

*Note: If in the opinion of the Coordinator-General a planning report contains insufficient information, an SDA application may not be accepted as being properly made.*

**premises** see the Planning Act.

**prior affected development** see the SDPWO Act.

**proponent** means a person or their representative who makes an application or request under this development scheme or who carries out SDA self-assessable development.

**public consultation** means the process by which the public are informed of certain applications made under this development scheme and submissions sought during a consultation period.

**public sector entity** see the Planning Act but does not include local government.

**referral entity** means an entity nominated by the Coordinator-General from who the Coordinator-General may, under this development scheme, seek technical advice about any element of an SDA application or other application or request. Referral entities may include, for example, Cairns Regional Council.

**referral entity submission** means a document prepared by a referral entity in response to a request by the Coordinator-General for comments in relation to an application.

**regionally significant industry** means:

- (a) industries that diversify and strengthen the Cairns economy

- (b) industries that align with the Queensland Government priority sectors and provide vital support to other uses within the region, including advanced manufacturing
- (c) industries that require significant inputs and services from within the region and thus drive indirect economic activity
- (d) industries that involve renewable feedstocks to create biofuel and other bioproducts, and benefit from proximity to agricultural uses and their by-products
- (e) industries that promote the diversification and strengthening of the region's agricultural and tourism sectors, and build upon existing or potential attributes of regional competitive advantage
- (f) industries that require, or would significantly benefit from, co-location with rail infrastructure due to the anticipated future freight growth through modal shift (i.e. intermodal facilities and bulk breaking distribution centres)
- (g) large footprint uses (i.e. greater than 1 ha) that may require bulk breaking and intra-regional or intra-State distribution of goods
- (h) industries that drive employment (either direct or indirect), provide opportunities for job seekers in the expanding Southern Growth Corridor of Cairns and help maintain a stable base employment market in the Cairns region
- (i) industries that require the ability to operate 24/7.

**sensitive land use** see the Planning Regulation.

**SDA** means State development area.

**SDPWO Act** means the *State Development and Public Works Organisation Act 1971*.

**submission** means a document submitted in response to public consultation that:

- (a) is made to the Coordinator-General in writing or electronically
- (b) is received on or before the last day of the consultation period
- (c) is signed by each person who made the submission
- (d) states the name and address of each person who made the submission and
- (e) states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

**suitably qualified person** means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

**supporting material** includes the planning report, EIS or IAR and EIS or IAR evaluation report (if any), any referral entity submission and any additional information provided in response to a notice from the Coordinator-General.

## 2. Development

- (1) Development referred to in this development scheme has the following meanings:

**animal husbandry** means the use of premises for:

- (a) producing animals or animal products on native or improved pastures or vegetation or
- (b) a yard, stable, temporary holding facility or machinery repairs and servicing, if the use is ancillary to the use in paragraph (a).

*Note: examples of animal husbandry include cattle stud, grazing of livestock, non-feedlot dairy.*

**caretaker's accommodation** means the use of premises for a dwelling for a caretaker of a non-residential use on the same premises.

**cropping** means the use of premises for:

- (a) growing and harvesting plants, or plant material, that are cultivated in soil, for commercial purposes or
- (b) harvesting, storing or packing plants or plant material grown on the premises, if the use is ancillary to the use in paragraph (a) or
- (c) repairing and servicing machinery used on the premises, if the use is ancillary to the use in paragraph (a).

*Note: examples of cropping include forestry for wood production, fodder and pasture production, producing fruit, nuts, vegetables and grains, plant fibre production, sugar cane growing, vineyard.*

**food and drink outlet** means the use of premises for:

- (a) preparing and selling food and drink for consumption on or off the premises or
- (b) providing liquor for consumption on the premises, if the use is ancillary to the use in paragraph (a).

*Note: examples of a food and drink outlet include a café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway shop, tea room.*

**freight terminal** means the use of premises for the purpose of bulk handling of packaged goods for transport by road, rail, sea or air, including the loading and unloading of vehicles used to transport such goods.

**high impact industry** means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:

- (a) potential for significant impacts on sensitive land uses due to off-site emissions including aerosol, fume, particle, smoke, odour and noise
- (b) potential for off-site impacts in the event of fire, explosion or toxic release
- (c) generates high traffic flows in the context of the locality or the road network
- (d) the use may involve night time and outdoor activities
- (e) onsite controls are required for emissions and dangerous goods risks.

*Note: examples of high impact industry include, chemical and chemical product manufacturing, non-metallic mineral product manufacturing and primary metal and metal product manufacturing.*

**infrastructure facility** means the use of premises for any of the following:

- (a) a storage facility for bulk materials, any other mineral or any mineral concentrate or
- (b) a dam, water storage facility, or other water management facility.

**intensive horticulture** means the use of premises for:

- (a) the intensive production of plants or plant material carried out indoors on imported media or
- (b) the intensive production of plants or plant material carried out outside using artificial lights or containers or
- (c) storing and packing plants or plant material grown on the premises, if the use is ancillary to the use in subparagraph (i) or (ii) but
- (d) does not include the cultivation of aquatic plants.

*Note: examples of intensive horticulture include greenhouse, hydroponic farm, mushroom farm.*

**low impact industry** means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- (a) negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise
- (b) minimal traffic generation and heavy vehicle usage
- (c) demands imposed upon the local infrastructure network consistent with surrounding uses
- (d) the use generally operates during the day
- (e) offsite impacts from storage of dangerous goods are negligible
- (f) the use is primarily undertaken indoors.

*Note: examples of low impact industry include fabricated metal product manufacturing, transport support services, repair and maintenance facilities.*

**major electricity infrastructure** means the use of premises for:

- (a) a transmission grid or supply network or
- (b) a telecommunication facility, if the use is ancillary to the use in subparagraph (a).

*Note: the use of premises does not include a supply network or private electricity works unless the use involves a new zone substation or bulk supply substation; or the augmentation of a zone substation or bulk supply substation that significantly increases the input or output standard voltage.*

**medium impact industry** means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- (a) potential for noticeable impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise
- (b) generates high traffic flows in the context of the locality or road network
- (c) generates an elevated demand on local infrastructure network
- (d) potential for noticeable offsite impacts in the event of fire, explosion or toxic release
- (e) onsite controls are required for emissions and dangerous goods risks
- (f) the use is primarily undertaken indoors
- (g) evening or night activities are undertaken indoors and not outdoors.

*Note: examples of medium impact industry include food product manufacturing, transport equipment manufacturing, wood product manufacturing and industrial laundries.*

**office** means the use of premises for:

- (a) providing an administrative, financial, management or secretarial service or function or
- (b) the practise of a profession or
- (c) providing business or professional advice or services but
- (d) does not include the use of premises for making, selling or hiring goods.

*Note: example of an office includes an administrative centre for the Mulgrave Mill or Meringa Sugar Experiment Station.*

**park** means the use of premises, accessible to the public free of charge, for sport, recreation and leisure activities and facilities.

**renewable energy facility** means the use of premises for:

- (a) the generation of electricity or energy from a renewable energy source, including, for example, sources of bioenergy, geothermal energy, hydropower, ocean energy, solar energy or wind energy but
- (b) does not include the use of premises to generate electricity or energy to be used mainly on the premises.

**research and technology industry** means the use of premises for an innovative or emerging industry that involves designing and researching, assembly, manufacturing, maintaining, storing or testing machinery or equipment.

*Note: examples of research and technology industry include aeronautical engineering, biotechnology industries, computer component manufacturing, computer server facilities, energy industries, medical laboratories.*

**rural industry** means the use of premises for:

- (a) storing, processing or packaging products from a rural use carried out on the premises or adjoining premises or
- (b) selling products from a rural use carried out on the premises or adjoining premises, if the use is ancillary to the use in paragraph (a).

**service industry** means the use of premises for an industrial activity that:

- (a) does not result in off-site air, noise or odour emissions and
- (b) provides a support or service function to regionally significant industry within the Cairns South SDA.

*Note: examples of service industries include construction services, repair and maintenance facilities and machinery and equipment wholesaling.*

**special industry** means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:

- (a) potential for extreme impacts on sensitive land uses due to offsite emissions including aerosol fume, particle, smoke, odour and noise
- (b) potential for extreme offsite impacts in the event of fire, explosion or toxic release
- (c) onsite controls are required for emissions and dangerous goods risks
- (d) the use generally involves night time and outdoor activities

- (e) the use may involve the storage and handling of large volumes of dangerous goods
- (f) requires significant separation from incompatible uses.

*Note: examples of special industry include waste incineration, cogeneration power plants, creating biofuels and bioproducts from renewable feedstocks, manufacturing fertilisers.*

**substation** means the use of premises:

- (a) as part of a transmission grid or supply network to:
  - (i) convert or transform electrical energy from one voltage to another or
  - (ii) regulate voltage in an electrical circuit or
  - (iii) control electrical circuits or
  - (iv) switch electrical current between circuits or
- (b) for a telecommunications facility for:
  - (i) works as defined under the *Electricity Act 1994*, section 12(1) or
  - (ii) workforce operational and safety communications.

**telecommunications facility** means the use of premises for a facility that is capable of carrying communications and signals by guided or unguided electromagnetic energy.

**transport depot** means the use of premises for:

- (a) storing vehicles, or machinery, that are used for a commercial or public purpose or
- (b) cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).

*Note: examples of a transport depot include using premises to store buses, taxis, trucks, heavy vehicles or heavy machinery.*

**utility installation** means the use of premises for:

- (a) a service for supplying or treating water, hydraulic power, electricity or gas
- (b) a sewerage, drainage or stormwater service
- (c) a transport service, including cane rail infrastructure
- (d) a waste management service or
- (e) a maintenance depot, storage depot or other facility for a service stated in paragraphs (a) to (d).

**warehouse** means the use of premises for:

- (a) storing or distributing goods, whether or not carried out in a building or
- (b) the wholesale of goods, if the use is ancillary to the use in paragraph (a).

*Note: examples of a warehouse include a self-storage facility, storage yard.*

### 3. Interpretation

- (1) Unless displaced wholly or partly by a contrary intention appearing in this development scheme or the SDPWO Act, the *Acts Interpretation Act 1954* applies when interpreting this development scheme.
- (2) In this development scheme, a reference to:
  - (a) a section, paragraph or schedule is a reference to a section or paragraph of, or schedule to, this development scheme
  - (b) a document or instrument means the latest version of the document or instrument and
  - (c) an Act includes any Regulation or instrument made under it and includes any amending or replacement Act.

# Schedule 2—Processes for making, assessing and deciding applications and requests

## 1. Request for pre-lodgement consideration

- (1) Prior to lodging any SDA application or change application for an SDA approval, a person is encouraged to request a pre-lodgement consideration<sup>3</sup> of the proposed development from the Office of the Coordinator-General.
- (2) To be a properly made request for formal pre-lodgement consideration of a proposed SDA application or change application for an SDA approval, the request must:
  - (a) be made to the Coordinator-General in the approved form
  - (b) include:
    - (i) a clear and accurate description of the land subject to the application and
    - (ii) the proponent's name, address and contact details
  - (c) identify the development for which approval may be sought
  - (d) state the relevant referral triggers under the Planning Act
  - (e) provide sufficient detail to identify any issues associated with the proposed development, including:
    - (i) photographs of the site and the surrounding area
    - (ii) concept or detailed plans
    - (iii) potential impacts
    - (iv) preliminary assessment against the strategic vision, overall objectives, the preferred development intent for the relevant precincts and assessment criteria of this development scheme or
    - (v) any details of location, design or operational issues that need to be discussed and
  - (f) be accompanied by payment of the relevant fee, if prescribed by regulation.

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<sup>3</sup> A person may also make a request for an informal pre-lodgement consideration of any proposed application or request or carrying out SDA self-assessable development. The pre-lodgement consideration form may be used for this purpose.

- (3) Within 20 business days of receiving a properly made request for formal pre-lodgement consideration, the Coordinator-General must provide the proponent with written advice on relevant matters which may include:
  - (a) initial advice on general suitability and likely issues relevant to the development proposal
  - (b) material that should be provided as part of an application and
  - (c) the referral entities for the application.
- (3) In deciding an SDA application, the Coordinator-General is not bound by any advice given under subsection (3).

## 2. Making an SDA application

### 2.1 Application stage

- (1) A person may make an SDA application at any time.
- (2) To be a properly made application, the application must:
  - (a) be made to the Coordinator-General in the approved form
  - (b) include:
    - (i) a clear and accurate description of the land subject to the application and
    - (ii) the proponent's name, address and contact details
  - (c) identify the development for which approval is being sought
  - (d) subject to subsection (3), include the written consent of the owner of the land
  - (e) state the referral triggers under the Planning Act (and referral entities if known) for the application
  - (f) if the application is part of a larger development, include a description of the larger development and details of how the application relates to the larger development
  - (g) include a statement on whether the development has been, is or will be subject to an EIS or IAR
  - (h) be accompanied by:
    - (i) a detailed and comprehensive planning report and
    - (ii) if one has been prepared, an EIS or IAR relevant to the application including an EIS or IAR evaluation report and
    - (iii) payment of the relevant fee, if prescribed by regulation.

*Note: If in the opinion of the Coordinator-General a planning report contains insufficient information, an SDA application may not be accepted as being properly made.*

- (3) The consent of the owner of the land is not required if the land, the subject of the application, is acquisition land and the application relates to the purpose for which the land is to be taken or acquired.
- (4) Within 20 business days of receiving the application, the Coordinator-General must issue a written notice to the proponent that:
  - (a) states:
    - (i) the application is accepted as a properly made application
    - (ii) the referral entities for the application
    - (iii) whether the proponent has to provide additional information by a specified date and

- (iv) whether certain stages of the assessment processes need not be complied with or
- (b) states the application is not accepted as a properly made application and the reasons for the decision.
- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the application is taken to have never been made. The proponent may submit a new SDA application under subsection (1).
- (6) If the Coordinator-General issues a notice under subsection (4)(a) that requires the proponent to provide additional information, the application will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (7) The Coordinator-General may determine during this stage that the referral and/or public consultation stages of the assessment process under this development scheme do not apply to the application because:
  - (a) the development the subject of the application has already been subject to another referral and/or public consultation process and this information is contained within the planning report accompanying the application and
  - (b) the Coordinator-General is satisfied with the referral and/or public consultation undertaken
  - (c) the Coordinator-General is satisfied the development subject to the application will not impact adversely on the interests of a third party.
- (8) If making a determination under subsection (7) the Coordinator-General must issue a written notice to the proponent informing them of the decision, including the reasons for the decision.
- (9) The application stage ends:
  - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information under 4(a)(iii) - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
  - (b) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.

## 2.2 Referral stage

- (1) This stage applies unless the Coordinator-General gave notice to the proponent during the application stage that the referral stage does not apply to the application.
- (2) The Coordinator-General must, within five business days of the end of the application stage, by written notice:
  - (a) give a copy of the application and any additional information provided by the proponent during the application stage to the referral entities and
  - (b) request that the referral entities:
    - (i) request any additional information required to assess the application or
    - (ii) assess the application and provide a referral entity submission.
- (3) If requesting additional information in accordance with a notice given under subsection (2), a referral entity must provide the Coordinator-General with a written notice requesting additional information about the application within 10 business days or a later period as specified in the notice given under subsection (2).

- (4) If the Coordinator-General receives a request for additional information under subsection (3), the Coordinator-General must, within 10 business days of the end of period specified under subsection (3):
  - (a) coordinate a single request for additional information and
  - (b) give the proponent written notice of the request for additional information and that a written response must be provided to the Coordinator-General by the date specified in the notice.
- (5) If the proponent receives a written notice under subsection (4)(b), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) After the proponent responds to the notice given under subsection (4), the Coordinator-General must, within five business days, and by written notice, provide referral entities with the proponent's response and request that the referral entities proceed with the assessment of the application and the additional information by a specified date.
- (7) A referral entity must assess the application and may provide a referral entity submission to the Coordinator-General by one of the following referral entity response periods:
  - (a) if a request is not made under subsection (3) – 20 business days after receiving the application under subsection (2) or a later period if specified by the notice or
  - (b) if a request is made under subsection (3) – 20 business days after receiving the proponent's response under subsection (6) or a later period if specified by the notice.
- (8) If a referral entity does not respond by the relevant referral entity response period, the Coordinator-General may proceed to the next stage of the assessment process as if the referral entity had assessed the application and had no requirements.
- (9) The referral stage ends at the earlier of the following:
  - (a) the end of the relevant referral entity response period or
  - (b) when a referral entity submission from each referral entity has been received by the Coordinator-General.

## **2.3 Public consultation stage**

- (1) This stage applies unless:
  - (a) the application is for a reconfiguring a lot or operational works where associated with a material change of use or reconfiguration of a lot application or
  - (b) the Coordinator-General gave notice to the proponent during the application stage that the public consultation stage does not apply to the application.
- (2) The Coordinator-General must, within five business days after the end of the application stage, if the referral stage does not apply, or at the end of the referral stage, give a written notice to the proponent stating that:
  - (a) the application does not require public consultation or
  - (b) public consultation is required for a specified period (the consultation period) of not less than 15 business days starting on the day after the last action under subsection (3) is carried out, and the requirements for public consultation as per subsections (3) to (5) and (9).
- (3) If public consultation is required, the proponent must:
  - (a) publish a notice in a newspaper(s) in accordance with the notice issued under subsection (2)(b)

- (b) place a notice on each road frontage of the land for the duration of the consultation period, or otherwise place a notice on the land in the way directed by the Coordinator-General and
- (c) give written notice to the owners of all land adjoining the land the subject of the application.
- (4) The proponent must comply with subsection (3) within 20 business days after receiving notice from the Coordinator-General under subsection (2) and notify the Coordinator-General five business days prior to commencement of public consultation of the date public consultation will commence, and the last day of the consultation period.
- (5) The notices referred to in subsection (3) must:
  - (a) include an accurate description of the land, the subject of the application
  - (b) include a brief description of the proposed development
  - (c) state that the application and the supporting material is available for inspection from the Coordinator-General
  - (d) state that any person may make a submission to the Coordinator-General
  - (e) state the last day of the consultation period and
  - (f) state what constitutes a submission in accordance with the definition in this development scheme.
- (6) The application lapses if the proponent does not carry out public consultation in accordance with subsections (3) to (5).
- (7) The Coordinator-General must make the application and the supporting material available for inspection by the public for the whole of the consultation period.
- (8) Any person may, on or before the last day of the consultation period, make a submission to the Coordinator-General in respect of the application.
- (9) Within five business days after the end of the consultation period, the proponent must provide the Coordinator-General with a statutory declaration stating that the proponent has complied with subsections (3) to (5).
- (10) The public consultation stage ends when:
  - (a) the Coordinator-General issues a written notice to the proponent under subsection (2)(a) or
  - (b) the proponent provides the Coordinator-General with a statutory declaration under subsection (9).

## 2.4 Review stage

- (1) This stage applies only if the Coordinator-General requests advice from any person the Coordinator-General considers is appropriate to provide advice on any matter related to the application at any time before the end of 15 business days after the end of the:
  - (a) application stage, if both the referral and public consultation stages are not applicable or
  - (b) referral stage, if the public consultation stage is not applicable or
  - (c) public consultation stage.
- (2) The Coordinator-General must provide a written notice to the proponent at the same time as making the request for advice under subsection (1) that the review stage has commenced.
- (3) The written notice under subsection (2) must state:
  - (a) the matters for which the Coordinator-General has requested advice and
  - (b) that the application is on hold until the Coordinator-General has received the requested advice.

- (4) Upon receipt of the requested advice or if the Coordinator-General is satisfied that the requested advice is no longer required, the Coordinator-General must issue the proponent written notice:
  - (a) to provide additional information based upon the advice by a specified date or
  - (b) that no additional information is required and that the application will proceed to the decision stage.
- (5) If the proponent receives a written notice for additional information under subsection 4(a), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) The review stage ends:
  - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
  - (b) when the Coordinator-General issues a written notice to the proponent under subsection 4(b).

## 2.5 Decision stage

- (1) The Coordinator-General must decide the application within 30 business days (the decision-making period) of the end of the:
  - (a) application stage, if the referral, public consultation and review stages are not applicable or
  - (b) referral stage, if the public consultation and review stages are not applicable or
  - (c) public consultation stage, if the review stage is not applicable or
  - (d) review stage.
- (2) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by not more than 30 business days.
- (3) The Coordinator-General must assess the application having regard to:
  - (a) the application and all supporting material
  - (b) any submissions received
  - (c) any advice and/or additional information received during the review stage
  - (d) this development scheme and
  - (e) any other matter the Coordinator-General considers to be relevant.
- (4) In making a decision, the Coordinator-General will consider, amongst other matters, if, in the opinion of the Coordinator-General:
  - (a) the proponent has adequately responded to any request for additional information and
  - (b) the application adequately addresses any issues raised in a referral entity submission or submission.
- (5) In deciding the application, the Coordinator-General may:
  - (a) issue an SDA approval or
  - (b) refuse the application.
- (6) Without limiting subsection 5(a), a condition attached to an SDA approval may:
  - (a) state how long the use may continue or

- (b) require any necessary decommissioning or restoration of any matter arising from the SDA approval or
  - (c) address external requirements for the development, such as payment of monetary contributions towards the cost of supplying external services or networks for the development or
  - (d) give effect to any aspect of this development scheme.
- (7) Within 10 business days of deciding the application, the Coordinator-General must give the decision notice to:
- (a) the proponent
  - (b) any referral entities who made a referral entity submission about the application and
  - (c) any person who made a submission about the application.
- (8) The decision notice must state:
- (a) whether all or part of the application is approved, approved subject to conditions or refused, and if refused, the reasons for the decision
  - (b) if the application is approved subject to conditions, the conditions and
  - (c) if the application is approved, the date from which the SDA approval takes effect and, if a different currency period is approved, the period.

### 3. Making a request to change an SDA application

- (1) A proponent that has made an SDA application may make a request to change the application if:
- (a) the application was properly made and has not lapsed and
  - (b) the application has not been decided.
- Note: The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the application. Otherwise, the proponent should withdraw the application and submit a new SDA application.*
- (2) If a request to change an SDA application is made, assessment of the original application is on hold until the Coordinator-General makes a decision on the request to change the application.
- (3) To be a properly made request to change an SDA application, the request must:
- (a) be made to the Coordinator-General in the approved form
  - (b) identify the original application to which the request applies
  - (c) identify the change to the original application which is being sought
  - (d) include sufficient information to support that the request can be assessed as a minor change and
  - (e) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (4) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice to the proponent that:
- (a) states:
    - (i) the request is accepted as a properly made request and
    - (ii) whether the proponent has to provide additional information by a specified date or
  - (b) states the request is not accepted as properly made, the reasons for the decision and that the assessment of the original application will recommence.

- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (6) If the proponent receives a written notice for additional information under (4)(a)(ii), the request will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice. If the request lapses, assessment of the original application recommences.
- (7) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (8) The Coordinator-General must make a decision on the request within 20 business days (the decision-making period) of:
  - (a) if no additional information is requested – the Coordinator-General issues the notice to the proponent under subsection (4)(a) or
  - (b) if additional information is requested –when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice.
- (9) In deciding the request the Coordinator-General must either approve or refuse the request.
- (10) The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application.
- (11) The Coordinator-General must give the notice of the decision to the proponent within 5 business days after making the decision.
- (12) The notice of the decision must include:
  - (a) whether the request is approved or refused
  - (b) if the request is approved, a statement that the assessment of the original application can continue as if the change was part of the original application or
  - (c) if the request is refused, the reasons for the decision and a statement that assessment of the original application will continue.
- (13) If the decision is to refuse the request, assessment of the original application recommences.

## **4. Making a change application for an SDA approval**

- (1) A change application for an SDA approval must follow one of two application processes:
  - (a) if the change application only relates to a change to the currency period – the process under Schedule 2, Part 5 or
  - (b) otherwise, subject to subsection (2), a change application must be made in accordance with the process for making an SDA application set out in Schedule 2, Part 2 as if a reference to an application were to the change application.
- (2) If the proposed change to an SDA approval is, in the opinion of the Coordinator-General, a minor change:
  - (a) consent of the owner is not required to make the change application
  - (b) the referral, public consultation and review stages do not apply to the change application and
  - (c) the relevant fee is the fee prescribed by regulation for a minor change to an SDA application.

## 5. Requesting a later currency period for an SDA approval

- (1) A proponent may make a request to the Coordinator-General to state a later currency period for an SDA approval under section 84H of the SDPWO Act.
- (2) To be a properly made request, the request must:
  - (a) be made to the Coordinator-General in the approved form
  - (b) include:
    - (i) sufficient information to identify the SDA approval to which the request applies and
    - (ii) the proponent's name, address and contact details
  - (c) include sufficient information to support the request
  - (d) be accompanied by payment of the relevant fee, if prescribed by regulation and
  - (e) be accepted as a properly made request 30 business days before the end of the currency period for the SDA approval.
- (3) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice that:
  - (a) states:
    - (i) the request is accepted as a properly made request and
    - (ii) whether the proponent has to provide additional information by a specified date or
  - (b) states the request is not accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written notice for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (6) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (7) The Coordinator-General must assess the request against the matters listed in section 2.1.1(3) of this development scheme and make a decision on the request within 20 business days (the decision-making period) of:
  - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date, when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
  - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information, when the Coordinator-General issues the notice.
- (8) In deciding the request the Coordinator-General must either approve or refuse the request.
- (9) The Coordinator-General must give the notice of the decision to the proponent and any referral entities affected by the decision.
- (10) The notice of the decision must be given within 10 business days after the day the decision is made and include:

- (a) whether the request is approved or refused, and if refused, the reasons for the decision and
- (b) if the request is approved, the date of the later currency period.

## **6. Request to carry out prior affected development**

- (1) An owner of land (proponent) may make a prior affected development request to the Coordinator-General if immediately before an approved development scheme started applying to the land, there was a prior affected development for the land.
- (2) To be a properly made request, the request must:
  - (a) be made to the Coordinator-General in the approved form
  - (b) include:
    - (i) a clear and accurate description of the land subject to the request
    - (ii) the name, address and contact details of the owner of the land
  - (c) identify the development for which approval is being sought
  - (d) if for an alternative lawful development, include documentation that demonstrates that the development was an as of right development prior to this development scheme taking effect
  - (e) if for an approved development or authorised development, include a copy of the previous approval or permit, including any conditions, to the which the previous approval or permit applies
  - (f) include sufficient information to support the request and
  - (g) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving the request, the Coordinator-General must issue a written notice that:
  - (a) states:
    - (i) the request is accepted as a properly made request and
    - (ii) whether the proponent has to provide additional information by a specified date or
  - (b) states the request has not been accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written request for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (6) The Coordinator-General must make a decision on the request within 20 business days of:
  - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
  - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.

- (7) When assessing the request, the Coordinator-General must consider if, in the opinion of the Coordinator-General, the request:
  - (a) is consistent with or would not compromise any aspect of this development scheme or
  - (b) does not meet paragraph (a) but there are mitigating circumstances for approving the request.
- (8) When making a decision, the Coordinator-General must have regard to the following:
  - (a) the planning scheme for the relevant local government that was in effect at the time this development scheme came into effect
  - (b) this development scheme
  - (c) the nature of the proposed development and its potential impacts on matters listed in section 2.1.1(3) of this development scheme
  - (d) the currency period of any previous approval and
  - (e) any other matters the Coordinator-General considers relevant.
- (9) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (10) In deciding the request the Coordinator-General must either approve or refuse the request.
- (11) The Coordinator-General may impose a condition on an approval to:
  - (a) place a limit on how long the development may continue or
  - (b) require any necessary decommissioning or restoration of the premises or
  - (c) give effect to any aspect of this development scheme.
- (12) The Coordinator-General must give the notice of the decision to the proponent within 10 business days after the day the decision is made and include:
  - (a) whether the request is approved or refused, and if refused, the reasons for the decision
  - (b) the currency period for any approval and
  - (c) if refused, a statement that under section 87 of the SDPWO Act, the owner of an interest in land may be entitled to compensation.

## **7. Request for approval of a plan of subdivision**

- (1) Following an SDA approval for reconfiguring a lot a proponent must submit a request for approval of a plan of subdivision by the Coordinator-General.
- (2) To be a properly made request, the request must:
  - (a) be made to the Coordinator-General in the approved form
  - (b) identify the SDA approval to which this request relates
  - (c) include:
    - (i) the proponent's name, address and contact details
    - (ii) the required documentation to enable plan sealing to occur and
  - (d) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within five business days of receiving the request, the Coordinator-General must issue a written notice that:
  - (a) states:
    - (i) the request is accepted as a properly made request and

- (ii) whether the proponent has to provide additional information by a specified date or
  - (b) states the request is not accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written notice for additional information, the request will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) The Coordinator-General must assess the request against the relevant SDA approval and make a decision on the request within 10 business days (the decision-making period) of:
  - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date, when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
  - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information, when the Coordinator-General issues the notice.
- (7) In deciding the request the Coordinator-General must either approve or refuse the request.
- (8) The Coordinator-General must give a notice of the decision to the proponent within five business days after the day the decision is made and include:
  - (a) whether the request is approved or refused, and if refused, the reasons for the decision and
  - (d) if the request is approved, that the approved plan of subdivision may be lodged with the Land Title Office for registration, subject to the relevant requirements under either the *Land Title Act 1994* or *Land Act 1994*.

# Schedule 3—Requirements for SDA self-assessable development

- (1) This Schedule identifies the requirements for SDA self-assessable development.
- (2) The requirements support the strategic vision, overall objectives and the preferred development intent for the precincts.
- (3) A proponent who carries out SDA self-assessable development must comply with all relevant requirements set out in sections (1), (2) and (3) below.
- (4) A proponent must obtain all other development permits, licences or approvals as required to lawfully undertake the development.

## 1. Compliance requirement

- (1) Prior to commencing SDA self-assessable development, the proponent must provide compliance documentation to the Coordinator-General.
- (2) Compliance documentation must include:
  - (a) the proponent's, name, address, phone numbers and email
  - (b) a description of the proposed SDA self-assessable development, its location and lot and plan number
  - (c) a copy of any relevant associated development approval
  - (d) details of the suitably qualified person responsible for preparing the compliance documentation, including the person's:
    - (i) proof of current insurance from a reputable insurer:
      - A. professional indemnity to the value of \$5,000,000
      - B. public liability to the value of \$20,000,000 and
      - C. any other insurance required by law for undertaking the required actions
    - (ii) proof that the person:
      - A. is an independent third party unaffiliated with the proponent

- B. is suitably qualified, i.e. has up to date relevant professional experience.
- (b) a compliance report that:
- (i) identifies the relevant requirements for the SDA self-assessable development as set out in this Schedule or any associated development approval
  - (ii) demonstrates how the development complies with current best practice, including relevant engineering and design standards and
  - (iii) includes supporting information such as survey plans, drawings and management plans.
- (3) The proponent must keep and make available for inspection, an up to date statement of how the compliance documentation is being implemented.
- (4) Where an alternative compliance design or solution to that contained in the compliance report is proposed to be undertaken an updated compliance report is required to be lodged with the Coordinator-General prior to the lodgement of the notice of compliance.
- (5) Prior to commencement of the use or upon completion of self-assessable development, the proponent must provide a notice of compliance to the Coordinator-General which states that the actions required by the compliance report and supporting information in order to comply with the requirements have been undertaken in accordance with the compliance report.

## 2. SDA wide requirements for SDA self-assessable development

- (1) This Schedule identifies the requirements for SDA self-assessable development.
- (2) Self-assessable development carried out by the Coordinator-General in the Cairns South SDA is to be consistent with the requirements set out in Table 12.
- (3) The plan of subdivision may be lodged with the Land Title Office for registration, subject to the relevant requirements under either the *Land Title Act 1994* or *Land Act 1994*.

**Table 12 SDA wide requirements for SDA self-assessable development – reconfiguring a lot**

Number	SDA wide requirement	Requirements
1	Lot access	Development provides lawful, safe and practical access.
2	Infrastructure	Development is adequately serviced by infrastructure and meets the relevant engineering and design standards in Table 11.
3	Lot sizes	<p>Lot sizes are adequate to accommodate a development footprint consistent with the preferred development intent of each precinct. A range of lot sizes is preferred to accommodate development in each precinct. Minimum lot sizes for development precincts are generally consistent with the following:</p> <ul style="list-style-type: none"> <li>(a) Rail Dependent Precinct – 2 hectares</li> <li>(b) High Impact Industry Precinct – 2 hectares</li> <li>(c) Medium Impact Precinct – 1 hectare</li> </ul>

		Lot sizes between 0.5 hectare to 1 hectare are supported where development provides a support or service function to regionally significant industry within the Cairns South SDA.
4	Subdivision of specific precincts	Reconfiguration of the Intermodal Transport, Environmental Management, Infrastructure Corridor, Special Use and Rural Precincts is undertaken for operational, management or regulatory purposes.

### 3. Specific requirements for SDA self-assessable development

(1) Specific requirements are contained in Table 13.

**Table 13 Specific requirements for SDA self-assessable development in the Rural Use Precinct**

SDA self-assessable development	Precinct or precincts	Requirements
Material change of use for cropping	Rural Use Sugar Research	(1) No damage to regulated vegetation occurs (2) Avoid impacts on receiving waters consistent with current best practice for agricultural activities within the Great Barrier Reef catchment <sup>4</sup> .
Material change of use for intensive horticulture, rural industry	Sugar Research	(1) Buildings and structures are not more than 11 metres in height. (2) Buildings and structures are set back not less than 40 metres from the Bruce Highway road corridor. (3) Buildings and structures are set back not less than 20 metres from any other road corridor. (4) Buildings and structures are not located in the Medium bushfire hazard area (note: refer to the State Planning Policy Interactive Mapping System Bushfire Prone Area overlay). (5) Development of structures and buildings must achieve a flood immunity to a 1% AEP level plus a freeboard of 300mm. (6) No damage to regulated vegetation occurs. (7) Excavation and filling do not exceed 50m <sup>3</sup> (8) Excavation or fill: (a) Is not more than 1.8 metres in height for each batter or retaining wall (b) Is set back a minimum of 2 metres from side and rear boundaries (c) is stepped with a minimum 2-metre-wide berm to incorporate landscaping (d) does not exceed a maximum of 2 batters and 2 berms (i.e. not greater than 3.6 metres in total height) on any one lot.

<sup>4</sup> Refer to the Department of Environment and Science for further information.

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